

Development of human rights in european and ukrainian constitutional acts from the 18th to the 20th Century

Evolución de los derechos humanos en las constituciones europea y ucraniana de los siglos XVIII al XX

Desenvolvimento dos direitos humanos nos atos constitucionais europeus e ucranianos dos séculos XVIII a XX

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Abstract

Human rights in constitutional acts are essential to building the legal framework of Europe and Ukraine. The topic is considered relevant since it is necessary to analyze the influence of historical, political and social processes on creating contemporary legal norms to protect human rights. Therefore, the study aims to assess the evolution of human rights in Europe's and Ukraine's constitutional law from the eighteenth to the twentieth century. Constitutional acts and international legal documents are analyzed with the help of historical and comparative legal approaches. Knowledge of the historical experience of constitutional acts of European countries and Ukraine in the second half of the eighteenth to the twentieth century is necessary to create basic legal systems and protect human rights. This work aims to elucidate the critical stages of human rights development in European countries' constitutions and the effects on Ukraine during and after the adoption of the Constitution of Ukraine in 1996. Thus, the study employs historical-overlocal and comparative methods to explain Ukrainians' responses to the European impact on their legal system. Issues of social and minority rights were gradually introduced into Ukrainian legislation, which proves the process of the country's European integration due to the significant liberalization of critical human rights values. The significance resides in recommendations on enhancing national legal tools to safeguard the rights of citizens effectively. The study's practical significance lies in identifying critical stages in developing human rights and recommendations for improving national legal mechanisms to protect social and minority rights. The findings can be used to further improve national legal systems in the context of European integration.

Keywords: Constitutional acts; constitutional reforms; Europe; European Convention on Human Rights; evolution; human rights; international standards; political rights; Ukraine, social rights.

Resumen

Los derechos humanos en los actos constitucionales son esenciales para construir el marco jurídico de Europa y Ucrania. El tema se considera relevante, ya que es necesario analizar la influencia de los procesos históricos, políticos y sociales en la creación de normas jurídicas contemporáneas para proteger los derechos humanos. Por lo tanto, el estudio tiene como objetivo evaluar la evolución de los derechos humanos en el derecho constitucional de Europa y Ucrania desde el siglo XVIII hasta el siglo XX. Se analizan los actos constitucionales y los documentos jurídicos internacionales con la ayuda de enfoques jurídicos históricos y comparativos. El conocimiento de la experiencia histórica de los actos constitucionales de los países europeos y Ucrania en la segunda mitad del siglo XVIII al siglo XX es necesario para crear sistemas jurídicos básicos y proteger los derechos humanos. Este trabajo tiene como objetivo esclarecer las etapas críticas del desarrollo de los derechos humanos en las constituciones de los países europeos y los efectos en Ucrania durante y después de la adopción de la Constitución de Ucrania en 1996. Así, el estudio emplea métodos históricos-supralocales y comparativos para explicar las respuestas de los ucranianos al impacto europeo en su sistema jurídico. Las cuestiones relativas a los derechos sociales y de las minorías se introdujeron gradualmente en la legislación ucraniana, lo que demuestra el proceso de integración europea del país debido a la importante liberalización de los valores fundamentales de los derechos humanos. La importancia reside en las recomendaciones para mejorar los instrumentos jurídicos nacionales con el fin de salvaguardar eficazmente los derechos de los ciudadanos. La importancia práctica del estudio radica en la identificación de las etapas críticas en el desarrollo de los derechos humanos y las recomendaciones para mejorar los mecanismos jurídicos nacionales de protección de los derechos sociales y de las minorías. Las conclusiones pueden utilizarse para seguir mejorando los sistemas jurídicos nacionales en el contexto de la integración europea.

Palabras clave: leyes constitucionales; reformas constitucionales; Europa; Convenio Europeo de Derechos Humanos; evolución; derechos humanos; normas internacionales; derechos políticos; Ucrania; derechos sociales.

