

5. Конвенція про доступ до інформації, участь громадськості в процесі прийняття рішень та доступ до правосуддя з питань, що стосуються довкілля (Орхуська конвенція) : Конвенція Організації Об'єднаних Націй від 25 червня 1998 р. : станом на 27 трав. 2005 р. URL: https://zakon.rada.gov.ua/laws/show/994_015#Text (дата звернення: 05.05.2023).

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Key words: information, types of information, environmental information, right of access to information, human rights.

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UNIVERSAL SYSTEM OF INTERNATIONAL PROTECTION OF HUMAN RIGHTS: GENERAL PRINCIPLES

The standards and principles proclaimed in the Universal Declaration of Human Rights and enshrined in universal international treaties governing the observance of human rights and fundamental freedoms are reflected in regional legal systems and in the legislation of states. The promotion and protection of human rights is one of the most important activities of the United Nations. It derives from its Charter the duty of all States to respect human rights and fundamental freedoms for all without distinction of any kind based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It is within the framework of the UN that a universal system of international protection of human rights and control over the implementation by states of their obligations in this area has developed. Human rights as a concept have come a long and difficult path of development. The universality of human rights was officially proclaimed at the political level only in 1993 at the World Conference in Vienna.

Disputes and disagreements regarding the recognition of individual rights as human rights or the interpretation of already recognized norms do not stop, the search for a balance between freedom and responsibility, the realization of the rights of the individual and respect for the legitimate interests of other people and society continues. Most of the fundamental human rights standards are truly universal and recognized throughout the

world. Proof of this is the significant number of ratifications of universal human rights treaties and the recognition of the Universal Declaration of Human Rights as a body of customary law. Human rights norms and standards did not emerge from nowhere. They have become a natural reflection of the level of development of our civilization and ideas about human dignity, which are present in all cultures of the world. It is no coincidence that the Universal Declaration speaks of the inherent dignity of all members of the human family and of endowing a person with certain rights just because he is human. Human rights norms and standards have a significant moral dimension. They reflect the complex of traditional values of mankind – categories that were embodied in religious teachings, philosophical discussions, social foundations, customs, and simply in the everyday life of various societies, peoples and civilizations. In concrete terms, these are freedom, dignity, equality, honesty, caring for loved ones, respect for elders, work, family, responsibility, and a number of others. These values are so strong and rooted that they constitute a moral imperative for many, many people.

The currently functioning universal system of international protection of human rights and fundamental freedoms was established after the Second World War and mainly within the framework of the United Nations. At the same time, it would be wrong to say that before the creation of the UN, international protection of human rights did not exist before that. Thus, in the Slavery Convention of 1926, disputes arising between the contracting parties regarding the application of its provisions could be referred to the decision of the Permanent Court of International Justice, which shows the powers of the Chamber to carry out, albeit with significant restrictions, human rights activities. The Forced Labor Convention of 1930 obliges States parties to submit annual reports on measures taken to implement its provisions and on specific issues related to the use of forced labor. Within the framework of the League of Nations, a system for the protection of national minorities operated.

A comprehensive system of international protection of human rights and fundamental freedoms did not exist then, and in general their observance was not an international legal obligation of states. The Second World War showed with all clarity that human rights need protection, including international ones. It is no coincidence that the preamble to the UN Charter reaffirms the determination of the peoples of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and in the equal rights of nations large and small, while the preamble to the Universal Declaration of Human Rights emphasizes that the neglect and contempt of human rights have led to barbaric acts that revolt the conscience of mankind, and the rights themselves must be protected by the rule of law. Among the purposes of the UN, enshrined in the Charter, is: “To carry out international cooperation... in the promotion and development of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion”. The innovative nature of the UN Charter lies in the fact that it is not limited

to the proclamation of goals and principles in the field of promotion and protection of human rights. The UN Charter confers broad powers and provides the principal organs of the UN with significant institutional capacity to promote and protect human rights for all. Virtually all the principal bodies of the United Nations are empowered to promote and protect human rights. In addition to them, specialized support units were created in this area. Although the complex organizational structure, expressed in the plurality of bodies, gives rise to the problem of coordinating their activities, nevertheless, it must be recognized that this institutional pluralism of the UN has an advantage in taking into account the multilateral nature of human rights issues.

