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DOI <https://doi.org/10.32849/2663-5313/2022.9.04>**Larysa Kryvoruchko,***Leading Researcher at the Department of Scientific-Legal Expertise and Legislative Work, Scientific Institute of Public Law, 2a, H. Kirpystreet, Kyiv, Ukraine, postal code 03035, larysa_kryvoruchko@ukr.net***ORCID:** orcid.org/0000-0001-6635-2381

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TYPES OF ACTORS IMPLEMENTING INTERNATIONAL STANDARDS IN THE FIELD OF HUMAN RIGHTS PROTECTION

Abstract. Purpose. The purpose of the article is to identify the types of actors implementing international standards in the field of human rights protection. **Results.** Relying on the analysis of scientific views of scholars and provisions of current Ukrainian legislation, the article emphasises that the implementation of international standards in the field of human rights protection integrates a group of various actors, each of which has its own role in the development of the field of ensuring and protecting human rights and freedoms. The author classifies these actors and briefly describes their administrative and legal status. It is established that law enforcement bodies do not directly implement international human rights standards in the national legal system; however, in accordance with the powers, rights and obligations assigned to this system of State agencies, the latter ensures the effect of these standards, the appropriate level of compliance by all individuals and legal entities without exception, and in exceptional cases brings violators of such standards to legal liability. It is emphasised that the Ukrainian Parliament Commissioner for Human Rights is an important actor implementing international standards in the field of human rights protection. He operates independently of other state bodies and officials. **Conclusions.** It is concluded that the process of implementing international standards in the field of human rights protection integrates a group of various actors, each of which has its own role in the development of the field of ensuring and protecting human rights and freedoms. Thus, all actors have their own legal status and respective legal independence in the exercise of their functions, but on the basis of special legal mechanisms, such as ratification of international instruments or as a result of competence granted by law; they are to some extent involved in relations arising from the implementation of international standards in the field of human rights protection. Given this, the classification of the actors of the process under study should be based on the criterion of functional purpose and targeted interest in the outcome of the process of implementing international standards in the field of human rights protection.

Key words: international standards, ensuring, protection, human rights, subject, implementation.

1. Introduction

Changes in the surrounding reality are always the result of the effective actions of someone or something. This point is the substantive basis for the concept of the object and actor functionally integrated with each other. It so happens that social relations always involve the influence of certain individuals on certain phenomena, objects, etc. In their activities, these individuals use the opportunities provided by morality and law to realise their socio-political role and achieve certain predetermined results. Moving from the abstract to the specific, a vivid example of this view is the sector of implementation of international standards in the field of human rights protection. This complex activ-

ity requires a large number of operations, events and other complex actions, and therefore has its own range of implementers, or actors, which are not homogeneous.

Certain problematic issues related to the activities of the actors implementing international standards in the field of human rights protection have been considered in their scientific works by: V. Averianov, O. Bandurka, N. Hrazhevska, D. Zhuravlev, R. Kaliuzhnyi, A. Komziuk, I. Lytvynchuk, V. Ponikarov, O. Solomatina, O. Shevchuk, H. Yarmaki, and many others. However, despite a considerable number of scientific achievements, the issue of the types of these actors has remained virtually unaddressed by scholars.

As a result, the purpose of the article is to identify the types of actors implementing international standards in the field of human rights protection.

2. The system of actors implementing international standards in the field of human rights protection

It should be noted that the system of actors implementing international standards in the field of human rights protection differs from the general system of public administration and includes a certain number of bodies, agencies and their officials. For example, the key participants are the President of Ukraine, the Verkhovna Rada of Ukraine and the Ministry of Foreign Affairs of Ukraine. In their triumvirate, they constitute an effective mechanism for adopting foreign experience. For example, the President of Ukraine is the guarantor of state sovereignty, territorial integrity of Ukraine, observance of the Constitution of Ukraine, human and civil rights and freedoms, as well as the guarantor of the implementation of the strategic course of the State to acquire full membership in the European Union and the North Atlantic Treaty Organisation. The key tasks of the President of Ukraine shall be to ensure state independence, national security and legal succession of the State; to sign laws adopted by the Verkhovna Rada of Ukraine; and to conclude international treaties on behalf of Ukraine concerning human and civil rights, freedoms and duties (The Constitution of Ukraine, 1996).

