

товариство й активізував діяльність міжнародних неурядових організацій із захисту свободи слова в Україні, зв'язаний з «касетним скандалом» і справою про убивство українського журналіста Георгія Гонгадзе. Не раз осудження і звертання на адресу українського уряду звучали з боку Міжнародного комітету захисту журналістів. На початку 2009 року активісти міжнародної організації Арктикль 19 звернулися до українського парламенту з закликом прийняти прогресивний закон про доступ до інформації. Свобода слова — це те питання, яке завжди буде очолювати список актуальних суспільних проблем. Тому для України на сьогоднішній день не настільки принципово важливо які саме організації проводять свої правозахисні кампанії усередині держави, як сам факт їхньої діяльності, оскільки це теж свідчення демократичності самої держави.

Можна зробити висновок, що з розвитком міжнародно-правового правозахисного механізму та інтенсифікацією реалізації права на свободу об'єднання, буде збільшуватися і кількість різного роду міжнародних неурядових організацій, що захищатимуть свободу слова, як одну з базисних цінностей демократії.

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THE COUNCIL OF EUROPE'S LEGAL STANDARDS IN THE AREA OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS PROTECTION

Human rights are rights and freedoms to which all humans are entitled. Every person is entitled to certain fundamental rights, simply by the fact of being human. Nowadays human rights are recognised almost all over the world. Doubtless Europe is not an exception. The human rights history began namely there. The Council of Europe, founded in 1949, is the oldest organisation working for European integration and establishment of human rights in that region. It has made and continues to make many efforts to promote human rights. This direction occupies the first place in the organization's activity. One of the main result and achievement of this activity is the concluding of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

The European Convention for the Protection of Human Rights and Fundamental Freedoms, known simply as the European Convention on Human Rights (ECHR), was the Council of Europe's first legal treaty to protect human rights, as well as the first international human rights treaty with enforceable mechanisms. It was inspired by the United Nations' Universal Declaration of Human Rights (1948), which was signed in Rome on November 4, 1950, and

entered into force on September 3, 1953. Only member states of the Council of Europe can become a party to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The ECHR's preamble provides for «the maintenance and further realization of human rights and fundamental freedoms», which «are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend».

The treaty deals mainly with civil and political rights, which are found in articles 1-18. Articles 19-51 list the working mechanisms of the European Court and Commission, while Protocols 1, 4, 6, 7, and 12 include additional rights. The right of individual complaint (article 25) obliges the states to accept the Court as having authority to rule over issues from within that state.

The main institution of the human rights and fundamental freedoms in the frames of the Council of Europe is the European Court of Human Rights. The European Court of Human Rights was established with the ECHR on 3 September 1953. Located in Strasbourg, the European Court of Human Rights has jurisdiction over Council of Europe's member states that have opted to accept the Court's optional jurisdiction. Once a state has done so, all Court decisions regarding it are binding. Judges are elected to the Court by the Council of Europe's Parliamentary Assembly.

The Court accepts applications of instances of human rights violations from individuals as well as states. However, it is rare for a state to submit allegations against another state, unless the violation is severe.

The other concluded instrument on the matter of human rights providing and protection is the European Social Charter. It was adopted in 1961 and monitored by the European Committee of Social Rights (ECSR). The Charter guarantees economic, social and cultural rights, such as the rights to housing, health, education, employment, social protection, movement of persons, and non-discrimination. A new version of the Charter (revised in 1996) came into force in 1999. An Additional Protocol to the European Social Charter entered into force in 1998 providing an opportunity for workers' groups and NGOs to lodge collective complaints.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment is also of great importance concerning the sphere of human rights. The European Convention for the Prevention of Torture was adopted in 1987 and entered into force in 1989 and was amended by Protocols 1 and 2. The Convention created the European Committee for the Prevention of Torture, to monitor the treaty which is mainly devoted to the Committee's organization and activity. After the European Convention on Human Rights, the Convention for the Prevention of Torture is widely regarded as being one of the most important of the Council of Europe's treaties. It has been ratified by all 47 of the Council of Europe's member states, and ratification of the Convention has been a pre-condition for all states who have

joined the Council of Europe in the last few years. Protocol No. 1, which entered into force in 2002, allows any non-member state to become a party to the Convention.

