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Гулямов Саид Саидахарович,
Рустамбеков Исламбек Рустамбекович
ТДЮУ, Халқаро хусусий ҳуқуқ кафедраси,
Ўзбекистон Республикаси, Тошкент ш., 100047,
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Dilfuza Abdullaeva

Associate professor of Tashkent State
University of Law
Doctor of Philosophy (PhD) in Law

THE SYSTEM OF INTERNATIONAL CONTROL OVER THE OBSERVANCE OF HUMAN RIGHTS AT WORK

Abstract

The article examines the system of international control over the observance of human rights at work and the legal framework for the protection of human rights at work. The essence and importance of labor rights as an important element of social protection of citizens is analyzed. Special attention is paid to the effectiveness of labor rights protection, as well as problems and prospects for the development of the labor rights protection system at the regional level, taking into account modern challenges and requirements of social justice.

Key words: human rights, international labor standards, international control, international law, international labor regulation, labor rights, International Labour Organization, protection of labor rights.

Аннотация

В статье рассматривается система международного контроля за соблюдением прав человека в сфере труда и правовые основы защиты прав человека в сфере труда. Анализируется сущность и значение трудовых прав как важного элемента социальной защиты граждан. Особое внимание уделяется эффективности защиты трудовых прав, а также проблемам и перспективам развития системы защиты трудовых прав на региональном уровне с учетом современных вызовов и требований социальной справедливости.

Ключевые слова: права человека, международные трудовые нормы, международный контроль, международное право, международное трудовое регулирование, трудовые права, Международная организация труда, защита трудовых прав.

Annotatsiya

Maqolada mehnatda inson huquqlariga rioya etilishi ustidan xalqaro nazorat tizimi va mehnatda inson huquqlarini himoya qilishning huquqiy asoslari ko'rib chiqiladi. Fuqarolarni ijtimoiy himoya qilishning muhim elementi sifatida mehnat huquqlarining mohiyati va ahamiyati tahlil qilinadi. Mehnat huquqlarini himoya qilish samaradorligini oshirish, shuningdek, zamonaviy talablar va ijtimoiy adolat talablarini hisobga olgan holda hududiy miqyosda mehnat huquqlarini himoya qilish tizimini rivojlantirish muammolari va istiqbollari alohida e'tibor qaratilmoqda.

Kalit so'zlar: inson huquqlari, xalqaro mehnat standartlari, xalqaro nazorat, xalqaro huquq, mehnatni

xalqaro tartibga solish, mehnat huquqlari, Xalqaro mehnat tashkiloti, mehnat huquqlarini himoya qilish.

Introduction

Respect for human rights and the rule of law are the cornerstones of democratic societies, ensuring security, stability and sustainable development. They not only serve as the foundation for economic progress, but are also the main incentive for building a just and equitable society. Today, it is undeniable that human rights have become an integral part of our civilization, penetrating into all spheres of our daily life. The principles and standards laid down in the Universal Declaration of Human Rights and enshrined in international treaties have been reflected in national legislations and regional legal systems, ensuring the protection of fundamental freedoms and rights of every person.

International protection of human rights cannot be effective if it occurs only through the development and adoption of international acts. Monitoring compliance by States with their provisions is of great importance for the protection of human rights.

II. Methods

As I.Y. Kiselyov rightly wrote, international labor standards are used as a scale and measure in assessing national labor legislation, as an internationally recognized minimum of social rights and guarantees [1].

The problems related to international control in the field of protection of human rights and freedoms are facing the world community as one of the most pressing issues in the field of international law. The principle of conscientious implementation of international treaties, widely recognized and respected, implies not only the signing of documents, but also their subsequent execution and protection of the rights and freedoms stipulated in them. In this context, international control is the most important tool for implementing this principle in practice, ensuring transparency, compliance with standards and responsibility to the international community. It is only through constant monitoring, analysis and response to violations of rights and freedoms that they can be effectively protected and respected, thereby ensuring a stable and just international community.

However, international control over the observance of labor and social security rights does not replace or replace the domestic national system of control in the field of labor and social security. This control ensures respect and observance of human rights through the efforts of the international community, influencing the law-making and law enforcement practices of States [2].

The organizations that carry out international control are the UN and the institutions and organizations of the UN system, including the ILO, UNESCO, as well as regional organizations: the Council of Europe, OSCE, EU, CIS, OAS, AU, etc.

