

5. Peculiarities of the human rights protection mechanism in Ukraine

5.1 The mechanism of human rights protection: the concept of features and types

Today in most countries of the world the issue of observance and protection of human and civil rights is very acute. The institution of human rights protection has been particularly active in the last century, when most countries have taken a course towards democratization and the development of civil society. In this regard, there are many regulations at the international level that enshrine human rights and the protection of human rights. Every modern state with a democratic form of government at the level of national constitutions and other regulations has enshrined the rights, freedoms and responsibilities of man and citizen, mechanisms for their implementation and protection. Of particular importance in the context of the protection of human rights is the constitutional right to protection. The realization of a person's right to protection can be carried out through various mechanisms for the protection of rights. Such domestic scientists as T. Zavorotchenko, V. Kavun, O. Ogorodnyk, V. Pohorilko, M. Rogozin, O. Skakun, G. Stadnyk, P. Rabinovych and others paid considerable attention to the study of mechanisms of protection of rights.

The study of any social phenomenon, including legal, must be comprehensive - this is one of the fundamental requirements of modern science, which involves consideration of the object of study as its historical development and its essence, structure, typology, mechanisms of development and functioning. Therefore, it is no coincidence that in the legal literature of recent years on human rights, there has been a steady interest in analyzing the mechanism of human rights protection [190 p. 49-50]. According to one of the leading experts in the field of human rights P. Rabinovych, "human rights are exercised through certain mechanisms for their implementation and provision" [191, p. 29].

There is no unambiguous approach to understanding the concept of "human rights protection mechanism" in the legal literature, although various legal concepts

have already attempted to define the essence of the human rights protection mechanism. Thus, the Russian jurist I. Rostovshchikov considers the mechanism of human rights protection through the activities of law enforcement agencies [192, p. 46]. According to M. Puchkova, the mechanism of human rights protection is primarily a set of concerted actions of individuals and entities to ensure the rights of the individual [193, p. 46]. T. Nurkaeva identifies the mechanism of human rights protection with the system of their guarantees [194, p. 7].

Thus, the Russian scientist E. Motvilavka reveals the concept of mechanism as a system of certain legal means aimed at protecting people [195]. According to O. Skakun, the legal mechanism is part of the so-called social and legal mechanism. Professor O. Skakun emphasizes that such a legal mechanism operates in unity and is designed to protect and defend human and civil rights [196, p. 206]. In addition, she noted that the mechanism of social and legal security of human rights and freedoms can be divided into three subsystems: mechanisms of implementation, protection and defense [196, p. 206]. Well-known Ukrainian constitutionalist V. Pohorilko, agreeing with E. Motvilavko, interpreted the mechanism as a system of legal means. These tools are needed to protect rights. In addition, V. Pogorilko, as well as M. Rogozin noted that the mechanism of human rights protection is a system of state power, the main function of which is the protection of human and civil rights [197, p. 34].

Thus, M. Ragozin defines that the "legal mechanism for the protection of human rights - is the ability of citizens to take certain actions to protect their rights and freedoms, as well as a system of bodies that protect and ensure these rights and freedoms. System of bodies that protect and guarantee human rights: The Verkhovna Rada of Ukraine; President of Ukraine; Cabinet; central and local bodies of state executive power; local governments; police authorities; security Service; prosecutor's office; court "[198]. O. Ogorodnyk agrees with this opinion of M. Rohozin, but he also includes public organizations, legal and normative acts that are designed to protect human rights to the mechanism of protection of rights [199, p. 15].

Despite its unconditional relevance, the category of "human rights protection mechanism" in the legal literature has not been properly understood until recently, and

the research conducted has not been systemic. Quite often the problem of the mechanism of human and civil rights and freedoms was reduced to the analysis of functions, principles and activities of unrelated state and society, ie economic, political, ideological and legal components were identified and considered independently, not in relation to negatively affects the entire system of measures to ensure human rights and freedoms in society.

Many scientists who study the mechanism of protection of human rights and freedoms, reveal only its structure, ie the internal equipment of the system, without analyzing the process of such activities.

For example, researcher O. Snezhko believes that the constitutional mechanism of protection of rights and freedoms is a system of bodies, means enshrined in the state constitution, providing the most complete and effective protection of human and civil rights and freedoms. In his opinion, the constitutional mechanism consists of two elements: the system of state bodies through which everyone can protect their rights and freedoms, and means of protection (judicial, administrative, civil, criminal, etc.) [200, p. 5–6].

B. Zheleznov in the mechanism of state protection of human and civil rights and freedoms identifies:

1) relevant norms of constitutional, administrative, criminal, civil, labor, family, environmental and other branches of law. At the same time, the norms of other branches of law, first, follow from the norms of constitutional law; secondly, the very norms of constitutional law, which enshrine the status of man and citizen, are implemented through the norms of other branches of law;

2) regulated by law public relations in the field of state protection of rights and freedoms. These relations exist in almost all spheres of society. They are formed between the individual, public associations, national and other social structures, on the one hand, and the state - on the other;

3) guarantees of human and civil rights [201, p. 28].

According to V. Goiman, the mechanism of human rights is "a set of mutually consistent measures of material and technical, organizational and managerial,

ideological (socio-political) and special legal nature, carried out by the state, its bodies and officials, whose purpose is to ensure : the real validity of the law, ie to create conditions under which citizens, their associations and organizations coordinate their actions with the requirements of the law, as well as freely and effectively use their opportunities to meet various interests and needs "[202, p. 12–13].

One of the most successful approaches to revealing the essence and content of the mechanism of human rights protection is represented by researcher O. Yeremeeva [203, p. 2–4]. In her opinion, the concept of the mechanism of protection of human and civil rights and freedoms should be considered in a broad and narrow sense.

In a broad sense, this mechanism should consist of legal norms that have established the rights and freedoms of man and citizen; legal facts that are the basis for the emergence, change or termination of legal relations; legal relations; activities of human rights entities, including public authorities, etc.

According to O. Yeremeeva, the mechanism of protection of human and civil rights and freedoms in the narrow sense is a set of applied guarantees for protection of violated human and civil rights and freedoms.

O. Danilyan, considering the essence and content of the mechanism of human rights protection in modern society, draws attention to some points.

First, the legal norms that define the rights and freedoms of man and citizen in a particular society are not established by themselves. Their consolidation in the legal system requires the political will of the ruling elite, the persistence of political parties and public organizations, which in itself implies the presence of a subjective factor in this process.

Secondly, various social institutions play a leading role in the functioning of the human rights protection mechanism in modern society.

Third, one of the most important problems in the protection of human rights in transitional societies is the lack of effectiveness of these mechanisms. The effectiveness of the social system, including in the field of human rights protection, is determined by the presence of feedback channels. One of the main channels of feedback, which allows you to assess the effectiveness of the mechanism of human

rights protection in a given society and identify areas for improvement, should be social control by NGOs [190 p. 54].

