

## THE ROLE OF REGIONAL INTERNATIONAL ORGANIZATIONS IN PROTECTING PEOPLE'S LABOR RIGHTS AND COMBATING DISCRIMINATION

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**Abstract:** This article explores the role of regional international organizations in protecting human labor rights and combating discrimination. The article analyzes the activities of regional organizations such as the Council of Europe, the African Union, and the Organization of American States, examining their legal foundations, mechanisms, and effectiveness in promoting and protecting labor rights. The study also examined the problems faced by these organizations and the lack of a unified human rights system in the Asia-Pacific region. Through comparative analysis, the importance of regional cooperation in the development of labor rights and the fight against discrimination was highlighted, and various socio-political movements influencing the effectiveness of these efforts were analyzed.

**Keywords:** regional international organizations, labor rights, discrimination, Council of Europe, African Union, Organization of American States, Asia-Pacific region, human rights mechanisms, international treaties

### INTRODUCTION

Currently, international norms on human labor rights have been adopted in all regions of the world: the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the American Convention on Human Rights (1969), the Islamic Declaration of Human Rights (1981), the African Charter on Human and Peoples' Rights (1981). The purpose of adopting these documents is to ensure fundamental human rights and freedoms, as well as to create specific supervisory bodies and mechanisms to monitor the fulfillment by states of obligations to ensure human rights and freedoms based on international norms. It is noteworthy that regional mechanisms must correspond to the goals and objectives of the UN, and this rule is established in Article 52 of the UN Charter.

The process of globalization, the universalization of human rights and freedoms, and their regionalization are not contradictory phenomena. By enriching each other, universal standards of human rights are gradually being adopted at the regional level, taking into account the specifics of historical, economic, and cultural development, as well as the diverse interpretation of human rights in accordance with religious, ethical, philosophical, and legal values<sup>1</sup>.

### METHODS

The research work consists of highlighting the theoretical and practical problems related to the prevention and elimination of discrimination in labor relations, a set of information aimed at their effective solution.

The research used the norms of legislation and the scientific and theoretical views of legal scholars on discrimination arising in labor relations and issues of responsibility for it, as well as the comparative legal method, methods of analysis, synthesis, observation, generalization, induction and deduction. These methods were used in various parts of the research work. In

<sup>1</sup> Караташкин В.А. Взаимодействие универсальных и региональных систем защиты прав граждан. Актуальные проблемы современного международного права: Материалы ежегодной межвузовской научно-практической конференции. Москва, 8-9 апреля 2011 г. / Отв. ред. А.Х. Абашидзе, Е.В. Киселёва. - М.: РУДН, 2012. - 4.1. С. 19.

particular, a comparative analysis of the countries studied in the research work was carried out using the comparative legal method. Through analysis and synthesis, statistical data were divided into separate parts and subsequently used to summarize.

Legal responsibility in the sphere of labor relations is studied as a complex functional institution. As noted in legal literature, intersectoral functional institutions arise at the intersection of several diverse and related branches of law and are aimed at regulating a specific area of social relations.

Scientific-analytical and comparative-legal methods were effectively used in presenting the article. In particular, during the analysis of regional legal documents, regional conventions were thoroughly studied.

## RESULTS

Each region has its own regional organizations for the protection of human rights, including labor rights. Regional organizations fighting against discrimination in labor relations, as on a global scale, contribute to ensuring labor rights and equality in different geographical areas. We will analyze the regional human rights organizations of each region separately.

The Council of Europe is an international organization that promotes cooperation between all European countries in the areas of the rule of law, human rights, democratic development, legality, and standards of cultural cooperation. The Council of Europe, founded in 1949, is one of the first international organizations in Europe. It includes 47 states<sup>2</sup>.

One of the main tasks of the Council of Europe was the protection of human rights, strengthening parliamentary democracy, and ensuring the rule of law.

A decision may be made to terminate the right to representation of members of an organization who have grossly violated the provisions of the Charter and have not observed the equality of human rights and freedoms.

The main bodies of the Council of Europe in the field of human rights are: the Committee of Ministers, the Parliamentary Assembly, the European Court of Human Rights, advisory bodies: the Venice Commission, the Congress of Local and Regional Authorities of Europe, and the Secretariat of the Council of Europe. The European Union is one of the main regional organizations in the fight against discrimination in the field of human rights and pays great attention to ensuring equality in labor relations.

