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# ЮРИСТ АХБОРОТНОМАСИ

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ҲУҚУҚИЙ, ИЖТИМОИЙ, ИЛМИЙ-АМАЛИЙ ЖУРНАЛ



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# ЮРИСТ АХБОРОТНОМАСИ ВЕСТНИК ЮРИСТА LAWYER HERALD

## ХАЛҚАРО ҲУҚУҚ ВА ИНСОН ҲУҚУҚЛАРИ

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### THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: HISTORICAL OVERVIEW AND IMPLEMENTATION IN UZBEKISTAN

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#### ANNOTATION

This study delves into the historical context and main provisions of the Universal Declaration of Human Rights. Furthermore, it explores how Uzbekistan has implemented the Declaration, emphasizing the Action Plan commemorating its 75th anniversary.

**Keywords:** Universal Declaration of Human Rights, Vienna Declaration and Programme of Action, High Commissioner, United Nations, Human Rights, Human Rights Council.

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### ИНСОН ҲУҚУҚЛАРИ УМУМЖАҲОН ДЕКЛАРАЦИЯСИ: ҚАБУЛ ҚИЛИШ ТАРИХИ ВА ЎЗБЕКИСТОНДА БАЖАРИЛИШИ

#### АННОТАЦИЯ

Мақолада Инсон ҳуқуқлари умумжаҳон декларациясининг ишлаб чиқиш ва қабул қилиш тарихи, шунингдек унинг асосий қоидалари таҳлил қилинади. Бундан ташқари, унда Умумжаҳон декларациясини Ўзбекистонда амалга оширилиши ҳамда мазкур ҳужжатнинг 75 йиллигига бағишланган тадбирлар дастури қабул қилингани алоҳида таъкидланган.

**Калит сўзлар:** Инсон ҳуқуқлари умумжаҳон декларацияси, Вена Декларацияси ва Ҳаракатлар Дастури, Олий комиссар, БМТ, инсон ҳуқуқлари, Инсон ҳуқуқлари кенгаши.

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## ВСЕОБЩАЯ ДЕКЛАРАЦИЯ ПРАВ ЧЕЛОВЕКА: ИСТОРИЧЕСКИЙ ОБЗОР И РЕАЛИЗАЦИЯ В УЗБЕКИСТАНЕ

### АННОТАЦИЯ

В статье анализируется история принятия и основные положения Всеобщей декларации прав человека. Кроме того, в ней освещены вопросы реализации Всеобщей декларации в Узбекистане, принятие Программы мероприятий, посвященных 75-летию данного документа.

**Ключевые слова.** Всеобщая декларация прав человека, Венская декларация и Программа действий, Верховный комиссар, ООН, права человека, Совет по правам человека.

In 2023, the world community commemorates the **75th anniversary of the Universal Declaration of Human Rights**, a document of immense significance in the promotion and protection of human rights. This pivotal Declaration, with its universal consensus, stands as *“the common standard of achievement for all peoples and all nations”*. The 2030 Agenda for Sustainable Development directly acknowledges its foundation on the Universal Declaration, emphasizing its role in the realization of human rights.

The Universal Declaration of Human Rights stands as a distinct international document often referred to as the **“Magna Carta for All Mankind”** [1, P.71-72], [12]. Its unparalleled acceptance can be attributed to its remarkable contents, encapsulating contemporary human rights principles concisely. It marks the first international legal document that fully enshrines fundamental human rights and freedoms [2, P.50].

Volker Türk, UN High Commissioner for Human Rights emphasized that “in 1948, when States drafted and adopted the Universal Declaration of Human Rights, they had no time for idle idealism. They forged these commitments as practical tools for the problems that the world faced coming out of the Second World War. And we know that those tools have worked” [3].

Three decades ago, in 1993, the significance of adhering to the Universal Declaration of Human Rights was reiterated with the adoption of the Vienna Declaration and Programme of Action during the World Conference on Human Rights. With representatives from over 170 nations in attendance, this conference not only reinforced the inseparable, interlinked, and reciprocal essence of all human rights but also marked an evolution in doctrine of international law concerning this matter. This gathering played a pivotal role in establishing many of the contemporary global frameworks for human rights. The importance of the Vienna Declaration and Programme of Action is evident, given its frequent reference in numerous UN human rights resolutions.

The UN Human Rights Council Resolution from April 3, 2023, **“Commemoration of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action”**, encourages States, international organizations and all relevant stakeholders to commemorate these anniversaries. The Resolution also appreciates various efforts to organize celebratory events [4].

