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PROTECTION OF HONOR AND DIGNITY IN SOME INTERNATIONAL LEGAL DOCUMENTS

Considering the issue of placing the norms, which provide protection of honor and dignity within international and legal documents we should indicate that they have a special place there. Thus, the Preamble of the Universal Declaration of Human Rights (hereinafter – Declaration), adopted and proclaimed by the United Nations General Assembly resolution 217 A (III) on 10 December 1948, acknowledges that «recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world» [1]. Herewith specific regulations state that «all human beings are born free and equal in dignity and rights» (the Art. 1 of the Declaration), no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (the Art. 5 of the Declaration), everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality (the Art. 22 of the Declaration) [1].

This is confirmed by the norms of other international documents, including the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights adopted by the General Assembly on 16 December, 1966 and ratified by the Presidium of the Supreme Soviet of the Ukrainian SSR № 2148-VIII on 19 October, 1973 [2; 3].

The preamble of the International Covenant on Economic, Social and Cultural Rights states that «The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Recognizing that these rights derive from the inherent dignity of the human person, Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings, enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural and political rights, as well as his civil and political rights, Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms, Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion

and observance of the rights recognized in the present Covenant, Agree...» [2].

Almost literally was formulated and the preamble of the International Covenant on Civil and Political Rights: «The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Recognizing that these rights derive from the inherent dignity of the human person, Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights, Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms, Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant, Agree...» [3].

The text of the preambles of mentioned international documents confirms the fact that only a person who has «dignity of the human person» is capable and has the right to economic, social and cultural and political rights that are guaranteed by the state. Only a person who has reached a certain level of social development is worth to have certain rights and perform duties that arise with them. In particular, according to the Art. 13 of International Covenant on Economic, Social and Cultural Rights, «The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace» [2]. And the Art. 7 of the International Covenant on Civil and Political Rights contains a reference to the fact that «No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation» [3].

The latter provision is also enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Presidium of the Supreme Soviet of the Ukrainian SSR № 3484-XI dated from 26 January, 1987, indicating that «Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Recognizing that those rights derive from the inherent dignity of the human person, Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms, Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one

shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the States Parties agree on human rights.

This provision states that as a person has dignity regardless of his real social value, he has the right to be respected by the others. Any circumstances (even aggravating the responsibility and punishment) can not serve as the basis for degrading human dignity, including charges of committing a crime of any severity.

The provisions of these regulations give reasons to conclude that human dignity, along with other inalienable rights – the right to life, liberty and personal security, etc. acts as a base, which contributes to harmonious development of society and indicates the value of each individual as an integral part. The presence of honor and dignity is the basis of allocation of all other rights and freedoms: economic, social, cultural, civil and political.

References

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ЗАХИСТ ЧЕСТІ ТА ГІДНОСТІ В ДЕЯКИХ МІЖНАРОДНО-ПРАВОВИХ ДОКУМЕНТАХ

Проведений аналіз Загальної декларації прав людини, Міжнародного пакту про економічні, соціальні і культурні права, Міжнародного пакту про громадянські і політичні права. Автори дійшли висновку, що людська гідність, поряд з іншими невід'ємними правами – право на життя, право на свободу та особисту недоторканність тощо виступає в якості основи, яка сприяє його гармонійному розвитку суспільства та вказує на цінність кожної окремої людини як його невід'ємної частини, а тому саме наявність у людини честі та гідності лежить в основі виділення всіх інших прав і свобод: економічних, соціальних, культурних, громадянських та політичних.

Ключові слова: честь, гідність, міжнародно-правовий документ, громадянські і політичні права, людина.