When it comes to the system of international protection of human rights at work, the United Nations (UN) attracts attention first of all.

The UN is the only international institution whose activities are extremely universal. Any private individual has the right to draw the attention of this representative and influential international structure to the facts of human rights violations, and thousands of people use this opportunity every year.

The main contribution of the United Nations to international labor regulation lies precisely in the fact that they formulate a package of basic rights in the field of wage labor, which should be contained in the legislation of any state claiming to be considered secular and democratic. Fundamental human rights in the field of work are enshrined in two main international legal documents of the era: the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights [3].

The International Labour Organization (ILO) occupies an important place among the specialized UN bodies dedicated to the protection of human rights at work. Its mission is to create and maintain a social world based on fair relations between workers and employers. The ILO is actively working to resolve disagreements in labor relations, contributing to the creation of conditions for decent work and fair pay. Together with the UN member States, the International Labour Organization strives to achieve global stability and prosperity by promoting social protection and strengthening the rights of workers around the world.

According to X.V.Burkhanhadjaeva, "The International Labor Organization is a specialized UN structure dedicated to promoting the principles of social justice, respect for human rights and international labor rights" [4].

The tasks of the ILO include:

- 1) implementation of fundamental principles and rights in the field of work;
- 2) providing assistance in the field of employment;
- 3) improving the efficiency and improvement of social security;
- 4) strengthening of tripartism and social dialogue [5].

These tasks are solved in various ways, the main of which are:

- a) the development of international policies and programs;
- b) the adoption of international labour standards and the monitoring of their implementation;
- c) educational activities, professional training and education [6].

The protection of labour rights within the ILO is carried out mainly through rule-making, which is supported by a well-established system of monitoring the implementation of ILO acts.

The ILO monitoring system is based on an objective assessment by independent experts of the Committee of Experts acting under the ILO Governing Body of how member States comply with obligations assumed under ratified ILO conventions, as well as consideration of specific cases by ILO tripartite structures.

There are permanent, additional and special procedures in the ILO control structure.

The control mechanism of the International Labour Organization (ILO), as defined in its Charter, has undergone changes over the years. These changes were mainly initiated by the decisions of the Administrative Council and the International Labour Conference in order to improve its effectiveness. Despite this, many of these changes have not been made to the organization's regulations. This highlights the dynamic nature of the development of control mechanisms and their constant adaptation to changing conditions and needs in the field of work. In this regard, we set ourselves the task of revealing the methods of implementing the procedure of reports and complaints in a modern form, summarizing the practical functioning of these procedures, and then assess the advantages and disadvantages of the ILO control mechanism, identifying aspects that attract the attention of modern researchers.

International protection of human rights cannot be effective if it occurs only through the development and adoption of international acts. Monitoring compliance by States with their provisions is of great importance for the protection of human rights.

The reporting procedure within the ILO is based on the ILO's right to request reports from Member States and on the obligation

of Member States to submit them in an appropriate time and form.

This procedure is commonly referred to as a regular monitoring procedure. It follows from the ILO Constitution that ILO member States are required to submit

reports on:

- 1) ratified conventions;
- 2) non-ratified conventions;
- 3) recommendations.

The deadlines for the submission of reports and their form are determined by the AU. In addition, since the AU classifies them into three categories as part of the revision of international labour acts, reports on outdated acts are currently not requested, even if they are conventions to which States continue to be parties.

A distinctive feature of the ILO reporting procedure is the obligation of ILO member States to send copies of reports to national organizations of workers and employers in accordance with paragraph 2 of Article 23 of the ILO Constitution. Moreover, Convention No. 144 on Tripartite Consultations (art. 5) and Recommendation No. 152 (art. 5) provide for the obligation of States to consult with representatives of workers' and employers' organizations when drafting reports.

Article 22 of the ILO Constitution provides that "each Member of the Organization undertakes to submit annual reports to the International Labour Office on the measures it has taken to apply the conventions to which it has acceded. These reports will be drawn up in such a form and contain such information as the Administrative Council may require" [7].

With the growing membership of the International Labour Organization (ILO) and the increasing number of its conventions, monitoring the timely submission of annual reports by States has become a difficult task for both the organization and the participants. In 1993, the ILO Governing Body approved a system for reporting on the application of ratified conventions, which entered into force in 1996. This system includes several types of reports: primary and secondary detailed reports, periodic reports (with detailed updates every two years and brief every five years), as well as non-periodic detailed reports. Such a system allows for more effective monitoring and analysis of the application of conventions and provides more complete and accurate information for the ILO and its members.

