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THE ISSUES OF INTERNATIONAL LEGAL PERSONALITY OF THE INDIVIDUAL AND HUMAN RIGHTS

In international law, a core aspect leads to the issue of the legal personality of the individual, which start to be considered specifically from mid-20th century. This was since that time the common concepts of human rights had already been worked out. The implemented international documents on human rights made it possible to come close to the solution of another equally important issue of legal personality of the individual. It should be admitted that, in the real theory of international law, this problem is not sufficiently completed, although there have already been some dramatic attempts in this direction. Even though the theme in the field of international law seems to be investigated, relating to the general concept of human rights, the problem of their relationship with the legal personality of an individual is not sufficiently discovered in international law; we set the target of defining how the study of this problem is currently under improvement integration process. Therefore, this article was aimed, first, at figured out what constitutes the basis of the legal personality of an individual. First, the article concentrated on the diverse views of scholars, and based on this, tried to find out the essence and semantic signification of each of them, as well as to determine some key elements that facilitate to define the relationship between human rights and the legal personality of an individual.

Key words: individual, legal personality, human rights, concept, geopolitics.

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Жеке тұлғаның халықаралық құқық субъектілігі мәселесі және адам құқықтары

Халықаралық құқықта адамның құқыққабілеттілігі туралы мәселе маңызды мәселе болып табылады, олар XX ғасырдың ортасынан бастап егжей-тегжейлі зерделе бастады, өйткені осы уақытта адам құқықтарының жалпы ұғымдары (концепциялары) қалыптаса басталды. Адам құқықтарына қатысты қабылданған халықаралық құжаттар осы мәселені шешу үшін бір қадам болса да жеке тұлғаның құқыққабілеттігіне жақындатады және маңызды мәселесін шешуге мүмкіндік берді. Алайда, халықаралық құқық теориясында осы мәселе жеткілікті түрде толық емес екенін мойындау керек, бірақ осы бағыттағы кейбір елеулі әрекеттер жасалды. Халықаралық құқық теориясында бұл проблема жеткілікті дәрежеде аяқталмағанын мойындау керек, дегенмен бұл бағытта бірқатар маңызды әрекеттер жасалды. Адам құқықтарының жалпы тұжырымдамасына қатысты халықаралық құқық саласындағы тақырып зерттелетініне қарамастан, халықаралық құқықта олардың жеке тұлғаның құқықсубъектілігін және адам құқықтарының қарым-қатынасы мәселесі жеткілікті түрде ашылмағанына қарамастан, біз осы проблеманы зерттеу қазіргі кезде қалай дамып жатқандығын нақтылауды мақсат етіп қойдық жаһандану кезіндегі жағдайды. Сондықтан, бұл мақала, ең алдымен, жеке тұлғаның құқықсубъектілігін негізін құрайтын нәрсені анықтауға бағытталған. Біріншіден, мақалада ғалымдардың әр түрлі пікірлеріне назар аударылды және соған сүйене отырып, олардың әрқайсысының мәні мен мағыналық мағынасын ашуға, сонымен бірге адам құқықтары мен жеке тұлғаның құқықсубъектілігін құқықсубъектілігін арақатынасын анықтауға ықпал ететін кейбір негізгі элементтерді анықтауға тырыстық.

Түйін сөздер: жеке тұлға, құқықсубъектілік, адам құқығы, концепция, геосаясат.

