

позбавлено ліцензій ряд приватних структур. Робота в цьому напрямку продовжується.

Торгівля людьми, яка набирає широких масштабів і дедалі жорстокіших форм охопила більшість країн світу і є складною проблемою міжнародного кримінального права. Комплексність та складність процесу боротьби з торгівлею людьми як транснаціональним злочином вимагає концентрування на основних обраних цілях, досягнення яких можливе лише при тісній співпраці держав. Велике значення в регулюванні співробітництва держав з відвернення та розкриття міжнародних злочинів, розшуку винних осіб та їх затримання має міжнародне кримінальне право.

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UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES: SHIFTING PARADIGMS TOWARDS RIGHTS

Protection of vulnerable groups has been emphasized in terms of international human rights law since first international human treaties were elaborated on. Historically, both general approaches towards vulnerability and understandings of particular vulnerability-related concepts had undergone significant changes. For the purposes of this paper we would like to examine the history of approaches towards "disability" concept and consider recently adopted UN Convention on the rights of persons with disability as a means to ensure final shift towards approaching disability from the human rights point of view with a special emphasis on fullness and equality of their rights[5].

Complexity of the concept of disability is called forth by disability being viewed as social construct, stemming from culture-related perception of health, and its being closely interconnected with such notions as health, mental health, human rights and wellbeing. Particularly complex nature of the concept itself and continuous evolution of approaches to related concepts can be seen as prerequisites for diversity of models and vocabulary for disability concept [1;3] [4]. Furthermore, it is worth remembering that disability can be still addressed in terms of medicine, social sciences and law. While medicine-related definitions

have lots in common, taking social sciences or law-related perspective, one can tackle appearance and development of medical, charity, social, rehabilitation and rights-based models of disability. While earlier models of disability (medical and charity ones) focus on viewing disability as a direct consequence of physical or mental disease and considering persons with disabilities as those in need of charitable assistance, social and rehabilitation models come closer to the need to ensure persons' with disabilities effective societal inclusion and participation. Going away from the concept of «ideal states», inherent for medical and rehabilitation models of disability, rights-based approach, inspired by the spirit of the Universal Declaration of Human Rights suggests perceiving disability as the element of diversity and ensuring not only social inclusion and participation of persons with disabilities (as it is provided for in social model), but their human rights.

The UN Convention on the rights of persons with disabilities and its Optional Protocol, adopted on 26th December, 2006, is considered to make the last step towards going away from perceiving disability from purely medical point of view and focusing on practical ways to ensure human rights of persons with disabilities [2;9-10]. Convention includes norms, providing for protection of the rights of persons with disabilities and creating equal opportunities for them in such spheres as access to the physical environment, educational and communication technologies, transportation and all other facilities, open for public; protection in situations of risk and humanitarian emergency; access to justice; health; education; work and employment; rehabilitation and participation, as well as adequate standard of living and social protection. Implementation of the norms in wide range of spheres, mentioned above, is going to be reached with the help of «reasonable accommodation», which is defined as «necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms»[5].

Despite showing significant progress on the way to rights-based approach to disability and encompassing wide variety of different spheres of life, Convention is associated with significant implementation-related risks. Firstly, despite manifesting the shift in approaches, the Convention fails to provide uniform notion of disability. Such a failure results in the fact that medical model-based notion of disability, elaborated on in

terms of The Standard Rules on the Equalization of Opportunities for Persons with Disabilities of 1993[3].

Moreover, lack of definition, aligned with nature and purposes of the Convention, results in continuing medicalization of the notion of disability. In practice medicalization of disability concept leads to two important consequences. The first is that the person, who was discriminated against, should prove him/her being disabled or, in other words, meeting criteria, set by national legislation, which can vary from country to country. Such a variation can lead to further complexities in case a person, who was proved to be disabled in one country, simultaneously belongs to the category of migrants, refugees or victims of trafficking in human beings and is obliged to reconfirm his disability in receiving country.

Another important challenge related to implementing the rules, set in the Convention, relates to the fact that formal adoption of reasonable accommodation principle does not necessarily mean countries' having (and being ready to allocate and effectively manage) resources, necessary for introducing changes to various social systems.

Despite us only briefly mentioning these key concerns, their seriousness and multilevel nature (encompassing both conceptual and practical issues) cannot be underestimated. In this regard we cannot help mentioning pressing need to the UN and countries' applying mutual efforts to, first of all, elaborate on definition of disability, aligned with Convention's approach to this concept and, secondly, consider country-specific ways to step-by-step implementation of reasonable accommodation principle. Performing activities, referred to above, will be an important step towards combating current challenges, associated with the UN Convention of the rights of people with disabilities and, therefore, providing for implementation of the rights-based approach.

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МЕЖДУНАРОДНЫЙ МЕХАНИЗМ ЗАЩИТЫ РЕЛИГИОЗНЫХ ПРАВ ЧЕЛОВЕКА

Статья 2 Всеобщей декларации прав человека содержит положение, согласно которому каждый человек должен обладать всеми правами и всеми свободами, провозглашенными данной Декларацией, без какого бы то ни было различия, в частности, в отношении религии.

Декларация о ликвидации всех форм нетерпимости и дискриминации на основе религии или убеждений 1981 года дает определение нетерпимости и дискриминации на основе религии или убеждений.

В статье 9 Европейской конвенция о защите прав человека и основных свобод говорится о том, что каждый имеет право на свободу мысли, совести и религии; это право включает свободу менять свою религию или убеждения и свободу исповедовать свою религию или убеждения как индивидуально, так и сообща с другими, публичным или частным порядком, в богослужении, обучении, отправлении религиозных и культовых обрядов. Свобода исповедовать свою религию или убеждения подлежит лишь ограничениям, которые предусмотрены законом и необходимы в демократическом обществе в интересах общественной безопасности, для охраны общественного порядка, здоровья или нравственности или для защиты прав и свобод других лиц.

20 января 2011 года Европейским Парламентом была принята резолюция «О положении христиан в свете защиты свободы религии», осуждающая убийства или дискриминацию христиан в