

HISTORICAL STAGES OF THE EMERGENCE AND DEVELOPMENT OF HUMAN RIGHTS AND FREEDOMS

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ANNOTATION

The article examines the historical stages of the emergence and development of human rights and freedoms, which dynamically develop in every period of human history. A retrospective analysis of international legal acts regulating human rights in a specific period was carried out, starting from the primitive communal, slave system to the emergence of the United Nations, the adoption of the Universal Declaration of Human Rights and other international norms relating to human rights .

KEYWORDS: *history, human rights, historical formations, stages of development of human rights, Universal Declaration of Human Rights, international covenants, conventions*

Introduction

Article 21 of the Constitution of the Republic of Uzbekistan (new edition dated April 30, 2023) determines that “ human rights and freedoms can be limited only in accordance with the law and only to the extent necessary in order to protect the constitutional system, public health, public morality, rights and freedoms of other persons, ensuring public safety and public order . ”¹

In the history of mankind, the stages of the origin and emergence of human rights have deep historical roots in the formation of ideas about man as the highest value. In essence, historical formations, stages of the evolutionary development of human rights occupy an important place in the history of mankind.

Even in the primitive communal system, when matriarchy existed, the rights of members of the human community were defined as their rights and responsibilities, but this took place like all living beings, at the call of the instinct of procreation ².

In subsequent periods, with the emergence of states, in the era of patriarchy, socio-economic, class relations arise, and human rights acquire not only biological, but also social, economic and political legal relations.

¹<http://old.lex.uz/docs/6445147>

²Aristotle. *Policy. Athenian politics . – M., 1997. – P. 36.*

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Historically, the first type of state and law was the slave state and law, which arose as a result of the decomposition of the primitive communal system. The slave system is a socio-economic formation, the economic basis of which was the ownership of slave owners, both the means of production and the direct producers-slaves. The main class division of society was that of slave owners and slaves³. These were times when a person's rights were completely dependent on the rightful status of the individual, his rightful position in society and to which class he belonged.

In the history of the ancient world there is a unique case associated with the name of the Persian king Cyrus the Great, who in 539 BC. Having conquered the city of Babylon, he freed all slaves, declaring that all people have the right to choose their own religion and proclaimed racial equality. At the same time, he recorded this fact in cuneiform on a cylinder of baked clay known to the whole world as the Cyrus Cylinder, which is the world's first registered legal source - the Charter of Human Rights. Having been translated into all six official languages of the United Nations, its contents are reflected in the first four articles of the Universal Declaration of Human Rights. Subsequently, these human rights penetrated into Ancient India, Ancient Greece and ultimately into Ancient Rome, where it was formalized and acquired the name "natural law".

After the slave system came the period of feudalism, but even there the ideas of human rights took place. In 1215, the Magna Carta was adopted, establishing human rights, and in 1628, the Petition of Rights. Under slave and feudal systems, human rights, freedoms and dignity were endangered for thousands of years. In contrast to this, the ideas of equality, fraternity, equality as a natural right, protection from discrimination, cruelty, violence and infringement of rights arose and spread widely.

Legally, human rights and freedoms were consolidated in the form of declarations and constitutions. One of the most significant historical documents adopted as a result of the Great French Revolution of 1789, the French Declaration of the Rights of Man and Citizen, which showed the whole world the mechanism for the legal protection of human rights and freedoms. The Declaration enshrined the provision according to which a society where the

³ Chemerinskaya V.V. History of the slave state and law (textbook). - Orenburg: "Agency "Press", 2011. – P. 3 (124 p.)

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enjoyment of rights is not ensured and the separation of powers is not carried out is not constitutional (Article 16).

documents adopted in Anglo-Saxon countries and in particular the United States stood out in history - the Declaration of Independence of the United States of America, the US Constitution and in Great Britain - the Habeas Corpus Act and the Bill of Rights. These documents had a significant impact on the course of human history.

At the end of the 19th and beginning of the 20th centuries, relations related to contractual relations between a citizen and the state, based on the recognition of fundamental rights and freedoms, were normatively regulated at the legal level in developed countries of Europe, America, and Australia. In the countries of Asia and Africa, the process spread very difficultly and only a few countries gained independence.