The mechanism of protection of human rights and freedoms in modern society should be understood as a system of certain social institutions, legal norms, remedies (judicial, administrative, civil, criminal, etc.), providing the most complete and effective protection of human rights and freedoms and citizen.

Ensuring the implementation and protection of human rights is carried out primarily through appropriate mechanisms, which include judicial and extrajudicial means of protection and guaranteed by the state.

Within the framework of the mechanism of protection of rights, the functioning of which is entrusted to the state, judicial protection of human rights in Ukraine is carried out by relevant judicial institutions, extrajudicial - by state bodies and local governments. For example, extrajudicial remedies will include appeals to the VRU Commissioner for Human Rights, the Prosecutor's Office, local consumer protection bodies, and so on.

Problems of judicial and extrajudicial protection of human rights are based on the shortcomings of the justice system and the whole array of public authorities, and on the general shortcomings of the national legal system and social and state system [204, p. 227].

O. Yermeeva identifies four levels of protection of human rights and freedoms, and hence four types of guarantees, where the criterion of classification is the scope of their application. Among them: international guarantees; domestic (national) guarantees; regional guarantees of human and civil rights and freedoms, ensuring the realization of rights and freedoms in the territory of a particular region; local guarantees applied at the municipal level. Each type of guarantee corresponds to a certain mechanism of protection of rights and freedoms, namely: international, national, regional and local [203, p. 4].

Y. Sydoruk divides mechanisms into international and national. International mechanisms for the protection of rights are understood as a system of international (interstate) bodies and organizations that act to implement international standards of

human rights and freedoms or to restore them in case of violation. National protection mechanisms operate in a particular country. Also, the mechanisms of protection of rights in Ukrainian law are classified by branches of law, for example, the mechanism of protection of civil rights or the mechanism of protection of consumer rights, etc. [197, p. 34].

Mechanisms for international protection of human rights are a system of international (interstate) bodies and organizations directly involved in the protection of human rights.

Such (interstate) bodies differ in that they are created by mutual consent of several states, usually by an international agreement, operate within the framework of such an agreement, which defines their powers and special rules of procedure.

Accordingly, interstate human rights organizations differ in that:

- a) they do have an impact on governments;
- b) most often their decisions are binding, and in any case their opinion cannot be ignored;
- c) they force the international community to pay attention to human rights violations.

Schematically, all international human rights organizations can be divided into two groups: universal and regional.

Universal human rights mechanisms are bodies and organizations that extend their activities worldwide, regardless of national and regional borders (UN Human Rights Council, UN ECOSOC Human Rights Commission, Human Rights Committee, UN High Commissioner for Human Rights). human beings, the UN High Commissioner for Refugees, etc.). In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights.

Universal human rights bodies are divided into three types:

1) Permanent bodies - the UN Commission on Human Rights, the Commission on the Status of Women.

2) Bodies established in accordance with international agreements concluded under the auspices of the United Nations. To implement all these agreements, the UN

Human Rights Committee (not to be confused with the UN Commission), the Committee on Economic, Social and Cultural Rights, the Committee on Racial Discrimination, the Committee against Torture, etc. were established. Many international treaties human rights: the Convention on the Elimination of All Forms of Racial Discrimination, the Convention for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, others.

3) The specialized agencies of the United Nations are permanent international organizations operating on the basis of their own statutes and agreements with the United Nations. Today, there are 16 such human rights organizations. Such institutions include the International Labor Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

A regional international organization is called if its members are states located within a particular region of the globe, such as Europe, Africa or South America.

Types of regional human rights protection systems:

1) The Inter-American operates within the Organization of American States and is represented by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

2) The African system consists of the African Commission on Human and Peoples' Rights, which is a body of the Organization of African Unity. It operates on the basis of the African Charter on Human and Peoples' Rights. The Commission hears every two years reports from States on legislative and other measures to protect human rights.

3) The European system of human rights protection operates within the framework of the Council of Europe, of which Ukraine has been a member since 1995. The main European human rights body is the European Court of Human Rights. The decisions of this Court affect the formation of not only European but also global human rights standards.

There are very few human rights bodies in the world, a citizen of Ukraine can apply to only four: the Human Rights Committee, the Committee against Torture, the European Court of Human Rights and the ILO Committee on Freedom of Association.

In Ukraine, the mechanism of protection of rights is implemented through the activities of the Verkhovna Rada Committee on Human Rights, National Minorities and International Relations, other committees of the Verkhovna Rada of Ukraine in terms of activities to ensure and protect human rights; The Commissioner for Human Rights of the Verkhovna Rada of Ukraine; Prosecutor General's Office of Ukraine; Institute of Advocacy (Institute for Legal Aid); Ministry of Internal Affairs of Ukraine (in terms of formation and development of interdepartmental control over human rights); Ministry of Justice of Ukraine; other central executive bodies (in terms of ensuring and protecting human rights); human rights organizations (national and international); research institutions; mass media [197, p. 34].

Thus, the mechanism of protection of rights is a system and a set of consistent actions aimed at protecting human and civil rights.

5.2 Human rights protection mechanism in Ukraine

The most important provisions on human rights include, first of all, those that reflect the system of rights, freedoms and responsibilities of citizens of Ukraine, as well as provisions that enshrine constitutional guarantees of protection and exercise of rights and freedoms, fix the basic powers and competence of public authorities. as well as non-governmental organizations for the protection of human rights.

The Constitution enshrines the system of human rights and freedoms in Ukraine.

The 1996 Constitution of Ukraine on Human Rights provides as follows:

- a) human rights and freedoms are recognized as inalienable, inviolable and belong to everyone from birth;
- b) constitutional rights and freedoms cannot be revoked.

The Constitution enshrines the widest possible range of human rights and freedoms, but their list is not exhaustive. In other words, the Constitution guarantees the protection and protection of other rights and freedoms proclaimed in international legal treaties of Ukraine. Thus, the Constitution of Ukraine is focused on the universally recognized standard of human rights and freedoms and does not give the

state a reason to deny or diminish these rights, despite the fact that they are not included in the constitutional "list" of rights and freedoms.

The Constitution of Ukraine assumes that the rights and freedoms of citizens are inviolable, ie they cannot be limited by any legislative acts, except in cases directly provided by the Constitution and laws, in order to protect the rights and freedoms of others, health and public safety .

In conditions of martial law or state of emergency, laws establish certain restrictions on rights and freedoms for a certain period of their validity. But the Constitution guarantees that certain rights are not restricted at all (the right to life; the right to humane treatment and respect for the inherent dignity of the human person; the right to privacy; the right to freedom of thought, conscience and religion; the right to housing, the right to equality marital rights of spouses, the right to appeal in court against decisions of public authorities, officials, the right to compensation for damage caused by public authorities and officials, the right to legal aid and other rights guaranteed by the Constitution of Ukraine) [205].

The Constitution establishes a legal mechanism for the protection of human rights and freedoms in Ukraine, ie it establishes certain opportunities in the field of protection of human rights and freedoms.

