The present reality of the European Community requires a complex analysis of international and inter-ethnic crises and armed conflicts. The context of recent events, the military conflict in Ukraine, human security in Europe are the key components in the policy of the European Union and number of democratic countries.

In Ukraine we have problems with the main part of human security as human rights, because of the negative heritage after the USSR as well as a difficult political and economic situation and a low level of legal culture. After the beginning of the conflict in 2014, the interest in human rights started to be in the first row and caught the attention of politics as well as society as a whole in Ukraine. The problem became so intense that the events and popularization of how to solve the existing issues in the country took its beginnings and action followed.

Before we actually get to talk about either human rights or human security, we should ponder on the following questions: What is security? What are its peculiarities? What is personal and international security and what influence does it have on human rights?

Security studies is a research area that has an interdisciplinary nature. It is linked to international relations, history, law, political science, economics, and several areas of military studies. The sources for this discipline are academic research and the monitoring of the behavior of the subjects of international law functioning under different conditions and depending on a series of external and internal factors. Security is divided into national and international according to the subjective criterion, and into military, political, economic, ecological, and informational according to the objective criterion[1]. Human security is among the latter group.

The notion of security has a subjective and politically charged nature, and it can change depending on the subject's point of view. It can, in turn, generate a so-called *security dilemma*which has to do with conditions of uncertainty. For instance, the increase of military potential in a certain country or the conclusion of military treaties can cause neighboring countries to experience the sensation of a security deficiency[2]. Where does it come from? A couple words about history are needed.

The search for means to establish lasting peace in the international community has found its

way through the idea of collective security. This concept of collective security consists in countries joining forces in order to achieve superiority in armaments, impose collective sanctions on the aggressor, and, finally, protect the mutual values of the participating countries and the "sense of international solidarity"[3]. It means that the countries interacting in the international activities accommodate their own national interests to the requirements of international security. Collective security is a shared value for the actors in international relations, it is a global value, and concerns global security (*comprehensive security concept by Barry Buzan*).[4] Collective security is furthermore a legislative and political system whose aim is to prevent probable conflicts among countries participating in international relations, and keep peace permanent. The institutions of collective security are as follows: The United Nations, the Organization of the Security and Cooperation in Europe, the European Union. The first to verbalize this idea was Woodrow Wilson, the President of the USA. By his initiative, the League of Nations was founded in 1919.

The complicated consequences of the Second World War and the endeavor to find ways to eliminate them urged the international community to found an organization that would unite the activities of the countries in the field of international collaboration and establishing peace basing their actions on international law. Thus, in 1941, the Atlantic Charter was signed, and then followed the Universal Declaration of Human Rights, where 26 countries declared their wish to collaborate and develop human rights. The fundamental document for United Nations activity was the United Nations Charter, also known as 'the constitution of nations'. At that very moment, human rights became a separate sphere in the international discourse. The United Nations Charter is based on the principles of international law and it is the legal foundation for the United Nation activity. The United Nations Charter describes the aim, structure, bodies and the procedures of its activity, directions tor its activity, and the principles for the United Nations membership. The United Nations Charter also declares the supremacy of law and other international law obligations, which altogether makes the United Nations Charter a basic and essential document of international law. The United Nations are universal system with legal and institutional infrastructure, within whose framework the international community acts in order to solve mutual problems on both regional and global levels. The United Nations are the groundwork for international security. The main United Nations body is the Security Council, which is responsible for keeping international peace and security. According to the United Nations Charter principles, the United Nations has monopoly on using force to resolve various international

conflicts (Chapter 7)[5].

The present-day notion of security has altered after the Cold War ended. It evolved from a brief notion of military threat to a multifaceted idea which includes economical, ecological, and social components. Human rights and their part in the legal relations system are another crucially important sphere. Human security relies on countries' obligations, and the human rights recorded in international documents.

The need of security is one of the fundamental personal needs that, according to Maslow's hierarchy, regard all the aspects and spheres of human life. What it involves is not only a threat of armed conflict, but also the risk of losing something particularly valuable to an individual, that is, psychological comfort. The sense of security provides people with an opportunity to survive and live, to have their independence, human dignity, and a chance to grow. It gets them into a state of rest and permits a number of freedoms, such as freedom of thought and speech, the right to identity, including national, religious, and linguistic. The sense of security enables people to exercise their rights and grants them a sense of their rights being respected on both the personal and civilian levels.

