ЛЬВІВСЬКИЙ ДЕРЖАВНИЙ УНІВЕРСИТЕТ
ВНУТРІШНІХ СПРАВ

ПРАВОВА ТА ПРАВООХОРОННА ДІЯЛЬНІСТЬ: ЄВРОПЕЙСЬКИЙ ДОСВІД ТА УКРАЇНСЬКІ РЕАЛІЇ

LEGAL AND LAW ENFORCEMENT ACTIVITY: EUROPEAN EXPERIENCE AND UKRAINIAN REALITY

RECHTS-UND RECHTSPFLEGETÄTIG-KEIT: EUROPÄISCHE ERFAHRUNG UND UKRAINISCHE REALITÄT

L'ACTIVITÉ DU DROIT ET DE LA LOI: L'EXPÉRIENCE EUROPÉENNE ET LES ACTUALITIÉS UKRAINIENNES

Тези доповідей та повідомлень учасників
19-тої науково-практичної конференції
ад'юнктів, курсантів і студентів
(іноземними мовами)

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П68 **Правова та правоохоронна діяльність: європейський досвід та українські реалії:** тези доповідей та повідомлень учасників 19-тої науково-практичної конференції ад'юнктів, курсантів і студентів (іноземними мовами) / за загальною редакцією кандидата філологічних наук, доцента І.Ю. Сковронської. – Львів: Львівський державний університет внутрішніх справ, 2013. – 176 с.

Збірник тез стане у добрій нагоді усім, хто цікавиться роботою правових та правоохоронних органів України та Європи, а також бажає вдосконалити рівень володіння іноземними мовами.

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ШАНОВНІ УЧАСНИКИ КОНФЕРЕНЦІЇ!

Доброю традицією у ЛьвДУВС стало проведення наукових конференцій не лише серед науково-педагогічних працівників, а й курсантів та студентів. Багатий творчий доробок відомих науковців нашої Alma Mater стає добрим прикладом для дослідницьких починань юних науковців не лише рідною українською мовою, але й найпоширенішими мовами Європи, а саме: англійською, німецькою та французькою. Цьому свідчення – 19-та науково-практична конференція ад'юнктів, курсантів та студентів (іноземними мовами) «Правова та правоохоронна діяльність: європейський досвід та українські реалії», яка вже традиційно вийшла за межі ЛьвДУВС і охопила ряд вишів України. Ми щиро вітаємо на наших теренах усіх гостей та учасників конференції. Усвідомлення того, що спільними зусиллями ми творимо поступ у дослідженні роботи правових та правоохоронних органів, фахово викладаємо напрацьований матеріал іноземними мовами, надає нам впевненості у тому, що кожен з учасників може вести гідну полеміку з окреслюваних проблем із представниками інших держав Європи та світу загалом.

Не секрет, що правова та правоохоронна системи будь-якої держави час від часу потребують реформування та вдосконалення. У цьому сенсі ознайомлення із зарубіжним досвідом набуває важливості. Тому усі дослідження і компаративістські висновки юних науковців заслуговують на увагу та опублікування.

За матеріалами конференції укладено збірник. До нього увійшло понад 60 тез. Зміст зацікавить усіх, хто на професійному рівні вивчає проблеми правової та правоохоронної системи, а також володіє іноземною мовою і бажає постійно вдосконалювати свої знання.

Бажаємо всім учасникам плідної співпраці!

DEAR PARTICIPANTS AND GUESTS OF THE CONFERENCE!

It is a good tradition of Lviv State University of Internal Affairs to hold scientific conferences not only among the teaching staff, but also among post-graduates, cadets and students. The rich scientific contribution of famous scientists of our Alma Mater is a good example for research experience of young scientists not only in native Ukrainian language, but such wide-spread languages of Europe as English, German and French. The best testimony of it – the 19-th Scientific Conference of post-graduates, cadets and students «Legal and Law Enforcement Activity: European Experience and Ukrainian Reality», which has traditionally extended beyond Lviv State University of Internal Affairs and involved a number of universities in Ukraine. We sincerely welcome to our terrains all the guests and participants of the Conference. We are obvious that our mutual efforts provide for further progress in the study of legal and law enforcement activity, professional training of accumulated material in foreign languages, and give us confidence that each participant will be able to debate on the above-mentioned problems with representatives of other European countries and the world at large.

There's no doubt that the legal and law enforcement system of any state needs reforms and improvement from time to time. In this sense, learning of international experience is of great significance. Therefore, all studies and comparative conclusions of young scientists are worth attention and publication.

The collection of thesis is composed on the basis of the Conference material. It includes over 60 theses. The content will be of great interest to everyone who is engaged in the problem of legal and law enforcement system on a professional level, and communicates foreign languages and wishes to master his knowledge.

We wish all the participants a successful cooperation!

SEHR GEEHRTE KONFERENZTEILNEHMER,
SEHR GEEHRTE KOLLEGEN UND DIE GÄSTE!

Eine gute Tradition in der staatlichen Universität des Innern, Lwiw ist die Durchführung von Konferenzen nicht nur im Lehrkörper, aber auch unter den Kursanten und Studenten. Das reiche künstlerische Erbe der berühmten Wissenschaftler unserer Alma Mater ist ein gutes Beispiel für die Forschungsbemühungen von jungen Wissenschaftlern nicht nur in der Muttersprache, sondern auch in am meisten verbreiteten Sprachen Europas, nämlich Englisch, Deutsch und Französisch. Das Zeugnis davon ist die 19te wissenschaftliche Konferenz von Aspiranten, Kursanten und Studenten (in Fremdsprachen) «Rechtliche und Rechtschutztätigkeit: europäische Erfahrung und ukrainische Realität». Sie wird traditionell an der staatlichen Universität des Innern durchgeführt und befasst auch eine Reihe von Hochschulen der Ukraine. Wir begrüßen bei uns alle Gäste und Teilnehmer der Konferenz. Die Erkenntnis darüber, dass wir gemeinsam die Fortschritte bei der Untersuchung der Arbeit von den rechtlichen und der Rechtsschutzorganen schaffen, professionell angesammeltes Material in Fremdsprachen unterrichten, überzeugt uns, dass jeder Teilnehmer eine anständige Diskussion über aktuelle Themen mit anderen Vertreter der europäischen Ländern und in der Welt führen kann.

Es ist kein Geheimnis, dass die rechtliche und das Rechtschutzsysteme eines Staates von Zeit zu Zeit die Reformierung und die Verbesserung brauchen. In diesem Sinne ist das Bekanntmachen mit der ausländischen Erfahrung sehr wichtig. Darum verdienen alle Forschungen und vergleichende Schlussergebnisse der jungen Wissenschaftler die Aufmerksamkeit und die Publikation.

Nach den Materialien der Konferenz ist die Sammlung gelegt. Sie umfasst über 60 Thesen. Der Inhalt wird allen interessant sein, wer auf dem professionellen Niveau die Probleme des rechtlichen und Rechtschutzsystems studiert, sowie eine Fremdsprache beherrscht und ständig das Wissen zu vervollkommnen wünscht.

Wir wünschen allen Teilnehmern erfolgreiche Arbeit.

CHERS PARTICIPANTS, INVITES ET PRESENTATEURS!

Une bonne tradition de mener des conférences scientifique destinées aux enseignants de l'établissement, aux élèves-officiers et étudiants est soutenue il y a déjà longtemps. Des activités créatives de célèbres savants de notre Alma Mater deviennent une bonne exemple pour notre jeunesse qui fait ses premiers pas dans les recherches scientifiques, non seulement en langue maternelle, mais en langues étrangères qui sont les plus populaires en Europe. Et notre 19-ième conférence scientifique «L'activité juridique et de droit: l'expérience européenne et les réalités ukrainiennes» en fait la preuve. Elle est sortie au-delà de notre Université et a réuni un certain nombre d'établissements supérieurs de l' Ukraine. Nous félicitons sincèrement les participants de la conférence dans notre établissement. La prise de conscience de ce fait que, nous ensemble, réalisons des progrès dans l'étude et l'application des lois et du droit, professionnellement enseignons le matériel accumulé en langues étrangères, nous donne confiance que chaque participant puisse mener un débat décent sur des problèmes définies avec des représentants des autres pays. C'est évident que le système juridique et de droit de temps en temps exige des réformes et du perfectionnement. C'est pourquoi la connaissance de l'apprentissage étrangère est assez importante. Toutes les recherches et les conclusions comparatives de jeunes savants méritent une attention et la publication.

D'après les articles on a composé le recueil des oeuvres. Il comprend plus de 60 thèses. Le contenu sera intéressant pour ceux qui étudient professionnellement les problèmes du système juridique et du droit et aussi pour ceux qui maîtrisent la langue étrangère et qui voudraient perfectionner leurs connaissances.

Nous souhaitons à tous les participants une coopération fructuese.

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WATER RESCUE TECHNIQUES

Scuba Diving is becoming more popular every year. This pastime has been put to practical use by many rescue squads for underwater search and recovery. A discussion of the psychological and physiological aspects of SCUBA diving, together first aid care, is important in any rescue manual since victims of diving accidents may be encountered in any area.

The number of lives lost through drowning is increasing every year due to the greater number of people engaged in sports and recreation. If victim recovery is prompt and resuscitative measures taken, many lives may be saved.

When a man dives to even a moderate depth, most of the troubles he may encounter are caused by the air he breathes.

This incongruous statement is explained by the physical laws governing the behavior of air and water. Man is not an amphibious animal. Therefore, any time he goes beneath water, he must take his air supply with him. This air can be supplied through a hose or from tanks carried on the diver's back. As the diver descends into the water, pressure on his body increases nearly one-half pound for each foot of descent. At a depth of thirty-three feet, pressure on the diver amounts to two atmospheres or 29.4 psi (pounds per square inch); at sixty-six feet, pressure increases to three atmospheres or 44.1 psi. Therefore, every thirty-three feet of additional depth will subject the diver's body to an increased pressure of 14.7 psi. The air he breathes must be supplied at the same pressure as the water pressure at the depth the diver has reached. The most significant single cause of a diver's difficulties arises from the fact that air is compressible and water is incompressible.

All gases are compressible and follow Boyle's Law, which states that at a constant temperature, the volume of a gas is inversely proportional to the pressure. This means that if pressure on the gas is doubled, volume is decreased to one-half; also, the converse is equally true and a decrease in pressure will result in a corresponding increase in volume. This law is of

fundamental importance to a diver because it relates the quantity of air in his cylinders to the depth and duration of the dive.

When a mixture of gases is under pressure, each gas exerts a «partial pressure» in proportion to its percentage of the mixture.

Thus the partial pressure of nitrogen in the air at atmospheric pressure is 14.7 x 78/100, which equals 11.8 pounds per square inch. An increase in the overall pressure of a mixture of gases increases the individual partial pressure of each gas in the mixture. Thus, if the air pressure is doubled to two atmospheres, the partial pressures of all the constituent gases will be doubled, partial pressure for nitrogen in this case being 23.6 psi. When calculating partial pressures the absolute, not the gage, pressure of the gas should be used.

In effect, this law means that if air at atmospheric pressure contains one percent carbon monoxide, when the air is compressed to a pressure of two atmospheres the toxic effect on the body will be the same as atmospheric air containing two percent of the gas. The same rule applies to all mixtures of gases.

If the volume of a gas is kept constant and the pressure in it is increased, such as when charging cylinders, the temperature of the gas will rise: similarly, if the pressure in it is reduced the temperature will fall.

If a gas is brought into contact with a fluid, such as air in the lungs coming in contact with the blood, some of the gas will be absorbed by the fluid. The rate of absorption depends on many factors, but the quantity absorbed will vary in proportion to the pressure of the gas, increasing when this pressure is increased until equilibrium is obtained, and being liberated from the fluid when the pressure is decreased.

This gas laws account for many of the physical and physiological problems associated with diving; knowledge of them will help understand the effects of breathing compressed air.

A difficult problem to evaluate and handle is the psychological aspect of diving. Any psychological disorder, history epileptic episodes, losses of consciousness from any cause, or any known neurological disorder makes diving highly inadvisable. Individuals who tend to panic in emergencies may find occasion to do so diving. Any recklessness or emotional instability in a diver is a serious liability for his companions as well as for himself.

Diving in really low visibilities can be thoroughly unnerving and must not be taken on lightly. The possibilities of developing claustrophobia (fear of being confined in limited spaces) are high, and, the risk of panic is always present. Underwater movements should be slow, deliberate, and exploratory. The man who is psychologically

unsuited for such work must overcome the desire to try it for its glamorous aspects.

1. http://en.wikipedia.org/wiki/Scuba_diving
2. http://scuba.about.com/

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PROSPECTS OF HIGHER EDUCATION IN THE UNITED KINGDOM OF GREAT BRITAIN

Education in England is overseen by the Department for Education and the Department for Business, Innovation and Skills. Local authorities (LAs) take responsibility for implementing policy for public education and state schools at a local level.

The education system is divided into nursery (ages 3–4), primary education (ages 4–11), secondary education (ages 11–18) and tertiary education (ages 18+).

Full-time education is compulsory for all children aged between 5 and 17 (from 2013, and up to 18 from 2015), either at school or otherwise, with a child beginning primary education during the school year he or she turns 5.Students may then continue their secondary studies for a further two years (sixth form), leading most typically to A-level qualifications, although other qualifications and courses exist, including Business and Technology Education Council (BTEC) qualifications, the International Baccalaureate (IB) and the Cambridge Pre-U. The leaving age for compulsory education was raised to 18 by the Education and Skills Act 2008. The change takes effect in 2013 for 16-year-olds and 2015 for 17-year-olds. State-provided schooling and sixth form education is paid for by taxes. England also has a tradition of independent schooling, but parents may choose to educate their children by any suitable means.

Higher education often begins with a three-year bachelor's degree. Postgraduate degrees include master's degrees, either taught or by research, and the doctorate, a research degree that usually takes at least three years. Universities require a Royal Charter in order to issue

degrees, and all but one are financed by the state via tuition fees, which cost up to £9,000 a term for English, Welsh and EU students [1].

After finishing secondary school or college you can apply to a university, polytechnic, college of education or you can continue to study in a college of further education.

The academic year in Britain's universities, Polytechnics, Colleges of education is divided into 3 terms, which usually run from the beginning of October to the middle of December, the middle of January to the end of March, from the middle of April to the end of June or the beginning of July.

There are 46 universities in Britain. The oldest and best-known universities are located in Oxford, Cambridge, London, Leeds, Manchester, Liverpool, Edinburgh, Southampton, Cardiff, Bristol and Birmingham.

Good A-level results in at least 2 subjects are necessary to get a place at a university. However, good exam passes alone are not enough. Universities choose their students after interviews. For all British citizens a place at a university brings with it a grant from their local education authority.

English universities greatly differ from each other. They differ in date of foundation, size, history, tradition, general organization, methods of instruction and way of student life.

After three years of study a university graduate will leave with the Degree of Bachelor of Arts, Science, Engineering, Medicine, etc. Some courses, such as languages and medicine, may be one or two years longer. The degrees are awarded at public degree ceremonies. Later he/she may continue to take Master's Degree and then a Doctor's Degree.

The 2 intellectual eyes of Britain – Oxford & Cambridge Universities – date from the 12 & 13 centuries. They are known for all over the world and are the oldest and most prestigious universities in Britain. They are often called collectively Oxbridge, but both of them are completely independent. Only education elite go to Oxford and Cambridge.

The Scottish universities of St. Andrews, Glasgow, Aberdeen & Edinburgh date from the fifteenth and sixteenth centuries.

In the nineteenth and the early part of the twentieth centuries the so-called Redbrick universities were founded. These include London, Manchester, Leeds, Liverpool, Sheffield, and Birmingham. During the late sixties and early seventies some 20 'new' universities were set up. Sometimes they are called 'concrete and glass' universities. Among them are the universities of Sussex, York, East Anglia and some others.

During these years the government set up 30 Polytechnics. The Polytechnics, like the universities, offer first and higher degrees. Some of them offer full-time and sandwich courses (for working students). Colleges of Education provide two-year courses in teacher education or sometimes three years if the graduate specializes in some Particular subjects.

Some of them who decide to leave school at the age of 16 may go to a further education college where they can follow a course in typing, engineering, town planning, cooking, or hairdressing, full-time or part-time. Further education colleges have strong ties with commerce and industry.

There's an interesting form of studies which is called the Open University. It's intended for people who study in their own free time and who 'attend' lectures by watching TV and listening to the radio. They keep in touch by phone and letter with their tutors and attend summer schools. The Open University students have no formal qualifications and would be unable to enter ordinary universities. Some 80,000 overseas students study at British universities or further education colleges or train in nursing, law, banking or in industry [2].

International students. To study in the UK, international students whose English is not their first language must provide evidence of English language proficiency. Most universities in the UK prefer the International English Language Testing System (IELTS) certificate. IELTS 6.0+ is the usual level required for undergraduate study and IELTS 6.5+ for postgraduate.

In addition to proving English proficiency, international students must also check that their qualifications meet the school's entry requirements, and UK NARIC provides information and advice on international qualifications. International Foundation Certificate courses are available for students that have not met required qualifications.

International students may be required to take a Pre-master's program if their English language and study skills and qualifications do not meet the requirements to begin a Master's degree. If it is your aim to get a degree from a UK university, the Kaplan International Colleges University Placement Service (UPS) will help you gain entry. Student using this service will benefit from our extensive network of partner institutions and our long experience of guiding students through the admission process [3].

Hence, education plays a very important role in our life. It is one of the most valuable possessions a man can get in his life. Education develops different sides of human personality, reveals his abilities. Education is an important part of British life. There are hundreds of

schools, colleges and universities, including some of the most famous in the world.

Also, we know that science belong to the whole world. Before them the barriers of nationality disappear. Education brings people closer to each other, helps them to understand each other better. Therefore a lot of students that study in UK.

1. http://en.wikipedia.org/wiki/Education_in_England
2. http://schools.keldysh.ru/school1413/eng/egorova_ks/str5.html
3. http://www.kaplaninternational.com/resources/education-system/uk-guide.aspx

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LAW ENFORCEMENT AGENCIES IN THE UNITED KINGDOM

Every country has its unique law enforcement agencies and each of them has special objectives but they are all utilized to enforce laws, provide services, prevent crimes, and to preserve the peace.

In the United Kingdom Law enforcement is organized separately in each of the legal systems of the United Kingdom: England & Wales, Northern Ireland and Scotland.

There are four general types of agency, the first mostly concerned with policing the general public and their activities and the rest concerned with policing of other, usually localized. The first one is Territorial police forces, who carry out the majority of policing. These are police forces that cover a «police area» (a particular region) and have an independent Police Authority (England and Wales) or local authority or joint Police Board (Scotland). The second type is Special police forces, which are national police forces that have a specific, non-regional jurisdiction, such as the British Transport Police. The third one is Non-police law enforcement agencies, whose officers are not police constables, but still enforce laws. And the last one is Miscellaneous

police forces, mostly having their foundations in older legislation or Common Law. These have a responsibility to police specific local areas or activities, such as ports and parks.

Now I'll talk about these four types of law enforcement agency in detail.

In the United Kingdom the phrase «**territorial police forces**» is gaining increased official use to describe the collection of forces responsible for general policing in areas defined with respect to local government areas. The phrase «Home Office Police» is commonly used but this is often inaccurate or inadequate as the words naturally exclude forces outside England and Wales, but include some special police forces over which the Home Secretary has some power.

Members of territorial police forces have jurisdiction in one of the three distinct legal systems of the United Kingdom – England and Wales, Scotland or Northern Ireland. A police officer of one of the three legal systems has all the powers of a constable throughout their own legal system but limited powers in the other two legal systems. Certain exceptions where full police powers cross the border with the officer are when officers are providing planned support to another force.

Special police forces (except Scottish Crime and Drug Enforcement Agency) operate in more than one jurisdiction of the United Kingdom. Within the multiple jurisdictions, the remit of some of the forces is further limited to the areas that they police, such as railway infrastructure. The Anti-terrorism, Crime and Security Act 2001 gave the British Transport Police and Ministry of Defense Police a limited, conditional jurisdiction to act outside of their primary jurisdiction if the situation requires urgent police action and the local force are not readily available, or if they believe that there is risk to life, or where they are assisting the local force. As these forces are responsible to specific areas of infrastructure, they do not answer to the Home Office, but instead to the government department responsible for the area they police. The agency of Special police forces includes such departments as:

– British Transport Police
– Civil Nuclear Constabulary
– Ministry of Defense Police
– National Crime Agency
– Scottish Crime and Drug Enforcement Agency

Non-police law enforcement organizations are bodies with limited executive powers, bodies with investigatory powers and bodies with limited police powers. Bodies with limited executive powers are

not police forces but do have similar powers to that of the police with the exception that they cannot arrest a person or make forcible entry without a warrant; however, police Officers cannot make forcible entry without a warrant either unless pursuing (chasing) a suspect, or responding to an emergency. Obstructing a police officer carries a higher penalty than obstructing other law enforcement officers. Bodies with limited executive powers are:

– Health and Safety Executive
– Marine and Fisheries Agency (England and Wales only)
– Scottish Fisheries Protection Agency
– UK Fire and Rescue Authorities
– Local Authorities
– British Railway Companies, formerly British Rail.

Bodies with limited police powers are:

– Independent Police Complaints Commission
– Serious Organized Crime Agency
– UK Border Agency
– Her Majesty's Revenue and Customs

Miscellaneous constabularies generally come under the control of a local authority, public trusts or even private companies; examples include some ports police and the Mersey Tunnels Police. They could have been established by individual Acts of Parliament or under Common Law powers. Jurisdiction is generally limited to the relevant area of private property alone and in some cases (e.g. docks and harbors) the surrounding area. This, together with the small size of the constabularies, means they are often reliant on the territorial force for the area under whose jurisdiction they fall to assist with any serious matter.

Overseas law enforcement agencies in the UK are certain instances where police forces of other nations operate in a limited degree in the United Kingdom.

All of these agencies are effective because they all serve in maintaining order, responsible of deterring some types of criminal activity and preventing the successful commission of crimes in progress, providing first response to emergencies and other threats to public safety.

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1. http://en.wikipedia.org/wiki/Law_enforcement_in_the_United_Kingdom
2. http://en.wikipedia.org/wiki/List_of_law_enforcement_agencies_in_the_United Kingdom
3. Moodie G. C. The Government of Great Britain. – London, 1971.

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AIR POLLUTION

In this article we consider classification of air pollution, its causes and consequences, the possible ways to prevent it.

Keywords: air pollution, sources of pollution, effects of pollution.

Scientific and technological progress is making significant changes in all spheres development of society including its impact on health and the condition of our planet as a whole, in connection with which there is an urgent need for the construction of wastewater cleaning buildings [1].

Air pollution waste is one of the most pressing environmental issues of our time. Over the past 100 years has increased the environmental contamination by various emissions. During this time, the atmosphere gets more than a million tons of silicon and a half million of arsenic, approximately one million tons of cobalt.

Air pollution – is emissions to the atmosphere of chemicals, particulate matter, and biological materials that can cause harm to humans and other living organisms.

Sources of air pollution: enterprise fuel and energy complex; processing industry; transport [3].

Burning fuel or producing products they emit dust, soot and different chemical compounds. Air pollution is threat for all living things. It irritates the eyes, nose and throat man, cause poisoning, kills plants. It covers large areas easily and comes in different countries, depending on wind direction.

The consequences of air pollution: climate warming; acid rain; the formation of ozone holes.

At steel mills, which are important sources of air pollution, conducted numerous operations in stages agglomeration in blast furnaces, oxygen convectors ... that contribute to air pollution. The most complex technological blocks are chemical companies. At one plant a number of industrial processes can cause emissions of various pollutants, including gaseous (for example, in the production of nitric, sulfuric acid, viscose and fertilizers, as well as thermal energy at boiler houses).

In addition to anthropogenic sources of pollution, there is also natural: volcanoes, dust storms, weathering, forest fires, decomposition processes of plants and animals.

Exhaust gases accumulate in the lower atmosphere that is harmful substances found in the area of human breathing and can lead to serious respiratory diseases [2].

We began to feel air pollution in Ukraine at the end of 60-ies of the 20 century. Today the level of air pollution in majority cities exceeds health standards, and a quarter of population aggregates exceedi permissible level of 5–20 times. Nearly third part of all industrial enterprises in Ukraine work without sanitary protection zones. The main air pollutants in Ukraine are metallurgy – 35% Energy – 29.3%, coal – 8% and petrochemical industry – 6%.Every year industrial and automobile companies of Ukraine emit 17 million tons of harmful substances (300 kg per citizen of Ukraine). 16% emissions are caught and 48% are recycled. Since 1991, Ukraine has been introduced payment for air pollution. Annual emissions of vehicles in Ukraine make 6.5 million tons, or 37% of all air emissions. In some cities they dominate over all others, in particular in Chernivtsy – 75% in Vinnitsa and Kiev – 77%, Ukraine – 79%, Simferopol, Lutsk, Ivano-Frankovsk – 83%, Yalta, Poltava, Brussels – 89%, Evpatoria and Uzhgorod – 91% of emissions [4].

Currently, the most common way to deal with air pollution is high construction pipes at factories and power stations. Pipes emit soot, ash and gases in the jet streams of air, which is bringing dirt at large distances from the release and spread them in large volumes of air. Also conducted building different construction of treatment facilities that reduce emissions. In the protection of air cities and towns play an important role green planting and green zones, which are located around the dust and improve its gas structure. In our country, very high level of pollution caused by emissions metallurgy, transport and energy businesses. So we need to build a sewage treatment plant near large enterprises and plant more trees.

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DO JUDGES NEED SPECIAL PRIVILEGES?

1. General considerations regarding this issue.

One of the main components of judicial independence is their integrity, volumes of which have repeatedly been revised downward by the Parliament. Of particular relevance issue judicial immunity shall normally during the next election campaign in the context of deprivation of our MPs immunity. Hence the quite logical conclusion that the time is not related to the election, the society did not seem to be interested in solving this issue. We believe that this is due to «inherited» from the Soviet tradition of justice, which was based on totalitarianism, complete closure of lawsuits against the common population. The question of granting or withdrawal of certain privileges of judges was handled exclusively by the ruling party. Of course, the Constitution of the USSR was formally one of the most humane, but we all know that in reality principles laid down by it, not really enacted. This is general example of appropriate transfer and the plane justice.

On the one hand, judges seemingly really need special privileges because they operate in the judiciary, which is extremely important. To obtain competence and appropriate powers judicial candidates must pass a large number of instances to obtain a detailed degree, which in turn will bring objectivity of their legal vision.

In other respects, giving them advantages over ordinary citizens may conflict with the basic requirements of democracy, which implies absolute equality of all citizens as a component, that officials in their authority to be responsible and so are legally equal.

The main of the factors that contribute to disinterest modern Ukrainian society is the mentality of our people, which significantly influenced the policy of the Soviet government. Regulations governing the activities of judges, and indeed the entire legal system, were created by the ruling elite, regardless of the will of the population. At the time when Ukraine is independent, there are certain associations that seek abolition judges granted special privileges associated with relatively high financial support and legal immunity in certain legislation areas.

The government partially makes amendments to laws concerning judges. This is due to persistence of mentioned organizations. However, according to these associations, they believe that we need a total rework of the entire justice system in general. Such ideas were created under the influence of western countries, where the judge, in comparison with the judges in post-Soviet countries, is more limited.

There is a general division into two legal groups: Roman-Germanic and Anglo-Saxon. The first one is typical for continental Europe and based on the codification of regulations, i.e the creation of codes, each of which consists of articles that regulate social relations in certain areas. Another one is to build relationships based on law, including judicial precedent that is to adopt a law or a court decision on the general requirements rather than any particular act. An interesting fact is that the decision of the authorities, including judges, dealing with similar issues should be the same, but with the time and the progressive tendencies of humanity, global politics and society of this state. It is worth noting the presence of various kinds of legal conflicts related to the solution of the problem of justice, as often there are cases of conflict of some regulations to others. For example, the laws of Ukraine often do not meet international legal treaties and acts that caused improper execution of special international bodies assigned to them duties. We fully agree that the judge, regardless of which area of law his jurisdictionis spread, deserves certain privileges, because such work requires really good lawyers. For instance, we can mention those benefits that were received by persons who were authorized subjects needed by the determination of liability supporters of Hitler during the Nuremberg Trials. This is quite true. Concerning this issue many discussions have been heldand no final decisions have been made. No acts, which could specified causes of failure or contrast them special privileges, were not enacted. A striking example is the Moldova legal system which, despite the relatively poorly developed economy, high inflation and corruption, is close to ideal. Their criminal code is, perhaps, the most perfect one among all post-Soviet countries. Responsibility, authority and privileges of the judges in this state are specifically defined. On our opinion, Ukraine should learn from their experience, because this option is the most appropriate because of a common past membership in the Union of Soviet Socialist Republics. The population there has a perception that the judge, taking the official position, certainly uses it for his own financial gain and receive various benefits. In the West, based on social surveys, public opinion is quite the opposite. They believe that such persons meet all the requirements. Among them age limit deserves

special attention. This criterion is logical and appropriate. The next advantage is a higher legal education and practice in the field of law for over ten years. This makes hiring experienced lawyers for a judge. However, there are also many problems concerning this issue. For example, a number of employees in the judicial system, which is too large. A number of persons, who are not directly related to the trial, but court officials, officially makes no acceleration, instead of inhibition of judicial power. And, unfortunately, this idea is not unique, because of the presence of both the pros and cons of this phenomenon [1].

2. Ukrainian legislation governing the proceedings.

«The Law of Ukraine on the Judicial System», December 24, 2009. This law defines the legal basis of functioning of the judiciary in Ukraine: the organization of the judiciary and the administration of justice, the system of courts of general jurisdiction, a system of bodies responsible for the proper level of the judiciary, the system and procedure of the judicial authorities and the status of judges, people's assessors, jurors and regulates the relations connected with the provision of judicial independence. It establishes the procedure for appointment (election) of judges, attestation, bringing judges to disciplinary action and dismissal from office, the general order of the courts and judges, regulates other matters of judiciary and status of judges [2].

We know that the appointment to such position requires the presence of certain requirements and established proceedings. We think it is appropriate to consider it in the legal act:

Article 97. Procedure of attestation.

1. Qualification certification is conducted through written test and interview. The qualification certification included results of training of judges in specialized higher law school of fourth level of accreditation.

2. Another qualification attestation is held within one month after the end of his term in the assigned qualification form to confirm the judge in the rank or to assign the next one.

3. Early qualification attestation is held within two months of receipt of the judge for reinstatement in the rank or decision-making body authorized to carry out disciplinary proceedings, the appointment of attestation to verify qualifying class.

4. Qualification testing is conducted to test the knowledge of a professional judge, setting the level of qualification, his ability to develop professional level and to administer justice, including high court judges.

5. Qualification interview is conducted orally on the actual implementation of justice.

6. Qualification interview with the judge, who claims a rank, which gives the right to occupy positions in the higher court, applies knowledge of legislation, litigation, and legal analysis, the level of which is sufficient to ensure the proper discharge of the judicial office in a court of a higher level.

7. Methods for evaluating judges to assign each qualifying class are approved by the High Qualification Commission of Judges of Ukraine and the Council of Judges of Ukraine.

Article 98. Qualification Commission's decision on awarding the qualification class.

1. Qualification Commission of Judges according to the level of professional knowledge, experience of a judge who is certified, decides:

1) assigning appropriate qualifying class;

2) confirming the previously assigned in rank;

3) deposition of certification (if insufficient professional level judge) for a period not exceeding six months;

4) exemption a judge from rank and referral to specialized legal training to university of the fourth level of accreditation.

Basing on these provisions, we have to conclude that de jure theproblem mentioned above is provided and continually studied, but de facto, unfortunately, it is not realized in the modern Ukrainian state [3].

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POLICE CORRUPTION IS A UNIVERSAL CHALLENGE TO NATION BUILDING

Is our society ready to fight against corruption? Nowadays it is the most crucial problem as our society is in the state of belligerency

with corruption. Unfortunately, the war has been lost and we have been occupied. When we are talking about the corruption, we are always talking about the situation «challenge and answer». Actually, corruption is a universal challenge to nation building and we need to answer honestly and with dignity.

To begin with, corruption isn't a new and unknown phenomenon in the human history. It dates back to the twelfth century in the Ipatiev Chronicle. It is reminded about Chernigiv rebellion against «mzdoimstva». In these times «mzdoimstva» was the name of corruption. So, people know how to fight against this significant problem, that's why they enforce the laws; one of these laws is the Ukrainian Law on Corruption. Apart from that, they create different government institutions which have the major task to fight against corruption.

One of these government bodies is the Ministry of Internal Affairs, because the police are the primary institution for implementing law in any society. Militia is the support of nation. People can always be defended by the police as a state armed organ of the executive authorities which protects rights and freedoms of citizens. But when police's actions are against society, one urgent question raises what to do when a singular organ which must protect you become one you must be protected from. Recently survey shows that more than one third of Ukrainians considers corruption the most important disadvantage in police [4]. That's why it is the problem number one for Ukraine which must be overcome.

However, one of the experts said: «Until there is such level of corruption in our country, any restructuring of the police will not help» [5]. It means that at first every person should change himself. People can't demand for police honesty when they aren't honest either. First of all find flaws in yourself and correct them just then find them in other people.

Standard Strategies for Reducing Police Corruption

The thirty-two special investigations of police made 221 specific recommendations for reducing corruption. To reduce police corruption the commissions recommend creating external oversight over the police with a special focus on integrity, improving recruitment and training, leadership from supervisions of all ranks about integrity, holding all commanders responsible for misbehavior of subordinates and changing the organization's culture to tolerate misbehavior less [1, p. 6].

What about foreign countries? In the USA the Commission to combat Police Corruption was created in 1995 as a permanent board

to monitor and evaluate the anti-corruption programs, activities, commitment, and efforts of the New York City Police Department. The Commission is completely independent of the NYPD and is comprised of Commissions appointed by the Mayor, who directs a full-time staff [3].

To make a conclusion, it's necessary to draw your attention to people's indifference in our contemporary society. It goes without saying that people are not devoted to their Motherlands in the way to set up relations among themselves. It means that each person is interested only in personal benefits, not in social and public contributions to our native country. If everyone does a little thing to contribute to our society, it will be changed for better. If each person refuses to bribe and to be bribed, Ukraine will be a prosperous place to work and live. A citizen is a legal member of a nation and pledges loyalty to that nation. A citizen is an entire part of a community and has to make it a good place to live. As John F. Kennedy said «Ask not what your country can do for you-ask what you can do for your country!» [6].

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ENVIRONMENTAL PROTECTION

Article 16. Ensuring environmental safety, maintaining ecological balance in the territory of Ukraine, overcoming the aftermath

of the Chornobyl catastrophe – the catastrophe of global scale – and preserving the gene pool of the Ukrainian people, shall be the duty of the State [1, c. 7]. In the 21st century the ecological problems have become especially actual and painful. Our cities and towns suffer from a huge amount of waste of different kinds. Cans, bottles and paper don`t make the place we live in attractive. Besides, the waste also pollutes the soil. The best solution of this problem is recycling. Recycling means collecting waste or used materials and reusing them to produce new products. The items that are typically recycled are glass and plastic bottles, aluminium cans, paper and things made of wood and plastic. So, we recycle many different materials now. One which we are all familiar with is paper. To save energy, trees and all the animals that depend on the trees it is imperative that recycled paper become the norm of our life. Recycling aluminum can reap great benefits thus, reducing monetary as well as anvironmental costs. To make cans from recovered aluminum, for example, requires 10% of the energy needed to make them from virgin ore. Plastic recycling is key in reducing waste. Recycled glass is widely used for various purposes, among them construction. Steel recycling, especially from cars and trucks but also from food cans, is very economically as well as environmentally advantageous. Now, recycled rubber has many uses. In addition to tires, it is also remade into roofing material, floor mats, garden hoses, and shoe soles, among other uses. Thus, the development of modern technologies and equipment allows recycling the waste and produce new goods which are necessary for people. Recycling also helps to save energy and important resources and reduce the amount of rubbish. The benefits of recycling are obvious and every person should understand it. Young peole must know about simple ways to protect the environment we live in and do their best to keep our cities, towns and homes clean.

To my mind, to prepare things for recycling isn`t difficult. You should just follow some simple rules. First of all, you should collect and sort out your rubbish. You should put paper, aluminium and glass waste into different bins which are provided in many areas. These bins have appropriate sings so that people could use the right bin for their rubbish. At least once a week the rubbish is collected and devivered to special factories where it is recycled.

