

ISSN 2518-1467 (Online),
ISSN 1991-3494 (Print)

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
ҰЛТТЫҚ ҒЫЛЫМ АКАДЕМИЯСЫНЫҢ

Х А Б А Р Ш Ы С Ы

ВЕСТНИК

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК
РЕСПУБЛИКИ КАЗАХСТАН

THE BULLETIN

THE NATIONAL ACADEMY OF SCIENCES
OF THE REPUBLIC OF KAZAKHSTAN

PUBLISHED SINCE 1944

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JANUARY – FEBRUARY 2019

ALMATY, NAS RK

NAS RK is pleased to announce that Bulletin of NAS RK scientific journal has been accepted for indexing in the Emerging Sources Citation Index, a new edition of Web of Science. Content in this index is under consideration by Clarivate Analytics to be accepted in the Science Citation Index Expanded, the Social Sciences Citation Index, and the Arts & Humanities Citation Index. The quality and depth of content Web of Science offers to researchers, authors, publishers, and institutions sets it apart from other research databases. The inclusion of Bulletin of NAS RK in the Emerging Sources Citation Index demonstrates our dedication to providing the most relevant and influential multidiscipline content to our community.

Қазақстан Республикасы Ұлттық ғылым академиясы "ҚР ҰҒА Хабаршысы" ғылыми журналының Web of Science-тің жаңаланған нұсқасы Emerging Sources Citation Index-те индекстелуге қабылданғанын хабарлайды. Бұл индекстелу барысында Clarivate Analytics компаниясы журналды одан әрі the Science Citation Index Expanded, the Social Sciences Citation Index және the Arts & Humanities Citation Index-ке қабылдау мәселесін қарастыруда. Web of Science зерттеушілер, авторлар, баспашылар мен мекемелерге контент тереңдігі мен сапасын ұсынады. ҚР ҰҒА Хабаршысының Emerging Sources Citation Index-ке енуі біздің қоғамдастық үшін ең өзекті және беделді мультидисциплинарлы контентке адалдығымызды білдіреді.

НАН РК сообщает, что научный журнал «Вестник НАН РК» был принят для индексирования в Emerging Sources Citation Index, обновленной версии Web of Science. Содержание в этом индексировании находится в стадии рассмотрения компанией Clarivate Analytics для дальнейшего принятия журнала в the Science Citation Index Expanded, the Social Sciences Citation Index и the Arts & Humanities Citation Index. Web of Science предлагает качество и глубину контента для исследователей, авторов, издателей и учреждений. Включение Вестника НАН РК в Emerging Sources Citation Index демонстрирует нашу приверженность к наиболее актуальному и влиятельному мультидисциплинарному контенту для нашего сообщества.

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«Қазақстан Республикасы Ұлттық ғылым академиясының Хабаршысы».

ISSN 2518-1467 (Online),

ISSN 1991-3494 (Print)

Меншіктенуші: «Қазақстан Республикасының Ұлттық ғылым академиясы»РҚБ (Алматы қ.)

Қазақстан республикасының Мәдениет пен ақпарат министрлігінің Ақпарат және мұрағат комитетінде
01.06.2006 ж. берілген №5551-Ж мерзімдік басылым тіркеуіне қойылу туралы куәлік

Мерзімділігі: жылына 6 рет.

Тиражы: 2000 дана.

Редакцияның мекенжайы: 050010, Алматы қ., Шевченко көш., 28, 219 бөл., 220, тел.: 272-13-19, 272-13-18,
<http://www.bulletin-science.kz/index.php/en/>

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Типографияның мекенжайы: «Аруна» ЖК, Алматы қ., Муратбаева көш., 75.

Г л а в н ы й р е д а к т о р
д. х. н., проф. академик НАН РК
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Р е д а к ц и о н н а я к о л л е г и я:

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«Вестник Национальной академии наук Республики Казахстан».

ISSN 2518-1467 (Online),

ISSN 1991-3494 (Print)

Собственник: РОО «Национальная академия наук Республики Казахстан» (г. Алматы)

Свидетельство о постановке на учет периодического печатного издания в Комитете информации и архивов Министерства культуры и информации Республики Казахстан №5551-Ж, выданное 01.06.2006 г.

