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INTERNATIONAL ASPECTS OF THE ISSUE OF HUMAN RIGHTS PROTECTION

This article describes the international methods and means of human rights protection in detail. The problems arising in the realization of human rights in modern times, as well as the characteristic features of their solutions, are one of the points covered in the article. Thus, the international acts adopted in the last century to ensure the systematic development of human rights, their composition and the institutions created on the basis of these acts have been discussed in the article. The variety of regional and national mechanisms created to protect the rights of individual human groups has been analyzed in detail as one of the issues of interest.

Keywords: law, human rights, convention, protection, international, equality, mechanism, freedom, regional

International Human Rights Law.

The foundation of international human rights law (IHRL) is the notion that every person has a set of rights and freedoms that are interconnected and inseparable. No one, not even states, can take away these rights because they are inherent to all people, regardless of their personal traits like sex, language, religion, or national or ethnic origin (Baki, 2007). IHRL is made up of a collection of international standards found in treaties, conventions, general principles, and soft law that are intended to safeguard and advance these human rights (De Schutter, 2019). IHRL lays out duties and obligations on states to act in certain ways and refrain from acting in other ways, acknowledging that states play a primary role in protecting and promoting human rights.

To put it another way, states have a duty to both actively promote the enjoyment of fundamental human rights and to safeguard individuals and groups from violations of those rights. After a treaty is ratified, states need to make sure they have domestic laws and institutions in place that can support the treaty's implementation and upholding of the human rights it addresses. While some sections of IHRL concentrate on protecting everyone, others focus on protecting those who are deemed vulnerable, including children, refugees, and internally displaced individuals.

Human rights law offers a legal alternative for achieving equality for people with disabilities. International law contains the rights-based approach, which is sometimes incorporated into constitutions or statutes. The Canadian Constitution, for example, expressly guarantees the equality rights of people with disabilities. Section 15 of the 1982 Constitution Act states:

1. Every person is equal before the law and has the right to equal protection under the law, which is protected from discrimination in any kind of impairments, either mental or physical themes.
2. Subsection does not prohibit any legislation, initiative, or program whose goal is to improve the circumstances of underprivileged people or groups, including those who are underprivileged due to a physical disability or other reason.

This guarantee encompasses both procedural and substantive rights, allows for affirmative action, and is applicable to all levels of Canadian law. Section 15 offers protection against discriminatory impact as well as intent, according to the Canadian Supreme Court. The Supreme Court adopts a contextual, effects-based approach in *Andrews v. Law Society of British Columbia* 1989 154, acknowledging disadvantage as a crucial component of the analysis of discrimination. Furthermore, Canada boasts a federal Human Rights Act in addition to provincial and territorial Human Rights Codes that cover all spheres of public and private activity and offer protection against discrimination, harassment, and retaliation (Rioux and Frazee 1999). One advantage of the human rights approach is that any deficiency is addressed by the state, whatever it may be.

Many international human rights instruments that are relevant to individuals with disabilities have been developed by the international community. Under the International Bill of Rights, which includes the Universal Declaration of Human Rights, the International Convention on Civil and

Political Rights, and the Convention on Economic, Social, and Cultural Rights, people with disabilities are able to file claims. In the same way, individuals with disabilities can benefit from the following international agreements: the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Discrimination Against Racism, the Convention on the Rights of the Child, and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Degener and Koster-Dreese 1995) [2].

Although all of these international legal instruments are claimed to have universal applicability, only the most recent convention expressly mentions how it relates to individuals with disabilities. Nonetheless, every treaty has a nondiscrimination clause that mandates the application of the human rights instruments regardless of the "status" of the person in question. Additionally, there is jurisprudence that suggests "disability" is included in the category of "other status" (e.g., Vienna Declaration and Programme of Action, para. 63 (A/CONF.157/24, June 25, 1993)).

Compared to other international legal instruments, international covenants have a stronger legal force. However, documents like resolutions from the General Assembly, proclamations, and statements from human rights organizations are crucial because they uphold the rights of individuals with disabilities and are useful in interpreting the treaties themselves. A number of "soft" international instruments exist, such as the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, the Declaration on the Rights of Mentally Retarded Persons, and the Declaration on the Rights of Disabled Persons.