The two world wars that took place, and in particular the Second World War of 1939-1945, brought unprecedented human casualties and showed that humanity is on the brink of survival and drastic measures are needed to protect human rights. This requires the cooperation of all countries and for these purposes the United Nations (UN) was formed in 1945. Main goal The creation of the UN was the promotion and development of respect for human rights and fundamental freedoms for everyone, without distinction of race, gender, language and religion (Article 1 of the UN Charter).

The next step or stage of normative regulation of the protection of human rights was the adoption of December 10th 1948 r. UN General Assembly Universal Declaration of Human Rights. The content of the Declaration begins with the recognition of the inherent dignity and equal and inalienable rights of all members of the human family as the basis of freedom, justice and world peace. This international instrument is not a legally binding document, but due to its general acceptance by the vast majority of states, it has now effectively become binding on all states that have accepted it.

In subsequent years, many regulatory legal acts were adopted that directly affected human rights. Among which can be noted are two international covenants adopted in 1966: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

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These documents are of a generally binding nature and are treaties endowed with appropriate legal force for the participating states ⁴.

The Universal Declaration of Human Rights and two international Covenants and two optional protocols discussed above are usually referred to as the International Bill of Human Rights. These five documents contain a list of the most important rights and freedoms of the individual in all areas of public life and serve as a general democratic standard that states should be guided by when legislating the legal status of a person. Fundamental human rights include the right to life, to liberty and security of person, to freedom from torture and other forms of ill-treatment and punishment; to be protected by justice; to freedom of movement and choice of place of residence; to the inviolability of the home, to freedom of speech, to freedom of conscience and religion, to freedom of peaceful assembly, to own property, to work, to rest, to social security, to education, etc.

When conducting a historical analysis, it can be noted that in subsequent years other important regulatory documents of historical significance were adopted. These include the following conventional legal relations aimed at protecting specific human rights and freedoms:

Firstly, the International Convention on the Elimination of All Forms of Racial Discrimination (1965 г.);

Secondly, the Convention on the Elimination of All Forms of Discrimination against Women (1979 г.);

Third, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984 г.);

Fourth, the Convention on the Rights of the Child (1989 г.);

Fifthly, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990 г.);

Sixth, the Convention on the Rights of Persons with Disabilities (2006 г.) ⁵.

The content of these international documents provides for the creation of expert committees to oversee the implementation of these acts. States parties to such treaties agree to submit regular reports to the relevant committees, giving

⁴ Matchanov A.A. General theory of human rights: Textbook - T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2022. - 354 p.

⁵ Collection of Basic Human Rights Documents . Tutorial. Saidov A.Kh., Matchanov A.A., Iskhakova L.F. and others – T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2013 . – 196 p.

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details of the implementation of the treaties and identifying any problems encountered.

In modern historical conditions, most countries of the world in their constitutions and other legislative acts contain a list of fundamental human rights and freedoms that correspond to the main international documents on human rights. Together with other rights legally enshrined by the state, they appear in the form of human rights and freedoms of a particular country. This takes into account specific historical and national specifics, characteristic features of the economic, political and legal structure, spiritual traditions, etc.

Thus, we can conclude that human rights are historically dynamically developing and represent a special area of law in their significance, since they concentrate the main values of human society, such as life, freedom, dignity, and personal autonomy. These values receive their normative consolidation in human rights and guarantees of implementation through legal means and institutions. But the internal content and goals of the concept of human rights are not limited to the framework of legal regulation alone. Legal means of ensuring them are an important part of the general problem of standards and norms of life in a civilized society. And the addition of legal guarantees of human rights is contained in systems of other normative and value guidelines, primarily in the moral system.

The historical experience of the emergence, formation and development of institutions for the protection of human rights clearly demonstrates that the study and retrospective analysis of the history of human rights and freedoms is a prerequisite for the sustainable and dynamic development of any state.

In the history of human existence, human rights and freedoms are important as a necessary condition for the development of the rule of law, and they must develop dynamically depending on the modern conditions of existence of human society. Of course, each era of the historical development of human rights and freedoms makes its own necessary changes to effectively ensure them in modern conditions.

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