

HUMAN RIGHTS– HISTORY, LEGAL MEANS

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Human rights- a concept describing the legal status of a person in relation to the state, opportunities and claims in the economic, social, political and cultural spheres. Free and effective implementation of human rights is one of the main characteristics of civil society and legal state. Human rights are divided into absolute and relative human rights. The right to life, the right not to be subjected to torture, violence, other treatment or punishment that undermines human dignity, the right to privacy, the right to keep personal and family secrets, the right to protect one's honor and good name, the right to freedom of conscience and religion, as well as , the right to be protected by a court and the right to a fair trial, as well as the most important procedural rights related to them, are absolute human rights. All other human rights are relative and may be limited or suspended in the event of a state of emergency or martial law. In a democratic state, it is not allowed to limit or temporarily stop (cancel) absolute human rights under any circumstances.

The Constitution of the Republic of Uzbekistan defines the basic rights, freedoms and duties of people and citizens, including personal rights and freedoms, political rights, economic and social rights, as well as guarantees of human rights and freedoms (Articles 18-52). In the Republic of Uzbekistan, all citizens have the same rights and freedoms and are equal before the law, regardless of gender, race, nationality, language, religion, social origin, faith, personality and social status (Article 18). In particular, the right to life is a fundamental right of every human being. Attempting to kill a person is considered the most serious crime (Article 24). Everyone has the right to freedom and privacy. No person shall be unlawfully arrested or detained; cannot be subjected to torture, violence, cruel or other forms of oppression degrading human dignity (Articles 25-26). Everyone has the right to be protected from attacks on his honor and reputation, from interference in his private life, and to the right to inviolability of his residence; has the right to freedom of thought, speech and belief (Articles 27-29). Freedom of conscience is guaranteed for all. Everyone has the right to believe in any religion or not to believe in any religion. Forced indoctrination of religious views is not allowed (Article 31).



During the years of independence, a broad legal environment was created in Uzbekistan, based on the new legal principles and requirements accepted at the international level, arising from the supremacy of human rights and freedoms. A sharp turn was made from the repression and violence of the totalitarian regime to legal norms. Adapting the laws of the republic to international standards and models in the field of human rights, developing a national action program in this field, establishing a comprehensive system of institutions that protect human rights, continuing to join international treaties and documents related to human rights, and fulfilling obligations under these documents, all state bodies, a mechanism was created for officials and citizens to unconditionally comply with the requirements of these documents. Human rights and guarantees are given in chapters 7, 8, 9, 10 of the Constitution of the Republic of Uzbekistan [1].

History- The concept of human rights in its modern sense dates back to the Renaissance and Reformation in Europe, a time when the feudal authoritarianism and religious conservatism that dominated the Middle Ages was slowly disappearing.[2] During this period, European scholars tried to form a unique secular version of religious ethics. Although ideas of human rights and freedoms have existed in one form or another for most of human history, they bear little resemblance to the modern concept of human rights. As noted by the researcher J. Donnelly, in the ancient world "traditional societies generally developed a system of duties... concepts of justice, political legitimacy and well-being, which were an attempt to fully ensure human dignity, well-being and success. Insulation from human rights. The relevant institutions and practices of these rights The most common idea is that the concept of human rights arose in the West, although there were important moral and ethical codes in them, as a rule, they lacked the concept of human rights researchers, for example, are clear that the word "law" itself does not appear in any language until the 15th century. Medieval charters of freedom, such as the English Great Charter, are not human rights documents in nature, but rather limited political and legal documents aimed at regulating specific situations in the state. was the basis and form of the transaction. Later, some of these documents, including the above-mentioned Charter, were considered in the early stages of the modern human rights debate[5]. However, some researchers believe



that the relevant rights were partially described in the Statute of Calis of 1265, which protected persons of the Jewish faith.[6]

The origins of the development of human rights in Europe can be found in the 1525 "Twelve Articles", a manifesto of the German Reformation and the Peasants' War, which formed part of the demands of the peasants in their struggle for their rights. The first article of the document reflects M. Luther's ideas expressed in his treatise on the right of the Christian community to evaluate doctrine and choose a spiritual teacher; to a certain extent, we can say that the entire document owes its appearance to the reform movement[7]. In addition to social and political demands,

the authors declared the right to freedom of conscience; this right was the center of active debate in the 16th century, when the term "human rights" did not yet exist.

Later, in the early seventeenth century, Baptist theologians including John Smyth, Thomas Helwys, and Roger Williams wrote treatises that actively defended freedom of conscience.[8] Their ideas influenced Milton John and John Locke's views on religious tolerance.[9][10] In addition, in the American colonies that appeared at that time - Rhode Island, Connecticut, Pennsylvania - conditions were created to support religious freedom and various religious minorities found refuge in them[11][12][13]. The Declaration of Independence, the US Constitution, and the American Bill of Rights then formalized and formalized the respective traditions.[14] The listed documents, inspired by the American Revolution, also influenced the UN Universal Declaration of Human Rights[15].

The concept of "human rights" was first found in the French "Declaration of the Rights of Man and of the Citizen" adopted in 1789, although before that the idea of natural rights had a long way of development and passed important stages. His way was the Magna Carta (1215), the English Bill of Rights (1689) and the American Bill of Rights (1791).

Legal Remedies and Jurisdiction- Human rights enshrined in the Universal Declaration of Human Rights, the Geneva Conventions and various UN treaties, although they have legal force, but in practice many of them are difficult to legally protect because there is no consensus on the application of certain provisions. lack of rights, relevant national legislation or authorities authorized to take measures to ensure them[24].



There are a number of internationally recognized organizations with worldwide mandates or jurisdiction over certain aspects of human rights:

The International Court of Justice is the principal judicial body of the United Nations, with worldwide jurisdiction and governed by the UN Security Council[25]. The International Court of Justice resolves disputes between states, but does not have jurisdiction over individuals.

The International Criminal Court is the body responsible for investigating and punishing war crimes and crimes against humanity committed within its jurisdiction, and since its establishment in 2002 has been empowered to prosecute those responsible for such crimes. A number of UN members have not acceded to the court and the court does not have jurisdiction over their nationals, while others have signed but not yet ratified the Rome Statute that established the court.[26]

References:

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