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PROTECTION OF HUMAN RIGHTS IN ACCORDANCE WITH UNIVERSAL INTERNATIONAL LAW

Immediately after the declaration of independence, certain legal acts aimed at protecting human rights from bureaucratic arbitrariness began to appear in Ukraine for the first time. As a result, dozens of civic organizations started their activities aimed at protecting human rights. A few years after the declaration of independence, Ukraine became a part of the international law system. On November 9, 1995, in Strasbourg, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its five protocols were signed on behalf of Ukraine, and on July 17, 1997, the Verkhovna Rada of Ukraine ratified them. [1]

The main international legal acts that form the basis for the protection of human rights are as follows:

- The Universal Declaration of Human Rights 1948;
- The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) 1950;
- International Covenant on Economic, Social and Cultural Rights 1966;
- The International Covenant on Civil and Political Rights 1966;
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 2008;
- The Convention on the Rights of the Child 1989;

The Convention for the Protection of Human Rights and Fundamental Freedoms is now rightly regarded as one of the greatest achievements of the Council of Europe. It represents the fundamental basis of the entire complex of international legal regulation in the field of human rights and freedoms, as well as legitimate interests and needs. Since the Convention entered into force, 11 Protocols have been adopted and became its integral part. The Protocols have expanded the range of guaranteed human rights and freedoms and improved the mechanism for their protection. It is thanks to the effective protection of human rights that the Convention became the first international legal instrument aimed at protecting a wide range of civil and political rights. [2]

International law is often criticized for being weak, with slow or even ineffective consequences for violators. However, since the start of the full-scale invasion on February 24, 2022, the actions of the Russian army have been an unprecedented violation of international law and human rights, to which the civilized world has reacted.

The best foreign lawyers represent Ukraine in international courts against Russia free of charge, as well as advise the President and the government on sanctions policy. Since the first days of the war, Ukrainian lawyers and diplomats have been working to record all of Russia's violations and their consequences in international courts. [3]

Another reason for engaging international lawyers from foreign countries was the horrific and atrocious consequences of the aggression in Bucha, Hostomel, Irpin and other towns and villages that were liberated after the temporary occupation.

Hundreds of civilians have been killed by the armed forces of the Russian Federation in situations unrelated to active hostilities. As of May 15, the Office of the High Commissioner for Human Rights was working to verify more than 300 allegations of such killings. The majority of victims were men, but also women and children have been confirmed killed. Civilians were shot while attempting to leave the area in their cars; Russian soldiers summarily executed unarmed local civilian men if they suspected them of supporting Ukrainian forces or considered them as another possible future threat. [4]

According to the information provided by the Office of the Prosecutor General, as of 29.11.2022, there were 49,938 crimes of aggression and war crimes, 19,174 crimes against national security recorded in Ukraine; 440 innocent children were killed by racists and 851 children were injured in varying degrees of severity. The above number of crimes is growing every day.

The UN Human Rights Council has approved the Resolution "Deterioration of the human rights situation in Ukraine as a result of Russian aggression." It was adopted following the debate at the 34th special session of the UN Human Rights Council, convened at the initiative of Ukraine in connection with the deterioration of the human rights situation in Ukraine as a result of Russian aggression. The resolution was supported by 33 of the 47 member states of the Council. The Council members called on the Russian Federation to provide international human rights organizations and humanitarian institutions with immediate and unimpeded access to Ukrainians who have been deported and are being held in Russia. [5]

Ukraine's proposal as a state is to establish a special international tribunal against the top military and political leadership of the Russian Federation to punish the crime of aggression on the basis of an international agreement. A relevant resolution is currently being prepared. This requires the political will of those countries that support us and know that the crime of aggression has been committed. It is important that these countries take the next step and join such an international agreement, on the basis of which such an international tribunal will be established. There are two possible ways to conduct a trial for the crime of aggression against Ukraine. In particular, such a tribunal could be established directly by the UN. It could be also created by Ukraine through an agreement with the UN or another organization at the international level, in particular, the Council of Europe, as well as through an agreement with other states. [6]

Summarizing all of the above, we can conclude that absolutely everyone who is directly or indirectly responsible for the Russian aggression on the territory of Ukraine must be brought before an international tribunal at the International Criminal Court in The Hague.

REFERENCES

1. Kyrylo Stepanenko, Inga Gudym. "International legal standards of human rights": lecture notes. Dnipro: DSUIA, 2019, pp. 4-5. Access mode: <https://dduvs.in.ua/wp-content/uploads/files/Structure/library/student/lectures/2020/kzpd/112.6.pdf>

2. The Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights. Ministry of Justice of Ukraine. Access mode: <https://minjust.gov.ua/m/konventsija-pro-zahist-prav-lyudini-i-osnovopolojnih-svobod-ta-evropejskij-sud-z-prav-lyudini>

3. Olga Kuchmiienko, Viktor Pasichnyk. The War in Ukraine: Why International Law Remains an Effective Mechanism for Punishing the Aggressor. Kyiv, 2022. Access mode: <https://2022.uba.ua/news/vijna-v-ukrayini-chomu-mizhnarodne-pravolyshayetsya-efektyvnym-mehanizmom-pokarannya-agresora/>

4. Office of the High Commissioner for Human Rights. "The human rights situation in Ukraine in the context of the armed attack of the Russian Federation": report on the human rights situation in Ukraine, 2022. Access mode: <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-UA.pdf>

5. The Ukrainian Parliament Commissioner for Human Rights. The UN Human Rights Council adopted the Resolution "Deterioration of the human rights situation in Ukraine as a result of Russian aggression". Kyiv, 2022. Access mode: https://www.ombudsman.gov.ua/news_details/rada-oon-z-prav-lyudini-uhvalila-rezolyuciyu-pogirshennya-situaciyi-z-pravami-lyudini-v-ukrayini-vnaslidok-rosijskoyi-agresiyi

6. Andriy Kostin. "A Special Tribunal on Russia could work on the model of the International Criminal Court" Kyiv, 2022. Access mode: <https://www.ukrinform.ua/rubric-politics/3624443-specialnij-tribunal-sodo-rosii-mig-bi-pracuvati-za-modellu-mks-kostin.html>