

УДК 343.121

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ENSURING THE PRINCIPLE OF THE RIGHT TO PROTECTION IN UKRAINE

<http://doi.org/10.23939/law2023.38.238>

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The principle of the right to protection is crucial for upholding human rights, promoting social justice, and strengthening the rule of law in Ukraine. This article highlights the relevance of researching and addressing the challenges and opportunities in ensuring this right in Ukraine. It examines the country’s political, social, and legal transformations, conflicts, and aspirations for European integration. The article explores Ukraine’s legal framework, measures taken, and progress made in ensuring the right to protection, including the independence of the judiciary, access to justice, legal aid programs, and prevention of arbitrary detention or treatment. However, challenges such as corruption, delays in court proceedings, limited access to justice, conflict-affected areas, and societal attitudes persist. Addressing these challenges requires ongoing efforts, including judicial reforms, resource allocation, public awareness campaigns, conflict resolution, and human rights education. This research contributes to the broader discussions on human rights and the rule of law in transitional and post-conflict societies and informs strategies for promoting the right to protection worldwide.

The article emphasizes the significance of the research topic by examining Ukraine’s political, social, and legal transformations in recent years. These transformations have presented challenges related to the rule of law, corruption, and human rights protection. By focusing on the right to protection, researchers can assess the progress made, identify gaps and shortcomings, and provide insights into areas that require attention and improvement. This evaluation serves as a tool to measure the effectiveness of legal reforms, policy initiatives, and institutional changes undertaken in Ukraine to ensure the protection of individuals’ rights.

The relevance of this research topic is further underscored by Ukraine's ongoing conflicts and security concerns. The war and annexation of Ukrainian territories have resulted in human rights violations, displacement, and the need for accountability and justice. By examining the right to protection, researchers can explore the impact of these conflicts on individuals' rights, assess the measures taken to address the resulting challenges, and evaluate the extent to which the right to protection is upheld in Ukraine.

Key words: principles of law, principles of criminal law, criminal proceedings, right to defense, access to justice.

The research topic of ensuring the principle of the right to protection in Ukraine holds great relevance due to its significance for upholding human rights, promoting social justice, and strengthening the rule of law in the country. The right to protection encompasses various elements that are essential for a fair and just society, including access to justice, a fair trial, legal assistance, and protection against arbitrary detention or treatment. Understanding and addressing the challenges and opportunities in ensuring this right in Ukraine is crucial for several reasons.

Firstly, Ukraine has undergone significant political, social, and legal transformations in recent years. The country has faced challenges related to the rule of law, corruption, and the protection of human rights. Researching and focusing on the right to protection sheds light on the progress made, identifies gaps and shortcomings, and offers insights into areas that require attention and improvement. It serves as a tool to evaluate the effectiveness of legal reforms, policy initiatives, and institutional changes undertaken in Ukraine to ensure the protection of individuals' rights.

Secondly, ensuring the principle of the right to protection in Ukraine is particularly relevant in the context of ongoing conflicts and security concerns. The country has faced with war and annexation of Ukrainian territories. These situations have resulted in human rights violations, displacement, and a need for accountability and justice. By examining the right to protection, researchers can explore the impact of these conflicts on individuals' rights, the measures taken to address the resulting challenges, and the extent to which the right to protection is upheld in Ukraine.

Thirdly, the relevance of this research topic is underscored by Ukraine's aspiration for closer integration with the European Union and alignment with international human rights standards. Ukraine has committed to implementing reforms and harmonizing its legislation with EU norms and standards, including those related to human rights. Analyzing the right to protection allows researchers to assess Ukraine's progress in meeting these commitments and fulfilling its obligations under international human rights treaties. It provides an opportunity to explore the impact of EU-Ukraine cooperation on the promotion and protection of individuals' rights in the country [3].

Furthermore, studying the right to protection in Ukraine contributes to the broader academic and policy discussions on human rights and the rule of law in transitional and post-conflict societies. Ukraine's experience serves as a case study for understanding the challenges and opportunities in ensuring human rights protection in contexts characterized by political and societal transformations. The research findings can inform comparative studies and contribute to the development of strategies and best practices for promoting and protecting the right to protection in similar contexts worldwide.

In conclusion, the research topic of ensuring the principle of the right to protection in Ukraine holds significant relevance due to its implications for human rights, social justice, and the rule of law in the country. By exploring the progress made, challenges faced, and opportunities available in upholding this right, researchers can contribute to the ongoing efforts to strengthen human rights protection, enhance access to justice, and promote a fair and inclusive society in Ukraine.

