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INTERNATIONAL STANDARDS FOR SAFEGUARDING SOCIAL AND HUMAN RIGHTS

The article discusses how Ukraine is following international rules for protecting social and human rights. International human rights standards establish a list of rights and freedoms that all states-participants of relevant conventions must have.

It can be used to formulate the essential features of each of the freedoms and rights that must be enshrined in the relevant constitutional and other regulatory provisions of national legislation; to establish the duties of states to acknowledge and protect the declared freedoms and rights, as well as to introduce the most important international guarantees that determine their reality; and to establish the terms under which the freedoms and rights linked to legitimate restrictions, such as prohibitions, can be used.

It describes how social rights are implemented. Only when a number of requirements are satisfied is it feasible. In particular, the state actively participates in protecting the individual's social rights by establishing the organizational, informational, economic, and legal framework necessary for their implementation while also playing the part of a social relation subject. A person's legal status, the framework of international law, and national legal systems all depend on their social rights.

State policy and the state must continuously monitor a social right. The government must take action to ensure that social norms are followed to the letter and establish strong defenses. They must use various methods to assist people in order to ensure that they have rights and adhere to certain regulations.

Keywords: international standards, social and humanitarian human rights, human rights strategy, social and humanitarian development, priorities of international standards.

МІЖНАРОДНІ СТАНДАРТИ У СФЕРІ ЗАБЕЗПЕЧЕННЯ СОЦІАЛЬНИХ І ГУМАНІТАРНИХ ПРАВ ЛЮДИНИ

У статті розглядається, як Україна дотримується міжнародних правил захисту соціальних прав і прав людини. Міжнародні стандарти прав людини визначають перелік

прав і свобод, якими повинні володіти всі держави-учасниці відповідних конвенцій. Його можна включити для формулювання основних характеристик кожного з прав і свобод, які мають бути закріплені у відповідних конституційних та інших нормативних положеннях національного законодавства; встановлюють зобов'язання держав щодо визнання та гарантування проголошених прав і свобод, запроваджують на міжнародному рівні найважливіші гарантії, що визначають їх реальність; встановлювати умови для використання прав і свобод, пов'язаних із законними обмеженнями, у тому числі заборонами. Окреслено реалізацію соціальних прав, яка можлива лише за умови виконання кількох умов, зокрема: активної участі держави у забезпеченні соціальних прав особи шляхом створення правових, економічних, організаційних та інформаційних умов для їх реалізації та одночасного виконання роль суб'єкта суспільних відносин. Соціальні права є невід'ємною частиною правового статусу особи, а також системи міжнародного права та національних правових систем. Соціальне право має постійно контролюватися державою та державною політикою. Держава повинна вживати заходів для повного впровадження соціальних стандартів і створювати ефективні системи захисту. Щоб переконатися, що люди мають права та дотримуються певних правил, їм потрібно використовувати різні способи допомоги.

Ключові слова: міжнародні стандарти, соціальні і гуманітарні права людини, стратегія у сфері прав людини, соціальний та гуманітарний розвиток, пріоритети міжнародних стандартів.

Problem statement. Human rights and freedoms were the most valued principles in nations with advanced democratic traditions at the start of the twenty-first century. Human dignity is the foundation of human freedoms and rights. There is no denying the value of human dignity. The majority of people in the world concur that international law is the norm to which all states should aspire and that human rights are significant.

Due to the humanitarian catastrophe of World War II, a set of international human rights standards had to be created. The role of international law is expanding in tandem with the rise in armed aggression and political conflicts.

During the Soviet era of Ukraine's development, independent Ukraine faced challenges in becoming a social and legal state. The issue of social and humanitarian development is therefore significant for the duration of independence.

As a result, our state is developing a system of democratic values that encompasses the rule of law, accountability, liberty, equality, justice, solidarity, and dignity. According to the March 24, 2021, National Strategy in the Field of Human Rights, the government should improve its efforts to safeguard human

rights and freedoms, develop more effective means of enforcing them, and address issues with the application of the law and the defense of human rights.

Countries now find it more difficult to adhere to international human rights regulations as a result of Russia's military actions. These laws and liberties are consistently violated by the aggressor. This pertains to social and humanitarian rights that are infringed upon during times of war, including the rights to housing, social security, a reasonable standard of living, health care, education, and so forth.