### History of the Universal Declaration of Human Rights

Seventy-five years ago, following the ending the Second World War, one of the most tragic periods of the 20th century, the world was at the inception of the United Nations and the foundation of a world order rooted in international law. It was then that the Universal Declaration of Human Rights was developed. This endeavor was not without its share of passionate debates. Ultimately, there was global consensus on universal, interlinked, and indivisibility nature of

human rights. This means that there is no hierarchy of rights in which some have priority over others, and there are no cultural and geographical exceptions. All people, wherever they live, have these rights and have the right to their protection.

In its first session in January 1946, the UN General Assembly tasked the Commission on Human Rights with the development of an “International Bill of Rights”. Comprising 18 members from diverse political, cultural, and religious backdrops representing every corner of the world, the Human Rights Commission convened for the first time at Lake Success in 1947. At this meeting, Eleanor Roosevelt was chosen as the Chairperson of Commission. The challenge before the Commission was monumental – developing a document not yet known to world politics [5, P.60-62].

The preliminary draft of the document was created on the basis of an analysis of all existing constitutions, existing human rights law, and took inspiration from the English Magna Carta, the U.S. Declaration of Independence and the Bill of Rights, along with the French Declaration of Human and Civil Rights. Following multiple discussions, the Commission presented the completed Universal Declaration of Human Rights draft to the General Assembly and ECOSOC.

A testament to the challenging journey of the draft Declaration was is the fact that the UN General Assembly convened for 8 intensive plenary sessions to finally reach an agreement and adopt the Declaration. Before its submission to the Assembly’s plenary session, the Third Committee convened 81 times and considered 168 resolutions containing various amendments and additions to the text.

In its final rendition, the Universal Declaration of Human Rights was endorsed by 48 nations (from the then 58 UN Member States), with 8 abstentions and no objections, on **December 10, 1948, during the 183rd UN General Assembly session at the Palais de Chaillot in Paris.**

The adoption of the Declaration marked a pivotal moment in fostering international collaboration and formation of an independent branch of international law. To emphasize the significance of the Universal Declaration of Human Rights, the UN General Assembly proclaimed **December 10 as International Human Rights Day in 1950 [6].**

#### **Structure of the Universal Declaration of Human Rights**

The Universal Declaration of Human Rights holds a distinguished position within the universal human rights standards. It should be noted that the Declaration was adopted in the form of a resolution and was of a recommendatory nature, but the proclaimed fundamental rights and freedoms are recognized by the vast majority of states as legal obligations.

The Universal Declaration can be seen as a universal catalog of human rights and freedoms. According to the Declaration, human rights were declared natural, inalienable and sacred. Moreover, the term “sacred” was used to emphasize the highest degree of significance of the declared rights. The pressing question remains: What is the international legal significance of the Universal Declaration of Human Rights, Why does it continue to command such attention in today’s world?

*Firstly*, the Declaration marked the first international document for nations to define the legal standing of individuals, outlining a set of inherent rights applicable to all individuals that states are obligated to uphold and guarantee.

*Secondly*, the Universal Declaration played a pivotal role in establishing unity within the realm of human rights. In the Preamble of the Declaration, it was noted: “a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge”. Subsequently, the provisions of the Universal Declaration have been expanded and specified in numerous human rights agreements. Its provisions formed the basis of more than a thousand international treaties and declarations on human rights, regional conventions on human rights.

*Thirdly*, the Declaration has become a guideline for national legislation. Moreover, it was put not only in the basis of the constitutions of many states, but national legislation in the broad sense of the word. Moreover, in a number of states, the provisions of the Declaration have direct legal force and act as a legal norm that national courts are entitled to use.

**The Universal Declaration of Human Rights consists of a Preamble and 30 articles.** The fundamental rights and freedoms contained in the 1948 Universal Declaration of Human

Rights can be divided into *four main groups*.

The *first group* includes the so-called rights and freedoms inalienable from the human person. They are based on the proposition that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” (Art. 1). These include, in particular, the right to life, liberty, and security of person. (Art. 3), freedom from slavery (Art. 4), prohibition torture or to cruel, inhuman or degrading treatment or punishment. (Art. 5), all are equal before the law (Art.7), as well as a number of rights that affect procedural guarantees for the administration of justice (Articles 8, 9, 10, 11), protection from arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. (Art. 12).

The *second group* of human rights and freedoms in the Declaration of 1948 are civil rights, which are inherent in the human individual as a citizen to whom the state gives certain rights. The Declaration proclaims such rights and freedoms as the right to recognition everywhere as a person before the law. (Article 6), freedom of movement and choice of residence (Article 13), the right to asylum (Article 14), the right to nationality (Article 15), the right to marry and found a family (art. 16), the right to own property (art. 17).

