

ABSTRACT

Onishchenko V. V. International protection of human rights in business sphere. Qualification scholarly paper: a manuscript.

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The dissertation is devoted to the complex study of the issues concerning the international organizational and legal basis of protection human rights in the business sphere. The genesis of international legal regulation of human rights protection in the business sphere has been studied. The emphasis is placed on general and special international legal acts adopted at the international universal and regional levels (UN, ILO, Council of Europe, European Union, CIS, etc.), which enshrine the provisions on human rights in business, including: Protect, Respect & Remedy: A Framework for Business and Human Rights, Ten Principles of the UN Global Compact, Guiding Principles for Business and Human Rights, Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023, Framework for the Immediate Socio-Economic response to COVID-19 crisis, ILO Tripartite Declaration of Principles Concerning Multinational Corporations and Social Policy, ILO Declaration on Fundamental Principles and Rights at Work, ILO Employment Relationship Recommendation № 198, The European Social Charter (revised) of 1996, Declaration of the Council of Europe on Guiding Principles on Business and Human Rights, The OECD Recommendations (Guiding Principles) for Multinational Enterprises, Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, etc. The emphasis is placed on the fact that the acts of international regional organizations enshrine the main provisions of acts adopted within the UN and its specialized structure, the ILO.

The legal basis in the field of regulation of women's rights in the business sphere has been analyzed. The focus is on the provisions of general acts on the protection of women, including: the International Convention for the Suppression of the Traffic in Women and Children, the United Nations Supplementary Convention

on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Convention on the Elimination of all Forms of Discrimination Against Women, the Convention against Transnational Organized Crime and its Additional Protocols.

The provisions of the ILO conventions on gender issues affecting labor relations are described: the Maternity Protection Convention, the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, the Convention concerning Discrimination in Respect of Employment and Occupation, the Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: workers with family responsibilities. Attention is paid to acts adopted at the international regional level, including: the Transversal (cross-cutting) program of the Council of Europe on gender equality, the Gender Equality Strategy for 2018-2023, etc. It is noted that the legal acts adopted by the international community that directly affect the rights of vulnerable categories of persons involved in labor relations are standards that must be met by all categories of employers, regardless of the form of enterprise or organization.

The provisions of universal and regional international acts concerning various aspects of ensuring the rights of minors in the business sphere have been analyzed. The focus is on the provisions of the General Fundamental Treaties on the Protection of the Rights of the Child, policy documents of international intergovernmental organizations, the ILO conventions, including the Convention on the Rights of the Child, the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Convention concerning Minimum Age for Admission to Employment, the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, CIS Model Law on Basic Guarantees of the Rights of the Child, etc. It has been emphasized that compliance with international norms in the field of protection of labor rights of minors, will promote their development according to age, education, health (in cases of prohibition of night work, in facilities

with difficult working conditions) and opportunities to obtain a qualified profession in the future.

The basic acts in the field of protection of labor rights of persons with disabilities (disabled people) have been analyzed. The Convention on the Rights of Persons with Disabilities, the UN Disability Inclusion Strategy, the ILO Policy on the Inclusion of persons with disabilities, the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, the Council of Europe Strategy on the Rights of Persons with Disabilities 2017-2023, the Model Law on social protection of disabled people, etc. It is emphasized that the acts adopted at the international level contribute to the socialization of people with disabilities, improving their material, moral and psychological condition.

The emphasis is placed on the provisions of international instruments concerning the elderly: The United Nations Principles for Older Persons, Resolution 2168 (2017) of the Parliamentary Assembly of the Council of Europe, the CIS Charter for the Elderly, the Inter-American Convention on Protecting the Human Rights of Older Persons, etc. It is noted that the main purpose of these acts is, first of all, to ensure a dignified life for the elderly by introducing measures aimed at preventing their social isolation; prohibition of age discrimination; providing support for continuing employment and training of those who want it, etc.

Attention is paid to international legal acts concerning such categories of persons as migrant workers: the Migration for Employment Convention, the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, the International Convention on the Protection of the Rights of All Migrant Workers, New York Declaration for Refugees and Migrants, etc. The problems faced by migrant workers, among which migrant women suffer the most, are identified, namely: illegal employment, low wages, poor working conditions, lack of professional development, etc. It is emphasized that the implementation of relevant international agreements and commitments, monitoring of the labor market, creation of

appropriate conditions for employment is essential for the improvement of the status of these persons.

Attention is paid to the international universal institutional mechanism for the protection of human rights in business sphere, in particular: the Working Group on Human Rights and Transnational Corporations and Other Business Enterprises, which is part of the international institutional mechanism for human rights to restore violated workers' rights. It is noted that a significant contribution to the protection of labor rights is the maintenance of a multilateral dialogue on urgent issues related to the observance and protection of human rights in business, introduced within the annual Forum on Entrepreneurship and Human Rights to discuss trends and challenges in implementing the Guidelines and promotion of dialogue and cooperation on issues related to business and human rights (since 2012). The treaty bodies - the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child - monitor the compliance of States parties with relevant conventions on the rights of relevant persons and thus stimulate the observance of the rights guaranteed by them.

The Office of the United Nations High Commissioner for Human Rights performs several tasks on business and human rights, in particular: it is responsible for the business and human rights agenda within the UN system and is authorized to develop guidelines and trainings in cooperation with the Working Group on Business and Human Rights; aimed at disseminating and implementing the Guiding Principles on Business and Human Rights. The leading role of the International Labor Organization in developing a legal framework in the field of labor relations, the Committee of Experts on the Application of ILO Conventions and Recommendations; non-profit organizations Women in ETFs, "Transparency International".

The case law of the European Court of Human Rights, whose decisions are binding at the national level, which in turn contributes to increasing the responsibility of employers, conscientious compliance with international treaties,

which are standards in the field of labor relations, has been considered within the regional international institutional mechanism. Thus, despite the fact that the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 did not provide for the protection of labor rights as such, the Court's case law dealt with the prohibition of slavery, servitude and forced or compulsory labor. (Article 4 of the Convention).

The emphasis is placed on the role of the European Committee of Social Rights, which has monitoring and quasi-judicial powers; CIS Advisory Council for Labor, Migration and Social Protection of Population; Inter-American Court of Human Rights, which make a significant contribution to the protection of human rights. The activities of the National Contact Points (hereinafter referred to as NCPs) on responsible business conduct established by national governments in accordance with the provisions of the OECD Guidelines for Multinational Enterprises with dual mandates - to promote the Guidelines and relevant instructions and to deal with specific cases («Specific Instances») as a non-judicial mechanism. It is noted that the NCPs address issues that arise in connection with the application of the Guidelines in specific cases, on the basis of impartiality, predictability, fairness and compliance with the principles and standards of the Guidelines. The NCPs provide a forum for discussion and assist the business community, workers' organizations, other non-governmental organizations and stakeholders in addressing emerging issues.

It has been noted that the maintenance of the multilateral dialogue on urgent issues related to the observance and protection of human rights in the business sphere at the international regional level is carried out within the African Regional Forum on Business and Human Rights, the Asia Regional Forum on Business and Human Rights and the UN South Asia Forum, aimed at raising awareness of business and human rights issues in South Asia and promoting the implementation of the UN Guiding Principles on Business and Human Rights, including through national action plans.

Key words: business sphere, vulnerable categories, guarantees, gender equality, institutional basis, protection mechanisms, human rights, legal basis, status, standards, labor relations.