The legal mechanism for the protection of human rights that exists in Ukraine includes:

- enshrining in the Constitution and laws of Ukraine the ability to take certain actions to protect their rights and freedoms;
- enshrining in the Constitution and laws of Ukraine a system of bodies that directly perform the duties of protecting and ensuring human rights and freedoms in the country.

The possibilities of the first kind include the following provisions:

- all human rights and freedoms are protected by the court;
- everyone is guaranteed the right to appeal in court against decisions, actions or omissions of public authorities, local governments, officials and officials;

- everyone has the right to apply for protection of their rights to the Commissioner of the Verkhovna Rada of Ukraine for Human Rights;
- everyone has the right to protect their rights and freedoms from violations by any means not prohibited by law;
- everyone has the right to legal aid;
- everyone is presumed innocent of committing a crime and cannot be punished until his guilt is proved in a lawful manner and established by a court conviction;
- Everyone has the right to protection and the opportunity to use the assistance of a lawyer [205].

The system of state bodies and organizations, which in Ukraine have a constitutional obligation to exercise and protect, guarantee human rights and freedoms directly, includes: The Verkhovna Rada of Ukraine (Parliament); President of Ukraine (head of state); Cabinet of Ministers of Ukraine (government); central and local bodies of state executive power; local governments; police, security services; court, prosecutor's office. The powers of each body of this system are enshrined in law, and the highest authorities - directly by the Constitution of Ukraine.

Consider the functions of the Verkhovna Rada of Ukraine on human rights. In the system of public authorities operating in the field of human rights, the leading place is occupied by the parliament - the Verkhovna Rada of Ukraine. The Constitution of Ukraine enshrines the most important principles, which reflect, firstly, the binding nature of legislative and parliamentary regulation of human rights and freedoms and, secondly, the control functions of parliament in this area. According to the Constitution of Ukraine, the powers of the Verkhovna Rada of Ukraine include:

- amendments to the Constitution of Ukraine within the limits and in the manner prescribed by Section XIII of the Constitution;
- appointment of an all-Ukrainian referendum on the issues specified in Article 73 of this Constitution;
- adoption of laws;
- consideration and decision-making on approval of the Program of Activities of the Cabinet of Ministers of Ukraine;

- appointment and dismissal of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine; hearing his annual reports on the state of observance and protection of human rights and freedoms in Ukraine;

- exercising parliamentary control within the limits set by this Constitution. Only the laws of Ukraine determine:

- human and civil rights and freedoms, Guarantees of these rights and freedoms; basic responsibilities of a citizen;

- citizenship, legal personality of citizens. Status of foreigners and stateless persons;

- the rights of indigenous peoples and national minorities;

- the procedure for using languages;

- basics of social protection, forms and types of pension provision; principles of regulation of labor and employment, marriage, family, protection of childhood, motherhood, fatherhood; upbringing, education, culture and health; environmental safety;

- principles of formation and activity of political parties, other associations of citizens, mass media [205].

Thus, the Verkhovna Rada of Ukraine has broad powers and capabilities to exercise parliamentary control over the observance of the rights and freedoms of citizens and the necessary powers to respond promptly to any violations by other state bodies.

The proclamation of human rights and freedoms in Ukraine as the highest value obliges the state to perform the functions of the main guarantor of their observance and protection. That is why a wide range of rights and freedoms must, above all, be enshrined in the laws of Ukraine. Recognition and consolidation of human rights in the legislation of Ukraine makes them a reality. The state must not only proclaim and consolidate the system of citizens' rights, but also guarantee their exercise, otherwise these rights will remain only declared. Subjective legal right of a citizen (ie provided possible behavior of a person, his specific ability) can arise only if this right is enshrined in law. It is the legislative body of the state that first of all formulates the

content of fundamental rights and freedoms in normative legal acts - in the Constitution and laws. This order is not accidental. The executive, the police, the prosecutor's office, and the security service cannot enshrine fundamental human rights and freedoms and the system of guarantees for their exercise. This procedure is determined by the legal nature, place and meaning of the law.

Since the law is adopted by the highest representative body of state power - the Verkhovna Rada of Ukraine, which was elected as a result of national elections, it is the law that should enshrine the fundamental rights and freedoms of man and citizen. The law is the main tool for ensuring and protecting human rights because it has special properties that determine its highest legal force.

The Verkhovna Rada formulates the content of fundamental rights and freedoms. These same properties ensure the rule (rule) of law in the system of regulations of the state. The special properties of laws are reflected in the fact that they:

- a) adopted by the Verkhovna Rada of Ukraine (Parliament) or by referendum;
- b) regulate the most important social relations;
- c) consolidate the system of fundamental rights and freedoms of citizens (primarily in the Constitution), the procedure for their implementation and protection in all spheres of public life;
- d) differ from other legal acts by a special constitutional procedure for their adoption and entry into force;
- e) do not require control or approval by any other body of the state (therefore, other bodies cannot influence the system of human rights and freedoms enshrined in law);
- e) have higher legal force (this means that all other legal acts of Ukraine must comply with the Constitution and laws of Ukraine and must not contradict them);
- g) they can be supplemented, changed or repealed only by the authority issuing the law (thus, other state bodies may not interfere in the content of the law and in the system of rights and freedoms that it enshrines) [205].

The Constitution of Ukraine of 1996 enshrines the provision that the rights and freedoms of man and citizen, guarantees of their implementation, the basic responsibilities of citizens are determined by the laws of Ukraine.

Ukraine has this obligation in accordance with the provisions of the International Covenant on Economic, Social and Cultural Human Rights: each State ... undertakes to take, within the limits of available resources, , in particular, the adoption of legislative measures [206].

According to this Covenant, Ukraine must also provide any person whose rights and freedoms have been violated with an effective remedy, even if the violation has been committed by officials. The state should provide legal protection for any person in need of such protection, which should be established by the competent judicial, administrative or legislative bodies or any other competent body provided by the legal system of the state, as well as develop opportunities for judicial protection. Thus, international legal instruments not only affirm human rights and freedoms - they indicate the mechanism of their implementation by states. The subjective right of citizens presupposes admissibility for sure? behavior of the individual, as well as its security and guarantee, In other words, human rights should not be an abstraction, but an opportunity provided by the state.

Executive power must be exercised on the basis of and within the law. It is under the control of the legislature and has no right to appropriate legislative powers and require citizens to perform any duties not provided by law. The activities of the executive branch are based entirely on the implementation of laws, and to this end they have the right to issue regulations, which are called bylaws. That is why the Constitution and laws of Ukraine, which establish the rights, responsibilities and freedoms of citizens, are specified and detailed in regulations of executive bodies: resolutions of the Cabinet of Ministers, instructions of ministries, decisions of state executive bodies at the local level. That is why the requirement of full compliance of executive acts with the Constitution and laws of Ukraine is so important. It is for this purpose that parliamentary control over the activities of executive power structures is exercised, and the Constitutional Court of Ukraine is established.

The post of President of Ukraine was established on July 5, 1991. His powers are provided by the Constitution of Ukraine.