The Verkhovna Rada of Ukraine is the sole legislative authority in Ukraine. Its powers include the following: to adopt laws in various spheres of public life, including the protection of human rights and freedoms; to determine the principles of domestic and foreign policy, to implement the strategic course of the State to acquire full membership in the European Union and the North Atlantic Treaty Organisation; to grant consent to the binding character of international treaties of Ukraine, including in the field of human rights and freedoms; exercising parliamentary control over the observance of human rights and freedoms, as well as relevant standards in this field (The Constitution of Ukraine, 1996).

The Ministry of Foreign Affairs of Ukraine is a central executive body directed and coordinated by the Cabinet of Ministers of Ukraine. The MFA is the main body in the system of central executive authorities that ensures the formation and implementation of public policy on foreign relations. Its main tasks are to ensure the formation and implementation of public policy on foreign relations; to ensure the protection of Ukraine's national interests in

the field of international relations, diplomatic means and methods of protecting Ukraine's sovereignty, international security, territorial integrity and inviolability of borders, its political, trade and economic, cultural, humanitarian and other interests; development of relations with Ukrainians abroad and their public associations, coordination of measures taken by executive authorities to develop such relations; and providing state bodies with information necessary for the implementation of effective foreign and domestic policy of Ukraine; implementation of the foreign policy course of Ukraine aimed at developing political, economic, cultural, humanitarian, scientific and other relations with foreign states and international organisations; coordination of the activities of state bodies to ensure the implementation of a single foreign policy course of Ukraine; protection of the rights and interests of Ukrainian citizens and legal entities abroad; promotion of Ukraine's international authority and its image as a reliable and predictable partner; study and analysis of the political and economic situation in the world, foreign and domestic policies of foreign countries, and the activities of international organisations; participation, within the powers provided by law, in making State foreign economic policy, the policy of integration of the national economy into the world economic system; etc. (Resolution of the Cabinet of Ministers of Ukraine On approval of the Regulation on the Ministry of Foreign Affairs of Ukraine, 2016).

Based on the tasks of these state authorities, all of them ensure the implementation of international human rights standards to a greater or lesser extent, as they act as a kind of "bridge" between our country and the international community, enabling these parties to cooperate. Moreover, these actors are specific and significant due to the fact that they are part of a single mechanism for ratification of international instruments. Thus, ratification under national law is a form of Ukraine's consent to be bound by an international treaty, in particular treaties relating to human and civil rights, freedoms and duties (Law of Ukraine On International Treaties of Ukraine, 2004).

Ratification takes place after the conclusion of a relevant international treaty concerning human and civil rights and freedoms. It is carried out by adopting a law on ratification, the text of which is an integral part of the international treaty. On the basis of the law signed and officially promulgated by the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine signs the instrument of ratification, which is certified by the signature of the Minister of Foreign Affairs of Ukraine if the treaty provides for