As you see, the rules are easy to follow and everyone can do it to contribute to environmental protection. Only our active steps will save peole from the ecological catastrophe, and we all must realise it! The main governmental body of Ukraine in the sphere of environment is

Ministry of Environmental Protection is responsible for protection and administration of environment. Authorities within the Ministry are divided among various agencies and committees. A number of other Ministries and Committees, including health protection, industrial safety and industrial policy, also have authority for certain aspects of environmental laws. Local authorities may also have some responsibility for administration of environmental laws, depending upon the nature of the project under consideration.

Law enforcement bodies, such as the Ministry of Internal Affairs and the General Prosecutor's Office, which includes a specialised environmental prosecutor's department, have significant authority to enforce actions against violations of environmental laws [1, c. 16].

Companies as legal entities are subjects of regulation in Ukraine. It makes almost impossible to either obtain reliable information on main production processes or to use effective regulatory mechanisms. The focus is on «end-of-pipe» emission/effluent treatment measures rather than on the analysis of the production process as it is and pollution prevention through improvements of production techniques. The law provides for issuance of permits for emission of pollutants into air, wastewater discharge into water bodies, and placement of waste. Such standards identify permissible levels of discharges by companies of particular pollutants and establish a schedule of payments for discharges of pollutants within these established limits. Factors such as soil contamination, noise, odour, vibration, electromagnetic radiation and other important environmental aspects are not widely considered. Obviously, Ukraine's regulatory framework requires considerable reform to introduce integrated pollution prevention and control and integrated permitting. The reform should include both adjustment of the current environmental legislation and adoption of a new law which would cover key elements of integrated permitting. The current environmental permitting system in Ukraine is based on a medium-specific approach, with separate regulations related to air and water protection and waste management. All sources of air and water pollution are required to have valid permits which stipulate maximum allowable values of specific parameters of emissions to air and discharges to water, as well as monitoring requirements. There are also separate permits specifying limits for waste storage and disposal [2].

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MARINE PROBLEMS: POLLUTION

Over 80% of marine pollution comes from land-based activities. From plastic bags to pesticides – most of the waste we produce on land eventually reaches the oceans, either through deliberate dumping or from run-off through drains and rivers. This includes: Oil cause huge damage to the marine environment – but in fact are responsible for only around 12% of the oil entering the seas each year. According to a study by the US National Research Council, 36% comes down drains and rivers as waste and runoff from cities and industry.

Fertilizers

Fertilizer runoff from farms and lawns is a huge problem for coastal areas. The extra nutrients cause eutrophication – flourishing of algal blooms that deplete the water's dissolved oxygen and suffocate other marine life.

Eutrophication has created enormous dead zones in several parts of the world, including the Gulf of Mexico and the Baltic Sea.

Seas of garbage

Solid garbage also makes its way to the ocean. Plastic bags, balloons, glass bottles, shoes, packaging material – if not disposed of correctly, almost everything we throw away can reach the sea.

Plastic garbage, which decomposes very slowly, is often mistaken for food by marine animals. High concentrations of plastic material, particularly plastic bags, have been found blocking the breathing passages and stomachs of many marine species, including whales, dolphins, seals, puffins, and turtles. Plastic six-pack rings for drink bottles can also choke marine animals.

This garbage can also come back to shore, where it pollutes beaches and other coastal habitats.

Sewage disposal

In many parts of the world, sewage flows untreated, or under-treated, into the ocean. For example, 80% of urban sewage discharged into the Mediterranean Sea is untreated. This sewage can also lead to

eutrophication. In addition, it can cause human disease and lead to beach closures.

Toxic chemicals

Almost every marine organism, from the tiniest plankton to whales and polar bears, is contaminated with man-made chemicals, such as pesticides and chemicals used in common consumer products. Some of these chemicals enter the sea through deliberate dumping. For centuries, the oceans have been a convenient dumping ground for waste generated on land. This continued until the 1970s, with dumping at sea the accepted practise for disposal of nearly everything, including toxic material such as pesticides, chemical weapons, and radioactive waste. Dumping of the most toxic materials was banned by the London Dumping Convention in 1972, and an amended treaty in 1996 (the London Convention) further restricted what could be dumped at sea. However, there are still the problems of already-dumped toxic material, and even the disposal of permitted substances at sea can be a substantial environmental hazard. Chemicals also enter the sea from land-based activities. Chemicals can escape into water, soil, and air during their manufacture, use, or disposal, as well as from accidental leaks or fires in products containing these chemicals. Once in the environment, they can travel for long distances in air and water, including ocean currents. People once assumed that the ocean was so large that all pollutants would be diluted and dispersed to safe levels. But in reality, they have not disappeared – and some toxic man-made chemicals have even become more concentrated as they have entered the food chain. Tiny animals at the bottom of the food chain, such as plankton in the oceans, absorb the chemicals as they feed. Because they do not break down easily, the chemicals accumulate in these organisms, becoming much more concentrated in their bodies than in the surrounding water or soil. These organisms are eaten by small animals, and the concentration rises again. These animals are in turn eaten by larger animals, which can travel large distances with their even further increased chemical load. Animals higher up the food chain, such as seals, can have contamination levels millions of times higher than the water in which they live. And polar bears, which feed on seals, can have contamination levels up to 3 billion times higher than their environment. People become contaminated either directly from household products or by eating contaminated seafood and animal fats. Evidence is mounting that a number of man-made chemicals can cause serious health problems – including cancer, damage to the immune system, behavioral problems, and reduced fertility.

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JUVENILE JUSTICE REFORM ACHIEVEMENTS IN UKRAINE AND THE SUPPORT OF IT BY THE UNICEF REGIONAL OFFICE OF INDEPENDENT STATES

Paradoxically, the concept of juvenile justice is new in Ukraine, although one of the most influential figures in the history of the treatment of juvenile offenders, Anton Makarenko, began work in Ukraine in the 1920s. It was not until the 1960s that sections on juvenile offenders were added to the Criminal Code and the Code of Criminal Procedure. And it was not until the situation analysis prepared by a UNICEF consultant in 2003 that the term 'juvenile justice' came into use.

Many significant new laws or decrees related to juvenile justice have been adopted since Ukraine became independent in 1989. The most relevant include:

– 'On the establishment of a juvenile criminal police', Order of the Cabinet of Ministers, 1995;

– 'On juvenile affairs' agencies and services and on special juvenile institutions', enacted by the Parliament in 1995;

– the Criminal Code, enacted by the Parliament in 2001;

– an amendment to the Code of Criminal Procedure concerning juvenile correctional facilities, 2004 [4].

More recently, a Law on Amendment to the Criminal Code of Ukraine and Code of Criminal Procedure of Ukraine Regarding the Humanization of Criminal Responsibility, adopted on 15 April 2008, reduces to 10 years the maximum sentence that can be imposed for offences committed by persons under age 18. The law also expands eligibility for alternative sentences to juveniles convicted of 'medium grave' offences for the first time. Other laws that will affect juvenile offenders have been drafted or are in the process of being drafted. A new Code of Criminal Procedure containing a section on juvenile offenders has been drafted and continues to be revised. A draft law on probation (for adults and juveniles) has been prepared. Considerable importance is attached to both laws. A draft law on mediation has also been prepared.

We have also to admit that some administrative reform or restructuring of relevance to juvenile justice has taken place. The creation of the juvenile criminal police in 1995 was one of the earliest and most important examples of restructuring. Sources interviewed considered that this was a positive step and, although abuses have not been eliminated, the treatment by the police of juvenile suspects and children living and/or working on the streets is improving. In 2003, the Supreme Court instructed each trial court to appoint a judge responsible for cases involving accused juvenile offenders and/or child victims. The process was completed in 2005. Appellate courts also have designated judges responsible for cases involving children, whether as offenders or victims. Sources interviewed believe that the impact of this measure has been uneven. While the behaviour of some judges assigned to juvenile cases has not changed significantly, some specialized judges have become more sensitive to the rights of juvenile offenders than in the past.

The responsibilities of the Office of the General Prosecutor include the monitoring of public authorities' respect for the law. In 2006, a Consultative Council on Juvenile Justice was established. The Secretariat of the Council is provided by the Parliament's Institute of Legislation. Participants, as indicated above, include the Supreme Court, the Ministry of Justice, the Ministry of Family, Youth and Sport, the State Department of Penal Implementation, the Office of the General Prosecutor, the juvenile police, UNICEF and selected NGOs. The Council is a useful forum for the exchange of information and ideas, but does not seem to have played a leading role in the development of juvenile justice thus far [1, p. 23–26].

It's important to underline that no document containing a UNICEF strategy for juvenile justice reform exists. UNICEF's approach to juvenile justice has been shaped to a large extent by the recommendations contained in the situation analysis, which can be considered as the main elements of the strategy tacitly followed by UNICEF during the past five years. These recommendations include:

– development of a strategy for the juvenile justice reform with both long- and short-term goals;

– greater coordination at all levels (national, regional and local);

– training on the Convention on the Rights of the Child and other international standards regarding juvenile justice;

– establishment of a comprehensive system for collecting data on offending by children and children at risk;

– training of juvenile judges and creation of juvenile courts;

– establishment of programs to prepare institutionalized offenders for release and post-release programs;

– specialized training of social workers who work with offenders [2, p. 17].

There is considerable support for the establishment of specialized courts, which is one of the issues to be addressed by the National Program of Juvenile Justice Development called for by the Presidential Decree.

RECOMMENDATIONS:

1) Probation. Priority should be given to strengthening the probation service, enabling it to provide juveniles sentenced to probation with more effective assistance and to undertake additional roles, such as the preparation of reports on the background of accused or convicted juveniles; the supervision of accused juveniles who do not require detention; and the supervision of offenders released under parole.

2) Community-based prevention and rehabilitation. The role that community-based non-residential programs could play in assisting children at risk of offending, children diverted from the juvenile justice system, underage offenders and offenders who could benefit from non-custodial sentences should be studied, and pilot programs developed.

3) Detention in pre-sentence facilities. Priority should be given to the development of a strategy aiming to reduce the number of juveniles detained prior to trial and while awaiting sentencing or appeal, and the duration of detention when there are compelling reasons for an accused juvenile to be deprived of liberty. The strategy should take into consideration the usefulness and feasibility of all relevant measures, including diversion; the supervision of accused juveniles by the future probation service; the appointment of specialized prosecutors; the improvement of case management and monitoring; and the establishment of appropriate legal standards.

4) Schools for social rehabilitation. The unused capacity of schools for social rehabilitation is an issue that needs to be addressed. Since there are presently no responses to offending between supervision and sentences to closed facilities, a possible solution might be to ‘re-profile’ the part of the system operated by the Ministry of Education to include open/semi-open facilities or day centres.

5) Specialized courts. Further consideration should be given to the establishment of special courts having competence over children accused of an offence, when the number of such cases is sufficient to justify the establishment of specialized courts, taking into account the

appropriate use of diversion as well as the possibility of giving such courts competence over other cases involving children, such as maintenance, custody or domestic violence.

6) Legal services. Consideration should be given to providing public funding to the Public Defenders' offices now functioning as pilot projects, not only to ensure that juveniles accused of an offence receive a proper legal defence at all stages of legal proceedings, but also because such services play a valuable role in detecting abuses and encouraging respect for existing legal standards.

7) Law reform. Consideration should be given to the appropriateness of adopting a comprehensive law on juvenile justice, or on legal proceedings concerning children. Issues that need to be addressed by law reform, whether through the adoption of a new law on juvenile justice or through amendments to existing legislation, include limiting the duration of detention prior to sentencing; eliminating the trial of juveniles and adults as co-defendants; and expanding the range of alternative sentences that may be imposed on juveniles.

8) Restorative justice. Priority should be given to the existing draft legislation on mediation; in particular because of the important role victim-offender mediation can play in diversion and because of the value of victim-offender mediation as a vehicle to protecting the rights of victims and reducing the risk of future offending.

9) Accountability mechanisms. Consideration should be given to establishing mechanisms designed specifically to monitor the rights of children involved in the juvenile justice system, including the treatment of children by the police, the treatment of children deprived of liberty and the treatment of children in legal proceedings.

10) Data management. The State Statistics Committee should continue developing a data bank that incorporates information from all the relevant sectors, ensures the use of compatible and reliable indicators by all sources and addresses all the key issues being faced by the authorities responsible for the development of a juvenile justice reform strategy.

11) Professional training. The topic of child rights and juvenile justice should be incorporated into the curricula of the relevant professional training institutions.

12) UNICEF. UNICEF should continue to promote juvenile justice reform, especially during the window of opportunity that has been opened by the recent Presidential Decree. Priority should be given to supporting the work of the Consultative Council on Juvenile Justice, particularly through advocacy to encourage the active participation of

all relevant actors and to help the Council become a dynamic space for policy development [3].

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TAX NONCOMPLIANCE

The difference between tax avoidance and tax evasion is the thickness of a prison wall (Denis Healey, The Economist, Volume 354, p.186).

Tax cheating is as old as tax laws. Despite the long history of resistance to taxation knowledge of the determinants of compliance behaviour is quite limited.

Tax noncompliance describes a range of activities that are unfavorable to a state's tax system. The use of the terms tax avoidance and tax evasion can vary depending on the jurisdiction. In general, the term «evasion» applies to illegal actions and «avoidance» to actions within the law. The term «mitigation» is also used in some jurisdictions to further distinguish actions within the original purpose of the relevant provision from those actions that are within the letter of the law, but do not achieve its purpose. These include tax avoidance, which refers to reducing taxes by legal means, and tax evasion which refers to the criminal non-payment of tax liabilities. Individuals that do not comply with tax payment include tax protesters and tax resisters. Tax protesters attempt to evade the payment of taxes using frivolous interpretations of the tax law, while tax resisters refuse to pay a tax for conscientious reasons. Tax resisters typically do not take the position

that the tax laws are themselves illegal or do not apply to them, as tax protesters do, but rather tax resisters are more concerned with not paying for particular government policies that they oppose. Because taxation is often perceived as onerous, governments have struggled with tax noncompliance since the earliest of times.

An avoidance/evasion distinction along the lines of the present distinction has long been recognized but at first there was no terminology to express it. The use of the words avoidance / evasion in the modern sense of the terms originated in the USA where it was established by the 1920 s. By the 1950 s, in the United Kingdom lawyers had come to distinguish the term «tax evasion» from «avoidance». However in the UK at least, «evasion» was regularly used (by modern standards, misused) in the sense of avoidance, in law reports and elsewhere, at least up to the 1970s. But even now after the terminology has received official approval it is often helpful to use the expressions «legal avoidance» and «illegal evasion», to make the meaning clearer.

In the United States «tax evasion» is evading the assessment or payment of a tax that is already legally owed at the time of the criminal conduct. Tax evasion is criminal, and has no effect on the amount of tax actually owed, although it may give rise to substantial monetary penalties.

By contrast, the term «tax avoidance» describes lawful conduct, the purpose of which is to avoid the creation of a tax liability in the first place. Whereas an evaded tax remains a tax legally owed, an avoided tax is a tax liability that has never existed.

For example, consider two businesses, each of which has a particular asset (in this case, a piece of real estate) that is worth far more than its purchase price. Business One sells the property and underreports its gain. In this instance, tax is legally due. Business One has engaged in tax evasion, which is criminal. Business Two consults with a tax advisor and discovers that it can structure the sale as a «like-kind exchange» (formally known as a 1031 exchange, named after the Code section) for other real estate that it can use. In this instance, no tax is due because (legally, under Section 1031) no sale took place. Business Two has engaged in tax avoidance (or tax mitigation), which is completely within the law.

In the above example, tax may eventually be due when the second property is sold. Whether and how much tax will be due will depend on circumstances and the state of the law at the time. This is true of many tax avoidance strategies. In practice the distinction is sometimes clear, but often difficult to draw. Relevant factors to decide whether conduct is avoidance or mitigation include: whether there is a

specific tax regime applicable; whether transactions have economic consequences; confidentiality; tax linked fees. Besides some tax evaders believe that they have uncovered new interpretations of the law that show that they are not subject to being taxed (not liable): these individuals and groups are sometimes called tax protesters. Many protesters continue posing the same arguments that the federal courts have rejected time and time again, ruling the arguments to be legally frivolous.

The hugest problem existing in the efforts of investigating non-compliance cases and attempting to increase the amount of tax revenues collected from businesses is the lack of data. The only data sources available are from tax audits. However, these sources are only available for a very small number of select countries, the data is costly to collect, and access to the data is limited.

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EUROPEAN EXPERIENCE IN THE UKRAINIAN BORDER AREA

At the present stage in our country and the world significant military-political and socio-economic changes have been done that materially affect the national security of Ukraine and require the

development and implementation of innovative approaches to ensure compliance with European experience, including the border area. First you need to adjust the normative legal regulation to ensure the national security of Ukraine in all areas, including border security. Despite the fact that in the last decade a large package of normative acts was passed and imbued with a large baggage of experience in Europe, which are essential for Ukraine's security in the border area, a number of problems and issues remain. In particular, the implementation of the legal status of the State Border Service of Ukraine (SBS) as a law enforcement agency requires gradual adjustment mechanisms perform law enforcement functions to the task of compliance with international standards of human rights, and a constant exchange of experience with European countries.

Robust mechanisms for effective protection of national interests are impossible without theoretical justification of law enforcement function, determine its nature and content, features implementation in the field of border security. Law enforcement function of the state is multifaceted and includes the protection of rights and freedoms, the rule of law, health law.

The main priority in the European border security is a function of the protection of rights and freedoms. These priorities guided tries and Ukraine adopts the experience of European countries. You can verify this with the Constitution of Ukraine where approved: «A person's life and health, honor and dignity, inviolability and security are defined in Ukraine as the highest social value. Rights and freedoms and their guarantees determine the content and direction of the state. The State responsible to the people for their actions affirms and ensures human rights and freedoms and it is the main duty of the state. «This function of the state is using law enforcement. One without the other can not exist. To protect the rights and freedom is possible only through enforcement, which, in turn, can exist only through the protection of rights and freedoms.

For the SBS the important priority is human rights protection as well as throughout the world including Europe. The bodies of military personnel and employees of the State Border Service of Ukraine respect the dignity of a man, show its humane treatment. Unlawful restriction of rights and freedoms is unacceptable and shall entail liability under the law». Thus, the law enforcement SBS includes aspects of basic law enforcement activities of the state: national security, law enforcement, human rights.

The SBS is largely trying to learn the experience of European countries, which was in recent years, an important aspect of

development and integration of SBS as a whole. Therefore, to maintain the European norms, many representatives from SBS travel to countries bordering on Europe to share experiences, because we not only borrow the experience of other countries we also submits their proposals to the basics of the border between the states.

Thus guided by the experience of Europe, the SBGS of Ukraine has the following main areas of law enforcement: national security, public order and the rights and freedoms. Despite the central role of this component as ensuring national interests of the state border, we can not underestimate the importance of other aspects of SBGS, as they determine the content and orientation methods of policing. This should draw attention to the gradual creation of truly effective mechanisms for human rights protection, taking into account the exchange of experience with the European countries and ensure their strict compliance of the SBGS.

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DEATH PENALTY: MORAL AND LEGAL ASPECTS OF ITS EXECUTION

The topic of my report is the morality of death penalty as it has been discussed for many years so far. However, there is no certain unbreakable solution to the question. Societies and government differ in their views. With the increasing number of crimes and criminals in the contemporary society the issue is more than vital.

Communities would plunge into anarchy if they could not act on moral assumptions less certain than that the sun will rise in the east and set in the west. The death penalty is inherently immoral because governments should never take human life, no matter what the provocation. But that is an article of faith, not of fact. The death penalty honors human dignity by treating the defendant as a free moral actor able to control his own destiny for good or for ill; it does not treat him as an animal with no moral sense.

Ultimately, the moral question surrounding capital punishment has less to do with whether those convicted of violent crime deserve to

die than with whether state and federal governments deserve to kill those whom it has imprisoned. Death sentences are imposed in a criminal justice system that treats you better if you are rich and guilty than if you are poor and innocent. This is an immoral condition that makes rejecting the death penalty on moral grounds not only defensible but necessary for those who refuse to accept unequal or unjust administration of punishment [1].

Death penalty is known in the majority of countries. It appeared just at the times when the state started fulfilling the function of punishment for committed crimes. It existed in the times of Kyivan Rus', kossacks used that punishment for the most appalling crimes. According to the military articles of Peter I capital punishment was imposed on 123 crimes. Although Tsarina Elyzaveta held up that punishment, she did not cancel it completely.

At the beginning of XX century death punishment in Russian Empire was used as the tool for fighting against the society powers in opposition. In former Soviet Union it was the punishment for state and some other crimes. After the World War II traitors and saboteurs were sentenced to death punishment.

After gaining the independence Ukrainian judicial authorities have been arguing about the essence of death punishment. It is related to the raise of criminalization of the society, increasing number of premeditated murders under aggravated circumstances. Inability of the state became evidently unhelpful to provide the right of the citizens for life.

During 1999–2000 death punishment in Ukraine existed as the exclusive measure of punishment by means of shooting. At first the moratorium was introduced on the execution of such verdicts. Death penalty was sentenced for the exceptionally severe crimes against the state, life, justice, for military crimes. However, according to the decision of the Constitutional Court of Ukraine since December, 29, 1999 death penalty was acknowledged to contradict the Constitution. The last decision accepted in 2000 cancelled death punishment as the measure of punishment. It should be mentioned that throughout the severe discussion of that question the judges held debates arguing about the pros and cons of that measure of punishment. The issue has never been easy to resolve and people in many countries and societies are very much in two minds about it.

Some people admit that it is important to think about the wishes of the families and friends of murder victims who demand that justice be done. On the other hand, punishment shouldn't be seen as an opportunity for revenge. Some believe we need to help and reform

convicted criminals in order to make them into useful members of community. Despite what many people say, capital punishment is judicial murder and no better than any other murder just because it was committed by the state. It is a savage form of punishment which is against human dignity.

Besides, it is highly unfair due to judicial mistakes. The death penalty also affects some sections of the community much more than the others. Consequently, in the USA, sometimes it seems that the death penalty is not as likely if the victim is black and the murderer white as the other way round. It is worth mentioning that it is really scandalous that some rapists and murderers are let out of prisons after three or four years. As a result, many people are losing faith in the system of justice. According to them, we should bring back harder sentences so that criminals are made to pay for what they have done.

For instance, many people support the American idea of 'three strikes and you're out' – the idea that after committing three crimes criminals are locked for life. Something should be done to deter young people from a life of crime. It is also somehow wrong that so much money is spent on prison so that some have become like luxury hotels with televisions and gyms [4].

Nature gifted every human being with the right for life. This right is essential, absolute and inalienable and according to God's commandments it lies in the formula «Don't kill». All the interpreters of that commandment claim that it is addressed to the crime, but not to the punishment. Some scientists claim that God doesn't consider death punishment to be wrong or immoral measure. Vice versa they find a lot of arguments in favor of punishment for the sins. They suggest that everyone should respect the law, not to socialize with the criminals and condemn their illegal deeds.

Most religious codes stand for obedience to the law and justice. Due to them death punishment could be justified as the highest measure for murderers.

Human life is an absolute value. But the question is whether every life can be considered such a value? What if that is the life of nobody? In the list of crimes there are such ones which take aback from the criminals the right to be called a man, cross him out of the list of people. We just can't say exactly if those criminals acquire the judicial right for deserved death. Nobody knows what they feel when the verdict is announced. Really they are afraid to face their own death [5].

No doubt that death penalty is not a fully percentage guarantee to prevent premeditated murder. However, it preserves the absolute

right for life of the majority of people. The researches of American scientist Isaac Erlich encouraged him to the conclusion that «one additional execution a year could result in shortage of murders in 7 or 8 cases». Other researchers confirmed his conclusions. Ernest Van den Haag writes that «death penalty is the greatest fear of punishments as it 1) inevitable and complete, 2) it accelerates the event contrary to pain, injury and is unique in every life. Death is an experience which can't be felt and which completes any experience. The fear of death is often connected with punishment which speeds it up; 3) when death penalty is a premeditated punishment to the other person it means complete loss of human solidarity. Society rejects the convict, considering him to be not beneficial to share the life with. Such ignorance intensifies the natural fear of destruction. Marginal restrained effect of execution depends on that very features as well as moral justification of death penalty in spite of any restrained effect» [3].

China has, in total numbers, the world's highest number of executions. There is currently no time-frame for abolition but there have been, over recent years, rapid developments in both attitudes toward, and implementation of, the death penalty in China and most notably the bringing back of review of all death penalty sentences to the Supreme People's Court (July 2007). As China takes steps towards the ratification of the International Covenant on Civil and Political Rights reform of the number of crimes attracting capital punishment is being actively discussed as well as fair trial issues in so far as they relate to capital crimes. The GBCC has been working with Chinese partners since 2003 on procedural and substantive law issues associated with the death penalty.

The overall objective of this project (2009–2011) is to reduce and restrict the use of the death penalty in China by promoting judicial discretion through the training of judges in local courts and the development of strict sentencing and evidence guidelines for trial procedures. This is the first time that training is provided to Chinese judges at that level on international human rights convention in the application of death penalty as well as international standards on a fair trial and independent justice. 191 judges have been trained in six provinces of China, in higher and intermediate courts. Evidence and sentencing guidelines with a focus on sentencing were drafted to restrict the application of capital punishment in the case of drug-related crimes. The guidelines were then tested in Yunnan province, which counts a high prevalence of drug-related crimes. According to the Supreme People's Court, drug-related crimes constitute one of the main reasons for the application of death penalty in China. This programme

is funded by the EU European Initiative for Democracy and Human Rights and the UK Strategic Programme Fund.

One of the key obstacles cited by government representatives in China against abolition of the death penalty is that of public opinion. Retaining and using the death penalty is perceived as being deeply embedded in Chinese thinking about justice and punishment, and therefore promotion of abolition is seen to be very difficult. This EU-China cooperation project was launched in January 2007 and completed in October 2009. It sought to understand public opinion better and make efforts to influence and shape both the debate amongst the general public and amongst policy makers [4].

According to annual report on the death penalty in Iran 2011, the execution wave that began after the June 2009 post-election protests in Iran continues with high frequency. According to the present report, the execution figure in 2011 is currently the highest since the beginning of 1990's. The Iranian authorities continue to execute several hundred prisoners each year in the pretext of fighting drug-trafficking. Among those executed for drug trafficking in 2011 are alone mothers with dependent children who were subjected to unfair trials and executed; and those whose families were unable to afford the expenses for their funeral.

What distinguishes the 2011 report from previous years is the dramatic increase in the number of public executions. The number of executions carried out publicly in 2011 in Iran is more than three times higher than the average in the previous years. At the same time, Iranian authorities are threatening to execute more people for other «crimes» [6].

Personally I stand on the grounds that the most severe murders deserve the strictest punishment which is not against the God's will.

Death is an unusually severe punishment, unusual in its pain, in its finality, and in its enormity. The fatal constitutional infirmity in the punishment of death is that it treats 'members of the human race as nonhumans, as objects to be toyed with and discarded.

Common sense tells us that the death penalty will deter murder... People fear nothing more than death. Therefore, nothing will deter a criminal more than the fear of death. life in prison is less feared. Murderers clearly prefer it to execution – otherwise, they would not try to be sentenced to life in prison instead of death. Therefore, a life sentence must be less deterrent than a death sentence. And we must execute murderers as long as it is merely possible that their execution protects citizens from future murder [2].

Society is justly ordered when each person receives what is due to him. Crime disturbs this just order, for the criminal takes from people their

lives, peace, liberties, and worldly goods in order to give himself undeserved benefits. Deserved punishment protects society morally by restoring this just order, making the wrongdoer pay a price equivalent to the harm he has done. This is retribution, not to be confused with revenge, which is guided by a different motive. In retribution the spur is the virtue of indignation, which answers injury with injury for public good.

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EUROPEAN COMMUNITY LAW

The European Union is unique among international organizations in having a complex and highly developed system of internal law, which has direct effect within the legal systems of its member states. Unlike other bodies of international law it is generally recognized that *European Union law* overrides the national laws of its member states (Austria, Belgium, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Sweden, Spain, United Kingdom).

There are three sources of Union law: primary legislation (the treaties), secondary legislation (regulations, directives, decisions, recommendations and opinions made by the Union's institutions in accordance with the treaties), decisions of the European Court of Justice and the Court of First Instance.

The primary legislation, or treaties, is effectively the constitutional law of the European Union. They lay down the basic policies of the Union, establish its institutional structure, legislative procedures, and the powers of the Union.

Secondary Legislation: regulations, directives, decisions, recommendations and opinions made by the Union's institutions. Secondary legislation also includes interinstitutional agreements, which are agreements made between European Union institutions clarifying their respective powers, especially in budgetary matters. The Parliament, Commission and Council are capable of entering into such agreements. The classification of legislative acts varies among the First, Second and Third Pillars. In the case of first pillar secondary legislation is classified based on to whom it is directed, and how it is to be implemented. Regulations and directives bind everyone, while decisions only affect the parties to whom they are addressed (which can be individuals, corporations, or member states). Regulations have direct effect, i.e. they are binding in and of themselves as part of national law, while directives require implementation by national legislation to be effective. However, states that fail or refuse to implement directives as part of national law can be fined by the European Court of Justice.

European Court of Justice. The European Court of Justice (ECJ) is the «'Court of Justice of the European Communities», i.e. the court of the European Union (EU). It is based in Luxembourg, unlike most of the rest of the European Union governance, which is based in Brussels and Strasbourg. The ECJ is the supreme court of the European Union. It consists of 13 judges and adjudicates on matters of interpretation of European law, most commonly: claims by European Commission that a member state has not implemented a European Union Directive or other legal requirement; claims by member states that the European Commission has exceeded its authority; references from national courts in the EU member states asking the ECJ what a particular piece of EC law means. The Union has many languages and competing political interests, and so local courts often have difficulty deciding what a particular piece of legislation means in any given context. The ECJ will give its opinion, which may or may not clarify the point, and return the case to the national court to be disposed of. The ECJ is only permitted to aid in interpretation of the law, not decide the facts of the case itself.

Individuals cannot bring cases to the ECJ. Employees of the European Commission and related EU bodies used to be able to sue their employer in the ECJ. However, there is now a lower court called the Court of First Instance, which deals with these cases.

The ECJ is frequently confused with the European Court of Human Rights, which is based in Strasbourg. However, while the ECJ is part of the European Union, the European Court of Human Rights is not.

The Court of First Instance was opened in 1989 and is intended to relieve the Court of Justice of some of its workload. Twelve members sit in the Court, which has jurisdiction over staff cases, certain actions against a Community institution in relation to the Community's competition rules, and certain cases under the European Steel and Coal Community Treaty. The Court of First Instance has taken over some of the work previously done by the Court of Justice, thus enabling the latter to consider cases in its own jurisdiction within an acceptable period of time.

The European Court of Human Rights. The current incarnation of the European Court of Human Rights was instituted on November 1, 1998, as a means to systematize the hearing of Human Rights complaints from Council of Europe member states. The court's mission is to enforce the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified in 1953. The court replaced the existing enforcement mechanisms, which included the European Commission of Human Rights (created in 1954) and the previous, limited Court of Human Rights, which was created in 1959. The new court was the result of the ratification of Protocol 11, an amendment to the Convention, which was ratified in October 1997. Judges were subsequently elected by the Council of Europe, and the court was opened approximately one year later.

The court consists of a number of judges equal to the number of Council of Europe member states, which currently stand at forty-four. Despite this correspondence, however, there are no requirements that each state be represented on the court, nor are there limits to the number of judges belonging to any nationality. Judges are assumed to be impartial arbiters, rather than representatives of any nation. The court is divided into five «Sections», each of which consists of a geographic and gender-balanced selection of justices. The entire court elects a President and five Section Presidents, two of whom also serve as Vice-Presidents of the court. All terms last for three years. Each section selects a Chamber, which consists of the Section President and a rotating selection of six other justices. The court also maintains a 17-member Grand Chamber, which consists of the President, Vice-Presidents, and Section Presidents, in addition to a rotating selection of justices from one of two balanced groups. The selection of judges alternates between the groups every nine-months. Complaints of violations by member states are filed in Strasbourg, and are

assigned to a Section. Each complaint is first heard by a committee of three judges, which may unanimously vote to strike any complaint without further examination. Once past committee, the complaint is heard and decided by a full Chamber. Decisions of great importance may be appealed to the Grand Chamber. Any decisions of the court are binding on the member states.

Council of Europe. The Council of Europe is an international organization of 45 member states in the European region. (It is not to be confused with the Council of the European Union, nor with the European Council.) It was founded on May 5, 1949 by the Treaty of London. Membership is open to all European states, which accept the principle of the rule of law and guarantee fundamental human rights and freedoms to their citizens. One of the main successes of the Council was the European Convention of Human Rights in 1950, which serves as the basis for the European Court of Human Rights. The institutions of the Council of Europe are: The Secretariat, The Committee of Ministers, The Parliamentary Assembly, The European Court of Human Rights.

The aims of the Council of Europe are:

– protection of human rights, democracy and the rule of law;

– promotion of Europe's cultural identity and diversity;

– addressing problems facing European society including discrimination, xenophobia, environmental protection, AIDS, drugs and organized crime;

– encouraging democratic stability via reform.

There are 45 member states today. Upon foundation on May 5, 1949 there were ten members: Belgium, Denmark, France, Republic of Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, United Kingdom. Members with later admission dates are: Greece, Turkey, Iceland, Germany, Austria, Cyprus, Switzerland, Malta, Portugal, Spain, Liechtenstein, San Marino, Finland, Hungary, Poland, Bulgaria, Estonia, Lithuania, Slovenia, Czech Republic, Slovakia, Romania, Andorra, Latvia, Albania, Moldavia, the former Yugoslav Republic of Macedonia, Ukraine (November 9, 1995), Russian Federation, Croatia, Georgia, Armenia, Azerbaijan, Bosnia and Herzegovina, Serbia and Montenegro. Monaco has been a candidate for membership since 1998. Canada, Israel, the Vatican City, Japan, Mexico and the USA have observer status.

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SOLUTIONS FOR LAND POLLUTION

Land pollution results in harmful effects on people, animals and plants. It indirectly affects the respiratory system of human beings. Breathing in polluted dust or particle can result in a number of health problems related to the respiratory system. Skin problems are often diagnosed due to land pollution. Land pollution has been found as one of the leading causes for birth defects. Pregnant women living in unhealthy and dirty environment can incur breathing problems and a number of diseases, which may affect the health of the baby as well. Land pollution has serious effect on wildlife. Flora, which provides food and shelter to wildlife, are destroyed. Land pollution often disrupts the balance of nature, causing human fatalities.

The main effects of land pollution are as follows:

– exterminates wild life;

– acid rain kills trees and other plants;

– vegetation that provides food and shelter is destroyed;

– it can seriously disrupt the balance of nature, and, in extreme cases, can cause human fatalities;

– pesticides can damage crops; kill vegetation; and poison birds, animals, and fish. Most pesticides kill or damage life forms other than those intended. Some life forms develop immunity to pesticides used to destroy them.

To reduce land pollution the next steps are to be taken:

– Government should provide waste disposal system especially for toxic wastes.

– We need to encourage organic farming.

– Proper garbage disposal should be organized.

– We need to encourage efficient utilization of resources and reducing wastage.

– We need to recycle garbage.

– We need to reduce usage of herbicides and pesticides.

– We need to avoid over packaged items.

Even a layman with a basic understanding about land pollution facts, will be able to come up with solutions for the same. Such solutions can be derived from the causes themselves. The following are some of the solutions for land pollution.

As the most common cause for land pollution is waste disposal, most of the control measures are associated with that. Proper waste disposal is one of the golden rules for curbing land pollution. This is much more important in case of disposal of toxic waste products. Industries must follow the laws with regard to waste disposal.

One of the major land pollution solutions is recycling. Apart from reducing the amount of waste products in the landfills, it also helps in curbing the dumping of non-biodegradable waste on the Earth. Recycling is also beneficial in lowering other forms of pollution, cost savings and savings of energy resources.

You must also try to reuse materials, if possible. Reusing is always beneficial than buying new ones. For example, you may use plastic and cardboard containers for further use. Otherwise store them and sell them for recycling. You may also make some money by refraining from buying new products and also by selling the unwanted materials for recycling.

So, each and every individual can contribute for this good cause, by taking efforts to curb land pollution. You may also reduce the use of non-biodegradable materials. For example, you may carry paper or cloth bags with you, so as to avoid taking a plastic carry bag from the shop. If you can, switch over to biodegradable materials. Use glass or metal products instead of plastic ones.

As land pollution is a problem that is detrimental to mankind as well as to nature as a whole, efforts to curb it must be taken by each and every individual. Authorities must take efforts to spread awareness about the causes and effects of land pollution. Even the industries must strictly follow the norms for waste product disposal. So, encourage recycling and reuse of non-biodegradable materials, avoid the use of harmful chemical pesticides as well as fertilizers and refrain from dumping toxic wastes on land. All these measures can contribute greatly for controlling land pollution.

