

The concept and content of control over human rights activities in Ukraine

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Abstract. The concept of control over human rights activities is considered in a broad and narrow sense. In a broad sense, control encompasses the entire system of state and non-state measures of observation, verification, evaluation and response to the activities of bodies, institutions, officials and public institutions that perform human rights functions. In a narrow sense, control means legally regulated activities of authorized entities aimed at establishing compliance of human rights activities with the requirements of the Constitution of Ukraine, laws, international standards in the field of human rights and the principles of good governance. It is argued that the content of control over human rights activities is a set of interrelated elements that characterize its essence, functional purpose, subject focus and practical implementation. Unlike the formal understanding of control as a verification of compliance with regulatory requirements, the modern approach to its content involves a comprehensive assessment of the entire system of human rights activities, its ability to ensure real protection of human rights, respond to violations in a timely manner, eliminate their consequences, and prevent the occurrence of new violations. **Methodology.** The scientific research is based on both general and special methods of scientific knowledge. In particular, in the process of analyzing reference literature, provisions of individual regulatory legal acts, in particular the Constitution of Ukraine, the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men", as well as scientific articles, monographs, and textbooks of domestic scientists that provide a comprehensive analysis of these provisions, structural-logical and system-functional methods were used. Structural-logical and system-functional methods were used to analyze the components of the content of control over human rights activities. **Results.** The article determines that control over human rights activities in Ukraine is a complex multi-level legal and administrative mechanism aimed at ensuring the proper functioning of the system for the protection of human rights and freedoms, increasing its effectiveness, efficiency, and compliance with the principles of the rule of law.

Key words: concept, content of control, human rights activities in Ukraine, assessment of effectiveness, efficiency, quality, information and analytical activities.

INTRODUCTION

Control over human rights activities in Ukraine is one of the key elements of the mechanism for ensuring the rule of law, legality and guaranteeing the rights and freedoms of man and citizen. In a modern legal state, human rights activities cover a wide range of measures aimed at protecting, restoring and defending violated rights, as well as preventing their violation. Accordingly, control in this area is not only a means of verifying compliance with the law by subjects of human rights activities, but also an important tool for increasing the efficiency of the functioning of the human rights protection system, ensuring its accountability to society.

RESEARCH METHODOLOGY

The scientific research is based on both general and special methods of scientific knowledge. In particular, in the process of analyzing reference literature, provisions of individual regulatory legal acts, in particular the Constitution of Ukraine, the Law of Ukraine «On Ensuring Equal Rights and Opportunities of Women and Men», as well as scientific articles, monographs, and textbooks of domestic scientists that provide a comprehensive analysis of these provisions, structural-logical and system-functional methods were used. Structural-logical and system-functional methods were used to analyze the components of the content of control over human rights activities.

Based on the comparative legal method and the generalization method, the essence of control over human rights activities as a systematic, organized and normatively regulated activity of authorized state bodies, civil society institutions, international organizations is considered.

The validity and reliability of the study are

ensured by using a system of sources: regulatory legal acts of various legal force, dictionaries, scientific commentaries, etc. The risks of regulatory ambiguity and unsystematic application are reduced by using categories established in legal science.

Methodological limitations of the study are associated with the informational closure of certain aspects of the activities of regulatory authorities. These factors are compensated by using data from various sources, their verification, comparison with generally accepted approaches and critical analysis of the information presented in them.

RESULTS

The concept of control over human rights activities should be considered in a broad and narrow sense. In a broad sense, control covers the entire system of state and non-state measures for monitoring, verifying, evaluating and responding to the activities of bodies, institutions, officials and public institutions that perform human rights protection functions. In a narrow sense, control means the legally regulated activities of authorized entities aimed at establishing compliance of human rights activities with the requirements of the Constitution of Ukraine, laws, international standards in the field of human rights and the principles of good governance.

Based on this, control over human rights activities can be defined as a systematic, organized and normatively regulated activity of authorized state bodies, civil society institutions, international organizations and other entities aimed at verifying the legality, effectiveness, efficiency and compliance of human rights activities with established standards in order to ensure real and full protection of human rights and freedoms.

The content of control over human rights activities is a set of interrelated elements that characterize its essence, functional purpose, subject focus and practical implementation. In contrast to the formal understanding of control as a verification of compliance with regulatory requirements, the modern approach to its content involves a comprehensive assessment of the entire system of human rights protection activities, its ability to ensure real protection of human rights, respond to violations in a timely manner, eliminate their consequences and prevent the emergence of new violations. In this aspect, the content of control covers not only the process of identifying deviations from established standards, but also the analysis of the causes of such deviations, assessing the effectiveness of the activities of human rights protection entities, developing recommendations for improving their work and monitoring the implementation of decisions made [1, p. 72].

