

**THE UNITED NATIONS AND NATIONAL HUMAN RIGHTS INSTITUTIONS
COMPREHENSIVE LEGAL FRAMEWORKS AND MECHANISMS TO EFFECTIVELY
PROTECT AND PROMOTE HUMAN RIGHTS WORLDWIDE**

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Annotation: Through extensive legal frameworks and mechanisms, the United Nations (UN) and National Human Rights Institutions (NHRIs) play critical roles in the global protection and promotion of human rights. A universal set of principles is provided by the international standards and treaties that the UN establishes, such as the Universal Declaration of Human Rights. Several UN agencies, such as the Office of the High Commissioner for Human Rights and the Human Rights Council, keep an eye on compliance, look into violations, and advise member nations. NHRIs are national organizations that work at the national level to address national human rights issues, and they were established in compliance with the Paris Principles. In addition to conducting advocacy and education campaigns, they investigate complaints, work to put international standards into practice locally, and counsel governments on human rights issues. Collectively, these establishments establish a robust network for the enforcement and advancement of human rights worldwide. In this article, it has been discussed the United Nations and National Human Rights Institutions comprehensive legal frameworks and mechanisms to effectively protect and promote human rights worldwide.

Keywords: To United Nations, UN, National Human Rights Institutions, human rights protection and promotion, legal frameworks, Universal Declaration of Human Rights, Office of the High Commissioner for Human Rights, Paris Principles, compliance monitoring, advocacy, government advisory, global enforcement.

Introduction. Ombudsman offices and other human rights protection organizations need to be free from political and governmental influence, as well as any potential conflicts of interest. They also need to be immune to outside pressure and influence.¹

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.²

¹ OSCE Human Dimension Implementation Meeting: "Ombudsman and Human Rights Protection Institutions in OSCE Participating States", 21 September 1998, 8P.

² United Nations, "What are human rights?" <https://www.un.org/en/global-issues/human-right>

The Universal Declaration of Human Rights (UDHR)³ is crucial for the work of human rights ombudsmen because it provides a universal standard of fundamental rights and freedoms. It functions as a moral and ethical framework, set of guiding principles, advocacy tool, source of normative influence, and educational resource even though it is not legally binding. This supports ombudsmen's worldwide efforts to uphold and advance human rights. Since it offers a fundamental framework, guiding principles, advocacy tools, educational resources, and normative influence to support their efforts in promoting and protecting human rights, the UDHR is essential to the work of human rights ombudsmen.

Literature Review. The basis for UN Human Rights' activities and the systems it upholds is found in international human rights legislation. With the ratification of the Universal Declaration of Human Rights (UDHR)⁴, the first historical text outlining fundamental human rights, this legal framework came into being. It currently makes up the International Bill of Human Rights, together with two other international agreements. UN Human Rights' current operations are supported and guided by a number of legally binding international human rights treaties, declarations, and other instruments that have been inspired by the 1948 adoption of the UDHR.

According to the Article 2 of this International Covenant, "all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."⁵

The Paris Principles require NHRIs to⁶:

Protect human rights by receiving, investigating, and addressing complaints; arbitrating conflicts; monitoring events; and advocating for human rights through publications, outreach, media, training, and capacity building, as well as by providing guidance and assistance to the government. The Paris Principles set out six main criteria that NHRIs require to meet:

³ Universal Declaration of Human Rights, on December 10, 1948 by Directive 217 a (III) of the United Nations General Assembly, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴ Universal Declaration of Human Rights, on December 10, 1948 by Directive 217 a (III) of the United Nations General Assembly, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁵ International Covenant on Civil and Political Rights (ICCPR), December 16, 1966, the United Nations General Assembly adopted it with Resolution 2200A (XXI) <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁶ National Human Rights Institutions (NHRIs), <https://www.ohchr.org/en/countries/nhri>

- Mandate and competence: a broad mandate, based on universal human rights norms and standards;
- Autonomy from Government;
- Independence guaranteed by statute or Constitution;
- Pluralism;
- Adequate resources;
- Adequate powers of investigation.

The infrastructure required by NHRIs to carry out their responsibilities must be in place, as per the Principles. It is particularly crucial that the institution has sufficient funding in order for it "to be independent of the government and not be subject to financial control which might affect this independence." These are tasks that institutions must carry out, as the Principles' description of the various roles played by national institutions as "responsibilities" suggests. The Principles stipulate that NHRIs must advise and make recommendations to governments on a variety of human rights-related matters, including legislation that is now being considered or is in the works, violations of human rights, and the general status of human rights in the nation.