Types of Land Pollution

Land pollution can be caused due to various reasons. Each of these types has a different, yet adverse kind of effect on the soil. Some of the effects are so adverse that they can cause the soil to be damaged permanently.

The degradation of the land surface of the earth caused due to different human activities is land pollution. The misuse of land resources is also categorized under land pollution. It can also pose danger to human life. Basically, pollution started after industrialization. Till goods were manufactured only by hands, the earth was not abused. However, with industrialization started the need to produce more in the shortest period of time. This led to misuse of the land resources as well. There was also a sudden need to increase agriculture production, which in turn caused further pollution. To industrialization, there was addition of urbanization, which led to pollution of land in the industrial area, that later went onto being called cities. In other words, there are many ways due to which land can be polluted, which are causing destruction of the surface of the earth. Different measures have been taken by different agencies to arrest the effects of pollution, yet there is much more, that needs to be done.

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LAW ENFORCEMENT STANDARDS IN UKRAINE AND SOME ASPECTS OF EUROPEAN INTEGRATION

The purpose of the article is to analyze law enforcement standards, structure and organization of the Ministry of Internal Affairs in Ukraine and its work for maintaining the peace and order. Positive experience of the Europol's work is also given here.

Police force in developed countries work is based primarily on prevention and the prevention of crime, because crime is easier to prevent than to reveal.

Ukraine must urgently reform its police force. It should be noted that the rules of law, defined in Art. 1 of the Constitution of Ukraine requires profound changes in social and political relations in a society that provides for the improvement of law enforcement as one of the guarantors to ensure successful implementation of these processes [1].

As it is known, the organs of Internal Affairs of Ukraine carry out the state protection of citizens and their legitimate interests. In

addition, the important task is to ensure the national security of Ukraine, which creates a balanced public policy and implement a set of coordinated measures to protect national interests in the political, economic, social, military, border, ecological, scientific, technological, information and other areas of internal and external threats [2].

The development of theoretical and methodological foundations of internal affairs bodies of Ukraine, as well as issues related to increasing its efficiency, are devoted in the works of scientists: O. Bandurka, A. Vasylyeva, A. Komzyuka, O. Negodchenko, O. Ostapenko, V. Plishkina, A. Ryabchenko, V. Shkarupa and many others.

The study of the history of law enforcement and the adoption of a positive experience in organizational structure and functioning of the police of foreign countries becomes especially important in order to identify ways of using it to reform the internal affairs of Ukraine taking into account the national peculiarities of our country. At the same time, the implementation of the specified process should not disagree with certain reforms, economic and political systems, as well as parliamentary, administrative, municipal and other components of the state and legal reform.

The responsibility for law enforcement in Ukraine traditionally rests with three government agencies: the Ministry of Internal Affairs, the Security Service and the State Department of Corrections (literally the State Department of Ukraine for the Execution of Sentences). Other bodies authorized to conduct criminal investigations are the Tax Police of Ukraine, the State Border Service of Ukraine, the Foreign Intelligence Service and the Military Intelligence Service.

The Ministry of Internal Affairs of Ukraine is the principal government agency responsible for ensuring the personal safety of citizens and the protection of their rights and freedoms, for preventing and countering violations of the law and for maintaining public order. It is also responsible for crime detection, for finding and arresting persons who have committed crimes as well as for ensuring road safety and guarding State and private property.

To characterize its structure and organization we must say tha within the Ministry of Internal Affairs there are a number of operational law enforcement divisions. The central apparatus includes the following structural subdivisions:

– The criminal police, which consists of the Organized Crime Directorate; the Criminal Investigations Department; departments dealing with economic crime, illicit trafficking in narcotic drugs and crimes connected with human trafficking; the Juvenile Affairs Department; and the Interpol National Central Bureau.

– The public safety police, which consists of the Public Safety Department, the State Road Safety Service (traffic police) and the Patrol Service of the Ministry of Internal Affairs, along with a number of other divisions.

The Ministry comprises directorates and offices responsible for law enforcement on the territory of the Autonomous Republic of Crimea, in the administrative regions (oblasts) and in the centrally subordinate cities of Kyiv and Sevastopol. The Ministry of Internal Affairs also includes transport police divisions, municipal and district police directorates and departments, and local police precincts. In addition, the Ministry comprises the interior forces, the judicial police, training and research establishments and the Ministry's own auxiliary services.

Current situation in law enforcement concerns not only on the deputy environment, but on the whole society, and the international community. Legislation supports law enforcement agencies in Ukraine at a high level, but quite often these laws are not enforced.

Today, in the context of political, economic, social and value changes occurring in Ukraine, application of philosophical and legal knowledge, including the philosophical problems of power, the right, the aspects of European integration of Ukraine.

In our time, science has faced a legal challeng of properly understanding the law, and as a result, enforcement. Right as the idea of doing a significant impact on social development, but especially meaningful to people when the idea is implemented, so, it becomes reality. Enforcement as a practical embodiment of the idea of law is the expression of the principle of legal equality, an indicator of the time, in the context of which it is.

Europol is the law enforcement agency of the European Union. The aim of Europol is to help achieve a safer Europe by supporting the law enforcement agencies of European Union member states in their fight against international serious crime and terrorism.

Staff of more than 700 members at Europol headquarters in the Hague, the Netherlands work closely with law enforcement agencies in the 27 European Union member states and in other non-EU partner states such as Australia, Canada, the USA and Norway.

Europol personnel come from different kinds of law enforcement agencies, including regular police, border police, customs and security services. This multi-agency approach helps to close information gaps and minimise the space in which criminals can operate and guarantees fast and effective cooperation based on personal contact and mutual trust [3].

Europol officers are always ready to travel at short notice and provide support with our mobile office. Our presence is also in demand in the fight against illicit drugs and we have a fully operational team to help dismantle synthetic drugs laboratories on-the-spot.

Large-scale criminal and terrorist networks pose a significant threat to the internal security of the EU and to the safety and livelihood of its people. The biggest security threats come from terrorism, international drugs trafficking, trafficking in human beings, counterfeiting of the euro currency and payment cards, fraud, cybercrimes, corruption and money laundering as well as other activities related to the presence of organised crime groups in the economy. All of these have been declared priority areas by the European Union's Council of Ministers [3].

Europol is to provide the best possible support to law enforcement authorities in the Member States. It can be achieved by delivering a unique set of operational services for the European Union:

– Support centre for law enforcement operations
– Criminal information department
– Centre for law enforcement expertise

In line with our mission and vision, we attach importance to the following five values which best characterise the culture of Europol and the work of its people: integrity, accountability, initiative, teamwork, effectiveness.

Law enforcement standards that exist in Ukraine can be identified by two aspects. First aspect is that Ukraine may borrow the positive experience from other countries in the field of law enforcement. Second one is the need of building a system of law enforcement, that will give Ukraine the chance to come out in the international arena.

Law enforcement standards in Ukraine and Europe occupy a special place in the management and development of nations. One of the main problems in Ukraine is to reform the system of internal affairs of Ukraine and the introduction of European standards.

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WATER RESCUE

As long as there is the slightest possibility that the victim of an underwater accident is still alive, no effort should be spared to accelerate his rescue. Unfortunately, many rescue operations are merely body recovery efforts due to delay in finding the victim. Artificial respiration should be started immediately upon recovery of the body, unless it is definitely known that the victim has been under water continuously for a great length of time. Resuscitation must be continued until the victim is either revived or pronounced dead by a physician.

A search is generally conducted by divers swimming in a definite pattern. Different patterns may be better suited to one type of search than to others; this will depend upon the type of the bottom, depth of water, and the base of operations. Several search techniques are listed; t an imaginative combination of two or three of these patterns will prove effective; in almost any instance.

Visual Search. A minimum of three feet visibility is necessary for an effectivevisual search. Stop above the bottom, turn in a complete 360 degree circle slowly, and visually scan the area. Then swim a search pattern by keeping well above the bottom, but within visual range. The search interval should be less than twice the visibility limits. Swim, continuously scanning from side to side, at a speed calculated to give complete visual coverage.

A compass may be utilized when visibility; is good; a search line should be used when visibility is poor.

Contact Search. Contact searching is used when conditions of little or no visibility are encountered. The diver should descend to the bottom and search with the hands and arms. The search interval should be somewhat less than an arm span. The diver should propel himself along at a speed calculated to give him sufficient time to check the area by simultaneously sweeping half circles ahead and to the side with both hands.

Circular Sweep Pattern. The circular search pattern can be participated in by any number of divers, yet is effective for a single

diver. The number of circles made from one reference point is determined by the length of the guide line.

1. Place the anchor, which is attached to the guide line, in the center of the area to be searched.
2. Space the divers along the line, starting close to the anchor, at a distance permitted by the visibility of the water.
3. Divers should keep abreast and slowly swim in a full circle; they should keep the guide line taut.
4. When a 360 degree sweep has been completed, the diver farthest from the anchor remains in position and the other divers take their places beyond him on the line and swim another circle. It is important that one diver remain in position; otherwise, the area covered by the first circle will not be known and the object of the search might be missed.

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PROBLEMATIC ASPECTS OF THE LATEST CRIME STATISTICS IN UKRAINE

Crime is one of the world's oldest social problems. Almost every generation has felt itself threatened by increasing crime and violence. However, no country has yet developed completely reliable methods for crime prevention.

Criminological situation that prevailed in Ukraine, has turned into the most dangerous social evil, which possess a serious threat to the development of independence and unprecedented growth of crime caused by the crisis in the political and economic development in all spheres of public life, legal nihilism, lack of control over the actual business, loan, financial and banking activities.

According to the last statistics, Ukraine continues to undergo significant economic, political and social transformation. Despite continues economic hardship and political changes, the overall number of crimes continued to decrease slightly for the last years. While this is a positive trend, it remains a fact that Ukraine's resident expatriate community and visiting tourists, including American citizens, continue to be the target of street crimes and property crimes. The criminal situation in Kyiv and throughout the country is aggravated considerably by widespread government corruption and inadequate law enforcement support [1].

When compared to other eastern European cities, the criminal threat in Kyiv doesn't appear to be significantly different. The patterns observed in crimes indicate a significant percentage of incidents transpired on public transportation or on locations frequented by large number of foreign tourists. In 2010, the majority of reported criminal activity consisted of petty thefts (pick-pocketing, purse snatching) or fraud. Incidents of hate crimes directed against non-Slavic ethnic and religious minorities continued to decrease, but remain a concern. Violent crime directed against foreigners is relatively uncommon.

Short-term visitors, including tourists who may not be entirely familiar with local customs or fluent in Ukrainian or Russian, remain more susceptible to street crime and confidence scams and are specifically targeted by criminals. The most common scam is the «Wallet Scam». Marriage and dating scams via the Internet are routinely reported. These have been numerous instances of foreign citizens being exported for thousands of dollars by Internet contacts they through were their friends, loved ones, or romantic interests. These Internet scams include lotteries, on-line dating or introduction services, and requests from a «friend» in trouble. Identity theft involving ATMs and credit cards is widespread [3].

Official Ministry of Internal Affairs crime statistics indicate a decrease in all categories of violent crime in 2012, but show a significant increase in the occurrence of theft, burglaries, and fraud. The main foreign targets for property crime are longer-term residents including diplomats, business people, and persons with missionary groups and private voluntary organizations. Both violent and non-violent property crime affecting the resident expatriate community are vandalism, theft of personal property from parked vehicles, and residential burglaries [4].

While most foreigners do not encounter problems with violent crime in Ukraine, there is concern with racially-motivated attacks

carried out by individuals associated with neo-Nazi, skinhead, and extreme nationalists groups. Over the past few years, hate crimes directed against non-Slavic and religious minorities (especially members of the Orthodox Jewish community) increased through 2008, but have decreased in number in the last three years. Victims have reported verbal harassment and discrimination as well as physical assaults resulting in serious injuries and sometimes death. In 2009, a Caucasian U.S. citizen was assaulted on the Kyiv metro systems by a group of skinhead who had targeted the American's Korean companion for assault. In 2011, a U.S. citizen reported that he had been assaulted by an intoxicated individual in McDonalds in Kyiv, when he was mistaken to be Jewish. The police and government's slow response to hate scime is serious and continuing concern [2].

Should be mentioned, that such felony as kidnapping is not a common occurrence in Ukraine and is not considered a major security issue. There are no notable instances of kidnapping which occurred in 2010.

Combating narcotics and trafficking is a national priority, but limited resources hamper Ukraine's ability to effective counter this threat. Ukraine is not a major drug country, however, is not located astride several important drug trafficking routes into Europe. Ukraine's ports on the Black and Azov seas, it's extensive river transportation routes, it's porous northern and eastern borders, and it's inadequately financed Border and Customs Agencies make Ukraine an attractive route for drug traffickers. In recent years, Ukrainian Government law enforcement and security agencies, working with the U.S. Drug Enforcement Administration (DEA), counted hundreds of pounds of heroin being from Afghanistan to Europe via Ukraine's Black Sea ports, which serve as major transit points.

With the UEAFA Euro 2012 tournament that took place in Ukraine in summer in 2012, the Ministry of Internal Affairs had pledged to train large number of police officials to speak basic English, which is a positive development.

Endemic organized crime and corruption are major threats to the viability and stability of Ukraine. With political will, Ukraine could address it's domestic crime and corruption problem. The movement of criminals and criminal capital across borders means that the control of the problem is beyond the capacity of any single state. The viability of any domestic Ukrainian effort to combat organized crime is consistently undermined by the penetration of crime groups from Russia, the Baltics, and the Asian successor states [5].

Summing up, we should admit, that Mass Media can provide one of the most effective ways in corruption-fighting strategy. It is the best forum for an open discussion and the best instrument for he public officials not to take bribe. Only strong institutions of civic society and the good will of each citizen can challenge the corrupt state machinery.

Basing on the mentioned above, we can conclude, that the fight against crime has become a prior goal of state and law enforcement.

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LAW ENORCEMENT OF UKRAINE SHOULD FOLLOW FOREIGN EXPERIENCE

Law is all over, law is everywhere. It is an enduring presence in our lives. Like it or not, everything that individual does and makes up his daily activities is impacted or affected by the law.

When speaking about European and Ukrainian law we trace lots of differences. First of all, European law is one of the oldest in the world. It has its roots from ancient times and now takes leading positions for its democracy, equality, humanness.

European law is what it is thanks to the great experience. Europe gained it from different conflicts, disputes, which had taken place in our history, especially in the 20th century. After realizing all the catastrophes, problems, chaos and violence which were caused by nazi and fascist regimes, European countries decided to prevent similar things in future. So the 26th of June 1945 is the date of signing the statute of the Organization of United Nations by 50 countries. This event was like a push for making world more equal, fair, and humanness. In my opinion, another important event was adoption of the Universal Declaration of Human Rights on the 10th of December 1948 which totally fixed general concepts of natural law and set priority of rights and freedoms over power of the state. Since that time Europe has become the centre of justice and law making. So Ukraine has much to learn in legal sphere from Europe.

Ukraine must urgently reform its police force because they can't do all their duties and functions completely. It should be noted that by the orders of the President of Ukraine it has been introduced an evaluation of the work of internal affairs organs under the new criteria, which are to eliminate wrong practice of artificial reduction of the number of registered applications and the reporting of crimes, hiding them from the account to create a mock prosperous indicators of operational service activities. The rules of law, defined in Art. 1 of the Constitution of Ukraine requires profound changes in social and political relations in a society that provides for the improvement of law enforcement as one of the guarantors to ensure successful implementation of these processes.

Scientists are exploring the efficiency of management in terms of its implementation mechanism that allows solving relevant problems. As practice shows, among the most important management problems that hinder performance and further development of the Ministry, the following items are included below:

– inadequate organizational and functional mechanism;

– Ineffective planning and inspection activities of the Ministry;

– lack of operating criteria of the police in combating crime and maintaining public order;

– weak interaction between the departments of Ministry of Internal Affairs with other law enforcement agencies and public authorities;

– inadequate training, retraining and further training of staff.

The development of theoretical and methodological foundations of internal affairs bodies of Ukraine, as well as issues related to

increasing its efficiency, are devoted in the works of scientists: O. Bandurka, A. Vasylyeva, A. Komzyuka, O. Negodchenko, O. Ostapenko, V. Plishkina, A. Ryabchenko, V. Shkarupa and many others.

The study of the history of law enforcement and the adoption of a positive experience in organizational structure and functioning of the police of foreign countries becomes especially important in order to identify ways of using it to reform the internal affairs of Ukraine taking into account the national peculiarities of our country. At the same time, the implementation of the specified process should not disagree with certain reforms, economic and political systems, as well as parliamentary, administrative, municipal and other components of the state and legal reform.

Today EU law enforcement can be divided into Members State police of each country and Europol. General law enforcement agency handles criminal intelligence. Its aim is to improve the effectiveness and co-operation between the component authorities of the Member States in preventing and combating all forms of serious international organized crime and terrorism. The mission of Europol is to make a significant contribution to the European Union's law enforcement action against organized crime and terrorism with an emphasis on targeting criminal organizations.

Nowadays the level of crime in Europe is less than it was earlier and it is small in general comparison. Police work in European countries is based primarily on prevention of crime because crime is easier to prevent than to reveal. So Ukraine must urgently achieve improvements in the functioning of the internal affairs of the most important areas of operational performance, primarily in the fight against crime and its prevention, and improving the state of public law and order throughout the state. Besides, the reforming process should restore and maintain proper police prestige in the society. Finally, it is important to achieve the main goal of the reform and develop the bodies of internal affairs into the formation of a perfect system to bring it to European standards, which allows to protect the security of individuals, society and state from criminal encroachments, to feel a real improvement of public safety.

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USING MODERN TECHNOLOGICAL APPLIANCES IN EDUCATION: RESUMPTIVE REVIEW

Improving education is a huge issue and always has been. Test scores, our perceived performance against other countries, and other factors have pushed education to the forefront of national politics, right behind healthcare reform. Technology can be used to improve teaching and learning and help our students be successful.While smaller schools and class sizes are always desired, technology can not do that physically. However, technology can be a «force multiplier» for the teacher. Instead of the teacher being the only source of help in a classroom, students can access web sites, online tutorials, and more to assist them. Education doesn't stop at the end of the school day because students have access to teachers, resources, and assignments via the web and access these resources at any time. Students can also get help and tutoring at any time, whether from the teacher via email or online collaboration, or from a help web site.There are a few ways of improvingyour English by technologies:

– *Better Simulations and Models*

While a tuning fork is a perfectly acceptable way to demonstrate how vibrations make sound, it's harder to show students what evolution is, how molecules behave in different situations, or exactly why mixing two particular chemicals is dangerous.

Digital simulations and models can help teachers explain concepts that are too big or too small, or processes that happen too quickly or too slowly to demonstrate in a physical classroom.

The Concord Consortium, a non-profit organization that develops technologies for math, science and engineering education, has been a leader in developing free, open source software that teachers can use to model concepts. One of their most extensive projects is the Molecular Workbench, which provides science teachers with simulations on topics like gas laws, fluid mechanics and chemical bonding. Teachers who are trained in the system can create activities with text, models and interactive controls. One participant referred to the project as «[Microsoft] Word for molecules».

Other simulations the organization is developing include a software that allows students to experiment with virtual greenhouses in order to understand evolution, a software that helps students understand the physics of energy efficiency by designing a model house, and simulations of how electrons interact with matter.

– *Global Learning*

At sites like Glovico.org, students can set up language lessons with a native speaker who lives in another country and attend the lessons via videoconferencing. Learning from a native speaker, learning through social interaction, and being exposed to another culture's perspective are all incredible educational advantages that were once only available to those who could foot a travel bill. Now, setting up a language exchange is as easy as making a videoconferencing call.

– *Virtual Manipulatives*

Let's say you're learning about the relationship between fractions, percents and decimals. Your teacher could have you draw graphs or do a series of problems that changes just one variable in the same equation. Or he could give you a «virtual manipulative» like the one above and let you experiment with equations to reach an understanding of the relationship. The National Library of Virtual Manipulatives, run by a team at Utah State University, has been building its database of these tools since 1999.

«You used to count blocks or beads,» says Lynne Schrum, who has written three books on the topic of schools and technology. «Manipulating those are a little bit more difficult. Now there are virtual manipulative sites where students can play with the idea of numbers and what numbers mean, and if I change values and I move things around, what happens».

– *Probes and Sensors*

About 15 years ago, the founders of the Concord Consortium took the auto focus sensor from a Polaroid camera and hooked it up to a computer graph program, thereby creating the ability to graph motion in real time. Today there are classrooms all over the world that use ultrasonic motion detectors to demonstrate concepts.

«I've taught physics before, and you spend a lot of time getting these ideas of position, and what is velocity, and what does motion really mean and how do you define it,» says Chad Dorsey, the president and CEO of the Concord Consortium. «And you end up spending a lot of time doing these things and trying to translate them into graphs. You could spend a whole period creating a graph for an experiment that you did, and it loses a lot of meaning in that process. By hooking up this

ultrasonic motion detector to a graph right away…it gives you a specific real-time feel for what it means to move at faster rates or slower rates or increasing in speed or decreasing in speed and a much more foundational understanding of the topic than you could ever get by just drawing the graph by hand.»

Collecting real-time data through probes and sensors has a wide range of educational applications. Students can compute dew point with a temperature sensor, test pH with a pH probe, observe the effect of pH on an MnO3 reduction with a light probe, or note the chemical changes in photosynthesis using pH and nitrate sensors.

– *More Efficient Assessment*

Models and simulations, beyond being a powerful tool for teaching concepts, can also give teachers a much richer picture of how students understand them.

«You can ask students questions, and multiple choice questions do a good job of assessing how well students have picked up vocabulary,» Dorsey explains. «But the fact that you can describe the definition [of] a chromosome … doesn't mean that you understand genetics any better … it might mean that you know how to learn a definition. But how do we understand how well you know a concept?»

In Geniverse, a program the Concord Consortium developed to help students understand genetics by «breeding» dragons, teachers can give students a problem that is much more like a performance assessment. The students are asked to create a specific dragon. Teachers can see what each student did to reach his or her end result and thereby understand whether trial-and-error or actual knowledge of genetics leads to a correct answer.

The organization is also developing a program that will help teachers collect real-time assessment data from their students. When the teacher gives out an assignment, she can watch how far along students are, how much time each a spends on each question, and whether their answers are correct. With this information, she can decide what concepts students are struggling with and can pull up examples of students' work on a projector for discussion.

«What they would have done in the past is students would make a lab report, they'd turn it in, the teacher would take a couple of days to grade it, they'd get it back a couple of days later, and two to three days later they'd talk about it,» Dorsey says. «But they've probably done a couple of lessons in between then, [and] they haven't had time to guide the students immediately as they learned it.»

– *Storytelling and Multimedia*

Knezek recently saw a video that was produced by a group of elementary students about Bernoulli's Principle. In the video, the students demonstrated the principle that makes flight possible by taking two candles and putting them close together, showing that blowing between them brings the flames closer together. For another example, they hung ping pong balls from the ceiling and they pulled together.

«With a simple assignment and access to technology, researching and also producing a product that would communicate, they were able to do deep learning on a concept that wasn't even addressed in their textbook, and allow other people to view it and learn from it», Knezek says.

Asking children to learn through multimedia projects is not only an excellent form of project-based learning that teaches teamwork, but it's also a good way to motivate students who are excited to create something that their peers will see. In addition, it makes sense to incorporate a component of technology that has become so integral to the world outside of the classroom.

«It's no longer the verbal logic or the spoken or written word that causes people to make decisions,» Knezek says. «Where you go on vacations, who you vote for, what kind of car you buy, all of those things are done now with multimedia that engage all of the senses and cause responses».

– *E-books*

Despite students' apparent preference for paper textbooks, proponents like Daytona College and California Gov. Arnold Schwarzenegger are ready to switch to digital. And electronic textbook vendors like CourseSmart are launching to help them.

E-books hold an unimaginable potential for innovating education, though as some schools have alreadydiscovered, not all of that potential has been realized yet.

«A digital textbook that is merely a PDF on a tablet that students can carry around might be missing out on huge possibilities like models and simulations or visualizations,» Dorsey says. «It takes time and it really takes some real thought to develop those things, and so it would be easy for us as a society to miss out on those kinds of opportunities by saying, 'Hey look, we're not carrying around five textbooks anymore. It's all on your iPad, isn't that great?'»

– *Epistemic Games*

Epistemic games put students in roles like city planner, journalist, or engineer and ask them to solve real-world problems. The

Epistemic Games Group has provided several examples of how immersing students in the adult world through commercial game-like simulations can help students learn important concepts.

In one game, students are cast as high-powered negotiators who need to decide the fate of a real medical controversy. In another, they must become graphical artists in order to create an exhibit of mathematical art in the style of M.C. Escher. *Urban Science*, the game featured in the above video, assigns students the task of redesigning Madison, Wisconsin.

«Creative professionals learn innovative thinking through training that is very different from traditional academic classrooms because innovative thinking means more than just knowing the right answers on a test,» explains The Epistemic Games Group's website. «It also means having real-world skills, high standards and professional values, and a particular way of thinking about problems and justifying solutions. Epistemic games are about learning these fundamental ways of thinking for the digital age.»

In conclusion, I would like to say that these technologies are redefining education. Money is always an issue in education and technology can help. Virtual field trips, electronic forms instead of paper, email instead of printed memo's, virtual labs, electronic textbooks, and the thousands of free online resources can all save schools money and give students excellent educational experiences.

In my opinion, teachers can use technology to find resources and attend virtual professional development seminars and conferences (most are free). They can also create personal learning networks (PLN) with Ning, Twitter, and other resources to find and share ideas and resources, and get support from their colleagues.

Technology can give teachers and students great resources, new opportunities for learning, ways to collaborate and create, and save money. Technology is a very powerful tool for education.

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PROBLEMS OF FIRE SAFETY IN THE WORLD AT THE END OF THE 20th CENTURY

The history of human civilization is inseparably connected with the achievements of humankind in handling fire, more precisely, to control the burning processes. Since people understand to initiate burning processes, the utilization of fire was more and more involved into production processes; the human culture grew and guided the peoples on earth towards our today's civilization.

The so called Stone Ages came to an end about 6,000 years ago, followed by more than two million years of human development – the Copper-Age, the Bronze Age, and the Iron Age, that means the different periods of human development connected with the emergence and development of metallurgy: copper – 4,000 B.C., bronze – from the end of the 4th millennium B.C. to the beginning of the V millennium B.C., and finally iron – from the Is' millennium B.C. on. The discovery and application of iron provided an important – perhaps the decisive – incentive for the development of means of production and thus significantly accelerated the development of humankind.

There is no doubt at all that controlled burning processes greatly stimulated the development of engineering, technology, science, but also of arts (as to mention the bronze sculptures of Old Greece and Old Rome or the metal jewellery of several old cultures).

However, the utilization of burning processes and their increasing importance as a main factor influencing the development of all cultures around the world also confronted the humankind with the negative sides of their own achievements – as this was often the case. Frequently and for various reasons – mostly caused by human lapses or even malevolence – burning processes in household or production got out of control and caused effects that were contradictory to the interests of the society. These effects, shortly named fires, caused large material losses and many human tragedies.

The uncontrollable burning processes (fires) forced the humankind to develop special incisures, methods and tools related to

avoiding the emergence of fires and to fighting fires. This was necessary due to the fact that in history a uncontrolled fire was dangerous not only for an individual person, but for all people living in the respective settlements.

To illustrate the situation, we remember the following historical facts, thus providing a picture of the millennium-old processes of human dealing with the phenomenon of «fire». We follow the categorization of fire-fighting and fire protection development into four stages, as proposed by Effenberger:

1st stage – prior to invention of the hand splashes; 2nd stage – from the invention of the hand splashes up to its completion by wind cap and hoses (1672); 3rd stage – fire protection prior to the foundation of professional fire brigades in the mid of the 19th century; 4th stage – modern times [1;67].

In 356 B.C., the Greek HEROSTRAT set alight the Temple of Artemis in Ephesos, to eternalize his name in human history. In the year 70 B.C., a horrible fire storm ravaged in the city of Rome – whole districts were ruined by tire.

In 47 B.C., a large fire destroyed the famous library of Alexandria (0.5 million handwritten books got lost forever).

In 1666, during a large fire in London, a major part of the English capital was destroyed.

In 1812, two third of the city of Moscow burned down. Many cities were repeatedly ruined by fire during their history. These catastrophes were often caused by improvidence, arson or war conflicts.

The book «World in Flames», published in 1913, describes the fate of hundreds of cities marked by fires. In the Second World War, the American Air Force laid in ruins the city of Dresden.

Mid of the 20tb century, computer centers, nuclear power station and space crafts appeared on earth – celebrated as technical progress.

Nevertheless, these objects than were also affected by fires – thus highlighting how far humankind is from the solution of problems related to fires, as often the consequences of such fires were disastrous. It shall be stated that the fight against fires has been a serious problem for the society for a long time and its solution is a want, better a must.

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AUSTRALIA: HISTORY, CULTURE, ETYMOLOGY

In our article we outline the historical and cultural peculiarities of Australia as one of the English-speaking countries. The object of our research is Australia with its history, culture and etymology.

Australia is a country comprising the mainland of the Australian continent, the island of Tasmania, and numerous smaller islands. Australia has no official language, English has always been entrenched as the de facto national language.

Canberra is the capital of Australia. The name Australia is derived from the Latin australis, meaning «southern». The country has been referred to colloquially as Oz since the early 20th century. Aussie is a common colloquial term for «Australian». In neighboring New Zealand the term «Aussie» is sometimes applied as a noun to the nation as well as its residents. Legends of Terra Australis Incognita – an «unknown land of the South» – date back to Roman times and were commonplace in medieval geography, although not based on any documented knowledge of the continent. Following European discovery, names for the Australian landmass were often references to the famed Terra Australis. The first map on which the word Australia occurs was published in St Petersburg in 1824. It is in Krusenstern's «Atlas de l'Océan Pacifique.

The first inhabitants of Australia were the Aborigines who migrated there at least 40000 years ago Southeast Asia. There may have been between a half million to a full million Aborigines at the time of European settlement, today about 350, 000 live in Australia.

Dutch, Portuguese and Spanish ships sighted Australia in the 17th century.

The name Australia was popularized by the explorer Matthew Flinders, who pushed for it to be formally adopted as early as 1804.When preparing his manuscript and charts for his 1814 Voyage to terra Australis, he was persuaded by his patron, Sir Joseph Banks, to

use the term Terra Australis as this was the name most familiar to the public.

At this time Australia is a highly developed country and one of the wealthiest. Australia is the world's 12th largest economy and has the word's fifth highest per capita income. Australia's military expenditure is the 13th – largest.With the second-highest human development index globally, Australia ranks highly in many international comparisons of national performance, such as quality of life, health, education, economic freedom and the protection of civil liberties and political rights.

Although Australia has no official language, English has always been entrenched as the de facto national language. Australian English is a major variety of the language with a distinctive accent and lexicon. General Australian serves as the standard dialect. Spelling is similar to that of British English with a number of exceptions. According to the 2011 census, English is the only language spoken in the home for close to 81% of the population. The next most common languages spoken at home are Mandarin (1.7%), Italian (1.5%), Arabic (1.4%), Cantonese (1.3%), Greek (1.3%), and Vietnamese (1.2%); a considerable proportion of first- and second-generation migrants are bilingual. A 2010–2011 study by the Australia Early Development Index found the most common language spoken by children after English was Arabic, followed by Vietnamese, Greek, Chinese, and Hindi.

Australia's national flag comprises the Union Jack, the Commonwealth Star, and the Southern Cross.

Britain's Statute of Westminster 1931 formally ended most of the constitutional links between Australia and the UK. Australia adopted it in 1942, but it was backdated to 1939 to confirm the validity of legislation passed by the Australian Parliament during World War II. The shock of the United Kingdom's defeat in Asia in 1942 and the threat of Japanese invasion caused Australia to turn to the United States as a new ally and protector. Since 1951, Australia has been a formal military ally of the US, under the ANZUS treaty. After World War II Australia encouraged immigration from Europe. Since the 1970s and following the abolition of the White Australia policy, immigration from Asia and elsewhere was also promoted. As a result, Australia's demography, culture, and self-image were transformed. The final constitutional ties between Australia and the UK were severed with the passing of the Australia Act 1986, ending any British role in the government of the Australian States, and closing the option of judicial appeals to the Privy Council in London. In a 1999

referendum, 55 per cent of voters and a majority in every state rejected a proposal to become a republic with a president appointed by a two-thirds vote in both Houses of the Australian Parliament. Since the election of the Whitlam Government in 1972,] there has been an increasing focus in foreign policy on ties with other Pacific Rim nations, while maintaining close ties with Australia's traditional allies and trading partners. Parliament House, Canberra was opened in 1988, replacing the provisional Parliament House building opened in 1927. Government House, Canberra, also known as «Yarralumla», is the official residence of the Governor-General.

Julia Gillard, Prime Minister of Australia since 2010

Australia is a constitutional monarchy with a federal division of powers. It uses a parliamentary system of government with Queen Elizabeth II at its apex as the Queen of Australia, a role that is distinct from her position as monarch of the other Commonwealth realms. The Queen resides in the United Kingdom, and she is represented by her viceroys in Australia (the Governor-General at the federal level and by the Governors at the state level), who by convention act on the advice of her ministers. Supreme executive authority is vested by the Constitution of Australia in the sovereign, but the power to exercise it is conferred by the Constitution specifically to the Governor-General. The most notable exercise of the Governor-General's reserve powers outside a Prime Minister's request was the dismissal of the Whitlam Government in the constitutional crisis of 1975.

The Royal Exhibition Building in Melbourne was the first building in Australia to be listed as a UNESCO World Heritage Site in 2004.

Since 1788, the basis of Australian culture has been strongly influenced by Anglo-Celtic Western culture.

So, as a conclusion we can say, that Australia is a very unique country due to its geographical position and the peculiarities of its governmental system.

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THE BORDER SECURITY TASKS TO COUNTERACT TERRORISM

The deliberate policies to open borders to promote changes within the system of border control at the beginning of the 21st century. Cross-border mobility has increased dramatically in Europe since the Schengen agreement. At the same time, the rise in legitimate border crossings has coincided with an enormous growth in illegitimate border crossings as millions of people seek entrance into the affluent countries of Western Europe and North America. Individuals cross the border not just at the physical perimeter of a country but also at airports. Therefore, the regulation of borders requires monitoring of all forms of crossings by all forms of transport. The increased movement of people and goods, one aspect of globalisation, has coincided with increasing economic and demographic disparity between developed and developing countries. There are powerful economic forces driving individuals from their homes in the developing and transitional world to the more affluent countries. Unable to enter the developed countries legally, there has been an enormous increase in transnational crime groups facilitating illegal immigration [2].

The growth of international terrorism whose targets often lie outside the terrorists' home country has placed enhanced emphasis on border control ever since the events of 11 September 2001. The rise of regional conflicts, network-based transnational crime, and terrorism, seriously undermine the ability of both weak and strong states to control their borders. However, the need to secure defensible borders is even more important as transnational criminals and terrorists have enormous motivation to cross the borders to realise their financial and/or political objectives. Therefore, there is a great disproportionality between those seeking to violate border regulation and the capacity of even the most affluent states to safeguard their borders. Thus the current border agencies including the State Border Guard Service of Ukraine work to establish meaningful border controls to realise their objectives in an era with great concerns about transnational crime and terrorism [1–2].

Certain categories of border areas are particularly vulnerable to the problems of transnational crime and terrorism. These include regions with:

1) lengthy exposed borders and/or a high volume of border crossings;

2) transitional states where the control mechanisms of the central state do not function effectively;

3) areas of great political or regional conflict or where the state has lost control over part of its territory;

4) countries with very high levels of corruption on at least one side of the border;

5) countries in which there is government complicity in transnational crime or terrorism [2].

Managing borders to prevent transnational crime and terrorism requires multifaceted strategies. These include not only addressing the terrorists who seek to enter, but the materials used to carry out their operations and the commodities and assets used to finance their operations. Enhancing physical controls is only part of the strategy [1]. Greater controls need to be placed on visa issuance as a form of border protection. In countries where potential terrorists can easily enter without visa scrutiny or by bribing border guards, terrorists can find a safe haven–a place to hide out or a base of operations to plan their activities in another country. The money for these pay-offs is often generated from illicit activities.

The movement of the terrorists is only one component of the terrorist act. Frequently significant materials must be transported including arms, nuclear materials, or the raw components for a bomb. Organised crime groups are important actors in the transport sector in many countries. Therefore, necessary links form between the terrorists and crime groups as they seek to move their commodities.

