

SCIENTIFIC-PRACTICAL PROFESSIONAL JOURNAL

Established in 1922 Published monthly

State Registration Certificate: Subscription code: 777-3

Series KV № 17414-6184PR

Address of the Editorial Board: E-mail: info@pravoua.com.ua

17–21, Baggovutivska Str., Kyiv — 04107, Ukraine Tel.: +380 (44) 537-51-00

Editor-in-Chief: O. Sviatotskyi

Doctor of Legal Sciences, Professor, Member of the National Academy of Legal Sciences of Ukraine

Responsible for the English language version S. Shevchuk

First Deputy Editor-in-Chief,
Doctor of Legal Sciences, Professor,
Correspondence Member of the National Academy of Legal Sciences of Ukraine

FOUNDERS OF THE JOURNAL

The National Academy of Legal Sciences of Ukraine

V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine

National University «Yaroslav Mudriy Law Academy of Ukraine»

The Constitutional Court of Ukraine

The Supreme Court of Ukraine

The High Economic Court of Ukraine

The General Prosecutor's Office of Ukraine

The Ministry of Justice of Ukraine

The Union of Advocates of Ukraine

PUBLISHER

© Editorial office of the journal «Law of Ukraine»

5-6/2011

CONTENTS

topic of the issue	
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS: INTERNATIONAL STANDARDS AND THEIR PROTECTION IN UKRAINE	
I. Human Rights and Fundamental Freedoms: General-Theoretical Aspects	
P. RABINOVYCH: Fundamental Human Rights: Socio-Anthropic Essence	
and Classification	4
M. KOZIUBRA: Human Rights and the Rule of Law	10
S. MAKSIMOV: Human Rights: Universality and Cultural Diversity	21
II. The Human Rights Standards of the United Nations	
V. TATSIY: The Universal Declaration of Human Rights — the Worldwide	
Humanism Manifesto	28
Ye. LUKASHEVA: Conflict of Cultures: Universal Standards of Human Rights	
and Civilizational Traditional Norms	35
III. European Human Rights Standards	
V. LYTVYN: The European Convention on Human Rights: Lessons and Prospects	51
JP. COSTA: The Role of National Authorities, Especially the Courts,	
and the Future of Human Rights Protection in Europe	65
T. HAMMARBERG: European Human Rights Standards and Ukraine	70
O. LAVRYNOVYCH: The European Convention on Human Rights —	
A Reliable Indicator of the Humanitarian Development of Ukraine	74
V. BUTKEVYCH: The European Convention fir the Protection of Human Rights	70
and Fundamental Freedoms: Genesis of Intent and Law	
M. BUROMENSKIY: The European Code of Freedom and Democracy	. 108
M. DAMIRLI: The European Convention on Human Rights as a Key Element of the Legal System of the Council of Europe	117
M. PALMA: More than Sixty Years After	
K. BEKHRUZ: The Convention for the Protection of Human Rights	. 12.
and Fundamental Freedoms and Islamic International Legal Documents	
(comparative analysis)	. 131
P. KONCAR: On the European Social Charter — One of the Two Core	
Human Rights Instruments in Europe	. 136
A. KOVLER: The Enforcement of European Court Judgments: Subsidiarity	
and/or «Sovereign Will»?	. 143
S. GASS: Non-Enforcement and Lengthy Enforcement of Decisions Delivered by	
National Civil and Administrative Courts; the Absence of Effective Domestic Remedies	. 148
S. SHEVCHUK: Case-Law of the European Court of Human Rights and	1.50
the Doctrine of stare decisis	. 153
O. BUTKEVYCH: Ukrainian Case-Law and the Legal Standards of the European Court of Human Rights	16/
S. RABINOVYCH: Natural Law Approaches in the Interpretational	. 104
Practice of the Strasbourg Court	174
IV. The Status and Provision of International Human Rights Standards in Ukraine	. 17
N. KARPACHOVA: The Convention for the Protection of Human Rights	
and Fundamental Freedoms as a Basis for the Development of the Standards	
of European Human Rights and Freedoms in Ukraine	. 180
Yu. KLYUCHKOVSKIY: Legal Standards of the European Court of Human Rights	
and National Electoral Legislation	. 199
V. ONOPENKO: Mechanism for the Protection of Human Rights	
in Ukraine Requires Significant Improvement	. 209
H. YUDKIVSKA: The Evolution of the Role of the European Court of Human Rights	
in the Context of the Continuous Increase of the Number of Individual Applications	. 214

V. KAMPO: The 1950 Convention of the Problem of the Protection of Citizens' Rights in the Activities of the Constitutional Court of Ukraine	220
O. PASENYUK: The Application of the Case-Law of the European Court	220
of Human Rights in Public Administration and Judicial Proceedings:	
From Idea to Implementation	230
V. KASKO: Efficiency Investigation Criteria of the Ill-Treatment Facts:	
Survey of the Case-Law Practice of the European Court of Human Rights, Particularly cases versus Ukraine	222
O. MARTYNENKO: The Access to Investigations into Tortures and Ill-Treatment	233
for the Purpose of Public Control: Outstanding Tasks for Law Enforcement Bodies	241
Conclusions and Recommendations on the Relevant Subject	
Normative-Legal Acts of Ukraine in the Sphere of the Protection	
of Human Rights	
The Law of Ukraine «On the Enforcement of Judgments and the Application	
of the Practice of the European Court of Human Rights»	246
The Council of Europe and Ukraine	
Priorities of the Ukrainian Chairmanship of the Committee of Ministers	
of the Council of Europe	
Selected Scientific Monographs on Human Rights	257
Renowned Lawyers in the Sphere of the Protection of Human Rights	
Rene Cassin, A Prominent Figure of the 20th Century	2.50
in the Protection of Human Rights	
Eleanor Roosevelt — First Chairman of the UN Human rights Committee	
Lord Arnold McNair — First Chairman of the European Court of Human Rights	
Nina Karpachova — the First Ukrainian Ombudsman	204
Legislative Novels Legislative Developments in March, April and May 2011	271
Latest Legislative Developments in March, April and May 2011	2/1
The Court Practice of the Supreme Court of Ukraine	
Review of Court Decisions by the Supreme Court of Ukraine in Compliance with the Judgments of the European Court of Human Rights	
(Resolution of the Supreme Court of Ukraine from May 16, 2011)	293
Human Rights Institutions of Ukraine	
The Authorized Human Rights Representative of the Verkhovna Rada of Ukraine	301
Glossary	310

For the attention of the readers of the «Law of Ukraine» journal!

The topic of the upcoming issue is:

«The Civil Law of Ukraine: the Issue of Property Right and its Protection».