The content of control over human rights activities is formed through the set of its goals, objectives, principles, forms, methods and procedures. The main purpose of such control is to ensure the proper functioning of the mechanism for the protection of human rights and prevent violations of rights by both state bodies and other entities that carry out human rights protection functions.

Thus, the content of control over human rights activities is multidimensional and includes verification of legality, assessment of the effectiveness, efficiency and quality of the activities of human rights protection entities, analysis of the state of human rights compliance, identification of the causes of violations, provision of information and analytical support for management decisions, formation of accountability mechanisms and implementation of measures to improve the human rights protection system. It is the complex nature of such control that allows us to consider it not only as a means of supervision or verification, but as an important tool for managing the development of the human rights protection system, aimed at increasing its ability to effectively guarantee the rights, freedoms and legitimate interests of each person.

DISCUSSION

First of all, the content of control is revealed through its subject, which is the activity of subjects that protect the rights, freedoms and legitimate interests of a person and a citizen. Such subjects include state authorities, law enforcement agencies, courts, prosecutors, the legal profession, the system of free legal aid, local governments, the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, public human rights organizations and other institutions whose activities are related to ensuring human rights. At the same time, the subject of control is not only the activity of the specified subjects themselves, but also the results of this activity, management decisions, decision-making procedures, use of resources, the quality of human rights services, the state of observance of human rights and the level of their actual implementation [2, p. 145]. An important component of the content of control is the verification of the legality of human rights activities.

Legality is a basic characteristic of any activity in the field of human rights protection, since it is the law that determines the limits of the powers of subjects, the procedures for their implementation of their functions and permissible ways of influencing the rights and freedoms of a person. Within the framework of control, the compliance of actions and decisions of subjects of human rights protection activities with the Constitution of Ukraine, laws of Ukraine, international treaties, the consent to which has been given by the Verkhovna Rada of Ukraine, as well as subordinate regulatory legal acts is assessed. Of particular importance is the control over compliance with international human rights standards formed within the framework of the United Nations system, the Council of Europe and other international organizations. In this case, not only the formal compliance of activities with legislative requirements is checked, but also the correctness of their practical application [3, p. 69].

The next element of the content of control is the assessment of the effectiveness of human rights protection activities. Effectiveness reflects the degree of achievement of the set goals and expected results in the field of human rights protection. In the process of control, it is found out to what extent the activities of the relevant body or institution contribute to the restoration of violated rights, prevent new violations, ensure the access of a person to protection mechanisms and increase the level of legal protection of the population. Performance assessment involves the analysis of quantitative and qualitative indicators of activity, in particular the number of considered appeals, the terms of their consideration, the share of resolved problems, the number of renewed rights, the level of satisfaction of applicants with the results of considering their complaints, etc. At the same time, modern control practice is increasingly focused on assessing the social effect of human rights activities, and not only on statistical indicators [4, p. 237].

An integral component of the content of control is the assessment of the effectiveness of human rights activities. If effectiveness characterizes the achievement of the set goal, then efficiency allows you to establish a relationship between the achieved results and the resources spent. In this context, control is aimed at determining how rationally financial, personnel, material and technical and information resources are used to ensure the protection of human rights. An important aspect is the assessment of organizational processes, management structure, the level of coordination between various subjects of human rights activities, as well as the presence of duplication of functions or excessive bureaucratic procedures. Thus, efficiency control helps to identify reserves for improving the activities and optimizing the functioning of human rights institutions.

An essential component of the content of control is the assessment of the quality of human rights activities. Quality in this area characterizes the level of compliance of the services provided and decisions made with the needs of the individual, the requirements of the law and the principles of good governance. Quality control involves studying the accessibility of human rights mechanisms, the professionalism of employees, the completeness and validity of decisions, compliance with ethical standards, the culture of

communication with citizens, the level of openness and transparency of the activities of bodies. Special attention is paid to compliance with the principle of human centrism, according to which the rights, freedoms and legitimate interests of a person should be the main guideline for the activities of all human rights institutions.

The content of control also includes an assessment of compliance with the principles of equality and non-discrimination. The control process determines whether equal access to human rights mechanisms is provided for all categories of the population, regardless of gender, age, nationality, language, social origin, place of residence, property status, disability or other characteristics. Control in this direction allows you to identify cases of direct or indirect discrimination, systemic barriers to access to justice and other factors that negatively affect the implementation of human rights [5].