Terrorist activities do not require as much financing as a large-scale military engagement, but there are significant expenses to maintain terrorist cells, obtain intelligence and run operations. The activity which most often funds terrorist activities is the drug trade [2].

The control of potential terrorists, materials and the sources of terrorist financing are all needed if one is to successfully address terrorism. Yet they require different strategies to combat these problems at borders. Border patrol cannot simply be reactive; it must be informed by intelligence and a fuller understanding of terrorism and its diverse forms.

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FROM THE HISTORY OF WOMEN`S RIGHTS IN GREAT BRITAIN

For many years women had been battling for their rights. The time by the 19th century is the age of all forms of discrimination against women. Discrimination against women is defined as «any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field». It was required for them not only to condemn discrimination against women, but to embody the principle of the equality of men and women in their national constitution or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle.

Throughout the last 100–300 years the changes that women have seen and been affected by have been phenomenal. Women have gained a lot of ground in politics, the work force, and even more power within their own households. There was a time in history when women were unable to voice their opinion in politics being unable to cast a vote or run for office, and now in modern time there are more than one woman running in the presidential campaign.

Besides the bigger more noticeable changes that have widely affected the world, there has been a subtle change of the role women play in the household. Overtime women have gone from being the «housewife», or the primary homemakers and caretakers of the children while men earn the money. Now women and men can both be the bread winners, the stereotypical role place on women is slowly dissolving and both spouse and parents are sharing the responsibilities that come with the house and family.

The 19th century can be called the century of great change in Great Britain. In the 19th century women were given a wide range of rights and freedoms:

In 1839, a law was passed which stated that if a marriage broke down and the parents separated, children under seven years of age should stay with their mother.

In 1857, women could divorce husbands who were cruel to them or husbands who had left them.

In 1870, women were allowed to keep money they had earned.

In 1891, women could not be forced to live with husbands unless they wished to.

In the later years of the nineteenth century, women wanted one very basic right – the right to vote. This was strictly known as the right of suffrage (the right to vote) and the group that fought most for this right became known as the Suffragettes.

The move for women to have the vote had really started in 1897 when Millicent Fawcett founded the National Union of Women's Suffrage. «Suffrage» means the right to vote and that is what women wanted – hence its inclusion in Fawcett's title.

The original movement for women's political rights was a non-violent one lead by Millicent Fawcett. Her movement was called the National Union of Women's Suffrage Societies. Fawcett believed in the power of change through persuasion. She argued that those women who had money and employed men as gardeners, cooks etc., were in the absurd position of note being able to vote yet those men employed in their employment did. Another of Fawcett's arguments was that those women that worked paid the same level of tax as men who were employed, but the men could vote and the women could not.

However, Fawcett's progress was very slow. She converted some of the members of the Labour Representation Committee (soon to be the Labour Party) but most men in Parliament believed that women simply would not understand how Parliament worked and therefore should not take part in the electoral process. This left many women angry and in 1903 the Women's Social and Political Union was founded by Emmeline Pankhurst and her daughters Christabel and Sylvia. They wanted women to have the right to vote and they were not prepared to wait. The Union became better known as the Suffragettes. Members of the Suffragettes were prepared to use violence to get what they wanted.

The First World War strongly influenced the development of women's rights in 20th-century Britain. It opened up new employment opportunities for many women, who replaced the millions of men sent to fight on the Western Front and elsewhere. Jobs in munitions factories, transport and other key areas that had been dominated by men now became increasingly feminized, and under the Representation of the People Act (1918) the franchise was for the first time extended to women.

In political terms, the war helped to revive the women's movement. In particular, the growing consensus in favour of social and welfare reform – as proposed by the Beveridge Report (1942) and the Education Bill (1944) – allowed organizations such as the Equal Pay Campaign Committee to remind the public of ongoing inequalities in the treatment of men and women.

However, no great reforms were enacted between 1939 and 1945 to give an institutional basis to the idea of equality in the workplace. Politicians used delaying tactics to sink the equal pay campaign. Old prejudices about women's working capabilities were alive and well, particularly in the armed forces – home to 470,000 servicewomen during the war. Even progressive measures such as the Beveridge Report were by no means feminist in their outlook. Beveridge himself believed that welfare reform would encourage motherhood, thereby increasing the size of Britain's population.

So, women have come a long way over time to achieve their goal, within a century they have achieved a lot and made a great contribution to the development of women rights and freedoms. They proved that women must have political, social, cultural, civil or any other rights, they proved that women's place not only on the kitchen, they proved, that women have the same rights as men. They believed in better future and hoped for a desert life with principle s of equality.

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THE PROBLEMS OF WATER RESCUE: SCUBA DIVING

Scuba Diving is becoming more popular every year. This pastime has been put to practical use by many rescue squads for underwater search and recovery. A discussion of the psychological and physiological aspects of SCUBA diving, together first aid care, is important in any rescue manual since victims of diving accidents may be encountered in any area.

The number of lives lost through drowning is increasing every year due to the greater number of people engaged in sports and recreation. If victim recovery is prompt and resuscitative measures taken, many lives may be saved.

When a man dives to even a moderate depth, most of the troubles he may encounter are caused by the air he breathes.

This incongruous statement is explained by the physical laws governing the behavior of air and water. Man is not an amphibious animal. Therefore, any time he goes beneath water, he must take his air supply with him. This air can be supplied through a hose or from tanks carried on the diver's back. As the diver descends into the water, pressure on his body increases nearly one-half pound for each foot of descent. At a depth of thirty-three feet, pressure on the diver amounts to two atmospheres or 29.4 psi (pounds per square inch); at sixty-six feet, pressure increases to three atmospheres or 44.1 psi. Therefore, every thirty-three feet of additional depth will subject the diver's body to an increased pressure of 14.7 psi. The air he breathes must be supplied at the same pressure as the water pressure at the depth the diver has reached. The most significant single cause of a diver's difficulties arises from the fact that air is compressible and water is incompressible [2].

All gases are compressible and follow Boyle's Law, which states that at a constant temperature, the volume of a gas is inversely proportional to the pressure. This means that if pressure on the gas is doubled, volume is decreased to one-half; also, the converse is equally true and a decrease in pressure will result in a corresponding increase in volume. This law is of fundamental importance to a diver because it relates the quantity of air in his cylinders to the depth and duration of the dive.

When a mixture of gases is under pressure, each gas exerts a «partial pressure» in proportion to its percentage of the mixture.

Thus the partial pressure of nitrogen in the air at atmospheric pressure is 14.7 x 78/100, which equals 11.8 pounds per square inch. An increase in the overall pressure of a mixture of gases increases the individual partial pressure of each gas in the mixture. Thus, if the air pressure is doubled to two atmospheres, the partial pressures of all the constituent gases will be doubled, partial pressure for nitrogen in this case being 23.6 psi. When calculating partial pressures the absolute, not the gage, pressure of the gas should be used [1].

In effect, this law means that if air at atmospheric pressure contains one percent carbon monoxide, when the air is compressed to a pressure of two atmospheres the toxic effect on the body will be the same as atmospheric air containing two percent of the gas. The same rule applies to all mixtures of gases.

If the volume of a gas is kept constant and the pressure in it is increased, such as when charging cylinders, the temperature of the gas will rise: similarly, if the pressure in it is reduced the temperature will fall.

If a gas is brought into contact with a fluid, such as air in the lungs coming in contact with the blood, some of the gas will be absorbed by the fluid. The rate of absorption depends on many factors, but the quantity absorbed will vary in proportion to the pressure of the gas, increasing when this pressure is increased until equilibrium is obtained, and being liberated from the fluid when the pressure is decreased.

This gas laws account for many of the physical and physiological problems associated with diving; knowledge of them will help understand the effects of breathing compressed air.

A difficult problem to evaluate and handle is the psychological aspect of diving. Any psychological disorder, history epileptic episodes, losses of consciousness from any cause, or any known neurological disorder makes diving highly inadvisable. Individuals who tend to panic in emergencies may find occasion to do so diving. Any recklessness or emotional instability in a diver is a serious liability for his companions as well as for himself.

Diving in really low visibilities can be thoroughly unnerving and must not be taken on lightly. The possibilities of developing claustrophobia (fear of being confined in limited spaces) are high, and, the risk of panic is always present. Underwater movements should be slow, deliberate, and exploratory. The man who is psychologically unsuited for such work must overcome the desire to try it for its glamorous aspects.

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PERSPECTIVES OF THE STATE BORDER GUARD SERVICE OF UKRAINE IN EUROINTEGRATON

Research carried out by analyzing the existing regulations that define organizational and legal framework of cooperation between

Ukraine and the EU in law enforcement practices and their implementation, theoretical understanding of numerous scientific papers in various fields of law, we came close to the number of conclusions, suggestions and recommendations in order to improve integration activities through enhancement and adaptation of national legislation in the field of law enforcement. The main ones are:

1. Ukraine-EU cooperation in law enforcement is an ongoing process that is characterized by certain achievements and the need for further continuation of the gradual integration of Ukraine into the European Union. Further cooperation should be conducted in the following areas: adaptation of Ukraine's legislation to EU, signing and ratification of agreements between Ukraine and the EU, the EU and third countries, the negotiation and conclusion of agreements on cooperation with Europol, increased participation of Ukraine in the European Community's Justice and home affairs, further establishing relations with the countries – members of the EU. In this connection certain directions require special attention Ukraine-EU cooperation in law enforcement that are authorized to sell units above law enforcement.

2. The executive power has had specific stages of development and currently consists of bodies of general competence (Verkhovna Rada of Ukraine, President of Ukraine, the Cabinet of Ministers of Ukraine), of special competence (Ministry of Foreign Affairs of Ukraine, Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine) of sectoral competence (Ministry of Economy of Ukraine and other ministries, central government and institutions). The main problem of the current functioning of the public authorities responsible for institutional support Ukraine's European integration remains the lack of a unified National Designated Authority, which must operate primarily on effective coordination of cooperation between Ukraine and the EU, including the law enforcement field. The agency must ensure coordination between existing agencies on European integration in general and cooperation in certain areas. Coordination of law enforcement agencies involved in cooperation with relevant EU bodies should be built on the principles of legality, procedural autonomy and accountability, coherence, active use of its own and international experience in this sphere of government.

3. Institutional support for Ukraine-EU cooperation in law enforcement covered the following phases: Phase I – 1991–1998 biennium (creating conditions for integration in law enforcement), Phase II – 1998–2001 (adoption of the Strategy of Ukraine's integration into the EU, the creation, liquidation and reorganization of existing

agencies involved in questions of European integration), stage III – 2001–2004, (creating coordination structures, adoption of the National Programme of Ukraine's legislation to EU (2004), the uncertainty in matters of EU-Ukraine cooperation in law enforcement); IV stage – 2004 – present (implementation of the National Programme of Ukraine's legislation to the EU).

4. It is reasonable to improve the efficiency of the state border by speeding up the process of demarcation of the state border of the Russian Federation and the Republic of Belarus, the creation of a modern integrated system of border and sovereignty of Ukraine in its exclusive maritime economic zone through upgrading departments of the state border of modern equipment, activation of involvement EU funds for technological upgrading border. Incomplete legal registration of the state border of Ukraine is a threat to national interests and national security of Ukraine, therefore there is an urgent need for optimal network points to a near their infrastructure and mechanism of functioning of the EU requirements, which will create favorable conditions for cross-border and cross-border cooperation. It is necessary to accelerate the process of border management reform through a transition from a system of border protection to effective border management system that will enhance law enforcement function of the State Border Guard Service.

5. Ukraine has no legal act that would provide the legal basis for migration policy of Ukraine, defined its goals and objectives, mechanisms and tools implementation framework for financial support. The Constitution of Ukraine demographic basis for regulating immigration processes are determined only by the laws of Ukraine, therefore there is an urgent need for making the mentioned law. The process of reforming the bodies responsible for migration policy should be conducted in parallel with the following measures: completion of a unified framework for all of the data on foreigners who have the right to enter the territory of the country, the right to work in Ukraine, are in the process of refugee status or they refused to grant him, violated the rules of stay in Ukraine illegally entered the territory of Ukraine and sent to the legislation of Ukraine, received temporary asylum in Ukraine. Creating such a database will coordinate the work of the competent authorities in the fight against illegal migration. The competent authorities need to assist the Government in making the State program of integrated border management and migration in Ukraine. In the process of adaptation of Ukrainian legislation to EU norms migration Cabinet of Ministers of Ukraine upon the submission of the States concerned should identify

goals and priorities in the field of migration because of their attachment to Plan, Plan Ukraine – EU Action in the field.

6. After the failure of Ukraine's commitments made when joining the Council of Europe (in 1995) requires accelerating the process of reforming the penitentiary service, including expedient creation of probation based on the positive experience of the EU.

7. Institutional support for the formation of a new or reorganization (improvement) of existing institutions (structures), as well as actions to improve performance require substantial improvement, since the main problem of this sector is the lack of effective coordination, the low level of legal, organizational and staffing. In fulfillment of law enforcement, which shall cooperate with the EU in law enforcement, you should consider the agencies that are authorized by the state to carry out a professional business activities aimed at protecting the constitutional order, the rights and freedoms of man and citizen, law and order through the use of forms and methods provided by the legislation of Ukraine. The entities that are currently engaged in direct cooperation in law enforcement include the Ministry of Internal Affairs of Ukraine, State Border Service of Ukraine, the State Department of Ukraine for Enforcement of Sentences, the Security Service of Ukraine.

8. The main directions of the state migration policy in the context of the European integration process of Ukraine should be: national security by establishing, inter alia, enhanced maritime control, construction of temporary detention of illegal migrants, establishing effective collaboration between migration control at the national and international levels.

9. The rocess of negotiations on the Strategic Agreement between Ukraine and Europol Requires urgent completion, which will sign a cooperation agreement with Europol and will bring some changes in the structure of the Interior Ministry in connection with the creation of a separate business unit.

These findings, proposals and recommendations are aimed at improving the activities in Ukraine-EU cooperation in law enforcement field. In the case of implementation the effectiveness of our country integration into the European space can be enhanced and improved in the field of law enforcement cooperation.

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CENTRAL GOVERNMENT FUNCTIONS IN GREAT BRITAIN

In general terms it is possible to distinguish between those administrative agencies responsible for the initiation of governmental or other administrative action and those which are adjudicative agencies in that they are responsible for the adjudication or resolution of disputes arising from administrative action. Central government departments, local authorities and some public corporations are prime examples of those agencies which initiate governmental or other administrative action. Administrative tribunals and inferior courts are those bodies most obviously responsible for the adjudication of administrative disputes. However, there is no rigid division between these categories since some central government departments in particular act as adjudicative agencies. Where this is the case and a central government department is given the responsibility for adjudication, this is almost always an indication that there is a significant policy element in the decision-making process. An important example occurs in the Town and County Planning Act 1990 which empowers local authorities and the Secretary of State for the Environment to control most uses of land by the statutory requirement that if a person wishes to carry out 'development' on land, he is normally required to apply to the local planning authority for planning permission to enable (say) the building of houses or some material change in the use of the land such as the storage of motor vehicles on land hitherto used for agricultural purposes. Each local planning authority is obliged to make a policy which provides an element of

guidance for some of the important decisions that have to be made on applications for planning permission. Some of these policies must be approved by the Secretary of State who is able to impose his own policy preferences for which he is in turn responsible to Parliament. While the Secretary of State can take the initiative in requiring a planning policy to be made, he remains responsible for the adjudication of planning disputes where, in particular, the local planning authority refuses to grant planning permission from which decision he has to decide any appeal undertaken by the disappointed applicant.

From the foregoing it has been seen that it is the policy element which usually characterizes the various administrative functions which are conferred on central government departments. It is this policy element which often explains the nature of the powers conferred by statute on government departments. Whether a government department is required to initiate administrative action, to control other administrative agencies in their performance of various statutory functions or to act as an adjudicative agency from a decision of another administrative agency, such functions are usually defined in terms of discretion, as illustrated in the earlier reference to s 68 of the Education Act 1944. The essence of any such discretion is that the administrative agency has the opportunity to make a choice of action to take as long as that choice is made within the limits of the statutory powers concerned. Therefore, the Secretary of State for Education could not use his s 68 powers for a purpose unconnected with education. The opportunity to choose a course of administrative action is clearly important where the administrative agency is charged with the function of initiating such action. Equally, it is a matter of importance that there should be some guidance in the exercise of the discretion. Consequently, if the performance of some statutory function depends on the availability of finance, a policy would enable the definition of priorities where such finance is scarce.

Although it is the policy element which usually determines whether a function goes to a central government department or is subject to some control from the same direction, there are other variables which go to make up the picture. For example, there may be a measure of political sensitivity associated with some administrative decisions, for example, in which case such decisions will probably remain with a government department rather than being conferred on an administrative tribunal or some other adjudicative body. A good illustration arises from the context of immigration control under the Immigration Act 1971 where one crucial area of control remains exclusively with the Home Secretary, namely, the question of whether a person's presence in the UK is 'conducive to the

public good'. In some cases a function clearly has some local dimensions in which case the option may be between the function being conferred on the relevant local authorities or a local regional division of a particular central government department. Clearly, in these circumstances the option will be between two democratically accountable bodies, that is, the council of a local authority and the relevant minister of the Crown. Whichever option is chosen may depend on factors such as the need to retain a strong central government policy influence, e.g. in the case of the various localized statutory functions of the Department of Health and Social Security, or the need to recognize local sensitivity and expertise, e.g. in the case of town and country planning. Even with this latter case and in similar areas such as education it is clear that central government control is not lacking.

Where a statutory function has been conferred on a central government department, it has been seen that there will almost certainly be a policy element involved in that function. This will be true whether the function relates to a decision on whether secondary education should be reorganized or a decision on the question of whether a compulsory purchase order should be confirmed. In both cases and in many others the decision of the responsible minister may be dominated by the need to reconcile any matter of policy with the individual rights and interests of those affected by any proposed action involving (say) the confirmation of proposals for the introduction of comprehensive education or the confirmation of a compulsory purchase order. Is the need for more housing land locally and nationally outweighed by the fact that land contained in the local authority's compulsory purchase order is good quality agricultural land, efficiently farmed by the principal objector to the order? It is this crucial question which can receive close scrutiny, before the minister takes the final decision, through the medium of a public, statutory inquiry. Such an inquiry is provided for by many statutes prescribing administrative action by a minister of the Crown, whether based on local authority proposals or not. As such it is a fundamentally important part of the bureaucratic process. Indeed, in the area of town and country planning it is the case that many planning appeals are now decided by the minister's inspector who conducts the inquiry, so expediting decision-making.

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COMPUTER SAFETY

Using a computer is not generally thought of as being one of the most hazardous activities to engage in. Yet health and safety risks do exist for both adults and children.

While the internet serves as a wonderful educational tool, it is an unregulated one and teachers, parents and children should be aware of the inherent dangers of using the World Wide Web. Caution needs to be exercised to ensure that children do not access unsuitable adult material on the internet: home/school internet contracts should be in place; preview internet material to be used for schoolwork; computers should be placed in public areas and screen content should be visible to everyone; teach children how to use the internet safely and warn them of the potential dangers of unsuitable sites and chat rooms; advise children never to give out personal details on the internet; have clear penalties in place for misuse of the internet.

Many schools now have their own websites. Within the school website ensure that no individual child could be identified and subsequently contacted by visitors to the site.

Accidents involving computers are increasing year after year as more people use computers both at work and at home. In 1998 around 1,500 people in the UK went to hospital as a result of an accident in the home involving a computer. To give some examples:

– A six-year-old boy suffered burns from a fire caused by spilling a drink on a computer

– A nine-year-old boy suffered a head injury after a computer stored on top of a wardrobe fell on him

– A nine-year-old girl was treated for bruising after falling down the stairs while attempting to move her computer

– A 15-year-old boy needed treatment for cuts after he threw his arms up in the air after winning a computer game and then brought his arm down on a glass on the desk

– An 18-year-old man suffered the effects of an electric shock whilst setting up his computer

– A 38-year-old man suffered a sprained wrist after playing computer games for five hours.

Computers should not be seen as toys but as items of electrical equipment to be treated with respect. Tips to minimize the risk of a computer-related accident: site your computer near an electric socket to avoid trailing wires across the floor; if you use an extension cable make sure it doesn't overheat and nobody can trip over it; take care not to overload electric sockets; use trailing multi-socket units rather than plug adapters; always follow installation and service instructions in your computer guidebook closely. If in doubt, leave it to the experts; electricity and water do not mix – keep drinks and plants well away from computers; regularly check all electrical equipment for damaged plugs or frayed cables; computers are large and bulky pieces of equipment, move them only if you feel confident in doing so, and with care, especially up and down stairs. Use a trolley and a lift and ask for help. Do not allow children to move computers: do not allow children to play on or with computer swivel chairs; make sure the computer is sited in a position where you have plenty of room to move and to get out of the room in an emergency. There are a number of health risks from using computers, most of which can be minimized or eliminated by awareness of the risks and by following advice available.

RSI results from performing repetitive movements, e.g. using the mouse, for a long period of time. The following tips are among many that will help you to avoid RSI:

– Organize workloads to avoid using the computer for extended periods of time

– Your screen, keyboard and mouse should be directly in front of you

– Using document holders avoids having to lean over and bend your neck while looking at paperwork

– Make sure the space underneath your desk is free from clutter and your legs have room to move

– Use your mouse as close to the keyboard as possible

– Adopt good posture while at the computer

– Know how to adjust your chair to the most comfortable position

– Minimize head and neck movements by altering the height of your monitor

– Small people and children should use footrests

– Wrist rests are not for use while typing, but for resting the wrists between spells of typing.

Working for long periods of time on the computer can strain your eyes or can worsen existing eye conditions. Symptoms include eye

discomfort, headaches, itchy eyes and difficulty in focusing. It is important to rest the eyes while working on the computer. Regularly look at more distant objects, e.g. use thinking time to look out of the window, and take frequent breaks from computer work. Visit the optician for regular eye check-ups and make sure you tell them if you are a frequent computer user. Computer work can be stressful. Take frequent breaks and avoid work overload.

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CRIMINAL GANGS

It is common knowledge that gang is a group of people organized for a common purpose, often criminal. But the term «gang» has no fixed legal meaning. Definitions of gangs have varied over time, according to the perceptions and interests of the definer, academic fashions, and the changing social reality of the gang. Once even defined as «play groups» the term gang has increasingly taken on pejorative connotations. In the most recent view, gangs are considered more pathological than functional organizations, so that the term has become almost synonymous with violent and criminal groups. Therefore, inherent in most recent definitions of a gang is the idea of criminality. Under one definition, a group is considered a gang if it has a formal organizational structure, identifiable territory, and recurrent interaction, and is engaged in serious or violent criminal behavior. For example, «criminal street gang» is defined as an ongoing organization, association, or group of three or more persons whose primary activities include the commission of one or more serious or violent criminal acts; that has a common name or identifying sign or symbol; and whose members individually or collectively have engaged in a pattern of criminal gang activity» [3]. Modern criminal gangs are largely urban and highly organized. Adolescent gangs before World War II were generally poverty-area recreational groups that turned to crime under the influence of adult gangs. Often the groups were rehabilitated through recreational leadership and guidance, in community centers. In the late

1940s fighting gangs arose in the property areas of most large cities, and they constitute a continuing problem. Uniting to seek security and status in a discouraging environment, the young members divide their neighborhoods into rival territories and amass homemade and stolen weapons. Boundary violations or other insults invite intergang fights, in streets or parks. Most fighting gangs are organized intricately, with caste systems and with officers, including war counselors who arrange battles and prepare strategy; the gang may range in size from several members to over 100. Criminologists have investigated a number of factors related to the development of delinquent gangs. Among them are blighted communities, early school leaving, unemployment, family disorganization, neighborhood traditions of gang delinquency, and psychopathology. Another factor in gang development seems to be ethnic status. Most urban street gangs are composed of members of ethnic minorities; e.g., there are black gangs in Chicago, Mexican-American gangs in Los Angeles, Puerto Rican gangs in New York City, Arab gangs in Paris, Irish gangs in Liverpool, and Korean gangs in Tokyo [2].

Organized crime threatens peace and human security, violates human rights and undermines economic, social, cultural, political and civil development of societies around the world.

Organized crime, which is a social and political phenomenon to be found in virtually all the leading nations of the world, has also spread to the territory of Ukraine, and today it constitutes an extremely complex mechanism with a precise structure.

Organized crime may define as systematically unlawful activity for profit on a city-wide, interstate, and even international scale.

A criminal organization depends in part on support from the society in which it exists. Therefore, it is frequently expedient for it to compromise some of society's upright members – especially people in the judiciary, police forces, and legislature – through bribery, blackmail, and the cultivation of mutually dependent relationships with legitimate businesses. Thus a racket is integrated into lawful society, shielded by corrupted law officers and politicians – and legal counsel. Its revenue comes from narcotics trafficking, extortion, gambling and prostitution, among others.

At about the beginning of the seventies organized crime tended to be fairly covert in nature, finding expression above all in organized forms of professional criminal actions, the activities of «professional thieves» and in the formation and consolidation of a criminal class with its own ideology, its own structure and its own rules, which did not correspond to the laws and regulations established by society. The material foundation and the field of activities of organized crime in the

eighties was the shadow economy, which was able to survive in combination with selfish white-collar crimes, despite the threat of the draconic penalties by the state. Later an organized crime begin to penetrate into structures of the official economy and to legalize the capital acquired from crime by investing in the cooperative sector, by engaging in professional activities of its own, or in joint ventures, etc. [1]

Organized crime in its present form is characterized by an organic unity of offenders, the shadow economy and corruption. Corruption is one of the most destructive phenomena. White-collar crimes, disciplinary and other offences are closely connected with corruption.

A source of great concern is the problem of preventing and solving crimes connected with the blowing up and arson of vital facilities, homes and means of transport, aircraft hijacking, hostage taking, attacks on guarded premises including arsenals, administrative buildings, facilities belonging to the authorities responsible for law and order, and the murder of people in position of authority.

These terrorists' actions are often committed with the aim of doing panic and fear and exerting influence on the organs of the state so that decisions are made which benefit extremist groups and the bosses of the syndicates of organized criminals.

Weapons are being used more and more frequently to achieve political aims with assistance of illegal armed squads. Organized crime today is fighting to delimit its spheres of influence and to achieve integration with the foreign Mafia.

Transitional organized crime manifests in many forms, including as trafficking in drugs, firearms and even persons. At the same time, organized crime groups exploit human mobility to smuggle migrants and undermine financial systems through money laundering. The vast sums of money involved can compromise legitimate economies and directly impact public processes by «buying» elections through corruption. It yields high profits for its culprits and results in high risks for individuals who fall victim to it. Every year, countless individuals lose their lives at the hand of criminals involved in organize crime, succumbing to drug-related health problems or injuries inflicted by firearms, or losing their lives as a result of the unscrupulous methods and motives of human traffickers and smugglers of migrants [4].

Organized crime has diversified, gone global and reached macro-economic proportions; illicit goods may be sourced from one continent, trafficked across another, and marked in the third. Transitional organized crime can permeate government agencies and institutions, fuelling corruption, infiltrating business and politics, and hindering

economic and social development. And it is undermining governance and democracy by empowering those who operate outside the law.

The transitional nature of organized crime means that criminal networks forge bonds across borders as well as overcome cultural and linguistic differences in the commission of their crime. Organized crime is not stagnant, but adapts as new crimes emerge and as relationships between criminal networks become both more flexible, and more sophisticated, with ever-greater reach around the globe.

The perfection and the distinctly comparative nature of the activities of criminal structures requires the use of specific, varied ways of combating them by the forces of law and order.

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AMERICAN COURT HISTORY

There is no such thing as justice – in or out of court.
Clarence Darrow (American lawyer,
leading member of the American Civil
Liberties Union)

The First Amendment to the US Constitution states that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury … nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

The aim of the article is to deal with some facts pertaining to the history of the development of the court system in the United States. In order to understand how it works today it is necessary to know how it originated and developed during the centuries. There are many different kinds of courts in the United States. But courts at all levels dispense justice on a daily basis and work to ensure that all official actors in the justice system carry out their duties in recognition of the rule of law.

Two types of courts function within the American criminal justice system: (1) state courts and (2) federal courts. This dual-court system is the result of general agreement among the nation's founders about the need for individual states to retain significant legislative authority and judicial autonomy separate from federal control. Under this concept, the United States developed as a relatively loose federation of semi-independent provinces. New states joining the union were assured of limited federal intervention into local affairs. Under this arrangement, state legislatures were free to create laws, and state court systems were needed to hear cases in which violations of those laws occurred. The last 200 years have seen a slow ebbing of states' rights relative to the power of the federal government. Even today, however, state courts do not hear cases involving alleged violations of federal law nor do federal courts involve themselves in deciding issues of state law, unless there is a conflict between local or state statutes and federal constitutional guarantees. When that happens, however, claimed violations of federal due process guarantees – especially those found in the Bill of Rights – can provide the basis for appeals made to federal courts by offenders convicted in state court systems.

Each of the original American colonies had its own court system for resolving disputes, both civil and criminal. Prior to 1776 all American colonies had established fully functioning court systems. The practice of law, however, was substantially inhibited by a lack of trained lawyers. A number of the early colonies even displayed a strong reluctance to reorganize the practice of law as profession. A Virginia statute, for example, enacted in 1645, provided for the removal of «mercenary attorneys» from office and prohibited the practice of law for a fee. Most other colonies retained strict control over the number of authorized barristers (another name for lawyers) by requiring formal training in English law schools and appointment by the governor.

Following the American Revolution, colonial courts provided the organizational basis for the growth of fledgling state court systems. Since there had been considerable diversity in their structure of colonial courts, state courts were anything but uniform. Initially, most

states made no distinction between original jurisdiction, the lawful authority of a court to hear cases which arise within a specified geographic area or involve particular kinds of law violations, and appellate jurisdiction, the lawful authority of a court to review a decision made by a lower court. Many, in fact, had no provisions for appeal. Delaware, for example, did not allow for appeals in criminal cases until 1897. States that did permit appeals often lacked any established appellate courts and sometimes used state legislatures for that purpose.

By the late 1800s a dramatic increase in population, growing urbanization, the settlement of the west, and other far-reaching changes in the American way of life led to a tremendous increase in civil litigation and criminal arrests. Legislatures tried to keep pace with the rising tide of suits. They created a multiplicity of courts at the trial, appellate, and supreme court levels, calling them by a diversity of names and assigning them functions which sometimes bore little resemblance to like-sounding courts in neighboring states. City courts, which were limited to their jurisdiction by community boundaries, arose to handle the special problems of urban life, such as disorderly conduct, property disputes, and the enforcement of restrictive and regulatory ordinances. Other tribunals, such as juvenile courts, developed to handle special kinds of problems or special clients.

State court systems did, however, have several models to follow during their development. One was the New York State Field Code of 1848, which was eventually copied by most other states. The Field Code clarified jurisdictional claims and specified matters of court procedure, but was later amended so extensively that its usefulness as a model dissolved. Another court system model was provided by the federal Judiciary Act of 1789 and later by the federal Reorganization Act of 1801. States which followed the federal model developed a three-tiered structure of (1) trial courts of limited jurisdiction, (2) trial courts of general jurisdiction, and (3) appellate courts.

Thus, the information about the historical development of the court system in the USA makes it possible to understand its present organization and state.

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INTEGRATED BORDER MANAGEMENT: UKRAINIAN APPROACH

State Border Guard Service of Ukraine is the most proactive agency in comparison to other defense and law enforcement structures and it resolves from the military structure into law enforcement (police-type) body.

The main incentive for agency's development was its real depoliticization, institutional stability and large lobbying capacities. Since the end of 2001 till now M. Lytvyn has been working as a head of State border guard service of Ukraine. During all this time there were no substantial personnel convulsions concerning heads of departments – deputies Head that made provision for stable management and consistency in decisions implementation. Proximity to politicians, responsible for state decision-making let lobby all important legislative and budget initiatives that served as an impetus for reforms [3].

Besides, active international cooperation and interest of the EU and the USA in secure Ukrainian borders has become another precondition for reforms. Regular successful contacts and experience transfer among state officials of State Border Guard Service of Ukraine and their European colleagues has changed the attitudes to the system and practices of border defense. Great interest of the EU in reliable system of Ukrainian border defense across all its territory let foreign donors fully implement all the technical assistance programs.

Strong border management is vital for national and regional stability – as well as for economic growth. Good management of borders helps reducing the cross-border movement of illegal trafficking, drugs, militants, weapons and radioactive materials, while at the same time facilitating trade and legal movement of people.

However, many countries still face challenges in border management. These include issues on the delimitation and demarcation of borders, causing claims to neighbours' territories and disputes over

ownership of energy, land and water. Many countries also apply a military approach to border protection, with complex inspections and bureaucratic procedures. Security issues spill over to limit also legitimate trade [2].

Modern methods of border management can help countries overcome these challenges. Modern methods are also important for facilitating trade and transit in a region composed of land-locked countries. For instance, economic conditions in Central Asia remain difficult for many sections of the population, and people need to move as freely as possible in order to seek employment abroad or to access goods from abroad at the best possible price.

Integrated Border Management is the concept that the EU has embraced as the modern template for coherent and coordinated border management systems. The EU and UNDP have a long history of working together in integrated border management. Geographically, the partnership in this domain has specifically focused on Central Asia, the Caucuses and in some other parts of the former Soviet Union (Ukraine and Moldova) [3].

Efficient and effective border management will enable the citizens to live in an area of security and freedom, where citizens can travel more freely and where their businesses can operate more easily across borders, which are key prerequisites for economic growth and poverty reduction. Enhanced cross border flows will also support the development of more open societies with better understanding and tolerance of their neighbors and their cultural, religious and linguistic differences. At the same time, threats related to abuse of malfunctioning border management systems, such as smuggling of goods and trafficking in people, drugs, weapons etc. can be better addressed if authorities responsible for management of the crossing of state borders improve their exchange of information and co-operation [1].

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CURRENT OVERALL CRIME AND SAFETY SITUATION WITH FOREIGNERS IN UKRAINE

Ukraine continues to undergo significant economic, political and social transformation. Despite continued economic hardship and political changes, the overall number of crimes reported to U.S. Embassy in Kyiv continued to decrease slightly for some last years. While this is a positive trend, it remains a fact that Ukraine's resident expatriate community and visiting tourists, including American citizens, continue to be the target of street and property crimes. The crime situation in the capital of Ukraine and throughout the country is aggravated considerably by widespread corruption and inadequate law enforcement support. Unfortunately, there was no considerable improvement with regard to corruption or inefficiency in last years. Thus crime is expected to remain a serious problem in Ukraine.

When compared to other Eastern European cities, the criminal threat in Kyiv does not appear to be significantly different. Kyiv is a big city with big city problems. The patterns observed in crimes reported to the U.S. Embassy indicate a significant percentage of incidents transpired on public transportation or in locations frequented by large numbers of foreign tourists. These incidents tended to be non-violent as street criminals in Ukraine are not prone to violence. The majority of reported criminal activity consists of petty theft or fraud. Incidents of hate crimes directed against non-Slavic ethnic and religious minorities continue to decrease, but remain a concern. Violent crime directed against foreigners is relatively uncommon.

Short-time visitors, including tourists who may not be entirely familiar with local customs or fluent in Ukrainian or Russian, remain more susceptible to street crime and confidence scams and are more specifically targeted by criminals. The most common scam is so-called «Wallet Scam», when dropping a wallet a criminal wants to accuse a person picking up that wallet of stealing his money. Marriage and dating scams via the Internet are routinely reported. There have been numerous instances of American citizens being extorted for thousands of dollars by Internet contacts. Identity theft involving ATMs and credit cards is widespread.

Official Ministry of Internal Affairs crime statistics indicate a decrease in all categories of violent crime in recent years, but show a significant increase in the occurrence of theft, burglaries and fraud. The main foreign targets for property crime are longer-term foreign residents including diplomats, business people and persons with missionary groups and private voluntary organizations. The most common types of non-violent property crime affecting the resident expatriate community are vandalism, theft of personal property from parked vehicles and residential burglaries. Violent property crimes are less frequent.

According to the International Organization for Migration (IOM), Ukraine is one of the countries of origin of exploited labour in Europe. IOM indicates that since 1991 more than 110,000 Ukrainians have reportedly become victims of traffickers. The U.S. Department of State's *Trafficking in Persons Report 2012* states that traffickers are part of small organized crime networks, the majority of which are led by Ukrainians and their partners from Germany, Russia and Poland. Kidnapping is not a common occurrence in Ukraine and is not considered a major security issue.

