



Research Article

MODERN TRENDS IN RECOGNIZING THE RESPONSIBILITY OF TNCs FOR HUMAN RIGHTS VIOLATIONS IN INTERNATIONAL LAW

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ABSTRACT

This article reveals some aspects of the responsibility of transnational corporations for the violation of human rights in international law. Also considered modern approaches to recognizing a certain responsibility of TNCs, as well as the prospects for such recognition in the Republic of Uzbekistan.

KEYWORDS

Responsibility, human rights violations, TNCs, rights and freedoms, conventions, human values.

INTRODUCTION

International human rights law in most cases recognizes the responsibility of only two entities, namely states and individuals, for violations. States are considered fully responsible for the entire field of human rights, and this situation is reinforced in international treaties and international "ordinary law". The responsibility

of a person includes the actions related to the commission of crimes, implying responsibility for a small range of offenses.

Today, we can observe that economic globalization sometimes has a negative impact on the activity of state regulation and the life of

society. In order to attract investments and ensure employment, there are cases where countries are laxing their regulatory policies.

At the same time, according to the UNCTAD, in 2021, the weight of TNCs in the world is approximately 104 thousand main companies (only 300 TNCs in 1941) and more than 900 thousand of their overseas branches or affiliated (subordinate) companies. The total amount of foreign direct investments is more than 4 trillion US dollar. 70 percent of international payments related to loans and licenses are money transfers between parent companies and their foreign affiliates. Human rights obligations are likely to take a backseat to large financial flows.

Efforts by states to impose obligations on TNCs to contribute to areas where TNCs earn income and resources remain ineffective. In addition, some countries are slow to implement their human rights obligations. This puts in danger the effective provision of economic, social and cultural rights, which is considered a problematic issue in international law, and the implementation of which requires a lot of money.

The development of international law, especially in the 20th and 21st centuries, is quite progressive. In our opinion, this situation can be explained by only one reason. In particular, in traditional international law, only the state is defined as a single and full-fledged subject of international law, while modern international law today recognizes that international (intergovernmental) organizations, peoples and nations fighting for the establishment of an independent state, free cities, individuals and transnational corporations are subjects of international law cannot be completely denied. International law cannot be imagined without subjects of international law, because they are the

official creators of international law, otherwise the existence of international law without subjects of international law would be illogical. Therefore, the expansion of the ranks of international law subjects, the formation of international law subjects other than the state, indicates that international law is in a dynamic process and is constantly improving.

At present, the national legislation of the Republic of Uzbekistan has not yet developed a regulatory legal act that determines the holding of TNCs to any responsibility for observing human rights, violating or participating in the violation of these rights. In fact, in country, we can see that it is possible to bring general responsibility, both criminal and civil, through the officials of TNCs. However, we cannot observe in our national legislation any provisions that determine any responsibility for the violation of human rights by the TNCs that we are interested in.

By now, the number of TNCs in the Republic of Uzbekistan is certainly different from the number of TNCs in European countries, and states such as the USA, Japan, Korea and etc. However, since the years of independence, the level of this difference is gradually decreasing. Enterprises such as "Case-New Holland", "Case", "Uz-KORES Mining", "UzExside" (51% of the shares belong to "EurasiaTrans" Limited, Great Britain), including representative offices and branches of many foreign TNCs, are operating on the territory of the country.

Already in 1995, more than 2,000 business entities of Uzbekistan (15,497 as of December 1, 2022), including associations, concerns, and private enterprises, received the right to enter the foreign market. For example, it was agreed to establish a joint venture within the investment

project between "Uzavtosanoat" JSC and "Volkswagen Grupp Rus" LLC.

In short, by today, 190 conventions and 206 recommendations of the International Labor Organization have been developed. Uzbekistan became a member of the International Labor Organization on July 13, 1992, and in order to achieve the noble goals set by the UN and to implement international standards in the field of labor, Uzbekistan joined 16 conventions and 10 recommendations, and this process continues permanently.

It should not be forgotten that while human rights aim to protect the highest human values, even if the state did not participate in the violation of human rights, international law must respond to these violations. Also, the time has come to deviate from the traditional approach to human rights, in other words, to improve the doctrine that only the state can violate human rights, in particular, to expand it with a new subject. It is this outdated doctrine that allows TNCs to hide behind when they violate human rights. If we look at international practice, we can see that international law has already recognized the existence of international legal obligations of TNCs in the field of human rights.

In conclusion, recognition of the theory of international legal responsibility of TNCs for violating human rights is still in the initial stage. However, the significant influence of TNCs on the provision of human rights or the real danger of non-compliance with these rights requires the steady improvement of international legislation in this regard.

Also, it should be noted that Article 19 of the draft of the updated Constitution of the Republic of Uzbekistan states that the Republic of Uzbekistan

recognizes and guarantees human rights and freedoms in accordance with generally recognized norms of international law and in accordance with this Constitution. And in article 20 a new rule is fixed, according to which human rights and freedoms act directly.

The Constitution provides that ensuring human rights and freedoms is the highest goal of the state (Article 54). Also, for the first time, everyone has the right, in accordance with the legislation and international treaties of the Republic of Uzbekistan, to apply to international bodies for the protection of human rights and freedoms if all available domestic remedies have been exhausted (Article 55).

These changes will give a powerful impetus to further recognition of the responsibility of TNCs for the violation of human rights, including in Uzbekistan. In addition, these novelties will allow citizens to apply to international organizations in case of violation of their rights and freedoms by transnational corporations in Uzbekistan.

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