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HUMAN RIGHTS AND FREEDOMS IN THE NEW CONSTITUTION OF UKRAINE

Human rights and freedoms, like man himself, are fundamental to the entire range of humanitarian values today. To what extent they are ensured is indicative of society's development and civilization. The fact that so much emphasis is given to the institution of human and civil rights and freedoms in the constitutions of today's countries, therefore, is not accidental. The new Constitution of Ukraine is no exception in this respect, either.

Chapter II, which is preceded by a section, entitled "General Principles", devotes the most attention in terms of weight and content to rights and freedoms. It differs from the corresponding section of the formerly effective 1978 Constitution in a number of essential features, the most important of which are described further:

First of all, the new Constitution makes a decisive move away from the so-called paternalistic idea of state-provided human rights. According to the concept presented in the Constitution, human rights are intrinsic and fundamental features, which characterise human beings, whose very nature is annihilated, should these rights be taken away from them.

This very conceptual approach has made it possible to lay the constitutional foundation for radical change in relations between human beings and the state - the transformation of human beings from beggars and obedient servants of a monopolistic state into independent partners who are equal to their state, where the state is answerable to them for its acts and invested not only with authority but also obligations in its relations with them. Its main obligation is the affirmation and protection of human rights and freedoms (Article 3).

The other extremely important provisions of the Constitution also follow from the aforesaid concept: human rights and freedoms are inalienable and inviolable (Article 21); constitutional rights and freedoms cannot be cancelled (Article 22); they are equal for all citizens, (Article 24) and others.

Another particular feature of the Constitution's chapter devoted to rights and freedoms is the noticeable expansion of the catalogue of human rights and freedoms as compared to the 1978 Constitution.

This catalogue is brought into conformity with generally accepted international standards, which have been established by such widely known instruments as the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966) and the European Convention on the Protection of Human Rights and Fundamental Freedoms (1950) and others.

Particularly worth noting among the new constitutional rights and freedoms are the right to life; the right to have one's personal dignity respected (Article 28) the right to be protected against any intrusion into privacy and family life (Article 32); freedom of movement and free choice of place of residence (Article 33); free expression of views and beliefs (Article 34); the right of private property (Article 41); the right to entrepreneurial activity (Article 42); the right to strike (Article 44) and others.

The other characteristic feature of this chapter is that it purges human rights and freedoms of fetishistic ideological ideas which have heavily piled up in the Constitution of the Ukrainian Soviet Socialist Republic.

Naturally, what is at issue is not the complete and absolute removal of any ideology from the Constitution. It can hardly avoid basing itself on a certain system of concepts expressed in political and legal form. However, it is one thing, when this system was reduced to an "invincible" and undeniable ideology, which for decades was indoctrinated into people's mind, and quite another when it is formed with regard to values pertinent to civil society and a law-governed state: intellectual freedom, free expression of views and beliefs, impermissible ideological dictatorship, freedom from social and ethnic feuding, etc. These very values are an integral part of the chapter. The rights and freedoms are not related to any political "ism" in this respect. They are universal in a civilized world and are just as incompatible with an economy based on directives and distribution, where the standards of living are imposed from the top, as with uncontrolled market elements.

Finally, another particular feature worth remarking in this chapter is the fact that it essentially strength-

ens guarantees - in particular legal ones - of the exercise and protection of rights and freedoms. The Constitution establishes an entire range of both conventional and new legal guarantees of human rights and freedoms, by laying down fairly strict limitations (universal and unlimited rights and freedoms practically do not exist in today's world) which will prevent their being reduced by current legislation into invalid laws and other legal regulatory acts, defining citizens' rights and duties, which have not been brought to the notice of the population according to the procedure established by law (Article 57).

The court is given a special role in guaranteeing rights and freedoms. Pursuant to Article 55 everybody without exception shall be subject to protection in court - unlike Soviet times, when protection in court was, in fact, provided on an optional basis: in restriction of their rights a considerable number of citizens' complaints were excluded from judicial

jurisdiction altogether. The role of the court has expanded considerably in ensuring that human rights are maintained during detention, arrest, examination, search, property confiscation and so forth.

An essential novelty is the provision, according to which everyone is entitled to appeal to appropriate international judicial institutions or respective bodies of international organizations, to which Ukraine is a party, to protect his or her rights.

The establishment of a special institution of parliamentary control over their maintenance - the Human Rights Plenipotentiary of the Verkhovna Rada of Ukraine - should also be considered as a crucial guarantee of human rights and freedoms.

This entire set of guarantees will inevitably facilitate the affirmation of human beings, human life and health conditions, honor and dignity, inviolability and safety as the highest social values.

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COOPERATING WITH THE STEERING COMMITTEE FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE



Late this year, a director of the Ukrainian Center for Human Rights (UCHR), at the invitation of the Steering Committee for Human Rights of the Council of Europe, travelled to Strasbourg on business. The purpose of the trip was to study the forms and methods of operation of the Steering Committee for Human Rights, establish business contacts and initiate cooperation with this major Committee of the Council

of Europe. In addition, the Council of Europe wanted to show the UCHR representatives how the system of human rights protection operates, in particular, the European Commission of Human Rights and the European Court of Human Rights.

For a long time now, the UCHR has been methodically covering Council of Europe activity in the sphere of human rights protection and its mechanisms, receiving appropriate information and literature, and releasing official documents, which include international agreements relating to human rights of the Council of Europe, in its publications. The European Convention on Human Rights was the first publication put out by the UCHR. The UCHR representative talked about the work of UCHR, its objectives, as well as what place cooperation with the Council of Europe occupies in its activity.

UCHR's work and publications: "Herald of the Ukrainian Center for Human Rights," "Ukrainian Journal of Human Rights" and the annual, "Human Rights in Ukraine" were highly praised. The Library of the Council of Europe will now regularly receive UCHR