According to the U.S. *International Narcotics Control Strategy Report 2012* Ukraine is not a major drug producing country, but it is an important transit country. It is located astride several important drug trafficking routes into Europe. Ukraine's ports on the Black and Azov Seas, its extensive river transportation routes, its porous northern and eastern borders, and its inadequately financed Border and Customs agencies make Ukraine an attractive route for drug traffickers. In recent years, Ukrainian Government law enforcement and security agencies, working with the U.S. Drug Enforcement Administration (DEA), seized hundreds of pounds of heroin being smuggled from Afghanistan to Europe via Ukraine's Black sea ports, which serve as major transit points. In 2011 the Ukrainian President stated that «organized drug trafficking has turned into a national threat». Combating narcotics trafficking is a national priority, but limited budget resources hamper Ukraine's ability to effectively counter this threat.

Ukraine is a part of the Organization for Democracy and Economic Development, which includes Georgia, Ukraine, Azerbaijan and Moldova (GUAM, June 2012). GUAM's Virtual Law enforcement Centre is a «collaborative effort to promote law enforcement cooperation between agencies of GUAM countries». Its projects include combating organized crime, illegal trafficking and terrorism, and other activities. In an effort to combat organized crime, Ukraine cooperates with other international organizations, such as the UN Office on Drugs and Crime, the Organization for Security and Co-operation in Europe (OSCE), and other international counterpart agencies in Western Europe, Eurasia and America.

Although criminal activity in Ukraine directed against foreigners is likely comparable with similar Eastern European countries, the underlying issue of why criminal activity remains a serious concern is due to some problems in the Ukrainian police enforcement system which does not meet U.S. and Western European standards to full extent.

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WHAT ARE THE ADVANTAGES AND DISADVATAGES OF NUCLEAR POWER?

The fear of nuclear accidents is often stated as a disadvantage of nuclear power; however, there are an advantage to nuclear energy starting with it is a major low cost source of power.

Energy

Nuclear power is a potential source to fill many of our energy needs. France generates 78% percent of its energy through nuclear reactors, demonstrating how important it can be as an energy source. As we use up more and more of our natural sources of energy such as coal and fossil fuel, nuclear energy becomes a possible alternative.

Costs

The costs of nuclear power include both the finances to produce the power and the cost in terms of the environment. In order to use nuclear energy, the operating costs are quite low. Furthermore, for nations using nuclear energy, they do not have to spend money to purchase expensive sources of energy from other countries. Using nuclear power for energy prevents us from having to destroy other types of energy such as fossil fuels, which are already in short supply. In addition, many of these fossil fuels are harmful for the environment. Using nuclear power presents a low cost, cleaner alternative to fossil fuels.

Disadvantages of nuclear power

A number of safety issues come into play when we are talking about using nuclear power as an energy source. While other environmental dangers are diminished, new ones arise.

– Disposal – Nuclear energy pollutes the environment, especially if it is not disposed of properly. There are problems with figuring out how to dispose of it, only further heightening these sorts of issues.

– Safety – Working in these types of nuclear power plants is much more dangerous than working in another sort of energy plant. Explosions in these types of facilities cause much death and destruction. Having these types of establishments leaves the areas vulnerable to attacks as well.

Working in a nuclear power plant can be dangerous for the health of the workers. Working in these types of plants has been connected to cancer and to high levels of radiation within the body.

Nuclear power is a potential source for low cost, clean energy as we move forward; however, it is not without its disadvantages.

An adequate source of energy is one of the major requirements for sustaining human progress. Currently, the largest sources of energy are combustion of coal, oil and natural gas. According to estimates, these fossil fuels will last a few centuries or so, but they will eventually run out or become extremely harmful to the environment. As the population of our planet is increasing rapidly, the demand for electricity is growing. Definite resolutions will have to be made in the future about energy conservation and the protection of the natural environment. Humans will also be forced to think about greater efficiency in energy production. It is predicted that energy generated in nuclear power plants will constitute the best alternative on account of its being safe, clean and efficient.

Presently, nuclear power plants provide more than 15 percent of electricity in the world. There are countries like France which depend on nuclear power more than on other sources. In France, 75 percent of electricity is produced from nuclear power. Around the world, there are more than 400 nuclear power stations and their number will increase in the future as more and more countries discover the benefits of nuclear power.

Many people consider nuclear power and environmental protection to be mutually exclusive issues. They cannot be more wrong. This widespread unenthusiastic attitude toward nuclear energy was sparked off by several accidents that took place in nuclear power plants around the world. The best remembered one occurred in Chernobyl in April 1986. The public opinion was informed then about the deaths of 31 workers and an extensive release of radiation. A thorough investigation revealed though that the causes of the incident were operational problems, broken safety

regulations and outdated technologies. Reactors like the one that went wrong in Chernobyl are not used elsewhere in the world. The nuclear power industry has advanced a lot since that time and has established itself as one of the safest, most economical and environment-friendly methods of generating electricity. Although calls for the abandonment of nuclear power can be heard from its many opponents, specialists, researchers and advocates of nuclear energy claim its advantages outweigh its disadvantages by far.

The core of the problem might be inadequate information about nuclear energy. Here are some pros and cons that need to be weighed up.

One of the major advantages is that nuclear power plants do not produce carbon dioxide which is the effect of coal combustion and is known to be the main contributor to the greenhouse effect and climate change. In fact, nuclear energy releases no emissions of any kind so it does not pollute the air. Nuclear power stations are considered to be a safer technology for electricity production than any other. Accidents or fatalities inside nuclear power plants are very rare due to the advanced technologies and very strict safety measures. Nuclear energy entails no risk of oil spills, which is another feature that makes it environment-friendly. Nuclear power plants are one of the most economical methods of electricity production. The cost of nuclear fuel amounts to about 1/5th of the cost of fossil fuel production. Efficiency is yet another relevant factor. Most of the world's nuclear power is generated from the fission of uranium. The fission of an atom of uranium generates 10 million times the energy produced by the combustion of an atom of carbon from coal.

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DRUG ABUSE AS A GLOBAL PROBLEM OF THE XX–XXI CENTURIES

The object of our research is drug abuse as a global problem of the XX–XXI centuries. It is characterized by intense and, at times, uncontrollable drug craving, along with compulsive drug seeking and use that persist even in the face of devastating consequences.

This problem is very topical nowadays, because many people do not realize that addiction is a brain disease. While the path to drug

addiction begins with the act of taking drugs, over time a person's ability to choose not to do so becomes compromised, and seeking and consuming the drug becomes compulsive. This behavior results largely from the effects of prolonged drug exposure on brain functioning. Addiction affects multiple brain circuits, including those involved in reward and motivation, learning and memory, and inhibitory control over behavior. Some individuals are more vulnerable than others to becoming addicted, depending on genetic makeup, age of exposure to drugs, other environmental influences, and the interplay of all these factors.

Addiction is often more than just compulsive drug taking – it can also produce far-reaching consequences. For example, drug abuse and addiction increase a person's risk for a variety of other mental and physical illnesses related to a drug-abusing lifestyle or the toxic effects of the drugs themselves. Additionally, a wide range of dysfunctional behaviors can result from drug abuse and interfere with normal functioning in the family, the workplace, and the broader community.

Because drug abuse and addiction have so many dimensions and disrupt so many aspects of an individual's life, treatment is not simple. Effective treatment programs typically incorporate many components, each directed to a particular aspect of the illness and its consequences. Addiction treatment must help the individual stop using drugs, maintain a drug-free lifestyle, and achieve productive functioning in the family, at work, and in society. Because addiction is a disease, people cannot simply stop using drugs for a few days and be cured. Most patients require long-term or repeated episodes of care to achieve the ultimate goal of sustained abstinence and recovery of their lives.

Indeed, scientific research and clinical practice demonstrate the value of continuing care in treating addiction, with a variety of approaches having been tested and integrated in residential and community settings. As we look toward the future, we will harness new research results on the influence of genetics and environment on gene function and expression (i.e., epigenetics), which are heralding the development of personalized treatment interventions. These findings will be integrated with current evidence supporting the most effective drug abuse and addiction treatments and their implementation, which are reflected in this guide.

The international drug abuse situation is grave. Global cultivation and production of opium, coca, and cannabis continue to expand.

The supply of the products made from these crops far exceeds the demand for them, but the demand is also rising, particularly in the producing and trafficking countries. These countries once immune from

the effect of illicit drugs now have growing addict and abusing populations. Like Western Europe and the United States what they are exploring to fight back, realizing that illicit drugs pose a threat not only to the health of the people, but also to domestic order and national security.

Drugs production and trafficking are a big business: the product is lucrative, needs little advertising, and keeps the customer coming back for more. The criminal organizations running those businesses are skillful and ruthless. They battle against all organized efforts to curtail their activities. When a government mounts an intensive eradication campaign, traffickers often counter by planting larger crops, moving their fields to more remote areas, or mounting misinformation campaigns to convince the population that the government is harming its citizens by eradicating illicit drug crops. When processing laboratories are destroyed, the traffickers build new ones or design mobile fabrics that can be moved quickly. They counter law enforcement efforts with corruption and violence, bribing or killing those whose activities threaten their work.

International boundaries have not meaning for drug traffickers. If one Government is able to disrupt their activities significantly, they simply move to another country.

We may conclude, that the problem of drug abuse is one of the actual problems of the XX–XXI centuries and the task of our government and the governments of other countries is to implements the effective ways of combating the drug abuse.

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COMPUTER CRIMES

Computer crime refers to any crime that involves a computer and a network. The computer may have been used in the commission of a crime, or it may be the target. Netcrime refers to criminal exploitation

of the Internet. Cybercrimes are defined as: «Offences that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm to the victim directly or indirectly, using modern telecommunication networks such as Internet (chat rooms, emails, notice boards and groups) and mobile phones (SMS/MMS)» [1]. Such crimes may threaten a nation's security and financial health. Issues surrounding this type of crime have become high-profile, particularly those surrounding cracking, copyright infringement, child pornography, and child grooming.

Internationally, both governmental and non-state actors engage in cybercrimes, including **espionage**, **financial theft**, and other cross-border crimes. The international legal system is attempting to hold actors accountable for their actions through the **International Criminal Court**. Government officials and **Information Technology** security specialists have documented a significant increase in Internet problems and server scans since early 2001. But there is a growing concern among federal officials that such intrusions are part of an organized effort by **cyberterrorists**, foreign intelligence services, or other groups to map potential security holes in critical systems. A cyberterrorist is someone who intimidates or coerces a government or organization to advance his or her political or social objectives by launching computer-based attack against computers, network, and the information stored on them. Cyber terrorism in general, can be defined as an act of terrorism committed through the use of cyberspace or computer resources (Parker 1983). As such, a simple propaganda in the Internet, that there will be bomb attacks during the holidays can be considered cyberterrorism. As well there are also hacking activities directed towards individuals, families, organized by groups within networks, tending to cause fear among people, demonstrate power, collecting information relevant for ruining peoples' lives, robberies, blackmailing etc.

Cyberextortion is a form of cyberterrorism in which a website, e-mail server, or computer system is subjected to repeated denial of service or other attacks by malicious hackers, who demand money in return for promising to stop the attacks. According to the Federal Bureau of Investigation, cyberextortionists are increasingly attacking corporate websites and networks, crippling their ability to operate and demanding payments to restore their service. More than 20 cases are reported each month to the FBI and many go unreported in order to keep the victim's name out of the public domain. Perpetrators typically use a distributed denial-of-service attack. A computer can be a source

of evidence. Even when a computer is not directly used for criminal purposes, may contain records of value to criminal investigators. Penalties for computer related crimes in New York State can range from a fine and a short period of jail time for a Class A misdemeanor such as unauthorized use of a computer up to computer tampering in the first degree which is a Class C felony and can carry 3 to 15 years in prison.

More and more, the operations of our businesses, governments, and financial institutions are controlled by information that exists only inside computer memories. Anyone clever enough to modify this information for his own purposes can reap substantial re wards. Even worse, a number of people who have done this and been caught at it have managed to get away without punishment. These facts have not been lost on criminals or would-be criminals. A recent Stanford Research Institute study of computer abuse was based on 160 case histories, which probably are just the proverbial tip of the iceberg. After all, we only know about the unsuccessful crimes. How many successful ones have gone undetected is anybody's guess.

Here are a few areas in which computer criminals have found the pickings all too easy [2].

Banking. All but the smallest banks now keep their accounts on computer files. Someone who knows how to change the numbers in the files can transfer funds at will. For instance, one programmer was caught having the computer transfer funds from other people's accounts to his wife's checking account. Often, tradition ally trained auditors don't know enough about the workings of computers to catch what is taking place right under their noses.

Business. A company that uses computers extensively offers many opportunities to both dishonest employees and clever outsiders. For instance, a thief can have the computer ship the company's products to addresses of his own choosing. Or he can have it issue checks to him or his confederates for imaginary supplies or ser vices. People have been caught doing both.

Credit Cards. There is a trend toward using cards similar to credit cards to gain access to funds through cash-dispensing terminals. Yet, in the past, organized crime has used stolen or counterfeit credit cards to finance its operations. Banks that offer after-hours or remote banking through cash-dispensing terminals may find themselves unwillingly subsidizing organized crime.

Theft of Information. Much personal information about individuals is now stored in computer files. An unauthorized person with access to this information could use it for blackmail. Also,

confidential information about a company's products or operations can be stolen and sold to unscrupulous competitors. (One attempt at the latter came to light when the competitor turned out to be scrupulous and turned in the people who were trying to sell him stolen information.)

Software Theft. The software for a computer system is often more expensive than the hardware. Yet this expensive software is all too easy to copy. Crooked computer experts have devised a variety of tricks for getting these expensive programs printed out, punched on cards, recorded on tape, or otherwise delivered into their hands. This crime has even been perpetrated from remote terminals that access the computer over the telephone.

Theft of Time-Sharing Services. When the public is given access to a system, some members of the public often discover how to use the system in unauthorized ways. For example, there are the «phone freakers» who avoid long distance telephone charges by sending over their phones control signals that are identical to those used by the telephone company.

Since time-sharing systems often are accessible to anyone who dials the right telephone number, they are subject to the same kinds of manipulation.

Of course, most systems use account numbers and passwords to restrict access to authorized users. But unauthorized persons have proved to be adept at obtaining this information and using it for their own benefit. For instance, when a police computer system was demonstrated to a school class, a precocious student noted the access codes being used; later, all the student's teachers turned up on a list of wanted criminals.

Perfect Crimes. It's easy for computer crimes to go undetected if no one checks up on what the computer is doing. But even if the crime is detected, the criminal may walk away not only unpunished but with a glowing recommendation from his former employers.

Of course, we have no statistics on crimes that go undetected. But it's unsettling to note how many of the crimes we do know about were detected by accident, not by systematic audits or other security procedures. The computer criminals who have been caught may have been the victims of uncommonly bad luck. For example, a certain keypunch operator complained of having to stay overtime to punch extra cards. Investigation revealed that the extra cards she was being asked to punch were for fraudulent transactions. In another case, disgruntled employees of the thief tipped off the company that was being robbed. An undercover narcotics agent stumbled on still another case. An employee was selling the

company's merchandise on the side and using the computer to get it shipped to the buyers. While negotiating for LSD, the narcotics agent was offered a good deal on a stereo!

Unlike other embezzlers, who must leave the country, commit suicide, or go to jail, computer criminals sometimes brazen it out, demanding not only that they not be prosecuted but also that they be given good recommendations and perhaps other benefits, such as severance pay. All too often, their demands have been met. Why? Because company executives are afraid of the bad publicity that would result if the public found out that their computer had been misused. They cringe at the thought of a criminal boasting in open court of how he juggled the most confidential records right under the noses of the company's executives, accountants, and security staff. And so another computer criminal departs with just the recommendations he needs to continue his exploits elsewhere.

Hacking. The activity of breaking into a computer system to gain an unauthorized access is known as hacking. The act of defeating the security capabilities of a computer system in order to obtain an illegal access to the information stored on the computer system is called hacking. The unauthorized revelation of passwords with intent to gain an unauthorized access to the private communication of an organization of a user is one of the widely known computer crimes. Another highly dangerous computer crime is the hacking of IP addresses in order to transact with a false identity, thus remaining anonymous while carrying out the criminal activities.

Phishing. Phishing is the act of attempting to acquire sensitive information like usernames, passwords and credit card details by disguising as a trustworthy source. Phishing is carried out through emails or by luring the users to enter personal information through fake websites. Criminals often use websites that have a look and feel of some popular website, which makes the users feel safe to enter their details there.

Computer Viruses. Computer viruses are computer programs that can replicate themselves and harm the computer systems on a network without the knowledge of the system users. Viruses spread to other computers through network file system, through the network, Internet or by the means of removable devices like USB drives and CDs. Computer viruses are after all, forms of malicious codes written with an aim to harm a computer system and destroy information. Writing computer viruses is a criminal activity as virus infections can crash computer systems, thereby destroying great amounts of critical data.

Cyberstalking. The use of communication technology, mainly the Internet, to torture other individuals is known as cyberstalking. False

accusations, transmission of threats and damage to data and equipment fall under the class of cyberstalking activities. Cyberstalkers often target the users by means of chat rooms, online forums and social networking websites to gather user information and harass the users on the basis of the information gathered. Obscene emails, abusive phone calls and other such serious effects of cyberstalking have made it a type of computer crime [3].

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LAW IN EUROPE AND UKRAINE

Law is a system of rules and guidelines which are enforced through social institutions to govern behavior. Laws are made by governments, specifically by their legislatures. The formation of laws themselves may be influenced by a constitution (written or unwritten) and the rights encoded there in. The law shapes politics, economics and society incountless way sand serves as a social mediator of relations between people.

Law enforcement is the job of making sure that the law is obeyed. Law enforcement mainly refers to any system by which some members of society actin an organized manner discovering and punishing persons who violate the rules and norms governing that society. Further more, although law enforcement may be most concerned with the prevention and punishment of crimes, organizations exist to discourage a wide variety of non-criminal violations of rules and norms, effected throught heim position of less severe consequences.

European law is the first and so far, only example of an internationally accepted legal system of herthan the UN and the World Trade Organization. Given the trend of increasing global economic integration, many regional agreements – especially the Union of South American Nations – are on track to follow the same model. In the EU,

sovereign nations have gathered their authority in a system of courts and political institutions. These institutions are allowed the ability to enforce legal norms both against or form ember states and citizens in a manner which is not possible through public international law. As the European Court of Justice stated in the 1960s, European Union law constitutes «a new legal order of international law» for the mutual social and economic benefit of the member states. The European Union is unique among international organizations in having a complex and highly developed system of internal law which has direct effect within the legal systems of its memberstates. The EU is not a federal government, nor is it an intergovernmental organization. It involves reciprocal agreement within its fields of activity, as if countries have agreed to work together to agree.

There are three types of Union law:

– Primary legislation: the treaties;

– Secondary legislation: regulations, directives, decisions, recommendations and opinions made by the Union's institutions in accordance with the treaties;

– Decisions of the European Court of Justice and the Court of First Instance.

The whole body of EU law is together called the *acquis communautaire*, broken into 31 chapters for purposes of accession negotiations.

Looking at religious, moral and ethical values Ukraine is a European local civilization. To determine the nature and sense of modern Ukrainian legal system, its place among other systems of European law, we have to determine the meaning of such concept as «European law». In a broadsense – it is an international legal order of the European institutions, which include not only the European Union (EU) but also the Security and Co-operation in Europe (OSCE), the Council of Europe. In a narrow sense – the right associated with the activities of the European Union. In the European tradition law is perceived as a unified system that develops over time. The importance of acquirement of Ukrainian legal system the features of European legal tradition is the place of European human rights standards enshrined in international instruments in the national legal system.

We should follow the European legal system, which is more perfect, has less disadvantages. Unfortunately our Ukrainian system stands behind the European system. The candidate-states to the EU membership for the present moment have already fulfilled their integration process to the EU, while Ukraine is just on its beginning. The national law approximation to

acquis communautaire was a challenging task as well, and they gained astounding experience in this sphere. Therefore with a view to advance and to perfect the process of Ukrainian legal adaptation it is necessary to intensify the cooperation between Ukraine and candidate-states both on governmental and expert level in domains of:

– elaboration of the national programs on adoption of *acquis communautaire* and on preparation for EU membership;

– functioning of the parliamentary committees, specializing in European integration, and exchange of the experience on the level of compliance with the EU law.

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TERRORISM IN THE TWENTY-FIRST CENTURY

Terrorism is the use of violence and intimidation in order to achieve political aims. Every day newspapers and TV news bombard us with reports of violence and terror. Terrorists kill for religious, political or nationalist reasons. They use various methods: plant bombs in public places; release deadly poisonous gases in underground railways; blow up buildings and cars; hijack planes; assassinate presidents, prime ministers, high officials and diplomats. Among other famous politicians who lost their lives in terrorist attacks were, for instance, John F. Kennedy, Aldo Mora, Olof Palme, Indhira Gandhi or Yitzhak Rabin.

The question arises whether terrorism can be in any way justified. Most people doubt it since very often the victims are innocent children, women and defenseless civilians. In 1995, for example, a home-made bomb produced by two government-hating former American soldiers destroyed a U.S. government office building in

Oklahoma, killing 168 innocent people. Five hundred others were badly injured. In 1997 the explosion of a bomb planted by some Islamic terrorists at a bazaar in Jerusalem killed 12 people and hurt 170.

However, the worst terrorist strike in history happened on September 11, 2001 in the United States. Two hijacked planes crashed into the World Trade Center in New York, and yet another struck the Pentagon. The terrorist attack was prepared by an America-hating Islamic extremist Osama bin Laden, the leader of a vast international terror network. The horrific coordinated assault on the economic and military symbols of America caused an enormous amount of damage and took a heavy toll on human life – about 6,500 innocent people were killed.

Probably the best known terrorist organization in Europe is the IRA (the Irish Republican Army). Its members are Irish nationalists aiming to establish a united Irish Republic by campaigns of terror. Since 1969 they have been increasingly active in Britain and in Northern Island, and this period of violence is known as the Troubles. During the Troubles more than 3000 people have died and 30,000 have been injured.

Terrorists often say by way of excuse that they are the ones who are oppressed and that they have to destroy «the system» because it cannot be reformed in any other way. They also claim that when they kill in war, it is an act that is praiseworthy. However, can they call themselves fighters for independence, religion or any other worthy cause having pushed a bus full of passengers into a precipice? Isn't it immoral to say that the end justifies the means or that the death of some innocent people is meaningless?

Most of us condemn terrorists and wish to stop the wave of terror that is sweeping the world. However, it is very difficult to wage a fight against scattered terrorist groups which do not obey any conventional rules of conducting a war and without the slightest hesitation murder civilians or sacrifice their own lives in suicidal missions. Our bombers, rockets, launchers, tanks, commandos, special agents and the police seem powerless to defeat the insidious enemy. However, all freedom-loving nations around the globe should unite in combating the plague of terror because as long as terrorism threatens us, nobody can feel safe and each of us can become a victim. Let's just imagine what may happen if terrorists gain access to nuclear weapons. Only peaceful solutions, not violence and terror, should be accepted in the contemporary world.

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THE PROBLEM OF BIO-TERRORISM IN THE WORLD

We live in a dangerous world – how true this statement is today when terrorism is spreading world-wide at breathtaking speed. What is a worse, terrorist no longer content themselves with conventional or «classic» forms of attacks such as car bombings, hijackings or kidnappings but aim to hit harder by using biological and chemical weapons. Biological terror is a new type in the history of political warfare.

Biological terrorism dates as far back as Ancient Rome, when feces were thrown into faces of enemies. This early version of biological terrorism continued on into the 14th century where the bubonic plague was used to infiltrate enemy cities, both by instilling the fear of infection in residences, in hopes that they would evacuate, and also to destroy defending forces that would not yield to the attack. The use of disease as a weapon in this stage of history exhibited a lack of control aggressors had over their own biological weapons. Primitive medical technology provided limited means of protection for the aggressor and a battle's surrounding geographical regions. After the battle was won, the inability to contain enemies who escaped death led to widespread epidemics affecting not only the enemy forces, but also surrounding regions' inhabitants [1:35]. Due to the use of these biological weapons, and the apparent lack of medical advancement necessary to defend surrounding regions from them, widespread epidemics such as the bubonic plague quickly moved across all of Europe, destroying a large portion of its population. The victims of biological terrorism in fact became weapons themselves. This was noted in the Middle Ages, but medical advancements had not progressed far enough to prevent the consequences of a weapons use. Over time, biological warfare became more complex. Countries began to develop weapons which were much more effective, and much less likely to cause infection to the wrong party. One significant enhancement in biological weapon development was the first use of anthrax. Anthrax effectiveness was initially limited to victims of large dosages. This became a weapon of choice because it is easily transferred, has a high mortality rate, and could be easily obtained.

The first horrifying bio-terrorist attack took place in 1995 in the Tokyo subways, where an apocalyptic Japanese cult dispersed a nerve gas called Sarin, killing 12 people and hurting 5,500. In the year 2001 terrorists attacked the United States using anthrax spores, deadly germs sent in letters, causing a few deaths, making many people ill, and spreading fear and the sense of uncertainty not only among the Americans but also other nations. Panic shut most post offices and government buildings in Britain, Germany, France, Australia, Sweden and many other countries as health officials examined letters and packages containing suspicious powder.

In the United States thousands of people had to be tested for anthrax, many schools, offices, public institutions and government buildings were evacuated, and several celebrations were called off.

The events of 2001 achieved one goal terrorists usually aim for: to sow a widespread sense of fear, damage the nation's sense of security, cause stress, panic and hysteria, and put the government under a great deal of pressure. Fortunately, there weren't many fatal cases in the United States because tiny doses of anthrax sent by mail could only cause isolated outbreaks.

However, some reports suggest that biological weapons which are quite cheap and easily available can be very hazardous and cause mass annihilation. It has been estimated, for example, that a broad dispersal of anthrax spores over a major city could cause about 3 million casualties, while a smallpox release could kill even 40 million people. Unfortunately, we live in an era when the threat of spreading some dangerous diseases by ruthless terrorists can become a reality.

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HOUSE ARREST AS PRECAUTIONARY MEASURES IN UKRAINE: LEGAL FICTIONS OR LEGAL REALITY?

Essentially, precautionary measures, according to Criminal Procedure Code of Ukraine of 2012 (further on – the Code of Ukraine) are

included in the measures of the criminal proceedings are the measures of procedural coercion that are used during the preliminary investigation or trial to the suspect, the accused, mainly to those people who have not been convicted of criminal offenses according to the principle of presumption of innocence. Precautionary measures should be applied in the manner prescribed by law, and on this basis, as a slight deviation from the letter of the law can lead to a significant infringement and violation of constitutional rights and freedoms. However, the appliance of appropriate precautionary measures as part of measures to ensure the effectiveness of the criminal proceedings provides these proceedings.

Statistic analysis for 2011 showed that such precautionary measure as detention was used relatively to 35,044 people, 27,101 of them have committed serious and especially serious crimes. It turns out that precautionary measure of detention was used to almost 8000 people, though they have committed less serious criminal offense, but prevented objective investigation, by an absenteeism to a law enforcement agency, falsification of evidence, the impact on the process, etc. In some cases, the suspect (accused) were forced to «sit», because they didn't have any chance to prove their ability to pay for chosen, appropriate for them collateral. According to government policies aimed at humanization of criminal procedure and criminal law, there is a need of implementation of the single, close to European, standard measures of criminal proceedings. The end result of such implementation should follow to the reduction of a significant number of people which are held in custody until a court verdict [8].

Therefore, the current Code of Ukraine provides new preventive measure – house arrest, which is softer than detention, and more severe than collateral.

It should be noted that the house arrest has been existed since the Statute of criminal justice in 1864. Later on it was specified in the Criminal Procedure Code of the USSR in 1922 as a restraint in the form of insulation for residential purpose with or without guards. However, the predecessor of the new Code of Ukraine of Criminal Procedure of 1960 didn't observe such measure as house arrest.

The above mentioned measure is used in many countries of the world, such as Russia, Belarus, the Republic of Azerbaijan, Kazakhstan, Moldova, Lithuania, Latvia, Sweden, Federal Republic of Germany, UK, the USA and others.

It is well known that in the UK the defendants are obliged not only to wear an electronic sensor on the body, but also call the company that installed the sensor, five times a day. They are not

allowed to use computer and mobile phone. There are some cases when police accompany particularly dangerous prisoners outside their home walls and they are free to enter into their house. The USA law enforcement agencies more widely used electronic monitoring of offenders. Sentenced to small terms have the right to ask the judge to replace the jail to house arrest with GPS-wearing [3, p. 57].

For example, according to Criminal Procedure Code of Moldova house arrest is imposed on persons who are accused of committing a minor crime, misdemeanor, felony or negligently. Criminal Procedure Code of Belarus Republic does not allow the participation of the investigator, lawyer and legal representative in decision on the use of precautionary measures such as house arrest. Under the legislation of the Azerbaijan Republic, house arrest as a precautionary measure intended solely by court and only if the defense request to substitute the selection of arrest [9, p. 258].

Thus, in accordance with Art. 181 of the Code of Ukraine house arrest prohibits suspect, accused to leave the house around the clock or in a certain period of the day. House arrest may be applied to the suspected person or accused of committing the offense for which the law provides punishment of imprisonment. Approval of pretrial release in the form of house arrest is transmitted to perform to the law enforcement agencies to the community in which suspect are accused. Law enforcement officers aiming to control the behavior of the suspect, the accused, who is under house arrest, have the right to appear in the person's house, claiming to provide oral or written explanations on issues related to the performance of its obligations to use electronic means of control [1, p. 97].

It is expected that through the way of implementation of house arrest it will greatly relieve the temporary detention of persons and remand centers, the number of detainees that do not always correspond to the possibility of placing such persons in accordance leads to violations of human rights. House arrest will help most people «not to lose themselves in society» (some people will continue to work to feed themselves and their families, maintain social connections, etc.) [8].

Certainly the novelty of the Institute of house arrest would be the use of electronic monitoring by law enforcement, it is a system that controls the location of persons who are liable by investigating judge, the court to wearing electronic means of control.

According to the Regulations on the use of electronic monitoring equipment approved by the Ministry of Internal Affairs of Ukraine from 09.08.2012 № 696, the use of electronic means of control is to consolidate on the body of the suspect (accused) electronic device that

allows tracking and fixing its location. The aim of electronic means of control is to guarantee obligation compliance imposed on the suspect (accused) by investigating judge of the court on the application of precautionary measure not connected with imprisonment, or in the form of house arrest. It is not allowed to use electronic means of control that significantly interfere with the normal lifestyle of a person causing substantial inconvenience while wearing them or may constitute a danger to life and health of the person who uses them. Do not use electronic means of control, which have not been certified in accordance with applicable law [2].

World practice of house arrest as a preventive measure provides for the «arrest» of such restrictions as: 1. prohibition of leaving the home around the clock or at some specified time (as it is defined in Code of Ukraine) 2. prohibition of telephone calls, mailing and any use of communication 3. prohibition of communication with some specified number of persons and hosting anyone at home 4. use of electronic means of control, imposition of duty is always to carry these products and ensure their work 5. imposing the obligation to respond to control telephone calls or other signals control, call or private appearance at a specified time to the police or other authorities that supervise the behavior of the suspect or the accused; 6. establishing monitoring system after suspect (accused) or its housing, as well as protection of their residence or allotted for housing facilities, 7. other activities that provide a certain behavior and not very strict isolation from society. Some of these obligations and restrictions are stipulated in Art. 194 of the Code of Ukraine as they can additionally be installed in the application of any preventive measure, but not all, believe that under disadvantage, since, for example, the possibility of the suspect (accused) use communication can adversely affect the course of pre-trial investigation or trial by various manipulations by others.

The medias reported that two residents of Lviv region have obtained such precautionary measure house arrest. However, the prosecutors challenged that decision in court because there is no support. Because at the time being this precautionary measure does not work [6].

Lack of clear regulation enforcement established under house arrest restrictions, duties is one of the main reasons that can not be an effective in the use of this preventive measure. In addition, the law does not clearly stipulate how to apply this precautionary measure to persons who do not have his own house. And its mechanic itself is not clear enough, in particular, do not specify exactly who, when and how many times should go to the person's house, to whom this house arrest

is applied, how to check its behavior, negotiations, correspondence, communication. And whether the suspect in this case has any rights to use any means of communication?

Thus, the introduction by a new Code of Ukraine of such new preventive measure as house arrest is a progressive solution for Ukraine, because it meets European standards and promotes the rights and freedoms of suspects and defendants. House arrest should be applied when it is complete isolation of the person during the investigation and trial, or unnecessary, or impossible under the circumstances (age, illness, pregnancy, etc.). It is much more efficient from the economic point of view for the state and for the people. However, for the effective application of house arrest as a precautionary measure it is necessary to make appropriate additions and refinements to the existing Code of Ukraine regarding its procedural form and means of support.

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HISTORICAL DEVELOPMENT OF THE CRIMINAL LAW IN THE UNITED STATES

The United States is a rather young country. It is only more than 200 years old. It originated when many other, especially European, countries had existed for many centuries and had had their own legal systems. That is why it is interesting to find out if the USA developed its own, quite independent and unique legal system or it borrowed something from the already existing ones.

The roots of the criminal codes used in the United States can be traced back to such early legal charters as the Babilonian Code of Hammurabi (2000 B.C.), the Mosiac Code of the Israelites (1200 B.C.), and the Roman twelve tables. During the sixth century, under the leadership of Byzantine emperor Justinian, the first great codification of law in the Western World was prepared. Justinian's *Corpus Juris Civilis*, or body of civil law, summarized the system of Roman law that had developed over a thousand years. Rules and regulations to ensure the safety of the state and the individual were organized into a code and served as the basis for future civil and criminal legal classifications. Centuries later, French emperor Napoleon I created the French civil code, using Justinian's code as a model. France and the other counties that have modeled their legal systems on French and Roman law have what is known as civil law systems. Thus, the concept of law and crime has evolved over thousands of years.

Before the Norman Conquest in 1066, the legal system among the early Anglo-Saxons was much decentralized. The law often varied from county to county and very little was written, except for laws

covering crimes. Crimes were viewed before 1000 A.D. as personal wrongs, and compensation was often paid to the victim. Major violations of custom and law were violent acts, thefts, and disloyalty to the lord. For certain actions, such as treason, the penalty was often death. For other crimes, such as theft, compensation could be paid to the victim. Thus, to some degree, the early criminal law sought to produce an equitable solution to both private and public disputes.

A more immediate source for much US law is the English system of jurisprudence that developed after the Norman Conquest in 1066. Prior to the ratification of the US Constitution in 1788 and the development of the first state legal codes, formal law in the original colonies was adopted from existing English law, which is known today as common law. Common law first came into being during the reign of king Henry II (1154–1189), when royal judges were appointed to travel to specific jurisdictions to hold court and represent the Crown. Known as circuit judges, they followed a specific route (circuit) and heard cases that had been under the jurisdiction of local courts. The royal judges began to replace local custom with a national law that was followed in courts throughout the country; thus, the law was «common» to the entire nation. The common law developed when English judges actually created many crimes by ruling that certain actions were subject to state control and sanction. The most serious offences, such as murder, rape, treason, arson, and burglary, which had been viewed largely as personal wrongs (torts for which the victim received monetary compensation from the offender), were redefined by the judges as offences against the state, or crimes. Thus, common law crimes are actions defined by judges as crimes (judge-made crimes).

The English common law evolved constantly to fit specific incidents that the judges encountered. In fact, legal scholars have identified specific cases in which judges created new crimes, some of which exist today. For example, in the *Carriers* case (1473), an English court ruled that a merchant who had been hired to transport merchandise was guilty of larceny (theft) if he kept the goods for his own purposes. Before the *Carriers* case, the common law had not recognized a crime when people kept something that was voluntarily placed in their possession, even if the rightful owner had only given them temporary custody of the merchandise. Breaking with legal tradition, the court recognized that the commercial system could not be maintained unless the law of theft was changed. Thus, larcenies defined by separate and unique criminal laws, such as embezzlement, extortion, and false pretenses, came into existence.

Prior to the American Revolution, this common law was the law of the land in the colonies. The original colonists abided by the various common law rulings and adopted them to fit their needs, making extensive changes in them when necessary. After the war of independence, most state legislatures incorporated the common law into standardized legal codes. Over the years, some of the original common law crimes have changed considerably due to revisions. For example, the common law crime of rape originally applied only to female victims. This has been replaced in a number of jurisdictions by general sexual assault statutes that condemn sexual attacks against any person, male or female. Similarly, statutes prohibiting such offences as the sale and possession of narcotics or the pirating of videotapes have been passed to control human behavior unknown at the time the common law was formulated. Today, criminal behavior is defined primarily by statute. With few exceptions crimes are removed, added, or modified by the legislature of a particular jurisdiction.