The next agreement is the Framework Convention for the Protection of National Minorities, the first binding international treaty to offer protection specifically for minorities, was adopted in 1995 and entered into force in February 1998. The groundwork for this treaty was laid in an earlier treaty, the European Charter for Regional or Minority Languages, which was adopted in 1992.

The Framework Convention's Preamble discusses the need to protect national minorities, in the context of the disintegration and hostility of the central and eastern European states of the former Eastern bloc. The Preamble states: «A pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity». However, the Framework Convention does not define what a national minority is. The Framework Convention is monitored by the Committee of Ministers, which is assisted by an Advisory Committee of independent experts. In this focus the European Commission Against Racism and Intolerance was set up in 1993 to fight racism (the belief that certain races are inferior), xenophobia (fear of foreigners), anti-Semitism (prejudice against Jews), and other forms of intolerance.

Moreover, the Commissioner for Human Rights plays the great role in protection and ensuring the observance standards in the sphere of human rights and fundamental freedoms. The position of the Commissioner for Human Rights was approved at the Summit of Heads of State and Government in October 1997, and was established in April 1999 when the Committee of Ministers adopted it.

The Parliamentary Assembly elects the Commissioner by a majority of votes. Candidates for the post are selected from three candidates submitted by the Committee of Ministers. A candidate must be a national of a COE member state with expertise in the area of human rights. A term lasts six years.

The Commissioner has three main duties: to promote human rights education and awareness of human rights; to identify areas of laws that fail to recognize human rights to a full extent and human rights laws that are not fully implemented; to promote a respect for and enjoyment of human rights in COE member states.

The Commissioner does not address individual complaints of rights violations.

Therefore, obviously the protection of human rights and fundamental freedoms is the main stream of the Council of Europe's activity. A lot of steps were already made on the way of providing to each person who lives in Europe all the set of human rights. The all abovementioned and many other Council of Europe's treaties contain the various legal standards in the area of

human rights and fundamental freedoms. All these points have the significant and very important role for the Council of Europe itself as the main guardian of human rights and fundamental freedoms and for each member state and their citizens and habitants. As Eleanor Roosevelt said that human rights begin «in small places, close to home — so close and so small that they cannot be seen on any maps of the world. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere».

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ВЗАИМОДЕЙСТВИЕ ЕВРАТОМА С МАГАТЭ В ОБЛАСТИ МИРНОГО ИСПОЛЬЗОВАНИЯ АТОМНОЙ ЭНЕРГИИ

Европейское Сообщество по атомной энергии (Евратом) с самого начала своего существования вступило в деловые контакты с Международным агентством по атомной энергии (МАГАТЭ). Евратом и МАГАТЭ являются «ровесниками». В общем смысле основные задачи этих международных органов совпадают, однако с принципиальной разницей — Агентство охватывает интересы всех государств мира, а не только одного региона.

На первом этапе, в конце 1950-х и в течение 1960-х гг., контакты Евратома с МАГАТЭ носили весьма ограниченный характер, хотя он и принимал участие во всех основных направлениях его деятельности. Представители Евратома участвовали в различных научных совещаниях, организуемых по линии Агентства. В рамках программы технической помощи МАГАТЭ осуществлялись посещения и стажировка направляемых Агентством специалистов по различным областям атомной науки и техники в научно-исследовательских ядерных учреждениях Евратома.

Необходимо учитывать, что международные связи в области мирного использования атомной энергии имеют одну весьма характерную особенность. Дело в том, что ядерные материалы, применяемые для созидательных целей, прежде всего в атомной энергетике, в случае принятия политического решения могут быть переключены на создание ядерного оружия. Поэтому с самого начала становления международных связей в области атомной энергии, в мире встала важная и сложная задача — не допустить, чтобы такие связи могли бы послужить поводом для распространения ядерного оружия.

Следует отметить, что в соответствии с договором о создании Европейского сообщества по атомной энергии контроль за использованием ядерных материалов является одной из важных функций всей его деятельности. Согласно договору о Евратоме все ядерные материалы в рамках его деятельности должны использоваться исключительно в мирных целях. При