THE ESSENCE OF THE PRINCIPLE OF RESPECT FOR HUMAN RIGHTS IN INTERNATIONAL LAW

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The article is devoted to the essence of the principle of respect for human rights in international law. It is noted that modern international law is characterized by the growing role and importance of respect for human rights, and the promotion and development of respect for human rights is the cornerstone of maintaining international peace and security.

The adoption of the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966 confirmed that the principle of respect for human rights is one of the basic principles of international law. The armed aggressions of some UN member states against others posed complex tasks and questions to the international community and national legal systems to ensure the general importance of human rights, the respect of which is an essential factor for peace, security, friendly relations and cooperation between all states. During an armed conflict, international humanitarian law as lex specialis takes precedence over international human rights law, but the principle of respect for human rights does not cease to apply, states continue to bear obligations to respect human rights regardless of gender, race, language, religion; on the promotion and development of the effective exercise of civil, political, economic, social, cultural, and other rights; out of respect for the human right to associate with others; out of respect for the right of national minorities to equality before the law, giving them full opportunity to enjoy human rights and protecting their legitimate interests; from the recognition of the human right to know one's rights, to protect them; on compliance with international pacts, declarations and agreements on human rights, if they are bound by them; on the adoption of legislative acts and the adoption of other measures that are necessary to ensure the basic human rights recognized by the world community; to guarantee the person whose rights have been violated, effective means of protection. Russia's violation of the principle of respect for human rights has deep and long-term consequences for the world community and UN member states. In order to stop Russia's indulgence in the principle of respect for human rights, an institutional mechanism was used on a universal and regional basis: within the UN - the UN High Commissioner for Human Rights, the Committee on Human Rights, the Subcommittee on the Prevention of Discrimination and the Protection of Minorities, the Committee on the Elimination of Discrimination against women, the Committee against Torture, etc.; on a regional basis - the European Court of Human Rights, etc.

Keywords: human rights, principles of international law, principle of respect for human rights, international human rights law, international humanitarian law, protection of human rights, international community, state, aggression, protection of human rights, international obligations, values, UN Charter, peace , security, cooperation.

Formulation of the problem

The armed aggression of the Russian Federation against Ukraine, which began in February 2014 with the annexation of the Autonomous Republic of Crimea and continued in April 2014 with the organization and support of ille-

gal armed groups that proclaimed the so-called «people's republics» in Donetsk and Luhansk regions, among many others problems posed complex tasks and questions to the Ukrainian legal system [1]. One of them is the principle of respect for human rights in the conditions of a full-scale Russian invasion of Ukraine.

A. Kolodiy rightly points out that «ideas about the value and inviolability of human life, about the equality of people before higher powers are contained in ancient myths and beliefs. Awareness of the concept of freedom has changed throughout the history of mankind. In ancient philosophy, the will was understood primarily as an opportunity to take turns with others to participate in power, to influence the composition of state power (Aristotle), it was considered in combination with fate, which limits human freedom (Plato). In the Middle Ages, freedom was understood as freedom from sin and the curses of the church, while discrepancies appeared between the moral freedom of man and the requirements of God's religious omnipotence» [2]. The principle of respect for human rights, having passed more than one century in its formation and development, was enshrined in the UN Charter of 1945. It is a value.

But currently, the principle of respect for human rights is indulged by the Russian Federation. Documentation of crimes committed by the Russian military on the territory of Ukraine, as well as international crimes committed by Russia, show that Russia is deliberately nullifying this principle.

State of problem research

In legal science, the principles of respect for human rights were studied by M. Hnatovskyi, L. Deshko, Y. Bysaga, A. Kolodiy and many other scientists [3-13].

On February 24, 2022, the armed forces of the Russian Federation carried out a full-scale invasion of the territory of Ukraine, which was a continuation and escalation of the international armed conflict that has been ongoing between Russia and Ukraine since 2014 [1]. As a result of the new intensified attack, in addition to the previously occupied regions of Crimea and parts of Donetsk and Luhansk regions, Russia also managed to occupy other territories of Ukraine, in particular parts of Kyiv, Chernihiv, Sumy, Kharkiv, Zaporizhzhya, Kherson, Mykolaiv regions and some settlements of Donetsk and Luhansk regions , which had not been occupied before [1]. During an armed conflict, the legal regime of international humanitarian law is applied, which defines the rules of war and, among other things, the rules of treatment of protected categories of persons, in particular, the civilian population of the occupied territories [1]. During an armed conflict, international humanitarian law as lex specialis takes precedence over international human rights law, but it is important that the regime of international human rights law does not cease to be effective, but is applied in parallel with the norms of international humanitarian law and continues to protect the individual from the abuse or arbitrary exercise of power by state representatives even during the war, albeit with some restrictions [1].

