

*THE CONSTITUTIONAL BASES OF FORMATION OF
INALIENABLE LAWS OF THE PERSON IN THE RUSSIAN
FEDERATION*

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In the article the author considers the problem of the formation of inalienable human rights in the Russian Federation. According to this a condition in the theory of constitutional law has developed such a concept as "generations of human rights", which refers to the main stages development of these rights, associated with the formation of ideas about their content, as well as changing the mechanisms for their provision. The analysis allows you to bring into the system knowledge about the basics of the formation inalienable human rights.

In article the author contemplates a problem of formation of inalienable laws of the person in the Russian Federation. According to this condition in the constitutional law theory there was such a concept as "Generations of human rights", which are understood as the basic stages of development of these rights, connected with the formation of representations about their maintenance, and also with change of mechanisms of their maintenance. The given analysis allows to system the knowledge bases of formation of inalienable laws of the person.

Keywords: inalienable laws of the person, generation of human rights, reproductive health of the nation, the social rights, the social and economic rights.

Personal or civil rights - a set of natural and inalienable fundamental rights and freedoms that belong to a person from birth and do not depend on his belonging to a particular state. It is they who open Chapter 2 of the Constitution of

the Russian Federation. Personal rights and freedoms can be defined as basic, without possession of which many other rights and freedoms lose their meaning. A characteristic feature of this group of rights and freedoms is that they belong on an equal basis to all individuals located on the territory of the Russian Federation, regardless of whether they are whether this or that person is a citizen of Russia, a foreign citizen or a stateless person. These rights and freedoms are natural, that is, stem from the fact of human existence as such. In particular, Every person has the right to life solely by virtue of his birth, human essence, but in no way due to the fact that the right the state gave him a life. The task of the state is to protect it right from encroachment. Such rights include the right to life (Article 20 of the Constitution of the Russian Federation), to freedom and personal integrity (Article 22), privacy, personal family secrets, protection of one's honor and good name (Article 23 of the Constitution), etc. Political rights are legally enforceable measures possible behavior, guaranteeing the freedom of action of citizens to participate in the formation and management of public authorities and local government. These include the right to association (art. 30), gather peacefully, without weapons, hold meetings, rallies and de- monsters, processions and picketing (art. 31), participate in the administration affairs of the state, both directly and through their representatives lei (part 1 of article 32), to elect and be elected to power structures (part 1 of article 32). 2 tbsp. 32 of the Constitution of the Russian Federation), etc. Economic rights are associated with the right of ownership, they cover the freedom of human activity in the sphere of production, exchange, distribution and consumption of goods and services. These rights are the right to freely use their abilities and property for entrepreneurial and other economic activities not prohibited by law activities (art. 34), private property (art. 35), freely dispose of their abilities for work, choose the type of activity and profession (part 1 of article 37 of the Constitution of the Russian Federation), etc.

Social rights are designed to provide a person with a decent standard of living and social security, since a person can be free only when he is protected from poverty and arbitrariness authorities. The Constitution of the Russian Federation refers to such rights the right to rest (part 5 of Art. 37), housing (art. 40), health care and medical care (art. 41), to a favorable environment (art. 42), etc. Cultural rights provide freedom of access to spiritual and material values created by the human community. This the right to education (art. 43), to participation in cultural life (art. 44 of the Constitution of the Russian Federation), etc. spheres of life, but they differ in the time of their occurrence. In accordance

with this condition, in the theory of constitutional rights, such a concept as “generations of human rights” has developed, which are understood as the main stages in the development of these rights, related to formation of ideas about their content, as well as with a change mechanisms for their provision.

Currently, experts distinguish four generations human rights. The first generation of human rights are recognized as those traditional Liberal values that were formulated during the implementation of bourgeois revolutions, and then enshrined in the first declarations of human rights.

First generation rights are interpreted by international and national documents as inalienable and not subject to restriction.

To date, most specialists in constitutional law refer to the first generation of human rights: the right to freedom of thought, conscience, religion, the right of every citizen to participate in governance of the state, the right to equality before the law and the courts, the right to life, liberty and personal security, etc. Second generation - socio-economic human rights (the right to work, rest, social security, medical care and etc.) was formed in the 19th century, in the process of the struggle of peoples for the improvement their economic level, raising their cultural status. In the period after the Second World War, the third generation of human rights began to form, embodying the interests of communities, associations, nations, peoples, and the international community.

According to E.A. Lukasheva, the peculiarity of these rights is that they are collective and can be carried out by a community (association). A similar point of view was also expressed by K. Vasak, who refers only collective rights to the third generation of rights, based on solidarity: the right to development, peace, independence, self-determination, territorial integrity, sovereignty, freedom from colonial oppression, the right to a decent life, a healthy environment, the common heritage of mankind, and the right on communication. The foundations of these rights are laid down in international documents that enshrine the basic individual rights (UN Charter, Universal Declaration of Human Rights, Declaration on the Granting of Independence to Colonial Countries and Peoples of 1960, international pacts of 1966, etc.).

