

Denys CHYZHOV,
*Ph.D in Law, Associate Professor of
Constitutional Law and Human Rights
of the National Academy of Internal
Affairs, Researcher at the Institute of
State Building and Local Self-
Government of the National Academy of
Legal Sciences of Ukraine*

COMPARATIVE LEGAL CHARACTERISTICS OF THE PROVISION HUMAN RIGHTS IN THE SPHERE OF NATIONAL SECURITY OF UKRAINE ON THE EXAMPLE OF THE NATO MEMBER COUNTRIES

National safety of the country is one of the main priority of the functioning and activity of any state. Despite the hostilities in eastern Ukraine, such issues are more pressing than ever, especially in the context of human rights. It is known that the ideal model of national security is the countries that are members of NATO so this research provides a comparative legal description of human rights in the field of national security in NATO countries.

It is necessary to agree with the definition of national security presented in the Law of Ukraine «On National Security of Ukraine», where it is interpreted as «the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats». Instead, the provision of human and civil rights and freedoms should be considered through the system of human and civil rights and freedoms. It consists of institutional, legal, organizational and resource support. The stable connection of these elements creates an interacting environment for ensuring rights and freedoms.

Consequently, ensuring human rights in the field of national security is a complex and sophisticated phenomenon of a systemic nature, which, without a well-established mechanism, will not function properly and effectively.

NATO is a model for ensuring human rights in the area of national security. This organization managed to transform its status from a purely military bloc into a political-scientific-military organization. Nowadays, firstly, it ensures the security of each member state of the Alliance. Secondly, it forms a system of collective security. Thirdly, it creates partnerships with non-NATO countries. Fourthly, it establishes and increasingly applies mechanisms for non-violent crisis management and conflicts. Fifth, it performs humanitarian, scientific, and educational functions, which show that NATO exists not only for military purposes.

For a comparative legal characteristic of ensuring human rights in the field of national security of NATO countries, such NATO member states as the United States and Great Britain will be analyzed.

The experience of Great Britain in introducing the concept of sustainability in the field of national security seems interesting for Ukraine. Thus, in order to implement an integrated approach and strengthen the ability to respond to large-scale emergencies of

various origins, the UK government is working systematically to develop mechanisms for interagency interaction and coordination of activities carried out by the Cabinet of Ministers, individual ministries, local authorities, the private sector and civil society.

It should be noted that the United Kingdom has a Civil Contingencies Act (2004), which defines emergencies as hazardous events or phenomena that can seriously adversely affect or cause significant harm to citizens' lifestyles, the environment or national security (in particular, as a result of war or terrorist acts). That is, we are talking about a wide range of threats.

In order to implement the provisions of this Law, the government has developed a number of guidance documents that provide recommendations and offer flexible mechanisms for prevention, preparation for response, direct response to emergencies and recovery. In particular, these are: a program for increasing resilience, which defines the area of responsibility of various government bodies and the procedure for interagency coordination and cooperation in the preparation, response and elimination (minimization) of the consequences of emergencies; an emergency response concept that defines the principles and procedures for responding to emergencies, as well as flexible coordination mechanisms; Handbook on Emergencies and Recovery, which defines the principles and effective practice of responding to emergencies and post-crisis recovery, the powers of government agencies and services in this area, provides recommendations for the organization of interagency cooperation and work with the media; contingency plans to respond to the highest priority risks identified in the National Risk Assessment; National strategic principles of community resilience, which define the principles and capabilities of communities and citizens in strengthening their resilience to threats of various origins, include examples of concrete actions, recommendations for emergency preparedness and planning, response and recovery.

The US national security strategy in the XXI century envisages a humanitarian aspect - the education system. This became an official confirmation of the policy pursued by the United States - the stimulation of the scientific sphere, the creation of the best conditions for the development of the intellectual potential of the state. World experience proves that the living standards of the population, the socio-economic situation in the country is determined by the degree of education of society and its attitude to intellectual values. Therefore, national security is inextricably linked with the intellectual component of humanitarian security. The 2015 US National Security Strategy states that it is based on the rules of an international order that promotes global security and prosperity, as well as human dignity and rights. The authors of the document emphasize the history of their own people, defending democracy and human rights, paying special attention to the struggle for freedom, maintaining peaceful democratic change, implementing a policy of mobilizing international support to strengthen and expand global human rights norms. The strategy points to the obligation of governments to fulfill their human rights obligations, to confront and prevent any repression, and to respond appropriately to mass crimes. It also emphasizes that human rights protection is most effective when activities are carried out jointly with a wide range of partners (civil society, religious leaders, businesses, other governments and

international organizations). The Strategy stipulates the expediency of creating rules, norms and institutions that are the basis for peace, security, prosperity and, of course, the protection of human rights in the XXI century.

In conclusion, for Ukraine, which has begun its path towards the formation of an optimal model of national security, the most acceptable solution is to adopt the above concepts. Of course, the process of joining NATO is long and presupposes the need to adapt domestic legislation to NATO legislation, but with clear actions and political will, it is achievable for us.

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Denys DENISOV,

Student of the Educational and Scientific Institute of International Relations of Taras Shevchenko National University of Kyiv

Academic advisor:

Denys CHYZHOV

Ph D in Law, Associate Professor of Constitutional Law and Human Rights of the National Academy of Internal Affairs

THE PRINCIPLE OF THE RULE OF LAW THROUGH THE PRISM OF THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

Currently, principle of the rule of law successfully implemented in a vast majority of countries. It is a means of achieving internal goal of law and legal system in general – to ensure the priority of natural human rights [1, p. 18].