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### SECTION 32. Jurisprudence

## CULTURE OF HUMAN RIGHTS: NOTION AND JURIDICAL CONTENT

**Abstract:** In this article the role and meaning of culture of human rights in structural reforming after the independence acquisition of the Republic of Uzbekistan is considered. On the basis of concrete opinions of famous national and foreign jurists, author tries to open of conceptual apparatus of consideration matter and offers for readers rezoning his own conclusions on this matter.

**Key words:** law, human rights, legal culture, culture of human rights, freedom of personality, democratization, modernization.

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### Introduction

After having achieved independence the Republic of Uzbekistan has realized fundamental changes and reforms on democratization, liberalization and modernization in all spheres of socio-economical and socio-political life of the country. One of the conditions of development of the society is increasing legal culture and legal knowledge of population. It is as much important as the person's participation in socio-political activities, observance and realization of one's rights, make use of one's rights and timely fulfillment of obligations.

Ensuring of human rights is the major priority and one of the fundamental principles of the Constitution of the Republic of Uzbekistan. The article 13 of the Constitutional Law runs as follows: "Democracy in the Republic of Uzbekistan shall be based on the principles common to all mankind according to which the ultimate value is a human being, his life, freedom, honour, dignity and other inalienable rights"[14].

According to the article 2 of the Constitution of the Republic of Uzbekistan: "The state shall express the will of the people and serve their interests. State bodies and officials shall be accountable to the society and citizens"[15].

The notion "human rights", "culture of human rights", "legal culture" entered our life together with independence [1].

### Materials and Methods

Before discussing about the culture of human rights it is suitable to remember what is legal culture and what is human rights.

Generally **legal culture** known as the general level of knowledge and objective attitude of society to the right; combination of legal knowledge in the form of norms, beliefs and attitudes that are created in the process of life and regulatory rules of interaction between the individual, social, ethnic, professional group, society, state and executed in the form of statutes .

**Human rights** - rights that form the basis of the legal status of the individual. Constitute the core of the constitutional right of a state of law (the so-called . Rights and freedoms of man and citizen). Concrete expression of these rights and the volume of the positive law of different states, as well as in various international legal instruments may vary. In public international law known document, fixing them - Universal Declaration of Human Rights [16].

As it is generally known, that human life has been improved and developed with the help of spiritual substance. On the assumption of it, a particular importance as an integral part of legal culture of the society has spiritual development of the society. Legal culture of the society is inseparably linked with general cultural degree of the population, ensuring of human and citizen's rights and freedoms, availability of legal guarantee, legality and law and order in the country, development of juridical science and juridical education.



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Indispensable condition of building law-based state is observance of supremacy of law, ensuring of human rights, developing of legal culture in the country as well as formation of culture of human rights and active participation in the process of civil institutional settings.

*Culture of human rights* is a major part of spiritual culture. This notion was existed in news stories of United Nations in 1989. However, it wasn't used as a subject of scientific research in legal literature and opinion of majority on this notion has different interpretation so far.

By the definition of the professor Z. Islomov, the notion of "culture of human rights" originated from humanitarian law in connection with its content, difference of its major elements has a particular importance [2].

In our country the significance of the culture of human rights was touched upon for the first time by the First President of the Republic of Uzbekistan Islam Karimov at the sixth session of the Oliy Majlis (Supreme Council) of the Republic of Uzbekistan first convocation held on the 29<sup>th</sup> of August 1996 in the report named "Important tasks of deepening democratic reforms in the modern period" where he stated: "Principles of genuine democracy are confirmed corresponding to the life experience of people, national and cultural traditions. The life proves the priority of the universal values and deeply entering new democratic reforms of our life, protection of freedoms and human rights are guaranteed constitutionally"[17].

This opinion subsequently took on foreground special significance. In his report the First President of the Republic of Uzbekistan I. A. Karimov on the joint session of the Legislative Chamber and Senate of Oliy Majlis of the Republic of Uzbekistan in November 2010 "Conception of further deepening democratic reforms and formation of civil society in the country", particularly stated that "one of the key priority of democratic renewal of the country is sequential democratization, liberalization of judicial system aimed at ensuring supremacy of law, legality, reliable protection of rights and personal interests, in brief-formation of legal state and sense of justice of people" [13]. Under the significance of the direction, particular attention in building law-governed democratic state is paid to further increasing the significance of human rights and legal culture in the life of community.

