

RIGHT TO NON-DISCRIMINATION

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Currently, the issue of discrimination is acute. In particular, the issue of discrimination on racial or ethnic grounds was on the agenda. This is evidenced by the events of 2020, when riots and pogroms broke out in the cities of the United States of America due to the death of African American George Floyd. Also, the problem of discrimination based on ethnicity is also in other countries, for example, in the People's Republic of China. According to a report by Human Rights Watch, in the Xinjiang Uygur Autonomous Region in recent years, the Uyghurs, the Turkic indigenous people of East Turkestan, have been massively and unreasonably detained, placed in prisons or educational camps [1].

The relevance of the topic is due to the fact that currently there are more and more groups of the population who feel discrimination on any grounds.

The right to non-discrimination is enshrined in various international instruments. For example, article 26 of the International Covenant on Civil and Political Rights establishes the equality of all before the law and the prohibition of discrimination [2, art.26]. The prohibition of discrimination also implies article 2 of the International Covenant on Economic, Social and Cultural Rights [3, art.2]. The Convention on the Elimination of All Forms of Discrimination against Women is devoted to the prohibition of discrimination [4]. Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms establishes the prohibition of discrimination [5, art.14]. In the aquatic part of the International Convention on the Suppression and Punishment of the Crime of Apartheid, there is a provision on the need to put an end to any practice of discrimination. [6] In turn, Article 2 of the International Convention on All Forms of Racial Discrimination establishes a provision that states parties must pursue a policy of eliminating all forms of racial discrimination [7, art.2], etc.

To consider the concept and essence of the right to non-discrimination, one should also pay attention to some of the Universal Declaration of Human Rights.

Thus, the Universal Declaration of Human Rights provides for the following provisions:

- all people are born free and equal in their dignity and rights [8, art. 1];
- everyone should have all rights and all freedoms without any distinction, such as with respect to race, color, sex, language, religion, political or other beliefs, national or social origin, property, class or other status [8, art.2];
- all people are equal before the law and have the right, without any distinction, to equal protection of the law [8, art.7];
- all people have the right to equal protection against any kind of discrimination that violates this Declaration, and against any incitement to such discrimination. [8, art. 7]

Also, it is worth referring to the Charter of the United Nations. In article 1, one of the goals of the organization is the implementation of international cooperation in resolving international problems of an economic, social, cultural and humanitarian nature and in the promotion and development of respect for human rights and fundamental freedoms for all, without distinction of race, sex, language or religion. [9, art. 1].

The right to non-discrimination is an inalienable human right, which implies the creation of measures for the implementation of equality of other human rights, is aimed at creating conditions for the inadmissibility of infringement of a person's rights, freedoms or obligations, depending on his anthropological or social characteristics, and which is ensured by the norms of international and national law ...

Thus, after analyzing all of the above provisions, one can see similarities, which will reveal the essence of the right to non-discrimination, as well as the concept of the right to non-discrimination.

In many of the above acts, one can find such a concept as "equality" or "equality". Although in these acts the concept itself is not said directly, however, it is implied based on the analysis of regulatory provisions.

Equality should be understood as social equality, that is, the equality of the social status of people, their equal social importance in all areas of life and activity [10].

Some consider equality as a mode of relationship between a person with society and the state, characterized by social aspects and normative legal content. In accordance with the principle of equality, everyone should be placed in the same conditions [11].

However, it is still worth distinguishing between "equality" and "non-discrimination". It would be wrong to say that the content of "equality" and "non-discrimination" is the same. They largely coincide, but differ in their essence, and therefore are considered as independent.

The content of the concept of "equality" includes ensuring equal conditions for a person to exercise his rights, freedoms and obligations, while the principle of non-discrimination implies the creation of conditions for the inadmissibility of infringement of a person's rights, freedoms or obligations, depending on his anthropological or social qualities [9]. Also, non-discrimination is a kind of system of measures, aimed at the implementation of equality of fundamental rights, freedoms and legal interests of a person [12].

Also, the essence of the right to non-discrimination includes the prohibition of this very discrimination. The prohibition clause can be seen in the various international acts that were listed earlier.

The essence implies the inadmissibility of infringement of human rights and freedoms, depending on his anthropological and social qualities, and also implies the prohibition of any form of discrimination on any grounds.

However, in the modern world, despite the fixed provisions, there are various forms of discrimination. Lawmaking and law enforcement discrimination, discrimination that comes from private individuals and which comes from institutions of public authority, legal and illegal discrimination, negative and positive discrimination are distinguished, active and passive discrimination are distinguished, direct and indirect discrimination and others are distinguished. Discrimination has a large number of types and manifestations. All of these manifestations can be classified for many reasons. This allows us to speak about the large scale of this phenomenon, as well as about its noticeable diversity. Based on the foregoing, it can be concluded that there is a need for comprehensive counteraction to discrimination, protection of the right to non-discrimination in different areas.

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