Human Rights protection and promotion mechanisms of the United Nations⁷:

Human rights monitoring mechanisms fall into two categories within the UN framework: organizations based on treaties and organizations based on charters. The ten human rights treaty bodies, which are made up of committees of unbiased experts, oversee the main international human rights treaties for implementation. Among the organizations founded on the charter are the Human Rights Council, Special Procedures, Universal Periodic Review, and Independent Investigations. UN Human Rights provides information and support to all of the different mechanisms.

The global commitment to the universal principles of human dignity is embodied in the Office of the United Nations High Commissioner for Human Rights (OHCHR). OHCHR, which has its main office in Geneva, Switzerland, was given the distinct mandate by the global community to uphold and defend all human rights. The United Nations' top human rights representative is the High Commissioner for Human Rights. The Secretary-General is the person to whom the United Nations High Commissioner for Human Rights answers for all of OHCHR's operations and management.

Human rights are at the center of all UN policies and programs, especially those that deal with development, humanitarian aid, economic and social affairs, peace and security, and human rights. Because of this, almost all UN organizations and specialized agencies have some level of involvement in the defense of human rights. Examples include the Sustainable Development Goals' central focus, the right to development; the UN Food and Agriculture Organization's

⁷ Instruments and mechanisms, United Nations Human Rights office of the high commissioner, <https://www.ohchr.org/en/instruments-and-mechanisms>

advocacy of the right to food; the International Labour Organization's definition and protection of labor rights; UN Women's promotion of gender equality; and the rights of children, indigenous peoples, and people with disabilities.⁸

The UN General Assembly (UNGA) adopted Resolution 48/181 of December 20, 1993, which implemented the Vienna Declaration and Program of Action, which were adopted on June 25, 1993, at the UN World Conference on Human Rights, and which established the post of UN High Commissioner for Human Rights (UNHCHR). The UN Center for Human Rights and the Office of the UNHCHR were combined into a single office in Geneva in 1997.

Methodologies. For a term of three years, the Advisory Committee designates the Working Group on Communications (WGC), which is composed of five independent experts who are geographically representative of the five regional groups. Twice a year, for a duration of five working days, the Working Group convenes to evaluate the admissibility and merits of communications. In fact, a communication needs to satisfy a few requirements in order to be accepted:

- it must not be driven by political motivations;
- it must not be anonymous or abusive;
- all available means at the national level must have been resorted to and exhausted;
- the situation must not be dealt with under other international procedures.

Institutions that serve as ombudsmen play a significant role in bolstering democracy, the rule of law, ethical leadership, and the defense and advancement of fundamental freedoms and human rights. The public advocate, also known as the ombudsman, is a crucial institution that upholds government accountability and defends human rights in many countries.

Discussion. By putting the UN's declared resolve and will into practice, the UNHCHR seeks to ensure that everyone can exercise their right to human rights. The organization's mission is based on the UN Charter, which is reaffirmed in article 55. Its goal is to create the "conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples" and is committed to promoting universal respect for human rights and fundamental freedoms for all, without distinction.

The Office's organizational units are headed by the High Commissioner, who holds the rank of UN Under-Secretary-General and has a four-year mandate. This role has been held by Volker Türk since October 17, 2022. A Deputy High Commissioner, staff, and an administrative section support him. At UN headquarters, the High Commissioner is represented by a small office in New York.

⁸ United Nations, "Human rights and the UN system" <https://www.un.org/en/global-issues/human-right>

UNHCHR coordinates activities and stimulates policies across the UN system to advance international cooperation for human rights. To this end, it serves the following purposes⁹:

- Aiding in the creation of new norms and encouraging the universal ratification and application of international conventions and other standards. Human rights and International law.
- Overseeing the UN human rights program's information services, which include the documentation center and library, and offering studies, policy analysis, and guidance on matters pertaining to UN organ practices and other substantive procedures.
- Encouraging the creation of national infrastructures for human rights, particularly through fieldwork and operations. In addition to managing voluntary funds for human rights field missions, it conducts field operations and activities and offers technical assistance, information advisory services, and education on the subject of human rights at the request of governments.
- Supporting treaty-monitoring organizations and international human rights organizations. It organizes, sets up, and conducts the HRC's meetings and offers the Universal Periodic Review mechanism as well as regular and special sessions of the HRC with substantive and technical support.

The review takes roughly three hours to finish for each country. The review's final product, a report containing the State in question's voluntary commitments, findings, and suggestions along with a synopsis of the proceedings of the review process, is approved by the Council. States may be reluctant to carry out the recommendations, but the State in question and other pertinent stakeholders should work together to implement this outcome document as a cooperative approach whenever necessary.

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