Периодичность: 6 раз в год

Тираж: 2000 экземпляров

Адрес редакции: 050010, г. Алматы, ул. Шевченко, 28, ком. 219, 220, тел. 272-13-19, 272-13-18.

www: nauka-nanrk.kz, bulletin-science.kz

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Адрес типографии: ИП «Аруна», г. Алматы, ул. Муратбаева, 75

E d i t o r i n c h i e f

doctor of chemistry, professor, academician of NAS RK

M. Zh. Zhurinov

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Bulletin of the National Academy of Sciences of the Republic of Kazakhstan.

ISSN 2518-1467 (Online),

ISSN 1991-3494 (Print)

Owner: RPA "National Academy of Sciences of the Republic of Kazakhstan" (Almaty)

The certificate of registration of a periodic printed publication in the Committee of Information and Archives of the Ministry of Culture and Information of the Republic of Kazakhstan N 5551-Ж, issued 01.06.2006

Periodicity: 6 times a year

Circulation: 2000 copies

Editorial address: 28, Shevchenko str., of. 219, 220, Almaty, 050010, tel. 272-13-19, 272-13-18,
<http://nauka-nanrk.kz/>, <http://bulletin-science.kz>

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Address of printing house: ST "Aruna", 75, Muratbayev str, Almaty

Z. K. Ayupova¹, D. U. Kussainov², A. K. Bekbergenova³, Winston Nagan⁴

¹Kazakh national agrarian university, Almaty, Kazakhstan,

²Kazakh national pedagogical university named after Abai, Almaty, Kazakhstan,

³Kazakh national agrarian university, Almaty, Kazakhstan,

⁴University of Michigan, USA.

E-mail: zaure567@yandex.ru; daur958@mail.ru; bekbergenova81@bk.ru

MAJOR IDEAS AND MAIN VALUES OF THE UNIVERSAL UN DECLARATION ON HUMAN RIGHTS: THE 70-YEARS EXPERIENCE

Abstract. Annually, Human Rights Day is celebrated on December 10, the date, when, in 1948, the Universal Declaration of Human Rights, was translated into the largest number of languages and became the most influential in the world, was adopted by the United Nations Organization General Assembly. The Universal Declaration improved the daily lives of millions of people, indescribable suffering, and conrains the foundations of a more equitable in the world. The Universal Declaration promises already political safety for the people, eternal values of equality, justice and human dignity. This year, December 10, 2018, we have celebrated the 70-th anniversary of the Universal Declaration of Human Rights. The Universal Declaration constituted a world wounded by war as a means, prescribed by the states. It was compiled by the representatives and endorsed by the leaders of the countries from all continents, which not only provides for civil and political rights, but also social, economic and cultural rights.

Keywords: human rights, universal declaration, social justice, universal character, eternal values, human dignity, political decisions, legal foundations, elimination of discrimination, rule of law.

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction, based on the political status of countries or territories.

Whereas recognition of the inherent dignity and of the equal and inalienable rights of 4 all members of the human family is the foundation of freedom, justice and peace in the world, disregard and contempt for human rights have resulted in barbarous acts 5, which have outraged the conscience of mankind, and the advent of a world, in which human beings shall enjoy freedom of speech and freedom from fear, has been proclaimed as the highest aspiration of the common people. Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law. It is essential to promote the development of friendly relations between the nations. The people of the United Nations, have in the Charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms. Common understanding of these rights and freedoms means the greatest importance for the full realization of this pledge.

Universal Declaration of Human Rights as a common standard of achievement for all people and all nations, means that every individual and every organ of the society, shall promote the respect for these rights and freedoms by progressive measures, national and international, to secure their universal and

effective recognition and observance, both among the peoples of Member States by themselves and among the peoples of territories, under their jurisdiction.

As we wrote before, the Universal Declaration was adopted by the General Assembly of the United Nations on 10 December, 1948. The Universal Declaration became the agreement between the countries, agreed on comprehensive statement of inalienable human rights. The traumatic events of the Second World War showed that human rights are not always universally respected. After the war, the governments worldwide made a concerted effort to foster international peace and prevent conflict. In 1948, representatives from the 50 member states of the United Nations came together under the guidance of Eleanor Roosevelt (First Lady of the United States) to devise a list of all the human rights [1].

On 10 December 1948, the General Assembly of the United Nations announced the Universal Declaration of Human Rights – 30 articles – rights and freedoms, that belong to all of us. Seven decades on and the rights they included continue to form the basis for all international human rights law. The Universal Declaration begins by recognising that ‘the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world’. It declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. The Universal Declaration includes civil and political rights, like the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, like the right to social security, health and education.

