

THE ISSUE OF INTERNATIONAL LEGAL GUARANTEES REGARDING THE IMPLEMENTATION OF HUMAN SOCIAL RIGHTS IN UKRAINE

Adopted on June 28, 1998, the Constitution of Ukraine proclaimed in Art. 1. our social state [1]. This, first of all, means the presence of a state priority in ensuring the social and economic rights of citizens. However, the existing economic situation in Ukraine, the imbalance and underdevelopment of the current system of social protection and social security do not allow turning this declaration into reality. An opaque system of benefits and social payments continues to dominate the sphere of social protection and security. After all, instead of real social services for the population, a cumbersome network of state and communal institutions of social protection and services is maintained. At the same time, along with the support of the most socially vulnerable groups, the system of social protection and social security provides for a significant number of benefits and social guarantees on a professional basis. Such measures of social protection and social security of representatives of certain professions are often completely unjustified, because employment in a certain industry should be stimulated not by providing certain benefits, but by increasing the wages of employees, as is the case in developed countries.

Being a party to a number of international treaties, Ukraine accepted and recognized a complex of basic social rights for its citizens, as well as for foreign citizens and stateless persons legally residing on its territory. Our state's guarantee of these rights, which are universally recognized by the international community, simultaneously gives rise to Ukraine's obligations both to each individual and to the international community. Thus, Ukraine's participation in international treaties obliges our state to establish legislative guarantees and implement mechanisms for the realization of basic human social rights, including: 1) the right to social security and to exercise the rights necessary for maintaining the dignity and free development of

a person in the economic, social and cultural spheres with the help of national efforts and international cooperation in accordance with the structure and resources of each state [2; 3]; 2) the right to an adequate standard of living, i.e. such a standard of living, including food, clothing, housing, medical care and necessary social services, which is necessary to maintain one's health and well-being and that of one's family; 3) the right to social security, which applies to cases of unemployment, illness, disability, widowhood, old age, and other cases of loss of livelihood due to circumstances independent of the individual [4]; 4) the right to use the services of social services, which is disclosed through the obligation to promote the functioning of social services or to create such services, to encourage individuals and voluntary or other organizations to participate in the creation and functioning of social services; 5) the right of disabled persons to independence, social integration and participation in society, supported by obligations to take measures to provide disabled persons with guidance, education and professional training, whenever possible, within general programs or, when this seems impossible, in public or private specialized institutions, as well as promote their access to work, provide assistance in removing obstacles to communication and movement; 6) the right of the family to social, legal and economic protection, conditioned by the obligation of states to provide social assistance and assistance to families with children, including providing housing to families, assistance to newlyweds and other appropriate means; 7) the right of children and adolescents to social, legal and economic protection, which includes providing children and adolescents, taking into account the rights and obligations of their parents, the care, assistance, education and training they need, in particular by creating or ensuring the functioning of institutions and services, as well as providing protection and special assistance from the state to children and adolescents who are temporarily or permanently deprived of assistance from their families; 8) the right of the elderly to social protection, in particular, giving the elderly the opportunity to remain full-fledged members of society as long as possible, to freely choose their lifestyle and to live independently in a familiar environment for as long as they wish and are able (in particular, through

the provision of housing, adapted to their needs and state of health), including guarantees for elderly people living in homes for the elderly, provision of appropriate care with respect for their personal life and ensuring their participation in decision-making regarding their living conditions; 9) the right to protection from poverty and social exclusion, i.e. providing socially vulnerable persons with effective access to work, housing, professional training, education, culture, as well as social and medical assistance.

Summing up, it should be noted that Ukraine has not recognized the norms of the European Social Charter (revised) regarding the right to social security and the right to social assistance as binding. The Verkhovna Rada of Ukraine recognized these rights as goals that Ukraine will strive to achieve by all appropriate means. It must be recognized that a significant feature of the current legislation in the field of social protection and social security is its lack of systematicity and inconsistency. Thus, in the corresponding legislative acts, the influence of fundamentally different concepts and approaches can be traced, among which the Soviet model (the dominance of benefits and social payments, which often replace the appropriate level of wages and material support) and the European model (the dominance of social services and social work aimed at for the support of the most socially vulnerable categories and persons in difficult life circumstances).

REFERENCES

1. The Constitution of Ukraine dated June 28, 1996. K. 2021.54 p.
2. The Universal Declaration of Human Rights Adopted and proclaimed by Resolution 217 A (III) of the UN General Assembly of December 10, 1948, 1948. URL: https://zakon.rada.gov.ua/laws/show/995_015#Text.
3. International Covenant on Economic, Social and Cultural Rights Adopted on December 16, 1966 by the UN General Assembly. Dock. UN A/RES/2200 A (XXI) URL: https://zakon.rada.gov.ua/laws/show/995_042#Text.
4. Universal Declaration of Human Rights Adopted and promulgated by Resolution 217 A (III) of the UN General Assembly of December 10, 1948, 1948 URL: https://zakon.rada.gov.ua/laws/show/995_015#Text.