

SUSTAINMENT OF THE HUMAN RIGHTS AND FREEDOMS

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**ABSTRACT**

*The paper touches upon crucial factors of the democratic development of human rights and freedoms for the Ukrainian state, which are defined as principals of its European orientation. Issues related to execution of laws regarding constitutional government, sovereignty, territorial integrity, defense and national security of Ukraine are put on a par with a human being as well as a citizen - their rights and freedoms including a society with its spiritual, moral, ethical, cultural, historic, intellectual, material values along with informational and natural environment as well as resources are extensively covered. The team of authors analyses experience of the European states, which gives us the prospect of consideration this process taking into account both an institutional basis of the European states and particular scientific tendencies of their progress.*

**Key words:** rights, freedoms, rule of law, constitution, society, crime, executive power

**ანოტაცია**

სტატიის ავტორებია უკრაინის სახელმწიფოსათვის ადამიანის უფლებებსა და თავისუფლების დემოკრატიულ განვითარებაზე მოქმედი უმნიშვნელოვანესი ფაქტორები, რომლებიც განისაზღვრება როგორც მისი ევროპული ორიენტაციის პრინციპები. საკითხები, რომლებიც დაკავშირებულია კონსტიტუციური მთავრობის მიერ კანონების აღსრულებასთან, უვერენიტეტის და ტერიტორიული

მოთხოვნის დაცვასთან, თავდაცვასა და ეროვნულ უსაფრთხოებასთან, განიხილება ისევე, როგორც ადამიანებთან, მოქალაქეებთან მიმართებაში - მათი უფლებებითა და თავისუფლებით, მოიცავს ასევე საზოგადოებას მათი სულიერი, მორალური, ეთიკური, კულტურული, ისტორიული, ინტელექტუალური, მატერიალური ფასეულობებით, ასევე საინფორმაციო გარემოს. ავტორების ჯგუფი ახალი ზეგნით ევროპული სახელმწიფოების გამოცდილებას, რაც იძლევა იმის საშუალებას, რომ ეს პროცესი განვიხილოთ როგორც ევროპული სახელმწიფოების ინსტიტუციონალური საფუძვლის გათვალისწინებით, ასევე მათი პროგრესის მეცნიერული ტენდენციებით.

**საკვანძო სიტყვები:** უფლება, თავისუფლება, კანონის უზენაესობა, კონსტიტუცია, საზოგადოება, აღმასრულებელი ხელისუფლება.

**INTRODUCTION.**

The fact is that Ukraine's policy toward rights and freedoms of the human being were, are and will be fundamental principals for democratic development in the context of the European orientation. Actually the most visible and actual spheres of implementation of the primary law of Ukraine art. 3 concerning ground fundamentals of establishment and sustainment of the human rights and freedoms under current circumstances is confirmation by President of Ukraine a list of strategies altogether with other significant decrees, which specifically define em-

bodiment methods of principal responsibilities of the state according to the Constitution.

**Purpose of the paper is** to determine the comprehensiveness of the realization by the Ukrainian state government the rights and freedoms of a person as well as a citizen in contemporary conditions of the state evolution.

It would be desirable to emphasize the focus on the National Strategy in the field of human rights [1]. Approval by the President of Ukraine of the mentioned strategy is stimulated not only by recommendations of the UN, European Council, OSCE, other international agencies in the context of the Implementation of the Association of Ukraine with the European Union, on the other hand the nowadays challenges for both the state and the public society including Ukrainian citizens in conditions of combat actions in the East of our motherland. That's why an issue of the guarantee of the people's rights and freedoms these days in the Ukrainian state and society has become apparent both as a matter of course and as a fact.

In this respect, the National Strategy for Civil Society Development in Ukraine (promote the development of civil society in Ukraine in 2016 – 2020) [2] along with the Sustainable Development Strategy “Ukraine – 2020” [3] deserve to be honored. The necessity to accept these principal decrees, in accordance with the authors' opinion, stimulated by a need of more efficient implementation of the human rights and freedoms, as far as it is hard to claim the judicial embodiment mechanism of the state responsibilities is perfect, taking into consideration current challenges.

The actuality is manifested in combat actions in the Eastern Ukraine, where the citizens as military servicemen, as well as civilian population, survive. Consequently therefore, precise attention is drawn to these issues in the Universal Declaration of Human Rights in the field of human rights as well as other above-mentioned documents. The Ukrainian society really needs an operational discretion of the relevant questions, moreover to be aware of this sort of information from experts of the legislative power. Apparently, considering this fact in the Decree of the President of Ukraine, that approved the Strategies in the field of human rights, as well as analogical programs for confirmation of the mentioned strategies, the necessity of notification pertaining to the execution of the course of actions in order to implement entries of the strategy is vital.