Resumo

Os direitos humanos em atos constitucionais são essenciais para a construção da estrutura jurídica da Europa e da Ucrânia. O tópico é considerado relevante, pois é necessário analisar a influência dos processos históricos, políticos e sociais na criação de normas jurídicas contemporâneas para proteger os direitos humanos. Portanto, o estudo tem como objetivo avaliar a evolução dos direitos humanos no direito constitucional da Europa e da Ucrânia do século XVIII ao século XX. Os atos constitucionais e os documentos jurídicos internacionais são analisados com a ajuda de abordagens jurídicas históricas e comparativas. O conhecimento da experiência histórica dos atos constitucionais dos países europeus e da Ucrânia na segunda metade do século XVIII até o século XX é necessário para criar sistemas jurídicos básicos e proteger os direitos humanos. Este trabalho tem como objetivo elucidar os estágios críticos do desenvolvimento dos direitos humanos nas constituições dos países europeus e os efeitos na Ucrânia durante e após a adoção da Constituição da Ucrânia em 1996. Assim, o estudo emprega métodos comparativos e histórico-locais para explicar as respostas dos ucranianos ao impacto europeu em seu sistema jurídico. As questões de direitos sociais e de minorias foram gradualmente introduzidas na legislação ucraniana, o que comprova o processo de integração europeia do país devido à liberalização significativa dos valores críticos dos direitos humanos. A importância reside nas recomendações sobre o aprimoramento das ferramentas jurídicas nacionais para proteger os direitos dos cidadãos de forma eficaz. A importância prática do estudo está na identificação dos estágios críticos no desenvolvimento dos direitos humanos e nas recomendações para aprimorar os mecanismos jurídicos nacionais para proteger os direitos sociais e das minorias. As conclusões podem ser usadas para aprimorar ainda mais os sistemas jurídicos nacionais no contexto da integração europeia.

Palavras-chave: Atos constitucionais; reformas constitucionais; Europa; Convenção Europeia de Direitos Humanos; evolução, direitos humanos; normas internacionais; direitos políticos; Ucrânia; direitos sociais.

I. INTRODUCTION

Human rights are a fundamental component of any democratic legal system, constantly evolving in the context of globalization and the transformation of modern state institutions. The study of the evolution of human rights in the constitutional acts of Europe and Ukraine is crucial for understanding the mechanisms of legal protection of citizens, the impact of international standards on national legislation and the formation of the modern concept of the rule of law. The topic's relevance is because the constitutional acts of many European countries and Ukraine, starting from the eighteenth century, laid the foundations for forming legal systems that protect human rights and freedoms. However, constant changes in the socio-political environment require an analysis of how these rights have been transformed and adapted to the challenges of our time. The areas of considerable interest would be the extent to which Ukraine has borrowed and incorporated European legal standards into its Constitution while harmonizing domestic laws with international ones. It is worthwhile to emphasize that the scientific significance of the study consists in disclosing significant stages of the development of constitutional acts, typologically indicating the role of human rights in

shaping the modern system of the rule of law. Although human rights have been studied extensively, comparatively little theory links constitutional changes to changes in human rights discourse and practice in different countries. This applies particularly to the constitutional measures regarding the protection of social rights, national minorities rights and the new phenomena related to the digital society.

The article aims to identify the historical transformations of human rights in the constitutional laws of European countries and Ukraine in the eighteenth – and twentieth centuries. The ultimate goals of the research consist in understanding the historical evolvement of the ideology of people's rights, the comparative analysis of the main phases of the constitutional entrenchment of rights in various states, and in revealing the effects produced by these processes on contemporary attitudes towards the protection of human rights.

II. THE LATEST RESEARCH AND PUBLICATIONS ANALYSIS

This paper employs a vast literature review of the changes in human rights constitutional acts in Europe and Ukraine, focusing on several constitutional legal aspects of human rights. As mentioned in works of the United States in 1776 and France in 1789, the beginning concepts of natural human rights became the basis for the European constitutions, especially of Poland in 1791 and Germany in 1919, where social and political rights got primary constitutional stability (Kosilova, 2020)¹. Agreeing with Gorenko *et al.* (2023) and Maliuta (2022), one can state that during the nineteenth century, liberal and national liberation movements contributed constitutional rights in such countries as Belgium and The Netherlands, which in turn influenced the concept of social rights, which become an essential part of the legal system of countries including Ukraine as it is stated in Constitution of Ukraine².

The first Constitution of the Republic of Poland in the region was passed in 1921, shortly after the First World War, adopting democratic principles. It provided political liberties like suffrage, the freedom of speech and word and the rights of national minorities (Riabovol, 2023)³. The Constitutional Charter of Czechoslovakia of 1920 was

