

On The Need To Develop A Legal Technology For The Implementation Of The Basic International Treaties Of The Un In The Sphere Of Human Rights

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Abstract: The article provides a general legal analysis of generally recognized international norms that laid the foundations for international standards in the field of human rights. The norms are necessary for each country and must be implemented in national legislation. Particular attention is paid to the ratification and implementation of the Universal Declaration of Human Rights, two international Covenants on human rights, other major international human rights instruments and recommendations are given regarding the technology of their implementation in the current legislation of the Republic of Uzbekistan. The problems existing in this direction are revealed. Appropriate proposals have been developed.

Keywords: rights, human freedoms, implementation, international documents, Universal Declaration of Human Rights, international Covenants on human rights, convention, international treaty.

Introduction

International human rights standards, which define universally recognized standards in this area, are systematically and gradually implemented in the national legislation and law enforcement practice of Uzbekistan. The ongoing large-scale reforms in all areas are changing the lives, outlook and lifestyle of people. The state and civil society have formed the noble goal “Let's build a new Uzbekistan together”, which is increasingly becoming part of our daily activities.

The Preamble of the Constitution of the Republic of Uzbekistan states that the people of Uzbekistan solemnly proclaim their commitment to human rights and the principles of state sovereignty. Aware of the high responsibility to the present and future generations. It is based on the historical experience of the development of the Uzbek statehood. Confirms its loyalty to the ideals of democracy and social justice. Recognizes the priority of universally recognized norms of international law. Sets the task of creating a humane democratic legal state

in order to ensure civil peace and national harmony.

Materials and methods

It is a generally recognized fact that human rights occupy a leading place in the modern world. It is impossible to overestimate their role in building any civilized, just civil society. The main condition for building a democratic rule of law is the protection of fundamental rights and freedoms and, no less important, the creation of a real system of guarantees for the rights of every person in society.

Human rights determine the value of life and serve as an integral part of the culture of nations, the highest manifestation of the moral and legal ideals of mankind. Therefore, among the spiritual values of the modern world, universally recognized human rights occupy one of the most important places. Enshrined in the Charter of the United Nations and international conventions, as well as in the constitutions of many countries of the world, they are

increasingly recognized as natural, inseparable and inalienable.

Results and discussion

The list and content of fundamental human rights and freedoms is enshrined in the Universal Declaration of Human Rights, which is called the conscience of the world, the moral standard of mankind. This historic document, like the UN Charter, confirms the truth: all people are born free and equal in their human dignity and fundamental, natural rights. The Universal Declaration affirms the right of every person to life without want and fear, to personal integrity, freedom of speech and belief, the right to a just and universal peace, regardless of race, color, sex, linguistic, religious, political or other beliefs, national or social origin, property or other status. In the recent past, human rights were regulated exclusively by domestic authorities. Each country believed that it had the right to determine the scope of the rights and freedoms of its citizens and persons under the jurisdiction of the state. Even in the early years of the formation of the UN, the main source of legal norms in the field of human rights was national legislation.

The Republic of Uzbekistan, having become an independent state, adheres to international standards in the field of human rights. The construction and development of civil society presupposes the creation of an effective mechanism for the protection of human rights and freedoms. In this regard, our country is pursuing a policy aimed at ensuring human rights by the state.

Uzbekistan has acceded to more than 80 international human rights instruments, including 6 major treaties and 4 optional protocols of the United Nations (UN). Submits national reports on their implementation to the Human Rights Council and UN treaty committees on an ongoing basis. At present, the norms of these international treaties in the field of human rights and freedoms have been ratified and are reflected in the national legislation of our country.

It should be noted that Uzbekistan was first elected to the UN Human Rights Council

for a three-year term (2021-2023). The delegates of the UN General Assembly elected the Republic of Uzbekistan among the 15 new members of the UN Human Rights Council (HRC) for a three-year term, starting from January 1, 2021[1].

Currently, practical measures are being taken in Uzbekistan to introduce international legal standards in the field of human rights into the national legislation. A long-term strategy in the field of human rights has been adopted, which is necessary for the effective implementation of state policy in this area, for the formation of a respectful attitude towards human rights and freedoms. And also to further strengthen the authority of the country in the international arena. In particular, to improve the country's position in economic, political and legal ratings and indices.