Thus, learning the historical facts about the development of the criminal law in the USA, gave the possibility to understand the sources of the criminal law in the USA, the essence of common law, the process of removing, adding and modifying crimes, the origin of some legal terms.

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NATURE CLIMATE CHANGE

The Earth's climate has fluctuated a great number of times during the past millennia in response to the natural mechanisms of climate change. The changes have taken place over much longer time scales, from hundreds and thousands of years to millions and hundreds

of millions of years. The global changes in climate patterns and the global warming that people are currently concerned about is a trend that was triggered off in the 19th century, so it only spans a small fraction of the Earth's climatic history.

In general, the state of the global climate is dependent on the balance between the energy that the Sun sends towards our planet and the energy that is released back to space from the Earth in the form of heat. This so called global energy balance is determined by a host of processes that generate the climate changes. Current rapid alterations in climate are largely due to the greenhouse effect. Greenhouse gases including carbon dioxide, methane, water vapor and CFCs are being sent into the air where they cause more and more heat to be trapped in the atmosphere. This, in turn, upsets the global energy balance and results in a considerable increase in global surface temperatures and faster melting of ice in the Polar Regions. In addition to the human influence, there are also natural processes that contribute to upsetting the energy balance.

Paradoxically though, it may seem that warmer weather should be more advantageous as it is expected to increase the rate of evaporation and thus contribute to greater precipitation. But the reality is that wet areas are likely to gain more rainfall whereas dry areas will probably suffer from more acute droughts. These prolonged periods of drought may result in more extensive desertification. More floods heavier storms, hurricanes and tornadoes, more heat waves and fewer frosts will be expected as more heat and moisture is released into the atmosphere.

People all over the world are becoming more and more worried about the changing patterns of weather and record-breaking events that come about more frequently these days. Torrential downpours, hurricanes, extensive droughts, extremely high temperatures and unexpected snowfalls make headlines almost every month and may be expected to wreak greater havoc in the future. Many societies are already affected by extreme weather events. Each year the number of victims rises. The societies where the rate of occurrence of record-breaking events is intense hardly have a chance to fully recover from the destructive effects before the next disaster strikes.

The prospects for the future are even worse. This immensely high rate of change will probably prevent many ecosystems from adapting to new conditions and so the problem of the extinction of many species may escalate. Humans will be as much affected as biodiversity and wildlife. Agriculture, forestry, drinking water resources and human health may suffer to large extent. This suffering will be strongly related to changes in the level of precipitation, the rising sea level and the intensification of

extreme weather conditions. The most affected societies will be those in developing and poor countries as well as those inhabiting lowlands, islands, coastal and tropical regions.

The process of global warming seems to have gained momentum. It is now occurring at an unprecedented rate. Unless there is a solid response from societies around the world, the apocalyptic visions of some prophets may come true faster than people may expect.

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STATE BORDER GUARD SERVICE IS AN INDEPENDENT LAW ENFORCEMENT AGENCY OF SPECIAL ASSIGNMENT

Law enforcement in Ukraine is the responsibility of a variety of different agencies. Law enforcement agencies are:

– Міліція (English: Militsiya) – civil police service of the Ministry of Internal Affairs;

– Внутрішні війська (English: Internal Troops) – provide a gendarmerie function, supporting the Militsiya and dealing with large-scale riots and internal armed conflicts. They also provide security for highly important facilities (like nuclear power plants);

– Служба Безпеки України (English: Security Service of Ukraine) – provides domestic intelligence service and presidential guard, and used to operate as a secret police;

– Державна Прикордонна Служба України (English: State Border Guard Service of Ukraine) – provides a border guard;

– Морська охорона (English: Sea Guard) – a coast guard subordinate to the State Border Guard Service;

– Державна кримінально-виконавча служба України (English: State Prison and Penitentiary Service) – provides prison administration and guard functions [3:15].

Ukraine is our Motherland. It is the largest second country in Europe after France. It is situated in the south-eastern part of Europe, in the center of it. Protection of the State Border of Ukraine is

conducted by the State Border Guard Service of Ukraine (on the Earth's surface) and the Armed Forces of Ukraine (in air and underwater). The border was officially established by the Law of Ukraine «On Legal Succession of Ukraine« (September 12, 1991) and «On State Border of Ukraine» (November 4, 1991) [1: 25–32].

The neighboring countries in the West are Poland, Slovakia, Hungary, Romania. Moldova is an adjacent country to Ukraine in the South. The longest border is on Russia – 2484 km, the shortest – on Slovakia – 98 km. The length of the frontier on Moldova is 1194 km; on Byelorussia – 952 km; on Rumania – 608 km, on Poland – 542 km; on Hungary – 135 km. Ukraine has marine borders as well. The Black sea border stretches up to 1533 km. The Azov Sea border is 225 km.

When Ukraine became free and independent it had to guard its borders. The Institute of the State Border Guard Service of Ukraine was founded in 1992 in Khmelnitsky to train border guards to protect the borders of Ukraine.

State Border Guard Service of Ukraine is the border guard of Ukraine. It is an independent law enforcement agency of special assignment, the head of which is subordinated to the President of Ukraine. The Service Headquarters is located in a close proximity to the headquarters of the Security Service of Ukraine and Foreign Intelligence Service of Ukraine.

The Service was created on July 31, 2003 after the reorganization of the State Committee in Affairs for Protection the State Border. All the activities of the agency as well as the Sea Guard are regulated by the State Committee in Affairs for Protection of the State Border. The State Border Guard Service of Ukraine includes the Ukrainian Sea Guard (the country's coast guard). It is also responsible for running «Temporary Detention Centres», in which refugees are held. The State Border Guard Service of Ukraine undergoes great changes according to the «Conception of the SBGS development up to 2015 year». It has been reformed into the law enforcement agency with new missions assigned and new functions to perform [3:15–20].

The current head of the State Border Guard Service of Ukraine is Colonel-General Mykola Mykhailovych Lytvyn. There are two first deputies: Colonel-General Pavlo Shysholin, responsible for Border Security, and Colonel-General Mykhaylo Koval, responsible for personnel/staffing. Border controls exist to:

– regulate immigration (both legal and illegal)
– control the movement of citizens
– execute the customs functions as to

– collect excise tax

– prevent smuggling of drugs, weapons, endangered species and other illegal or hazardous material

– control the spread of human or animal diseases [5: 45].

Especially important there is a help of mission concerning introduction of the concept of the Integrated borders management [4: 56–68].

At present within the framework of cooperation with the mission the following groups are created and operate:

– Counteractions of illegal migration;

– Counteractions of contraband;

– Information interchange improvement;

– Improvement of activity of general check points;

– Improvement of activity of mobile subsections;

– Introduction of general patrol of the Ukrainian-Moldavian border.

Typical tasks of border guards are:

– controlling and guarding a nation's border;

– controlling border crossing persons, vehicles, and travel documents;

– preventing illegal border crossing of persons, vehicles, cargoes and other goods;

– controlling transportation of prohibited and limited items (e.g. weapons, ammunition, toxic substances) over the national border;

– supervising and controlling the observation of foreigner residence regulations, visa regime;

– preventing the movement of goods and other articles over national borders, bypassing the customs control;

– investigating cases related to offenses against the national border;

The Border guard may also perform delegated customs and immigration control duties [2: 36]. The border post has all necessary personnel and equipment to guard the state border successfully and safe. The personnel of the border post guard a certain sector of the state border. The border guards carry out their mission round the clock, in any weather and over any terrain on land and on water. The main purpose of the border post is to prevent the unlawful entry of aliens into Ukraine; to intercept illegal drugs, controlled substance, weapons and other goods smuggled into the country [6: 28–38].

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BORDER GUARD SERVICE IN ENGLISH-SPEAKING COUNTRIES

In our article we outline the peculiarities of border guard service in different English-speaking countries. Our aim is to describe and to compare them.

Australia, with 19,650 kilometers of coastline does not have a force purely to defend its coast. The duty of patrolling the Australian coastline falls to the Royal Australian Navy, the Australian Customs and Border Protection Service (through its Coastwatch division), and the Police services of the states. In addition, there are several private volunteer coast guard organizations, the two largest rival organizations being the Royal Volunteer Coastal Patrol (established in 1937 as the Volunteer Coastal Patrol) and the Australian Volunteer Coast Guard (established in 1961). These volunteer organizations have no law enforcement powers, but are essentially auxiliary Search and Rescue services. In July 2009 the three organizations (Royal Volunteer Coastal Patrol, Australian Volunteer Coast Guard and some units of the Volunteer Rescue Association's Marine Branch) united under the government sponsored Marine Rescue NSW

Canada Border Services Agency is a law enforcement agency of the Department of Public Safety and Emergency Preparedness. Created

in 2003, it amalgamated the enforcement activities performed by three separate government entities (Canada Customs and Revenue Agency, Citizenship and Immigration Canada and the Canadian Food Inspection Agency). Traditionally unarmed, the arming of Border Services Officers, Investigators, and Inland Enforcement Officers began in 2007 and is scheduled to be completed by 2016. Officers are found at entry points to Canada (airports, marine entry points, and land crossing points with the United States. Along with United States Border Patrol, the CBSA is responsible for guarding the longest border in the world. The Canada Border Services Agency (CBSA) ensures the security and prosperity of Canada by managing the access of people and goods to and from Canada.

Hong Kong The Customs and Excise Department is a government agency responsible for the protection of the Hong Kong Special Administrative Region against smuggling; the protection and collection of Government revenue on dutiable goods; the detection and deterrence of drug trafficking and abuse of controlled drugs; the protection of intellectual property rights; the protection of consumer interests; and the protection and facilitation of legitimate trade and upholding Hong Kong's trading integrity.

New Zealand The Customs Service (In Māori, TeMana Arai o Aotearoa) is a state sector organization of New Zealand whose role is to provide control and protect the community from potential risks arising from international trade and travel, as well as collecting duties and taxes on imports to the country. New Zealand's Minister of Customs is the Hon. Maurice Williamson.

The Customs Service is responsible for intercepting contraband, and checks travelers and their baggage, as well as cargo and mail, for banned or prohibited items. It is also responsible for assessing and collecting Customs duties, excise taxes and Goods and Services Tax on imports and protecting New Zealand businesses against illegal trade. It exercises controls over restricted and prohibited imports and exports, including pornography, drugs, firearms and hazardous waste and also collects import and export data.

The UK Border Agency (UKBA) is the border control agency of the British government and an Executive Agency of the Home Office.http://en.wikipedia.org/wiki/UK_Border_Agency-cite_note-1 It was formed on 1 April 2008 by a merger of the Border and Immigration Agency (BIA), UK visas and the Detection functions of HM Revenue and Customs. The decision to create a single border control organisation was taken following a Cabinet Office report. The agency is divided into

three broad command structures, each under the management of a senior director:

external controls including visa issue in overseas posts

borders, including passport and customs controls

internal immigration controls including asylum, management of applications for further stay and enforcement.

Its head office is 2 Marsham Street, London. The current Chief Executive is Rob Whiteman.

The agency has come under formal criticism from the Parliamentary Ombudsman for consistently poor service, a backlog of hundreds of thousands of cases, and a large and increasing number of complaints. In the first nine months of 2009–10, 97% of investigations reported by the Ombudsman resulted in a complaint against the agency being upheld. The complainants were asylum, residence, or other immigration applicants.

We can conclude, that border guard service differs in different English-speaking countries, which is due to their geographical positions and the peculiarities of their external policy.

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THE DRUG TRAFFICKING AS A BURNING ISSUE OF UKRAINIAN COMMUNITY

The drug trafficking is a global black market, dedicated to cultivation, manufacture, distribution and sale of those substances

which are subject to drug prohibition laws. It attracts criminal organizations because the potential profits are significantly more than from other criminal commodities [1].

Combating narcotics trafficking is a national priority, but limited budget resources hamper Ukraine's ability to effectively counter this threat. In addition, coordination between law enforcement agencies responsible for counter-narcotics continues to be stilted due to regulatory and jurisdictional constraints as well as bureaucratic intransigence.

Ukraine is not a major drug producing country; however, it is located astride several important drug trafficking routes into Europe. Ukraine's ports on the Black and Azov Seas, extensive river transportation routes, porous northern and eastern borders, and inadequately financed Border and Customs Agencies make Ukraine an attractive route for drug traffickers.

There are no known links between transnational terrorist and narcotics organizations in Ukraine; and in 2011, there were no charges or allegations of corruption of senior public officials relating to drugs or drug trafficking.

The problem recently led to issue a statement in which it expressed its concern about Ukraine's rising role in the world of drug trafficking, including the production of drugs and «the more intensive involvement of Ukrainian nationals» [3].

A number of factors appear to dictate why drug smugglers have chosen Ukraine as a popular trafficking route.

One can be found in the vast stretches of unguarded borders between Ukraine and Russia, from which illegal drugs deriving from Central and South Asia and trafficked via the Caucasus can enter the country.

Another is the largely unprotected Black Sea coastline, which provides a safe haven for boats laden with illegal drugs to dock undetected.

And the high level of corruption among Ukraine's Customs Service also plays a vital role in Ukraine's east-west drug-trafficking trade.

Smugglers, taking advantage of border crossings known to be «safe» as a result of lax security, or arrangements with corrupt inspectors, focus on those entry and exit points.

Lastly, increased vigilance by law-enforcement along the traditional «Balkan route» has led traffickers to find new routes – making Ukraine a natural choice owing to its borders with Poland,

Hungary, Slovakia, Romania, and Moldova to the West, and Russia on the east [2].

Ukraine is trying to counteract drug trafficking. Some measures have been taken. The Chairman of the State Service of Ukraine on Drugs Control Volodymyr Tymoshenko thanked the Prime Minister of Ukraine Mykola Azarov for supporting the Service activities to enhance the control in this area and combating drug trafficking. He said this during the international conference of high level «Ukrainian society and drugs: forming of a new strategic approach,» which took place in Kyiv on 21–23 May, 2012.

As the Service Head noted, the forum as one of the most important events this year is a joint project of State Service of Ukraine on Drugs Control, National Academy of Sciences of Ukraine, the United Nations Office on Drugs and Crime and the Pompidou Group of the Council of Europe, which was sponsored by the authoritative international organizations and U.S. Government [4].

Also an agreement on cooperation in combating illegal drug trafficking will be concluded between Ukraine and Russia. The document was signed during the visit to Ukraine by Chairman of the National Anti-Drug Committee of the Russian Federation, Director Victor Ivanov.

The visit purposes to negotiate with the leadership of Ukraine's state agencies in charge of the development of Russian-Ukrainian anti-drug cooperation and sign an agreement between Russia's Federal Drug Control Service and the Security Service of Ukraine on cooperation in combating illegal trafficking of drugs, psychotropic substances and precursors [5].

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FORENSIC PSYCHOLOGY PRACTICE

Forensic psychology involves applying psychology to the field of criminal investigation and the law. The popularity of forensic psychology has grown phenomenally in recent years. Forensic psychologists practice psychology as a science within the criminal justice system and civil courts. Forensic psychologists are often involved in custody disputes, insurance claims and lawsuits. Some professionals work in family courts and offer psychotherapy services, perform child custody evaluations, investigate reports of child abuse and conduct visitation risk assessments. Those working in the civil courts often assess competency, provide second opinions, and provide psychotherapy to crime victims. Professionals working in the criminal courts conduct evaluations of mental competency, work with child witnesses, and provide assessment of juvenile and adult offenders. Forensic psychologists need patience, creativity, and commitment. Students who enjoy studying both law and psychology may find that forensic psychology is the perfect career choice. Forensic psychology is the application of the science and profession of psychology to questions and issues relating to law and the legal system. Forensic psychology is a relatively new specialty area. In fact, forensic psychology was just officially recognized as a specialty area by the American Psychological Association in 2001. Despite this, the field of forensic psychology has roots that date back to Wilhelm Wundt's first psychology lab in Leipzig, German. Forensic psychology is the intersection between psychology and the justice system. It involves understanding criminal law in the relevant jurisdictions in order to be able to interact appropriately with judges, attorneys and other legal professionals. An important aspect of forensic psychology is the ability to testify in court, reformulating psychological findings into the legal language of the courtroom, providing information to legal personnel in a way that can be understood. Forensic psychologists provide sentencing recommendations, treatment recommendations, and any other information the judge requests, such as information regarding mitigating factors,

assessment of future risk, and evaluation of witness credibility. Forensic psychology also involves training and evaluating police or other law enforcement personnel, providing law enforcement with criminal profiles and working with police departments. Forensic psychologists work both with the Public Defender, the States Attorney, and private attorneys. Forensic psychologists may also help with jury selection.

There is a great distinction between *forensic and therapeutic evaluation.* A forensic psychologist's interactions and ethical responsibilities to the client differ widely from those of a psychologist dealing with a client in a clinical setting. *Scope:* A psychologist in a clinical setting addresses the broad set of issues; a forensic psychologist addresses a narrowly defined set of events or interactions of a no clinical nature. *Importance of client's perspective:* A clinician places primary importance on understanding the client's unique point of view, while the forensic psychologist is interested in accuracy, and the client's viewpoint is secondary. *Voluntariness:* Usually in a clinical setting a psychologist is dealing with a voluntary client. A forensic psychologist evaluates clients by order of a judge or at the behest of an attorney. *Threats to validity:* While the client and therapist are working toward a common goal, although unconscious distortion may occur, in the forensic context there is a substantially greater likelihood of intentional and conscious distortion. The forensic psychologist views the client or defendant from a different point of view than does a traditional clinical psychologist. Seeing the situation from the client's point of view or «empathizing» is not the forensic psychologist's task. Traditional psychological tests and interview procedure are not sufficient when applied to the forensic situation. In forensic evaluations, it is important to assess the consistency of factual information across multiple sources. Forensic evaluators must be able to provide the source on which any information is based. Forensic psychologists perform a wide range of tasks within the criminal justice system. The largest is that of preparing for and providing testimony in the court room. This task has become increasingly difficult as attorneys have become sophisticated at undermining psychological testimony. Evaluating the client, preparing for testimony, and the testimony itself require the forensic psychologist to have a firm grasp of the law and the legal situation at issue in the courtroom. An overriding issue in any type of forensic assessment is the issue of *malingering and deception*. A defendant may be intentionally faking a mental illness or may be exaggerating the degree of symptomatology. The forensic psychologist must always keep this possibility in mind. It is important if malingering

is suspected to observe the defendant in other settings as it is difficult to maintain false symptoms consistently over time. *Sentence mitigation.* Even in situations where the defendant's mental disorder does not meet the criteria for a not guilty by reason of insanity defense, the defendant's state of mind at the time, as well as relevant past history of mental disorder and psychological abuse can be used to attempt a mitigation of sentence. The forensic psychologist's evaluation and report is an important element in presenting evidence for sentence mitigation.

Forensic psychologists are frequently asked to make an assessment of an individual's dangerousness or risk of re-offending. They may provide information and recommendations necessary for sentencing purposes, grants of probation, and the formulation of conditions of parole, which often involves an assessment of the offender's ability to be rehabilitated. A forensic psychologist generally practices within the confines of the courtroom, incarceration facilities, and other legal setting. It is important to remember that the forensic psychologist is equally likely to be testifying for the prosecution as for the defense attorney. A forensic psychologist does not take a side, as do the psychologists. The forensic psychologist is not an advocate for the client and nothing the client says is guaranteed to be kept confidential. This makes evaluation of the client difficult, as the forensic psychologist needs and wants to obtain all information while it is often not in the client's best interest to provide it. The client has no control over how that information is used. The typical grounds for malpractice suits also apply to the forensic psychologist, such as wrongful commitment, inadequate informed consent, duty and breach of duty, and standards of care issues. Some situations are clearer cut for the forensic psychologist. The duty to warn, which is mandated by many states, is generally not a problem because the client or defendant has already signed a release of information, unless the victim is not clearly identified and the issue of the identifiability of the victim arises. However, in general the forensic psychologist is less likely to encounter malpractice suits than a clinical psychologist. The forensic psychologist does have some additional professional liability issues. As mentioned above, confidentiality in a forensic setting is more complicated that in a clinical setting as the client or defendant is apt to misinterpret the limits of confidentiality despite being warned and signing a release.

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ILLEGAL MIGRATION IN UKRAINE

Human migration is movement by humans from one area to another, sometimes over long distances or in large groups. Migration has continued under the form of both voluntary migration within one's region, country, or beyond and involuntary migration (which includes the slave trade, trafficking in human beings). People who migrate into a territory are called immigrants, while at the departure point they are called emigrants. According to International Organization for Migration, man «no universally accepted definition for (migrant) exists. The term migrant was usually understood to cover all cases where the decision to migrate was taken freely by the individual concerned for reasons of «personal convenience» [1].

And it is necessary to talk about statistics of the world migration. According to the International Organization for Migration's World Migration Report 2010, the number of international migrants was estimated at 214 million in 2010. If this number continues to grow at the same pace as during the last 20 years, it could reach 405 million by 2050. While some modern migration is a byproduct of wars (for example, emigration from Iraq and Bosnia to the US and UK), political conflicts (for example, some emigration from Zimbabwe to the UK), and natural disasters (for example, emigration from Montserrat to the UK following the eruption of the island's volcano), contemporary migration

is predominantly economically motivated. Countries with higher prevailing wage levels, such as France, Germany, Italy and the UK are net recipients of immigration from lower-wage member countries such as Greece, Hungary, Lithuania, Poland and Romania. Illegal immigrants are, for example, known to cross in significant numbers, typically at night, from Mexico into the US, from Mozambique into South Africa, from Bulgaria and Turkey into Greece, from north Africa into Spain and Italy etc. [4]

Migration for work in the 21st century has become a popular way for individuals from impoverished developing countries to obtain sufficient income for survival [2]. And here is the number of theories to explain replacement of people from one country to another [1]:

Neoclassical economic theory is the newest theory of migration and states that the main reason for labor migration is wage difference between two geographic locations. These wage differences are usually linked to geographic labor demand and supply. It can be said that areas with a shortage of labor but an excess of capital have a high relative wage while areas with a high labor supply and a dearth of capital have a low relative wage. Labor tends to flow from low-wage areas to high-wage areas. Neoclassical economic theory is best used to describe transnational migration, because it is not confined by international immigration laws and similar governmental regulations.

Dual labor market theory states that migration is mainly caused by pull factors in more developed countries. This theory assumes that the labor markets in these developed countries consist of two segments: primary, which requires high-skilled labor, and secondary, which is very labor-intensive but requires low-skilled workers. This theory assumes that migration from less developed countries into more developed countries is a result of a pull created by a need for labor in the developed countries in their secondary market. Migrant workers are needed to fill the lowest rung of the labor market because the native laborers do not want to do these jobs as they present a lack of mobility. This creates a need for migrant workers.

Long period of time and researches in social sciences giving to us interesting and very important historical theories and facts that can help us to understand the reason of migration, and here is the number of them:

1) Ravenstein. Ravenstein's researhes in social scieces during the time frame of 1834 to 1913 giving us some laws of migration. The laws are as follows: every migration flow generates a return or counter migration; the majority of migrants move a short distance; migrants

who move longer distances tend to choose big-city destinations; urban residents are often less migratory than inhabitants of rural areas; families are less likely to make international moves than young adults; most migrants are adults; large towns grow by migration rather than natural increase.

2) Lee. Lee's laws divides factors causing migrations into two groups of factors: push and pull factors. Push factors are things that are unfavourable about the area that one lives in, and pull factors are things that attract one to another area. The factors are the following not enough jobs, few opportunities, primitive conditions, desertification, famine or drought, political fear or persecution, slavery or forced labour, poor medical care, loss of wealth, natural disasters, death threats, lack of political or religious freedom, pollution, poor housing, landlord/tenant issues, bullying, discrimination, poor chances of marrying, condemned housing (radon gas, etc.), war.

But migrants are not always getting into a country by legal way. Purposes of migration are also not always legal and it may cause a complex of problems for people and even county [4]. Nobody will argue that nowadays illegal migration is the blight for many countries, because it causes serious economical problems and has many ties with terrorism-plague of our days. And that is the reason why illegal migration has become more and more important question for our country. Geographically Ukraine is the transit country for illegal migrants from Asia and other regions which trying to get into Europe [3].

Thus, withstanding to illegal migration is problem that requires any necessary means. Withstanding to illegal migration and taking it under control is the way to improve economical condition of our country and improving political status of Ukraine in Europe and world.

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MAIN FEATURES OF TECHNICAL TRANSLATING

Technical translation is a type of specialized translation involving the translation of documents produced by technical writers (owner's manuals, user guides, etc.), or more specifically, texts which relate to technological subject areas or texts which deal with the practical application of scientific and technological information [1:3].

Technical translation covers the translation of many kinds of specialized texts and requires a high level of subject knowledge and mastery of the relevant terminology. In addition to making texts with technical jargon accessible for a wider ranging audience, technical translation also involves linguistic features of translating technological texts from one language to another. Having knowledge of both the linguistic features as well as the aesthetic features of translation applies directly to the field of technical translation [2:44].

Technical translations require an extremely high degree of accuracy and fidelity to the original text. For a technical translator, a command of the languages involved and translation techniques isn't enough. This might suffice for a general translator, but it's vital for technical translators to have a deep understanding, knowledge, and qualifications in the relevant technical field.

Trying to read a scientific or technical specialist text without being a specialist in the relevant field is almost the same as trying to read a literary text in an unknown language. Only experts can distinguish between complex terms and the precise features of a particular science. A great deal of complex terminology and phrases in technical translations require an ability to use the corresponding technical reference books, specialist dictionaries and other research tools to confirm the correct translation.

Though technical translation is only one subset of the different types of professional translation, it is the largest subset as far as output is concerned. Currently, more than 90% of all professionally translated work is done by technical translators [3:247].

Another important feature of technical translations is the use of proper translation software, which is an incredibly useful tool when performing professional technical translations. Among other benefits, they provide the most direct, quick and inexpensive way to manage a lot of information quickly, and offer a translation memory, which makes the translator's job much easier, especially in this kind of texts, which very often tend to be several thousand pages long, with a high percentage of repetitions. Working with the appropriate software, glossaries and terminology databases is essential in ensuring consistency of terminology and style in technical translations.

Translation of technical texts is one of the most demanded services in the translation sphere. It's connected with modern technical development and necessity of constant ensuring such development. Nevertheless, translation of technical texts is characterized by the range of peculiarities which dictate the specificity of translator's activity while dealing with texts belonging to scientific-technical style which features we would like to describe [4:11].

Peculiar features of scientific-technical style (it is also applicable to technical interpretation) are its substantiveness, logicality (strict consistency, clear connection between main idea and details), accuracy and objectivity and subsequent lucidity and clarity. All texts of this type tend to use the language means that contribute to satisfaction of needs of this communication sphere.

Main types of technical translation: translation of technical documentation, translation of passports for equipment, translation of scientific and technical literature, translation of technical texts, translation of instructions, translation of equipment.

Translation of technical documentation, containing specific information related with various areas of expertise. The peculiarity of this type of translation lies not only in translating individual words, phrases and sentences. The translator must bear in mind the specific topics of the particular translation for this is what determines the qualification of a technical translator in the particular field.

Translation of passports for equipment. Due to the special significance of the information specified in the passport documentation, this is a challenging translation that can be performed only by a translator who is perfectly fluent in technical terms and who can convey the information in a language used by corresponding professionals. This type of translation also requires compliance with all regulations and standards applicable in the particular industry.

Translation of scientific and technical literature – performance of this serious work requires a lot of the knowledge and acquired experience since in this case the translator has to convey not only the precise meaning of texts, but also reflect the individual style used by the authors in the original text.

Translation of technical texts requires precise use of terms without losing the general meaning. These may be translations on automotives, construction and other highly technical subjects. This type of translation has a very important feature – the translator should have good comprehension of the topic being translated for sometimes technical terms do not have relevant matches in the target language.

Localization of software and translation of interfaces includes a full range of services for adapting the elements of the interface as well as auxiliary files and documentation. This is performed by specialists with excellent scientific and technical expertise.

Translation of instructions for various devices and equipment as well as user manuals, guidelines for installation and repair of equipment requires outstanding language skills and the ability to express complicated things using simple expressions.

Translation of equipment catalogues is usually performed in close collaboration with the client for in most cases the translator must strictly follow internal glossaries and standards for translation and formatting of documentation developed by the client.

Nowadays, Technical Translating place a big role in our society. Mainly, all instructions, equipment catalogues are written in English.

Effect of technical translation depends on a deep understanding of the people for whom these texts are designed and written. Nowadays the volume of cooperation between domestic and foreign companies is growing rapidly. This increases the amount of information that is exchanged. Thus, technical translation services are becoming more popular on the market.

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CONVENTIONS OF UNO ABOUT RIGHTS OF A CHILD AND UKRAINIAN LEGISLATION

It is possible today to see contradictory processes:

a) Providing and observance children's rights

b) Violation of these rights, absence of high – quality mechanisms for their realization.

A number of factors have an influence on it but the most actual are relations between parents and children. Only parents have (carry) the most responsibility for life, development, bringing up of a child, providing its rights.

The aim of this work is consideration of operation legal norms in Ukraine in accordance with Convention of UNO about rights for a child.

Children's rights are the human rights of children with particular attention to the rights of special protection and care afforded to the young including their right to association with both biological parents, human identity as well as the basic needs for food, universal state-paid education, health care and criminal laws appropriate for the age and development of the child. Interpretations of children's rights range from allowing children the capacity for autonomous action to the enforcement of children being physically, mentally and emotionally free from abuse, though what constitutes «abuse» is a matter of debate. Other definitions include the rights to care and nurturing.

«A child is any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. According to Cornell University, a child is a person, not a subperson, and the parent has absolute interest and possession of the child, but this is very much an American view. The term «child» does not necessarily mean minor but can include adult children as well as adult nondependent children. There are no definitions of other terms used to describe young people such as «adolescents«, «teenagers,» or «youth« in international law, but the children's rights movement is considered distinct from the youth rights movement.

The field of children's rights spans the fields of law, politics, religion, and morality.

As minors by law children do not have autonomy or the right to make decisions on their own for themselves in any known jurisdiction of the world. Instead their adult caregivers, including parents, social workers, teachers, youth workers, and others, are vested with that authority, depending on the circumstances. Some believe that this state of affairs gives children insufficient control over their own lives and causes them to be vulnerable. Louis Althusser has gone so far as describe this legal machinery, as it applies to children, as «repressive state apparatuses».

Structures such as government policy have been held by some commentators to mask the ways adults abuse and exploit children, resulting in child poverty, lack of educational opportunities, and child labor. On this view, children are to be regarded as a minority group towards whom society needs to reconsider the way it behaves.

Researchers have identified children as needing to be recognized as participants in society whose rights and responsibilities need to be recognized at all ages.

Children's rights are defined in numerous ways, including a wide spectrum of civil, cultural, economic, social and political rights. Rights tend to be of two general types: those advocating for children as autonomous persons under the law and those placing a claim on society for protection from harms perpetrated on children because of their dependency. These have been labeled as the right of empowerment and as the right to protection. One Canadian organization categorizes children's rights into three categories:

Provision: Children have the right to an adequate standard of living, health care, education and services, and to play and recreation. These include a balanced diet, a warm bed to sleep in, and access to schooling.

Protection: Children have the right to protection from abuse, neglect, exploitation and discrimination. This includes the right to safe places for children to play; constructive child rearing behavior, and acknowledgment of the evolving capacities of children.

Participation: Children have the right to participate in communities and have programs and services for themselves. This includes children's involvement in libraries and community programs, youth voice activities, and involving children as decision-makers [4].

In a similar fashion, the Child Rights Information Network, or CRIN for short, categorizes rights into two groups.

Economic, social and cultural rights, related to the conditions necessary to meet basic human needs such as food, shelter, education, health care, and gainful employment. Included are rights to education,

adequate housing, food, water, the highest attainable standard of health, the right to work and rights at work, as well as the cultural rights of minorities and indigenous peoples.

Environmental, cultural and developmental rights, which are sometimes called «third generation rights», and including the right to live in safe and healthy environments and that groups of people have the right to cultural, political, and economic development.

Amnesty International openly advocates four particular children's rights, including the end to juvenile incarceration without parole, an end to the recruitment of military use of children, ending the death penalty for people under 21, and raising awareness of human rights in the classroom [1]. Human Rights Watch, an international advocacy organization, includes child labor, juvenile justice, orphans and abandoned children, refugees, street children and corporal punishment.

Scholarly study generally focuses children's rights by identifying individual rights. The following rights «allow children to grow up healthy and free» [5]:

Freedom of speech

Freedom of thought

Freedom from fear

Freedom of choice and the right to make decisions

Ownership over one's body

Other issues affecting children's rights include the military use of children, sale of children, child prostitution and child pornography.

Parents affect the lives of children in a unique way, and as such their role in children's rights has to be distinguished in a particular way. Particular issues in the child-parent relationship include child neglect, child abuse, freedom of choice, corporal punishment and child custody. There have been theories offered that provide parents with rights-based practices that resolve the tension between «commonsense parenting» and children's rights. The issue is particularly relevant in legal proceedings that affect the potential emancipation of minors, and in cases where children sue their parents.

A child's rights to a relationship with both their parents is increasingly recognized as an important factor for determining the best interests of the child in divorce and child custody proceedings. Some governments have enacted laws creating a rebuttable presumption that shared parenting is in the best interests of children.

International law

The Universal Declaration of Human Rights is seen as a basis for all international legal standards for children's rights today. There are

several conventions and laws that address children's rights around the world. A number of current and historical documents affect those rights, including the 1923 Declaration of the Rights of the Child, drafted by Eglantyne Jebb and her sister Dorothy Buxton in London, England in 1919, endorsed by the League of Nations and adopted by the United Nations in 1946. It later served as the basis for the Convention on the Rights of the Child.

Convention on the Rights of the Child

The United Nations' 1989 Convention on the Rights of the Child, or CRC, is the first legally binding international instrument to incorporate the full range of human rights–civil, cultural, economic, political and social rights. Its implementation is monitored by the Committee on the Rights of the Child. National governments that ratify it commit themselves to protecting and ensuring children's rights, and agree to hold themselves accountable for this commitment before the international community.

The CRC is the most widely ratified human rights treaty with 190 ratifications. Somalia and the USA are the only two countries which have not ratified the CRC. The CRC is based on four core principles, namely the principle of non discrimination, the best interests of the child, the right to life, survival and development, and considering the views of the child in decisions which affect them (according to their age and maturity). The CRC, along with international criminal accountability mechanisms such as the International Criminal Court, the Yugoslavia and Rwanda Tribunals, and the Special Court for Sierra Leone, is said to have significantly increased the profile of children's rights worldwide.

Enforcement

A variety of enforcement organizations and mechanisms exist to ensure children's rights. They include the Child Rights Caucus for the United Nations General Assembly Special Session on Children. It was set up to promote full implementation and compliance with the Convention on the Rights of the Child, and to ensure that child rights were given priority during the UN General Assembly Special Session on Children and its Preparatory process. The United Nations Human Rights Council was created «with the hope that it could be more objective, credible and efficient in denouncing human rights violations worldwide than the highly politicized Commission on Human Rights.» The NGO Group for the Convention on the Rights of the Child is a coalition of international non-governmental organizations originally formed in 1983 to facilitate the implementation of the United Nations Convention on the Rights of the Child.

Many countries around the world have children's rights ombudsman or children's commissioners whose official, governmental duty is to represent the interests of the public by investigating and addressing complaints reported by individual citizens regarding children's rights. Children's ombudsman can also work for a corporation, a newspaper, an NGO, or even for the general public.

Which of law enforcement authorities and methods of their activity are in the field of defense child's life in Ukraine?

Organs of internal affairs of Ukraine which are the link of the law – enforcement system which lays on them duties to protect rights and legal interests of citizens from any encroachments in their activity to provide rights and freedoms of a man and a citizen.

Under the form of activity of internal affairs in relation to provide rights and freedoms of a person one can understand the aggregate of homogeneous concrete actions of their workers connected with creating conditions for free realistic personal rights of a person, particularly child and also directed on preventing and removal of negative factors which complicate their realization.

Methods of activity of organs of internal affairs according to providing the main rights and freedoms of a person as well as its forms are various enough. In the field of activity of organs of internal affairs in providing rights and freedoms of teenagers we can even speak about complex using of methods of persuasion and compulsion.

The method of persuasion is the main task for us which we cannot regard separately from families, educational establishment, nearest surroundings.

By factors which are instrumental in violation of rights and freedoms of minors, there can be disagreement between parents and absence of perfect disciplined and pedagogical requirements in a family; psychical violation and criminal conduct of parents; their low social status and bad housing conditions and also families where negative influence on teenagers is carried out by not only parents but other persons who live together (elder brothers and sisters) influence of which is more frequent.