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К вопросу о международной правосубъектности индивида и права человека

В международном праве важным аспектом остается вопрос правосубъектности индивида, который более детально начали рассматривать с середины XX века. Это было связано с тем, что к этому моменту уже были проработаны общие концепции прав человека. Принятые международные документы по правам человека позволили вплотную приблизиться к решению еще одного не менее важного вопроса правосубъектности индивида. Следует признать, что, в теории международного права, эта проблема не является достаточно завершенной, хотя уже были сделаны некоторые значительные попытки в этом направлении. Несмотря на то, что тема в области международного права кажется исследованной, касательно, общей концепции прав человека, то вопрос их взаимосвязи с правосубъектностью индивида недостаточно раскрыто в международном праве, мы ставили цель в прояснении, как обстоит изучение данной проблемы в настоящее время в условиях развития интеграционного процесса. Поэтому данная статья была направлена, прежде всего, на выяснение того, что составляет основу правосубъектности физического лица. В первую очередь, в статье акцентировали внимание на разнообразные мнении ученых, и исходя из этого, попытались раскрыть суть и смысловое значение каждого из них, а также определить некоторые ключевые элементы, способствующие к определению взаимосвязи прав человека и правосубъектности индивида.

Ключевые слова: индивид, правосубъектность, права человека, концепция, геополитика.

Introduction

Perestroika in the USSR, democratic processes in Eastern Europe and Latin America, the occurrence of democratic countries on the African continent, the rapid economic development of the Asian region, the «Arab Spring» – led to geopolitics focused on peace and the defense of the fundamental foundations of human rights. At the same time, modern geopolitics is more focused on international relations than on the geographical factor, focusing on the development of partnerships with all international players, not just states. The geopolitics of the twenty-first century includes not only geography, but also history, sociology, international law, economics and religion, and the key subject of geopolitics is still the state.

From the content of the previous articles on the legal personality of the individual, we have come to the decision that today the official recognition of the international legal personality of individuals depends solely on States. It is their position that is decisive in this matter.

States define their official position in the international arena on the issue of the international legal personality of natural persons by voicing their position on such a more general issue as human rights. In our opinion, the recognition of the international legal personality of individuals is the highest form of recognition of human rights, in the legal sense, it means raising the individual to the level of the state on all fundamental issues of international law immediately related to the rights and interests of the individual.

However, it should be borne in mind that the contemporary world consists of states belonging to different civilizations and having different socio-political systems. Each of these States has its own history, legal traditions, and cultural values, on which the view of human rights largely depends, and accordingly, their approaches to human rights differ. This explains the presence of different concepts of human rights, which, however, have much in total.

Material and methods

Within the scope of the work, the following materials are used as research materials:

- International legal acts the European Convention for the Protection of Human Rights and Fundamental Freedoms.

- Scientific articles, monographs and other scientific materials devoted to the issues of the legal personality of the individual and the general concept of human rights.

The research methods used in this article are analysis (including analysis of legal acts, statistics, proposals and projects, opinions of different researchers), comparison (including opinions and proposals), synthesis (based on analysis and comparison).

Results and discussion

At present, more and more emphasis is paid to human rights as a concept that is at the heart of the theory of the rule of law. Human rights in their current configuration constitute a great victory of modern international law; its high aspirations are feasible (Domingo, 2010:142).

Different approaches and methods to human rights do not exclude international cooperation in the field of human rights, which is confirmed by the fact that a number of international human rights treaties and other international instruments have been adopted to date. Despite the fact that these international treaties have not yet become fully universal, all States admit and recognize the international legal principle of respect for human rights. In other words, no State denies human rights as such. From this, it can be concluded that the idea of the need to ensure and protect human rights is recognized by all States and is a universal idea.

Meanwhile, at present, the question of what exactly should be meant by the universality of human rights and what its limits are is very relevant in international law. There is no agreement on this issue. According to the Western researcher Baderin, it is necessary to distinguish between the universality of human rights and universalism in the field of human rights. In his view, the universality of human rights means the universal acceptance of the idea of human rights, while universalism in the field of human rights refers to the interpretation and application of the idea of human rights. If the universality of human rights has been achieved today, as evidenced by the fact that no State today denies human rights, and then universalism in the field of human rights is still far from being achieved, since universalism presupposes the existence of universal agreement on the interpretation and application of international human rights law (Baderin, 2003:302).