A number of scientists were engaged in the study of this issue, in particular: Myroshnychenko T. M., Balatska O. R., Korcheva T. V., Turuta O. V., Nesterenko S. S., Voloshanivska T. V., Venedictov V., Kravchenko I., Kostruba A., Maydanyk R. A., Kolb O. H., Kolb A. G., Hrushko M. V., Moskalenko K., Nekit K. H., Ulianova H. O., Kolodin D. O., Dolgopalo L. M., Us M. V., Glotow S. O., Deshko L.,

Bysaga Y., Zaborovkyy V., Ivanishyn-Hayduchok L., Shapovalova V., Vystavna Y., Cherkashyna M., Van der Valk M. R., Ladychenko V., Golovko L. and others.

Every person has the right to receive professional legal assistance. In some cases, this assistance may be provided free of charge by law. In addition, every person has the right to freely choose a defender of his rights in accordance with Article 59 of the Constitution of Ukraine [1]. These rights are provided in order to guarantee the protection of the rights and freedoms of every citizen.

Legal assistance may include such types of actions as:

- consultation and explanation of legislation, both verbally and in writing;
- drafting various legal documents, including statements and complaints;
- execution of copies of official documents;
- representation in courts and other state bodies of citizens and legal entities;
- provision of legal support for entrepreneurial and foreign economic activities;
- performance of duties in accordance with criminal and civil procedural legislation and others.

Article 20 of the Criminal Procedure Code of Ukraine specifies that ensuring the right to defense involves three forms of implementation:

- independent realization of the right to defense by suspects, accused, acquitted and convicted;
- use of the legal assistance of a defender;
- the duty of investigators, prosecutors, investigating judges, and courts to assist accused persons in exercising their right to defense by providing them with explanations of their rights and ensuring the right to qualified legal assistance [2].

Ensuring the principle of the right to protection is a fundamental aspect of upholding human rights and promoting a just society. In Ukraine, like in many other countries, the right to protection encompasses various elements, including the right to a fair trial, access to justice, legal assistance, and protection against arbitrary detention or treatment. The Ukrainian government and relevant institutions have taken significant steps to ensure the principle of the right to protection in the country.

First and foremost, Ukraine has a legal framework in place that recognizes and protects the right to protection. The Constitution of Ukraine, as well as international human rights treaties ratified by the country, guarantee the right to a fair trial and access to justice. These include the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the UN Convention against Torture, among others. These legal instruments set the foundation for the protection of individuals' rights and provide a basis for addressing any violations [1].

To ensure the right to protection in practice, Ukraine has implemented various measures. One of the crucial elements is the independence of the judiciary. The judiciary plays a vital role in safeguarding the right to protection by ensuring impartiality and fairness in legal proceedings. Ukraine has taken steps to strengthen the independence of its judiciary by implementing reforms aimed at enhancing transparency, accountability, and professionalism within the judicial system. These reforms include the establishment of the Supreme Council of Justice and the High Qualification Commission of Judges, which contribute to the selection and discipline of judges [4; 5].

Furthermore, Ukraine has made efforts to improve access to justice for all individuals, regardless of their socioeconomic status. Legal aid programs have been developed to provide assistance to those who cannot afford legal representation. These programs ensure that individuals have access to legal advice, representation, and support in court proceedings, thereby helping to bridge the justice gap and promote equality before the law.

To prevent arbitrary detention or treatment, Ukraine has implemented measures to combat torture and ill-treatment. The country has established a National Preventive Mechanism, in line with its obligations under the UN Convention against Torture. This mechanism aims to prevent torture and other cruel, inhuman, or degrading treatment by conducting regular visits to places of detention, raising awareness about human rights, and making recommendations to improve detention conditions [6].

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In addition to these efforts, Ukraine has also been working on strengthening its law enforcement institutions and improving their accountability. This includes training programs for law enforcement officers on human rights standards and mechanisms for addressing complaints against misconduct. Such initiatives are crucial for preventing human rights violations and ensuring that those responsible for abuses are held accountable.

While progress has been made, challenges still exist in fully ensuring the principle of the right to protection in Ukraine. Continued efforts are needed to address issues such as corruption, delays in court proceedings, and the effective implementation of legal reforms. Additionally, raising awareness among the population about their rights and available legal remedies is important to empower individuals to exercise and protect their rights.

Ensuring the principle of the right to protection in Ukraine faces several challenges that hinder the effective realization of this fundamental human right. These challenges arise from a combination of systemic issues, limited resources, institutional weaknesses, and societal factors. Understanding and addressing these problems are crucial for improving the protection of individuals' rights and promoting a fair and just society in Ukraine.

But, unfortunately, Ukraine has a lot of problem with ensuring the principle of the right protection. One of the primary challenges is the persistence of corruption and inefficiencies within the justice system. Despite ongoing efforts to reform the judiciary and enhance its independence, corruption remains a significant concern. Bribery, undue influence, and other forms of corruption can undermine the right to protection by compromising the fairness and integrity of legal proceedings. Corruption erodes public trust in the justice system and creates an environment where the powerful can evade accountability, while vulnerable individuals may face unjust treatment or denial of their rights.