The mechanism for ensuring the unconditional implementation of national action plans ("road maps") is aimed at implementing the recommendations of international organizations for the protection of human rights. The analysis and monitoring of the elimination of the causes and conditions that impede the implementation of the recommendations of the statutory bodies and treaty committees on human rights of the UN is carried out, through the development and implementation of measures aimed at improving legislation.

In its domestic and foreign policy, the Republic of Uzbekistan proceeds from the principle, confirmed in 1993 at the second UN World Conference on Human Rights, that "the universality of human rights and freedoms is indisputable, and their protection is a matter of legitimate concern for all states"[2, p. 150].

A confirmation of the true intentions of Uzbekistan to develop, protect and guarantee human rights is that the first international legal document to which Uzbekistan acceded was the Universal Declaration of Human Rights. It should be recognized that with the accession of the Republic of Uzbekistan to the main documents in the field of human rights, the norms of international law began to be gradually introduced into the national legal system. This process in jurisprudence is defined as

«implementation» («transformation»). [3, p.45.] The implementation of international law (eng. implementation «implementation, implementation, practical implementation») is the actual implementation of international obligations at the domestic level. As well as a specific way of including international legal norms in the national legal system[4].

The main result of the growing role of international human rights standards has been the adoption of the Universal Declaration of Human Rights, international Covenants on Human Rights and other international conventions in this field.

There has been a long discussion among international lawyers about the role and significance of the Universal Declaration. Many of them considered it a mere declaration of basic civil and political rights. However, life has shown that its adoption was by no means just a gesture, and the rights enshrined in it have become a code of conduct for the entire world community and a solid international legal basis for the adoption of important international agreements on human rights [5, p.90.].

As one of the studies emphasizes, “no less than 90 national constitutions adopted after 1948 contain a list of fundamental rights that either reproduce the provisions of the declaration or are included in them under its influence”[6, p.160].

After the implementation of the Universal Declaration of Human Rights by the Republic of Uzbekistan, international covenants on human rights were ratified. Since their adoption, the world community has reached a qualitatively new level of development and adoption of principles and norms in the field of human rights. For the first time in the Covenants on Human Rights, the individual becomes the bearer of certain international rights and obligations, allowing him to protect his rights directly through international control bodies.

The most important achievement of the Covenants on Human Rights was the establishment of an international monitoring mechanism to monitor the fulfillment by states of their obligations under the Covenants. “Its creation and functioning are one of the most

significant achievements in the international regulation of human rights”[7, p.58].

In addition to the two main international pacts, there are other universal interstate documents that deal more specifically with human rights and freedoms. At the same time, they are considered as a logical continuation of the ideas laid down in the pacts. These documents address issues related to the elimination of discrimination against women, the protection of the rights of the child, the prohibition of torture and racial discrimination.

The main international treaties of the United Nations aimed at protecting specific human rights include: the Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention on the Rights of the Child (1989); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); Convention on the Rights of Persons with Disabilities (2006).

These convention acts, in their essence, supplement and specify the circumstances that were not sufficiently reflected in the International Bill of Human Rights. These universal instruments are international instruments on specific types of human rights violations such as torture and racial discrimination. Or for specific groups of the most vulnerable (women, children, migrant workers).

Based on the foregoing, it can be said that in order to resolve the existing problems in the implementation of international treaties in the field of human rights, it is necessary to introduce a more advanced effective technology arising from international treaties in the field of human rights. In addition, it is necessary to regulate the norms for their implementation in the national legislation of Uzbekistan, as well as to create a unified methodology for monitoring their implementation.

Conclusion

To resolve these problems, we consider it appropriate to put forward the following proposals to improve the technology for the implementation of international standards in the field of human rights in the national legislation of the Republic of Uzbekistan:

1) conducting a study of the existing organizational and legal mechanisms for the preparation, ratification, approval, implementation, termination and suspension of international treaties;

2) development of a methodology for the inventory of international treaties, taking into account international practice and advanced foreign experience;

3) development of a methodology for certification of international treaties, in the procedural mechanism for the implementation of their provisions in national legislation.

Thus, systematic work is being carried out in Uzbekistan to strengthen the legislative and organizational and legal framework for the protection of human rights, the implementation of international human rights standards in national legislation, the fulfillment of international obligations, as well as the intensification of cooperation with international organizations on the protection of human rights and freedoms.

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