The concept of universalism in the field of human rights is based on the following two supposes:

1) The norms of substantive law that enshrine human rights and freedoms mechanisms must be the similar.

(2) The application of human rights norms should be uniform.

When considering the question of universalism in the field of human rights, one should not forget about the existence of the theory of cultural relativism, which assumes and demonstrates that human rights are not the product of exclusively Western civilization but are inherent and core in all of humanity and are based on morality. Therefore, human rights cannot and should not be interpreted without regard to the cultural differences of people.

Literature review

As Bradshaw appropriately points out and states, based on the fact that article 31 of the International Covenant on Civil and Political Rights of 1966 establishes the need for elections to the Human Rights Committee to take into account the equitable geographical distribution of members and the representation of different forms of civilization and the essential and core legal systems, it can be concluded that the Covenant itself admits the need for an approach to its conception that is not based solely on any one theme of human rights (Bradshaw, 1999). The same provisions and rules are contained in several other international human rights treaties.

The disadvantage and drawback of the theory of cultural relativism is that there is a risk of abuse, that is, it can be used to justify human rights violations. On the other hand, the interpretation of international human rights based on solely on the liberal thematic of human rights and freedoms, proposed by the proponents of strict universalism, has the disadvantage that it is purely Western, and in fact is not universal. Thus, this theory, which claims to be Universalist, can itself be criticized as culturally related to Western values. In this regard, A. Brisk quotes S. Huntington, who, going beyond human rights, noted that universalism is an ideology adopted and implemented by the West to oppose non-Western cultures, and representatives of non-Western cultures see what the West sees as universal as Western (Brysk 2002: 321). Therefore, the very theory and conception of universalism in the field of human rights is perceived in many non-Western countries as a form of neocolonialism, the aim of which is to strengthen the dominance of the Western part.

In terms of the theory of cultural relativism, some countries, such as the States of the Asia-Pacific region, believe that their desire to preserve the traditional culture of their peoples is fully justified, but is not always admitted by Western governments and non-governmental organizations. The countries of Latin America and the Caribbean have also repeatedly demonstrated the view that the concept of the universality of human rights can expose their countries to an unacceptable level of foreign interference, so they strongly opposed the idea of dependence between the observance of human rights and freedoms and the number of economic assistances provided to countries (Abdullahi 1992: 488).

The Islamic concept of human rights differs even more from the Western concept of human rights. Kazakh scholar Nurumov notes that the rejection by the peoples of the Middle East of the Western European and American understanding of human rights, with its emphasis on political and civil individual rights, is because the Western genesis of human rights as a defense of the individual against the tyranny of the state is only partially relevant in the third world. Most developing countries depict that although they suffer from human rights violations, they see the main source of their oppression and exploitation in the structure of international relations monopolized by the Western powers that dictate the rules of the game. Therefore, it is not astonishing that, for example, Arab organizations in the Middle East view human rights in a broader and wider context than is done in Europe or America. They believe that human rights should consist of respect for sovereignty, the right of peoples to economic development and the eradication of poverty, protection from foreign occupation, ethnic cleansing, and apartheid policies. They believe that human rights in Islam and Arab social traditions also have a long history, but in the context of a family, clan, tribe, or modern state. Understanding human rights in this light, they see the main reason for the destruction of the family, the frightening increase in crime and serious social anomalies in the excessive focus of the West on individual rights (Nurumov 2000: 193).

Considering the problem of cultural relativism, scholar Nurumov formulates four features in the approach to human rights on the part of developing countries:

1) Promotion of the principle of unity of rights and obligations, as well as responsibility to other individuals in the implementation of human rights. Individual rights must be complemented by the collective rights of peoples.

2) The right of peoples to development is a key right in the whole concept of human rights. This is especially specifically important, since under the current system of protection of individual human rights, all economic, political, and cultural advantages are on the side of the West.

3) The existence of general structural inequality is a fundamental violation of human rights. It is the source of most of the problems and issues of the «third world» countries».