**European Court of Human Rights.** Established under the auspices of the Council of Europe, it is the Regional Court of Human Rights, located in Strasbourg, France. The Court began its work in 1959 and has already issued more than 10,000 verdicts for violations of the provisions of the European Convention on Human Rights<sup>3</sup>.

The European Court of Human Rights considers appeals submitted by any person, non-governmental organization, or group of persons who believe that their rights under the European Convention have been violated<sup>4</sup>.

A noteworthy aspect of the European Court of Human Rights is that individuals who believe their rights have been violated can apply individually to the European Court of Human Rights. Nevertheless, the application procedure and requirements are quite complex.

<sup>2</sup> Council of Europe // <https://www.britannica.com/topic/Council-of-Europe> (murojaat sanasi:12.11.2024)

<sup>3</sup> European Court of Human Rights// <https://ijrcenter.org/european-court-of-human-rights/> (murojaat sanasi:12.11.2024)

<sup>4</sup> Постановление Европейского суда по правам человека по делу *Les saints monasteres против Греции* (10/1993/405/483-484). URL: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58180>

Applications that do not meet the established requirements will not be considered. Applications to the European Court of Human Rights can be submitted to national law enforcement agencies only after all national remedies have been exhausted. The Court, as the main body of the Council of Europe, makes decisions based on the laws and conventions adopted on human rights.

The European Court of Human Rights has reviewed a number of cases aimed at combating discrimination in labor relations. In particular, the role of the courts in combating discrimination in labor relations is especially important, since the courts are the highest decision-making body in protecting the rights of many workers and eliminating discrimination. For example, the case "Demir and Baykara v. Turkey" (application number: 34503/97) was considered by the European Court of Human Rights on November 12, 2008<sup>5</sup>. According to the content of the complaint, the applicants Kemal Demir and Vicdan Baykara were members of the Turkish civil servants union "Tüm Bel Sen," Vicdan Baykara was the president of the union. In 1993, the "Tüm Bel Sen" trade union signed a two-year collective partnership with the Gaziantep City Hall. However, Turkish courts deemed this agreement invalid, as according to current Turkish law, civil servants could not be members of a trade union. The European Court of Human Rights, having examined the case, ruled that, according to Article 11 of the European Convention on Human Rights, everyone has the right to freedom of peaceful assembly and freedom of association with others, including the right to form and join trade unions to protect their interests<sup>6</sup>. According to the court's decision, the provisions of Article 11 of the convention were violated, and the right of civil servants to join trade unions and other public associations is protected by the convention, which the Turkish government considers unreasonable to restrict.

The European Union has adopted a number of documents to ensure equality in labor relations. These laws create the main mechanisms for combating discrimination in labor relations. For example, it has adopted several directives and laws aimed at protecting people from discrimination based on gender, race, nationality, age, religious beliefs, physical capabilities, and other characteristics. One of them was the adoption by the Council of Europe in 1975 of the Directive "Equal Remuneration for Equal Work," which ensured equal working conditions and remuneration for men and women. It is established that workers performing work of equal value, regardless of gender or other grounds, must receive equal wages.

The European Union has also implemented a number of practical initiatives to combat discrimination. In particular, the 2017 European Social Rights Pillar (EPSR) is an initiative of the European Commission and consists of 20 basic principles and rights designed to support fair and well-functioning labor markets and social security systems.

This document embodies the European Union's approach to ensuring social justice and equality in the labor market. Through this document, the European Union put forward important ideas such as creating equal rights and fair working conditions for all citizens<sup>7</sup>.

<sup>5</sup> CASE OF DEMİR AND BAYKARA v. TURKEY (Application no. 34503/97)//  
[https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-89558%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-89558%22]}) (murojaat sanasi: 22.12.2024)

<sup>6</sup> European Convention on Human Rights - Article 11// <https://fra.europa.eu/en/law-reference/european-convention-human-rights-article-11-0> (murojaat sanasi: 12.12.2024)

<sup>7</sup> European Pillar of Social Rights//[https://employment-social-affairs.ec.europa.eu/policies-and-activities/european-pillar-social-rights-building-fairer-and-more-inclusive-european-union\\_en](https://employment-social-affairs.ec.europa.eu/policies-and-activities/european-pillar-social-rights-building-fairer-and-more-inclusive-european-union_en)  
(murojaat sanasi: 22.12.2024)