All this suits the orders of the United Nations "Declaration on education and training in the field of human rights" in accordance with General Assembly resolution 66/137 from December 19, 2011. For instance, according to Article 7 of this Declaration "States and, where appropriate, the relevant government authorities have the primary responsibility for promoting and ensuring education

and training in the field of human rights in the course of their development." [18]

Nowadays the meaning of the notion "culture of human rights" excites not only legal scholars of our country and legal scholars of other countries give the same interpretation of the notion and express different opinion and discussion.

For example, in professor Z. Islamov's judgment "legal culture", "culture of right" and "culture of human rights" are very similar and not considered to be component parts to each other and they are considered to be as component parts of spiritual culture of the society.

Besides, the right is of great importance for human rights and freedoms and their realization. Moreover, it facilitates the legal basis of humanity of human rights and their effective realization in practice [2].

At the same time, the notion "culture of human rights" is available in our practice and is of great practical importance. Professor Z. Islamov considers that "The culture of human rights is a spiritual culture of human value, acknowledgement and respect of their rights and freedoms, valid knowledge, directions and point of views".

Professor A. H. Saidov considers that "Culture of human rights is inalienable part of high legal culture, foundation of democratic society and the main indicator of development of legal system.

Indispensable condition of accomplishment of effective activity of political and jural society of legal system is a respect of laws, human rights and freedoms<sup>3</sup>.

Sh.U. Yakubov considers that "legal culture is a compulsory knowledge of rights of every person and freedom, their effective use (observance the demands of legal regulations, performance one's duties, use of rights and authority), respectful attitude to the rights and freedoms of people, implacability to breaching of human rights and all of them are the part of social culture" [4].

A. Yashnarbekov considers that "culture of human rights" is a compulsory knowledge of human rights regulations, exercise their rights and freedoms, observance of legislative regulations established in society, respect for values, human rights and freedoms, irreconcilable relation to breaching of human rights which must become the form of life and in its term it presents modern view of social and legal culture [5]. We consider that the given definition "culture of human rights" as a modern view "social and legal culture" are not quite true.

Basing on above-mentioned terms as "legal culture", "culture of right" and "culture of human rights" are constituent part of social culture and have a similar notion and these terms are inseparable.

The notion of the definition of "culture of human rights" attracts a great interest of foreign

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specialists and they express their own ideas on the theme.

A specialist of international centre of education in the field of human rights (Canada) Vinchensa Nazary considers that “culture of human rights is a life method in policy, moral and legal measurements that is always developed and to which with inspiration and guidance serve international standards and regulations in the sphere of human rights” [19].

Lory Rodny (USA) considers that “culture of human rights is a culture which is the notion of human rights is understandable for everybody and everyone has an access to human rights and exists a responsibility for human rights of all citizens”[6].

Vafula Muila (Denmark) suggested the following definition: “The culture of human rights is a condition in which the respect for human rights is a method of life”[7].

By the definition of non-government organization “Amnesty International”: “culture of human rights is an atmosphere in which all members of the society understand, value and protect human rights and such values as equality, dignity, respect, nondiscrimination and participation is a basic of policy and all activities in the community” [8].

On the other hand, the definition accentuates the role and responsibility of every certain person in creation of such culture and the other role of the government in which all the activities must be built on the basis of human rights.

Determination of similarity or difference of these definitions, their content and essence, whether they supplement each other or existing of any limit of the regulation or other hard and fast rules, according to our opinion, it is impossible.

In order to distinguish these regulations and rules proceeding from the practice, the most important thing is to disclose the definition “culture of human rights” and its correlation elements:

Firstly, condition of sense of justice in the society.

Secondly, condition of legality that characterizes the degree of deployment of all requirements, reality of their accomplishment and at the same time a particular importance has quality and contents of a law in the process of its adoption and their practical application.

Great importance of the process is perceived in what active legal and organizational measures are applied on settling problems revealed in the course of lawmaking process. Adopted laws must be corresponded both social importance and answer for all questions and not to let gaps in law.

Thirdly, condition of legislation, perfection of its content and forms. Unfortunately, facts can be met in practice contrary to legislation acts, regulations of the law [20].