4) Human rights are a Western construct that, by speculating and stating on individual rights, ensures the domination of the North over the South. It is necessary to ensure non-interference in the internal affairs of developing countries, respect for the cultures of their peoples based on the theory of cultural relativism and the concept of national sovereignty (Nurumov 2000:193).

According to Krivolapov, to solve and overcome the problem and issue of cultural relativism, it is very important to have a fair geographical distribution of members and the representation of various forms of civilization and the main legal systems in the human rights treaty bodies, which should contribute to such a universal interpretation and, accordingly, the creation of universal international standards in the field of human rights that would be acceptable to all cultures. This is also the focus of the Vienna Declaration and Programme of Action of 1993, which states that «all human rights are universal, indivisible, interdependent and interrelated», but also defines and states that «although the significance of national and regional specificities and various historical, cultural and religious features and characteristics must be borne in mind, States, regardless of their political, economic and cultural systems, have a duty to promote and protect all human rights and fundamental freedoms». It seems that in this case we are going on about the universality of human rights, meaning that the legal norms that enshrine human rights should be universal, but this does not mean that they should be interpreted in the same way in all cases in practice. Otherwise, it would not make sense to include in the Vienna Declaration and Programme of Action of 1993 a rule or a so-called provision on the need to consider and solve national and regional specifics and various historical, cultural, and religious features (Krivolapov 2006: 213).

In addition to the problem of cultural relativism, which hinders the universalism of the idea of human rights, including in the recognition of the international legal personality of the individual, the geopolitical factor is also of great importance, which also has a significant impact on the positions of States on this issue. In this respect, the example of the post-Soviet states is illustrative

It should be noted that the post-Soviet space is currently heterogeneous and is undergoing gradual geopolitical erosion and defragmentation. Thus, some post-Soviet states clearly became an integral part of the Euro-Atlantic world, elements of which they carried in themselves and as part of the USSR – these are the Baltic States. Third post-Soviet countries are drifting in this direction-Moldova, Azerbaijan. Many of these countries are in the orbit of cooperation between the Eurasian states of the post-Soviet space for reasons of a geographically

forced nature, without yet having a real choice, an alternative. As a result, as noted by the Kazakh scientist S.Aidarbayev, from a geopolitical point of view, only a few states are true adherents of Eurasianism. Of these, of course, the Eurasian states with Eurasian roots are Russia, Kazakhstan, Kyrgyzstan, and Tajikistan. Belarus, which is also in the orbit of Eurasian integration, is currently a Eurasian state, but in the event of a change of the ruling regime to a more liberal one, it can fall into the sphere of influence of the Atlanticist West due to its direct proximity to economically and politically powerful Euro-Atlanticist neighbors. Finally, we should mention the still geopolitically undecided state, which, however, has unambiguously Eurasian roots, precedents – Uzbekistan. Armenia is also close to the Eurasian integration core field, but the position of this country is explained more by an unfriendly geographical neighborhood than by free choice. Apparently, these reasons can explain the fact that Russia, Kazakhstan, Kyrgyzstan, Armenia, and Belarus today form the core of the most advanced integration group in the post-Soviet space-the Eurasian Economic Union (Aidarbayev 2010: 329).

If we compare Eurasian and European integration process, then European integration is initially based on the concept of Euro-Atlanticism, the core of which is the idea of human rights. Thus, in accordance with Article 6 (former article 1bis) It is based on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are shared by Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. In paragraph 3 of Article 6, it is defined that «fundamental rights, as they are guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they follow from the constitutional traditions common to the member States, are included in the content of the law of the Union as general principles» (the European Convention).

To date, nowadays these general principles of EU law are among the sources of European law actively used by the Court of Justice of the EU (Entina 2000: 720-96). Thus, human rights are elevated in the EU to the category of general principles of European law. As a result, it can be stated that human rights are a category that serves as a criterion for the legitimacy of all EU integration activities.