The European Commission examines the compliance of laws adopted by member states with the general legislation of the European Union. If the laws adopted by states contradict the norms adopted against discrimination established in international treaties, the organization can appeal to the European Court of Justice. The European Court reviews the received complaint and issues a corresponding ruling. Despite the fact that the above-mentioned practical measures have led to more positive results than in other regions, some problems still remain. In particular, as in other regions, wage inequality between women and men persists. Also, in some member states, there is still a shortage of jobs for people with disabilities, or working conditions do not meet the requirements, which is a serious obstacle to the employment of people with disabilities. Despite the adoption of the Racial Equality Directive in 2000, in some regions of the region, discrimination and oppression are still observed among certain segments of the population, especially black people and Muslims.

The leading organization for the protection of human rights on the African continent is the Organization of African Unity, the African Charter, which is the international regional standard protecting human rights and freedoms in the region. The Charter of the Organization of African Unity was approved on May 25, 1963. In 2002, the Organization of African Unity was transformed into the African Union. According to the founding document of the African Union, one of the main principles of the Union's activities is respect for democratic principles, human rights, the rule of law, and good governance<sup>8</sup>. The main task of the organization is to protect human rights at the regional level in accordance with the African Charter on Human and Peoples' Rights and other principles for ensuring human rights and freedoms.

The African Charter differs from other international norms in that, unlike the 1966 International Covenant on Civil and Political Rights (Article 4), the 1950 European Convention on Human Rights (Article 15), and the 1978 African Convention on Human Rights (Article 27), the African Charter does not specify exceptions to obligations in emergency situations<sup>9</sup>.

The Charter establishes the African Commission on Human and Peoples' Rights "In order to develop and ensure human and peoples' rights in Africa," which, within the framework of the area of human and peoples' rights development, is entrusted with the following tasks:

- a) to collect, study, and research documents on African human and people's rights issues, to organize seminars, symposiums, and conferences, to disseminate information, to support national and local human and people's rights organizations, and, if necessary, to submit opinions and recommendations to governments;
- b) formation and establishment of principles and norms aimed at solving legal problems related to the rights and fundamental freedoms of man and peoples; on the basis of which the governments of African states can develop their own legislation;
- c) cooperation with other African and international organizations engaged in the protection and development of human and people's rights<sup>10</sup>.

<sup>8</sup> УЧРЕДИТЕЛЬНЫЙ АКТ АФРИКАНСКОГО СОЮЗА // <https://docs.cntd.ru/document/901880996>  
(murojaat sanasi: 22.12.2024)

<sup>9</sup> African Charter on Human and Peoples' Rights // <https://au.int/en/treaties/african-charter-human-and-peoples-rights> (murojaat sanasi: 13.12.2024)

<sup>10</sup> African Charter on Human and Peoples' Rights // <https://au.int/en/treaties/african-charter-human-and-peoples-rights> (murojaat sanasi: 13.12.2024)

In 2005, an additional protocol to the Charter on Women's Rights (the Maputu Protocol) came into force. The document is an important document aimed at promoting and protecting women's rights in Africa. The Protocol mandates the elimination of discrimination against women in the workplace. Article 13 guarantees equal opportunities and rights in the work environment, including fair wages, equal pay for equal work, and protection from discrimination at work. According to the Protocol, women have the right to paid maternity leave or protection from dismissal during pregnancy, which fully complies with international labor standards, such as ILO Convention No. 183 on the Protection of Motherhood. The Protocol became an important source for African countries in introducing the norm of gender equality into labor legislation. In many African countries, there are still problems with the full realization of these rights, especially for women in agriculture or the informal sector.

In 2004, the Additional Protocol on the Establishment of the African Court of Human and Peoples' Rights came into force. As a result, the human rights protection system in Africa is based on a mechanism consisting of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.

African courts may apply for the protection of their rights in cases of equality or discriminatory actions in labor relations. Its functional duties are similar to the activities of judicial bodies of other regions and are modeled on them.