The most important and comprehensive international document pertaining to the rights of individuals with disabilities is the resolution of the United Nations General Assembly that was just mentioned. The Standard Rules embrace a social constructionist understanding of disability and demand that governments ensure that individuals with disabilities have equal access to opportunities in all spheres of their lives. However, because the Standard Rules are not intended to address systemic disadvantage, they do not fully incorporate a rights perspective.

There isn't a specific convention or treaty that addresses the rights of disabled individuals. There is debate regarding the strategic appropriateness of a convention on the rights of people with disabilities. One argument is that by isolating disabled people from the mainstream, one risks creating a social divide at a time when the main goal of a rights perspective is to include outsiders rather than treating their needs as separate from those of all other community members.

It has been very challenging to make sure that these rights are included on the general human rights agenda and to develop mechanisms to ensure a disability perspective is maintained with respect to the operation of rights in practice, though, in the absence of a convention on the rights of people with disabilities. Ensuring the implementation of rights for individuals with disabilities is not a guarantee provided by a disability convention. But such a convention would provide a place to start for those who want equality for all community members.

The development and processes at the national level are primarily responsible for the protection and comprehension of human rights. Every nation's foundation for guaranteeing human rights is its current set of national laws, regulations, practices, and systems. Human rights must therefore be incorporated into national legal and constitutional frameworks, justice personnel must be trained in applying human rights principles, and human rights violations must be denounced and punitive measures taken. National standards are more directly impactful and national procedures are more easily accessible than those at the regional and international levels. Drawing from her own observations, Eleanor Roosevelt said:

"Where, after all, do universal human rights start? They come from tiny, insignificant locations that are so near to one another that they are invisible on a global map. But they are the individual's world: his home area; his college or university; his workplace factory, plant, or office. These are the kinds of settings where every man, woman, and child seeks, without distinction, equal justice, equal opportunity, and equal dignity. These rights will mean very little somewhere else if they signify nothing in those areas" [3].

Thus, while regional or international tribunals created when a state willfully or repeatedly violates human rights are supplementary, the state's commitment to respect, secure, and implement rights is basic. We are all aware of how crucial it is to use regional and global channels to hold

national governments accountable for breaking the law. Rights within a state can be enforced by regional and international concerns or help, but only when all domestic remedies have been exhausted. This is the reason we focus on the problem for the remainder of the section. What recourses are available in cases where human rights are not sufficiently protected by domestic systems?

At the international level, states have gathered to draft specific human rights agreements. These accords impose obligations on nations regarding individuals, thereby creating objective criteria for state action. There are two kinds of them: non-binding and legally binding. Treaties, conventions, or covenants are legally binding agreements that voluntarily commit states to implementing human rights at the national level. Through individual ratification or accession, states commit to upholding these criteria (signing an instrument indicates a desire to apply it, but it does not establish a legal duty). States may make declarations or conditions under which they will be excluded from certain requirements of the instrument, allowing them to sign as many treaties as feasible. But a state that violates fundamental human rights could misuse this process to "get rid" of international control in some sectors. Human rights have prompted the development of laws that establish national legal requirements. States have been urged by international human rights norms to incorporate these principles into their national constitutions and other laws. They may also help with national compensation for abuses of human rights.

A non-binding instrument, on the other hand, is essentially a political proclamation or agreement made by governments that they will do all within their power to protect specific rights, without any legal obligation. This indicates that, in reality, despite the fact that political commitments are typically robust, there are neither formal nor legal means of implementing them.

Meetings of the UN General Assembly or UN conferences held on a specific topic usually conclude with the adoption of a UN declaration or a non-legally binding document (also called "soft law"). All states that are members of the UN or participate in the conference are considered to have agreed with the declaration. The recognition of human rights at the national level should also be the result of an agreement between the state and the people. When human rights are recognized at the national level, they become a political obligation of the state towards its population.

The methods used to guarantee the protection of human rights more broadly reflect the significance of those rights. Not only are human rights advocates to celebrate this win, but society at large should also. This achievement led to the development of several extensive human rights texts (instruments) and enforcement protocols.

Human rights instruments are usually divided into three main categories: geographical distribution (regional or universal), the category of rights guaranteed, and, where appropriate, the specific category of persons or groups to whom protection is granted.

