

THE RIGHT TO LIFE AND REPRODUCTIVE HUMAN RIGHTS

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In the presented article, the author reveals the concept of "reproductive human rights" in Russian legislation and its elements. As a result of the analysis, the author comes to the conclusion about the validity and necessity of separating reproductive rights into a separate, independent group of human rights.

In this article the author discloses the concept of "reproductive rights" and its elements in the Russian legislation. As a result of the analysis the author comes to the opinion of the necessity in a separate, independent group of human rights for reproductive rights.

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As you know, human rights recognized by the state must be enshrined in law, which "opens the way for the struggle for the implementation their legally expressed claims as individual rights. In this regard, it is especially important to further improve legislation governing public relations in the field health protection, including that which determines reproductive rights citizens and basic guarantees of their state protection. The new reality requires the formulation of concepts that reflect it. This also applies to the concept of "reproductive rights". Defining them legal nature, it should be noted that reproductive rights are complex in nature and include a number of personal rights, which are enshrined in international legal instruments on the rights and human freedoms, in laws and other legal acts. Thus, most directly related to reproductive rights is the right of everyone human life, the right to health care, physical integrity, privacy, personal, family secrets

as well as the right to the protection of personal dignity and the principle of equality men and women. The core of reproductive rights is the right to personal integrity, which is the most important human right that he receives from birth. Immunity can be both physical (human life, health), and moral, spiritual (honor, dignity of the individual). The right to personal integrity, considered from the

perspective of reproductive rights, implies the impossibility of forcible deprivation of sexual and reproductive qualities through forced marriage, surgical interventions, forced sterilization, etc. A woman also has the right to refuse unsafe methods of contraception, unwanted pregnancy, surgery etc.

Reproductive rights are also associated with the most important personal human right - the right to life, proclaimed by Article 20 of the Constitution of the Russian Federation. In the Universal Declaration of Human Rights, this right is enshrined in Art. 3, which proclaimed the right of every person to life, liberty and security of person. In the International The Covenant on Civil and Political Rights of 1966 gave a more detailed definition: "The right to life is the inalienable right of every person. This right is protected by law. No one can be arbitrarily deprived of life" (Part 1, Article 6). The right to life can be defined as "natural, inalienable and guaranteed by the norms of international and domestic law the possibility of protecting the inviolability of life and freedom to dispose of it", or as "the right to preservation of life and disposal of life. The protection of this right covers a wide range of active actions of all state and public structures, each individual to create and maintaining safe social and natural habitats, living conditions. The relationship between the right to life and reproductive rights is evident when considering the legal regime of artificial termination of pregnancy, when determining the moment of occurrence life, when determining the legal status of the embryo. Yes, do not subside disputes related to the definition of the beginning of life: at what stage of its development the fetus becomes viable, i.e. has the opportunity carry out basic life functions independently? Which is it the moment to take as a basis - the moment of conception, the moment of the formation of the body, the moment the brain begins to work or the heart begins to work? Unresolved issues are also related to the legitimacy freezing of embryos, the terms of their storage and their use for recipients, rights and obligations of donors, etc. A significant place in the system of personal rights and freedoms is occupied by the right to privacy, personal and family secrets, protection of one's honor and good name, the right to privacy of correspondence, telephone conversations, postal, telegraph and other communications, as well as the right to inviolability of one's home (Articles 22-25 of the Constitution of the Russian Federation).

The right to privacy, personal and family secrets, protection of one's honor and good name, as well as the right to privacy of correspondence, telephone conversations, postal, telegraphic and other messages proclaimed Article 23 of the Constitution of the Russian Federation. The right to inviolability of private life

means the opportunity granted to a person and guaranteed by the state to control information about himself, to prevent the disclosure of personal information. The right to privacy, to personal and family secret as a legal category consists of a number of powers that provide a citizen with the opportunity to be outside service, outside the production environment, outside the public environment in a state of known independence from the state and society, and as well as legal guarantees of non-interference in the exercise of this right.

The main features of the institution of privacy citizens were reflected in Art. 12 of the Universal Declaration of Human Rights, according to which “no one shall be subjected to arbitrary interference with his private and family life, arbitrary attacks on the inviolability of his home, the secrecy of his correspondence or his honor and reputation. Everyone has the right to the protection of the law against such interference or such attacks.” The level of guarantee of the preservation of the secrets of the personal life of citizens depends the degree of freedom of the individual in the state, democracy and humanity its political regime. Personal secrets include the secret of confession, medical secrets, the secrecy of adoption (adoption), as well as the secrecy of the postal and telegraph correspondence (correspondence, other postal items, telephone negotiations and other communications). Citizen trusts mail and telegraph not the content of the negotiations, but only the forwarding of correspondence or technical support of telephone conversations. Article 24 of the Constitution of the Russian Federation provides for a guarantee of the implementation data rights: the collection, storage, use and dissemination of information about the private life of a person without his consent is not allowed. The right to privacy, personal, family secrecy from the standpoint of reproductive rights means the opportunity provided to a person and guaranteed by the state to control information about himself, to prevent the disclosure of personal information, intimate nature and is of particular importance in the exercise of reproductive rights by citizens. This manifests itself, for example, when using methods of artificial insemination, since the very fact of this medical intervention, information about the identity of the donor is a medical secret, which is a kind of personal, family secret and those responsible for keeping it are responsible for divulging it. These provisions of Russian legislation are in full compliance with the European Convention for the Protection of Human Rights and Fundamental freedoms (Rome, November 4, 1950, art. 8), which proclaims the right each to respect for his private and family life. Another essential right underlying reproductive rights is the right to state protection of the dignity of the

