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HUMAN RIGHTS WITHOUT DISCRIMINATION ARE ALL INTERRELATED, INTERDEPENDENT AND INDIVISIBLE

Human rights are moral principles or norms that describe certain standards of human behavior, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being", and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They are regarded as requiring empathy and the rule of law and imposing an obligation on persons to respect the human rights of others, and it is generally considered that they should not be taken away except as a result of due process based on specific circumstances; for example, human rights may include freedom from unlawful imprisonment, torture and execution.

Human rights can be classified and organized in several different ways. At an international level the most common

categorization of human rights has been to split them into civil and political rights, and economic, social and cultural rights.

Civil and political rights are enshrined in articles 3 to 21 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR). Economic, social and cultural rights are enshrined in articles 22 to 28 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Before 1945 individuals were considered as objects of international law. States used to have absolute sovereignty in their internal affairs; they can treat their nationals in way that pleases them. But after the massive destruction resulted from the Second World War, on June 26, 1945 the UN Charter was adopted which established an international organization the UN as a global institution to protect human right. The term “human right” was first included in the UN charter.

There are two levels of human right protection systems. These are:

1. National human right protection system and
2. International system of human right protection

In 1966, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted by the United Nations, between them making the rights contained in the UDHR binding on all states that have signed this treaty, creating human-rights law.

Since then numerous other treaties (pieces of legislation) have been offered at the international level. They are generally known as human rights instruments. Some of the most significant, referred to (with ICCPR and ICESCR) as "the seven core treaties", are:

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted 1979, entry into force: 1981)

Convention on the Elimination of All Forms of Racial Discrimination (CERD) (adopted 1966, entry into force: 1969)

Convention on the Rights of Persons with Disabilities (CRPD) (adopted 2006, entry into force: 2008)

Convention on the Rights of the Child (CRC) (adopted 1989, entry into force: 1989)

United Nations Convention Against Torture (CAT) (adopted 1984, entry into force: 1987)

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW or more often MWC) (adopted 1990, entry into force: 2003)

The doctrine of human rights has been highly influential within international law, global and regional institutions. Actions by states and non-governmental organizations form a basis of public policy worldwide. The idea of human rights suggests, "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights". The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justifications of human rights to this day. The precise meaning of the term right is controversial and is the subject of continued philosophical debate; while there is consensus that human rights encompasses a wide variety of rights such as the right to a fair trial, protection against enslavement, prohibition of genocide, free speech, or a right to education (including the right to comprehensive sexuality education, among others), there is disagreement about which of these particular rights should be included within the general framework of human rights; some thinkers suggest that human rights should be a minimum requirement to avoid the worst-case abuses, while others see it as a higher standard.

Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the events of the Holocaust, culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948. Ancient peoples did not have the same modern-day conception of universal human rights. The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval natural law tradition that became prominent during the European Enlightenment with such philosophers as John Locke, Francis Hutcheson and Jean-Jacques

Burlamaqui, and which featured prominently in the political discourse of the American Revolution and the French Revolution. From this foundation, the modern human rights arguments emerged over the latter half of the 20th century, possibly as a reaction to slavery, torture, genocide and war crimes, as a realisation of inherent human vulnerability and as being a precondition for the possibility of a just society.

The organizational structure of the UN is indicated in Article 7(1) of the Charter, which lists the principal organs of the United Nations. Those are:

1. General Assembly
2. Security Council
3. Economic and Social Council
4. Trusteeship Council
5. International Court of Justice and

6. Secretariat. Under article 7(2) it states that, other subsidiary organs as may be found necessary may be established in accordance with the present Charter.