Preventing activity and organization of educational bringing up system are of great value now. An educate work helps to create necessary conditions for increasing of level laws of both people and militia, as facilities of an educational character allow to influence more on consciousness and will of a person.

Conclusion

Regarding the questions of defending of rights for children we address to the international and domestic legal acts searching rights answers on a question, which are put before us by life.

For this purpose it is necessary to learn perfectly legal terms, laws and different acts.

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THE PSYCHOLOGY OF CRIMINAL BEHAVIOR: THEORIES FROM PAST TO PRESENT

The application of psychology in the criminal and civil justice system is known as forensic psychology. Hugo Munster berg (1863–1916), a German-American psychologist was the first to pioneered the application of criminal psychology in research and theories. His research extended to witness memory, false confessions, and the role of hypnosis in court. Through theories, researchers hope to develop a deeper understanding of how one can prevent criminal behavior before it reaches adolescent age or older. There are a great number of criminal behavior theories. The most important and widely used are: *Rational Choice Theory, Eysenck's Theory of Personality and Crime, Trait theory, Psychodynamic Trait Theory, Social Structure Theory.* Dr. William Glasser, coined the term choice theory. According to many criminologists, choice theory is perhaps the most common reason why criminals do the things they do. This theory suggests that the offender is completely rational when making the decision to commit a crime. The variety of reasons in which one offends can be based on a variety of

personal needs, including: greed, revenge, need, anger, lust, jealousy, thrills, and vanity. Classical criminology suggests that «people have free will to choose criminal or conventional behaviors…and that crime can be controlled only by the fear of criminal sanctions. Hans J. Eysenck, British psychologist, is well known for his theory on personality and crime. His theory proposed that «criminal behavior is the result of an interaction between certain environmental conditions and features of the nervous system». Followers of his theory believe that each individual offender has a unique neurophysiologic makeup that when mixed with a certain environment, therefore, can't help but result to criminality. It is important to note that Eysenck was not suggesting that criminals are born, rather that the combination of environment, neurobiological, and personality factors give rise to different types of crimes, and those different personalities were more susceptible to specific criminal activity.

Trait theory is a more extreme version of Eysenck's theory. The view is that criminality is a product of abnormal biological or psychological traits. The root of trait theory can be traced back to Italian criminologist Cesare Lombroso. Lombroso believed that offenders were atavists. Contemporary trait theorists suggest that there is a definite link between behavior patterns and chemical changes in the brain and nervous system. Some may have inherited criminal tendencies, some may have neurological problems, and yet other research shows some criminals may have blood chemistry disorders which heighten antisocial activity.

Psychodynamic (Psychoanalytical) therapy was developed by Sigmund Freud in the late 1800's and has then become a significant theory in the history of criminality. Freud believed that every individual carries «the residue of the most significant emotional attachments of our childhood, which then guides our future interpersonal relationships». Psychodynamic theorists believe that offenders have id-dominated personalities. In other words, they lose control of the ego and the id's need for instant gratification takes over. This causes impulse control problems and increased pleasure-seeking drives. Other problems associated with a damaged ego are immaturity, poor social skills, and excessive dependence on others. The idea is that negative experiences in an offenders childhood damages the ego, therefore, the offender is unable to cope with conventional society.

There are three mini theories which fall under the Social Structure Theory which attempt to explain how one's environment and social circle can aid to crime.

Social disorganization theory focuses on the urban conditions that effect crime rates. A disorganized area is one in which institutions of social control, such as family, commercial establishments and schools have broken down and can no longer perform their expected or stated functions. Indicators of social disorganization include high unemployment and school dropout rates, deteriorated housing, low income levels and large numbers of single parent households. Residents in these areas experience conflict and despair, and as a result, antisocial behavior flourishes.

Strain theory holds that crime is a function of the conflict between people's goals and the means they can use to obtain them. Strain theorists argue that although social and economic goals are common to people in all economic strata, the ability to obtain these goals is class-dependent. Members of the lower class are unable to achieve success through conventional means. Lower class citizens can both accept their conditions and live socially responsible…or they can choose an alternative means of achieving success, such as theft or violence.

Cultural deviance theory combines elements of both strain and social disorganization theories. Because of this view a unique lower-class culture develops in disorganized neighborhoods. Criminal behavior is an expression of conformity to lower class sub-culture values and traditions, not a rebellion against traditional society.

Perhaps the most common approach to the social process theory is learning theory. Albert Bandura, an influential psychologist of the twentieth century, was the first to experiment with this idea. His observations began with animals and showed that they do not have to actually experience certain events in their environment to learn effectively. In relation to criminality, one can learn to be aggressive by observing others acting aggressively.

Social conflict theorists believe a person, group, or institution has the power and ability to exercise influence and control over others. They define crime as «a political concept designed to protect the power and position of the upper classes at the expense of the poor. The idea is that each society produces its own type and amount of crime. They have their own way of dealing with crime, and thus, get the amount of crime that they deserve. In other words, to control and reduce crime, societies must change the social conditions that promote crime.

Although there are differences in the many theories which have been presented, they all share a common belief. Criminal behavior is in many aspects of society, and it needs to be addressed. Together, each

one of these theories has relevant research and validity. Certainly, there are people who recognize each of these ideas and develop a combination theory of which to educate and direct therapy from. Overall, theories will continue to be developed, tested, and researched. The field of criminality is a large one of which many can and will continue to contribute.

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PRIORITÄREN BEREICHEN DER ENERGIEPOLITIK DER EU

Die Energiepolitik erhält politische Entscheidungen über die Produktion, Distribution, Exploitation und Konsumtion von Energie, umfasst die Richtungen der Gesetzentwicklung, der Besteuerungfragen und Fragen der Außerpolitik. Die genaue Formulierung den Energiezielen entscheidet, wie zukunftsfähige Europa wäre. Die Grundlagen der effektiven Energiegebietsregulierung sollen die Europäische Union zu

einer Sparsam der Energie, einer Versorgungssicherheit, umgehenden Wirtschaft und einer gesicherten wettbewerbsfähigen und nachhaltigen Energieversorgung gezielt hinführen [1:9]. Sehr wichtig ist auch eine konkrete Reduzierung der Treibhausgasemissionen, die bei der Energieerzeugung oder beim Energieverbrauch.

Europäische Union ist ein starker Akteur auf der Weltbühne, deswegen sind die Vorgaben für eine europäische Energiepolitik festgelegt. Die Vorgaben sollten sich entwickeln gleichzeitig mit alle Welt Tendenzen. Die Energiepolitik ist immer auch eine politische Gesamtkonzept, die mit den ökonomischen Hintergründen stark verbunden ist. Im Rahmen der Energiestrategie für Europa bis 2020 ist die Verstärkung des integrierten EU-Binnenmarktes ein wichtigstes Bereich, besonders für Gas und Strom. Dieser Schritt sollte eine EU-weitere Energie- Versorgungssicherheit gewährleisten. Für den Energiebinnenmarkt ist der tatsächliche Energieaustausch über die Grenzen hinweg von grundlegender Bedeutung. Nun ist aber dieser offensichtlich aufgrund unterschiedlicher technischer Normen in den einzelnen Ländern und einer uneinheitlichen Netzdichte oft nur schwer zu bewerkstelligen. Nächster Schritt sollte das Aufbau pan-Europäischen integrierten Energiemarkt sein. Heutzutage hat jeder Staat seine besondere Energiestrategie, die auf dem Energiemarkt alle Innerlandesbesonderheiten umfasst.

Um die Wirtschaftliche und soziale Integration der Europäische Union zu begegnen, ist die Harmonisierung das Energiemarkt für alle EU-Mitgliedstaaten ein unersetzliches Ziel. Die schrittweise Ausarbeitung einer gemeinsamen Strategie der Energiewirtschaft werde ein notwendiger Bedarf. Diese Schritte erfordern eine Reihe von Maßnahmen, die die Prioritäten für Investitionen, die bestimmte Reformierung den Gesetzen des Energiegebiets, die Verordnung des EU-Organe Managmants und die gezielte Außerpolitik umfassen.

Die erneubare Energie wird im Rahmen des Umwelt- und Klimapolitik sehr populärisiert. Zum Beispiel sollte in Deutschland der Anteil der erneuerbare Energie am Gesamtenergieverbrauch bis 2020 von derzeit 8,5 Prozent auf 20 Prozent angehoben werden. Dieses Ziel erreichen heute allerdings schon Lettland, Schweden, Finnland und Österreich, wobei die Erfolge Schwedens und Finnlands auf die Nutzung von Kernenergie zurückzuführen sind. Mittelweil spielt die Verwendung von der Biokraftstoff, Wasserkraft, Windkraft, Sonnenenergie, Fotovoltaik, und Erdwärme eine wichtige Rolle in der Energieversorgung. Die erneuerbare Energie ist heutzutage weltweit wie nie vorher populär und steht auf der politischen Agenda ganz oben.

Diese Tendenz wird in der Zukunft noch stärker sein. Das positive Zuwachs erneuerbare Energie wird von der Internationale Energie Agentur prognostiziert [2].

Heutzutage ist das Rund prioritären Bereichen nicht so groß. Europäische Union sollte jetzt alle Kräfte benutzen um fünf Hauptbereiche zu versorgen [3]. Die Hauptbereichen umfassen:

– das Erreichen eines energieeffizienten Europa;

– der Aufbau eines europaweiten integrierten Energiemarkt;

– die Verstärkung der Verbraucher und erreichen den höchsten Grad an Schutz und Sicherheit;

– die Erweiterung Europa (eine Führungsrolle in der Energietechnik und Innovationen);

– die Stärkung der externen Dimension der Europäischen Energiepolitikmarkt.

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EUROPÄISIERUNG UND GLOBALISIERUNG DER DEUTSCHEN POLIZEI

Angesichts sich globalisierender Kriminalität wird grenzüberschreitende Zusammenarbeit für die Polizei immer wichtiger. Die Rahmenbedingungen polizeilicher Arbeit werden nicht mehr allein auf nationaler, sondern zunehmend auf globaler, insbesondere auf der Ebene der EU gesetzt. Dabei sind vier Dimensionen von Europäisierung bzw. Globalisierung zu unterscheiden. Sie hängen miteinander eng zusammen, aber jeweils eigenständige Entwicklung bezeichnen. Erstens ist das – die Veränderung der räumlichen Strukturen der

Kriminalität, zweitens – die wachsende Bedeutung der bi- und multilateralen grenzüberschreitenden Zusammenarbeit der Polizei, drittens – die Bedeutung europäischer und internationaler Politikgestaltung für die nationalen Systeme und schließlich viertens – die Ausweitung der Einsatzfelder von Polizeibeamten über das eigene Staatsgebiet hinaus.

Bei der ersten Dimension gilt es zunächst einzuschränken, dass nach wie vor der Großteil der registrierten Straftaten einen lokalen oder regionalen Hintergrund hat. Die These der «Globalisierung der Kriminalität» trifft lediglich für ausgewählte Deliktsbereiche zu – insbesondere für die unter dem Begriff der «organisierten Kriminalität» zusammengefassten Straftaten. Das betrifft solche Deliktsbereiche wie Drogenhandel, Menschenhandel, Schleusungskriminalität oder Geldwäsche. Ähnliches gilt für die «neuen» Spielarten des Terrorismus, die einen transnationalen Zuschnitt haben. Im Fall der Internetkriminalität scheinen nationale Grenzen sogar vollends im virtuellen Raum zu verschwinden.

Die zweite Dimension umfasst die grenzüberschreitende Zusammenarbeit der Polizeien und stellt gewissermaßen die «operative» Reaktion auf die Globalisierung der Kriminalität. Der Informationsaustausch steht dabei jeher im Mittelpunkt. Die Interpol ist das zentrale Netzwerk den bi- und multilateralen Informationsaustausch der Kriminalpolizeien.

Eine andere Form der internationalen Zusammenarbeit stellt auch die Ausbildungs- und Ausstattungshilfe für die Polizeien anderer Staaten. Die Bundesregierung verfolgt damit das Ziel, «den Aufbau rechtstaatlichen Strukturen im Bereich der öffentlichen Sicherheit und Ordnung» zu fördern.

Die dritte Dimension umfasst die Europäisierung und Globalisierung der Politikgestaltung im Politikfeld – innere Sicherheit. Weil die Regierungen immer stärker auf internationale Kooperation angewiesen sind, hat sich als klassische Domäne der Nationalstaatlichkeit die geltende Politik der inneren Sicherheit längst zu einem wichtigen Feld der Außenpolitik bzw. der internationalen Beziehungen entwickelt. Auf der einen Seite setzen Regierungen außenpolitische Instrumente ein, um ihre Ziele im Bereich der inneren Sicherheit zu erreichen, auf der anderen Seite werden wesentliche Teile der rechtlichen und institutionellen Rahmenbedingungen der Polizeiarbeit nicht mehr auf der nationalen, sondern auf der internationalen Ebene gesetzt.

Am weitesten vorangeschritten ist die zwischenstaatliche politische Vernetzung innerhalb der Europäischen Union. Im Mittelpunkt

der europäischen Rechtsetzung stehen naturgemäß Maßnahmen zur Verbesserung der grenzüberschreitenden Zusammenarbeit.

Einen weiteren Schwerpunkt stellt die Erleichterung der Rechtshilfe in Strafsachen dar, die traditionell als besonders eng mit der nationalen Souveränität verbunden gilt. Die Rechweite der politischen Entscheidungen der EU beschränkt sich nicht auf die Verbesserung der vertikalen und horizontalen Kooperation. Vielmehr spielt die europäische Ebene eine wichtige Rolle bei Fragen des materiellen Polizeirechts, des Strafrechts und des Strafprozessrechts.

Die vierte Dimension von Europäisierung und Globalisierung umfasst schließlich die Ausweitung der Einsatzfelder der Polizeibeamten über das eigene Staatsgebiet hinaus. Das betrifft etwa die Personen, die im Rahmen von Aus- und Fortbildungsprojekten in anderen Staaten ihren Dienst tun. Einen signifikanten Wandel der Einsatzfelder stellen die Auslandseinsätzen dar, an denen die Polizei im Rahmen von Friedens- oder Stabilisierungsmissionen von UNO, OSZE oder EU teilnimmt.

Perspektiven. Die Bedeutung der grenzüberschreitenden Zusammenarbeit der Polizei hat rasant zugenommen. Vor dem Hintergrund sich globalisierender Segnente der Kriminalität sind bi- und multilaterale Kooperationsstrukturen neu entstanden sowie bewährte Formen aufgewertet und ausgeweitet worden. Zwar kann keine Rede davon sein, dass ein europäischer oder gar globaler Leviathan die nationalen Systeme von Gefahrenabwehr und Strafverfolgung ablösen würde. Innere Sicherheit ist souveränitätsgeladenes Politikfeld, in dem die Regierungen eifersüchtig auf ihren formalen Kompetenzen beharren. Dennoch kann nicht übersehen werden, dass die rechtlichen und institutionellen Grundlagen für die Tätigkeit der Strafverfolgungsbehörden zusehends außerhalb des Nationalstaats gesetzt werden. Diese Entwicklung scheint zunächst eine angemessene auf die Veränderung der Kriminalitätsstrukturen zu sein.

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WIRTSCHAFTSKRIMINALITÄT (BEKÄMPFUNG DER KORRUPTION)

Das Phänomen Korruption begleitet kontinuierlich die Geschichte der Menschheit. Die Richtigkeit diese Behauptung dürfte kaum zu bestreiten sein. Der Erfolgsmaßstab jeder Korruptionsbekämpfung muss diesem Umstand Rechnung tragen. Die Korruption zu beseitigen, ist unmöglich; sie nach Möglichkeit zu erschweren, muss das Ziel aller Bekämpfungsansätzen sein. Den absoluten Vorrang hat dabei die Prävention, denn die Repression greift bei komplexen Kriminalitätsgeschehen zu kurz. Strafrecht wirkt nicht im Dunkelfeld. Dort greifen nur präventiven Maßnahmen, die sich zur Korruptionsbekämpfung geradezu aufdrängen. Denn bei dieser heimlichen Kriminalitätsform ist die mangelnde Erkennbarkeit das Hauptproblem, nicht die drastische Aburteilung einiger erkannten Fälle.

Korruption stellt – neben ihren politisch wie sozial schädlichen Folgen – eine ernsthafte Bedrohung der wirtschaftlichen Entwicklung dar: sie verfälscht den internationalen Wettbewerb, verzerrt Märkte, leitet wichtige Ressourcen fehl und zerstört wirtschaftliche Werte ebenso wie Arbeitsplätze und schädigt damit die Wirtschaft insgesamt. Deshalb hat sich die OECD (Organisation für wirtschaftliche Zusammenarbeit und Entwicklung) seit Anfang der 90er Jahre als erste internationale Organisation überhaupt den Kampf gegen Korruption auf ihre Fahne geschrieben. Sie hat sich seitdem zum «global leader» im Kampf gegen internationale Bestechung entwickelt und ist zum wichtigsten Urheber internationaler Instrumente zur Korruptionsbekämpfung geworden.

Der OECD-Konvention zur Bekämpfung der Bestechung ausländischer Amtsträger im internationalen Geschäftsverkehr gehören neben sämtlichen OECD-Mitgliedstaaten auch Nicht-OECD-Mitglieder wie beispielweise Brasilien, Südafrika, Russland und die Ukraine an. Die konvention verpflichtet die Mitgliederstaaten, die Bestechung ausländischer Amtsträger in ihrem nationalem Recht genau so zu bestrafen wie die Korruption inländischer Staatsbediensteter. In

der BRD wurde die Konverntion durch das Gestz zur Bekämpfung internationaler Bestechung umgesetzt, in dem das Verbot der aktiven Bestechung auf ausländische Amtsträger ausgeweitet wurde.

Deutschland ist Mitglied der im Jahr 1989 gegründeten «Financial Action Task Force» (FATF). Sie legt internationale Standards zur Bekämpfung von Geldwäsche, Terrorismus- und Proliferationsfinanzierug fest. Bei der FATF handelt es sich um ein zwischenstaatliches Gremium, dessen Sekretariat bei der OECD in Paris angesiedelt ist. Derzeit gehört der FATF 36 Mitglieder an.

Die Korruption ist eine nicht zu unterschätzende Gefahr für den Staat, da sie eine wichtige Voraussetzung für organisierte Kriminalität bzw. Wirtschaftskriminalität darstellt. Zielrichtung sind z. B. Sachbearbeiter der Strafverfolgungsorgane, von Behörden allgemein, der Wirtschaft und der Politik. Ausgewählte Handlanger werden durch materielle oder immaterielle Zuwendungen in eine Abhängigkeit gebracht, aus der es grundsätzlich kein Entrinnen gibt. Nötigung und Erpressung sind die bekanntesten Folgen. Voraussetzung einer effektiven Strafverfolgung ist eine zentrale Sammlung und Auswertung über Korruptionsdelikte.

Wirtschaftskriminalität ist ein Phänomen aller Staaten dieser Welt. Ein Großteil ist mit an Sicherheit grenzender Wahrscheinlichkeit der Organisierten Kriminalität zuzuordnen. Ihr verdankt man eine Reihe gesetzlicher Änderungen, einschließlich dem Schutz wichtiger Zeugen und der Geldwäschebestimmungen.

Die internationale Gemeinschaft muss die Korruption gemeinsam bekämpfen, und dazu müssen die Staaten Zusammenarbeiten und sich ihre Erfahrungen und Fähigkeiten gegenseitig zur Verfügung stellen. Sie unterstützt deshalb die Prüfungsmechanismen der Anti-Korruptions-Politik der OECD und der FATF, denn nur durch die sorgfältige Überwachung der Praktiken der Mitgliedstaaten und durch glaubwürdige Empfehlungen können die wirksame Bekämpfung der Korruption gewährleistet und der politische Druck aufrecht erhalten werden

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RICHTIG WICHTIG – KINDER HABEN RECHTE

Als Kinderrechte werden die Rechte von Kindern und Jugendlichen bezeichnet. Weltweit festgeschrieben sind sie in der UN-Kinderrechtskonvention (im Folgenden UN-KRK), die am 20. November 1989 von der Generalversammlung der Vereinten Nationen verabschiedet und heute von den meisten Staaten der Erde ratifiziert worden ist, woraus sich eine universelle Verbindlichkeit der Kinderrechte ableiten lässt [1]. Dieser Beschluss war das Ergebnis eines jahrzehntelangen Prozesses nach dem Zweiten Weltkrieg, an dessen Anfang die Allgemeine Erklärung der Menschenrechte im Jahr 1948 stand.

In der UN-KRK werden alle Personen unter 18 Jahren als Kinder definiert und es wird bekräftigt, dass allen Kindern alle Menschenrechte zustehen. Insgesamt beinhaltet die Konvention 54 Kinderrechtsartikel sowie zwei Zusatzprotokolle zur Beteiligung von Kindern an bewaffneten Konflikten und gegen den Verkauf und die sexuelle Ausbeutung von Kindern [3]. In vielen Punkten ähneln diese Artikel den Grundrechtskatalogen westlicher Prägung. So werden darin etwa Meinungs-, Religions- und Informationsfreiheit thematisiert.

Bis in die Neuzeit hinein wurden Kinder jahrtausendelang von Geburt an zu den Besitztümern der Eltern gezählt. Insofern hatten die Kinder keine spezifischen Freiräume, in denen sie sich zu eigenständigen Individuen entwickeln konnten. Sie waren in ihrem Lebensweg (Schule, Ausbildung, Beruf) ausschließlich von den Wünschen ihrer Eltern abhängig und mussten sich dem Familienoberhaupt bedingungslos unterordnen [4]. Beispielsweise hatte der Vater im alten Rom, entsprechend der patriarchalisch geprägten römischen Gesellschaftsordnung, das uneingeschränkte Recht, über Leben oder Tod seines neugeborenen Kindes zu entscheiden (ius vitae et necis).

Als charakteristisches Merkmal dieser Zeit ist ein Perspektivenwechsel vom Schutzgedanken hin zum kindlichen Wohlbefinden (und die Bekämpfung von Kinderarmut) zu konstatieren – gemäß der UN-KRK vom November 1989. Das Konzept des

Kindeswohls unterscheidet sich in seinem Wirkungsgrad entscheidend von seinen Vorgängerideen, wie dem des Kinderschutzes oder dem der Kinderwohlfahrt, da dem Kind darin erstmals eigene Rechte zugestanden werden, die mit den Rechten erwachsener Personen vergleichbar sind [2]. Es muss aber auch erwähnt werden, dass Kindeswohl' ein bewusst breit angelegter Begriff ist, der je nach Fachdisziplin anders definiert wird und dass die Messung kindlichen Wohlbefindens variiert.

Zeitgleich mit dem Inkrafttreten der Kinderrechtskonvention fand 1990 in New York der erste Weltkindergipfel statt. Dort wurde ein Programm für das Überleben, den Schutz und die Entwicklung von Kindern, insbesondere in Entwicklungsländern, verabschiedet [5]. Der zweite Weltkindergipfel fand 2002 statt. Auf dieser zweiten Konferenz wurde unter dem Titel «A World fit for Children» ein Abschlussdokument verabschiedet, dass weltweit die Lebenssituation der Kinder verbessern soll. Neben Vertretern von mehr als 180 Staaten, wurden zum aller ersten Mal auch Kinder und Jugendliche in der Vollversammlung der UN angehört.

In der Folge ist die Kinderrechtskonvention noch durch zwei Zusatzprotokolle, die beide 2002 in Kraft traten, konkretisiert und ausgeweitet worden. Das erste Zusatzprotokoll zur Kinderrechtskonvention betreffend die Verwicklung von Kindern in bewaffneten Konflikten besagt, dass Minderjährige nicht zwangsweise zum Militärdienst eingezogen werden dürfen [2]. Ein zweites Zusatzprotokoll betrifft das Verbot von Kinderhandel, Kinderprostitution und Kinderpornografie. Es fordert die Staaten ausdrücklich dazu auf, diese Formen der Ausbeutung als Verbrechen zu verfolgen und unter Strafe zu stellen.

Gleiches Recht für alle! Jedes Kind ist genau so viel wert wie das andere. Und alle Kinder haben die selben Rechte. Es spielt keine Rolle, aus welchem Land du stammst, welche Hautfarbe du hast, welchem Glauben du angehörst, welche Sprache du sprichst, ob du ein Mädchen oder ein Junge bist, zu einer Minderheit in deinem Land gehörst, ob du arm oder reich aufwächst. Auch wenn deine Eltern oder andere Erwachsene, auf die du angewiesen bist, etwas angestellt haben, hast du die vollen Rechte. Denn kein Kind darf für etwas bestraft oder benachteiligt werden, was seine Eltern oder andere Bezugspersonen verursacht haben [2].

Jedes Kind hat das Recht auf ein gutes Leben. Deshalb sind sich alle Länder, die die UN-Kinderrechtskonvention unterzeichnet haben, einig, dass Kinder mit Behinderungen dieselben Rechte haben wie

andere Kinder. Sie brauchen manchmal besondere Pflege, Zuwendung und Förderung, damit sie aktiv am Leben teilnehmen können [3]. Behinderte, schwer kranke oder verletzte Kinder sollen möglichst viele Möglichkeiten und Angebote zur Unterstützung bekommen, damit sie eine faire Chance haben.

Was nützen Rechte, wenn niemand weiß, daß es diese Rechte gibt! Wenn die Regierung eines Landes das «Übereinkommen über die Rechte des Kindes» unterzeichnet hat, dann muß sie dafür sorgen, daß seine Bestimmungen Kindern und Erwachsenen bekannt gemacht werden.

Die Kinder sollen wissen, welche Rechte sie haben. Und die Eltern sollen wissen, wie sie ihren Kindern helfen können, zu ihrem Recht zu kommen [5].

Es genügt nicht, wenn die Regierung eines Landes das «Übereinkommen über die Rechte des Kindes» unterschreibt und sich dann nicht mehr darum kümmert. Die Rechte des Kindes sollen nicht nur auf dem Papier stehen, sie sollen auch durchgesetzt und verwirklicht werden [3].

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3. www.kinder-haben-rechte.com/pdf/die_wichtigsten_kinderrechte.pdf
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PRODUKTPIRATERIE – EIN GRUNDSÄTZLICHES PROBLEM DER GESELLSCHAFT

Seit der Antike besteht die Gefahr, auf eine Fälschung hereinzufallen Im alten Rom wurden griechische Statuen in großer Zahl in betrügerischer Absicht nachgeahmt. Bereits Horaz berichtet von einem gewissen Damasippus, der durch gefälschte Kunstwerke ein Vermögen verliert [1].

Eine Designerhandtasche für zehn Euro, die lang ersehnten Markenschuhe zum halben Preis oder das radikal reduzierte Schlankheitsmittel aus dem Internet – die anfängliche Freude über den

Erwerb eines Schnäppchens kann bei Plagiaten und Fälschungen schnell ins Gegenteil umschlagen [2]. Nicht nur werden viele Schnäppchenjäger von einer niedrigen Produktqualität überrascht, die Einnahme nachgeahmter Medikamente beispielsweise kann zu dem ein hohes gesundheitliches Risiko bedeuten.

Bei Produkt- und Markenpiraterie handelt es sich um die Verletzung bzw. illegale Verwendung von Urheber- und Marken-, Patent – sowie sonstigen gewerblichen Schutzrechten durch Nachahmung oder Fälschung. Produkt – und Markenpiraterie schadet auch dem produzierenden Gewerbe. Insbesondere bei Produkten wie beispielsweise Unterhaltungselektronik, Designware, Medikamenten, Textilien oder KfZ-Ersatzteilen nimmt die Anzahl nachgeahmter und gefälschter Waren zu. Dadurch gewinnt das Thema in der öffentlichen Wahrnehmung zunehmend an Bedeutung [5]. Im Vordergrund stehen hierbei die betriebs- und volkswirtschaftlichen Risiken und Schäden auf der einen Seite sowie die gesundheitlichen Risiken und Schädigungen für die Verbraucher auf der anderen Seite. Hersteller von Markenprodukten setzen deshalb heute verstärkt auf technische Sicherungsmittel zum Kopierschutz, Authentizitätsfeststellung und Vertriebskontrolle ihrer Waren.

Nach der freien Enzyklopädie Wikipedia sind...

«Produkt-Plagiate»: Produkt-Plagiate besitzen einen geringfügig geänderten Markennamen. Teilweise verbergen sich dahinter Produkte, die es vom Originalhersteller gar nicht gibt [1].

«Sklavische Fälschungen»: Die sklavische Fälschung versucht, das Original genau zu kopieren. Die Verpackung sowie der Markenname sind häufig gleich. Bei kosmetischen oder pharmazeutischen Produkten sind die Inhaltsstoffe möglicherweise sogar identisch.

«Klassische Fälschungen»: Bei klassischen Fälschungen wird eine identische Verpackung und der Name des Herstellers benutzt. Die Inhaltsstoffe, die verarbeiteten Materialien und / oder die Verarbeitung hingegen sind meist (aber nicht notgedrungen) minderwertig, nicht vorhanden oder sogar gesundheitsschädlich.

«Raubkopien oder Schwarzkopien»: Raubkopie oder Schwarzkopie ist die umgangssprachliche Bezeichnung für rechtswidrig hergestellte oder verbreitete Kopien von urheberrechtlich geschütztem Material. Die Bezeichnung bezieht sich in der Regel auf Produkte der Medienbranche, die sich mittels Reprotechnik reproduzieren lassen [5].

Verbraucher müssen bei dem bewussten oder unbewussten Kauf von Plagiaten oder Fälschungen mit deutlichen finanziellen Nachteilen und gesundheitlichen Risiken rechnen. Fälscher produzieren

gewöhnlich in einer niedrigeren Qualität als Originalhersteller. Illegal hergestellte Kosmetika oder Medikamente enthalten zudem in vielen Fällen nicht zugelassene, vielleicht sogar gesundheitsschädliche Inhaltstoffe [1]. Darüber hinaus ist die vom Originalhersteller zugesicherte Funktionalität der Produkte bei Plagiaten und Fälschungen nicht gewährleistet, was auch ein erhöhtes Unfall- und Gesundheitsrisiko für den Verbraucher bedeuten kann.

Unfallgefahren:

– Fehlende oder unwirksame technische Schutzeinrichtungen
– Fehlende oder unzureichende Gebrauchsanleitungen
– Fehlende oder eingeschränkte Produktfunktionalitäten
– Einsatz und Verarbeitung minderwertiger Materialien

Gesundheitsgefahren

– Über- oder Unterdosierung der Wirkstoffe
– Giftige oder sonstig gesundheitsschädliche Inhaltsstoffe
– Undeklarierte Inhaltsstoffe
– Fehlende oder unzureichende Gebrauchsanweisungen

Finanzielle Gefahren

– Einbehaltung der Piraterieprodukte durch Behörden
– Nachträgliche Zoll – und Bußgelderhebung durch Behörden
– Produktpiraten übernehmen keine Gewährleistungsansprüche
– Produktpiraten übernehmen keinen Produkthaftungsfall

Wie lassen sich Plagiate und Fälschungen erkennen:

Typische Vertriebsformen

Händler nachgeahmter und gefälschter Waren nutzen vorrangig spezifische Vertriebskanäle, um ihre Waren zu verkaufen. Hierzu zählen zum Beispiel das Internet, Online Auktionen, Floh- und Jahrmärkte, sogenannte Kaffeefahrten, Reste- oder Straßenverkäufe, insbesondere in Urlaubsländern. Hier sollten Verbraucher daher beim Kauf von Waren besonders vorsichtig sein.

Erkennen anhand des Preisgefüges

Besonderes Merkmal von Plagiaten und Fälschungen ist der niedrige Preis. Waren werden als «Schnäppchen» angepriesen und liegen oftmals deutlich unter dem Originalverkaufswert. Versuchen Sie, den Grund für das günstige Angebot herauszubekommen [2]. Nachgeahmte und gefälschte Waren lassen sich häufig anhand des Preisgefüges (Angebotspreis, Verhandlungsbandbreite) erkennen.

Das Kleingedruckte

In Produkt- und Garantieinformationen, sofern bei Plagiaten und Fälschungen überhaupt vorhanden, befinden sich sehr häufig Rechtschreibfehler und unsinnige Satzbildungen. Bei den Markennamen und Logos werden oftmalig Buchstaben verdreht oder weggelassen [2].

Der Handel mit gefälschten Waren ist ein ernstes Problem für die Allgemeinheit und seine Bekämpfung daher ein Anliegen aller.

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1. Wikipedia http://de.wikipedia.org/wiki/Produktpiraterie (Stand: 01.12.2007).
2. www.markenpiraterie-apm.de.
3. www.original-ist-genial.de
4. www.plagiarius.de
5. www.produktpiraterie.org.

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VOLS DE NUIT DE L'HELITREUILLAGE DE LA SÉCURITÉ CIVILE

L'évolution des équipements et de la formation des équipages d'hélicoptère de la Sécurité civile ouvre aujourd'hui la voie au travail de nuit, l'hélitreuillage. Mais ce dernier exige de conditions spécifiques.

Dans le domaine des secours en sites accidentés, l'hélicoptère est utilisé depuis plus de trente-cinq ans. À partir de 2003, la Sécurité civile française a renouvelé sa flotte d'appareils de première génération par le modèle EC 145. Sa vitesse de déplacement,sa capacité à se poser au coeur des zones difficiles d'accès et ses larges possibilités d'hélitreuillage en font aujourd'hui le partenaire privilégié des unités spécialisées dans l'intervention en milieux périlleux. Parmi les contraintes réduisant son champ d'action, la nuit constituait jusqu'à présent une limite forte. Aussi les missions menées dans ces conditions devaient-elles être conduites par voie terrestre. Les délais et le déploiement de moyens s'en trouvaient de fait sensiblement augmentés. L'évolution des équipements et de la formation des équipages d'hélicoptère de la Sécurité civile ouvre aujourd'hui la voie au travail de nuit,dont l'hélitreuillage.

L'équipage qui se compose d'un pilote – commandant de bord et d'un mécanicien – treuilliste, doit être qualifié pour le vol de nuit. Cette phase de qualification, dispensée par le Groupement d'hélicoptère de la

sécurité civile (GHSC), vise à acquérir la capacité à voler et à employer le treuil la nuit. L'utilisation de jumelles à vision nocturne et la modification des procédures en vol constituent le coeur de cette formation. Cette première phase est en voie d'achèvement; elle précède la seconde qui concerne les partenaires.

L'ensemble des utilisateurs embarqués à bord de l'EC 145 à des fins opérationnelles constituent les partenaires du GHSC (Groupement d'hélicoptère de la sécurité civile). Au premier rang de ceux-ci, les sapeurs-pompiers occupent une place majeure, notamment au travers des officiers chargés des missions de commandement et de coordination ainsi que des spécialistes (Grimp, SMO, plongeurs, SAV, DIH, médecins…). Ils reçoivent un entraînement initial assorti d'un maintien des acquis dont les conditions sont fixées par une note de la Direction de la défense et de la sécurité civiles1. Les spécialistes Grimp voient aujourd'hui leurs activités de maintien des acquis complétées par le travail nocturne pour opérer conjointement avec les équipages dans ces conditions particulières. Bien qu'aucune modification technique ne soit apportée à la procédure d'hélitreuillage diurne, les partenaires doivent nécessairement intégrer les contraintes aéronautiques qui se posent à l'équipage et les procédures qui en découlent. L'entraînement spécifique est décomposé en une demi-journée de théorie complétée par deux séances d'hélitreuillages nocturnes en terrain accidenté.

La faisabilité d'un hélitreuillage nocturne est tributaire de conditions spécifiques. Seul le commandement de bord est à même d'apprécier la possibilité de réalisation de la mission. Le facteur météo est important. La visibilité horizontale doit être de 3 000 mètres au moins et le plafond nuageux ne peut être inférieur à 500 pieds (150 mètres). Par ailleurs, le travail à proximité d'une source de lumière intense (agglomération) provoque un aveuglement de l'équipage par l'amplification lumineuse des jumelles à vision nocturne. Les systèmes d'éclairage standard de l'EC 145 sont utilisés dans les phases d'approche et de travail statique. Elles n'ont pour seul but que d'éclairer la zone à l'attention des partenaires. Les dispositifs SLT 400, IR200 orientable situés sous la machine et le phare de treuil sont les équipements de série. Ils seront complétés prochainement par un phare amovible et surpuissant SX16 (modèle américain).