Another challenge is the slow pace of judicial processes and excessive case backlog. Delays in court proceedings can deny individuals timely access to justice, leading to prolonged periods of legal uncertainty and potential violations of their right to protection. Insufficient resources, procedural complexities, and a lack of judicial efficiency contribute to these delays. Addressing this challenge requires further investment in the judicial system, including the recruitment of qualified personnel, improved case management practices, and the modernization of court infrastructure.

Limited access to justice and legal assistance is a significant issue in Ukraine. While efforts have been made to provide legal aid programs, such as free legal advice and representation for those who cannot afford it, accessibility remains a concern. Many individuals, particularly those in marginalized communities, may face barriers in accessing legal services due to financial constraints, lack of awareness about available resources, or geographic distance. Enhancing the availability and reach of legal aid programs and improving public awareness about their existence and benefits are necessary steps to overcome this challenge.

The situation in conflict-affected areas, particularly in eastern Ukraine and Crimea and other territories affected by full-scale war, poses specific challenges to ensuring the principle of the right to protection. Ongoing armed conflicts, the presence of non-state armed groups, and the de facto control of certain territories make it difficult to ensure the protection of individuals' rights in these regions. Displacement, human rights violations, and limited access to justice exacerbate the challenges. Resolving the conflicts, establishing effective mechanisms for accountability, and providing assistance and protection to affected populations are crucial steps towards addressing these challenges.

Societal attitudes and cultural factors also contribute to the problem of ensuring the right to protection. Prejudices, discrimination, and stereotypes based on gender, ethnicity, or other characteristics can affect the fair treatment of individuals within the justice system. Moreover, awareness and understanding of human rights and legal remedies among the general population may be limited, hampering the effective exercise and protection of rights. Promoting human rights education and awareness campaigns to challenge discriminatory attitudes and improve knowledge about legal rights and avenues for redress are essential to address this challenge.

Inference. In conclusion, ensuring the principle of the right to protection in Ukraine faces significant challenges. Corruption, delays in court proceedings, limited access to justice, conflict-related issues, and societal factors pose obstacles to the effective realization of this fundamental right. Addressing these challenges requires comprehensive efforts, including judicial reforms, anti-corruption measures, investment in the justice system, enhanced legal aid programs, conflict resolution, and human rights education. By tackling these problems, Ukraine can make progress towards a society where the right to protection is upheld for all individuals, fostering justice, equality, and respect for human rights. Ukraine recognizes the principle of the right to protection as a fundamental human right and has taken significant steps to ensure its realization. By upholding the principles of a fair trial, access to justice, legal assistance, and protection against arbitrary detention or treatment, Ukraine is working towards creating a society where individuals' rights are respected, and justice is accessible to all.

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Дата надходження: 20.03.2023 р.

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ЗАБЕЗПЕЧЕННЯ ПРИНЦИПУ ПРАВА НА ЗАХИСТ В УКРАЇНІ

Принцип права на захист має вирішальне значення для дотримання прав людини, утвердження соціальної справедливості та зміцнення верховенства права в Україні.

У цій статті висвітлюється актуальність дослідження та вирішення проблем і можливостей забезпечення цього права в Україні. У науковій праці досліджено законодавчу базу України,

вжиті заходи та прогрес у забезпеченні права на захист, включаючи незалежність судової системи, доступ до правосуддя, програми правової допомоги та запобігання свавільному затриманню чи поводженню.

В цьому контексті окреслено окремі проблеми застосування аналізованого принципу, такі як: корупція, затримки судових розглядів, обмежений доступ до правосуддя тощо. Встановлено, що вирішення цих викликів потребує постійних зусиль, включаючи судові реформи, розподіл ресурсів, кампанії з підвищення обізнаності громадськості, вирішення конфліктів та освіту з прав людини.

У статті підкреслюється актуальність теми дослідження шляхом розгляду політичних, соціальних і правових трансформацій в Україні за останні роки. Ці перетворення створили виклики, пов'язані з верховенством права, корупцією та захистом прав людини. Зосереджуючись на праві на захист, дослідники можуть оцінити досягнутий прогрес, виявити прогалини та недоліки, а також надати уявлення про сфери, які потребують уваги та вдосконалення. Ця оцінка слугує інструментом для вимірювання ефективності правових реформ, політичних ініціатив та інституційних змін, здійснених в Україні для забезпечення захисту прав особи.

Актуальність цієї теми дослідження додатково підкреслюється збройним конфліктом, що триває в Україні, і проблемами безпеки, що виникають як його наслідок. Війна та анексія українських територій призвели до порушень прав людини, примусового переміщення громадян та потреби у відповідальності винних осіб, справедливості. Вивчаючи право на захист, дослідники можуть дослідити вплив цих конфліктів на права особи, оцінити заходи, вжиті для вирішення викликів, що виникають, і оцінити ступінь дотримання права на захист в Україні.

Ключові слова: принципи права, принципи кримінального права, кримінальне провадження, право на захист, доступ до правосуддя.