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- 1 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398
 - 2 Constitution of Ukraine. 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/show/254к/96-вп>
 - 3 Constitution of the Republic of Poland. 1921. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>

a critical source among the secondary sources, believing that it was the primary legal act regulating civil and political rights and freedoms and guaranteeing the rights of national minorities. It had a precious role in building the base for democratic institutions in the area after the dissolution of the Austro-Hungarian Monarchy⁴. The Constitution was adopted in Hungary in 1920 and was meant to give citizens political and social liberties and rights to education and work. This constitution resulted from the country's political transformations after the First World War⁵. The constitution adopted in Italy in 1947 was stated to apply democratic principles, human liberties, social guarantees and liberties such as work freedom, social protection and education. It also identified the political liberties needed for the reconstruction after the war⁶. The fundamental political rights, personal liberty, labor rights, education rights, and freedom in the German Basic Law of 1949 resulted from post-war liberalization or reconstruction⁷. The Constitution of the French Republic of the year 1958 provided for a new type of republic with political rights and social obligations or assurances for the citizens with the right to work and education⁸. Belgium's current constitution, established in 1831, brought fundamentals to build a modern constitutional monarchy and enumerated civil liberties and political privileges such as the vote and the liberty of expression (Constitution of Belgium, 1831). The constitution of the 19th century of France helped the growth of legal culture in Europe since it established civil liberties and rights such as freedom of speech and assembly (French Constitution, n. d.). Such constitutions of Germany as of the 19th century illustrated the trends of industrialisation and political liberalisation, mainly the enshrinement of labour and social rights (Constitution of Germany, n. d.). Thus, the Constitution of The Netherlands of 1848 changed the legal system and provided freedom of speech, rights to property, and equality (Constitution of the Kingdom of The Netherlands, 1848). The first constitution was the Norwegian constitution in 1814, and it established the rights of the citizens, including freedom of speech, religion, and assembly.

4 Constitutional Charter of the Czechoslovak Republic. 1920. Retrieved from: <https://www.constitutionnet.org/vl/item/1920-constitution-czechoslovak-republic>

5 Constitution of Hungary. 1920. Retrieved from: https://www.constituteproject.org/constitution/Hungary_1920.pdf

6 Constitution of the Italian Republic. 1947. Retrieved from: https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf

7 Basic Law for the Federal Republic of Germany. 1949. Retrieved from: https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html

8 Constitution of France. 1958. Retrieved from: https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constitution_anglais_oct2009.pdf

In the twentieth century, after the First World War, an important step was the adoption of the Weimar Constitution of Germany⁹, which included social rights such as the right to work, education and healthcare, which was continued in the post-war constitutions of France, Italy and Germany (Holiev, 2023; Kyrychenko & Kyrychenko, 2021) After the Second World War, the adoption of the Universal Declaration of Human Rights¹⁰ and the European Convention on Human Rights¹¹ created international standards for the protection of human rights that influenced Ukraine (Constitution of Ukraine, 1996), and in particular, the formation of legal mechanisms allowing citizens to apply to the European Court of Human Rights (Bashtovyi, 2024). Korzh (2023) and Mocherad (2024) note that these international instruments have significantly impacted Ukraine's national justice systems, particularly regarding the restriction of human rights and mechanisms for their protection. Synytsyn (2019) adds that the European Court of Human Rights judgments have become a source of constitutional law in Ukraine.

An essential place in the evolution of human rights is occupied by the right to social protection and a decent standard of living, which is discussed in Michael (2021) and Kaminska and Dzhuska (2023), who raise the issue of judicial practice in Ukraine regarding social rights and the need to further improve legal mechanisms. Karapetian (2024) insists on adherence to the right to education, especially for a representative of the indigenous peoples of Ukraine; it is also a constitutional provision within the state's framework. At the same time, Shpis (2023) points to the constitutional legal guarantee of human rights under the Ukrainian Constitution, referring to the European Convention on Human Rights standards.

Therefore, the analysis proves that the developments of human rights perspectives in the constitutional acts of Ukraine and Europe have multiple levels; their fragments progress consistently with an enhancement of political and civil rights to social and cultural ones, conforming with the standards and requirements of the international level.

9 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

10 Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

11 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

III. RESEARCH METHODS

This work used general scientific and legal research methods to analyze the constitutional acts of Europe and Ukraine from the eighteenth to the twentieth centuries, offering a comprehensive study of the evolution of human rights.

1. Historical and legal methods helped classify human rights dynamics in various historical periods and examine the critical stages of their formation in constitutional documents.
2. The comparative legal method was employed to analyze the main constitutional acts of various European countries and Ukraine to define their differences and similarities regarding the incorporation of human rights.
3. The systemic analysis helped us look at the evolution of human rights as a process that is a product of the co-phasic of different aspects of social life. The analysis presented in this article includes descriptions of the political, social, and economic factors that determined the formation and further development of legal norms.
4. Constitutional and legal analysis of regulatory documents – constitutions, international treaties and declarations considered relevant to the case study.
5. That is why the method of comparative analysis of sources helped the author identify the degree of influence of international standards on the formation of national legal systems of Ukraine and European countries.