Additionally, according to text of the document, the Cabinet of Ministers in cooperation with representatives of the state leadership as well as bodies of local self-government, institutes of civil society, prominent national

scientists and international experts is bound to design and validate the three-month plan of actions to accomplish constituents of the National Treaty in the spectrum of human rights by the end of 2020 as well as to deliver annual report for publicity by November 1st of current year, by December 10th, to arrange public discussion of the report with representatives of the state agencies, bodies of the local self-government, institutes of the civil society, international organizations as a consequence to update the report keeping in mind outcomes of the discussion. It should be noted the meticulous course of actions to implement the National Strategy related to the human rights by 2020 was absolutely successfully elaborated and confirmed by resolution of the Cabinet of Ministers in 23.11. 2015, № 1393 [4]. In respect of measures taken by the President on the report and its public discussion there is no announcement as for today. To certain extent the civil community is expected to be satisfied with the report on implementation of the National Strategy of Human Rights in the 1st quarter of 2016 from 14.06.2016, which was held by the Ukrainian Helsinki Human Rights Union [5], on the other hand, with the annual, specified reports of the Advocate of the Sustainability and Protection of Human Rights and Freedoms [6]. However, it is evident that the sense as well as the focus are not the ones to display the execution of the course of action on the National Strategy of the human rights.

Reflecting on the issues regarding the implementation of the human rights and freedoms, let us turn our attention to another course of this process, namely to the Law of Ukraine “On the Fundamentals of National Security of Ukraine” that by defining the objects of national security, absolutely justified puts on a par a man and a citizen with their rights and freedoms, including the society with its society with its spiritual, moral, ethical, cultural, historic, intellectual, material values along with informational and natural environment as well as resources, the state along with its constitutional government, sovereignty, territorial integrity and inviolability.

To be more specific, the value of these legally determined entities of the national security and their components on the national, strategic, security level has been equilibrated. The further implementation of this citation was adopted in the National Security Strategy of Ukraine, 2016. Its new edition also contains the precious attributes of the human being such as rights and freedoms in regard to independence, territorial integrity and sovereignty, dignity, democracy, supremacy of law, prosperity, peace and security.

Though, from the authors' prospective, it would be logical to depict in the new edition of the main law, considering the Constitutional Reform in Ukraine as well as emphasizing on human significance, human rights and freedoms, reciprocally to assert the significance of the society with its values, relatively the state aspects such as the constitutional government, sovereignty, territorial integrity and inviolability. In due course, adjustment of the balance concerning interests of a person, promoting successful and effective sustainment of the rights and interests of people from the state and society as subjects of the process are performed at the appropriate level. Actually, the state is supposed to be a responsible body for maintenance of the human rights.

The European experience provides grounds to consider it as an institutional basis as well as the specified scientific tendencies. In the Constitution of Poland, this aspect refers only to guarantee of civil rights, respect of liberty, maintenance of the human rights and freedoms altogether with security of people. [7, vol. 2, p. 686-687]. Under the terms provided in the Constitution of Spain, the country endeavors to ensure the implementation of the human rights. The fundamental principals of the Spanish legislation as a judicial, democratic, social state are recognized as the following ones: the prudence, equality, and political pluralism [7, vol. 2, p. 50]. In the main law of Germany the human dignity is determined to be an inviolable property that must be respected and protected by any state authority [7, v. 1, p. 580]. In the Constitution of France, adherence and commitment to the human rights are proclaimed [7, vol. 3, p. 411].

As far as a person is defined the highest priority of the legislation in the Constitutions of Bilorussia and Moldova, the scientists, predominantly, the experts at certain deliberations in resolving the problems of the constitutional reform in Ukraine have emerged.

The European scientific community distinguishes both simply positive perception of human rights in their inherent variety and critical enough attitude towards ideology of the human rights, or even tending to the eastern philosophy, where interests of a man submit interests of collective, association and introduction as an alternative of individual right to people rights.

The tremendous glimpse of the security and the execution of state power and the human rights is their state-of-the-art criminal-law enforcement. At that, the most important is the fact that the transgression of the fictitious exaltation is a monopoly function of the contemporary state, which constitutes the exclusive right to reduce the force to the disputants and their application to the

restriction of the law. If to depart from the society and the people, or study the power structures of other states that are not allowed to realize the occurrence of a sovereign power of another state. As a matter of fact, the matter, that is considered to be inadequate by the wide-ranging organization, is a direct and unannounced introduction by other government officials of the other states in the territory of the Ukrainian Republics to ensure the repossession of private property from the Ukrainian lands occurred. Such sort of manifestations, even in the interests of protecting the citizens' rights either of own state or other states, it is perceived not as an evidence of the weakness of the law enforcement agencies, but actually, as the state itself, thus, its inability to perform its direct functions properly.

