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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**RESOLUTION
OF THE VERKHOVNA RADA OF UKRAINE
ON PRINCIPLES OF THE STATE POLICY OF UKRAINE
IN THE SPHERE OF HUMAN RIGHTS**

**RESOLUTION
of the Verkhovna Rada of Ukraine**

On Principles of the State Policy of Ukraine in the Sphere of Human Rights

The Verkhovna Rada of Ukraine resolves:

To approve the Principles of the State Policy of Ukraine in the Sphere of Human Rights (attached).

O. Tkachenko

**Chairman of the Verkhovna Rada
of Ukraine
the City of Kiev
June 17, 1999
N° 757-XIV**

APPROVED
by Resolution N° 757-XIV
of June 17, 1999
of the Verkhovna Rada

PRINCIPLES

Of the State Policy of Ukraine in the Sphere of Human Rights

The Verkhovna Rada of Ukraine,

Guided by the Constitution of Ukraine, the 1948 Universal Declaration of Human Rights,

Desiring effectively to implement the rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, Protocols hereto ratified by Ukraine,

Desiring that human rights and freedoms, the guarantees of human rights and freedoms should define the contents and orientation of state activities,

Considering that ensuring human rights and fundamental freedoms is a primary responsibility of the state, state authorities and local governments,

Recognizing that the rule of law principles in society and the state are the top priority of human and citizens' rights and freedoms,

Recognizing universality, interrelationship and interdependency of human and citizens' rights and fundamental freedoms, emphasizing the importance of human rights in political, economic, social, historical and cultural development of Ukraine,

Recognizing that an individual, his or her life and health, honour and dignity, inviolability and security are the greatest social value,

Guided by the Constitution of Ukraine, Article 8, in accordance with which the norms of the Constitution shall be the norms of direct effect,

Affirming the universality of judiciary protection of human rights and fundamental freedoms if violated,

Guided by the Constitution of Ukraine, Article 9, in accordance with which the international treaties in force, ratified by the Verkhovna Rada of Ukraine, are a part of national legislation,

Desiring to spread humanistic ideology based on commonly recognized values and ideals and adequate legal awareness in Ukrainian society,

Approves the present Principles of the State Policy of Ukraine in the Sphere of Human Rights.

I. Principles of the State Policy in the Sphere of Human Rights

Recognition of human and citizens' rights and fundamental freedoms as such that are granted from birth and are inalienable.

Provision of supremacy of human rights and fundamental freedoms in relations with the state.

Provision of equality of people before the law and court.

Recognizing the rule of law according to which the declaration and implementation of human and citizens' rights and fundamental freedoms are based solely on law.

Inadmissibility of narrowing of the contents and scope of human and citizens' rights and fundamental freedoms declared by the Constitution of Ukraine.

Recognition of presumption of individual freedom pursuant to the principle, according to which everything is allowed, except for that what is directly prohibited by law.

Recognition of the restriction of freedom for the state, authorities and officials pursuant to the principle allowing only that what is stipulated by law.

II. Main guidelines for state activities in the sphere of human rights.

Provision of the supremacy of human rights and fundamental freedoms in relations with the state.

Creation of appropriate conditions, mechanisms and procedures for every individual freely and comprehensively to implement his or her rights and legal interests.

Bringing the legislation of Ukraine in compliance with universal standards of human rights of the United Nations and the Council of Europe.

Reforming administrative and administrative procedural legislation in order to provide the appropriate basis for citizens' realization of the rights and legal interests in the sphere of executive power, efficient protection of citizens' rights, including in court if violated.

Establishment of the system of administrative justice to protect human and citizens' rights and fundamental freedoms.

Ratification of citizens' international legal acts, both at universal and regional levels, proclaiming human and citizens' rights and fundamental freedoms and meeting interests and needs of the Ukrainian people.

Recognition of the jurisdiction of international human rights authorities in accordance with the established procedure.

Inadmissibility of narrowing of the contents and scope of human and citizens' rights and fundamental freedoms which are proclaimed by the Constitution of Ukraine, laws of Ukraine and regulatory documents.

Development of the mechanism for realization of the constitutional provision of human and citizen's right to professional legal assistance, including free of charge assistance.

Ensuring of protection of the individual and citizen from the encroachment on the part of other citizen and the state.

Improvement of the parliamentary control over observance of the constitutional human and citizens' rights and freedoms through the Authorized Human Rights Representative of the Verkhovna Rada of Ukraine.

Establishment of efficient judicial power as the guarantor of human and citizens' rights and fundamental freedoms in accordance with the Constitution of Ukraine.

Direction of the activity of the prosecutor's office towards strengthening of the democratic, social and legal state and ensuring the rule of law, observance of human and citizens' rights and fundamental freedoms.

Improvement of legislation and enhancement of efficiency of the judicial protection as the guarantor of democracy in the electoral system.

Specifying contents and limits of citizens' constitutional rights to freedom of association in political parties and public organizations.

Improvement of legislation on financing the activities of the largest (in number of their members) political parties.

Development of the legal bases for the use and strengthening of legal guarantees concerning security and protection of constitutional rights of citizens to peaceful gatherings, meetings, demonstrations through adoption of appropriate laws.

Ensuring codification of legislation on social protection through adoption of the Social Code of Ukraine.

Increasing of the actuality of human rights to freedom of movement and residence in Ukraine, in particular through abolishing the permissive procedure for residence (residence registration permit – propyska).

Humanization and effective implementation of the legislation on refugees and forced immigrants.

Establishment of the appropriate mechanism for realization of the citizens' rights to appeal a decision, action or inaction of state authorities, local authorities, and officials.

Enhancement of the level of legal culture and legal awareness of citizens, formation of respect to law and determination of mechanisms protecting citizens' rights.

Promoting development of the system of bodies of non-judicial protection of human rights and freedoms, and providing assistance for public organizations in the sphere of human rights.

III. Final provisions

Any provision of the present Principles of the State Policy of Ukraine in the sphere of human rights may not be interpreted contrary to human rights and fundamental freedoms.

Provisions of the Principles of the state policy of Ukraine in the sphere of human rights shall be the basis for lawmaking activity in the sphere of human rights and fundamental freedoms.