Paul Hasuk considers that in the process of development of the notion “culture of human rights” some horizontal and vertical (conditional) measurements can be taken. “Horizontal” measurement is connected with the “spatial” and by its notion and it may be personal, social (or governmental) and universal. “Vertical” measurement contains moral and law planes culture of human rights. In spite of their content similarity, these notions have some difference in practice [6].

On the basis of the culture of human rights supreme value has been laid about human. In determining the given notion, it is important to take into consideration the moral condition in which the spirituality dominates. “Spirituality” is the essence of human and social culture. Spirituality determines the state of mind, mental condition of every certain human, nation, society.[21]

At the same time, the notion “spirituality” has the same meaning with the word “spirit”, “spiritual”. The notion for all human, community, nation takes a specific and nonmeasurable place that makes human conscious.

We consider that respect for right is the highest indicator of legal culture. As the President of the country noted that, it depends on the bodies protecting and controlling the execution of law.

As the head of the country emphasized that, “It is the bodies that it is necessary to begin strict responsible execution of demands of law”. As he reasonably noted “... it is very important to pay much attention to strengthen public control for the activity of the state as well as its military and policing branch of government” [22].

These demands concern for all the workers of the organs of internal affairs. Supreme legal culture and knowledge of the workers of the organs of internal affairs, polite and well-bred treatment with the citizens, fidelity to one’s duty and profession, raises authority not only the colleagues in service but the workers of other law-enforcement bodies [9].

Legal scholar A.H.Satarov considers that development of the state and society is directly connected with the social changes and it certainly demands the raise of role and significance of law enforcement bodies “protecting” the rights [22].

Law enforcement bodies raise the statues of the state and the society with the help of given wide authority for them by the government. Having such opportunities can make different problems connected with the conduct of such bodies and as a result law-and-order is violated.

In his speech “Conception of further deepening democratic reforms and formation of civil society in the country” on the joint session of the Legislative Chamber and Senate of Oliy Majlis of the Republic of Uzbekistan 12<sup>th</sup> November 2012 the First President of the Republic of Uzbekistan I. Karimov stated that “It is important to prepare and pass the

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law provided for by legal mechanism of developed democratic countries determining a special role of the institution of justice in exercising control over the implementation of law” [10].

It is necessary to note that the given task is very considerable and supervisory bodies will form effective mechanism of cooperation.

Specialists consider that priority of law enforcement bodies in the given direction that they have an authority to take measures on legal influence. Abuse of the given authority brings to negative consequences. That’s why the mechanism exercising control over the bodies is demanded to safeguard democracy.

At the same time, the First President of the Republic of Uzbekistan Islam Karimov stated that henceforward we do not endure negative factors by state structure and law enforcement bodies as extortion and corruption, bribery which defame the power in the eyes of people [22].

If these bodies or officials ignore execution of law, laws will lose their significance and lose courage of the society.

Perfection of democratic content of legal system and state administration in the process of forming civil society and building law-based state is naturally determined [23].

In these conditions, one can observe the legal relations in new level, renewal of legislation and coordinate it to social system. It demands the preparation, retraining and professional development of juridical personnel.

Forming of higher legal culture in the society is concerned with the conditions of legal education,

degree and quality of development and they all bring to finding out the solution of the problem and special attention to the given sphere [24].

We consider that it is important to note that content, essence of the scientific research and structure of legal culture, definition of philosophical, social, financial, psychological problems in its forming is the priority of the direction.

Building of legal state, strengthening law and order in the society is important without forming higher legal culture and spirituality of nation [11].

So, legal culture is an integral part of national spirituality and demands its perfection. Legal culture based on the standards and traditions, language, faith and spirituality of our nation contributing supremacy of law, profound respect and attention to human as well as the enlightenment and sense of justice [25].

Besides it deferential relation of law enforcement bodies towards the law, citizens, their rights and legal interests, stringently realization of legal mechanism have an important significance in forming culture of human rights [12].

### Conclusion

Thereby, culture of human rights is a high feeling for law and order, legal knowledge and legal culture denotes a supreme degree of civil society in which treats the law respectfully and freedoms of human and these senses are considered to be ordinary stand in life for all citizens, bodies of self-government and public authority.

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