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**GENERAL PRINCIPLES AND CONCEPT
OF INTERNATIONAL LEGAL STANDARDS OF HUMAN RIGHTS**

Among the intangible values realized by most people in open democracies, human rights and freedoms remain paramount. These views are based on the liberal democratic tradition of socio-political thought, which has been developing for more than three centuries. Human dignity is the source of his rights and freedoms. Human rights are based on one undoubted value – human dignity. The problem of human rights protection is the most pressing in international law. Human rights are universal moral rights of a fundamental nature, which belong to every person in his relations with the state. Human rights are a cross-cutting theme of UN programs and strategies in areas such as peace and security, development, humanitarian assistance and economic and social issues. One of the most important achievements of the UN is the creation of a comprehensive body of human rights law – a universal code that is protected at the international level, to which any state can join and to which all people seek to implement. The United Nations has identified a wide range of internationally recognized rights and established mechanisms to promote and protect those rights and to assist States in fulfilling their commitments.

The foundations of international human rights standards continue to evolve simultaneously with the process of forming new legal systems that declare in their constitutions the ideas of the rule of law and respect for human rights. Doctrinal approaches to the interaction of international and national law, to the legitimacy of universal international legal standards and their role in the protection of individuals at the national level in the context of practical issues and challenges that exist at the international and national levels should now be considered. The human rights sector is constantly evolving through the development of new international and national legal instruments.

International standards of human rights and freedoms can be considered as universally recognized provisions of international acts of binding and recommendatory nature, as well as principles of international law, which enshrine the fundamental rights of the individual, which are crucial for protecting people from illegal and unjustified actions by the state, other

persons, violate or restrict these rights, as well as serve as a guide for all states in regulating and ensuring the rights of their citizens.

International human rights standards are understood as enshrined in international acts and documents, textually unified, functionally universal principles and norms that fix the minimum necessary and desirable content and scope of human rights, due to the achieved level of social development and establish positive obligations of states to ensure them, protection and defense, providing for their violation of sanctions of political, legal or political nature.

International standards of human rights and freedoms are enshrined in international agreements, conventions and covenants, based on world experience and embodying current needs and trends in social issues. The United Nations (UN), established in 1945, played a key role in the development of international human rights standards. It was the UN Charter that became the first multilateral international treaty in the history of international relations, which laid the foundations for the process of forming universal values of mankind and marked the beginning of a new stage in the field of protection of human rights and freedoms. In particular, paragraph «c» of Art. Article 55 of the Charter obliges states to develop international cooperation in order to promote «universal respect for and observance of human rights and fundamental freedoms for all, regardless of race, sex, language or religion». Thus, this fundamental international treaty enshrined the principle of respect and observance of human rights in the modern world community.

The main international conventions containing international standards of human rights and freedoms are: the Universal Declaration of Human Rights (1948), the Covenant on Civil and Political Rights (1966 and 1966), and the Covenant on Civil and Political Rights (1966). The Charter of Economic Rights and Duties of States (1974), the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), and the European Social Charter (1961). The Catalog of Human Rights proclaimed in the Universal Declaration of Human Rights (1948), based on European values, was proclaimed universal. It expresses the values without which the normal development of society is impossible, based on the principles of freedom, the rule of law and human rights. The idea of the universality of human rights, formulated in the Universal Declaration of Human Rights (1948) and other international legal acts, was accepted as an axiom.

The provision on the universality of international legal standards was confirmed in the Vienna Declaration and Program of Action adopted at the World Conference on Human Rights (1993). The most important in the protection and observance of international standards of human rights and freedoms is the presence and effectiveness of international mechanisms for their provision. In those cases when the state mechanism is not able to ensure the realization of human rights and freedoms, international law provides for the possibility of confusion between international mechanisms and human rights.

One of the most important comprehensive international acts for the protection of human and civil rights is the Universal Declaration of Human Rights adopted by the UN General Assembly on December 10, 1948. The declaration defined a wide range of civil, political, socio-economic and cultural rights. The text of the document reflects the natural nature of human rights, and it is proclaimed that all peoples and all states should promote the respect and protection of human rights and freedoms through national and international progressive measures. The implementation of the rights enshrined in the Universal Declaration of Human Rights and other international instruments has become a very difficult process, given the different levels of social, economic and cultural development. The two fundamental documents included in the International Bill were the International Covenants adopted by the UN General Assembly on December 16, 1966: On Political and Civil Rights and On Economic, Social and Cultural Rights. The fact that the draft Declaration and Covenants were drafted by the same Human Rights Commission, set up in early 1946, was a happy coincidence, as it ensured continuity and logical consistency in the content of the Declaration and Covenants and thus defined their functional relationship: purpose. The Declaration consisted in the very definition of human rights, while the purpose of the Covenants was to translate international human rights norms into specific positive legal obligations of states.

For the first time, an individual has become a subject of international law. Under the provisions of which, all persons residing in a State party to the Covenants or having jurisdiction over that State shall be entitled to exercise the rights provided for in the Covenants without distinction as to race, color, sex, language, religion, political or other opinion, national social origin, property, caste or other status. All member states are obliged to bring their national legislation into line with the provisions of these legal instruments. In addition, under the Optional Protocol to the Covenant on Civil and Political Rights, a citizen of any State party to the Covenant that has signed the Protocol may apply directly to the UN Human Rights Committee for protection of his rights.

The legal basis for the work of the UN Human Rights Committee includes the procedural rules related to its functioning and the substantive rules that it applies in the exercise of the powers vested in this international body. The analysis of the competence of the UN Human Rights Committee allows us to single out the following functions: the control function, which is to monitor the implementation of member states of their obligations under the International Covenant on Civil and Political Rights (1966); the interpretive function exercised when the Committee clarifies the content of the provisions of the Covenant and the specifics of its implementation; implementation function, which is manifested in the promotion and institutional support of the implementation of obligations under the Covenant by States parties; judicial function, which is to consider interstate disputes and individual reports of violations. The powers of the Committee include: consideration of reports of States parties to the Covenant;

consideration of interstate disputes; consideration of individual reports of violations. Following the consideration of the reports of the States parties to the International Covenant on Civil and Political Rights (1966), the Committee does not take decisions binding on States, but in the practice of the Committee there are so-called general comments, concluding remarks and considerations. As all decisions of the UN Human Rights Committee are of a recommendatory nature, the decisions of the Committee by legal nature should be considered acts of «soft law» along with acts of international organizations, the importance of which is due to the high degree of implementation of the recommendations of this body. In its consideration of interstate disputes, the Committee may provide good offices to States parties or mediate through the establishment of a Conciliation Commission. The practice of the Committee is actively used by the International Court of Justice and the Inter-American Court of Human Rights.

The International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly on 16 December 1966, defined more specifically human rights such as the right to work, to strike, to health care, to education, to participate in cultural life, and also the rights of convicts. The realization of these rights is associated with the expansion of the paternalistic functions of the state, and depends on the level of political, economic and social development of the latter. The International Covenant on Economic, Social and Cultural Rights establishes only the standards to which the state must strive.

The development of universal and regional human rights standards takes place in complex and contradictory conditions, in which the states that form and implement such standards differ not only in their socio-economic systems, but also in civilizational features that sometimes complicate the implementation of universal standards in all spheres of life. International standards of human rights and freedoms are established by the international community within international organizations for their provision and protection both at the international level and at the international level. The formation and normative consolidation of international standards of human rights and freedoms took place gradually at the UN level, and then at the regional level – within the regional international organizations.

Ключові слова: міжнародно-правові стандарти прав людини, права людини, міжнародне право.

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