the exchange of such instruments. Proposals for ratification of an international treaty of Ukraine shall be submitted by the Ministry of Foreign Affairs of Ukraine to the President of Ukraine within six months from the date of its signing. Proposals for the ratification of an international treaty of Ukraine include the following documents: a submission to the President of Ukraine or the Cabinet of Ministers of Ukraine, respectively; a draft submission to the Verkhovna Rada of Ukraine, which determines the candidate for the rapporteur of the draft law at the plenary session of the Verkhovna Rada of Ukraine; a draft law on the ratification of an international treaty of Ukraine; the text of the international treaty in Ukrainian; a certificate of approval of the draft law by the ministries concerned and other central executive authorities and state collegial bodies; an accompanying (explanatory) note that justifies the expediency of concluding an international treaty with Ukraine and identifies its likely political, legal, social and economic, humanitarian and other effects, as well as actors responsible for implementing the international treaty of Ukraine; financial and economic justification and, in case of proposals for ratification of the international treaty of Ukraine, implementation thereof requires material or other expenses from the State Budget of Ukraine, the budget of the Autonomous Republic of Crimea or local budgets, proposals to cover the costs of the respective budgets; a comparative table in case of proposals for ratification of an international treaty of Ukraine, implementation thereof requires the adoption of new or amendments to existing laws of Ukraine or which amends another international treaty of Ukraine; electronic versions of the texts of documents (Law of Ukraine On International Treaties of Ukraine, 2004).

3. Types of actors implementing international standards in the field of human rights protection

The President of Ukraine considers proposals for the ratification of an international treaty of Ukraine and decides to submit a draft law on the ratification of an international treaty of Ukraine to the Verkhovna Rada of Ukraine as a legislative initiative. If an international treaty is submitted for ratification, implementation thereof requires the adoption of new or amendments to existing laws of Ukraine, draft laws are submitted to the Verkhovna Rada of Ukraine together with the draft law on ratification and are adopted simultaneously (Law of Ukraine On International Treaties of Ukraine, 2004).

The Ukrainian Parliament Commissioner for Human Rights is an equally important actor that implement international standards in

the field of human rights protection. He operates independently of other state bodies and officials. The Commissioner's activities complement the existing means of protecting constitutional rights and freedoms of man and citizen, do not cancel them and do not entail a review of the competence of state bodies that ensure the protection and restoration of violated rights and freedoms (Law of Ukraine On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, 1997).

The Commissioner is not directly involved in the implementation of human rights standards in the legal system of the State, but is vested with the following powers: to protect human and civil rights and freedoms proclaimed by the Constitution of Ukraine, laws of Ukraine and international treaties of Ukraine; to assist in bringing Ukrainian legislation on human and civil rights and freedoms in line with the Constitution of Ukraine and international standards in this field; to improve and further develop international cooperation in the field of protection of human and civil rights and freedoms (Law of Ukraine On the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, 1997).

The Cabinet of Ministers of Ukraine is an important actor, the highest body in the system of executive authorities. It exercises executive power directly and through ministries and other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations, directs, coordinates and controls the activities of these bodies. The Cabinet of Ministers of Ukraine is responsible to the President of Ukraine and the Verkhovna Rada of Ukraine, is controlled by and accountable to the Verkhovna Rada of Ukraine within the limits stipulated by the Constitution of Ukraine, and its tasks, in particular, include measures to ensure the rights and freedoms of man and citizen, an enabling environment for free and comprehensive development of the individual (Law of Ukraine On the Cabinet of Ministers of Ukraine, 2014). Thus, the Cabinet of Ministers is the central "node" of the executive power of the State. In other words, it controls the field of the State apparatus responsible for ensuring compliance with and implementation of international human rights standards implemented in the national legal system. In particular, the Cabinet of Ministers of Ukraine directs the activities of the Ministry of Foreign Affairs of Ukraine (Law of Ukraine On the Cabinet of Ministers of Ukraine, 2014).

Next, the committees of the Verkhovna Rada of Ukraine should be noted. Currently, they have units responsible for making State

