

UDC: 341.1/.8+811.111 (043)

Vasylyshyna N., D.Sc. in Pedagogy, Professor, Deputy Dean of the Faculty of International Relations, (National Aviation University, Kyiv, Ukraine)

Malykhina I., Fourth Year Student, Specialty 293 “International Law” (National Aviation University, Kyiv, Ukraine)

ROLE OF THE UN HUMAN RIGHTS COUNCIL IN ADDRESSING THE HUMANITARIAN CRISIS IN UKRAINE AS A RESULT OF RUSSIAN AGGRESSION

The actuality of the chosen issue can be augmented by means of exemplifying the content of Article 55 in the Constitution of Ukraine. In addition, it reveals the following provisions as:

- the rights and freedoms of a person and a citizen are protected by the court;
- everyone is guaranteed the right to appeal in court decisions, actions or inaction of state authorities, local self-government bodies, officials and officials;
- everyone has the right to apply for the protection of their rights to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine;
- everyone is guaranteed the right to file a constitutional complaint with the Constitutional Court of Ukraine on the grounds established by this Constitution and in the manner established by law;
- everyone has the right, after using all national means of legal protection, to apply for the protection of their rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant;
- everyone has the right to protect their rights and freedoms from violations and illegal encroachments by any means not prohibited by law.

The ongoing humanitarian crisis in Ukraine, which has been further intensified by the aggressive actions of the Russian government, has presented a multitude of significant challenges to the international community. The United Nations Human Rights Council (UNHRC), as a key international organization, plays an absolutely pivotal and indispensable role in effectively addressing and combating the numerous human rights violations that have been taking place in Ukraine. Additionally, the UNHRC plays a vital role in providing crucial and much-needed assistance and support to the affected populations in Ukraine, ensuring that they receive the necessary aid and resources to cope with the dire situation they are facing.

Russia's unprovoked invasion of Ukraine on February 24, 2022, represented a flagrant disregard for international law and a blatant violation of the UN Charter's principles of sovereignty and territorial integrity [4].

This act of aggression has triggered widespread condemnation from the international community, with numerous nations voicing their disapproval of Russia's actions. The UNHRC has been actively involved in monitoring and reporting on the human rights situation in Ukraine since March 2014, when it established the UN Human Rights Monitoring Mission in Ukraine (HRMMU) [5].

The HRMMU has documented numerous violations and abuses of human rights and international humanitarian law by all parties to the conflict, including arbitrary killings, torture, enforced disappearances, sexual and gender-based violence, arbitrary detention, and attacks on civilians and civilian infrastructure [4].

The HRMMU has also provided technical assistance and capacity-building to the Ukrainian authorities and civil society on human rights protection and promotion. The UNHRC

adopted several resolutions on the human rights situation in Ukraine, expressing serious concern over the deteriorating situation and calling on all parties to respect their obligations under international law. The UNHRC Resolution 52/32, adopted on 4 April 2023, strongly condemned the aggression of the Russian Federation against Ukraine, which has led to a serious human rights and humanitarian crisis in Ukraine [2].

The resolution also demanded that Russia return all deported children and adults from the occupied territories of Ukraine, provide access to all prisoners of war and illegally detained persons, comply with international human rights and humanitarian law, and hold accountable those responsible for human rights violations and abuses. The resolution also extended for one year the mandate of the Independent International Commission of Inquiry on Human Rights Violations in Ukraine, which was established by the Human Rights Council on 4 March 2022 pursuant to Resolution 49/1 to investigate all alleged human rights violations and abuses and violations of international humanitarian law and related crimes in the context of the aggression against Ukraine by the Russian Federation [1].

The UNHRC has also cooperated with other UN agencies and humanitarian partners to provide essential assistance to the affected populations in Ukraine, especially those in the non-government controlled areas and along the contact line, where access and security are severely restricted. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 17.6 million people in Ukraine – approximately 40% of the current population – now need humanitarian assistance and protection. This is a vast increase from the more than 3 million people who needed aid at the start of 2022 [3]. The humanitarian response plan for Ukraine, which requires \$3.9 billion, aims to address the most urgent needs in the areas of protection, health, water, sanitation and hygiene, education, shelter, and livelihoods. However, as of September 2023, the plan is only 52% funded, indicating a significant gap in resources and support [5].

The UNHRC, as the principal intergovernmental body responsible for human rights, has a vital role to play in addressing the humanitarian crisis in Ukraine and ensuring accountability for the perpetrators of human rights violations and abuses. The UNHRC should continue to monitor and report on the situation, adopt strong and action-oriented resolutions, engage with all relevant stakeholders, and mobilize the international community to provide adequate and timely humanitarian assistance to the people of Ukraine. The UNHRC should also reaffirm its solidarity with Ukraine and its commitment to uphold the principles and values of the UN Charter, which are under serious threat by the Russian Federation's aggression.

Activities to strengthen guarantees for the protection of human rights and freedoms are entrusted to the institution of the Commissioner for Human Rights. The specified official fills the gaps and compensates for the shortcomings of judicial protection, parliamentary and departmental control over administrative bodies.

The Prosecutor's Office of Ukraine has broad powers to protect human rights and freedoms when performing the functions of supervising the observance and application of laws. The activities of the prosecutor's office in resolving applications and appeals of citizens, checking signals from the press and other mass media about violations of the law ensures a timely and qualified consideration of each appeal, a comprehensive review of the applicant's arguments and the adoption of the correct decision on the spot, restoration of the violated rights and legitimate interests of citizens, bringing to responsibility of guilty persons.

Ensuring the rights and freedoms of citizens is impossible without such an institution as the bar. A lawyer is obliged to provide representation, to promote the protection of the rights and legitimate interests of citizens and legal entities on their behalf in all bodies, institutions, and organizations. This activity is based on the principles of rule of law, independence, humanism, democracy and confidentiality.

The guarantee of subjective human rights by law enforcement bodies is manifested in ensuring the personal safety of citizens; in the timely prevention of crimes and administrative offenses, their quick and complete disclosure; protection of public order and provision of public

safety; protection of property from illegal encroachments; providing legal and organizational assistance to citizens, officials and other subjects in exercising their legal rights and interests.

Thus, it can be argued that our country has a system of human rights protection similar to that which exists in developed democratic countries.

References:

1. Humanitarian Response Plan Ukraine. (2023). URL: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2023/02/Ukraine-HRP-2023-Humanitarian-Response-Plan-EN-20230214.pdf>.
2. Report on the Human Rights Situation in Ukraine 16 November 2019 to 15 February 2020: (2020). URL: https://www.ohchr.org/sites/default/files/Documents/Countries/UA/29thReportUkraine_EN.pdf.
3. Ukraine Humanitarian Response Plan 2023 Financial Tracking Service. (2023) URL: <https://fts.unocha.org/plans/1124/summary>.
4. UN Human Rights in Ukraine. Office of the United Nations High Commissioner for Human Rights. (2022) URL: <https://www.ohchr.org/en/countries/ukraine/our-presence>.
5. United Nations Charter. (2020) URL: <https://www.un.org/ru/about-us/un-charter/full-text>.