The Universal Declaration is not a treaty, so it does not directly create legal obligations for the countries. However, it is an expression of the fundamental values, which are shared by all members of the international community. And it has had a profound influence on the development of international human rights law. Some argue that because countries have consistently invoked the Declaration for more than seventy years, it has become binding as a part of customary international law. Further, the Universal Declaration has given rise to a range of other international agreements, which are legally binding on the countries, which ratify them.

The Universal Declaration marked an important shift by daring to say that all human beings are free and equal, regardless of colour, creed or religion. For the first time, a global agreement put human beings, not power politics, at the heart of its agenda. The 30 rights and freedoms set out in the Universal Declaration; include the right to asylum, the right to freedom from torture, the right to free speech and the right to education. It includes civil and political rights, like the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, like the right to social security, health and education.

A summary of the 30 articles of the Universal Declaration of Human Rights:

Article 1: We are all born free. We all have our own thoughts and ideas and we should all be treated the same way.

Article 2: The rights in the Universal Declaration of Human Rights belong to everyone, no matter who we are, where we’re from, or whatever we believe.

Article 3: We all have the right to life, and to live in freedom and safety.

Article 4: No one should be held as a slave, and no one has the right to treat anyone else as their slave.

Article 5: No one has the right to inflict torture, or to subject anyone else to cruel or inhuman treatment.

Article 6: We should all have the same level of legal protection whoever we are, and wherever in the world we are.

Article 7: The law is the same for everyone, and must treat us all equally.

Article 8: We should all have the right to legal support if we are treated unfairly.

Article 9: Nobody should be arrested, put in prison, or sent away from our country unless there is good reason to do so.

Article 10: Everyone accused of a crime has the right to a fair and public trial, and those that try us should be independent and not influenced by others.

Article 11: Everyone accused of a crime has the right to be considered innocent until they have fairly been proven to be guilty.

Article 12: Nobody has the right to enter our home, open our mail, or intrude on our families without good reason. We also have the right to be protected if someone tries to unfairly damage our reputation.

Article 13: We all have the right to move freely within our country, and to visit and leave other countries when we wish.

Article 14: If we are at risk of harm we have the right to go to another country to seek protection.

Article 15: We all have the right to be a citizen of a country and nobody should prevent us, without good reason, from being a citizen of another country if we wish.

Article 16: We should have the right to marry and have a family as soon as we're legally old enough. Our ethnicity, nationality and religion should not stop us from being able to do this. Men and women have the same rights when they are married and also when they're separated. We should never be forced to marry. The government has a responsibility to protect us and our family.

Article 17: Everyone has the right to own property, and no one has the right to take this away from us without a fair reason.

Article 18: Everyone has the freedom to think or believe what they want, including the right to religious belief. We have the right to change our beliefs or religion at any time, and the right to publicly or privately practise our chosen religion, alone or with others.

Article 19: Everyone has the right to their own opinions, and to be able to express them freely. We should have the right to share our ideas with who we want, and in whichever way we choose.

Article 20: We should all have the right to form groups and organise peaceful meetings. Nobody should be forced to belong to a group if they don't want to.

Article 21: We all have the right to take part in our country's political affairs either by freely choosing politicians to represent us, or by belonging to the government ourselves. Governments should be voted for by the public on a regular basis, and every person's individual vote should be secret. Every individual vote should be worth the same.

Article 22: The society we live in should help every person develop to their best ability through access to work, involvement in cultural activity, and the right to social welfare. Every person in society should have the freedom to develop their personality with the support of the resources available in that country.

Article 23: We all have the right to employment, to be free to choose our work, and to be paid a fair salary that allows us to live and support our family. Everyone who does the same work should have the right to equal pay, without discrimination. We have the right to come together and form trade union groups to defend our interests as workers.

Article 24: Everyone has the right to rest and leisure time. There should be limits on working hours, and people should be able to take holidays with pay.

Article 25: We all have the right to enough food, clothing, housing and healthcare for ourselves and our families. We should have access to support if we are out of work, ill, elderly, disabled, widowed, or can't earn a living for reasons outside of our control. An expectant mother and her baby should both receive extra care and support. All children should have the same rights when they are born.

Article 26: Everyone has the right to education. Primary schooling should be free. We should all be able to continue our studies as far as we wish. At school we should be helped to develop our talents, and be taught an understanding and respect for everyone's human rights. We should also be taught to get on with others whatever their ethnicity, religion, or country they come from. Our parents have the right to choose what kind of school we go to.