According to the Constitution of Ukraine of 1996, the President is the head of state, the Guarantor of state sovereignty, territorial integrity of Ukraine, observance of the Constitution of Ukraine, human and civil rights and freedoms. Various functions of the President are subordinated to these goals.

With regard to the protection of human rights, the President, above all, has the following most important powers:

Functions of the President of Ukraine on human rights:

- 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;

- appoints an all-Ukrainian referendum on changes to the Constitution of Ukraine in accordance with Art. 156 of this Constitution, proclaims an all-Ukrainian referendum on the people's initiative;

- cancels acts of the Cabinet of Ministers of Ukraine and acts of the Council of Ministers of the Autonomous Republic of Crimea in case of their inconsistency with the Constitution, laws of Ukraine and decrees of the President of Ukraine;

- signs laws adopted by the Verkhovna Rada of Ukraine;

- has the right to "defer" veto on laws passed by the Verkhovna Rada of Ukraine;

- appoints a third of the Constitutional Court of Ukraine, which should play a significant role in protecting the rights of citizens;

- decides on granting Ukrainian citizenship and withdrawing from it; on granting asylum in Ukraine to foreigners and stateless persons;

- pardons persons convicted by the courts of Ukraine;

- issues decrees on amnesty [205].

The President, within the limits of his powers and competence, on the basis of and in pursuance of the Constitution and laws of Ukraine, issues decrees and orders that are binding on the territory of Ukraine.

The Cabinet of Ministers of Ukraine (Government of Ukraine) is the highest body of state executive power. He is accountable to the President of Ukraine and is under the control of and accountable to the Verkhovna Rada of Ukraine. The work of the Cabinet of Ministers of Ukraine is managed by the Prime Minister of Ukraine.

Cabinet:

- implements the Constitution and laws of Ukraine, Presidential decrees;
- ensures the state sovereignty and economic independence of Ukraine, implements domestic and foreign policy;
- ensures the implementation of financial, pricing, investment and tax policies, policies in the fields of labor and employment, social protection, education, science and culture, nature protection, environmental security and nature management;
- creates conditions and takes measures to ensure the rights and freedoms of man and citizen;
- takes measures to protect the interests of Ukraine, ensure the rule of law, rights and freedoms of citizens, protection of property and public order, the fight against crime;
- has the right to repeal acts of ministries and other bodies subordinate to it if they contradict the Constitution, laws of Ukraine, decrees of the President of Ukraine and resolutions of the Cabinet of Ministers;
- within the limits of the powers issues resolutions and orders. These acts of the government are binding throughout Ukraine. The Cabinet of Ministers unites, directs and coordinates the work of ministries of Ukraine and other subordinate bodies that manage various areas of government and are responsible for their development and performance before the President of Ukraine. Within the limits of their powers, ministries issue normative legal acts (orders, instructions) and exercise control over their observance.

The Ministry of Internal Affairs is the main body in the system of central executive bodies that ensures the formation and implementation of state policy in the field of protection of human and civil rights and freedoms, property, public and state interests from criminal and criminal encroachments, combating crime, detecting

criminal offenses, maintaining public safety and order (protection of public order, public safety, road safety), as well as ensures the formation of state policy in the field of state border protection and protection of sovereign rights of Ukraine in its exclusive (maritime) economic zone, in the field of civil protection , including prevention of emergencies, protection of the population and territories from emergencies and liquidation of emergencies, hydrometeorological activities, migration (immigration and emigration), including combating illegal (illegal) migration, citizenship, registration of individuals, refugees, etc. their statutory categories of migrants.

Executive power in oblasts and rayons, the cities of Kyiv and Sevastopol is exercised by local state administrations. Heads of local state administrations monitor the implementation of the Constitution and laws of Ukraine, acts of the President and executive authorities.

Local councils of people's deputies are bodies of local self-government in oblasts, rayons, cities, and settlements of Ukraine. Within the limits of their powers and competence, they resolve all issues at the local level, organize the implementation of laws and bylaws, and ensure compliance with law and order.

According to the Constitution of Ukraine of 1996 (Article 140), local self-government is the right of a territorial community - villagers or voluntary association of residents of several villages, towns and cities - to decide on local issues within the Constitution and laws of Ukraine.

Local self-government is carried out by the territorial community in the manner prescribed by law both directly and through local self-government bodies: village, settlement, city councils and their executive bodies.

District and regional councils are the bodies of local self-government that represent the common interests of territorial communities of villages, settlements and cities.

The meaning of local self-government lies in the state-guaranteed right of territorial communities of citizens and their bodies to decide, acting within the law and in the interests of the population, a significant part of local affairs. Local councils of people's deputies make decisions that are binding on all enterprises, organizations, institutions, officials and citizens located on the territory of the relevant council.

Among the powers of local councils are those delegated (ie transferred) to them by the state and directly affect the issues of ensuring and protecting the rights and freedoms of citizens. Such powers include, for example: assisting the judiciary, the prosecutor's office, the bar, the judiciary, the police, the interior and state security in their work; coordination of the work of various bodies that protect public order; resolving issues in accordance with the law on holding meetings of citizens, rallies, demonstrations; exercising control over the state of housing registration of citizens in the relevant territory; organization of employment service, etc.

In the system of executive bodies that perform functions to protect the rights and freedoms of citizens, a special place is occupied by law enforcement agencies of Ukraine and among them the police and security services.

According to Article 1 of the Law of Ukraine "On the National Police", the National Police of Ukraine is a central executive body that serves society by ensuring the protection of human rights and freedoms, combating crime, maintaining public safety and order [207].

According to the Law of Ukraine of March 25, 1992 "On the Security Service", this body must ensure the state security of Ukraine. It is directly subordinated to the President of Ukraine and is controlled by the Verkhovna Rada of Ukraine [207].

The main tasks of the security service: protection of state sovereignty, constitutional order, territorial unity, economic, scientific, technical and defense potential of the state, citizens' rights. The SBU's activities are directed against the intelligence and subversive activities of foreign special services, certain organizations, groups and individuals. The SBU warns and prevents crimes against the peace and security of mankind, acts of terrorism, corruption, and organized crime.

Thus, public authorities occupy a central place in the protection of constitutional rights and freedoms of citizens. The effectiveness of public administration in ensuring the implementation of constitutional rights and freedoms depends on the quality of legal support.

5.3 Other authorities in the implementation of the mechanism of human rights protection

An important condition for the establishment and development of Ukraine as a state governed by the rule of law, based on the rule of law, mutual responsibility between man and the state, is an independently functioning judiciary capable of ensuring fair and effective protection of human rights.

Judicial protection of human rights and freedoms is an independent function of the state, as evidenced by the scientific analysis of the Constitution of Ukraine, in particular in Part 2 of Art. 3 declares that human rights and freedoms and their guarantees determine the content and direction of the state, the establishment and protection of rights and freedoms is the main duty of the state; appeal to the court for the protection of constitutional rights and freedoms of man and citizen directly on the basis of the Constitution of Ukraine is guaranteed (Part 3 of Article 8 of the Constitution of Ukraine [205]).

