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STATE POLICY IN THE FIELD OF HUMAN RIGHTS PROTECTION UNDER THE CONDITIONS OF THE STATE OF MARTIAL

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The invasion of the aggressor country into the territory of sovereign Ukraine led to terrible humanitarian consequences, the introduction of martial law in Ukraine, which makes it difficult for the state to guarantee the rights of citizens in the conditions of the objective necessity of their partial restriction, since such a restriction involves a legislative narrowing of the content and scope of human rights and freedoms. In connection with the introduction of Russian troops into the territory of Ukraine, a threat to national security, martial law was introduced by the Decree of the President of Ukraine on February 24, 2022, which has already been extended several times. The restriction of human and citizen rights in Ukraine is temporary and minimally necessary.

Human rights guaranteed by the Constitution of Ukraine are inalienable and inviolable (Article 21) [1]. Absolute human rights, in particular the right to life, the prohibition of torture, cannot have any restrictions on the exercise of these rights, even under conditions of emergency and martial law. In addition, the right to judicial protection (Article 55) is not subject to limitation under Article 64 of the Constitution of Ukraine.

According to the Decree of the President of Ukraine in connection with the introduction of martial law in Ukraine, the constitutional rights and freedoms of a person and a citizen, provided for in Articles 30-34,

38, 39, 41-44, 53, may be temporarily limited for the period of the legal regime of martial law. Constitution of Ukraine, as well as to introduce temporary restrictions on the rights and legal interests of legal entities within the limits and to the extent necessary to ensure the possibility of introducing and implementing measures of the legal regime of martial law, which are provided for by the first part of Article 8 of the Law of Ukraine "On the Legal Regime of Martial Law" [2]. The mentioned limitations of the constitutional rights and freedoms of a person and a citizen can only be temporary.

Government agencies are obliged to introduce and carry out the measures and powers provided for by the Law of Ukraine "On the Legal Regime of Martial Law" necessary to ensure the defense of Ukraine, the protection of the safety of the population and the interests of the state. This Law defines the content of the legal regime of martial law, the procedure for its introduction and cancellation, legal principles activities of state authorities, military command, military administrations, local self-government bodies, enterprises, institutions and organizations in conditions of martial law, guarantee of human and citizen rights and freedoms and rights and legal interests of legal entities [3]. Martial law conditions can cause violations of human rights and freedoms, so it is important to have effective mechanisms to protect these rights and freedoms in order to protect citizens from possible abuses by the authorities and the military.

Article 19 of the Law of Ukraine "On the Legal Regime of Martial Law" regulates the guarantees of legality during the period of martial law: changes to the Constitution of Ukraine are prohibited; amendment of the ARC Constitution; conducting elections for the President of Ukraine, as well as elections to the Verkhovna Rada of Ukraine, the Verkhovna Rada of the ARC and local self-government bodies; conducting all-Ukrainian and local referenda; conducting strikes, mass meetings and actions. Human rights and freedoms enshrined in the Constitution of Ukraine, as well as the means of their protection provided for by the constitution, are the priority principles of the organization of a democratic state governed by the rule of law. It is the guarantees of the rights and freedoms of a person and a citizen that are real possibilities for their implementation and protection.

So, the activity of state bodies in the conditions of martial law in the field of protection of human rights and freedoms should be as effective as possible, since it depends on ensuring a dignified and safe life of a person. The restriction of human rights in the conditions of martial law has an exclusively legal, temporary, targeted, non-discriminatory, socially useful nature. The possibility of limiting the basic rights and freedoms of a person by the state is foreseen in all international legal acts that regulate human rights and fundamental freedoms. Each document defines the limits of possible restrictions and an exhaustive list of grounds for them, as well as establishes a number of rights that cannot be limited under any circumstances.

The courage of the Ukrainian people and the consolidation of the international community with Ukraine stood in the way of the implementation of the aggressive plans of the Russian Federation. The active phase of Russia's armed aggression against Ukraine was stopped thanks to the courage of the Ukrainian people who stood up to defend their Motherland.

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