Article 27: We all have the right to get involved in our community's arts, music, literature and sciences, and the benefits they bring. If we are an artist, a musician, a writer or a scientist, our works should be protected and we should be able to benefit from them.

Article 28: We all have the right to live in a peaceful and orderly society so that these rights and freedoms can be protected, and these rights can be enjoyed in all other countries around the world.

Article 29: We have duties to the community we live in that should allow us to develop as fully as possible. The law should guarantee human rights and should allow everyone to enjoy the same mutual respect.

Article 30: No government, group or individual should act in a way that would destroy the rights and freedoms of the Universal Declaration of Human Rights.

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. 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 [2].

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Later a string of Soviet amendments was rejected. The first would have replaced the article of the draft stating that the rights outlined applied equally to all inhabitants of trust and non-self-governing territories by one stating that every people and every nation has the right to self-determination, and specifically laying down that “national minorities shall be guaranteed the right to use their native language and to possess their own national schools libraries, museums, and other cultural and educational institutions” and saying that the rights set out “shall be extended to the population of non-self-governing territories, including colonies” [3].

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes, in accordance with the law, in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

For the Universal Declaration of Human Rights, it is “a common standard of achievement ... Every individual and every organ of society” must see to it, “by progressive measures,” that the rights, which it lays down are put into effect, and there is later to be an international covenant, which will commit the member states even more.

All human beings are born free and equal in dignity and rights. This simple yet radical idea is enshrined in the Universal Declaration of Human Rights. The Universal Declaration begins by recognising that ‘the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world’. It declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. We would like to stress again, that the Universal Declaration includes civil and political rights, like the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, like the right to social security, health and education [4].

Let us remind that the Universal Declaration is not a treaty, so it does not directly create legal obligations for countries. However, it is an expression of the fundamental values which are shared by all members of the international community. And it has had a profound influence on the development of international human rights law. Human rights are at the heart of the Sustainable Development Goals, as in the absence of human dignity we cannot drive sustainable development. A human right is clean water and food, it is health and the opportunity to lead a peaceful life; It is life on land and walking the Earth among its many beings. Human Rights are driven by progress on all Sustainable Development Goals, and they are driven by advancements on human rights. December 2018 marks the 70-th anniversary of the Declaration. Over the next year, we’re exploring how this seminal document has impacted history and changed lives around the globe. The human rights movement has made great strides in the past seven decades, but

abuses still occur with saddening regularity. The anniversary of the Declaration is an opportunity to celebrate successes and recommit ourselves to the principles outlined in the Declaration's 30 Articles. As stated in the preamble, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." The Declaration empowers all of us to stand up for our own human rights and those of others.

So, we present the Declaration here as a living document, universal in scope and fiercely relevant to each individual. December 10 is Human Rights Day, a day commemorating the United Nations General Assembly's adoption of the Universal Declaration of Human Rights and the importance of securing human rights for all people.

When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Everyone has the right to liberty and security of person [5, p. 276]. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority [6, p. 149].

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent [7, p. 74]. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights”.

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights[8, P.104]. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

In the conclusion, we emphasize that the provisions of the Universal Declaration of Human Rights shall apply Human rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