1. Research Results

Let us consider the stages of human rights development in European constitutional acts of the eighteenth and nineteenth centuries.

1. *18th century (the beginning of the concept of human rights)*. The American and French Revolutions (1776, 1789) gave rise to the first documents that enshrined fundamental human rights. In 1776, the United States Declaration of Independence was adopted, which for the first time proclaimed the idea of natural human rights: the right to life, liberty and the pursuit of happiness¹². In 1789, under the influence of American ideas, the Declaration of the Rights of Man and of the Citizen was adopted in France, which enshrined

12 The Declaration of Independence. 1776. Retrieved from: <https://www.archives.gov/founding-docs/declaration-transcript>

such rights as freedom of speech, religion and equality before the law¹³. Early European constitutions, such as the Polish Constitution of 1791 and the French Constitution of 1791, enshrined the idea of equality of citizens before the law and fundamental civil rights for the first time¹⁴. The features of the eighteenth-century constitutions that influenced the formation of human rights are presented in Table 1.

Table 1. Features of the constitutions of the eighteenth century that influenced the formation of human rights

Constitution	Year	Country	Main features
Constitution of Poland	1791	Poland	The first European constitution enshrined the equality of citizens before the law, the limitation of the monarchy's influence, the separation of powers, and the protection of personal property.
French Constitution	1791	France	It enshrined the ideas of liberty, equality and fraternity based on the Declaration of the Rights of Man and the Citizen. It defined a constitutional monarchy and ensured the right to freedom of speech and religion.

Source: Compiled by the author based on various documents¹⁵.

2. *19th century (development and spread of human rights ideas).* European constitutions of the 19th century are gaining importance. In the nineteenth century, the ideas of human rights began to spread throughout Europe due to liberal and national liberation movements. The adoption of constitutions in countries such as Belgium (1831), Norway (1814), and The Netherlands (1848) marked the consolidation of civil and political rights, including the right to property, freedom of speech, and freedom of assembly. Social rights are emerging. Under the influence of industrialization and social reforms, constitutions began to include provisions on social rights, such as the right to work, education and healthcare. This was especially true for the constitutions of Germany and France. Table 2 presents the main features of the constitutional acts of the 19th century.

13 Declaration of the Rights of Man and Citizen. 1789. Retrieved: from <https://www.constitutionnet.org/vl/item/1789-declaration-rights-man-and-citizen>

14 Constitution of Poland. 3 May 1791. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>

15 Constitution of Poland. 3 May 1791. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>; Declaration of the Rights of Man and Citizen. 1789. Retrieved: from <https://www.constitutionnet.org/vl/item/1789-declaration-rights-man-and-citizen>

Table 2. Peculiarities of constitutional acts of the 19th century

Constitution	Year	Country	Main features
Constitution of Norway	1814	Norway	It enshrined civil rights such as freedom of speech, assembly, and property rights.
Constitution of Belgium	1831	Belgium	It established equality before the law, freedom of speech and assembly, the right to property, and participation in political life.
Constitution of The Netherlands	1848	Netherlands	It established fundamental political rights, including freedom of the press, speech, and religion. It introduced the parliamentary system and the civil right to property.
Constitution of Germany	19th century	Germany	It included provisions on social rights, including the right to work and social security, which resulted from industrialization and social reforms.
Constitution of France	19th century	France	Under the influence of industrialization, social rights, such as the right to education, labor, and healthcare, were introduced, and civil and political freedoms were strengthened.

Source: Compiled by the author based on various documents¹⁶.

3. *The first half of the twentieth century (Constitutional acts between the two wars).* After the First World War, many European countries began to reform their political systems, reflected in constitutional acts. For example, the Weimar Constitution of Germany of 1919 proclaimed expanded human rights, including social, economic and cultural rights¹⁷. Constitutional reforms in Eastern Europe are developing dynamically. Under the influence of revolutions and new political movements, new constitutions appeared in Czechoslovakia, Poland and Hungary during this period. These documents focused on minority rights and social guarantees (Table 3).