policy in the field of implementation of international standards in various areas, such as human rights protection. For example, the Committee on Foreign Policy and Interparliamentary Cooperation is responsible for the following issues: legislative support of Ukraine's foreign policy activities; foreign relations, including Ukraine's participation in international organisations such as the United Nations (UN), the Organisation for Security and Cooperation in Europe (OSCE), and the Council of Europe (CoE), Organisation of the Black Sea Economic Cooperation (BSEC), GUAM Organisation for Democracy and Economic Development (GUAM), Central European Initiative (CEI), Inter-Parliamentary Union (IPU) and others, as well as the North Atlantic Treaty Organisation (NATO) and the World Trade Organisation (WTO) within the Committee's mandate; giving consent to be bound by international treaties of Ukraine (ratification, accession to an international treaty, adoption of the text of an international treaty), denunciation of international treaties of Ukraine (except for international treaties of Ukraine with the European Union (EU) and its member states) (Resolution of the Verkhovna Rada of Ukraine On the list, quantitative composition and subjects of the committees of the Verkhovna Rada of Ukraine of the ninth convocation, 2019).

The target committee activities thereof are directly related to the field under study is the Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories in Donetsk and Luhansk Regions and the Autonomous Republic of Crimea, the City of Sevastopol, National Minorities and Interethnic Relations. The scope of its functions includes the following issues: observance of human and civil rights and freedoms; implementation of European standards for the protection of human rights and fundamental freedoms in national legislation; ethno-national policy, interethnic relations and rights of indigenous peoples and national minorities in Ukraine; cooperation with the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe (OSCE) in the field of observance (protection) of human rights, national minorities and interethnic relations; cooperation with the United Nations High Commissioner for Refugees, the International Organisation for Migration, the UN Human Rights Council in accordance with the statutory tasks of these organisations that coincide with the competence of the Committee, etc. (Resolution of the Verkhovna Rada of Ukraine On the list, quantitative composition and subjects of the committees of the Ver-

khovna Rada of Ukraine of the ninth convocation, 2019).

A separate group in the system of actors implementing international standards in the field of human rights protection is law enforcement bodies of the State. According to the definition of this concept proposed by M.I. Melnyk, a law enforcement body is a state body, usually armed, that performs law enforcement functions and therefore requires specific material and other support. In order to effectively perform their duties, employees are endowed with various specific rights, have appropriate benefits, external signs of belonging to law enforcement bodies and enjoy enhanced legal protection (Melnyk, Khavriliuk, 2002, pp. 43-44). V.S. Kovalskyi, V.T. Bilous, S.E. Demskyi, B.V. Romaniuk, M.I. Kamlyk, P.T. Heha et al. define law enforcement bodies as a state body the main subject matter thereof is functions or tasks of law enforcement, prescribed by law, restoration of the violated right or organisation of execution of punishment, protection of national (state) security, maintenance of law and order and ensuring the legality, or a state body performing one or more law enforcement functions, which are decisive in its activities in the social division of labour in the field of public administration (Kovalskyi, Bilous, Demskyi, 2002, p. 8).

Law enforcement bodies do not directly implement international human rights standards in the national legal system; however, in accordance with the powers, rights and obligations assigned to this system of State agencies, the latter ensures the effect of these standards, the appropriate level of compliance by all individuals and legal entities without exception, and in exceptional cases brings violators of such standards to legal liability.

4. Conclusions

Therefore, this study has revealed that the process of implementing international standards in the field of human rights protection integrates a group of various actors, each of which has its own role in the development of the field of ensuring and protecting human rights and freedoms. Thus, all actors have their own legal status and respective legal independence in the exercise of their functions, but on the basis of special legal mechanisms, such as ratification of international instruments or as a result of competence granted by law; they are to some extent involved in relations arising from the implementation of international standards in the field of human rights protection. Given this, the classification of the actors of the process under study should be based on the criterion of functional purpose and targeted interest in the outcome of the process of implementing

international standards in the field of human rights protection. In accordance with these criteria, in the result of this scientific study, it is advisable to indicate that the actors of the process under study can be logically divided into the following types:

1) the main actors implementing international standards in the field of human rights protection: the President of Ukraine, the Verkhovna Rada of Ukraine and the Ministry of Foreign Affairs of Ukraine; these actors are participants in the process of ratification, that is, approval of international treaties relating to human rights and freedoms and implementation of their provisions in national legislation, i.e. these actors actually deal with the process of development of the human rights sphere, creating a legal basis for its existence and protection;

