

БЛОК 1.
РЕАЛІЗАЦІЯ ТА ЗАХИСТ ПРАВ ЛЮДИНИ
В ІНФОРМАЦІЙНОМУ СУСПІЛЬСТВІ

Секція 1. Публічно-правові засади захисту прав людини

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**HUMAN RIGHTS IN UKRAINE IN THE LIGHT REPORTS PRESENTED
BEFORE THE HUMAN RIGHTS COMMITTEE OF THE UN**

The disintegrate of Ukrainian territory caused by the events of the conflict started in April 2014 made the United Nations take steps to monitor the protection of human rights, especially in the regions affected by the conflict. Different UN agendas are involved in the monitoring but the leading role has the Human Rights Council. Current state of affairs according to reports submitted to the UN HRC will be the topic of this paper.

Firstly, the legal framework of the reports should be presented. The UN General Assembly adopted the resolution on 68/262 of 27 March 2014 on the territorial integrity of Ukraine [1, 1]. Then the problem of conflict in Ukraine became an issue in the Human Right Council agendas. The first Resolution on cooperation and assistance to Ukraine in the field of human rights [2, 1] was adopted in June 2014, and referred to the Geneva Joint Statement on Ukraine (April 2014) and the Secretary-General statement on the violence in Eastern Ukraine (14 June 2014). The document entrusted the Office of the High Commissioner for Human Rights „deployment of the monitoring mission, for providing regular, accurate and public reports on the human rights situation” [2, 2]. It was underlined that reports should cover risks, emergencies concerns, alleged human rights violations and abuses and facts documenting them [2, 1]. Totally, there are 18 reports on the human rights situation in Ukraine prepared within 13 after the adoption of the aforementioned resolution. They are based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) deployed by the OHCHR [3, 10] which became operational on 15 March 2014 [3, 5].

What is worth underlying is the issue of adoption by the UN Human Rights Council two more resolution on cooperation and assistance to Ukraine in the field of human rights. The second one was adopted on 3 July 2015 [4, 1] and emphasized the role of monitoring the proper assessment of the situation of human rights as well as continuing need for ongoing reporting [4, 1] followed by the aforementioned reports. The third resolution was adopted on 1 July 2016 by the UN HRC on the same topic [5, 1] and underscored the continuing need for ongoing reporting, including on the most serious human rights problems within Ukraine and their root causes [5, 1]. All resolutions welcomed the High Commissioner for

Human Rights to present the findings of reports to the State Members of the Human Rights Council. Presentations will be continued until the thirty-fifth session of the Council.

Taking into consideration substantial part of reports all of them covers issue of the first generation human rights - civil and political rights [6, 53] [6, 325]. In every document are discussed primarily:

- right to life, liberty, security and physical integrity [7, 14] [8, 32] [9, 7] [10,7] [11, 50] [12, 7] [13, 8] [14, 7] [15, 6] [16, 7] [17, 5] [18, 22] [19, 11] [20, 17] [21, 18] [22, 10];
- freedom of expression [3, 18] [7, 13] [8, 23] [8, 37] [9, 30] [10, 12] [12, 14] [14, 15] [15, 15] [16, 19] [17, 13] [17, 31] [18, 35] [18, 46] [19, 31] [19, 47] [22, 26] [20, 28] [21, 26];
- freedom of peaceful assembly [3, 18] [7, 11] [8, 22] [9, 29] [10, 15] [12, 16] [14, 15] [15, 17] [16, 20] [17, 14] [18, 33] [19, 28] [19, 46] [22, 25] [20, 13];
- freedom of religion or belief [8, 41] [9, 32] [10, 16] [12, 17] [16, 22] [17, 15] [18, 32] [19, 27] [21, 28];
- freedom of movement [9, 31] [15, 14] [16, 18] [17, 12] [18, 30] [22, 24] [22, 37] [20, 26] [20, 43] [21, 25];
- minorities rights [3, 17] [7, 18] [8, 23] [9, 35] [10, 27] [14, 17] [19, 45] [22, 38] [20, 42] [21, 33];
- economic and social rights [3, 11] [7, 26] [8, 41] [8, 53] [9, 33] [10, 24] [12, 17] [13, 10] [14, 12] [15, 18] [16, 22] [17, 16] [18, 36] [19, 34] [22, 28] [20, 32] [21, 29] [21, 29];
- excessive use of force, killings, disappearances, torture and ill-treatment [3, 13] [12, 10] [14, 9] [15, 9] [16, 13] [17, 7] [18, 15] [19, 13] [22, 13] [20, 12] [21, 13];
- rights of internally displaced people [18, 42];
- women’s human rights [12, 25] [14, 16].

As it is presented, the catalogue of scrutinized rights is wide and show how many different areas of human rights are abused or threatened by the conflict in Ukraine. The aim of aforementioned reports in not only to pointed out which rights are or might be violated but also to propose recommendation to avoid real and potential violations. The most recent report presents recommendation for three subjects [21, 43]: the Ukrainian authorities (1), all parties involved in the hostilities in Donetsk and Luhansk regions, including the Ukrainian Armed Forces, and ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ armed groups (2) and the government of the Russian Federation (3). What should be pointed out here is the issue of non-binding status of all recommendation. They are good practices or tools proposed to solve the most urgent problem of violation and abuse of human rights. What is mentioned also in the report, recommendations from previous documents have not been implemented and remain valid [21, 42].

To sum up, the reports presented by the Office of the United Nations High Commissioner for Human Rights are valuable source of information presented by subject non engaged in the conflict and clearly outline the most important and urgent violation of human rights framed in legal basis. Chronological analysis of reports allows to observe evolution of the courses of actions undertaken by the United Nations agendas focused on monitoring human rights implementation worldwide.

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LEGISLATÍVNE RÁMCE A APLIKAČNÝ POTENCIÁL MEDIÁCIE NA SLOVENSKU

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Abstrakt:

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Kľúčové slová: mediácia, mediátor, ADR, probačný a mediáčný úradník, súdne konanie, sociálnoprávna ochrana detí, súdne konania, restoratívna spravodlivosť

1. Úvod

Prístup k spravodlivosti pre všetkých je základným právom, ktoré zakotvuje článok 6 Európskeho dohovoru o ochrane ľudských práv a základných slobôd. Zároveň právo na súdnu a inú právnu ochranu garantuje každému aj Ústava Slovenskej republiky. Za najvýznamnejší prostriedok právnej ochrany subjektívnych práv