The reporting system on the application of the conventions of the International Labour Organization (ILO) strictly regulates time intervals and procedures. The first detailed report is requested one year after the entry into force of the convention in that State, and the second detailed report two years after the first.

The following reports are periodic and are requested either every two years or every five years, depending on the selected system. Detailed reports in a two-year periodicity system relate to priority conventions, although the Committee of Experts has the right to request them outside the established schedule. This provides a more systematic and comprehensive analysis of the application of ILO conventions in various countries. In accordance with the five-year periodicity system, abbreviated reports on non-priority conventions are requested every five years according to the table approved by the AU. However, the CE may request a detailed report on non-priority conventions at any time: 1) if the CE has formulated a comment or a direct request requiring a response; or 2) if the CE considers that it is necessary to submit a detailed report taking into account changes in the legislation or practice of a Member State that may affect the application of this convention.

Non-periodic detailed reports on the application of ratified conventions are requested from States in a number of situations. This may be an initiative of the Committee of Experts (CE) of the International Labour Organization (ILO) or the Labour Conference, as well as an initiative by national and international labour organizations. If the measures taken raise questions or if the Government does not provide sufficient information, the CE may request a detailed report for a more in-depth analysis of compliance with the conventions. A report is also requested if no report has been submitted or no response has been received to the comments of the supervisory authorities. This process is aimed at ensuring the effective implementation and monitoring of compliance with international standards in the field of labor relations.

To compile a detailed report on the application of ratified conventions of the International Labour Organization (ILO), a special form containing several important sections is adopted. This form lists all relevant

laws and regulations, copies of which are provided in the report. The exceptions, exclusions and restrictions applied in the legislation are also considered. The application of each article of the convention in legislation and practice is described in detail, as well as actions taken after the ratification of the convention. An important section is information on the actions taken in response to the comments of the supervisory authorities, as well as responsibility for ensuring the application of the convention. The report also includes judicial and administrative decisions, an overall assessment of the application of the convention based on various data, and comments from employers' and workers' organizations with government responses. An important step is to send copies of the report to employers' and workers' organizations to familiarize themselves with its contents. This form provides a systematization of information and provides a comprehensive analysis of the application of ILO conventions in the participating States.

The summary report covers the following key aspects:

- 1) Updates of legislation and by-laws, including changes affecting the application of the Convention, as well as their impact on practice.
- 2) Analysis of the application of the convention, including statistical data and other information provided for by the convention itself.
- 3) Distribution of copies of reports to employers' organizations and workers in accordance with the requirements.
- 4) Taking into account comments and feedback from employers' and workers' organizations on the content of the report and the application of the convention.

The obligation of member States of the International Labour Organization (ILO) to submit reports on non-ratified conventions is a fundamental component of their membership. In accordance with Article 19, paragraph 5, of the ILO Constitution, each member of the organization is obliged to inform the Director General about national legislation and practice in the field of the relevant non-ratified convention, about measures taken or planned to implement it, as well as about obstacles preventing its ratification.

The 1998 ILO Declaration on Fundamental Principles and Rights at Work strengthened the organization's control mechanism, especially with regard to non-ratified fundamental conventions. This mechanism includes both annual implementation measures related to non-ratified fundamental conventions and a global report, which is designed to ensure the best results from the procedures provided for by the ILO Constitution.

Thus, the reports of the ILO member States and their subsequent consideration are useful from several points of view. Firstly, they allow us to assess the effectiveness and relevance of the acts for which they are presented in terms of their significance in national legislation and State practice. Secondly, they can be used in determining the ILO's work programme, including possible revision of existing or adoption of new acts. And, thirdly, they provide

States with an additional opportunity to review their policies and take measures in relevant areas, thereby playing a stimulating role.

In addition to the ILO, there are a number of bodies in the extensive structure of the United Nations that provide international protection of human rights at work.

According to Part 2 of Article 62 of the UN Charter, the competence of the Economic and Social Council (ECOSOC) includes the issuance of recommendations "in order to promote respect for and observance of human rights and fundamental freedoms for all" [8].

In order to increase the responsiveness to human rights violations, ECOSOC has established a number of specialized agencies, among which the Human Rights Commission occupies a prominent place.

The Commission on Human Rights is the main political body of the United Nations responsible for the implementation and protection of human rights at the international level. Its competence is extensive: the Commission has the right to deal with any issues related to human rights.