The priority legal guarantee of protection of constitutional rights and freedoms of man and citizen is their judicial protection, which in Ukraine is enshrined at the constitutional level - in Part 1 of Art. 55 of the Basic Law: "Rights and freedoms of man and citizen are protected by the court." The jurisdiction of the courts extends to any legal dispute and any criminal charge (Part 3 of Article 124 of the Constitution of Ukraine) [205].

The above list of constitutional norms proves that the Ukrainian state not only declares and recognizes the fundamental rights and freedoms of man and citizen, but also considers the protection of human rights and freedoms as one of the main state functions entrusted to the judiciary. It logically follows that the role and importance of the judiciary depend on the extent to which its functioning can affect the legal status (status) of man in society, the relationship of the individual with the state [209, p. 186-187].

The activity of the judiciary is one of the most effective means of protecting human and civil rights from violations. Its task is to restore violated human and civil

rights and freedoms. We should agree with scholars A. Kolodiy and A. Oliynyk: "During the years of Soviet rule, the judicial mechanism for the protection of human rights was declarative and ineffective, and the court itself was not a branch of government and depended on party structures. Currently, the state is making every effort to make this type of protection of human rights the most effective form of protection, as it is implemented in countries with stable democracies "[210, p. 249]. This statement is especially relevant today, when the constitutional and legal principles of impartial justice are being improved, the judicial system is undergoing reformational changes to achieve material, financial and personnel independence of the court, which will contribute to the effective administration of justice.

According to M. Gavriltsiv, the human right to go to court is "one of the fundamental human rights guaranteed at the constitutional level. Enshrined in the constitutions of most developed democracies, it occupies a prominent place in the structure of the constitutional and legal status of man and is a necessary condition for the existence of the rule of law.

Judicial protection is higher than other non-judicial means of protection of subjective rights, freedoms and legitimate interests, which provides all interested parties with maximum procedural guarantees. Therefore, the right to judicial protection is a means of ensuring the ability of a person to apply to the judiciary for protection of his rights and legitimate interests "[211, p. 162].

According to A. Luzhansky, the specifics of judicial protection is that its effectiveness is much higher compared to other non-judicial means, because:

- 1) protection out of court is in fact a request or proposal to voluntarily or administratively eliminate the violation and eliminate its negative consequences and is based on the presumption of proper and conscientious conduct of the offender;
- 2) court proceedings are the only final legal means of resolving a legal conflict;
- 3) during the consideration of a particular case, the court has the right to preventive influence in the form of binding individual decisions (resolutions) to prevent further occurrence of the causes and conditions that led to the violation of rights;

4) court decisions that have entered into force, as a rule, are final; execution of a court decision on issues of fact or law is ensured by state coercion [212, p. 45].

Judicial justice is the most reliable and civilized way to protect human and civil rights and freedoms, and the judicial form of protection of human rights and freedoms is the most democratic and best suited to fully, comprehensively and objectively identify the facts and causes of various disputes, committed offenses and establishing the truth in cases pending before the courts. The courts are endowed with all the necessary powers to exercise the function of protecting human rights and freedoms in the event of their violation or unjustified restriction.

The functioning of Ukrainian society in a qualitatively new state takes place under constant economic and socio-political changes, which implies the need to ensure public order, personal safety of citizens, all forms of ownership and vital interests of society and the state. That is why the place of law enforcement agencies in Ukraine is determined by their functional focus, namely: the protection of human and civil rights and freedoms proclaimed by the Constitution of Ukraine, laws of Ukraine and international treaties of Ukraine; to prevent violations of human and civil rights and freedoms and to promote their restoration; to carry out operational and service activities in accordance with the Constitution of Ukraine, legislation, international standards in this area; to improve and further develop international cooperation in the field of protection of human and civil rights and freedoms; to ensure the equality of all before the law and to prevent all forms of discrimination in the exercise of human rights and freedoms; to promote legal awareness of the population and protection of confidential personal information [213, p. 45].

In fact, all internal and external functions of the state are directly or indirectly aimed at ensuring, implementing and improving social guarantees of citizens' rights. Therefore, certain state bodies and other government entities in the process of carrying out their activities are obliged to more specifically and objectively implement the provisions contained in the Constitution of Ukraine.

A special place in the system of ensuring, implementing, protecting and defending the rights and freedoms of citizens is occupied by law enforcement agencies.

Law enforcement agencies are a system of state and state-authorized civic groups, the main function of which is to combat crime and other offenses. Law enforcement agencies include the prosecutor's office, courts, bodies of the Ministry of Justice of Ukraine, bodies of the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the bar, notaries, and various state bodies engaged in law enforcement or law enforcement activities.

The sphere of activity of law enforcement agencies has a complex and multifaceted structure. It includes certain groups of public relations, which are related to the protection of the individual and the state from criminal and other illegal encroachments, ensuring public order and public safety, protection of objects regardless of ownership, detection and investigation of crimes, ensuring compliance in Ukraine foreigners and stateless persons, etc. Although these types of social relations are interrelated, they are not identical and are characterized by specific features and characteristics. This in turn determines the differences in the main activities of law enforcement agencies (administrative, operational and investigative, criminal procedure, execution of sentences) and in the variety of components of the law enforcement system. Human rights orientation of most functions of law enforcement agencies is determined by the priority of security tasks [214, p. 5].

At the same time, law enforcement agencies also exercise certain rights and freedoms of citizens that are not related to security activities, and provide for the provision of appropriate services. This is natural, because the basis of human rights and freedoms are important for the individual benefits in economic, political, social, spiritual and personal life, and most of the offenses fought by law enforcement agencies, directly or indirectly encroach on these benefits. The effectiveness of the fight against such manifestations determines a person's ability to use these achievements, as well as the reality of his rights and freedoms, ie what affects the level of democracy, prosperity and stability in the state, law and order.

The level of development of freedom and democracy in society is determined not only by the formal recognition by the government of the rights and freedoms of citizens, including official accession to international legal instruments governing them,

but also by many other factors. One of the most important among them is the existence of an effective, effective socio-legal mechanism for the realization of rights and freedoms, which includes guarantees for their provision and protection. In this mechanism, according to the specifics of the activity, an important place is occupied by law enforcement agencies, in particular law enforcement agencies. Moreover, it should be noted that the police is a special, very specific social institution, the purpose of which almost always remains the same - to protect human rights and freedoms, ensure property security, be accepted by society and the support of power in the state [215, p. 45].

The prosecutor's office should play a responsible role in the human rights protection system.

This is due to the tasks assigned to it by the Constitution of Ukraine. It is, first of all, about representation of interests of the citizen in court in the cases provided by the law, about supervision over observance of laws by bodies which carry out operatively-search activity, inquiry, pre-judicial investigation, about supervision over observance of laws at execution of court decisions in criminal cases, as well as in the application of coercive measures related to the restriction of personal freedom of citizens.

The prosecutor has the right to file a cassation appeal against the court's verdict, regardless of his participation in the case. A cassation petition is a petition for revocation or change of a sentence that has not entered into force.

