

THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS IN THE FUNCTIONING OF INTERNATIONAL HUMAN RIGHTS PROTECTION MECHANISMS

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Annotation. Effective protection of fundamental human rights is one of the main features of a modern democratic state governed by the rule of law. Non-governmental human rights institutions are an important component of the international human rights protection mechanism, as they operate at the local, regional, national and international levels. The relevance of the study is due to several factors, including: increased attention to human rights in the international legal system, increasing cases of human rights violations in the world, and the lack of effectiveness of national human rights mechanisms. Among other things, the Russian-Ukrainian war is of particular relevance, as the level of human rights violations in the conflict zone is extremely high. In view of this, a comprehensive study of the role of international non-governmental organisations in international human rights mechanisms is clearly relevant.

The aim of the work is defining the role of non-governmental organisations in the international human rights protection mechanism and determining the forms of participation of international non-governmental organisations in the protection of human rights at the international level.

The methodological basis of the study. In order to achieve this goal, an integrated approach is applied, which determines the use of general and special scientific research methods. In particular, the functional method was used to determine the functions of international non-governmental organisations in the field of human rights protection. The formal legal method was used to analyse the provisions of international legal acts. The systemic-structural method was used to identify the main features of the participation of international non-governmental organisations in the mechanism of human rights protection at the international level. The methods of analysis, synthesis, induction, deduction, and analogy were also used to formulate conclusions and proposals.

Results. The article examines the role of international non-governmental organisations in the international human rights mechanism. The study covers the results of the activities of international non-governmental organisations Amnesty International, Human Rights Watch, International Federation for Human Rights, Human Rights First, Interights and other non-governmental organisations that draw the attention of citizens and governments around the world to human rights violations. It is noted that the activities of non-governmental organisations in addressing the issue of human rights protection are effective and have an important impact on the resolution of human rights violations. It is emphasised that the role of international non-governmental organisations is growing in the current context, as their activities have an impact on addressing human rights violations in the context of the Russian-Ukrainian war.

Key words: non-governmental organisations, international human rights mechanisms, protection, human rights, international non-governmental organisation.

1. Introduction.

Effective protection of fundamental human rights is one of the main features of a modern democratic state governed by the rule of law. Non-governmental human rights institutions are an important

component of the international human rights protection mechanism, as they operate at the local, regional, national and international levels. The relevance of the study is due to several factors, including: increased attention to human rights in the international legal system, increasing cases of human rights violations in the world, and the lack of effectiveness of national human rights mechanisms. Among other things, the Russian-Ukrainian war is of particular relevance, as the level of human rights violations in the conflict zone is extremely high. In view of this, a comprehensive study of the role of international non-governmental organisations in international human rights mechanisms is clearly relevant.

2. Analysis of scientific publications.

The theoretical basis of the study is the work of scholars who have devoted their work to the study of the international human rights mechanism and the role of non-governmental organisations in its functioning, namely: M. Almashi, A. Babenko, R. Berezovsky, Z. Zaluzialk, O. Krasnikova, H. Lutsyshyn, Y. Sydorчук, O. Skrypnyk, I. Shumilo, N. Shurak and others. However, the absence of a comprehensive study of the role of non-governmental organisations in the functioning of the international human rights mechanism makes the article relevant.

3. The aim of the work is to define the role of non-governmental organisations in the functioning of the international human rights mechanism and to determine the forms of participation of international non-governmental organisations in the protection of human rights at the international level.

4. Review and discussion.

The main purpose of international human rights mechanisms is to ensure the observance and protection of human rights at the international level. The components of this mechanism are universal and regional bodies and organisations that operate on the basis of international treaties and conventions. International human rights protection mechanisms are international bodies and organisations that ensure the observance and protection of human rights in accordance with international standards. In addition to intergovernmental bodies and organisations, there are also non-governmental human rights organisations that play an important role in protecting human rights. International mechanisms for the protection of human and civil rights and freedoms are a set of international institutions, norms, principles and procedures that ensure the observance and protection of human and civil rights and freedoms at the international level [1].

Y. Sydorчук defines international human rights protection mechanisms as a system of intergovernmental bodies and organisations that function to implement international standards of human rights and freedoms or to restore them in case of their violation [2, p. 34].

In the scientific literature, scholars have repeatedly defined the concept of 'mechanism of international human rights protection' as a system of international bodies and organisations that function to implement international standards of human rights and freedoms or restore them in cases of violation [3, p. 12].