Analysis of recent research and publications. The theories underlying international standards for human rights protection have been studied by scientists such as O. Barn, S. Golovaty, O. Preshkina, P. Rabinovych, O. Rudneva, and T. Slinko.

K. Borychenko, A. Klymenko, V. Kostrov, A. Ryaboshapchenko, E. Chorna, and S. Koshova have been the focus of scientific investigation. The first scientific studies on ensuring freedoms and human rights under martial law were released (V. Yu Bogatyr is the author. Dobosh, R. Shyshka, O. Slavna, I. Tolkachova, and S. Matveev are among the authors.

However, we think that the topic's relevance is determined by the lack of a thorough analysis of how international standards are being applied in Ukraine to guarantee social and humanitarian human rights.

This study's goal is to perform a thorough analysis of how international norms are currently being implemented and adhered to in Ukraine with regard to ensuring social and humanitarian human rights.

Presentation of the main material. The world is currently seeing a steady trend toward the methodical advancement of human rights. International agreements, conventions, and pacts that establish global standards of human rights and freedoms have reflected the centuries-old experience of human communities' social existence as well as current demands and trends in social and humanitarian advancement.

In legal science, certain human capacities are considered human rights because they are necessary for the field's existence and advancement under

particular historical conditions. They should be universal and equitable for every person and are based on the actual level of human development [1, p. 11].

Social rights are distinct categories of freedoms and human rights that are grouped according to the standards by which they are defined. People live their lives according to a set of rules known as social rights. They are regarded by the international community as the best for the advancement of society and all individuals. These rights belong to everyone [2, p. 17].

Social rights guarantee people the necessities for a normal life. It is important to note that all normative and legal documents of a universal and regional nature merely list the characteristics of "social rights," without providing a definition.

The Universal Declaration of Human Rights states in paragraph 1 that "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, and housing." This clause outlines the content of social rights.

The fact that social human rights are inextricably linked to human rights in the pertinent areas of humanitarian development is influenced by the general approach taken by public administration to social development in general, as well as to establishing conditions for guaranteeing a sufficient standard of living and realizing each person's potential.

According to Sergienko, the primary objective of the state's humanitarian development is to enhance society overall and guarantee that each member's potential is revealed by putting the proper administrative and governmental measures into place [4, p. 162].

Humanitarian rights can be interpreted differently by different people, according to the 2018 Dictionary of Public Administration. Human rights law, also known as humanitarian rights, refers to the freedoms and rights of individuals and groups. They include the obligation to uphold these rights under the law. In the humanitarian realm of society, they refer broadly to an individual's or citizen's rights and liberties [139–140].

Certain social rights, such as the right to information, education, and high-quality, reasonably priced healthcare, can be categorized as humanitarian. Numerous scientists concur that social and humanitarian endeavors are linked to education, science, and healthcare. They are related in both general and particular ways. Humanitarian work's social component is crucial because it keeps people safe and secure.

The protection of social and humanitarian human rights in our state is the responsibility of a system of bodies and officials at various levels established by the Ukrainian Constitution. The President, the Verkhovna Rada, the Constitutional Court, the Commissioner for Human Rights, the prosecutor's office, advocacy, and other law enforcement organizations are the leaders of Ukraine.

According to the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" dated February 24, 2022, there are state authorities, military command and administrations, and local self-government bodies that function under martial law. Because of the ongoing conflict between Russia and Ukraine, this law was periodically extended. Current laws grant them the authority to limit citizens' and men's constitutional rights and freedoms, including in the social and humanitarian domains.

The martial law regime may limit a number of civil and human rights and freedoms that are protected by Articles 30–34, 38, 39, 41–44, and 53 of the Ukrainian Constitution [7]. These include freedom of movement, freedom of residence, freedom to leave Ukraine, freedom to work, freedom to pursue education, and more.

Without specially issued passes and certificates, it is forbidden to spend a specific amount of time on the streets or in other public areas. The people of the Donetsk region, the Kharkiv region's Kupyansky district, and other areas need to be evacuated to safe areas, the Ukrainian Cabinet of Ministers has stated. Travel outside Ukraine is restricted for Ukrainian citizens between the ages of 18 and 60, as well as women who are obligated to serve in the military.