L'apposition de bâtons chimio-luminescents en extrémité de câble, sur la civière et au sol facilitent le repérage dans l'espace. Enfin, les tenues vestimentaires des partenaires doivent comporter un balisage retro-réfléchissant permettant une meilleure visualisation des

signes de guidage. L'hélicoptère constitue un appui incontournable dans les missions de secours en terrain accidenté. Ses caractéristiques aéronautiques permettent un acheminement et une dépose rapide au cours de la zone de secours, qui constituent réellement le milieu périlleux pour le sauveteur. Il l'abordera d'autant plus favorablement qu'il aura bénéficié d'une vue aérienne préalable, et que son potentiel physique ne sera pas diminué par une approche terrestre souvent aussi longue que difficile. C'est aussi une aide à la manoeuvre considérable pour l'extraction des victimes par hélitreuillage. Les délais sont réduits et, de fait, permettent la prise en charge des pathologies au plus tôt, augmentant ainsi l'efficacité de la thérapie. Le champ d'application de ce formidable vecteur aérien s'élargit aujourd'hui. Pour autant, des limites d'utilisation restent incontournables. Les contraintes d'ordre mécanique, aéronautique, météorologique ou encore la pluralité des missions confiées aux hélicoptères font que leur disponibilité ne sera pas toujours assurée au moment de la demande. Il convient d'en tenir compte, notamment en poursuivant la maîtrise et le développement des techniques de secours au moyen de cordes employées par les unités spécialisées dans l'intervention en milieux périlleux.

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COMMENT SURVIVRE EN MONTAGNE

Les cas nécessitant la présence d'un hélicoptère de la Sécurité civile sont nombreux et variés, surtout l'hiver. Victimes d'avalanches, alpinistes en difficulté, randonneurs perdus, skieurs blessés… Les pilotes et les mécaniciens opérateurs de bord sont donc conduits à survoler régulièrement des zones montagneuses enneigées, par des conditions météorologiques peu engageantes. Même si ces derniers font partie des

meilleurs équipages d'hélicoptères français, il n'est pas impossible qu'ils se retrouvent un jour en état de victime dans une zone isolée.

Conditions météorologiques, crash, panne mécanique, les obligeant à poser l'appareil, ils peuvent être contraints d'atterrir n'importe où et ne pas pouvoir redécoller. Pilote et mécanicien n'ont alors pas le choix et doivent attendre qu'une colonne de renfort vienne les chercher. Mais cela peut être long, et par des températures proches de zéro, dans un milieu hostile comme peut l'être la montagne quand on ne la connaît pas, l'accident, ou même la mort peuvent très vite arriver.

Le but de ce stage est donc clair: offrir aux équipages des hélicoptères de la Sécurité civile les moyens de survivre quelques heures – voire un ou deux jours – en montagne tout en évitant les pièges qui peuvent leur être fatals. Le programme n'a pas pour exigence d'en faire des montagnards chevronnés, mais simplement de leur enseigner certains gestes susceptibles de les aider dans une telle situation. L'objectif est aussi psychologique. En ayant testé les techniques au calme, ils sauront à quoi s'attendre si malheureusement ils se retrouvent un jour bloqués en montagne. Ils ne seront pas surpris et pourront surmonter leur stress.

Les pilotes et les mécaniciens, pris au piège, doivent savoir deux choses: progresser afin de rejoindre une zone de moindre risque pour s'y installer, et connaître les techniques de base qui leur permettront de suivre les secouristes venus les chercher. Réparti sur une semaine, ce stage accueille une dizaine de participants, pilotes ou mécaniciens des 22 bases hélicoptères françaises. Obligatoire dans leur cursus de formation, le stage de survie en montagne est organisé par des sapeurs-pompiers spécialistes de la montagne, sous la tutelle de l'École d'application de la Sécurité civile (ECASC) de Valabre.

Ce programme du stage de survie en montagne est né d'une coopération entre le groupement hélicoptère de la Sécurité civile et l'ECASC. Donnant suite à une longue entente entre les deux entités, cette formation se déroule à La Grave (Hautes-Alpes) où les participants évoluent entre 2 400 mètres et 3 200 mètres. Pour concevoir les différents ateliers proposés aux stagiaires, le capitaine Roland Mijo, directeur adjoint de l'ECASC, et son équipe de conseillers techniques ont cherché à déterminer tous les malheurs susceptibles d'arriver à un équipage isolé en montagne.

Pour suivre une colonne de secours venue les chercher, il fallait aussi leur apprendre quelques techniques de base de progression en milieu périlleux. Le programme établi a donc été le suivant: apprentissage des techniques de recherche avec ARVA (Appareil de

recherche de victimes en avalanche), techniques de rappel, progression en cordée avec crampons et raquettes, escalade d'une falaise de glace, techniques d'encordement et d'ancrage, enrayage de chute, progression sur glacier et construction d'igloo.

Ce programme n'empêche pas une ambiance des plus chaleureuses entre stagiaires et formateurs. Les stagières sont cependant conscients qu'ils apprennent des gestes qui pourront leurs sauver la vie un jour. Encadrés par des professionnels de la montagne, sapeurs-pompiers professionnels ou volontaires, les stagiaires disposent de formateurs de haut niveau. L'ECASC ayant pour principe de ne pas avoir de formateurs propres à l'école, mais de les choisir pour leurs compétences opérationnelles, l'équipe actuelle est constituée de sapeurs-pompiers de différents horizons. Les stages de survie en montagne ne sont pas une nouveauté pour le groupement hélicoptère. Cependant, leur organisation par l'école de Valabre est, quant à elle, assez récente. « À l'origine, cette formation s'apparentait plus à un stage de sport d'hiver qu'à de l'apprentissage de la survie», explique le chef du groupement hélicoptère de la Sécurité civile, venu sur les lieux suivre une partie du stage. La mixité de ce type de stage permet également de renforcer la coopération opérationnelle entre Sécurité civile et sapeurs-pompiers.

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PRÉSERVER LAVENIR DE LA PLANÈTE

La manifestation la plus visible de la crise globale est celle du réchauffement climatique lié aux concentrations trop élevées de gaz à effet de serre dans l'atmosphère, qui réduit la couche d'ozone protégeant notre planète des rayons ultraviolets du Soleil. Le troisième rapport du groupe d'experts intergouvernemental sur l'évolution du

climat (Giec) montre que la température moyenne sur Terre pourrait augmenter de 1,4 C à 5, 8 C d'ici à la fin du XXIe siècle, avec des conséquences qui se révéleraient dramatiques pour des millions de personnes. Les experts dressent une longue liste des effets de ce réchauffement planétaire. À commencer par l'instabilité climatique, responsable de la plus grande fréquence des catastrophes naturelles majeures (tornades, tempêtes et cyclones) et de la modification des courants marins, régulateurs de température, et ayant une incidence importante sur le climat de plusieurs régions du monde. Suivent les inondations. La chaleur accentue le cycle de l'eau, entraînant une évaporation accrue et donc des précipitations plus importantes. Les fleuves grossissent et débordent, les océans se déchaînent, menaçant les personnes qui habitent à proximité des côtes marines ou des cours d'eau, c'est-à-dire 80 % de la population mondiale. Sans oublier la sécheresse et la désertification. L'augmentation de la température fera disparaître l'eau des zones les plus arides, les déserts vont s'étendre et certaines mers s'évaporer, comme la mer Morte ou la mer d'Aral. La fonte des glaciers et la dilatation thermique des eaux profondes sous l'effet de la chaleur provoqueront une montée du niveau des mers. Et la liste n'est pas exhaustive. Un tableau vraiment alarmant.

La pollution des océans

Contrairement aux idées reçues, les eaux usées rejetées par l'agriculture intensive et l'industrie dans les fleuves, les lacs et les rivières polluent deux fois plus les océans que le transport maritime. Pourtant, les dégazages en mer déversent chaque année de 1 200 000 à 1 500 000 tonnes de produits chimiques. Il ne s'agit pas seulement d'hydrocarbures, mais aussi d'une large gamme de détergents, d'huiles diverses qui polluent dans une quasi-impunité au-delà des zones économiques exclusives (200 milles nautiques) puisque l'on peut procéder à des rejets dans les mers ouvertes à condition de ne pas dépasser certaines normes. Par ailleurs, les rivières, les fleuves et les estuaires charrient vers le milieu marin quantité de substances particulièrement nocives, comme le mercure et le plomb. L'utilisation massive des engrais agricoles, des pesticides et des nitrates dans l'agriculture intensive augmente les rejets d'eaux riches en phosphates et en ammonium, provoquant une prolifération d'algues (les marées vertes) qui asphyxient le milieu marin.

Surexploitation des ressources

Ces phénomènes menacent directement l'avenir du biotope marin car ils engendrent une eutrophisation des estuaires, véritables pouponnières pour 80 % des espèces. Autre danger: la surpêche. Les stocks de poissons sont exploités au-delà de leurs limites biologiques.

Dans certaines eaux européennes, 40 à 60 % des réserves des principales espèces commerciales sont utilisées dans des conditions mettant en péril leur renouvellement. Enfin, l'augmentation de la pression démographique, avec 8 milliards d'êtres humains prévus en 2020, ne peut qu'exacerber les problèmes posés par les rejets polluants, qu'il s'agisse de ceux émanant de l'agriculture, des industries, des transports ou de ceux provenant des particuliers. Des solutions existent pourtant dans tous ces domaines. C'est avant tout une question de volonté politique. Or celle-ci dépend dans une large mesure de la prise de conscience des citoyens. On comprend d'autant mieux l'enjeu capital que représente le défi de changer les mentalités, pour que chacun s'engage à repenser son rapport à l'environnement.

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LE MÉTIER DE POLICIER, UNE FONCTION à RISQUES

En France, le rôle de la police est défini par l'article 12 de la Déclaration des droits de l'homme et du citoyen du 26 août 1789: «La garantie des droits de l'homme et du citoyen nécessite une force publique; cette force est donc instituée pour l'avantage de tous, et non pour l'utilité particulière de ceux à qui elle est confiée». Qu'il soit simple gardien de la paix ou brigadier de police, le métier de policier exige beaucoup d'endurance physique, de maîtrise de soi, de sang-froid, de faculté d'adaptation car une mission ne ressemble jamais à une autre et un policier doit se parer à toute éventualité. Le policier doit être disponible à tout moment et accepter d'éventuels déplacements prolongés en dehors de son domicile. Qu'il soit simple gardien de la paix ou brigadier de police, le métier de policier exige beaucoup d'endurance physique, de maîtrise de soi, de sang-froid, de faculté d'adaptation car une mission ne ressemble jamais à une autre et un

policier doit se parer à toute éventualité. Le policier doit être disponible à tout moment et accepter d'éventuels déplacements prolongés en dehors de son domicile. Pour devenir policier ou gardien de la paix, il n'est pas indispensable d'avoir 18 ans, car il faut plusieurs années pour réussir sa carrière dans la Police Nationale. Il suffit de remplir toutes les conditions requises pour passer l'examen d'entrée et de passer avec succès les épreuves d'admissibilité et d'admission [2, p. 35].

Découvrir le métier de policier. Le maintien de l'ordre public est la lourde tâche dévouée aux policiers. Ils ont le devoir d'aider toute personne en difficultés, de protéger les biens publics, d'empêcher tout acte de délinquance ou de vandalisme pouvant porter atteinte à la sécurité des citoyens ou à l'intégrité des biens publics. Quel que soit son corps d'appartenance, police aux frontières, police secours, compagnies républicaines de sécurité, le gardien de la paix a toujours comme objectif le maintien de la paix dans sa zone de responsabilité. Pour ce faire, il doit être apte à prodiguer les premiers soins en cas d'appels d'urgence, capable d'appliquer les règlements et les lois, prêt à intervenir en cas d'accidents, de crimes ou de catastrophes naturels et posséder les qualités et les qualifications requises pour mener une éventuelle enquête, accepter de patrouiller dans n'importe quel secteur pour le maintien de l'ordre public, etc [3, p. 15].

Comment devenir policier? Plusieurs conditions sont exigées pour participer au concours d'admission au sein de la Police Nationale. Il faut posséder la nationalité française et avoir entre 17 et 28 ans. Il n'y a pas de diplôme requis mais une taille minimum de 1,68 m pour les hommes et de 1,60 m pour les femmes est exigée. Il faut avoir une acuité visuelle au moins égale à 15/10ème pour les deux yeux avec un minimum de 5/10ème pour un œil. Une constitution robuste est de rigueur afin de satisfaire aux conditions physiques exigées par le métier, entre autres la capacité de travailler de jour comme de nuit et une forte résistance aux intempéries. Le candidat ne doit présenter ni mutilation ni amputation ni déformation physique. La dernière condition et non la moindre est la possession d'un casier judiciaire vierge. Les épreuves comportent des épreuves d'admissibilité et seuls les candidats ayant réussi à ces tests passent les épreuves d'admission. Les épreuves d'admissibilité comportent une dissertation portant sur un sujet d'actualité destinés à évaluer le candidat sur ses qualités d'expression et la cohérence de son raisonnement. Les candidats auront également à répondre à des questions à choix multiple (Qcm) et/ou des questions à réponses ouvertes et courtes (Qroc) qui portent notamment sur les sujets d'actualités du moment, les institutions politiques françaises et européennes et les connaissances des différentes disciplines scolaires. La dissertation est dotée d'un coefficient 3

pour une durée de 3 heures tandis que le questionnaire à Qcm et/ou à Qroc est affecté d'un coefficient 2 pour une durée d'une heure. Des tests psychotechniques d'une durée de 2 h 30 complètent les deux épreuves d'admissibilité. Pour l'admission, les candidats auront à passer trois épreuves: un entretien ou conversation avec les membres du jury pour évaluer les qualités de réflexion du candidat et pour apprécier ses connaissances du métier de policier ainsi que ca capacité et sa motivation pour exercer ce métier. Les résultats des tests psychotechniques sont pris en compte lors de cet entretien. Cette épreuve qui ne dure que 25 minutes est pourtant dotée d'un coefficient 4. La deuxième épreuve dotée d'un coefficient 3 consiste à des exercices physiques effectués le long d'un parcours. La dernière épreuve est une conversation dans une langue étrangère. Le candidat indique son choix lors de l'inscription et ne peut en aucun cas opter pour une autre langue au moment des épreuves. Les langues étrangères acceptées sont l'italien, l'anglais, l'allemand, l'arabe et l'espagnol avec une durée de 10 minutes et un coefficient 1. Les candidats définitivement admis portent le titre d'élèves gardiens de la paix et suivent une formation de 12 mois qui se termine par un examen de passage. Ils deviennent gardiens de la paix stagiaires et suivent de nouveau une formation d'une année pour devenir enfin gardiens de la paix. Il faut 12 années de service à un gardien de la paix pour accéder au grade supérieur. Cependant, il peut se présenter à un examen professionnel interne pour accéder à ce grade après 4 années de bons et loyaux services.

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CONSOMMATION ET ÉCONOMIE D'ÉNERGIE EN EUROPE

La consommation énergétique européenne représente 3,6 tonnes d'équivalent pétrole (tep) par an pour chaque européen (tep: unité d'énergie correspondant à l'énergie dégagée par la combustion

d'une tonne de pétrole). La France consomme 4,2 tep par an, soit un peu plus que la moyenne européenne.

La consommation d'énergie des pays de l'Union Européenne représente 15 % de la consommation mondiale, et augmente de 1 % à 2 % par an. Une hausse de 11 % a été constatée entre 1995 et 2004. Les américains consomment en moyenne deux fois plus d'énergie que les européens.

Les importations d'énergie et la dépendance énergétique se sont accrus: les pays membres de l'Union Européenne sont dépendants à 56% de l'extérieur. Leurs ressources propres sont faibles: 2 % des réserves de gaz, 2 % des réserves d'uranium, et des réserves de pétrole très faibles.

Elle détient en contrepartie un potentiel illimité en énergies renouvelables, mais qui n'est pas encore exploité. L'Union Européenne s'est fixé comme objectif la production de 21 % d'énergie à base d'énergies renouvelables d'ici 2020. La part d'énergies renouvelables dans la consommation énergétique des pays de l'Union Européenne s'élevait à 6,38 % en 2005. L'Europe s'est fixé à travers un plan d'actions des objectifs de réduction de la consommation d'énergie: 20% d'ici à 2020. Un plan d'action pour l'efficacité énergétique a été établit pour la période 2007-2012. Ce plan d'action européen en matière d'économies d'énergies comprend:

– des mesures visant à améliorer la performance énergétique des produits, bâtiments et services;

– l'amélioration du rendement de la production et de la distribution d'énergie;

– la réduction de l'impact des transports sur la consommation énergétique;

– la facilitation du financement et la réalisation d'investissements dans le domaine;

– le renforcement d'un comportement rationnel vis-à-vis de la consommation d'énergie;

– le renforcement de l'action internationale en matière d'efficacité énergétique.

Ce plan d'action en matière de réduction de la consommation d'énergie s'inscrit dans le plan de lutte contre les émissions de gaz à effet de serre, responsables du réchauffement climatique.

Les énergies renouvelables sont des sources d'énergie qui utilisent des ressources naturelles considérées comme inépuisables: vent, soleil, marées, chutes d'eau, terre, végétaux... Ces énergies ne produisent pas de gaz à effet de serre, de rejets polluants, et n'engendrent pas ou peu de déchets. Ils n'utilisent pas les ressources fossiles de la planète, comme le gaz naturel ou le pétrole, dont les réserves s'amoindrissent. Les énergies renouvelables exploitées à ce jour sont les suivantes:

– Éolienne
– Hydroélectricité
– Solaire photovoltaïque
– Solaire thermique
– Énergie-bois
– Géothermie
– Biomasse

Les énergies renouvelables connaissent un développement important depuis les années 1990, qui s'inscrit dans les politiques de lutte contre le réchauffement climatique. La production d'électricité renouvelable mondiale s'élève à 3525,5 TWh en 2006, soit 18,6 % de la production totale d'électricité dans le monde. C'est plus que le nucléaire qui produit 15 % d'électricité; les combustibles fossiles couvrent les 66,4 % de la production restante. La France est en retard sur les énergies renouvelables: 6% de ses besoins énergétiques et 11% de son électricité étaient produites par des énergies renouvelables en 2005. Les objectifs français pour 2015 sont respectivement de 10% et 21%, encore loin d'être atteints.

Les besoins en énergie sont chaque jour plus importants: ils pourraient être réduits si chacun mettait en œuvre des mesures pour privilégier dans son quotidien les économies d'énergie. Le chemin que va prendre le secteur énergétique sera décisif pour le réchauffement climatique et les problématiques écologiques et humaines d'aujourd'hui et de demain.

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ÉNERGIES RENOUVELABLES

La production et la consommation d'énergie sont le grand défi à relever du 21ème siècle. Comment alimenter des besoins énergétiques

de milliards de personnes, sachant que la production d'énergie est majoritairement polluante, que les réserves de pétrole et de gaz s'amoindrissent, que les besoins en énergie sont chaque jour plus importants?

L'énergie est à un tournant de son histoire. Les réserves de pétrole s'épuisent, et il s'agit de trouver une alternative écologique au pétrole, utilisable pour les transports, le chauffage, ou encore la production d'électricité.

Les biocarburants ne représentent pas pour le moment une option acceptable, car ils sont fortement consommateurs d'eau, de pesticides, de surface cultivable, et émetteurs de gaz à effet de serre de par la déforestation qu'ils engendrent, la mécanisation de leur culture et leur transport.

La production d'électricité à partir d'énergie nucléaire est certes peu émettrice de gaz à effet de serre, mais le risque d'accident dans les centrales est présent, et les déchets radioactifs sont dangereux pour des milliers d'années; ils rencontrent des problèmes de stockage et sont légués aux générations à venir.

La production d'électricité à partir d'énergie fossile est polluante sur toute sa filière, fortement émettrice de gaz à effet de serre, et va devoir trouver une solution pour faire face à l'épuisement des ressources fossiles.

Les énergies renouvelables sont la solution écologique à la production d'électricité et de chaleur: éolien, solaire, biomasse, géothermie, biogaz… mais restent à ce jour encore peu développées à l'échelle planétaire.

L'énergie éolienne est une énergie renouvelable générée par la force du vent. C'est une énergie propre car elle n'émet pas de gaz à effet de serre, n'utilise pas de ressources fossiles, et ne produit pas de déchets. L'énergie éolienne va dans le sens d'une politique de développement durable car elle est réversible, renouvelable, recyclable et ses impacts environnementaux sont maîtrisables (bruit, intégration dans le paysage…) Les éoliennes sont constituées de 3 éléments: un mât, d'une centaine de mètre en moyenne, une nacelle, qui abrite la génératrice et un rotor. La force du vent fait tourner les pâles des éoliennes, fixées au rotor, qui fait tourner un arbre mécanique. Un multiplicateur augmente la vitesse de celui-ci, et l'énergie produite est convertie en électricité par la génératrice.

L'application de l'énergie éolienne la plus utilisée est celle de la production d'électricité à l'échelle d'un territoire à partir d'un parc éolien terrestre ou off-shore (éolienne implantées en mer). De petites

éoliennes installées à proximité des habitations peuvent également fournir de l'électricité à un particulier: ce dernier peut revendre l'excédent d'énergie qu'il produit.

Concernant son parc éolien, la France est très en retard par rapport aux autres pays membres de l'Union Européenne. Fin 2006, la France possède 150 parcs éoliens, qui ont produit 0,986 TWh, soit un infime pourcentage des 549,1 TWh d'électricité produite sur l'année en France, majoritairement par le nucléaire. L'éolien connaît néanmoins une croissance mondiale forte: le Global Wind Energy Council (GWEC) prévoit une hausse de plus de 155 % de l'énergie éolienne d'ici à 2015, où elle atteindra 240 GW de capacité installée, contre 117 en 2008.

L'énergie solaire thermique est aussi une énergie renouvelable qui a pour principe de convertir en chaleur le flux solaire par le biais de capteurs solaires thermiques. Cette énergie peut être utilisée pour le chauffage, mais également pour produire de l'électricité.

Pour le chauffage des habitations, les capteurs solaires sont installés généralement sur les toits, avec une inclinaison de 45°C. Ils peuvent fournir en chaleur les habitations, par un système solaire combiné (SSC) qui associe chauffage de l'eau sanitaire et chauffage de l'habitat, ou un chauffe-eau solaire individuel (CESI), mais également les piscines, la production d'eau chaude sanitaire (ECS), ou encore sécher des récoltes (fourrage, céréales, fruits).

L'énergie solaire thermique est efficace et fonctionne sur tout le territoire français, même si l'ensoleillement est plus intense dans le sud: en effet, les besoins en chauffage dans le nord sont plus importants mais plus étalés tout au long de l'année.

L'énergie solaire thermique est une énergie écologique et renouvelable, car elle consomme une ressource inépuisable, ne produit pas de gaz à effet de serre et ne génère pas de pollution. Elle connaît une croissance importante en France pour l'équipement des bâtiments et des maisons individuelles.

Les besoins en énergie sont chaque jour plus importants: ils pourraient être réduits si chacun mettait en œuvre des mesures pour privilégier dans son quotidien les économies d'énergie.

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RISQUES DE FEUX DE FORÊT

La France avec quinze millions d'hectares de zones boisées, est régulièrement soumise à des incendies de forêt, plus particulièrement en région méditerranéenne, en Corse et dans les Landes. Face à ce constat, l'État mène une politique de prévention active, dont la priorité est l'information du public et des usagers de la forêt.

Qu'est-ce qu'un feu de forêt ?

On parle d'incendie de forêt lorsqu'un feu concerne une surface minimale d'un hectare d'un seul tenant et qu'une partie au moins des étages arbustifs et/ou arborés (parties hautes) est détruite. En plus des forêts au sens strict, les incendies concernent des formations subforestières de petite taille: *le maquis*, formation fermée et dense sur sol siliceux, *la garrigue*, formation plutôt ouverte sur sol calcaire et *les landes*, formations sur sols acides, assez spécifiques de l'Ouest de la France (Vendée et Bretagne), composées de genêts et de petits arbustes. Généralement, la période de l'année la plus propice aux feux de forêt est l'été, car aux effets conjugués de la sécheresse et d'une faible teneur en eau des sols, viennent s'ajouter les travaux en forêt.

Un feu peut prendre différentes formes selon les caractéristiques de la végétation et les conditions climatiques dans lesquelles il se développe. Il existe trois types de feux:

– Les feux de sol brûlent la matière organique contenue dans la litière, l'humus ou les tourbières. Alimentés par incandescence avec combustion, leur vitesse de propagation est faible;

– Les feux de surface brûlent les strates basses de la végétation, c'est-à-dire la partie supérieure de la litière, la strate herbacée et les ligneux bas. Ils se propagent en général par rayonnement et affectent la garrigue ou les landes;

– Les feux de cimes brûlent la partie supérieure des arbres (ligneux hauts) et forment une couronne de feu. Ils libèrent en général de grandes quantités d'énergie et leur vitesse de propagation est très élevée. Ils sont d'autant plus intenses et difficiles à contrôler que le vent est fort et le combustible sec.

Une question importante se pose: Quels sont les facteurs de déclanchement des feux de forêt? On souligne deux types de facteurs conditionnent le déclenchement des incendies de forêt: les facteurs naturels et les facteurs anthropiques.

Les facteurs naturels sont liés:

– aux conditions du milieu, c'est-à-dire aux conditions météorologiques auquel le site sensible est exposé. De forts vents accélèrent le dessèchement des sols et des végétaux et favorisent la dispersion d'éléments incandescents lors d'un incendie. La chaleur dessèche les végétaux par évaporation et peut provoquer la libération d'essences volatiles, à l'origine de la propagation des flammes. Enfin la foudre est à l'origine de 4 % à 7 % des départs de feux;

– à l'état de la végétation, au regard de sa teneur en eau, de l'entretien général de la forêt, de la disposition des différentes strates arborées et des types d'essence d'arbres présents. Parmi les essences d'arbres, on distingue:

– les pyrophiles, sensibles au feu, comme le pin sylvestre, la bruyère ou le ciste de Montpellier;

– les pyrorésistantes, capables de résister aux incendies, comme la bruyère arborescente, le pin d'Alep, le chêne vert, le châtaigner ou le chêne liège;

– à l'existence d'une zone de relief, dont les irrégularités accélèrent la propagation du feu.

Les facteurs anthropiques jouent un rôle prépondérant, car ils sont à l'origine du déclenchement des incendies de forêt dans 70 % à 80 % des cas.

Ils sont regroupés en cinq catégories: les causes accidentelles, les imprudences, les travaux agricoles et forestiers, la malveillance et les loisirs.

Bien que les incendies de forêt soient beaucoup moins meurtriers que la plupart des catastrophes naturelles, ils n'en restent pas moins très coûteux en terme d'impact humain, économique, matériel et environnemental. Les atteintes aux hommes concernent principalement les sapeurs pompiers et plus rarement la population. Le mitage, qui correspond à une présence diffuse d'habitations en zones forestières, accroît la vulnérabilité des populations face à l'aléa feu de forêt. De même, la diminution des distances entre les zones d'habitat et les zones de forêts limite les zones tampon à de faibles périmètres, insuffisants à stopper la propagation d'un feu.

Face au risque feu de forêt, l'État et les collectivités territoriales ont un rôle de prévention, qui se traduit notamment par une maîtrise de l'urbanisation pour les communes les plus menacées, une politique

d'entretien et de gestion des espaces forestiers, principalement aux interfaces habitat / forêt, ainsi que par des actions d'information préventive. *La maîtrise de l'urbanisation* s'exprime au travers des *plans de prévention des risques naturels* prescrits et élaborés par l'État. Dans les zones exposées au risque feu de forêt, le PPR (*plans de prévention des risques*) peut prescrire ou recommander des dispositions constructives, telles que l'utilisation de matériaux ayant une certaine résistance au feu, des dispositions d'urbanisme, telles que l'obligation de défrichage autour des habitations et voiries, ou des dispositions concernant l'usage du sol.

L'aménagement des zones forestières: face au risque feu de forêt, la prévention consiste en une politique globale d'aménagement et d'entretien de l'espace rural et forestier. Dans ce cadre, les plans intercommunaux de débroussaillement et d'aménagement forestier, les PIDAF, ont notamment pour but de planifier et de hiérarchiser l'aménagement (création de coupures de combustible, qui permettent de cloisonner les massifs et de réduire le risque de propagation du feu) et l'entretien des massifs forestiers. Le reboisement est envisagé dans une logique de gestion durable, car il permet de diminuer l'impact visuel et de ralentir l'érosion des sols. Il privilégie l'utilisation de peuplements moins combustibles par leur structure et leur composition. La réduction de la biomasse combustible par le pastoralisme ou l'agriculture constitue également une mesure de prévention du risque de propagation du feu. Chaque citoyen doit prendre conscience de sa propre vulnérabilité face aux risques et pouvoir l'évaluer pour la minimiser.

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CONSÉQUENCES DU RÉCHAUFFEMENT CLIMATIQUE

Le réchauffement climatique a desconséquences très préoccupantes sur l'homme et l'environnement: réchauffement des terres émergées et des latitudes élevées, fonte des glaciers, diminution voire

disparition dans certaines zones de la glace dans l'Arctique et l'Antarctique, élévation du niveau de la mer provoquant des inondations des zones côtières, à cause de l'augmentation de la température de l'eau, la dilatation de l'eau chaude la rendant plus volumineuse que l'eau froide,perturbation voire destruction de certains écosystèmes, extinction d'espèces, extension du désert recrudescence de maladies infectieuses, qui s'étendront vers le Nord, vagues de chaleurs plus intenses, fortes pluies plus fréquentes et denses, cyclones, typhons et ouragans plus intenses, avec des vents et précipitations plus violents ainsi que des inondations, provoquant des dommages humains et matériels graves, baisse de la ressource en eau potable, migration de masse des peuples subissant le réchauffement climatique Selon un rapport du Forum humanitaire mondial publié en 2009 et présenté par Kofi Annan, ancien secrétaire général des Nations Unies, le réchauffement climatique tue 300 000 personnes par an.

Ce sont les pays du Sud, et les 325 millions de personnes les plus pauvres du monde qui sont les plus touchés par le changement climatique. Ouragans, cyclones, inondations, pluies torrentielles, vagues de sécheresse, élévation du niveau de la mer... menacent de nombreux pays et des milliards d'hommes et de femmes.

Les modélisations du Groupe d'Experts Intergouvernemental sur l'Evolution du Climat (GIEC) sur les conséquences du réchauffement climatique rencontrent un consensus scientifique, avec des prévisions qui s'aggravent au fil du temps (courant 20ème et 21ème siècle).

Les perspectives d'augmentation de température varient entre 1,8°C et 4°C d'ici la fin du siècle, augmentation qui ne sera pas répartie uniformément sur la planète: au Pôle Nord, les températures moyennes des dix dernières années ont augmenté 2 fois plus vite qu'au niveau mondial.

Le réchauffement climatique multiplie les phénomènes météorologiques extrêmes: les catastrophes d'origine naturelle seraient décuplées à cause de l'augmentation de température sur la terre et dans les mers.

Cyclones, ouragans, sécheresse, inondations, tempêtes ont vu leur intensité progresser de façon significative cette dernière décennie, et cette progression est une conséquence directe du réchauffement planétaire, selon l'avis de nombreux scientifiques.

En 2007, plus de 500 catastrophes naturelle sont été recensées dans le monde, soit une progression de 20% par rapport à l'année précédente.

Au cours de la dernière décennie, de 1997 à 2006, le nombre de catastrophes a augmenté de 60 % par rapport à la période 1987–1996, soit de 4241 à 6 806 catastrophes.

On constate entre 70 et 90 cyclones par an dans le monde et ce chiffre est resté stable: mais selon une étude du Groupe d'Experts Intergouvernemental sur l'Evolution du Climat (GIEC), les cyclones sont d'une intensité supérieure (plus de cyclones d'intensité 4 ou 5, accompagnés de vents de plus de 200 km/h).

Depuis 2004, une très forte saison cyclonique est constatée par les météorologues: Katrina à la Nouvelle Orléans, Rita dans le Golfe du Mexique, Wilma dans la mer des Caraïbes, Sidr au Bangladesh, Nargis en Birmanie... La liste des cyclones de forte intensité et très dévastateurs est longue ces dernières années.

Les catastrophes naturelles sont de plus en plus meurtrières. 600 000 décès sont à déplorer sur la période 1987-1996; ils sont 1,2 millions entre 1997 et 2007.

Cette augmentation est due à l'intensification des catastrophes naturelles et à l'accroissement de la population vivant dans les régions côtières: 250 millions de personnes par an sont touchées par les inondations et les destructions liées aux phénomènes météorologiques très violents sur les côtes.

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RÔLE DE L'AVOCAT DANS LA PROCĔDURE JUDICIAIRE

L'avocat est reconnu en France comme un « auxiliaire de justice « au sens plein. L'auxiliaire, c'est celui qui aide, qui apporte son concours, qui défend les seuls intérêts de son client, en toute liberté et

toute indépendance, permettant ainsi la tenue de procès équitables dans lesquels toutes les parties sont également conseillées. L'avocat participe ainsi pleinement au processus judiciaire qui doit conduire, en principe, au rétablissement d'une situation plus harmonieuse à l'issue d'un procès qui répond au sentiment de justice exprimé par des citoyens. En plus de ses activités de conseil et de représentation de ses clients, l'avocat participe également au bon fonctionnement du service public de la justice et collabore quotidiennement avec les magistrats pour que la justice soit rendue dans les meilleures conditions possibles.

Classiquement, l'avocat a deux missions principales: l'assistance et la représentation. Ces deux missions ont vocation à défendre un client, mais elles n'ont pas la même portée.

L'avocat assiste son client lorsqu'il le conseille, ou parle en son nom à l'audience. Lorsque le client comparait personnellement à l'audience, l'avocat n'agit qu'en tant que défenseur, il plaide mais n'engage pas de ce fait son client. L'assistance ne se résume toutefois pas aux conseils apportés au client en vue ou lors de l'audience. Cette mission s'exerce également en dehors de tout procès, lors des consultations avec le client, de la rédaction de contrats, de négociations commerciales ou du règlement de situations précontentieuses. L'assistance est la mission traditionnelle de l'avocat, et également la plus connue.

La mission de représentation, qui historiquement n'a pas toujours été confiée aux avocats, est au contraire généralement assimilée à un mandat, dit ad litem, par lequel l'avocat-mandataire agit pour le compte de son client, conduit le procès en son nom et effectue tous les actes nécessaires. L'avocat engage donc son client par toutes les démarches qu'il accomplira au cours de l'instance.

On doit noter, à la différence de la situation connue en Chine, que ni le mandat ad litem ni la mission de représentation ne supposent de documents ou contrats écrits entre l'avocat et son client. Un juge français ne demande jamais à un avocat de justifier de sa qualité de représentant d'un client. Sa présence dans la procédure, et le port de sa robe devant les juges, suffisent à constituer son pouvoir de représentation. L'avocat qui agirait pour un client sans le consentement de ce dernier engagerait sa responsabilité professionnelle, mais ces cas sont suffisamment rarissimes pour qu'on n'en entende jamais parler en France. Cette représentation sans contrat ni mandat écrits, et la présomption qui s'attache au port de la robe à l'audience, établissent le rôle de l'avocat comme pilier du système judiciaire.

Les deux rôles d'assistance et de représentation de l'avocat se complètent: un même avocat peut évidemment assister et représenter son client, les textes prévoient d'ailleurs en toute logique que, sauf exception, le mandat de représentation emporte mission d'assistance. Il serait en effet incohérent qu'un avocat agisse pour le compte de son client sans lui apporter de conseils. Mais ces missions peuvent également être confiées à deux avocats différents, l'avocat «postulant», investi de la mission de représentation, et l'avocat «plaidant», investi de la mission de conseil. L'avocat plaidant, n'engageant pas son client par ses actes, ne peut par conséquent pas transiger, acquiescer ou former un pourvoi en cassation. Ces actes relèvent de la mission de représentation. C'est d'ailleurs parce que l'avocat postulant a le pouvoir d'engager son client par ses actes que son nom doit être porté à la connaissance du juge et inscrit sur les actes de procédure.

Le rôle de l'avocat dans ses missions d'assistance et de représentation est assorti d'une responsabilité professionnelle exigeante. L'avocat a une obligation d'information de ses clients, tant sur l'opportunité de conduire un procès, que sur les risques encourus. Cette obligation de conseil court tout au long du procès - l'avocat est en effet tenu de rendre compte de la décision, d'évoquer les possibilités de recours - et même jusqu'à l'exécution de la décision, si elle a lieu dans un délai d'un an, et ce même si le client s'est abstenu de rémunérer son avocat. Le mandat de représentation est valable tant que sa révocation n'a pas été notifiée. L'avocat doit faire preuve d'une diligence toute particulière dans l'exercice de ses missions: ainsi, même si son client a connaissance, par exemple en lisant le jugement, de la possibilité d'un recours, l'avocat engage sa responsabilité s'il n'a pas attiré spécifiquement l'attention de son client sur cette possibilité.

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