In the conditions of the market economy, the separation of the principles of freedom and equality occurs. This is determined by unequal "starting opportunities" and unequal abilities of people, lack of readiness to adapt to market conditions and psychological characteristics of the individual [1, p 60].

The number of human rights documents at the UN rises to over a hundred, and this figure is further increased when we include the documents that have been adopted at various regional levels. The documents that are most pertinent to Compass's human rights education will be examined in this section as we are unable to review all of these resources here:

- documents that served as the basis for the creation of other human rights instruments, most notably the International Bill of Rights, and were widely embraced;
- documents pertaining to the particular parties or issues of this article;
- major European documents.

UN Mechanisms

The 1948 Universal Declaration of Human Rights, which was ratified by the UN General Assembly, is the most significant international human rights document. The original non-binding nature of this document has been altered as a result of its broad acceptance; the majority of its provisions are now referred to as legally binding obligations under customary international law. This important human rights document served as the model for hundreds of other legislative acts,

international and regional instruments, and constitutions. The thirty articles and preamble of the IHRC outline the fundamental freedoms and human rights that all men and women, without exception, are entitled to enjoy worldwide. It encompasses social, economic, and cultural rights in addition to civil and political rights [4]:

- The right to equality
- The right not to be discriminated against
- Right to life, liberty and security of person
- The right not to be enslaved
- The right not to be subjected to torture or degrading treatment
- The right to be recognized as an individual before the law
- The right to equality before the law
- The right to be tried by a court of competent jurisdiction
- The right not to be subjected to arbitrary arrest and deportation
- The right to a fair public hearing
- The right to be presumed innocent until proven guilty
- The right to free movement within and outside the country
- The right to asylum in countries other than persecution
- The right to have a nationality and to change it
- The right to marry and start a family
- The right to own private property
- Freedom of belief and religion
- Freedom of thought and information
- Freedom of peaceful assembly and association
- Public administration and the right to participate in free elections
- The right to social security
- Desired work and the right to join trade unions
- Right to rest and leisure
- The right to an adequate standard of living
- Right to education
- The right to participate in the cultural life of the community
- The law of social order to which the ICCPR applies

The Declaration also places a strong emphasis on respecting the rights and freedoms of others, as well as the obligations of citizenship and community that are necessary for free and complete development. However, neither individuals nor governments may exploit the rights outlined in the declaration to violate the rights of others.

Some human rights instruments protect the rights of particular groups in addition to acknowledging the fundamental rights of individuals. Special protection is granted to these groups because they face discrimination and are marginalized and susceptible in society. The goal of special protection is to ensure that everyone has access to the human rights enshrined in the UDHR, not to create new ones. Hence, it is false to claim that members of minorities enjoy more rights than members of the majority; if minorities are granted special rights, it is only to guarantee that their civil, political, social, economic, and cultural rights are exercised equally. Examples of certain groups that are shielded extra:

Minorities

International human rights instruments do not provide a precise definition of minorities; however, they are defined as individuals who, because of their national or ethnic, religious, or linguistic characteristics, differ from the majority population and who aspire to maintain those characteristics. They are safeguarded by:

- Article 27 of the International Covenant on Civil and Political Rights at the UN level, as well as the 1992 National or Ethnic, Religious and Linguistic documents that have legal standing at the European level thanks to the Framework Convention for the Protection of National Minorities

(FCNM) and its Declaration on the Rights of Persons from Minorities, which established the FCNM Advisory Committee, an independent expert supervisory body. The European Commission against Racism and Intolerance (ECRI), the Commissioner for Human Rights, and the European Charter on Regional or Minority Languages are just a few of the Council of Europe departments that engage in pertinent work pertaining to the protection of minorities.

- Within the Organization for Security and Cooperation in Europe, the High Commissioner for National Minorities holds a unique position, and pertinent OSCE documents also touch on this subject.

Children

The Convention on the Rights of the Child (CRC), which was overwhelmingly ratified by the UN in 1989 (only the US and Somalia have not ratified it), offers them the majority of their protection. The Convention's four primary tenets are: respect for the child's opinions; nondiscrimination; the duty to protect children's best interests; and the right to life, survival, and development.

Basic children's rights are covered at the African level by the African Charter on the Rights and Welfare of the Child, which takes into consideration the particularities of the continent. It became operative in 1999. The Organization of Islamic Cooperation ratified the Islamic Covenant on the Rights of the Child in 2004. April 2010 marked the official opening of the ASEAN Commission for the Protection and Promotion of Women's and Children's Rights.