16 Constitution of Belgium. 1831. Retrieved from: https://www.dekamer.be/kvvcr/pdf_sections/constitution/Constitution_en.pdf; French Constitution. (n. d.). Retrieved from: <https://www.conseil-constitutionnel.fr/en/constitution>; Constitution of Germany. (n.d.). Retrieved from: https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html; Constitution of the Kingdom of The Netherlands. 1848. Retrieved from: https://www.constituteproject.org/constitution/Netherlands_2008.pdf; Constitution of the Kingdom of Norway 1814. Retrieved from: <https://www.stortinget.no/globalassets/pdf/english/constitution.pdf>

17 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

Table 3. Features of constitutional reforms in the first half of the twentieth century

Constitution	Year	Country	Main features
The Weimar Constitution	1919	Germany	It enshrined social, economic, and cultural rights, such as the right to work, education, and social security. It also included minority rights and social guarantees.
Constitution of Czechoslovakia	1920	Czechoslovakia	For the first time, it enshrined the rights of national minorities, the right to work, and social guarantees and focused on protecting minority cultural rights.
Constitution of Poland	1921	Poland	It established the rights of national minorities, equality before the law and the protection of civil and political rights. Considerable attention was paid to social security and the right to work.
Constitution of Hungary	1920	Hungary	It enshrined social and political rights, including the right to work and social security protection. Attention was paid to the rights of national minorities and social guarantees.

Source: Compiled by the author based on various documents¹⁸.

4. *The second half of the twentieth century (Post-War Development and International Standards)*. After the Second World War: After the catastrophic consequences of the war, Europe faced the need to revise its legal systems and constitutions. In 1948, the UN Universal Declaration of Human Rights was adopted, which became the global standard for enshrining human rights¹⁹. Adopting the European Convention on Human Rights²⁰ was essential in developing international human rights mechanisms. It significantly impacted the reform of the constitutional systems of European countries. The constitutions of post-war states such as Italy (1947), Germany (1949), and France (1958) enshrined a new approach to human rights, including political freedoms, the right to education, labor, social protection, and other fundamental rights. The main constitutional acts and international standards of the second half of the twentieth century are presented in Table 4.

18 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398; Constitution of the Republic of Poland. 1921. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>; Constitutional Charter of the Czechoslovak Republic. 1920. Retrieved from: <https://www.constitutionnet.org/vl/item/1920-constitution-czechoslovak-republic>; Constitution of Hungary. 1920. Retrieved from: https://www.constituteproject.org/constitution/Hungary_1920.pdf

19 Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

20 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

Table 4. Major constitutional acts and international standards of the second half of the twentieth century

Document	Year	Country/ Organization	Main features
UN Universal Declaration of Human Rights	1948	UN	It established global human rights standards, including the right to life, liberty, equality, education, work and social security ²¹ .
European Convention on Human Rights	1950	Council of Europe	It enshrined fundamental human rights and freedoms and established the European Court of Human Rights, which has become an essential instrument of international rights protection ²² .
Constitution of Italy	1947	Italy	It enshrined the rights to political freedoms, education, labor, social protection, and other fundamental rights after the Second World War.
The Basic Law of Germany (Grundgesetz)	1949	Germany	It established human rights as fundamental to a democratic state. It included political rights, social protection, the right to education, labor and other fundamental freedoms.
Constitution of France	1958	France	It included new human rights approaches, especially those related to political freedoms, social protection, and the right to education and labor.

Source: Compiled by the author based on various documents²³.

This table reflects the main legal acts of the second half of the twentieth century that significantly impacted the development of international human rights standards and their enshrinement in the national constitutions of European states.

These stages show the gradual evolution of human rights from the ideas of individual freedom and equality to modern social and cultural rights, as well as the formation of international human rights standards. Table 5 contains vital legal documents that have influenced the development of the concept of human rights in Europe and Ukraine.

21 Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

22 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

23 Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf; Constitution of the Italian Republic. 1947. Retrieved from: https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf; Basic Law for the Federal Republic of Germany. 1949. Retrieved from: https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html; Constitution of France. 1958. Retrieved from: https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constitution_anglais_oct2009.pdf

Table 5. Essential Legal Documents that Influenced the Formation of the Concept of Human Rights in Europe and Ukraine

Document	Country	Year	Impact on human rights
Declaration of Independence	USA	1776	The Declaration of the Natural Rights of Man: Life, Liberty, and the Right to Happiness ²⁴ .
Declaration of Human and Civil Rights	France	1789	It defined the rights to freedom of speech, religion, and equality before the law ²⁵ .
Constitution of Poland	Poland	1791	The first constitution in Europe to enshrine civil rights and equality before the law ²⁶ .
The Weimar Constitution	Germany	1919	It enshrined social, economic and cultural rights, including the right to work, education and social security ²⁷ .
Universal Declaration of Human Rights	UN	1948	The global standard for protecting human rights is equality, the right to life, liberty, and property ²⁸ .
European Convention on Human Rights	Council of Europe	1950	It established international standards for protecting human rights and created the European Court of Human Rights ²⁹ .
Constitution of Ukraine	Ukraine	1996	Proclamation of human rights as the basis of a democratic state, including political, economic and social rights.