Also, L.R. Nalyvaiko and K.V. Stepanenko define international human rights protection mechanisms as international bodies functioning within the framework of human rights agreements, which include independent experts or representatives of governments and adopt general recommendations, international non-judicial bodies for monitoring compliance with human rights agreements, which include specialist experts and adopt specific recommendations, the imperative of which is based on the moral authority of the international body, international jurisdictional bodies of non-judicial or judicial nature to protect human rights, which make binding decisions and can guarantee the implementation of these decisions [4, p. 27].

Thus, M.A. Gora defines the term 'international mechanism for the protection of human rights' as a system of international (interstate) bodies and organisations acting to ensure compliance with international standards of human rights and freedoms and restore human rights in case of their violation. The scholar notes that the international human rights protection mechanism is diverse and complex, as it is the result of unsystematic law-making activities of international organisations that tried to restore order in the world after the Second World War and prevent gross and massive human rights violations, rather than the result of systematic and pre-thought-out development. This mechanism includes a system of universal and regional human rights institutions. Most international human rights NGOs monitor the implementation of numerous human rights laws and the general observance of human rights in the states parties to international treaties. Such monitoring is limited to reviewing reports from member states and rarely conducting on-site inspections. Some of these institutions consider individual complaints only to obtain information on the general human rights situation in member states, and some of the international human rights institutions have the power to consider and decide on individual complaints of human rights violations. However, their decisions are not binding on member states [5, p. 48].

In their turn, V. Shostak and L. Arkhiriy understand the concept of 'mechanisms of international human rights protection' as a system of intergovernmental organisations that facilitate the implementation of international standards of human rights and freedoms or their restoration in case of violation [6, p. 164].

Therefore, in view of the above, we propose to define international human rights mechanisms as a system of international bodies and organisations that function to monitor compliance with international standards of human rights and freedoms or to restore human rights in cases of their violation.

Thus, there is no single approach to the definition of 'international non-governmental organisation' in international law. In view of this, we agree with the definition set out in the United Nations General Assembly (hereinafter – the UN) resolution No. 1296 (XIV) of 23 May 1968, which states that an international non-governmental organisation is any international organisation that has a non-governmental character of representation, is voluntary in nature, is not established on the basis of an intergovernmental agreement and is not intended to make a profit [7].

Also, in accordance with the Convention on the Recognition of International Non-Governmental Organisations as Legal Entities of 24 April 1986, the following requirements for an international non-governmental organisation are defined: 1) have a non-commercial purpose of international public benefit; 2) are established under the application of international law by a party to the Convention; 3) carry out their activities, exercising influence in at least two states; 4) have their registered office in the territory of one Party; 5) have a central management and control body in the territory of that Party or another Party [8].

For example, O.V. Krasnikova notes that international non-governmental organisations are not bodies that express the will of the state, so their resolutions are not covered by the rulemaking process. However, such organisations in the international arena can actively influence the position of a particular state or international governmental organisation [9, p. 138].

Among other things, as M.M. Almashi rightly points out, the powers of non-governmental organisations in the human rights sphere include clarifying the circumstances of human rights violations, collecting information about the circumstances of such violations and disseminating this information. Certain human rights NGOs periodically publish reports with their findings. Most human rights NGOs operate at the national level, promoting respect for human rights in their respective countries, while some human rights NGOs operate at the international level and are part of the international human rights mechanism. Thus, the role of non-governmental organisations in the international human rights protection mechanism is to monitor the human rights situation at the international level and report information to international governmental human rights organisations, in particular, special rapporteurs of the UN Commission on Human Rights or UN conventional bodies, establish contacts with international institutions that can support them in improving the human rights situation in specific states. In the course of practical activities of non-governmental human rights organisations

in the field of human rights protection, they often focus their activities on the protection of certain rights or groups of human rights. For example, there are organisations that defend mainly women's rights, children's rights, national minority rights, religious rights, prisoners' rights, refugees' rights and others [10, p. 100].

In today's conditions, the increase in the number of non-governmental organizations, the trends in their development are determined, in particular, by such reasons as: the aggravation of global problems of civilization and the insufficient capabilities of individual states and international governmental organizations to solve them, the strengthening of democratic processes in the field of internal and international relations, the institutional expression of which there are non-governmental organizations, the transformation in the sphere of national interests of states, the movement from state interests to universal human values, such as human rights and environmental protection and their interaction, the growing desire of individuals to increase control over the decision-making process in matters that concern their interests, the expansion of opportunities cross-border relations and activities of the public of different countries, possibilities of technological progress [11, p. 164].

Thus, the most well-known international non-governmental organisations in the field of human rights protection are Amnesty International, Human Rights Watch, International Federation for Human Rights, Human Rights First and Interights, which are independent NGOs that operate thanks to funding from individuals and various international foundations. These organisations refuse, as a matter of principle, any possible funding from governments of particular states.