As for the States of the post-Soviet space, they have also established in their constitutional acts a list of fundamental human rights and freedoms in the form that it is understood in Western countries. However, the attitude to these individual rights in the post-Soviet countries differs. In the theoretical constructions of the ideologists of modern Russian Eurasianism, the idea of human rights is sometimes brought to an extreme degree of belittlement, being opposed to the idea of the rights of peoples. Thus, the well-known ideologist of Eurasianism Dugin states that the idea of the universality of Western democracy is a Nazi idea, which is nevertheless firmly hammered into our heads. In support of his thesis, he gives the following arguments. Different people create different political systems, different models of power. Being different, they govern themselves in different ways, create different systems. This is the diversity of the world, of history. Western democracy embodies the experience of Western ethnic groups, summarizes and sums it up their historical, political, and social experience. This is wonderful, but where does the belief that this is universal criteria come from? Is that a political optimum? It is taken only from essentially racist premises, identifying only the western sector of humanity with the actual people, and the rest of the peoples, equating them with savages, sub-humans» says Dugin. The rights of peoples are the axis of Eurasian jurisprudence, while human rights are the» battle cry of «globalism, Atlanticism and Westernization» the scientist exclaims (Dugin, 2004:512-218).

The main conclusion of Dugin is that the idea of Western democracy «as something without alternative is a lie and a form of intellectual occupation (Dugin 2004: 512-218).

Kazakh scientists also came to the conclusion in unison with Dugin, although the Kazakh version of Eurasianism is more moderate. As Busurmanov writes, from the first years of the formation of an independent state, the process of borrowing the Western European idea of human rights to cultivate it on our Kazakh «non-Western» soil led to the emergence of situations that do not always fit and coincide with established foundations. We began to be misunderstood, and the chain of successive steps aimed at understanding and implementing democratic values began to be questioned (Busurmanov, 2005). Our Eurasian essence finds its expression and is reflected in the perception of well-known theoretical dogmas and postulates in the field of human rights, as well as the mechanisms for ensuring them, «he continues. The scientist formulates the essence of his

position as follows: without rejecting the European concept of human rights, it should be recognized that along with it there is also an Islamic, Chinese, Japanese, traditionalist, socialist, and in our case, the Eurasian concept of human rights. Human rights must also be perceived from the perspective of their adequacy to collectivist and public interests and expectations, as well as their mutual responsibility to each other. According to professor Busurmanov, the excessive and overwhelming fascination with only rights and freedoms to the detriment of the duties and responsibilities of the individual contributed to the formation of selfish individualism. Therefore, the Eurasian concept of human rights from this point of view appears to be the most relevant and meets the challenges and pros and cons of the time (Busurmanov, 2005).

It should be noted that even in such a Eurasian format, human rights are not a basis, principle, or something the same for integration processes. The Eurasian states, are truthful to themselves in this matter, do not consider human rights as the main and core element, part of integration. Human rights in these processes stay on the second, if not on the third role, although in the basic laws of almost all these states, the person, his life, rights and freedoms are admitted as the highest value of the state.

In this regard, professor S.Aidarbayev notes that it is noteworthy that in the preamble of almost all integration treaties of the post-Soviet countries, the commitment to the principles and mechanisms of international law is emphasized, but human rights are not singled out as a separate principle. This state of affairs can be demonstrated by the fact that human rights in the European sense, normatively enshrined in constitutional acts, are a category for «external» use, while in the practice of interstate relations, the Eurasian states prefer to agree not on the protection or provision of abstract general human rights, but on the fate of their compatriots, their collective rights, primarily to preserve ethnic identity (Aidarbayev 2010: 416-291). It is impossible to disagree with this point of view.