In the last decade, there have been discussions about the formation of rights fourth generation. Many professionals to the fourth generation human rights it includes rights in the field of information technology. However, it should be noted that these rights are and among the rights of the third generation as the latest stage of development the right to communicate. In the 1990s, high rates of

abortions, maternal and infant mortality, an increase in negative trends in the demographic situation in all European countries became public knowledge. countries. In connection with the deterioration of the reproductive health of men and women, and, consequently, with the emergence of new methods of overcoming infertility, experts started talking about the prospect of the formation of the fourth generation of human rights associated with the preservation of reproductive the health of the nation. So, at present, among the universally recognized rights include reproductive rights. These rights can hardly be placed in the traditional classification of rights and freedoms. Therefore, it is proposed to refer them to the latest, fourth, generation of human rights. The source of the rights and freedoms of the individual in society is not the will legislator in itself, but real social connections and relations people, which leads to the emergence of a new group of rights related to reproductive health of man and citizen. Reproductive health is an essential part of overall health and is central to human development. concept "reproductive health" became widespread in the world in the 1980s years and its content is closely related to reproductive rights women and men. According to the World Health Organization definition of "reproductive health" is a state of physical, spiritual and social well-being, and not just the absence of disease or infirmity in all matters relating to the reproductive system organism and its normal functioning. The rights associated with the implementation of human reproductive activities were recognized in UN decisions as early as 1968. The concept of the right to reproductive choice was formulated at the International Conference on Human Rights held in Tehran on 23 May 1968. In paragraph 16 of the Appeal of the Tehran Conference, it was the inalienable right of parents is determined freely and with a sense of responsibility to determine the number of children and the timing of their birth. Further development of reproductive rights took place in the outcome documents of three international conferences on population and Development (Bucharest, 1974; Mexico City, 1985; Cairo, 1995), as well as the World Conference on Women (Beijing, 1995). Contemporary understanding of reproductive rights was formulated at the Population Conference in Mexico City (1985) as follows: "All couples and individuals have a fundamental right to make free and responsible decision regarding the number of children and the length of time between occurrences, as well as access to information, education and the means to secure this right." The main change reflected in the new definition is expansion of the category of persons having the right of reproductive decision to individuals and couples. This means recognition by the world community that the

right to reproduce belongs not only to families, but to all people. The second important point is the requirement not only information and education in the relevant field, but also the means (methods and resources) for the realization of reproductive rights. All subsequent discussions recognize the right to decide as the main among all reproductive rights. The Nairobi Conference (1985) proclaimed reproductive rights as an essential condition for women to gain an equal status in society. However, these rights have not received reliable legal guarantees. For many years they have been and remain one of the directions of that the struggle that is being waged for the full recognition of women's rights, an integral part of part of fundamental human rights. For the first time, a comprehensive statement about reproductive rights was made at the International Conference on Population and Development (ICPD), held in Cairo in 1994, and further developed in the Report of the Fourth World Conference on Women and in the Conference's Platform for Action. Russia, including 180 states of the world have signed this document. According to these documents, reproductive rights cover some of the human rights recognized in national and international human rights legal instruments. On Cairo conference for the first time, reproductive health in the context of human development was defined as "a state of complete physical, mental and social well-being, and not just the absence of disease or disability in everything related to the reproductive system, its functions and processes", and reproductive health as "bringing together practices, technologies and services that protect reproductive health through the prevention and management of in this domain". Thus, the said program of action of the Cairo conference for the first time identified reproductive rights as part of the rights human being and recommended to participating countries a plan of action that provides for a number of measures to improve the situation with child and maternal mortality in the world, reduce the number of abortions and develop laws, aimed at protecting the reproductive health of the population. At the same time, at present, the norms determined by the current legislative acts do not fully provide conditions and opportunities for the realization of the reproductive rights of citizens Russian Federation and the preservation of their reproductive health. IN In 1994, the State Duma prepared a draft law "On reproductive rights and guarantees for their implementation". The work of public organizations for the protection of women's rights, protection of reproductive health of the population, especially young people. However, the State Duma of the second convocation stopped funding the program in 1997, and the bill "On Reproductive Rights ..." is still remains unconsidered for the time being. It

should be emphasized that human rights must be enshrined in law, which opens the way for the struggle for the realization of their legally expressed claims as individual rights. In this regard, it is especially important to further improve the legislation governing public relations in the field of protection of reproductive health, which determines the reproductive rights of citizens and basic guarantees of their state protection .

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