By the end of Second World War, the state was still the primary subject of security; however, in present-day international affairs, the role of human being and non-state actors feature instead as ones of the key roles. Human rights are a branch of constitutional and international law that aims at the institutional protection of human rights, people, or larger groups; it's aims also include control over rights enforcement and protection. By the first half of the 20thcentury recognition or non-recognition of human rights had belonged to the state. Occasionally, it is still true even nowadays. It was thanks to the 1909 Geneva Convention[6] and The International Red Cross and Red Crescent Movement,[7] starting in 1919, that began to draw the international community's attention to the issues of human rights violations, especially during armed conflicts.

The tool for international community's action in emergency situations is the international humanitarian law of armed conflicts, which regulates behavior of combatants and defines their status, as well as the status of civilians and prisoners. The turning point for defining human rights was the Proclamation of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948.[8] It was an unprecedented act of the states that

proclaimed freedom and equality for all. It was a cornerstone for building the human rights systems on the international level. These positions were consolidated by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, defining the state's obligations towards its residents where their right to strike and right to take part in trade union activity were emphasized.[9]

On the European level, The European Convention on Human Rights (ECHR – formally the Convention for the Protection of Human Rights and Fundamental Freedoms) has an important function. It has become a summary of the achievements of the preceding documents in the realm of human rights, in particular due to its mechanisms which can restrict the violation of human rights and sanctioning violations. The ECHR catalog of human rights has constantly been improved in the Supplementary records containing the register of not only state residents' rights, but also foreign nationals and non-nationals.[10] The important part in the system of preventing human rights violations belongs to the judicial branch, that is the international tribunals and courts.

The process of European integration and the enlargement of European Union has increased its competence in the sphere of civil rights and has influenced the Charter of Fundamental Rights of the European Union. It is a fundamental compilation of human rights and civil obligations which is based on common values such as dignity, freedom, human equality, consideration of cultural differences and national identities.[11]

The international system of human rights protection would not have survived – without the 1972-1975 Conference on Security and Co-operation in Europe – Organization for Security and Co-operation in Europe (CSCE-OSCE) process dedicated to two issues: security and human rights. It was an ideological confrontation between East and West, the United State of America and the Soviet Union, resulting from different ideological grounds.[12] The absence of analogies to the CSCE process is explained by the fact that before it emerged, the East-West relationships had not included the human rights issue due to the fundamental contradiction of views, doctrines, and practices.

The probability of an armed conflict sidelined a human rights sphere. The years of intense discussions resulted in the signing of the Helsinki Accords, which confirmed the nations' right to self-determination, defined the duties of mutual collaboration in the humanitarian

sphere, and included the respect of human rightsas one of the fundamental principles of international relations. Even though the Helsinki Accords did not spell out the control mechanism for human rights enforcement, it still stated that not only state governments but also NGOs are able to maintain the said control.

The strategic meaning of Helsinki Accords lied within the fact that 35 states of the post-war Europe signed a treaty making human rights a part of international relations. The institutionalization of the CSCE process into OSCE, the availability of permanent departments ensured the implementation of standards for the sphere of human rights. OSCE is thus made into the regional system of international human rights protection. The variety of institutions dealing with human rights protection indicates in international law. Also, there are mechanisms which protect human rights but there are problems with implementation it in the states' practice.[13] Human security handles such cases. Human security cannot exist isolated from the national security; therefore, it depends on how the state structure is functioning, its legal system, the society and human rights enforcement. These factors influence human activity, their opportunities, development, social integration level, and cooperation with the government.

A threat to the personal security can be perceived in different ways, depending on the country and the cultural traditions, the multiethnicity of the country, its religion, system of social values, quality of life, migration etc. The reason for the sensation of personal security is the conviction that one's own state and the international community stand guard over human rights and fulfill the duty to protect both persecuted – persons and ethnic groups, and that international law is a guarantee and a tool for achieving such a goal. The threats of the present-day world, such as the aggravation of armed conflicts and terrorism pose a new challenge to the world community.

The role of human security in this situation grows significantly. Human security is personal security of the human being in emergency situations such as armed conflicts, catastrophes, famine, poverty etc., that require aid or intervention from international organizations based on international law.

The segregation of human security as an individual sector began in 1982 at the UN session, when Olaf Palme made a report to the United Nations Disarmament Commission concerning

the humanitarian crisis in the Iran-Iraq war. In Ukrainian security studies, the interpretation of human security is slightly different from what is found in the general scientific discourse. It is the state of the sense of security of a person, family, ethnic group, nation, and their ambitions, ideals, values, traditions, culture, opportunities of growth and freedom of choice regardless of the race, gender, language, and religion[14]. It has connected with a series of historical factors that affect the sense of security in Ukrainian society, which is firstly centuries without it is own state, then Soviet government, and, finally, the present war in eastern Ukraine.