Thus, Russian neo-Eurasianism is openly anti-Western in nature, bringing some civilizational differences between the West and Eurasia to hypertrophied forms. Thus, even the Western concept of human rights, as presented by the same Dugin, appears to be a «Nazi» idea and is opposed to the idea of the rights of peoples.

One of the elements of a broad understanding of security in post-Soviet countries is the issue of security and protection of human rights. In this regard, all these countries have enshrined in their constitutions an internationally admitted list of fundamental human rights. At the same time, the issue of legal, including international legal mechanisms for the implementation and protection of human and civil rights and freedoms, which have a significant privileged impact on the total level of democracy and human rights in a particular country, is of great importance. It is interesting that the Central Asian countries of the post-Soviet space do not participate in the European mechanisms for the protection of human rights, although Kazakhstan has such an opportunity. The post-Soviet countries located in the European part of the former Soviet Union, although they are members of the European mechanisms, are most often the object of criticism from European partners. Almost all CIS countries have their own position on the issue of human rights and their international legal protection, which differs from the position of European states. The recognition of the international legal personality of individuals by most of the post-Soviet States is not even considered as an actual problem. The specifics of their conceptual views deny this possibility.

According to professor Nurumov, even though in a number of states there is a tendency to strengthen the primacy of international law over domestic law, it has not yet become decisive. In most countries, the Constitutions, although they guarantee the rights and freedoms of man and citizen, nevertheless restrict them, ensuring the priority of domestic laws over international norms, and overcoming the dualistic contradiction between constitutional and international law, in the opinion of Nurumov, is possible by ensuring the international legal personality of the individual. By concluding international agreements on human rights and thereby voluntarily renouncing part of their sovereign rights, states unwittingly pave the way for expanding the scope of rights and freedoms of their citizens, which even the most stubborn opponents of the international legal personality of the individual are forced to recognize (Nurumov 2000: 193). However, even in this matter or an issue, countries such as Kazakhstan or Turkmenistan are extremely cautious.

At the beginning of the twenty-first century, the most significant trend in the development of international human rights law is the cardinal transformation of all international law in the direction of gradual restriction of state sovereignty. Perhaps this process will not lead to the rejection of this basic characteristic of the state for a very long time. But it’s not necessary. The renunciation of sovereignty may lead to the formation of a world

state in the future, which, of course, is not a priority at this stage of human society development. It would be optimal to accommodate and disperse a certain amount of sovereignty only in the field of human rights, while in other areas it can continue to play its assigned role. In this case, a very important feature of the world order will remain – the democratic plurality of states. Specifically, such changes can occur if most States recognize the international legal personality of the individual and create effective mechanisms for the implementation of international law, the priority of its norms over the norms of national systems. In the meantime, these trends are finite, although promising (Nurumov, 2000: 169-170).

At the same time, it should be noted the validity of the remark of the famous Russian scientist Lukashuk that «the main thing is not to formally proclaim the individual as a subject of international law, but to find real ways to ensure human rights in the interaction of national and international law» (Lukashuk 2005: 371-418).

The contemporary world is characterized by such a property as the ever-expanding globalization of world economic life and the associated internationalization of many issues of the internal life of states. No country in the world can resist this ever-increasing trend. Kazakhstan is also no exception to this rule, and one of the main goals of the Republic's foreign policy is determined by the inclusion in the system of the world economy and taking its rightful place in it. The main goal of the socio-economic reforms carried out in the country is to build a developed market economy, a democratic society and a state governed by the rule of law. At the center of all these transformations is a person, his life, interests, rights, and freedoms, without which it is not only impossible to carry out reforms, but also their very meaning is lost.

However, this circumstance is «not equivalent to the automatic guarantee of rights and freedoms as a result of moving forward on the path of market relations» (Krivchikova 2000: 720-471).