**З. К. Аюпова, Д. Ө. Құсайынов,
А. К. Бекбергенова, Уинстон Наган**

**АДАМ ҚҰҚЫҚТАРЫ ЖӨНІНДЕГІ БҰҰ-НЫҢ
ЖАЛПЫ ДЕКЛАРАЦИЯСЫНЫҢ
НЕГІЗГІ ИДЕЯЛАРЫ МЕН БАСТЫ ҚҰНДЫЛЫҚТАРЫ:
70 ЖЫЛ ТӘЖІРИБЕСІ**

Аннотация. Әр жылда 10-желтоқсанда адам құқықтары күні аталып өтіледі. Яғни 1948 жылы адамдардың жалпы құқығы туралы құжаттың декларациясы жайындағы үндеуі әлемдегі ең басымдыққа ие тілдеріне аударылып, Біріккен Ұлттар Ұйымының Бас Ассамблеясымен қабылданды. Сол қалпында ол құжат 70 жыл қолданыста болды. Осы құжаттың арқасында миллиондаған адамдардың өмір сүру жағдайлары жақсарды. Адамдар мен адамдар арасындағы әділетсіздік жойылып, жаңаша әділетті өмірдің негізі қаланды. Осы құжаттағы көптеген алға қойған мақсаттар жүзеге асып болғанымен, оның қабылдану тарихы мен одан кейінгі өмір тәжірибесі уақыт талабына жауап беріп онда қойылған құндылықтардың универсалды екендігін теңдік пен әділеттілікті және адам құқықтарын сақтауды жүзеге асыратындығын дәлелдеді. Биыл біз осы құжаттың қабылданғандығының 70-жылдығын атап өтудеміз. Адам құқығының жалпы декларациясын қабылдағанда әлем жаңа ғана біткен соғыстан жаралы болатын, сондықтан да әлем халықтары басынан кешкен қателіктерді, табиғи инстинкттерді жоя отырып, осы құжатты қабылдады. Оны қабылдауға барлық континенттер мен мемлекеттердің басшылары қатысып, тек қана азаматтық емес сонымен қатар, саяси құқықтарды, әлеуметтік, экономикалық және мәдени құқықтарды да қарастырды.

Түйін сөздер: адам құқығы, жалпы декларация, әлеуметтік әділеттілік, универсалды сипат, мәңгі құндылықтар, адамның толыққандылығы, саяси шешімдер, заңнамалық негіздер, дискриминацияны жою, құқықтың басымдылығы.

З. К. Аюпова¹, Д. У. Кусайнов², А. К. Бекбергенова³, Уинстон Наган⁴

¹КазНАУ, кафедра права, Алматы, Казахстан,

²КазНПУ им. Абая, общеуниверситетская кафедра политологии и социально-философских дисциплин, Алматы, Казахстан,

³КазНАУ, кафедра права, Алматы, Казахстан,

⁴Университет Мичиган, США

ОСНОВНЫЕ ИДЕИ И ГЛАВНЫЕ ЦЕННОСТИ ВСЕОБЩЕЙ ДЕКЛАРАЦИИ ООН ПО ПРАВАМ ЧЕЛОВЕКА: ОПЫТ 70-ЛЕТ

Аннотация. Ежегодно День прав человека отмечается 10 декабря, в день, когда в 1948 году Всеобщая декларация прав человека, документ, переведенный на наибольшее число языков и, возможно, наиболее влиятельный в мире, была принята Генеральной Ассамблеей Организации Объединенных Наций, которая сама просуществовала к тому времени всего три года. Благодаря Всеобщей декларации улучшилась повседневная жизнь миллионов людей, были предотвращены невыразимые страдания и заложены основы более справедливого мира. И хотя ее обещания уже, в основном, выполнены, сам факт того, что она прошла проверку временем, является свидетельством универсального характера ее вечных ценностей равенства, справедливости и человеческого достоинства. В этом году - 10 декабря 2018 года - мы отпраздновали 70-летие принятия Всеобщей декларации прав человека. Всеобщую декларацию составил мир, израненный войной, в качестве средства, предписанного государствами для того, чтобы оградить население от их собственных худших инстинктов и ошибок. Она была составлена представителями и одобрена лидерами стран всех континентов, в которой предусмотрены не только гражданские и политические права, но также социальные, экономические и культурные права.

Ключевые слова: права человека, всеобщая декларация, социальная справедливость, универсальный характер, вечные ценности, человеческое достоинство, политические решения, юридические основы, ликвидация дискриминации, верховенство права.

Information about authors:

Ayupova Z.K., doctor of juridical sciences, professor, chair of law, Kazakh national agrarian university, Almaty, Kazakhstan; zaure567@yandex.ru; <https://orcid.org/0000-0002-5925-1619>

Kussainov D.U., doctor of philosophy sciences, professor, interuniversity chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Almaty, Kazakhstan; daur958@mail.ru; <https://orcid.org/0000-0003-4274-5986>

Bekbergenova A.K., Senior teacher, chair of law, Kazakh national agrarian university, Almaty, Kazakhstan; bekbergenova81@bk.ru; <https://orcid.org/0000-0002-5636-9478>

Nagan Winston, professor of law, University of Michigan, USA, Department of Law, United States of America; <https://orcid.org/0000-0001-7381-8389>

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ISSN 2518-1467 (Online), ISSN 1991-3494 (Print)

<http://www.bulletin-science.kz/index.php/en/>

Редакторы *М. С. Ахметова, Т. М. Апендиев, Д. С. Аленов*
Верстка на компьютере *Д. Н. Калкабековой*

Подписано в печать 11.02.2019.
Формат 60x881/8. Бумага офсетная. Печать – ризограф.
19,2 п.л. Тираж 500. Заказ 1.