The progressive development of mechanisms for the protection of human rights at the universal level took place simultaneously with the development and adoption of international legal acts establishing the international obligations of states in this area. In 1956, a universal mechanism was established to consider the periodic reports of states on the situation in the field of human rights. UN member states were obliged to submit them every three years. In 1965 the procedure changed. The reports were distributed evenly over a three-year cycle: the first year – civil and political rights, the second year – economic, social and cultural rights, the third year – freedom of information. The reports were considered by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities and the UN Commission on the Status of Women, who then sent their comments and recommendations. The entry into force in 1976 of the International Covenants on Human Rights, which provided for regular reporting by states, led to the gradual death of this practice and its final abolition in 1980.

In parallel, other universal human rights mechanisms have developed. According to international treaties in the field of human rights, treaty (or convention) bodies were created. A kind of starting point here can be considered the entry into force in 1969 of the International Convention on the Elimination of All Forms of Racial Discrimination, which provided for the creation of a fundamentally new body – the Committee on the Elimination of Racial Discrimination, consisting of independent experts. This practice has been widely developed: at present, there are already many convention bodies that control the observance by states of the provisions of the main international treaties in the field of human rights. Gradually, international mechanisms for responding to individual complaints of human rights violations also emerged. The powers to consider individual communications were vested in both the convention mechanisms and the bodies and specialized agencies of the United Nations. The development of universal mechanisms for the protection of human rights intensified significantly in the early 1990s. The final document of the 1993 World Conference on Human Rights (Vienna Declaration and Program of Action) confirmed the thesis that the promotion and protection of human rights can be a legitimate concern of the world community.

The Declaration also contained a call for strengthening UN coordination in the field of human rights, supported by specific recommendations. In accordance with this, the post of the UN High Commissioner for Human

Rights was created, which was endowed with broad powers to promote and protect human rights, assist states in their implementation, coordinate human rights activities in the UN system and prevent human rights violations. Additional confirmation was received by the main role of the UN in the promotion and protection of human rights at the universal level. Another major event that radically influenced the universal system of international protection of human rights was the reform of the human rights direction of the UN.

Based on various criteria, universal mechanisms for the protection of human rights can be classified on several grounds: the nature of the activity, the legal nature, the composition, the object of the activity, the term of activity and the scope of authority. According to the nature of their activities, universal human rights mechanisms should be divided into: judicial, quasi-judicial and non-judicial. Among the judicial mechanisms at the universal level is the International Court of Justice. An example of quasi-judicial mechanisms is conventional (treaty) human rights bodies. Non-judicial elements of the system of international protection of human rights include special procedures of the UN Human Rights Council, various fact-finding missions, human rights activities of the Security Council, the UN Secretary General, the Office of the UN High Commissioner for Human Rights. By legal nature, universal mechanisms for the protection of human rights are divided into conventional and extra-conventional. According to the criterion of composition, universal mechanisms for the international protection of human rights are often divided into individual and collective. According to the object of activity, universal mechanisms for the protection of human rights are divided into mechanisms for considering complaints and mechanisms for the systemic protection of human rights. According to the criterion of the period of activity, among the universal mechanisms for the protection of human rights, temporary and indefinite ones should be distinguished. According to the scope of powers, among the universal bodies involved in the protection of human rights, one should single out comprehensive and limited powers. The authority may be limited in subject matter and geographical scope. Based on the foregoing, it can be concluded that the universal system of human rights protection is versatile, combining different protection mechanisms in terms of legal nature, powers, composition, scope and duration.

Key words: rights and freedoms, international law, universal system of international protection, standards and principles.

Ключові слова: права і свободи, міжнародне право, універсальна система міжнародного захисту, стандарти і принципи.