Manifestations of vulnerability of state institutions inevitably entail the «overturning» of certain state operational functions pertaining social institutions, as existing ones, in the elemental, spontaneous forms. As a constituency, the establishment of full-time battles with the protection of the state administration at the Ukrainian command or whether there are some serious problems with the exploitation of Ukrainian hostages with the above-mentioned stubbing by the state agencies, which are functionally responsible for these issues. It's not so much a matter as volunteer battalions or rescue of the prisoners, however, performing the function of the national enforcement body, it is an informal, specific, civil structure, which systematically took upon itself the role of revealing the drivers, who are driving either in an inadequate condition, or under the influence of alcohol, drugs. The statistical information on the increasing of the criminal level, due to scientific and experts' evaluation threatens the public order as well as the national security, confirms the discerned tendencies [8, 9]. Unluckily, the analogical or similar cases are spotted frequently.

As a matter of fact some Ukrainians are suffering from severe malocclusion, in the context of pros and cons of the human rights, it is not necessary to deal with the scientists, who pay attention to the social-economic problems of nowadays in our country, and the inability to increase the prospect of the collapse of resignation and the strengthening of the conventional criminal-law mechanisms. It deals with the predominance of the spheres of the specialties connected with the primary and technical forces, and reasons for the preliminary, provisional, investigative, controversial and other types of special activities, as well as in the criminal-procedural activity of the state, first of all, in the course of judicial review. In this regard, there is a rationale for those who characterize the domestic operating crime procedural law that is valid for a stable,

democratic society, nevertheless, in current realia it needs to be regulated [10]. However, it is worth admitting that for recent few years, there have been several prerequisite, preventive and practical approaches when the state of affairs, not only the state, has exploited the social function, supported by the society.

The well-known and authoritative modern western European criminologist N. Kristie in his writings "Causing pain" [11], "The Consistency of the Society" [12], while depicting the current criminal policy of West and focusing on the USA, comes to the conclusion it is based on the intention of hurting a human being who has caused pain tentative to another person.

Reducing the effectiveness of these methods of influence and the global non-elimination of the premise of falseness in the contemporary world is becoming increasingly apparent. Indeed, it is true that the penitentiary system, which is based on a criminal offense for the wrongdoing, does not always succeed once and for all. The hideous psychological and other strongholds of Nelson Mandela, M. Khodorkovsky, in particular, were not of any kind whatsoever, as it came to the criminal affairs in the commonplace of the abolition of all irrelevant from the state of self-reliance. Thus, it seems that it has a long-term prospect of establishing an association of people and knowledge of the interests of other people, the people of God, as well as the society and the state. To solve these problems in the interests of the person, its interests and interests, the actual replacement of the structure of the structure of the transfer of offenses from the government as a whole and the state.

To begin with, the Ukrainian state and society has not yet succeeded in securing a level of self-organization and a proliferation of democratic institutions. The news of the current state of the Ukrainian community suggests that the people of Ukraine should think about the revolution in Ukraine since the beginning of the 20th centuries. The fervor of the recognition of the level of the return of Ukraine and of other non-negative tendencies is evident. The reasons for these tendencies, which the petitioners claim to support the development of state-owned enterprises and their separate institutes, are now considered to be objective as subjective ones, and now they are congregational. In such skills, the preservation of the Ukrainian state is becoming more and more evident in the obvious issue, which requires recourse and resolution.

Therefore, it is important to highlight the thesis presented by the author in publications repeatedly, the necessity of observing the proper balance of interests of all subjects of national human security, society and the state, both in the interests of the human rights and freedoms, as well as the state and the society. The state itself, its sovereignty, territorial integrity, inviolability of the borders, altogether, the image of a man for his state, corresponds to a man as a citizen, first and foremost, displaying a certain level of respect for the rights and freedoms. With this cluster, it is hard to say that it is not a question of restraining the merits of the embodiment mechanism for the rights and interests of citizens of Ukraine moreover, they are not sort of violations in comparison with a precursor of action.

However, the signs of the development of the state, particularly of its influence, as distinguished by the western scientist, ingrained in modern developed, strong states. Thus, M. Kreveld, in his solid groundbreaking "Prosperity and recession of the state" [13], S. Khuntington in the book "Clash of civilizations" [14], depicting this tendency at diverse angles, draw attention to the impact of globalization processes in the world, which entail the recession of the national government as the state body.

Thus, globalization, as an inherent process in the priority of the western civilization, which is evoked by the market standards, not the state ones, additionally, it is characterized by an availability of social-economic, investment links and progressive evolution of scientific and information technologies encourages the development of multicultural integration, the population migration, nevertheless, it is spontaneously induced as a general planetary phenomenon, moreover, it chaotically entails civilizational polarization and even international conflicts [15], consequently vulnerable states have no chance to avoid the effect, unfortunately, Ukraine is not an exception.

#### CONCLUSIONS:

Hence, the fact of implementation by the Ukrainian state of the human rights and freedoms as well as the citizen in contemporary development conditions of Ukraine has to be ascertained. In order to resolve these issues, there is a need to testify significance of the society as well as the individual, that is the main subject to sustain the rights and interests of a person.

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