Russian researcher Laitman, having studied all the arguments of supporters and opponents of the recognition of the international legal personality of individuals, makes a disappointing conclusion that there are no sufficient grounds for recognizing an individual as a subject of international law. None of the studies on this topic has established that the absence of this quality negatively affects the provision and protection of the rights of the individual or leads to a restriction of his legal personality in domestic relations. At the same time, according to him, expanding the scope of its action at the level of interstate relations, international law penetrates deeper into national legal systems and regulates domestic relations. The new qualities of international law give it a global character. Nevertheless, its nature remains unchanged, and the criteria of international legal personality remain unchanged, which does not allow us to classify an individual as a subject of global law (Laitman 2017: 116-120).

Indeed, in all the cases referred to by proponents of the recognition of the international legal personality of the individual, it ultimately turns out that individuals received certain elements of international legal personality only because the States concerned gave their consent to it. In the absence of such consent, individuals were deprived of even these elements. This shows that the issue we are considering directly depends on States, which, in turn, cannot reach a common agreement even on a single international legal concept of human rights. At the same time, the position of several Western states that are ready to accept such recognition is met with active opposition from a large bloc of non-Western states.

As we have found, the conceptual differences between states are based on geopolitical factors, which will be very difficult to overcome (if possible). For example, it can be concluded that the theory of Eurasianism, which underlies the integration of several post-Soviet states, including Kazakhstan, as well as the Eurasian concept of human rights, which follows from it, has some fundamental differences from the concept of human rights of European states.

In our opinion, a consensus between Western and non-Western states on the recognition of the international legal personality of individuals is possible only in the very distant future (if possible, given the current state of the system of international relations and the confrontation between the West, on the one hand, and Russia, China, Islamic and Latin American countries, on the other). As part of the ideology, the issue of human rights, including the recognition of the international legal personality of the individual, is still used as a tool of struggle and confrontation. In these circumstances, we consider it unrealistic to reach a general agreement on such a geopolitically sensitive issue as human rights.

In the meantime, it is more realistic to reach agreement on the international protection of human rights, including the gradual build-up of elements that strengthen the international legal personality of individuals.

Conclusion

Summarizing up the question of geopolitics and the international legal personality of individuals, we can quote the words of the Russian researcher Bakina, who is considering the question of the relationship between human rights and geopolitics, notes that human rights, which have the source of universal moral and ethical norms and values, have passed the path of their rapid genesis, in the late twentieth and early twenty – first centuries, have changed their qualitative content and functional purpose. They have become a tool for the implementation of geopolitical expansion by developed states against developing countries, as well as a means of usurpation and distortion of human rights and freedoms in the expansionist states themselves. Consequently, in conditions when human rights have become an instrument of geopolitics, it is unlikely that states with different, and sometimes radically opposite, geopolitical interests will be able to agree on the recognition of the international legal personality of individuals.

As a result, we can conclude that human rights need legal protection in all spheres of life of society and the state, wherever and wherever there is an individual with all his diverse interests. One of the main means of implementing the state's task of ensuring human rights is to create conditions that create an environment of full respect for individual rights in society, as well as the possibility of their protection by legal means in the event of violations. Among all these legal means of protecting human rights and freedoms, a special place is occupied by the international legal protection of violated individual rights, which has proven its effectiveness in the practice of many States.

The international legal protection of human rights is primarily of preventive importance for States, deterring the State apparatus from gross and systematic violations of the rights of the individual. At the same time, applying to international authorities for the protection and restoration of their violated rights is often the last opportunity for a person to achieve justice. Thus, the mechanism of international protection of human rights acts as a means of establishing in a particular state, as well as within the international community, a fair rule of law, at the center of which is a person. However, common principles of relations between States have not yet been fully developed; measures of international responsibility and other institutions have not been developed and recognized. As we know, international treaties concluded by States often have too general wording, which implies the need for their interpretation by the States parties and transformation into national legislation in a modified form, with reservations and their own understanding of individual rights. This leads to different approaches to solving problems in the field of human rights and prevents the development of a single conceptual approach to the situation of the individual in the modern and contemporary world.

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