The idea of human security in Ukraine is developing in the three following directions: security of physical and mental health; free self-definition of residents, social groups and peoples; security of residents in terms of free choice of development path and the general opportunity to choose one's own future. All these point towards a peculiar sense of security directly connected to freedom and the expression of one's will, independence of actions and opportunity of choice[15]. This concept is somewhat similar to the United Nations' concept of Sustainable Development and is closely linked to humanitarian politics; it is also a so-called 'mitigating element' of security. It is worth noting that in Ukraine the ethnic and national security is another element of national security, as several models of national identity coexist at the same time in the state as well as the subsequent threats.

Nowadays, human security is facing a number of challenges. There is poverty as a structural failing, epidemics, human trafficking, various kinds of violence (ethnic violence included), and terrorism. The international community is searching for ways to solve these problems. Quite a large number of sectors are covered by the activities of the different United Nations Commissions such as the UN Human Rights Council, Commission on sustainable Development, the UN Entity for Gender Equality and the Empowerment of Women etc. Furthermore, if the state is willing to ensure its residents' security, more and more often it has to take action outside its borders, for instance, in the form of various missions. Some threats go far beyond conventional threats, e.g. in the cyberspace. The trends in world politics, armed conflicts and humanitarian intervention strengthened the attempts to solve different problems. It was a basic reason why the United Nations Trust Fund for Human Security (UNTFHS)was founded in 1999 and finances activities carried out by UN organizations; they define human security as a "dynamic and practical policy framework for addressing widespread and cross-cutting threats facing Governments and people" and "all

individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential"[16]. The UNTFHS presents strategic ways to solve different challenges based on the "Human Security Unit Strategic Plan 2014-2017"[17] and creating a new interdisciplinary conception about human security activities and their implementation in the politic life of the international community.

Human security is based on 3 aspects: International Humanitarian Law, Human Rights, and the Responsibility to Protect concept. The international law is a so-called 'law of nations', and it is a regulator of international community's activities.

As for the Responsibility to Protect concept, it embodies the idea of a state's duty to protect its residents. However, as a matter of practice, it is quite often that countries, especially those of the great powers, do not adhere to international law, which causes humanitarian crises in different parts of the world.[18] The task of human security is to generate efficient law mechanisms that would influence states' actions. The key questions that human security raises are: how to secure human rights? How and when to exercise the right to use force when solving conflicts? The monopoly of the right to use force belongs to the United Nations Security Council, which is supposed to use it in situations of an extraordinary threat to international peace, and when an act of aggression has been committed. Also, the Security Council can delegate authority to undertake repressive actions to regional institutions (Article 53).[19] The ban on one state proffering threats of using force towards another state is one of the basics of international relations.

Theoretically, the states participating in the international sphere should strive for stability and peace on both the local and international levels, yet, when national interests check into the game, the states declare adherence to the international law on the one hand, but just breach the law on the other hand.

It is necessary to consider the fact that every state has a right to the inviolability of its territory, and the right of self-defense, which is stated in Charter UN (Article 5).[20] A problem arises: in what cases does the international community have the right to interfere with the state's actions? The answer might be as follows: in cases of aggression towards another state, a threat to international peace, and major violation of human rights.

Nonetheless, there are no clearly defined limits for the massiveness of human right violations. It's undermines the authority of and trust in the international organizations, sets precedents that lead to global consequences in the field of international law.

The Situation in Ukraine

Military conflicts which have not been solved become a threat to human security, and point in practice to a certain weakness of the international organizations.[21] A striking example is Russia's aggression towards Ukraine, the annexation of Crimea and the war in Donbas that has been in progress since 2014. Avoided to be seems extremely one-sideare few comment of those facts are needed.

The aggression of Russia to Ukraine has two sides – military-political and humanitarian. If we compare the principles of International Law and the actions of Russia as for Ukraine we will see that Russia violated the rights of Ukraine as a sovereign subject of international law, that is the principle of the territorial integrity, they interfered in internal affairs, threatened to apply the power, made the act of aggression against Ukraine, that is applied the power by using the armed forces and annexed the part of the territory (Autonomic Republic of Crimea). According to the United Nation Charter, the principle of sovereignty is a customary international right. The annexation of Crimea by using armed forces is the breaking of rights of international law called *ius cogens*, that is a direct duty of the UN membership. The actions of Russia Federation in eastern Ukraine are the acts of ordinary aggression. The problem is that the example of Russia can be a negative precedent to other countries which will want to review the established borders. For example, for numerous violations Russia can be dismissed from the UN according to the UN Charter norms (Ch.2, Art.6)[22] It is clear that this is breaking of the international law (such as The Budapest Memorandum on Security Assurances,among others 10 articles in Helsinki Accords,a, b,c, d, e, g Article3, UnitedNationResolution № 3314, International Humanitarian Law:

"Theblockadeoftheportsorcoastsofa Statebythearmedforcesofanother State")

("The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.)Art 3 (G) № 3314[23]

Vladimir Putin, the president of the Russian Federation, manipulated peoples' right of self-determination and called the annexation of Crimea an act of defending the Russian-speaking residents of the peninsula. He referred to the Responsibility to Protect concept as the ground for the intervention of Russian troops into eastern Ukraine, that is the necessity to defend Russian citizens and Russian-speaking residents. It is clear that this is an absolute breach of international law (among others 10 articles in The Helsinki Accords, The Budapest Memorandum on Security Assurances, The Constitution of Ukraine, The Constitution of Crimea and human rights during the conflict), as the membership of a certain linguistic group does not imply state citizenship. Military actions in Donbas have furthermore led to a humanitarian crisis in the Russian-occupied territories.

The key violations on the part of Russia caused by the war are the annexation of Crimea and the violations of Ukrainian – sovereignty, its borders and territories. In the course of Russian aggression towards Ukraine, major violations of human rights have occurred, the following in particular: forced relocation the residents of Crimea and the eastern part of Ukraine; turning residents into refugees, ethnic discrimination (Ukrainians and Crimean Tatars), linguistic discrimination (Ukrainian-speaking people), illegal eviction, appropriation of property, deliberate warfare against civilians, (which caused numerous victims among them) breach of humanitarian law, torturing Ukrainian military servicemen and prisoners, forced acquisition of Russian citizenship under the threat of punishment, acts of violence, crimes, kidnapping, forced labor, violation of the inviolability of journalists and medical staff.[24]–[25]

The list can go further, but even now it points to the large scale of human rights violations. In situations like this, imposing sanctions on Russia is not exactly an efficient means to solve the conflict. The Russian-Ukrainian struggle demonstrates how fragile the international law is and how Russia continuously persists in breaking it. The case of the Russian-Ukrainian conflict has been called 'the war of the 3rd millennium' which aims at destroying mental and cultural identity of the territorial community. It is a new challenge for Ukraine as well as for

the entire international community. Russia has subverted the international order, which it had previously promised to protect. It is another evidence of the global failure of both human rights enforcement and human security in general.

The conflict between Ukraine and Russia caused a deficit of humanitarian security. To increase the level of the humanitarian security in Ukraine it is necessary to realize a few aspects. First, these are the new legal documents both at the international and state level. They could regulate the issue of applying the power in crisis situations, the prerogative of which belongs to the United Nations Security Council. With this purpose the international community may not create new but review already existing documents in international law. Second, this is the activity of international and national non-governmental organizations, which task is the monitoring of the current situation in Ukraine and informing the international community, attracting attention to the existing problems. The Red Cross, The Maltese Service and other organizations occupy an important place. They conduct important humanitarian actions and promote international humanitarian cooperation. Third, this is the activity of Ukrainian society in the direction of creating and developing civil society. An active part of Ukrainians realize this idea in the volunteer movement, which we can call without exaggeration the key success after the Revolution of Dignity. Yes, the volunteering movement managed to rise the Ukrainian army to combat level, which had been in the decline at the beginning of the annexation of Crimea, which caused the lack of armed resistance. However, already in August 2014, the potential was renewed and the Ukrainian army achieved combat capability. Nowadays there are several public initiatives: the help of settlers and their families, free juridical consultations, courses of the first aid, tactical medicine etc. In total the volunteering movement for the needs of Ukrainian army has 15 thousand people. Only an improved personal position for every Ukrainian and the rise of the legal culture in the country can be a contribution to the rise of the Ukrainian humanitarian level.

Conclusion

Global security in the world can be ensured by means of the development of each and every country through the supremacy of the law in international relations. Human rights have

made the human being the subject of international relations. Enforcement of human rights on all levels such as daily-life level, civilian, and international, is the guarantee of human security and stable legal relations. The means of securing human rights in critical situations are human rights enforcement by the states, the military, by stabilization and peace-support missions, and through a search for mechanisms to the implementation of international law into the practice of states. The increase in the level of legal education in the post-Soviet countries, raising public awareness about the value of human rights is of specifically high importance. In Ukraine, these elements are crucial for democratic reforms and the construction of civil society, and voluntary movements and NGOs do make significant steps towards the achievement of these goals.

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