

**HUMAN RIGHTS AND JUSTICE:  
NEW DISCUSSIONS ON NATURE AND INTERCONNECTION**

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Russia's military aggression on Ukraine has resulted in severe and widespread human rights violations with disastrous consequences for the enjoyment of virtually all human rights in Ukraine. In particular, there is compelling evidence of violations of the right to life – arbitrary killings and enforced disappearances, as well as violations of property rights; violations of the prohibition of torture and ill-treatment, including gender-based violence and war-related sexual violence; and violations of the right to liberty and security of person, including abductions and arbitrary or incommunicado detention [1].

The realization of justice for victims will require judiciary proceedings in the long term. Parties to the conflict have an obligation to bring to justice those responsible for grave international crimes. Only fair justice will serve the interests of victims and strengthen respect for human rights. In the context of the Council of Europe (CoE), this should mean continuing to provide long-term support to the efforts of the Ukrainian justice system to investigate gross human rights violations. "Securing justice for all victims of the war in Ukraine will require an unwavering and long-term commitment by the parties involved, including through cooperation with the International Criminal Court, and continued long-term support to the Ukrainian justice system" [1]. Undoubtedly, human rights are the basis for empowering the understanding and solution of justice problems at the local, domestic and international levels.

The interrelationship between human rights and justice is essential, profound, and even controversial. The relationship between human rights and

justice is extrapolated in the context of philosophical, economic, social, and legal visions, making up a key to understanding the nature of the relationship between human rights, their protection, and justice [2]. Human rights are more than just an academic concept; it is fundamental to our life experience and can empower (and sometimes frustrate) us in our search for justice [4].

Ukrainian philosophy of human rights protection should now shift the emphasis from merely enshrining human rights in national legislation to creating mechanisms of their real protection. That is, the modern philosophy of human rights protection should be based on the natural law approach, which affirms universal human values that embody and reproduce the foundations of human existence, because without them it will be partial and inferior, as well as these values, enshrined in the principles of law, which are the core, the basis of the legal system.

The full-scale stage of the Russian Federation's war against Ukraine, which began on February 24, 2022, has led to the displacement of millions of Ukrainians both inside and outside the country. For many of them, displacement has led to an increased risk of becoming victims of trafficking, exploitation, and abuse. In its Memorandum on the Human Rights Consequences of the War in Ukraine of July 8, 2022, the Council of Europe stressed that "the international community should continue to support them (people who have fled the war), and the countries and communities hosting them, in the long term, paying particular attention to the needs of vulnerable groups" [1]. Some human rights treaties allow for the suspension of specific human rights obligations of States Parties within strict parameters.

On March 1, 2022, Ukraine notified the UN Secretary-General of its derogation from certain of its human rights obligations under Article 4 of the International Covenant on Civil and Political Rights (ICCPR) and Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) for the duration of the martial law imposed on February 24 by Decree No. 64/2022 "On the Introduction of Martial Law in Ukraine" [3].

An invariable element for modern Western society is the central role of human rights protection as the primary ethical motivation for any actions on the international level. Human rights have become a contemporary expression of the desire for justice: human rights are not only about personal protection from the state; they not only recognize the moral worth of the individual but also recognize their place in society as a member of different associations and social groups. Are freedom, security, and justice values that the EU can deliver, and is there sufficient consensus at the EU level on what they might mean? And while human rights are not identical to justice, a key question is how human rights relate to the justice mechanism.

After understanding the notion of "human rights," it is necessary to make their realization a reality, to propose tools and strategies to combat

discrimination and increase access to justice. In many cases, whether the right of an individual or a group is truly guaranteed depends on the pressure of the international community and, to a large extent, on national justice. Human rights protection, in our opinion, depends most of all on mechanisms at the national level. It is essential to ensure that states guarantee human rights at the national level and develop an appropriate tool to address any violations.

At the same time, it is necessary to put pressure on states to commit to those mechanisms that have enforcement procedures. Laws, policies, procedures, and mechanisms in place at the national level are crucial to the enjoyment of human rights in each country. It is, therefore, essential that human rights protections become part of national constitutional and legal systems, that national justice systems apply human rights standards, and that human rights violations are condemned and punished. National standards have a direct impact, and national procedures are more accessible than procedures at the regional and international levels.

#### **References:**

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