The court's jurisdiction is limited to considering matters concerning violations of the Charter's provisions. The court's decision is decisive and binding. The jurisdiction of the Court applies to resolving all disputes related to the interpretation and application of the African Charter, its supplementary protocols, and other human rights instruments ratified by the member states of the African Union. Of the 26 countries that ratified the Protocol, only 7 made a statement recognizing the jurisdiction of the court to consider individual complaints<sup>11</sup>.

Despite the fact that the efforts of the Organization of African Unity to combat discrimination have led to positive results, in practice, many problems still remain. In particular, wage inequality between women and men and discrimination in the workplace are still widespread. The high unemployment rate and the fact that women are mainly engaged in informal day labor makes it difficult for them to protect their rights. Moreover, high levels of discrimination still exist, especially between ethnic, religious, and social groups. Despite the fact that the organization takes measures to eliminate discrimination, it is difficult to eliminate discrimination and inequality in some countries.

The legal sources of the American Interstate System for the Protection of Human Rights and Freedoms include: the Charter of the Organization of American States (OAS) (adopted in 1948 and entered into force in 1951), the American Declaration on Human Rights and Obligations (1948), the American Convention on Human Rights (adopted in 1969 and entered into force in 1978), the Protocol to the American Convention on Economic, Social and Cultural Rights (1988), the American Convention on the Prevention, Punishment and Elimination of Violence against Women (adopted in 1994 and entered into force in 1995).

The Organization of American States takes measures to prevent discrimination against people on the basis of race, gender, nationality, religious beliefs, or other grounds. The Organization's legal documents and recommendations serve as an important legal resource for

<sup>11</sup> Activity report of the African Court for the year 2013. EX.CL/825(XXIV). URL: [http://www.african-court.org/en/images/documents/Reports/AfCHPR\\_Report\\_2013\\_English.pdf](http://www.african-court.org/en/images/documents/Reports/AfCHPR_Report_2013_English.pdf) (murojaat sanasi: 14.12.2024)

Member States to implement the necessary legal and political measures to combat discrimination. The Inter-American Labor Code is a system of international labor standards aimed at ensuring decent working conditions and protecting the rights of workers on the American continent. It encompasses labor rights, such as equal pay for equivalent work, freedom of association, the right to collective bargaining, and the right to strike, which contribute to improving working conditions for men and women.

The Charter of the Organization of American States, which entered into force in 1951, does not contain many norms devoted to human rights. Only, according to Article 5 of the document, the signatory states undertake to observe the fundamental rights of individuals without any discrimination based on race, nationality, religion, or sex<sup>12</sup>.

However, along with the Charter of the Organization of American States, the American Declaration of Human Rights and Obligations was adopted, which proclaimed 27 human rights and 10 human obligations.

The American Convention on Human Rights, adopted in 1969, guarantees twelve general categories of civil and political rights, such as the right to recognition as a subject of law, the right to life, the right to ensure human treatment, the right to a fair trial in court, the right to property, the right to freedom of association and accession to them<sup>13</sup>.

Inter-American Commission on Human Rights. The main tasks of this commission are defined in Article 41 of the American Convention on Human Rights. The Inter-American Commission on Human Rights is an important body of the Organization of American States, and the protection of human rights is considered the main functional task of the organization. The organization monitors labor rights in the countries of the American continent and prepares reports on them. These reports provide recommendations to states on improving labor rights. Individuals may apply to the Commission in case of violation of their labor rights. The Commission reviews complaints and makes appropriate recommendations, or the case can be referred to the American Court of Human Rights.

The Inter-American Commission on Human Rights plays an important role in the protection and implementation of labor rights on the American continent. The Commission calls on states to comply with international labor standards and assists in ensuring the rights of workers. Nevertheless, there are a number of problems. In particular, it complicates the implementation of decisions by responding to complaints about the protection of labor rights of some states or by restricting cooperation with the organization. The lack of funding and resources is a serious obstacle to comprehensive monitoring, monitoring, and control over the implementation of recommendations.

Although the measures taken by the organization to protect women's rights have yielded positive results, issues such as wage inequality among women and the shortage of women in high positions still exist. In addition, the organization tries to strengthen the role of trade unions in protecting labor rights by supporting their activities. However, in some countries, there are problems such as restrictions on the activities of trade unions, the prohibition of the right of

<sup>12</sup> Charter of the Organisation of American States//

<https://www.refworld.org/legal/constinstr/oas/1948/en/17877> (murojaat sanasi: 21.12.2024)

<sup>13</sup> Международное сотрудничество в области прав человека. -М., 1993. Вып. 2 .-С. 157-180.

workers to create free organizations. Inequalities and discrimination among ethnic, religious, and social groups continue in some countries.