The purpose of this article is to investigate the relevance of the problem of universal respect for human rights.

Presenting main material

The UN Charter of 1945 [14], enshrining in paragraph 3 of Art. 1 («Objectives of the organization»), the principle of respect for human rights, does so precisely in the aspect of the declared readiness of states to implement international cooperation in solving international problems of an economic, social, cultural and humanitarian nature. And specifically: the UN pursues the goal of international cooperation in encouraging and developing respect for human rights and basic freedoms for all, regardless of race, gender, language and religion.

The final act of the Conference on Security and Cooperation in Europe of 1975, substantively developing the principle of respect for human rights, in Art. VII «Respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief» formed it already within the framework of a holistic institution [15]. The fundamental importance of the principle of respect for human rights for the entire world order as a whole meaningfully confirmed that states recognize the general importance of human

rights and fundamental freedoms, the respect of which is an essential factor for peace, justice and well-being, necessary to ensure friendly relations and cooperation between all states [16].

The principle of respect for human rights and basic freedoms imposes the following basic duties on states: respect human rights and basic freedoms regardless of gender, race, language, religion; promote and develop the effective implementation of civil, political, economic, social, cultural and other rights and freedoms; to respect the right of a person to unite with others, the freedom of an individual to confess individually or together with others; respect the right of national minorities to equality before the law, provide them with a full opportunity to enjoy human rights and fundamental freedoms, and protect their legitimate interests in this area; to recognize the right of a person to know his rights and freedoms and to protect them; to comply with international pacts, declarations and agreements on human rights, if they are bound by them; adopt legislative acts and take other measures that are necessary to ensure the basic human rights and freedoms recognized by the world community; to guarantee the person whose rights have been violated, effective means of protection.

In total, in March 2023, Vostok SOS monitors revealed 66 cases of human rights violations in the occupied regions of Ukraine [17]. The most violations were recorded in Luhansk (23) and Zaporizhzhia (20) regions. In other regions, the figures are as follows: Kherson region – 18 cases; Autonomous Republic of Crimea – 3; Donetsk region – 2 [17].

Most often, the right to property was violated this month – 42 cases, of which 19 – in Luhansk region; 11 – in the Zaporizhzhia region; 9 – in Kherson region and one case in Donetsk region [17]. M. Panchenko notes that «the given figures reflect isolated acts of destruction or appropriation of the property of civilians. At the same time, in March 2023, in the city of Mariupol, Donetsk region, the occupation administration decided to destroy entire houses and even neighborhoods, which is a massive violation of the right of individuals to own property [17].

Other common types of violations in the occupied territories for March 2023 include the following: the right to freedom and personal integrity – 18 such cases were recorded in March: 7 – in the Zaporizhzhia region; 4 – in the Kherson region; 4 – in Luhansk Region; 3 – in the Crimea; right to life – 4 cases, Kherson region; prohibition of torture – 2 cases: 1 – in Kherson region and 1 – in Donetsk region; freedom of thought, conscience and religion – 2 cases, Zaporizhzhia region» [17].

A comparative analysis of information on human rights violations for March 2023 and the last three months (December 2022 – February 2023) allows us to draw the following conclusions: the number of human rights violations in the occupied territories does not decrease and varies from 65 to 120 violations per month. The cases recorded by Vostok SOS monitors constitute a small percentage of all human rights violations currently occurring in the occupied territories; the most common type of violation is the violation of the property rights of residents of the occupied territories; the second largest is the right to freedom and personal integrity of individuals. The occupiers also torture and kill civilians in the territories under their control; most violations are committed in the territories of Zaporizhzhia and Kherson regions – territories that were occupied by Russia as a result of the full-scale invasion of 2022. Perhaps the recorded significant number of human rights violations in these regions does not depend on the intensity of offenses, but on the fact that these regions have been recently occupied and, accordingly, the information space of the specified territories has not yet been «cleaned up» by the occupation administration in the same way as in Crimea or the territories Donetsk and Luhansk regions, occupied since 2014; responsible for violations of human rights are, in particular, military personnel of the Russian Armed Forces, representatives of the FSB of the Russian Federation, occupation administrations on the ground, the NZF «L/DNR», as well as various paramilitary groups, such as the Kadyrovites, the Wagnerites, etc., supported and encouraged by Russia [17].

