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DOI: 10.25108/2304-1730-1749.iolr.2019.60.185-201

Problems and trends of international cooperation in the field of human rights

Abstract: Problem of human rights and freedoms is often used as level of pressure in international relationships. In some cases under the pretext of necessity to stop violations of human rights even more widespread violations were committed. Situation, at which in some cases the problems with implementation of human rights and freedoms are exaggerated, and in other one – are belittled or hushed up, inevitably has a negative impact on the effectiveness of international cooperation in the field of human rights, undermines credibility of the system of international cooperation in the field of human rights in general.

Human rights as the rights of persons, who are under jurisdiction of a specific state, are established by internal law of this state, and their observance and protection are an internal competence of the state. However, gross and massive violations of human rights are undoubtedly a violation of the principle of respect for human rights, regardless of whether the state is a party to certain international treaties, since in this case the question is about violation of jus cogens. Therefore, in such situations, reaction of international community to them should not be regarded as a violation of the principle of non-interference in internal affairs or the principle of respect for sovereignty.

Keywords: human rights; international cooperation; classification; non-governmental organizations; the state; national interests.

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Problems and trends of international cooperation in the field of human rights determined by incompleteness of their classification, which until now is based on based on disparate provisions on a person's place in political, economic and social spheres, but does not take into account his personal features.

So, according to classification that suggested by the French researcher F. Lusher, distinguished the following rights:

a) equality (before the law, in access to public office, before the burden of public expenses, before taxation, in the field of labor relations, before justice);

b) property (private property, public property, privatization and nationalization);

c) dignity, including:

- on dignity of life that includes the right to protection of health (sanitary epidemiological well-being of people, in protection of the health of citizens, in protection of health of children); on personal development (access to education and culture, the right to rest and leisure); on safety of life and solidarity in the face of danger (on social security, security in relation to the burden arising from national disasters);

- on dignity of labour, i.e. on employment (on vocational training, on getting a job, equality in the right to get a job; on participating in the affairs of an enterprise (everyone's participation, representative participation, etc.); protecting professional interests (trade union freedoms, trade union pluralism, the right to strike);

d) on inviolability of the person, including:

- right to justice, i.e. free access to justice (to appeal to court, to the best administration of justice, to a two-stage trial, to appeal against court decisions); to an independent court; to an impartial judge (to challenge a judge, to adversarial proceedings); to French justice;

- right to material maintenance of persons and property;

- the right to legal protection and defence of an individual, including the right to protect individual's freedom, the presumption of innocence, procedural protection from administrative prohibitions and other administrative actions, protection against arbitrariness, as well as the right to asylum and right to legal insuring of rights;

e) on democracy, which contains the right to national sovereignty, as well as socio-political rights, which include active suffrage (the universal and secret nature of elections, the participation of parties in elections); the right to be elected; the right to citizen participation in the exercise of power; the right to control the use of tax revenues in the treasury; right to strive against oppression [4, p. 31-33].

According to other classification, are distinguished the following groups of the rights:

1) right to security and integrity of a person;

2) right to citizenship and its privileges;

3) right of freedom of conscience and its free expression;

4) right of equal opportunities [2; 3, p. 43-45].

At the same time, the proposed general requirements for classification of human rights are of interest, namely:

- the grounds for classification should not be torn into one-sided components, as in positivism and natural-law theory;

- the approach to human rights as a humanitarian universal is not consistent if it does not take into account state, cultural (national, ethnic, local) contexts;

- grounds of classification must correlate human rights with the value context and the totality of institutions defined by anthropological constants and cultural universals;

- for determination of adequate grounds of the classification of human rights, the identification mechanisms should be considered [1, p. 109].

Based on the stated, one can be summarized that the trends in international cooperation in the field of human rights are determined by the following factors, the most important of which is the improvement of control mechanisms.

Due to that the procedures of implementation are the optional, the states are not often accepted them, and therefore encourage of the state to recognise appropriate competence of the treaty bodies on human rights is the most important task in this direction.

In addition, the problem is that the control authorities often duplicate each other. In the most extent this concerns the procedure of presenting and considering of the reports. Big amount of the reports in some cases complicate the task of the states to prepare qualitative reports in time and reduce effectiveness entire system in whole. So, many rights enshrined in the International Covenant on Civil and Political Rights of 1966, fixed more detailed in other international documents, in connection with this it appears reasonable in the cases when the states are participants of a few international treaties, which enshrine same right, more detailed to light on an issue that relates to this right in the report presenting in the basis of special treaty and only in common form to describe it in the report presented in the basis of international treaty of general nature.

To the mechanisms of control are related the special procedures – this is general name of the mechanisms established by the Commission on Human Rights, and which are engaged in any specific problems of human rights or situation with human rights in some country.