2) other actors implementing international standards in the field of human rights protection: the Cabinet of Ministers of Ukraine and committees of the Verkhovna Rada; this group of actors is not directly involved in

the process of introducing the latest human rights mechanisms, but they are responsible for coordinating the activities, aimed at creating an "administrative monolith" within the State for the development of the issue under study, i.e. these actors actually create the conditions under which the implementation of international standards in the field of human rights protection becomes possible and has the highest degree of effectiveness;

3) the actors ensuring compliance with international standards in the field of human rights protection: the Ukrainian Parliament Commissioner for Human Rights, law enforcement agencies (the National Police of Ukraine, the Security Service of Ukraine, Prosecutor's Offices, the State Bureau of Investigation, etc.); the performance of the latter type of actors is related to ensuring human rights in certain sectors of public activities, actual compliance with relevant international standards in this field and bringing to justice violators of the legal status of human freedoms.

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Лариса Криворучко,

провідний науковий співробітник відділу науково-правових експертиз та законопроектних робіт, Науково-дослідний інститут публічного права, вулиця Г. Кірпи, 2А, Київ, Україна, індекс 03035, larysa_kryvoruchko@ukr.net

ORCID: orcid.org/0000-0001-6635-2381

ВИДИ СУБ'ЄКТІВ ЗАПРОВАДЖЕННЯ МІЖНАРОДНИХ СТАНДАРТІВ У СФЕРІ ЗАБЕЗПЕЧЕННЯ ЗАХИСТУ ПРАВ ЛЮДИНИ

Анотація. Мета. Мета статті – з'ясувати види суб'єктів запровадження міжнародних стандартів у сфері забезпечення захисту прав людини. **Результати.** У статті, спираючись на аналіз наукових поглядів учених та норм чинного законодавства України, акцентовано увагу на тому, що запровадження міжнародних стандартів у сфері забезпечення захисту прав людини об'єднує у собі групу різномірних суб'єктів, кожен з яких має власну роль у розвитку галузі забезпечення та захисту прав і свобод людини. Здійснено класифікацію вказаних вище суб'єктів, а також надано коротку характеристику їх адміністративно-правового статусу. З'ясовано, що правоохоронні органи не здійснюють безпосередню діяльність з імплементації міжнародних стандартів у сфері прав людини в національну систему права, проте відповідно до покладених на цю систему державних відомств повноважень, прав та обов'язків остання забезпечує дію вказаних стандартів, належний рівень їх дотримання всіма без винятку фізичними та юридичними особами та у виняткових випадках притягує порушників таких стандартів до юридичної відповідальності. Наголошено, що важливим суб'єктом запровадження міжнародних стандартів у сфері забезпечення захисту прав людини є Уповноважений Верховної Ради з прав людини. Він здійснює свою діяльність незалежно від інших державних органів та посадових осіб. **Висновки.** Зроблено висновок, що процес запровадження міжнародних стандартів у сфері забезпечення захисту прав людини об'єднує у собі групу різномірних суб'єктів, кожен з яких має власну роль у розвитку галузі прав і свобод людини. Так, усі суб'єкти мають власний правовий статус та відповідну правову самостійність у питаннях реалізації належних функцій, але на підставі спеціальних правових механізмів, як-то ратифікація міжнародних документів, або внаслідок наданої законом компетенції вони тією чи іншою мірою беруть участь у відносинах, які виникають за фактом запровадження міжнародних стандартів у сфері забезпечення захисту прав людини. З огляду на це у підґрунті класифікації суб'єктів досліджуваного процесу доречно закласти критерій функціональної мети та цільової зацікавленості в результаті процесу запровадження міжнародних стандартів у сфері забезпечення захисту прав людини.

Ключові слова: міжнародні стандарти, забезпечення, захист, права людини, суб'єкт, запровадження.

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