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EXTRAJUDICIAL INSTITUTIONS IN THE SPHERE OF HUMAN RIGHTS PROTECTION IN THE EU

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In general, there are judicial and extrajudicial ways to protect human rights in the EU. Judicial protection of human rights from violations by international institutions falls within the jurisdiction of the Court of Justice. Extrajudicial institutions that protect the rights of the individual include the following: the Ombudsman of the European Union, the EU Agency for Fundamental Rights, and EU bodies such as the European Commission and the Council of the EU. It should be noted that the functions of these bodies in the field of individual rights are to protect the rights of the individual from violations by the bodies of the European Union and not the EU Member States. Extrajudicial bodies responsible for the protection of individual rights should be distinguished as follows. Depending on the purpose of education: specialized institutions for the protection of individual rights: the Agency for Fundamental Rights of the European Union, the Ombudsman of the European Union, and bodies of general competence: the European Commission or the Council of the EU. According to the subject of the appeal to the Institute for Protection of Rights: the Ombudsman of the European Union, for appeals of individuals, the Agency for Fundamental Rights of the European Union, which provides for appeals of certain bodies of the European Union and the Council of the EU. The Council of the European Union is the main body of the EU in terms of performing various functions. It is considered the main rule-making body of the EU. It is important to note that the issue of protection of individual rights is not a priority, but only one of the functions of this EU body. The main executive body of the EU is the Commission of the European Union, which performs the function of investigating illegal actions and can impose penalties on violators. The object of illegal actions may be an offense by a Member State of the requirements imposed on it by the EU's founding treaties, including human rights offenses. The basis in this process, within the framework of the investigation, is the right of both natural and legal persons to apply to the Commission for illegal actions committed by a Member State. The human rights procedures used by the Commission should be considered quite effective, as they combine both information and representation. Since the entry into force of the Maastricht Treaty, the EU has established a mechanism for the protection of human rights, namely the Ombudsman of the European Union.

The Ombudsman Institute originated in Sweden, where it first appeared in 1809 and was later used in countries around the world. The widespread use of the

ombudsman since World War II is linked to the work of the International Commission of Jurists and the United Nations, which has led the way in developing ideas for the institution in countries around the world, not just Europe, and has held a series of talks and congresses to implement such ideas [2, P.41]. The basis of the functioning of this institution is, first of all, democratic principles, which are embedded in the foundations of their functioning, and which provide an opportunity to effectively protect and defend human rights in each state [1, P.185]. The institution of the European Ombudsman largely complements the legislature. In general, in addition to analyzing complaints, the ombudsman can independently investigate situations that may lead to wrongful acts concerning individual rights and freedoms. The powers of the ombudsman include matters such as complaints against the central and local authorities of the Member States; complaints about actions or inaction of state judicial bodies; complaints about the activities of individual entities. If it is not possible to reach a non-conflict solution, the Ombudsman has the opportunity to send recommendations on how to resolve such an issue.

EU citizens, people whose residence or stay is permanently or temporarily registered within one of the Member States of the European Union, as well as business entities whose place of registration is within the EU, have the opportunity to submit a request to the Ombudsman. The EU Agency for Fundamental Rights is a separate body with special powers to increase the protection of individual rights in the EU. Its main task is to provide assistance to EU institutions and the Member States in decision-making and the development of powers to guarantee fundamental human rights. The Agency does not have the right to consider personal appeals or take certain decisions that result in their strict implementation. Still, it plays an essential role in creating a regulatory framework that combines basic principles of individual rights and an effective mechanism for protecting human rights within the EU. It is clear that the above mechanisms of protection and protection of individual rights have certain shortcomings, and although the person has a guaranteed right to apply to the European Ombudsman and the EU Agency for Fundamental Rights, at the same time, these institutions do not have adequate decision-making powers. steadily and immediately [3]. These bodies play only an indirect role in the non-conflict resolution of problems. Therefore, it is important to note that the decisions taken are not legally binding and there is a high probability that they will not be considered.

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