The Inter-American Court of Human Rights is an international tribunal consisting of seven judges elected by member states, based in San Jose, Costa Rica, and has jurisdiction over disputes between parties<sup>14</sup>. The Inter-American Court of Human Rights has the right to resolve cases related to violations of the provisions of the international convention in member states. In addition, this court may issue advisory recommendations on specific human rights treaties.

The court has the authority to issue rulings on compensation (compensation) for damages in monetary form, indicating the violated rights and measures to be established by states in connection with the violation, as well as on the identified claim. In exceptional cases and to avoid further damage, the court may also issue a ruling on temporary measures<sup>15</sup>.

The Inter-American Court of Human Rights is one of the important bodies protecting human rights in the member states of the Organization of American States. There are a number of problems during the court's consideration of cases on the protection of human rights, in particular labor rights. In particular, although court decisions are binding on member states, in some cases they attempt to refuse or delay the implementation of these decisions. Also, the process of considering cases related to labor rights is often complex and time-consuming. This significantly prolongs the process of restoring or protecting the rights of victims.

The Asian continent has a diverse system unlike any other region. The Pact, which established the League of Arab States (ALS), one of the most important organizations operating in the region, entered into force in 1952. On September 15, 1994, the Arab Charter for Human Rights was adopted by the ADL member states. However, not a single member state of the organization has ratified a document. As a result, in 2003, the ADL Council revised this charter in accordance with international human rights standards. The project was subsequently approved at the ADL summit in May 2004. On March 15, 2008, this charter entered into force after the ratification of the document by the main Arab states.

## DISCUSSION

The Asia-Pacific region is the only one that does not have its own human rights system. The reason is that in this region, unlike other regions of the world, there is no unified organization.

The absence of a human rights system in the Asia-Pacific region is also explained by other factors, in particular, the breadth and diversity of the region. The countries of this region are not connected by a single religion, culture, or history, and their political and social conditions are also different. There are no real foundations of commonality, which could express the interests of Asia as a whole, as a whole. The UN is making enormous efforts to promote the conclusion of a regional agreement in this part of the world. Some experts believe that narrower regional structures, such as the Southeast Asian structure, will be more effective in this direction, and believe that it is necessary to create a system within this framework<sup>16</sup>.

Regional international organizations play an important role in the fight against labor rights

<sup>14</sup> Inter-American Court of Human Rights., [https://en.wikipedia.org/wiki/Inter-American\\_Court\\_of\\_Human\\_Rights](https://en.wikipedia.org/wiki/Inter-American_Court_of_Human_Rights) (murojaat sanasi: 18.12.2024)

<sup>15</sup> G., Yuldasheva, N., Gafurova., Inson huquqlari: darslik - T.: TDYU nashriyoti, 2023. – 148 b.

<sup>16</sup> Саидов А.Х. Инсон ҳуқуқдари буйича халқаро ҳуқуқ., Дарслик. - Т.: Консаудитинформ Нашр, 2006. - 177-6.

and discrimination. Although their successes are significant, even higher results can be achieved by addressing problems and implementing innovative approaches. These organizations continue to protect human rights and contribute to the social and economic development of society.

### CONCLUSION

Based on the foregoing, the issues of regional cooperation in the protection of human rights and freedoms, in particular, the rights of people to work, the creation of equal opportunities in the field of employment, and the fight against discrimination, the interaction of states that are close to each other in terms of historical origin, culture, and other issues in this area is being implemented more effectively. Nevertheless, we can see that the effectiveness of cooperation in different regions also varies. For example, the current integration of Europe among states contributes to the effective joint solution of human rights problems in this region. The main reason for this is that all European countries are very close to each other in terms of economic, social, cultural, political, geographical, and other factors. On the contrary, the vastness of the territory in Asia, the presence of various socio-economic factors, and various cultural and religious currents hinder the creation of an effective mechanism in this region. If we look at the experience of the American and African regions, we can see that the situation in these regions is relatively moderate. Although there are serious problems and shortcomings in practice that need to be addressed.

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