Unlike treaty bodies, the special procedures can be used regardless of whether the state is a party to certain international human rights treaties. In addition, the special procedures provide an opportunity to pay attention to the situation already during the commission of human rights violations or even before that with the aim of trying to stop such violations or to prevent them. On the other side, this leaves the opportunity for the use of special procedures for political purposes. It was the

politicization of the work of the Commission on Human Rights, which adversely affected special procedures, was one of the main arguments in favor of establishment of a Human Rights Council to replace the Commission.

The disadvantages of special procedures include duplication of mandates, and as the number of special procedures increases, there are more and more duplication cases. Therefore, it is necessary to establish clearer criteria for using of special procedures and selection of experts.

Particular should stop to procedure 1503, the name of which comes from the number of the resolution of the Economic and Social Council by which it was established in 1970 (ECOSOC resolution 1503 (XLVIII)). In 2000, ECOSOC, by its resolution 2000/3, introduced a number of changes aimed at increasing its effectiveness. These resolutions authorized the Commission on Human Rights to consider reports of systematic, reliably confirmed gross violations of human rights. After the establishment of the Human Rights Council, all of the above indicated functions of the Commission on Human Rights were transferred to it.

An important feature of the 1503 procedure is its confidentiality. The principle of confidentiality covers all stages of the procedure, all materials submitted by individuals and governments, as well as decisions taken at various stages of the procedure.

However, due to its complexity as well as the circle of work, period of considering of communications will be able long. In addition, under the 1503 procedure, there are no forseen any urgent protection measures; moreover, the effectiveness of its procedure is reduced due to confidentiality. The applicant is not even informed what decision was made on his complaint.

There is a point of view according to which these shortcomings are so serious that it is advisable to abolish the 1503 procedure. So, according to the non-governmental organization International Commission of Jurists, this mechanism is a relic of a bygone era. It considers unacceptable that the verification of states is

carried out under the cover of secrecy, since transparency - the principle by which the UN should be guided in all its activities - becomes especially important when it comes to considering situations that are supposedly "evidence of systematic, reliably confirmed gross violations human rights and fundamental freedoms ", and the fact that all stages of the procedure are confidential, not only makes it ineffective, but also helps blur the faith by the general public, including victims of human rights violations, in the UN's ability to protect their interests [5].

Problem of human rights and freedoms is often used as level of pressure in international relationships. In some cases under the pretext of necessity to stop violations of human rights even more widespread violations were committed. Situation, at which in some cases the problems with implementation of human rights and freedoms are exaggerated, and in other one – are belittled or hushed up, inevitably has a negative impact on the effectiveness of international cooperation in the field of human rights, undermines credibility of the system of international cooperation in the field of human rights in general.

It appears necessity to broaden the sphere of international criminal jurisdiction and set up international judicial bodies in order to bring to responsibility the persons, guilty, including, in violation of human rights.

When states commit international crimes, these crimes are carried out at the direction of officials of that state. Therefore, responsibility should be borne not only by states, but also by natural persons who use the state as an instrument for committing crimes.

Since bringing to responsibility through national courts is not always possible, it is advisable to create international mechanisms to prosecute the most serious crimes against international law and not selectively, as happened with UN Security Council resolution 808 on creating of the International Tribunal for the former Yugoslavia, as well as with resolution No. 955 on establishing of the International Tribunal for Rwanda.

The principle to respect the human rights should be considered in the context of other principles of international law, in this connection it is inadmissible to contrast the different principles of international law. From one hand, it is inadmissible to interfere in internal affairs of other states, referring to the principle to respect the human rights, and from other hand, it cannot cover the violations of the principle to respect the human rights referring to the principle to respect for state sovereignty. However, it should be noted that the ratio of these principles is historically mobile and some issues that were previously considered to be within the internal competence of states can now be discussed at the international level.

Human rights as the rights of persons, who are under jurisdiction of a specific state, are established by internal law of this state, and their observance and protection are an internal competence of the state. However, gross and massive violations of human rights are undoubtedly a violation of the principle of respect for human rights, regardless of whether the state is a party to certain international treaties, since in this case the question is about violation of jus cogens. Therefore, in such situations, reaction of international community to them should not be regarded as a violation of the principle of non-interference in internal affairs or the principle of respect for sovereignty.

To increase an effectiveness of international cooperation it should develop the cooperation between non-governmental organizations from one side and international intergovernmental organizations and governments from other one. Meanwhile, attitude of the governments to non-governmental organization is often contradictory. The governments, as rule, recognize that role, which play the non-governmental organizations in encouraging and protecting the human rights. Nevertheless, since the activities of non-governmental organizations often consist in exerting pressure on governments, the latter are not always inclined to cooperate with them.

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