Monitoring the observance of fundamental human rights and freedoms is one of the key mechanisms of the United Nations. It is carried out through specialized bodies established on the basis of international agreements, such as the International Covenant on Civil and Political Rights. In accordance with this Covenant, a Human Rights Committee has been established to monitor and monitor compliance with its provisions by States parties. In addition, the two Optional Protocols to the Covenant expand its scope and provide additional tools for the protection of human rights. Thus, the human rights monitoring system within the UN is based on specific international agreements and ensures effective interaction of the participating States in this area.

The Committee accepts individual complaints concerning the observance of the rights provided for in the Covenant [9], as well as the rights granted by the International Convention on the Elimination of All Forms of Racial Discrimination.

Both the victim and his representative have the right to file a complaint with the Committee. The Committee is not entitled to consider a complaint if the same issue has already been the subject of consideration under another international procedure.

The conditions for the inadmissibility of a complaint in the Committee are considered:

- 1) anonymity of the message,
- 2) abuse of the right to send messages,
- (3) Incompatibility of the communication with the provisions of the Covenant,
- 4) the applicant has not exhausted all domestic remedies.

Based on the results of the investigation, the Committee expresses its views and brings them to the attention of interested parties.

If an employee is discriminated against on the basis of race or gender, he can apply for protection of his rights to

the Committee on the Elimination of Racial Discrimination or the Committee on the Elimination of Discrimination against Women, respectively.

The Committee on the Elimination of Racial Discrimination monitors compliance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (1965). According to Article 14 of the Convention, individuals or groups of persons who believe that their rights granted by this document have been violated have the right to submit a petition to the Committee [10].

The procedure for filing individual complaints of violations of women's rights is regulated by the Optional Protocol (1999) to the International Convention on the Elimination of All Forms of Discrimination against Women (1979). The ratification of the Optional Protocol obliges the State to recognize the competence of the Committee to receive and consider private communications on violations of the rights granted by the Convention.

After examining the communication and other materials, the Committee sends its opinion to the parties to the dispute.

In case of violation of labor rights, women can also benefit from the assistance of another specialized international institution, the UN Commission on the Status of Women.

In order to respond most promptly to human rights violations at the United Nations in 1996, a direct line was established, which is a 24-hour fax connection that allows the UN Human Rights Center in Geneva to monitor emergencies related to human rights violations.

The Convention on Human Rights and Fundamental Freedoms, adopted in Minsk on May 26, 1995, is an important document within the framework of cooperation between the CIS states. This document establishes the principles of prohibition of forced labor and recognizes the right to association. Despite the existence of such norms, the Convention also provides for the establishment of a Human Rights Commission, but to date this institution has not been developed. It is important to intensify efforts to develop this mechanism in order to ensure the protection of the rights and freedoms of all citizens in the region.

It is not difficult to notice that the considered international bodies do not have coercive powers in relation to the offending States, and the decisions made by international structures are not provided with imperative.

V.A.Kartashkin also notes a number of other problematic aspects of the mechanism of international protection of labor rights: flaws in the legal technique of international conventions (many human rights norms are set out in general phrases); states do not provide reports on time, do not send answers to requests for additional information, distort statistics, embellish the picture of fulfilling their obligations under ratified international treaties; Hundreds of different decisions, recommendations, and observations adopted by both UN bodies and conventional bodies are not being

implemented and their implementation is not being monitored. Based on such facts, some scientists, diplomats and statesmen point to the crisis, the impasse, the need to reorganize the entire existing system of international control on the basis of a “new approach” involving the unification of a number of conventional bodies, amendments to existing international treaties, expanding sources of information when considering State reports and other measures [11].

Conclusion

Within the framework of the legal framework for the protection of human rights at work, it is important to pay special attention to the development and improvement of legislation that would guarantee equal opportunities and protection of the rights of all workers, regardless of their social status, gender, race, nationality or other characteristics. It is recommended to actively apply international norms and standards in the field of labor rights, such as the Conventions of the International Labor Organization (ILO), to ensure that national legislation complies with international standards.

The conclusions issued by international bodies for the protection of human rights at work acquire significant importance in a dispute with a subject who has violated labor rights, since the assessment of the latter's actions is given by reputable international experts, which gives them the character of finality, forming along the way a legal precedent for all subsequent cases that will be the subject of consideration by the relevant international human rights organization.

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