The scope of the exemption from rights application encompasses both social and humanitarian rights, accompanied by citations to the pertinent provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms. For the period of the martial law legal regime, Ukraine refuses to implement. It was recorded on March 8, 2022 in a message (notification) sent to the United Nations Secretary-General. Furthermore, the Secretary-General was apprised that in connection with the declaration of martial law in Ukraine or its individual regions, the military command and military administrations may implement certain measures.

Specifically, these measures encompass the implementation of labor service for able-bodied individuals who are not engaged in work in the defense sector, as well as ensuring the well-being of the populace, which is not exclusively reserved for enterprises. This also applies to institutions and organizations that were required to perform defensive work during the period of martial law, as well as to eliminate the consequences of emergency situations that arose during the period of martial law. It might involve them in socially beneficial work during martial law.

As noted by experts, in August 2022, the aforementioned list was augmented to provide "some legal uncertainty for the future" by incorporating the previously exhaustive list with the authority to implement additional measures as mandated by the norms of international humanitarian law [9, p. 10].

During emergencies such as armed conflicts, it is crucial to protect civil, political, economic, social, and cultural rights. Armed conflicts can significantly undermine access to education, work, healthcare, and other services necessary to maintain a decent standard of living and obtain a livelihood [10, p. 5].

It can be stated that social and humanitarian rights guaranteed by the Constitution of Ukraine have not been restricted. However, due to the war, their implementation is complicated and requires an effective response from the state [11, p. 78].

According to scholars, the Verkhovna Rada Commissioner for Human Rights (Ombudsman) is an extrajudicial institution for the protection of human rights. Its role is characterized as informal, depoliticized, and subsidiary.

The restoration of human rights that have been violated is the responsibility of the judicial authorities, whose primary responsibilities include ensuring justice. According to Article 55 of the Constitution of Ukraine, the protection of the rights and freedoms of both individuals and citizens is guaranteed by the courts [13] In this context, the courts are the ultimate authority for the implementation of international standards and their interpretation.

The Institute of the Constitutional Court of Ukraine can interpret the laws of Ukraine to see if they meet international standards. The Constitutional Court of Ukraine explained that the United Nations Resolution "Principles for the Protection of Persons with Mental Illness and the Improvement of Psychiatric Care" from February 18, 1992 № 46/119 says that people with mental illness should be treated humanely and with respect for their dignity.

The Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, and other relevant documents say that every person with a mental illness should have the right to enjoy all civil, political, economic, social, and cultural rights [14].

To stop human rights violations during the war between Russia and Ukraine, it's best to use international laws. On March 4, 2022, the Human Rights Council established the UN Independent International Commission of Inquiry into Violations in Ukraine to investigate all alleged violations and abuses in Ukraine.

In March 2023, the Commission reported that the Russian authorities had committed numerous war crimes and related human rights violations, including deliberate killings, attacks on civilians, unlawful deprivation of liberty, torture, rape, and other types of sexual violence, as well as the unlawful transfer and deportation of children [15].

Social and humanitarian human rights, such as the right to social protection, the right to education, and the right to health care, were violated in such a situation. The report of the Independent International Commission states that the conflict has impacted the rights of individuals to health, education, adequate housing, food, and water. The systematic targeting of energy infrastructure facilities periodically deprives a significant part of the civilian population of electricity, water, sanitation, heating, and telecommunications, as well as impedes access to health care and education. This holds particularly true for vulnerable groups such as the elderly, children, individuals with disabilities, and other members of minorities.

The Human Rights Council extended the Commission's mandate for a year by passing resolution 52/32 of 4 April 2023. This resolution mandated that the Commission submit an oral update report to the Council at its 54th session, a comprehensive report to the Council at its 55th session, and a report

The Council of Europe Commissioner for Human Rights D. Mijatovi's memo on the consequences of the war in Ukraine for the protection of human rights found evidence of systematic violations of the right to life, including arbitrary killings and enforced disappearances. Also, it said that the Russian Federation's armed assault on Ukraine has caused a lot of violations of international humanitarian law and human rights, which has hurt the Ukrainian people's ability to exercise almost all of their human rights [16].

Conclusions. The development of the state and civil society, making sure that people follow international human rights rules, signing and following international agreements on human rights, working with international and European organizations that protect human rights, and having fair trials.

They are all needed to make a modern domestic model for ensuring social and humanitarian rights based on international standards. Since many people don't know much about human rights, it's important to teach them.

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