In 1946, under the umbrella of ECOSOC pursuant to article 68 of the UN charter, UNCHR was established. In 2006 its name was renamed as UNHRC. But the UN did not go from promotion to protection until 1967 in which the ECOSOC was given the mandate to investigate serious and systematic human right violations by Resolution number 1235. Under international human right protection system there are two types of protection systems. They are:

1. Charter based protection system and
2. Treaty based protection system

During the ongoing warfare in Donbass, Ukraine has lost control over the territories of Donetsk People's Republic and Luhansk People's Republic and therefore suspended its human right obligations there. On 21 May 2015 the Verkhovna Rada of Ukraine has passed a resolution declaring that it has withdrawn from some of the obligations stipulated in the International Covenant on Civil and Political Rights(articles 2, 9, 12, 14, 17), the Convention for the Protection of Human Rights and Fundamental Freedoms(articles 5, 6, 8, 13) and European Social Charter(articles 1 p. 2, 4 p. 2-3, 8 p. 1, 14

p. 1, 15,16,17 p. 1a p. 1c, 23,30, 31 p. 1-2) at the Donbass region until "Russia cease its aggression in eastern Ukraine".

In March 2014, at the invitation of the Government of Ukraine and in response to developments in the country, the UN Secretary-General deployed a human rights team.

The UN Human Rights Monitoring Mission in Ukraine monitors reports publicly and advocates on the human rights situation in Ukraine with the aim of fostering access to justice and bringing perpetrators to account. A special focus is on the east and Crimea.

The Human Rights Mission has offices in Kyiv, Donetsk, Kharkiv, Kramatorsk, Luhansk, and Odesa. The Mission works on Crimea from the offices in Kyiv and Odesa.

The UN Human Rights Monitoring Mission implements the mandate of the UN High Commissioner for Human Rights to protect and promote human rights for all everywhere. The headquarters is in Geneva.

By the end of 2017, the UN Human Rights Monitoring Mission in Ukraine has published 20 public reports on the human rights situation in Ukraine, and two thematic reports: on conflict- related sexual violence and on the human rights situation in the Autonomous Republic of Crimea.

Though national human right protection system is the main system of human right protection and it is the most effective by the fact that domestic legal system has effectively operating organs of government, international system of human right protection also has invaluable contribution by filling the gaps of national human right protection system, intervening when domestic or national human right protection system fails to protect human right and by prescribing threshold human right treatment, as a result of which uniformity of human protection is ensured universally.

List of references:

1. Рада одобрила отступление от Конвенции о правах человека [Parliament endorsed withdrawal from the Convention on Human Rights] (in Russian). Bbc.co.uk. 21 May 2015. Retrieved 3 October 2015. [Electronic resource] - Access

mode:https://lb.ua/news/2015/05/21/305627_rada_razreshila_soblyudat_zone_ato.html (last access: 09.06.2018). - Title from the screen.

2. Рада разрешила не соблюдать в зоне АТО акты о правах человека [Rada has decided not to comply with human rights acts in ATO zones]. LB.ua (in Russian). 21 May 2015. Retrieved 3 October 2015. [Electronic resource] - Access mode: https://www.bbc.com/russian/rolling_news/2015/05/150521_ru_ukraine_rada_human_rights (last access: 09.06.2018). - Title from the screen.

3. UN Reports on the human rights situation in Ukraine [Electronic resource] - Access mode: <http://www.un.org.ua/en/publications-and-reports/un-in-ukraine-publications/3592-un-reports-on-human-rights-situation-in-ukraine> (last access: 09.06.2018). - Title from the screen.

4. Human Rights [Electronic resource] - Access mode: <http://www.un.org.ua/en/resident-coordinator-system/human-rights> (last access: 09.06.2018). - Title from the screen.

5. Human right protection system: individual complaint
Author: Adisalem Desta (LLB) [Electronic resource] - Access mode: <http://aigaforum.com/article1/Human-right-protection-system.pdf> (last access: 09.06.2018). - Title from the screen.

6. Video: Protection of Human Rights act 1993 Chapter 1&2 [Electronic resource] - Access mode: <https://salda.ws/video.php?id=yFf8m8dgckU> (last access: 09.06.2018). - Title from the screen.

7. Human Rights Uploaded by GANAPATHY.S [Electronic resource] - Access mode: <https://ru.scribd.com/document/282275044/Human-Rights> (last access: 09.06.2018). - Title from the screen.

8. What are HUMAN RIGHTS? What do HUMAN RIGHTS mean? HUMAN RIGHTS meaning, definition & explanation [Electronic resource] - Access mode: <https://www.youtube.com/watch?v=Cju2e5hNBdU> (last access: 09.06.2018). - Title from the screen.