individual (Article 21 of the Constitution of the Russian Federation). Respect for the dignity of the individual is an essential feature of a civilized society. Nothing can be grounds for belittling him. Any measures of influence on the misconduct of a person are not should be associated with a derogation from his dignity. The constitution states that no one shall be subjected to torture, violence, other cruel or degrading human dignity of treatment or punishment. No one may, without voluntary consent, be subjected to medical, scientific or other experiences. This constitutional provision is a legal obligation any person, officials and all employees of public structures. Respect for the individual and its protection is an indispensable attribute of a constitutional state, its duty. The protection of the dignity of a citizen's personality is one of the manifestations of the state provision of personal integrity. In the area of reproductive rights, this means recognizing women and women's organizations active subjects of social, economic and political life, participating in the formation of population and health policy, making decisions in matters of reproduction. At the individual level, this - the right of a woman to be treated attentively by doctors and those specialists to whom she turns for help and advice related to her reproductive health. respect for the individual dignity should include not only attentive attitude to the satisfaction of the rights and legitimate interests of a person, but also the ethics of conducting employees of state bodies when communicating with people, respect towards them. Part 3 Art. 19 of the Constitution of the Russian Federation determines that a man and a woman have equal rights and freedoms, which corresponds to Art. 3 of the International Covenant on Civil and Political Rights. Part 3 Art. 19 also points to equal opportunities for men and women to realize their rights. The principle of equal rights for men and women in the implementation reproductive rights implies, first of all, equal access to information about the state of one's reproductive health, family planning methods, as well as freedom of reproductive choice.

Directly related to the reproductive rights of a person is the right to health protection (Article 41 of the Constitution of the Russian Federation), state protection of motherhood, childhood, family (Article 38 of the Constitution of the Russian Federation). Thus, at present, the development of a system of measures for the protection of reproductive health is the most important instrument of the demographic policy of the Russian state. In particular, the Concept of the demographic policy of the Russian Federation for the period up to 2025, approved by Presidential Decree No. 1351 dated 09.10.2007, puts one of objectives of

“strengthening the reproductive health of the population”. We have to admit that today the negative trends deterioration in the reproductive health of Russians persists. The reproductive health of women continues to deteriorate. According to experts, there are approximately 8 million women in Russia who, for health reasons, cannot give birth to a child.

The deterioration in the health of pregnant women leads to an increase in the frequency of miscarriage, an increase in the number of premature and small children and children with congenital malformations. The number of diseases of the reproductive system in men is growing. On the today, out of the total number of urological patients, 78% are boys, boys, men. About 15% of all disabled people are disabled urological diseases. The third problem is infertility. Currently, in the Russian Federation, about 15% of married couples are infertile in marriage, and in the structure of the causes of infertility, about 50% is male infertility. The high percentage of childless couples is from all points of view a significant problem and should be considered as a reserve for the birth of desired children, a promising increase in the reproductive potential population.

On average, every seventh married couple in Russia faces family planning problems during their lifetime due to infertility.

The fourth, and perhaps the most important problem is the problem of maintaining and improving the reproductive health of adolescents and children. youth. Adolescent reproductive health status recognized one of the most acute medical and social problems and a factor of national security.

According to the Ministry of Health and Social Development of Russia, over the past 10 years the proportion of absolutely healthy girls decreased from 28.6% to 6.3%. 80% adolescent girls and up to 40% of boys under the age of 18 have serious deviations in reproductive health. All these data confirm the need to take the necessary measures at the state level aimed at improving reproductive health, the most important of which are:

1) formation of a unified state policy in the field reproductive health and increasing the responsibility of all power structures for its implementation;

2) improvement of legislation in the field of reproductive health State protection of motherhood, childhood, family, proclaimed by Art. 38 of the Constitution of the Russian Federation is also of great importance for implementation of reproductive rights by citizens. Woman's Opportunity to perform the most important biological and social function - the reproduction of offspring, the continuation of the human race should be provided with appropriate

socio-economic, legal and other conditions and guarantees that are most favorable for family life, encouragement of motherhood, protection and protection of the rights of mother, father and child.

Thus, the legal analysis of reproductive rights allows to conclude that they occupy a special place in the system of constitutional rights and freedoms, since in the structure of reproductive rights there are elements of the right to life, health protection, the right to personal integrity, privacy, personal and family secrets. However, their establishment in international legal acts with the consolidation of special powers, allows them to be classified as independent rights, and assume that currently there are all the necessary prerequisites for separating reproductive rights into a separate, independent group and classifying them as the fourth generation of human rights.

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