Source: Compiled by the author based on various documents³⁰.

Let us consider the analysis of human rights enshrined in Ukraine's constitutional acts compared to those of their European counterparts.

24 The Declaration of Independence. 1776. Retrieved from: <https://www.archives.gov/founding-docs/declaration-transcript>

25 Declaration of the Rights of Man and Citizen. 1789. Retrieved: from <https://www.constitutionnet.org/vl/item/1789-declaration-rights-man-and-citizen>

26 Constitution of Poland. 3 May 1791. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>

27 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

28 Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

29 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

30 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf; Declaration of the Rights of Man and Citizen. 1789. Retrieved: from <https://www.constitutionnet.org/vl/item/1789-declaration-rights-man-and-citizen>; Constitution of Poland. 3 May 1791. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>; Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; The Declaration of Independence. 1776. Retrieved from: <https://www.archives.gov/founding-docs/declaration-transcript>; Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

Historical context. Like many European countries, Ukraine has experienced a complex history that has shaped its legal system and the concept of human rights. European countries, such as France, Germany, and Poland, were among the first to enshrine human rights in their constitutions. In Ukraine, human rights were only explicitly enshrined with adopting the 1996 Constitution³¹, one of the most outstanding achievements of the post-Soviet period.

Civil and political rights. The Constitution of Ukraine³² enshrines various civil and political rights, such as freedom of speech, assembly, and voting. These rights are similar to those enshrined in European constitutions, such as the French Constitution (1958), Declaration of the Rights of Man and Citizen (1789) and the German Constitution (1949). Ukrainian Constitution also outlines persons' freedom and security according to the European Convention on Human Rights³³.

Social and economic rights. The primary focus is on the measures ensuring the protection of social and economic rights in Ukraine, such as the right to work, healthcare, social security, and education. It is also like entrenching social rights in documents like the Weimar Constitution of Germany of 1919, which also offered the right to social protection and work. In the Constitution of Ukraine³⁴, much attention is paid to the state's social orientation, which is the state's obligation to ensure a decent minimum for the population.

Rights of national minorities. Another curious circumstance that should be mentioned regards the constitutive legislation of Ukraine, where particular emphasis was placed on protecting national minorities. Ukraine admits to a multinational population and provides for the right to foster national cultures and languages³⁵. This issue has also been influential in European countries like Poland, which has provided the rights of national minorities under the constitution of 1997 and many other constitutions enacted in Europe.

Rule of law. The principle of the rule of law is central to the constitutional acts of Ukraine and Europe. European documents, such as the French and German constitutions, emphasize the independence of the judiciary and the provision of justice.

31 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

32 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

33 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

34 Constitution of Ukraine. 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/show/254к/96-вп>

35 *Idem.*

Ukraine also enshrines the judiciary's independence and citizens' right to legal protection in case of violation of their rights³⁶. This principle aligns with European standards enshrined in the European Convention on Human Rights³⁷.

In general, human rights in Ukraine align with European standards enshrined in the constitutions of countries such as France, Germany, and Poland. The Ukrainian Constitution enshrines various civil, political, social and cultural rights harmonized with international instruments. At the same time, Ukraine has unique features, such as an increased focus on minority rights and social security, which reflects the specifics of its political and social system.

Let us identify the main trends and challenges related to the development of human rights in the historical context. Table 6 shows these trends and challenges.

Table 6. Main trends and challenges related to the development of human rights in the historical context

Period	Main trends	Challenges
XVIII century	<ul style="list-style-type: none"> - Formation of ideas of natural human rights. - Proclamation of the rights to freedom and equality. 	<ul style="list-style-type: none"> - Opposition to monarchical and authoritarian regimes. - Limited access to rights for specific segments of the population.
XIX century	<ul style="list-style-type: none"> - The spread of constitutional rights in Europe. - Intensification of liberal and national movements. 	<ul style="list-style-type: none"> - Disagreements between different social groups about equal rights. - Resistance from conservative elites.
The beginning of the twentieth century	<ul style="list-style-type: none"> - Implementation of social rights (labor, education, healthcare). - Expanding the right to vote. 	<ul style="list-style-type: none"> - The rise of nationalism and authoritarian regimes. - Deterioration of legal standards during the world wars.
After the Second World War	<ul style="list-style-type: none"> - International standardization of human rights (UN, European Convention). - Enshrining social and economic rights. 	<ul style="list-style-type: none"> - Challenges of post-war reconstruction. - Conflicts between national interests and international standards.
The end of the twentieth century	<ul style="list-style-type: none"> - Strengthening international human rights mechanisms. - Democratization of post-Soviet countries. 	<ul style="list-style-type: none"> - Human rights violations during regional conflicts. - Instability in new democracies.