On July 1, 2010, the Convention of the Council of Europe on the Protection of Children from Sexual Exploitation and Sexual Offenses came into effect. This Convention made it illegal to sexually exploit children in a variety of ways for the first time, including abuse within the home or family.

Refugees

The 1951 Convention Relating to the Status of Refugees and the United Nations High Commissioner for Refugees (UNHCR) both expressly guarantee the rights of refugees. The European Convention on Human Rights offers some protection for refugees in Europe, but the only regional system is the 1969 Convention Relating to the Special Aspects of Refugees, which was adopted as a special instrument for the protection of refugees in Africa.

Women

Women's rights are specifically protected in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) in order to ensure worldwide equality between the sexes [5].

The 2009 Declaration on the Realization of Gender Equality was adopted by the Council of Europe. This Declaration's adoption coincided with the 20th anniversary of another Declaration on the Equality of Men and Women. The 2009 Declaration aims to reduce the disparity between gender equality in the legal and practical spheres. Here, member states need to ensure that women are economically independent and empowered, address the systemic causes of gender-based power inequality, dispel preconceived notions, and end violence against women in order to uphold the human rights and dignity of women. They are urged to bring up and incorporate the idea of gender parity in management.

Others

Due to their precarious circumstances and increased susceptibility to exploitation, certain groups, such as individuals with disabilities, are granted extra protection. The UN Convention on the Rights of Persons with Disabilities addresses this, and Chapter 5 will go into further detail about it.

Other groups, such as indigenous peoples, have received special protection at the international level (although not yet legally binding) through the 2007 UN Declaration on the Rights of Indigenous Peoples.

Regional tools

As we've seen above, regional and international instruments typically establish similar baselines, though they may vary depending on the issues they address or the challenges that exist at the regional level. For instance, the issue of internally displaced people was prevalent throughout Africa before it was brought to the attention of the UN; likewise, the practice of visiting detention facilities to stop torture was first introduced at the European level and later clarified in the Additional Protocol to the

UN Convention against Torture. These illustrations highlight the ways in which regional and global standards and procedures can improve the advancement and defense of human rights.

Since regional human rights norms and systems were created based on closer geographic, historical, political, cultural, and social ties, they have the practical advantage of protecting human rights. Both "home" and support are closer to them. Furthermore, legislators, policymakers, and victims have easier access to them. Thus, in addition to the first being domestic, the second being regional, and the third being international, we can regard them as a second "front" for the defense of human rights.

In order to safeguard human rights, human rights systems have been established in four of the five regions of the world. Without undermining the universality of human rights, regional instruments seek to define human rights norms and procedures. Regional systems have felt compelled to defend their regional human rights responsibilities by fortifying the UN system's safeguards and mechanisms as a result of economic pressure or, more frequently, historical or political factors. As evidenced by the African system's initiative to acknowledge the need of protecting not only refugees but also internally displaced people, there are numerous instances where regional standards supersede internationally agreed standards.

The 1969 American Convention on Human Rights is the primary legal document in the United States and is administered by the Organization of American States. The African Union, formerly known as the Organization of African Unity, is the organization that is home to the African Charter on Human and Peoples' Rights, which was adopted in 1986. There is currently no genuine system in place in the Asian continent, and the only regional human rights document is the 1998 Civil The Asian Declaration on Human Rights is the people's charter that the society has proposed.

European mechanisms

Europe has a well-established human rights protection system within the Council of Europe, which is the European Court of Human Rights based in Strasbourg and the European Convention on Human Rights.

The promotion of human rights in Europe has been greatly aided by the Council of Europe and its 47 member states. The European Convention for the Protection of Human Rights and Freedoms, commonly known as the European Convention on Human Rights, is the primary human rights instrument of the Council of Europe. Since ratification of this Convention is a prerequisite for membership in the Council of Europe, it has been endorsed by every member state. Three years after it was ratified in 1950, the Convention came into effect. The European Court of Human Rights serves as the primary authority and enforcement mechanism for the civil and political rights outlined in this convention. The United Nations frequently refers to this court and its jurisprudence, which is highly regarded worldwide.