In civil cases, the prosecutor has the right to sue to protect the rights of citizens. Advocacy in the defense mechanism is an entity that directs its activities for the benefit of society and the protection of proclaimed human rights, freedoms and responsibilities. Through the institution of the bar as an institution of civil society, the rule of law provides its citizens with the opportunity to exercise their rights and freedoms, using the state-guaranteed right to legal aid [205], which is mostly realized by the bar. However, the latter in this paradigm is seen not as an instrument of the state, but as a social institution through which the state ensures the implementation of this right. In this way, the institute of advocacy balances the relationship between the state

and its citizens, as the rule of law must ensure the priority of human and civil rights and freedoms, and the bar is obliged to promote their implementation and protection.

Undoubtedly, the bar is a special body that harmonizes the interests of civil society with the needs and capabilities of the state. Of course, although it is not a fully structured institution in Ukraine, it is part of its civil society as an institution with special powers. The modern Ukrainian bar is an organized community of Ukrainian lawyers, the main purpose of which is to protect the rights and freedoms of members of civil society, all its subjects, providing them with legal assistance in all spheres of life. The mission of the Bar is law enforcement, protection of the rights and legitimate interests of citizens and organizations. The rule of law must be interested in the institution of the bar being highly professional, so it must: guarantee the independence of the bar and the availability of legal aid; to promote the implementation of measures to improve the skills of lawyers; take appropriate measures to protect lawyers from unjustified restrictions in their professional activities, various persecutions.

It is because of the public law nature of his professional activity that a lawyer is a defender not only of the private interests of an individual, but also of the interests of society as a whole. A lawyer can act in the judicial system not only as a representative of the party, but also as a representative of the public interest, as a representative of society, which protects the rights of the individual as a member of society.

Article 59 of the Constitution of Ukraine protected the right of every person and citizen to legal aid, including free [205]. The institute of advocacy functions in Ukraine to ensure the right to protection from prosecution and the provision of legal assistance in resolving cases in courts and other state bodies in Ukraine. This constitutional norm applies not only to citizens of Ukraine, but also to foreigners, stateless persons, which testifies to the humanistic orientation of the norms of the Constitution.

In general, all subjects of realization and protection of human and civil rights and freedoms in Ukraine can be divided into two groups: subjects endowed with the function of protection on behalf of the state, and subjects who implement this function as civil society institutions. Thus, a significant place in the human rights system together with the competent state bodies is occupied by civil society institutions, in

particular: civil society organizations, political parties, human rights organizations, local governments, and, of course, human rights institutions. is obliged to provide legal assistance to the population.

Mechanisms for implementing the constitutional provision on legal aid are determined by the Law of Ukraine “On Advocacy and Advocacy” [216] and other legislative acts of Ukraine and the statutes of bar associations. These documents declare that the Institute of Ukrainian Advocacy is a voluntary professional public association, designed, in accordance with the Constitution of Ukraine, to promote the protection of rights, freedoms and represent the legitimate interests of Ukrainian citizens, foreign citizens, stateless persons, legal entities, provide them with other appropriate legal assistance. In general, the prestige of a lawyer and the effectiveness of his professional activity directly depend on the position of man in society and the state, on the attitude to the fundamental principles of democracy and the rule of law. The level of development of the bar is one of the defining indicators of democratic society, one of the constitutive features of the state of human rights protection. In the context of the development of market relations and the democratization of Ukrainian society, the services of a lawyer are becoming increasingly necessary.

Advocacy in the defense mechanism is an entity that directs its activities for the benefit of society and the protection of proclaimed human rights, freedoms and responsibilities. Through the institution of advocacy as an institution of civil society, the rule of law provides its citizens with the opportunity to exercise their rights and freedoms, using the state-guaranteed right to legal aid, which is implemented mostly by the bar [217, p. 16].

One of the ways to fight for their rights is a citizen's appeal in accordance with Article 55 of the Constitution of Ukraine to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine [205].

The Ukrainian model of the Commissioner for Human Rights took into account national legal and cultural traditions, peculiarities of the system of state power in Ukraine, as well as the experience of the ombudsman institution in other countries, including Scandinavia and Poland, Hungary, Russia.

The Constitution of Ukraine, adopted on its basis on December 23, 1997. The Law of Ukraine "On the Commissioner for Human Rights" [218] provides for the creation of a "strong" model of ombudsman, characterized by the following features: high constitutional status of the Commissioner for Human Rights. in Art. 55, 85, 101 of the Constitution of Ukraine; independence of the Commissioner from any body of state power or local self-government, their officials; introduction of a single model of ombudsman at the national level; broad jurisdiction of the Commissioner, which extends to both public authorities, including courts, and local governments and their officials; significant powers to conduct proceedings and inspections, including on its own initiative to identify cases of human rights violations and to carry out constant monitoring of the observance of human rights and freedoms; the right to initiate mandatory for consideration submissions with recommendations setting out the elimination of identified violations of human rights and freedoms by public authorities, local governments, associations of citizens, enterprises, institutions of organizations regardless of ownership, their officials and officials; the possibility of direct appeal to the Commissioner of the general public; flexibility and informality of the procedure, freedom of action to initiate proceedings in a case, etc.

The institution of the Ombudsman in Ukraine is a specific legal phenomenon, a constitutional mechanism for the protection of constitutional rights and freedoms of man and citizen, which has not yet fully revealed its potential, although it is gaining due recognition in Ukrainian society.

The Verkhovna Rada Commissioner for Human Rights can be defined as: an independent constitutional single state body that mediates parliamentary control over the observance of constitutional rights and freedoms of man and citizen and protects the rights of everyone in Ukraine and within its jurisdiction.

The constitutional introduction of the institution of ombudsman in Ukraine was an important step in the development of democratic processes aimed at further strengthening the status of the individual, guarantees the realization of constitutional rights and freedoms of man and citizen.

The activities of the ombudsman are more democratic than other human rights institutions and are based on the principle of free provision of services. The methods of his work are informal and available to the general public to apply to the ombudsman directly, without intermediaries. The difference between this institution and other law enforcement agencies is that its purpose is to solve only the problems of protection and defense of human and civil rights and freedoms.

The ombudsman's work has a wide public resonance, as he summarizes the results of his work in his annual report to parliament, thus bringing to the attention of the legislature and the general public information about gross human rights violations and the fault of which bodies. In addition, it analyzes the state of affairs regarding the implementation of constitutional requirements for guaranteeing human and civil rights and freedoms in general, while proposing appropriate legislative measures to eliminate the most common causes of their violation and to create an effective basis for ensuring these rights.

The forms of activity of the ombudsman are external, basic, homogeneous, independent actions, which are carried out by him within the legal and non-legal framework and aimed at the realization of his rights and responsibilities.

The functions of the ombudsman are the main activities of the ombudsman, which follow from his tasks and determine the nature and social purpose of this supervisory, human rights institution and are implemented in the forms and methods prescribed by applicable law.