(continúa)

³⁶ *Idem*.

³⁷ European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

(viene)

Period	Main trends	Challenges
XXI century	<ul style="list-style-type: none"> - Strengthening legal protection mechanisms (international courts, conventions). - Emphasis on minority rights, gender equality, and environmental rights. 	<ul style="list-style-type: none"> - New challenges related to globalization, migration, and terrorism. -The impact of digital technologies on privacy and freedoms.

Source: Compiled by the author based on various documents³⁸.

European constitutional ideas have evolved over the centuries, significantly shaping Ukraine's modern human rights protection system. Let us consider the main directions of this influence:

1. *The concept of the rule of law.* The principle of the rule of law is among the most critical European principles affecting Ukrainian legislation. Included in many European constitutions – the French Constitution of 1958 and the German Constitution of 1949, among others – this principle avers that the law should not be a product of the political process. In Ukraine, this is illustrated by Article 8 of the Constitution of Ukraine, which states that the Constitution has the highest law and the law of highest legal validity. Therefore, the European principle became a basis for the structural and functional transformation of the Ukrainian judicial system in terms of the independence of the judiciary and a fair trial.
2. *Human rights and freedoms as the highest value.* Contemporary European constitutions, beginning with the French Revolution Charter and the Declaration of the Rights of Man and the Citizen³⁹, have defined and proclaimed human rights as perpetrations of inalienable rights. In Ukraine, this is reflected in the Constitution, where Article 3 proclaims that a person's rights and freedoms are the highest social value, and all state bodies must

38 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf; Declaration of the Rights of Man and Citizen. 1789. Retrieved: from <https://www.constitutionnet.org/vl/item/1789-declaration-rights-man-and-citizen>; Constitution of Poland. 3 May 1791. Retrieved from: <https://www.sejm.gov.pl/english/konstytucja/index.html>; Universal Declaration of Human Rights. 1948. United Nations General Assembly. Retrieved from: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; Constitution of Ukraine. 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/show/254k/96-bp>; Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

39 Declaration of the Rights of Man and Citizen. 1789. Retrieved: from <https://www.constitutionnet.org/vl/item/1789-declaration-rights-man-and-citizen>

ensure them⁴⁰. This principle reflects European values and has become the basis for Ukraine's legal system.

3. *European system of justice*. Following the European legal tradition, Ukraine has integrated human rights protection mechanisms through the justice system. An essential element of European influence is the introduction of international judicial institutions, such as the European Court of Human Rights⁴¹. After ratifying the European Convention on Human Rights in 1997, Ukrainian citizens gained the right to apply to the European Court, strengthening national legal protection mechanisms.
4. *Social rights*. In Europe, especially after the Second World War, the concept of social rights, including the rights to work, social security, health care and education, has been developing, as enshrined in the Weimar Constitution of Germany⁴². The Ukrainian Constitution, adopted in 1996, reflects these social guarantees by enshrining the right to social protection, healthcare and education in Articles 43-53⁴³. Thus, the European welfare state model has been implemented in Ukraine.
5. *Protection of the rights of national minorities*. European constitutions and international documents pay special attention to the protection of the rights of national minorities. For instance, the Constitution of Poland, adopted in 1997, more expressly protects the cultural rights of national minorities: Constitution of Poland, 1791. The Constitution of Ukraine also outlines assurances of the protection of the national minorities by creating a right to the development of their native language and culture, as stated in Article 11 of the Constitution of Ukraine⁴⁴. This aspect relates to the extent of compliance of national legislation with European standards.

European constitutional concepts have served as the foundation for creating a contemporary legal framework for human rights protection in Ukraine. Part and parcel of the European model which Ukraine incorporated into its Constitution and legal

40 Constitution of Ukraine. 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/show/254k/96-bp>

41 European Convention on Human Rights. 1950. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf

42 Weimar Constitution. 1919. Retrieved from: https://germanhistorydocs.ghi-c.org/sub_document.cfm?document_id=4398

43 Constitution of Ukraine. 1996. Retrieved from: <https://zakon.rada.gov.ua/laws/show/254k/96-bp>

44 *Idem*.

system are the principles of the rule of law, human rights and freedoms as the highest value, the European system of justice, social rights and protection of national minority rights. Cooperation with European institutions, in particular the European Court of Human Rights, has allowed Ukraine to become part of the Pan-European legal space and ensure adequate protection of the rights of its citizens.