The head of the UN Human Rights Monitoring Mission in Ukraine, Danielle Bell, at the presentation of a new report on the situation with human rights in the occupied territories of Ukraine, which covers the period

from February 24, 2022 to December 31, 2023, said that systematic violations of human rights by Russia in temporarily occupied Ukrainian territories territories have deep and long-term consequences for Ukraine and its population. She noted that the report described how the Russian Federation used violent and repressive measures to control people, illegally imposing its governance systems and legal frameworks, as well as suppressing expressions of Ukrainian culture and identity [18]. According to the head of the UN Monitoring Mission, these actions and policies affected every aspect of the daily life of those living in the occupied territory [18].

Conclusions

1. The adoption of the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966 confirmed that the principle of respect for human rights belongs to the basic principles of international law. The armed aggressions of some UN member states against others posed complex tasks and questions to the international community and national legal systems to ensure the general importance of human rights, the respect of which is an essential factor for peace, security, friendly relations and cooperation between all states.

2. During an armed conflict, international humanitarian law as lex specialis takes precedence over international human rights law, but the principle of respect for human rights does not cease to apply, states continue to bear obligations to respect human rights regardless of gender, race, language, religion; on the promotion and development of the effective exercise of civil, political, economic, social, cultural, and other rights; out of respect for the human right to associate with others; out of respect for the right of national minorities to equality before the law, giving them full opportunity to enjoy human rights and protecting their legitimate interests; from the recognition of the human right to know one's rights, to protect them; on compliance with international pacts, declarations and agreements on human rights, if they are bound by them; on the adoption of legislative acts and the adoption of other measures that are necessary to ensure the basic human rights recognized by the world community; to guarantee the person whose rights have been violated, effective means of protection. Russia's violation of the principle of respect for human rights has deep and long-term consequences for the world community and UN member states.

3. In order to stop Russia's indulgence in the principle of respect for human rights, an institutional mechanism was used on a universal and regional basis: within the UN – the UN High Commissioner for Human Rights, the Committee on Human Rights, the Subcommittee on the Prevention of Discrimination and the Protection of Minorities, the Committee on Elimination discrimination against women, the Committee against Torture, etc.; on a regional basis – the European Court of Human Rights, etc.

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СУТНІСТЬ ПРИНЦИПУ ПОВАГИ ПРАВ ЛЮДИНИ В МІЖНАРОДНОМУ ПРАВІ

Статтю присвячено сутності принципу поваги прав людини в міжнародному праві. Зазначається, що сучасне міжнародне право характеризується зростанням ролі та значення поваги прав людини і саме заохочення та розвиток поваги до прав людини є наріжним каменем з підтримки міжнародного миру та безпеки.

Ухвалення Загальної декларації прав людини 1948 р. Міжнародного пакту про громадянські і політичні права 1966 р. та Міжнародного пакту про економічні, соці-

альні і культурні права 1966 р. підтвердило, що принцип поваги прав людини відноситься до основних принципів міжнародного права. Збройні агресії одних держав-учасниць ООН проти інших поставили перед міжнародною спільнотою та національними правовими системами складні завдання та запитання з забезпечення загальної вагомості прав людини, повага яких є суттєвим фактором миру, безпеки, дружніх відносин і співробітництва між усіма державами. На час збройного конфлікту міжнародне гуманітарне право як lex specialis має перевагу над міжнародним правом прав людини, але принцип поваги прав людини не припиняє свою дію, держави продовжують нести зобов'язання з поваги прав людини незалежно від статі, раси, мови, релігії; зі сприяння і розвитку ефективного здійснення громадянських, політичних, економічних, соціальних, культурних, інших прав; з поваги права людини на об'єднання з іншими; з поваги права національних меншин на рівність перед законом, надання їм повної можливості користуватися правами людини та захисту їх законних інтересів; з визнання права людини знати свої права, захищати їх; з дотримання міжнародних пактів, декларацій та угод з прав людини, якщо вони ними пов'язані; з прийняття законодавчих актів і вжиття інших заходів, які є необхідними для забезпечення визнаних світовою спільнотою основних прав людини; з гарантування людині, права якої порушено, ефективних засобів захисту. Порушення росією принципу поваги прав людини мають глибокі та довгострокові наслідки для світової спільноти та держав-учасниць ООН. Для того, щоб припинити потурання росією принципу поваги прав людини задіяно інституційний механізм на універсальній і регіональній основі: у межах ООН – Верховний комісар ООН з прав людини, Комітет з прав людини, Підкомісія щодо попередження дискримінації і захисту меншин, Комітет з питань ліквідації дискримінації щодо жінок, Комітет проти катувань тощо; на регіональній основі – Європейський суд з прав людини тощо.

Ключові слова: права людини, принципи міжнародного права, принцип поваги прав людини, міжнародне право прав людини, міжнародне гуманітарне право, захист прав людини, міжнародна спільнота, держава, агресія, захист прав людини, міжнародні зобов'язання, цінності, Статут ООН, мир, безпека, співробітництво.