The constitutional and legal status of the ombudsman institution consists of its general legal capacity, rights and responsibilities, guarantees, forms and principles of activity, and responsibility. Among these elements are the main ones - those that have legal expression and give the opportunity to conclude on the legal registration and departure of the ombudsman as a full subject of law - rights and responsibilities, guarantees - and non-core, which are usually not have a direct legislative enshrinement, and are derived from the content and logic of the powers of the ombudsman.

The practical activities of the Commissioner, as an independent state institution, should be based on certain generally accepted principles, such as legality, humanity, justice and others.

The grounds for conducting cases and appointing inspections are information on violations of human and civil rights and freedoms, which the Commissioner receives: at the request of citizens of Ukraine, foreign citizens, persons without citizenship or their representatives; at the request of people's deputies of Ukraine; on its own initiative.

According to Article 17 of the Law, the Commissioner accepts and considers appeals of citizens of Ukraine, foreigners, stateless persons or persons acting in their interests, in accordance with the Law of Ukraine "On Citizens' Appeals" [218].

Appeals shall be submitted to the Commissioner in writing within one year after the violation of human and civil rights and freedoms is detected. In exceptional circumstances, this period may be extended by the Commissioner, but not more than two years.

When considering the application, the Commissioner may:

- 1) to open proceedings in the case of violation of human and civil rights and freedoms;
- 2) explain the measures to be taken by the person who submitted the appeal to the Commissioner;
- 3) send the application for affiliation to the body within whose competence the case is considered, and control the consideration of this application;
- 4) refuse to consider the appeal.

The Commissioner does not consider the appeals that are being considered courts, suspends the already initiated proceedings, if the person concerned filed a lawsuit, application or complaint to the court.

Notice of acceptance of the application for consideration or refusal to accept the application for consideration shall be sent in writing to the person who submitted it. Refusal to accept the appeal to consideration must be motivated.

Based on the results of generalization of existing scientific approaches to defining the ombudsman as a subject of public administration relations, based on the experience of foreign countries it is possible to develop and justify ways to reform the Verkhovna Rada Commissioner for Human Rights, the main ones being: the duty of the ombudsman to control the harmonization of Ukrainian legislation with international human rights instruments to which the Ukrainian state is a party and their effective implementation; the duty of the ombudsman to make his decisions widely public, to raise concerns about certain issues; the duty of close cooperation of the ombudsman with non-governmental public and human rights organizations; creation of the Public Council under the Secretariat of the Commissioner; the obligation of the authorities to provide, within a reasonable time, full responses to requests describing how the Ombudsman's decisions, conclusions, proposals and recommendations are being implemented, or explaining why they cannot be implemented; responsibility of officials for non-response to the ombudsman's request and submission; the obligation to conduct informational and educational activities aimed at specific target groups of the population; the obligation to participate in the development of programs related to the teaching and research of human rights and to participate in their implementation in schools, universities and professional circles; the decision on the election and dismissal of the ombudsman is decided by a qualifying majority in parliament; to clarify the norm of the law on the prohibition of political activity of the Commissioner; remove from the legislation the right of the ombudsman to act as a party in cases against the authorities or individual employees in both criminal and administrative courts.

Thus, the peculiarities of the legal status of the ombudsman in Ukraine are that he:

- is appointed and dismissed by the Verkhovna Rada of Ukraine;
- exercises parliamentary control over the observance of constitutional rights and freedoms of man and citizen;
- is not a member of any state body;

- has no right to change the decisions of state bodies and officials concerning the rights of citizens (the ombudsman only addresses the relevant bodies with a proposal to consider cases in accordance with the law and thus protects the rights of citizens);
- must have a higher legal education and high professional qualification.

In every modern democracy, non-governmental human rights NGOs are important among human rights actors: advocacy, the media, NGOs, political parties, trade unions, religious organizations, and charitable foundations. , most of whom carry out human rights activities on a permanent or non-permanent basis, including the practical protection of certain human rights. In order to build an effective mechanism for the protection of human rights in democracies and rule of law, it is important that non-governmental human rights organizations also be part of it, as they are independent of government institutions and municipalities and identify objective problems and shortcomings. people in a state.

The basis of non-governmental human rights organizations in Ukraine is the Constitution of Ukraine, the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and relevant laws of Ukraine, including the Law of Ukraine "Of March 22, 2012 and the Law of Ukraine" On Advocacy and Advocacy "of July 5, 2012.

In the context of the research, the opinion of the well-known Ukrainian human rights activist E. Zakharov is relevant: "Human rights organizations are a typical product of a developed civil society, their main function is to control the actions (or fight against inaction) of the state apparatus. According to E. Zakharov, they should protect human freedom, his right "to freely control his own destiny", regardless of the state, which constantly violates this right. A human rights activist cannot but be a statesman to some extent: he always appeals to state bodies and their officials in order to eliminate human rights violations or, if this is not possible, to minimize the consequences of the violation and seek compensation for damages. Thus, the mission of human rights organizations is to protect human rights from the state and at the same time assist the state in ensuring and protecting human rights [219].

Thus, non-governmental human rights organizations are an integral part of civil society, the key to the development of each state as a democratic and legal, is an element of public control of the people as the sole source of power in the republics over state power.

In many countries, people take considerable risks by defending the rights of individuals, promoting human rights, or setting up organizations to protect certain rights or groups. Doctors, journalists, lawyers, judges, academics, trade unionists or members of human rights organizations have a wide range. They often interfere in political discussions and defend human rights arguments in cases where others argue only from the standpoint of government policy or their own interests [220, p.14].

In non-democracies, public authorities often restrict and impede the activities of non-governmental human rights organizations, create "pro-government" organizations that are loyal to the undemocratic regime and often "fail to notice" significant human rights violations in such states. However, the international community pays considerable attention to protecting the rights of human rights defenders and preventing unlawful pressure on individual human rights defenders and non-governmental human rights organizations in their legitimate human rights work. Even some international documents are devoted to this.

Within the UN, the General Assembly on December 9, 1998 adopted the Declaration on the Right and Duty of Individuals, Groups and Bodies of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms [221].

In the context of the protection of human rights by non-governmental human rights organizations, their cooperation with the state, international organizations and local self-government bodies in the field of realization and protection of human rights is important.

Cooperation of non-governmental human rights organizations with the state is through dialogue. Its theme is the state's real respect for human rights, and its character is determined by the principle of "honest cooperation of like-minded people": we help public authorities to ensure human rights where our positions coincide, and counteract

human rights violations by all available legal means. This dialogue will be effective if its participants respect each other and are equal. Equality is possible only when participants are equally informed, and therefore access to information available to public authorities and related to human rights is extremely important.

Human rights NGOs often investigate, collect, and disseminate human rights violations. They can, for example, use lobbying strategies to draw public attention to the attention of the public and leading politicians, judges and law enforcement officials, to get the results of investigations (such as journalistic investigations) and to address human rights abuses reviewed. Some human rights organizations periodically publish reports with their findings.