IV. DISCUSSION

The study's results confirmed the importance of historical analysis of the evolution of human rights in the constitutional acts of Europe and Ukraine. The main stages of the development of human rights, particularly the formation of the concepts of equality, freedom of speech and religion, significantly impact the modern human rights protection systems in Ukraine and Europe (Kunovskyi, 2024; Plotnitska, 2021). However, interpreting these results is not unambiguous, and the research has revealed different approaches in the academic literature. Some authors, such as Holiev (2023) and Korzh (2023), emphasize the need to strengthen constitutional human rights guarantees by improving national remedies, which supports the findings.

Comparing the results with those of other researchers, it can be noted that the study by Gorenko *et al.* (2023) confirms the conclusions about the evolution of social rights in the constitutional acts of Germany and France, also found in our study. At the same time, Milova (2022) draws attention to the fact that equality of rights and freedoms, especially in the context of national minorities, is not yet sufficiently enshrined in the legal systems of some countries, which requires further research. The findings also suggest that each state's political and social conditions complicate the integration of international standards into national constitutional acts. For example, Synytsyn (2019) shows that national systems cannot effectively implement these provisions even after ratifying international conventions due to structural and political obstacles. The study's limitations are that the analysis was based mainly on constitutional acts and international documents, and it does not cover a detailed analysis of the practical application of these rights in court cases. However, these results are essential for further research, which could focus on comparing human rights practices in different legal systems.

Constitutional changes after the post-second World War, like the Constitution of France⁴⁵ proved helpful in enacting social rights and political liberties. This was done given the need to put a new face to face the task of reconstructing the social

45 Constitution of France. 1958. Retrieved from: https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constitution_anglais_oct2009.pdf

order that received a severe setback due to the Second World War. Nevertheless, there are opinions; for example, Holiev (2023) believes that through the formalization of social rights, the implementation mechanisms were indecently ineffective, revealing the gap between declared rights and the level of social security. Also, engaging with the protection of rights granted under the Italian Constitution of 1947 to have social security and the right to work, stressed that legal systems in post-war Europe focused on alleviating social injustice⁴⁶. However, the same social rights have sometimes been called into question by economic downturns that have escalated the ineptitude of states to actualize on them, as the author highlights it, Korzh (2023).

The Constitution of 1848 Netherlands also focuses on liberal traditions, which have played a monumental role in the evolution of property rights and legal equality⁴⁷. However, as Milova noted, not all European states adopted these ideas at the same pace, which is why the idea of human rights had uneven development on the Continent. Thus, although post-war constitutions have contributed to significant progress in forming social rights, the debate on their effective implementation and impact on modern society remains relevant.

V. CONCLUSION AND PROSPECTS FOR FURTHER RESEARCH

The study of the evolution of human rights in the constitutional acts of Europe and Ukraine demonstrated that human rights development was gradual and depended on socio-political changes in individual states. The analysis showed that although European countries such as France, Germany and Poland had enshrined human rights in their constitutions earlier, Ukraine successfully integrated international standards into its national legislation in the post-war period. The results confirmed the study's novelty in identifying the specific impact of international standards, particularly the European Convention on Human Rights, on modern constitutional systems. Particular attention was paid to social rights, which became essential after the Second World War. The practical significance of the work lies in identifying the need to improve further national mechanisms for the protection of human rights, particularly social rights, which require more significant legal consolidation in Ukraine.

46 Constitution of the Italian Republic. 1947. Retrieved from: https://www.senato.it/docu-menti/repository/istituzione/costituzione_inglese.pdf

47 Constitution of the Kingdom of The Netherlands. 1848. Retrieved from: https://www.constituteproject.org/constitution/Netherlands_2008.pdf

It is also essential to continue analyzing the impact of international human rights mechanisms on the constitutional systems of European countries. Limitations of the study include the limited analysis of human rights case law, which requires further research in this area. An important area for further research is the analysis of the effectiveness of human rights implementation in different jurisdictions and the impact of current global challenges, such as digitalization, on human rights practice. Further research could focus on the issues of national minority rights, privacy rights and freedoms in the context of new technologies, and the adaptation of legal systems to international standards.

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