As at the UN level, social and economic rights in Europe are listed in a separate document. The updated European Social Charter is a binding document that includes rights that protect people's living standards in Europe. The Charter was signed by 45 member states and ratified by 30 of them by 2010.

Apart from the aforementioned primary instruments, the Council of Europe's human rights endeavors encompass distinct instruments and conventions that enhance the guarantees and provisions of the European Convention on Human Rights, targeting particular scenarios or impacted populations. Other independent organizations, like the Commissioner for Human Rights and the European Commission against Racial Discrimination and Intolerance, are responsible for traditional monitoring systems. Generally speaking, social, scientific, and technological advancements, as well as any potential new threats they may pose to human rights, must be considered in Council of Europe human rights policy.

Development of Human Rights

Documents that represent our most recent understanding of what constitutes human dignity are known as human rights instruments. These tools typically have an advantage over others because they address issues that have already been identified rather than issues that are institutionalized and so deeply ingrained in our society that they are not yet acknowledged as rights violations. The purpose of

the Council of Europe's standard-setting activity is to suggest new legal guidelines for the implementation of social measures to address issues that arise in member states and fall under the purview of the Committee of Ministers. Among these actions are the adoption of current standards or the proposal of new ones. Thus, the procedures of the European Court of Human Rights continue to be valid, rulings against the death penalty have been enacted, and new convention-based instruments like the 2005.

In this way, for a very long time to come, human rights instruments will be updated and improved. Our knowledge, legal precedents, and—above all—our advocacy will keep pushing for the advancement and expansion of human rights. The fact that some human rights conventions and agreements contain fewer articles than we would have liked shouldn't make us doubt what human rights can accomplish for humanity. Although human rights law will not rise to the level that advocates hope, it will still be their most dependable pillar of support.

Conclusion. The diverse mechanisms that comprise the international human rights architecture have differing mandates, methods, and activities. Political and legal action aimed at enhancing the protection of human rights is informed by their observations and recommendations. Over many decades, there has been a steady evolution in the system of communication with the international human rights mechanisms. The role of the mass media as one of the institutions of civil society in the protection of human rights and freedoms has grown significantly.

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İNSAN HÜQUQLARININ MÜDAFİƏSİ MƏSƏLƏSİNİN BEYNƏLXALQ ASPEKTLƏRİ

Bu məqalədə insan hüquqlarının müdafiəsinin beynəlxalq metod və vasitələri ətrafı şəkildə şərh olunur. Müasir dövrdə insan hüquqlarının realizəsində yaranan aktual problemlər, habelə onların həlli və aradan qaldırılması yollarının səciyyəvi xüsusiyyətləri də məqalədə işıqlandırılan məqamlardan biridir. Belə ki, keçən əsrdə insan hüquqlarının sistemli şəkildə inkişaf etdirilməsinin təmin olunması üçün qəbul edilən beynəlxalq aktlar, onların şərh və sözügedən aktlar əsasında yaradılan qurum və təsisatlardan da məqalədə ətrafı şəkildə bəhs edilir, ayrı-ayrı insan qruplarının hüquqlarını müdafiə etmək məqsədilə yaradılan regional və milli mexanizmlərin müxtəlifliyi maraqlı doğuran məsələlərdən biri kimi ətrafı təhlil edilir.

Açar sözlər: qanun, insan hüquqları, konvensiya, müdafiə, beynəlxalq, bərabərlik, mexanizm, azadlıq, regional.

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**МЕЖДУНАРОДНЫЕ АСПЕКТЫ
ПРОБЛЕМЫ ЗАЩИТЫ ПРАВ ЧЕЛОВЕКА**

В данной статье подробно описаны международные методы и средства защиты прав человека. Актуальные проблемы, возникающие при реализации прав человека в современное время, а также характерные особенности их решения и пути их устранения являются одним из моментов, освещенных в статье. Также в статье подробно рассматриваются международные акты, принятые в прошлом веке в целях обеспечения системного развития прав человека, их толкование и институты, созданные на основе этих актов. В качестве одного из представляющих интерес вопросов подробно анализируется разнообразие региональных и национальных механизмов, созданных для защиты прав отдельных групп населения.

Ключевые слова: закон, права человека, конвенция, защита, международный, равенство, механизм, свобода, региональный.

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