The *third group* of rights in the Declaration are political rights and freedoms. These include freedom of thought, conscience and religion (Article 18), freedom of opinion and expression (Article 19), freedom of peaceful assembly and association (Article 20), the right to take part in the government of one’s country, including the right to equal access to public service (art. 21).

The *fourth group* of rights enshrined in the Declaration are economic, social and cultural rights (Articles 22-28). These include, in particular, the right to work and free choice of work, equal pay for equal work, the right to join trade unions, the right to rest and leisure, the right to a certain standard of living, the right to education.

The provisions outlined in the Declaration of Human Rights that emphasize individuals’ responsibilities to society hold significant importance. While exercising their rights and liberties, every individual should only face limitations defined by law, with the sole intention of recognizing and respecting the rights and freedoms of others. Additionally, these limitations aim to ensure moral standards, public order, and the overall well-being within a democratic society (Article 29).

The Universal Declaration of Human Rights, established in 1948, is a part of the broader collection known as the **International Bill of Human Rights**. This collection also encompasses two international agreements from 1966: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Furthermore, there are two Optional Protocols associated with the International Covenant on Civil and Political Rights [7, P.204].

### **Uzbekistan and the Universal Declaration of Human Rights**

The Universal Declaration of Human Rights is the first international legal document that our country acceded to after gaining independence. The Constitutional Law of the Republic of Uzbekistan of August 31, 1991 “On the Foundations of the State Independence of the Republic of Uzbekistan” for the first time mentions the Universal Declaration of Human Rights [8].

In New Uzbekistan, the promotion, protection and observance of human rights are one of the priorities of state policy. At present, in accordance with the provisions of the Universal Declaration, a legal system on personal, political, economic, social and cultural human rights has been formed in the country. Uzbekistan has acceded to more than 80 major international human rights instruments, including 11 major UN human rights treaties.

The new version of the Constitution of the Republic of Uzbekistan consolidated almost the entire range of human rights and freedoms contained in the Universal Declaration of Human Rights. The Constitution proclaims the natural character of human rights contained in the Universal Declaration of Human Rights. The Basic Law guarantees that: “Human rights and freedoms belong to everyone from birth” (Article 19); “Human rights and freedoms act directly” (Article 20); “The right to life is an inalienable right of every person and is protected by law” (art. 25); “Everyone has the right to liberty and security of person” (art. 27) [9].



The Development Strategy of the New Uzbekistan also indicates the prospects for continuing close cultural and humanitarian cooperation with the UN and its specialized agencies, promoting the UN initiative **Call to Action for Human Rights** with all partners.

In December 2022, Uzbekistan participated in a global awareness drive marking the 75th year of the Universal Declaration of Human Rights. The campaign, themed “**Dignity, freedom and justice for all**” seeks to amplify comprehension of the Declaration’s legacy, significance, and associated endeavors.

During the “Human Rights-75” event in March this year, the UN High Commissioner for Human Rights, Volker Türk visited the renowned Nukus Museum, named after I.V. Savitsky. For the first time, a hybrid round table was organized, featuring the participation of over 600 university students.

On May 12, 2023, the President of the Republic of Uzbekistan signed a **Decree on the commemoration of the 75th anniversary of the Universal Declaration of Human Rights [10]** and approved Action Plan in honor of this milestone.

The Action Plan has 30 paragraphs covering actions related to enforcing international agreements, refining human rights laws, ensuring compliance with both laws and international standards concerning human rights, and promoting human rights through information, education, publishing, and fostering international collaboration.

Since 2020, every December 10th, which marks International Human Rights Day, our nation bestows the “For the Protection of Human Rights” badge. This is to recognize individuals in both civil society and governmental entities for their commendable efforts in protecting human rights.

The Universal Declaration of Human Rights is the most translated document in the world. To date, this document has been translated into more than **550 languages and dialects** of the world. It is worth mentioning that the National Center of the Republic of Uzbekistan for Human Rights took the initiative to translate the Declaration into both Uzbek and Karakalpak. They have also republished it many times and ensured its wide distribution.

Notably, the Universal Declaration of Human Rights has been reprinted as separate booklets in Uzbek, Karakalpak (in both Cyrillic and Latin), and Russian [11]. This reprint is a fitting tribute for the 75th anniversary of this seminal document, which historically marked the first time humanity voiced the importance of protecting fundamental human rights.

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