Most human rights NGOs work at the local or national level to ensure respect for human rights in their communities and countries. In this case, they deal mainly with local authorities responsible for ensuring respect for human rights within a particular region or country as a whole [220, p.16].

In the practice of human rights NGOs, they often focus on the protection of individual rights or groups of human rights. For example, there are organizations that primarily protect the rights of voters, women's rights, children's rights, the rights of persons with disabilities, the rights of national minorities, the rights of indigenous peoples, the rights of journalists, religious rights, prisoners, refugees, internally displaced persons and others. In particular, in the last year after the Revolution of Dignity and the beginning of the conflict in the Autonomous Republic of Crimea, Sevastopol and Donbass, many non-governmental human rights organizations have been established in Ukraine to protect the human rights of internally displaced persons from Crimea and Donbass. In this context, a number of volunteer initiatives have been launched, mostly by non-governmental human rights organizations, which have significantly helped to increase Ukraine's defense capabilities, improve military equipment, promote positive defense and military reforms, and address many human rights issues. in connection with the anti-terrorist operation in the Donbass. These volunteer initiatives testify to the further development of civil society in Ukraine, which shows that non-governmental human rights organizations are an integral part of

a modern democratic state and can significantly help the state even in the most critical moments.

Some non-governmental human rights organizations attach importance to gender issues, the protection of women's rights and the prevention of gender discrimination. Achieving equality between women and men requires a clear definition of ways to achieve gender equality and prevent discrimination against women in order to develop a strategy to combat gender discrimination. The UN has significant experience in promoting women's rights, and in the last decade significant progress has been made in the field of protection of women's rights in different countries [220, p. 17].

Non-governmental human rights organizations also address the protection of religious human rights. Yes, there are many problems in Ukraine today due to the restitution of property of religious communities. In particular, the issue of restitution of property illegally seized from religious communities of national minorities during the years of Soviet rule in Ukraine remains open.

Thus, non-governmental human rights organizations carry out important activities to protect human rights. Non-governmental human rights organizations are an integral part of civil society, which is the key to the successful development of a democratic and legal state. Non-governmental human rights organizations cannot solve all human rights problems, but in close cooperation with public authorities, local governments and international organizations, they can solve most human rights problems.

As a legal phenomenon, the mechanism of protection of human rights is a system, because, as mentioned above, it consists of certain parts, such as the right to protection; form and method of protection of rights; the process and procedure for applying to the relevant bodies, institutions and organizations. The mechanism of protection of rights as a system is characterized by the dialectical interdependence of the whole and the part, each element of which occupies a certain place and performs certain functions in it. Undoubtedly, the protection mechanism must be an organically coherent and logically consistent process. The essence of any mechanism for the protection of rights is the sequence of human actions and the achievement of a certain

result. Human activity in this case is to restore the situation that existed before the violation of a particular right of the person.

A significant problem in Ukraine is the effectiveness of the protection mechanism, which depends on the stability of society, where the observance of the letter and spiritual laws is the rule, not the exception. It should be emphasized that in modern legal science there is no single point of view on what should be the mechanism of protection of rights and the mechanism of human exercise of their right to protection, ie they are not universal. And this is one of the main problems of the modern process of protection of rights, which must be regulated, ie clearly defined and spelled out. Undoubtedly, it is not enough by law to determine that a person has the right to go to court to protect their rights - it is only a declaration of law, which without specifying specific procedures is not effective, will remain a declaration [197, p. 35].

To date, the problems related to the mechanism of protection of rights and the mechanism of human exercise of the right to protection both in Ukraine and in the world remain extremely many. These problems are present on both theoretical and practical levels. In addition to the already mentioned problem of improving the effectiveness of existing mechanisms, the problem is also insufficient legislative consolidation of the main stages of application of most mechanisms, the lack of their interpretation.

The existing system of law and the existing mechanisms of protection of rights are fully a reflection and manifestation of the spirit, development, character and real conditions of existence of the people. In the countries belonging to the continental system of law one mechanism of protection of the rights functions, and in the countries belonging to the system of common law another. Within the same legal system, the mechanisms of protection of rights differ from each other and have their own characteristics. It is known that in countries belonging to the continental system of law to the forefront of law. In countries belonging to the common law system, legal practice, ie judicial precedent, is of fundamental importance. Therefore, the mechanisms of protection of rights in countries belonging to different legal systems

differ. It can be argued that the development and functioning of protection mechanisms depends not only on the legislator, but also on the people, their history and culture.

Thus, the essence of the protection mechanism we see in achieving justice in public relations in violation of human rights. The main purpose of such mechanisms is the protection of rights, the full realization of human rights to protection. Obviously, the mechanism of protection of rights and the mechanism of human exercise of the right to protection must be universal.

The mechanism of protection of human rights and freedoms in modern society should be understood as a system of certain social institutions, legal norms, remedies (judicial, administrative, civil, criminal, etc.), providing the most complete and effective protection of human rights and freedoms and citizen.

Within the framework of the mechanism of protection of rights, the functioning of which is entrusted to the state, judicial protection of human rights in Ukraine is carried out by relevant judicial institutions, extrajudicial - by state bodies and local governments.

The realization of human rights requires not only an internationally recognized and enshrined in the Constitution of the country's legal norm. Appropriate international mechanisms and procedures for the protection of human and civil rights, even without state mediation, in a truly independent tribunal or in an independent international body, are also essential. We also need energetic courageous activity of the citizen in restoring his violated rights, as well as support of his demands by society.

International protection of human rights is becoming especially important. To implement the norms and principles of international human rights law, many special bodies have been established - the International Mechanism for the Protection of Human Rights.

The International Universal Organization is the United Nations, which consists of specialized human rights bodies: the UN Economic and Social Council, the UN Commission on Human Rights, the Subcommittee on Prevention of Discrimination and Protection of Minority Rights, and the Commission on Women, the UN Committee on Human Rights. : human rights, economic, social and cultural rights, elimination of

racial discrimination against women, children's rights, important role in the field of human rights is played by permanent UN executive bodies: Secretariat, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, ILO, UNESCO , WHO and others.

Along with the universal mechanisms of human rights protection mentioned above, systems of bodies and organizations with their legal acts have been formed and operate, including rules of procedure that perform the noble function of protecting human rights in different regions of the globe in Europe, Africa, Latin America.

He has gained particularly interesting experience in the protection of human rights on the European continent. There are several influential organizations that differ in their functions, tasks, circle of participants, level and degree of integration. Most of these organizations pay serious attention to human rights, such as the European Union, the Council of Europe, the OSCE, and the European Court of Human Rights.

Ensuring human rights at the national level is through judicial and extrajudicial protection.

The system of mechanisms for ensuring human rights is not constant, it is constantly changing, improving, as evidenced by changes in the mechanisms of human rights protection by UN bodies, European mechanisms in accordance with changes in the world, international law and international law.

To increase the effectiveness of protection mechanisms, it is necessary to change the legal culture and legal awareness of the people, to form them through upbringing and education. This mechanism must be implemented by the people and society that actually form the law.