Thus, the non-governmental organization Amnesty International was founded in 1961, after the publication of an article in "The Observer" by London lawyer Peter Benenson, dedicated to Portuguese students who were condemned for making a toast "For freedom!" in cafe. Peter Benenson campaigned for people with joint opportunities to start a struggle for the release of the specified prisoners. As a result, the world public reacted to the specified article. Among other things, Amnesty International is also actively involved in the situation in Ukraine and aims to conduct research and actions aimed at preventing and ending violations of the rights to physical and psychological integrity, freedom of conscience and expression, as well as freedom from discrimination in the context of its work with promotion of human rights. Recognition at the global level of effective work in the field of human rights protection of Amnesty International is confirmed by the organization receiving the Nobel Peace Prize in 1977 "For the protection of human dignity from torture, violence and disintegration." Also, at the beginning of the 21st century, Amnesty International focuses its activities on the following priority areas of human rights protection, namely: the fight for the abolition of the death penalty, the fight for ending violence against women, the protection of the rights of people living below the poverty line, the protection of the rights of refugees and migrants, control of arms trade, cessation of torture and inhumane treatment of detainees in the framework of the fight against terrorism. Today, Amnesty International is the most influential international non-governmental human rights organization in the world, includes more than 70 national sections, more than 7,500 affiliated local groups, more than 9 million members who monitor cases of human rights violations in 150 countries of the world [12, p. 145].

Another well-known international human rights NGO is the International Federation for Human Rights (FIDH), which unites 188 organisations from 116 countries. The FIDH takes measures to protect victims of human rights violations, prevent violations and bring perpetrators to justice. The International Federation for Human Rights has a general mandate to protect all the rights set out in the 1948 Universal Declaration of Human Rights, including civil, political, economic, social and cultural rights. Its activities are based on three strategic principles: ensuring freedom and opportunity for human rights defenders to act, the universality of rights and their effectiveness. The activities of the International Federation for Human Rights are aimed at states as the main guarantors of human rights. FIDH seeks to bring to justice those responsible for international human rights crimes through the international criminal justice system. As a federal movement, the International Federation for Human Rights works through the cooperation of its member organisations. This unique combination is embodied in the joint actions of the International Federation for Human Rights and its member organisations at the national, regional and international levels aimed at remedying human rights violations and consolidating democratisation processes [13].



Among other things, the international non-governmental organisation Human Rights Watch was established in 1978 in response to calls for help from human rights groups from the then USSR, Warsaw and Prague, which were collecting information on compliance with the Helsinki Human Rights Agreements. Today, the non-governmental organisation Human Rights Watch monitors, investigates and documents human rights violations in more than 70 countries, conducts awareness-raising campaigns to influence a particular situation, and speaks out against violations of fundamental human rights, including the death penalty and discrimination based on sexual orientation. The organisation is known for its accurate facts, impartial reporting and effective use of the media, often collaborating with local human rights groups [14, p. 116].

Human Rights First (HRF) is an international non-governmental human rights organisation that believes that American leadership is essential in the fight for human rights. Its mission is to influence the US government and private organisations to respect the rule of law and human rights. Human Rights First demands justice, reform, and accountability for those who violate human rights and focuses on change by protecting refugees, opposing torture, and defending persecuted minorities. Human Rights First conducts pressure campaigns on politicians in the United States to make them aware of human rights issues [15, p. 221].

INTERIGHTS is an international non-governmental organisation that protects and promotes human rights and freedoms around the world through a range of activities aimed at strengthening human rights jurisprudence and providing redress to people whose rights have been violated. INTERIGHTS provides expertise and advice on human rights litigation on issues of particular international, regional or national importance. In certain cases, INTERIGHTS may act as a co-representative, amicus curiae or counsel for a lawyer. INTERIGHTS works with local lawyers, judges and non-governmental organisations to strengthen their capacity to effectively defend human rights at both the national and international levels through tailored training programmes, including practical case-based 'court operations', internship programmes and the development of judicial partnerships, and the production and dissemination of a range of publications on human rights developments. INTERIGHTS supports efforts to develop international and regional human rights standards, often through support for emerging institutions such as the African Commission on Human and Peoples' Rights, the recently established African Court on Human and Peoples' Rights, and the European Court of Human Rights [16].