A special place in the content of control is occupied by the analysis of the causes and conditions that contribute to the violation of human rights. Control activities should not be limited only to stating the facts of violations or bringing the guilty to justice. Its important task is to identify systemic shortcomings in regulatory regulation, organization of activities, staffing, resource provision or management processes that create the prerequisites for the occurrence of violations. That is why modern control is increasingly becoming preventive in nature and is focused on eliminating the causes of problems, and not only their consequences.

A significant element of the content of control is information and analytical activity. Effective control is impossible without constant collection, processing, generalization and analysis of information on the state of observance of human rights. In the process of control, various sources of information are used: citizens' appeals, inspection results, judicial practice, statistical data, materials of monitoring visits, results of sociological research, conclusions of international organizations and other analytical materials. Based on the information received, an objective assessment of the state of human rights activities is formed, problem areas are identified and proposals for their solution are developed [6, p. 355].

An equally important element of the content of control is ensuring feedback between subjects of human rights activities and society. Control performs a communicative function, ensuring the receipt of information on the real state of observance of human rights to government bodies, the public and international institutions. Through control mechanisms, a public assessment of the activities of state bodies is formed, their accountability and responsibility to citizens increases. In this context, the openness of the results of control measures, the publicity of reports, public discussions and the involvement of civil society representatives in monitoring activities are of particular importance. In the law-enforcement sphere, such interaction is also manifested through partnership models between the police and civil society [7, pp. 1379–1386].

An important component of the content of control is the implementation of corrective and preventive

influence. Based on the results of control measures, decisions are made to eliminate identified violations, restore violated rights, improve organizational processes, make changes to regulatory legal acts or the practice of their application. Control does not end with the identification of shortcomings; its logical continuation is the development and implementation of measures to eliminate them, as well as further monitoring of the implementation of relevant recommendations. That is why control is considered as a continuous management cycle, which includes observation, assessment, decision-making, implementation of corrective measures and re-verification of their effectiveness [8, p. 65].

The content of control over human rights activities is also manifested through specific assessment criteria. Such criteria include the legality of activities, their effectiveness, efficiency, timeliness of response to violations of rights, accessibility of human rights mechanisms, level of public trust, compliance with international standards, ensuring non-discrimination and respect for human dignity. Control is not limited to a formal verification of documents or procedures; it should assess the actual impact of human rights activities on the situation of a person and the real provision of his rights.

In modern conditions, control over the activities of law enforcement agencies, pre-trial investigation bodies, places of detention and places of deprivation of liberty, the system of free legal aid and other institutions that directly affect the implementation of constitutional rights is of particular importance [9, pp. 451–468]. In conditions of martial law and armed aggression, the issue of control over compliance with human rights becomes even more relevant, since there is an increased risk of restrictions on individual rights, abuse of power and violations of international humanitarian standards. At the same time, control must take into account the need to ensure national security, which requires compliance with the principle of proportionality between the protection of human rights and the legitimate interests of the state [10, p. 91; 11, pp. 13–19].

CONCLUSIONS

Thus, control over human rights activities in Ukraine is a complex multi-level legal and administrative mechanism aimed at ensuring the proper functioning of the system for the protection of human rights and freedoms, increasing its effectiveness, efficiency and compliance with the principles of the rule of law. Its essence is not limited to supervision or verification of the activities of individual bodies and officials, but consists in a comprehensive assessment of the entire system of human rights activities, establishing the level of its compliance with certain legal, organizational and social standards, as well as developing measures aimed at its further improvement. In modern conditions, control is not only a tool for ensuring legality, but also an important means of forming an accountable, open and people-oriented public administration system. The analysis shows that individual elements of the content of control, although they have a common goal, differ significantly in functional purpose, subject of assessment

and nature of the results obtained. Control of legality ensures compliance with regulatory requirements and serves as a guarantee against arbitrary interference with human rights. Performance control allows us to assess the degree of achievement of the goals of human rights activities and their real impact on the state of ensuring rights and freedoms. Efficiency control is focused on determining the rational use of resources and the organizational capacity of human rights activity

subjects. Quality control focuses on the substantive characteristics of the activity and its compliance with human needs. At the same time, assessing compliance with the principles of equality and non-discrimination gives control a distinctly human-centric focus, as it allows us to establish how fair and accessible the mechanisms for protecting rights are for different categories of the population.

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