Another important role in the protection of human rights is played by the International Committee of the Red Cross, an independent humanitarian non-governmental organisation whose main activity is to protect the life and dignity of people affected by armed conflicts and other situations of violence. The main objectives of the International Committee of the Red Cross include: visiting prisoners of war and civilians detained in conflict, assisting in the search for missing persons, organising the exchange of letters between family members bordering on conflict, reuniting separated families, providing civilians with food, water and medical care, disseminating knowledge of international humanitarian law and monitoring compliance with its norms, drawing attention to violations of humanitarian law and promoting its development. Non-governmental organisations such as the International Committee of the Red Cross are often involved in really dangerous events and are the first to enter the conflict zone and the last to leave the 'battlefield'. Extremely qualified staff involved in the work of NGOs allows representatives of various NGOs to quickly establish contacts with the population of conflict areas, as well as with representatives of the parties to the conflict [17].

Also, according to Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, no one shall be subjected to torture or to inhuman or degrading treatment or punishment. Thus, violation of Article 3 of the Convention is usually a violation of violent acts against a person. An important method of preventing such types of human rights violations would be for the state to take the necessary measures to familiarise the population through various media with the main provisions of the Convention against Torture and Inhuman or Degrading Treatment or Punishment, and, above all, such familiarisation is necessary for law enforcement officers through training in the rules and norms of the Convention. It is important to note that non-governmental human rights organisations fill this gap in legislation by publishing and distributing numerous publications on the prevention of offences referred to in Article 3 of the Convention, as well as conducting special trainings and seminars for law enforcement officers, judges, and lawyers [18, p. 228].

Today, a large number of intergovernmental and non-governmental organisations are engaged in law enforcement activities. The tasks of law enforcement organisations include identifying the causes of human rights violations and drawing the attention of the international community to human rights abuses. Due to the current situation in Ukraine, many international non-governmental organisations are actively working in the armed conflict zone and helping victims of military aggression. Human rights NGOs play an important role in the East of Ukraine, in particular, they provide objective information to the authorities and international institutions competent in human rights violations and international humanitarian law, and provide legal assistance to victims of human rights violations that occurred during the armed conflict in Ukraine. In addition, the civilian population has a special trust in non-governmental organisations due to the fact that they have declared their neutrality and independence from state structures [19, p. 39].

Thus, in order to protect human rights, non-governmental organizations can take the following actions: 1) Directly provide assistance to persons who have suffered human rights violations in a certain form (humanitarian aid, protection or training in a new profession, legal assistance or consultations on filing a lawsuit). 2) Collect reliable information about cases of violation of human rights. Quite often, governments can evade obligations under signed international agreements because the results of their policies are simply not known to the general public. The collection of such information and its use to promote transparency of government human rights records is necessary to bring perpetrators to justice and is therefore often used by non-governmental organizations in efforts to pressure the public and governments by identifying cases that appeal to a human sense of justice. For example, Amnesty International and the International Committee of the Red Cross are the most well-known organizations that have a good reputation for monitoring and reporting accuracy, and also have authority in the United Nations, where their reports are considered as an element of official monitoring of the activities of governments that have agreed to sign international agreements in the field of human rights protection a person 3) Conduct campaigns and lobby, namely, most often non-governmental organizations use the following methods of pressure: a) campaigns to send thousands of letters from all over the world to government officials (Amnesty International); b) street actions or demonstrations involving mass media; c) dissemination of information in mass media and Internet sites; 4) Send shadow reports to UN human rights monitoring bodies with the aim of providing the organization with information about the real situation regarding the use of human rights in a particular country. 5) Conduct informal meetings or briefings for government officials. 6) Educational work on human rights by informing the public or conducting educational activities. Non-governmental organizations try to convey to individuals as much information as possible about human rights issues [20].

Thus, international human rights non-governmental organisations are one of the important components of the international human rights mechanism and carry out important activities to protect human rights. Non-governmental human rights organisations are an important component of civil society, which ensures the successful development of a democratic and law-based state. International non-governmental organisations are a powerful element of the modern system of global governance and the international human rights mechanism through the following forms of their human rights activities: 1) Providing various types of assistance directly to individuals who have suffered human rights violations in a particular form. 2) Collecting and disseminating information on the circumstances and cases of human rights violations. 3) Conducting campaigns, actions and lobbying (letter writing campaigns to governments, street actions, demonstrations with the involvement of the media, dissemination of information in the media; 4) Preparing and submitting shadow reports to UN human rights monitoring bodies. 5) Holding informal meetings or briefings for government officials. 6) Educational activities to inform individuals as much as possible about human rights issues. Thus, non-governmental human rights organisations play an important role in ensuring the effective functioning of the international human rights mechanism through cooperation with state authorities, local governments and international governmental organisations in the field of human rights protection.

5. Conclusions.

International human rights non-governmental organisations are one of the important components of the international human rights mechanism and carry out important activities to protect human rights. Non-governmental human rights organisations are an important component of civil society, which ensures the successful development of a democratic and law-based state. International non-



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