

Овезова К.,

здобувач ступеня вищої освіти бакалавра
Національної академії внутрішніх справ
Консультант з мови: Сторожук О.

LINGUISTICS AND LAW IN THE SECURITY SPHERE: FOREIGN EXPERIENCE

Forensic Linguistics as a separate area of Applied Linguistics is one of the disciplines within Forensic Sciences. It has been rapidly developing as a science whose purpose is to bridge the gap between linguistics and law enforcement to serve the purposes of justice and to facilitate establishing the truth in judicial processes. Forensic Linguistics is commonly defined as an application of linguistic knowledge and methods to various legal issues as part of legal proceedings or private disputes which may potentially result in legal action. This definition seems to be quite specific as it focuses on «language as a contested object of legal examination». Materials for analysis by a linguist may be valid as evidence in court and vary from written messages, such as ransom notes, mobile phone text messages, suicide notes as well as recorded voice messages in criminal cases to contracts, wills and warning labels in civil cases. However, alongside with procedural use of linguistic evidence, in its broadest sense Forensic Linguistics studies any use of language in a legal setting including the language of legislation, crosscultural and bilingual communication, interaction of legal professionals with laypeople in and outside the courtroom. In Ukrainian scholarly literature the term «Legal Linguistics» is used to refer to the area of studies which investigates legal language and communication [1, p. 76].

To ensure the linguistic security of a united Europe, the European Charter for Regional or Minority Languages was adopted in Strasbourg in 1992. The document justified the need to create favorable conditions for the preservation and development of regional and ethnic minority languages. The Framework Convention for the protection of national minorities then followed. Norway has ratified all three conventions. However, Norway's ratification of the framework Convention was unique, as it took an unprecedented decision to exclude the Sami from the list of national minorities. Finland has also thus far refrained from ratifying this document. Some regulations have also been adopted at the national level, and national constitutions have been amended as a way to protect the rights of indigenous peoples and languages. Thus, in January 2017, after long negotiations and consultations, the three countries signed the Sami Convention, which expands the definition of Sami representatives who have the right to cast their votes in elections to the Sami parliaments of Norway, Sweden and Finland. Russia did not take part in the development of the Convention. In 1987, the Sami Parliament was created; later, national commissions on Sami rights were formed, which also consider issues of language preservation. Norway formed the Sami language policy faster than

Sweden and Finland, which was caused by a wave of protests on the Alta river. In all the Scandinavian countries, there is a very limited number of Sami schools in Sami regions and most children have the right to get their education in the Sami language. In most cases, students studying Sami can choose between Sami as their first or second language. Besides, there was a lack of qualified Sami teachers and relevant educational resources and learning materials [2, p. 3–4].

However, examining the process and production of law through the lens of language allows us to understand ‘the law’ in a very different way. Language and law are inextricably linked – the law is an inherently linguistic construct: it is largely created, interpreted and applied through language. Language is, therefore, an extremely important part of, and has a significant impact on the development of any legal order.

While this link between law and language exists across all legal orders, at every level, it is more visible and arguably more important where the law in question is multilingual. In today’s globalised world, multilingual law permeates many aspects of our daily lives and is more important than ever before. The intense process of globalisation in the latter half of the 20th century has led to a rapid increase in the production of international treaties and agreements, the creation of international courts as well as a reliance on international arbitration.

Much of this globalised legal work is performed through translation and much of the underpinning law on which such work is based exists in a multi- or pluri-lingual sphere. Nowhere is this phenomenon of multilingual law more evident than in the context of the European Union, which produces law in 24 languages, with the aim of it being applied uniformly throughout (at the time of going to press) 28 member states.

The EU’s multilingual law consists of treaties, as well as secondary legislation (regulations, directives, decisions etc.), all of which are considered equally authentic in each of the 24 EU official languages in which they are produced. The multilingual nature of that legislation is generally evident to those coming into contact with such documents on a regular basis [3].

Although Forensic Linguistics is a relatively recent area of science, its growing importance is undoubted both in common law countries and Ukraine. The outcomes of the work of linguists are applied in litigation and for expert analysis of texts of laws. Linguistic evidence may be admissible in court in case it is relevant and meets certain requirements of statutory law. In addition, expertise and research methods of forensic linguists may be invaluable in other areas of social life which only partly overlap with judicial process, such as social, cultural and commercial spheres. With regard to the obvious value of contribution of Forensic Linguistics to the legal forum, the prospects of future investigation are viewed in studying the international experience of forensic linguists as it may help to enhance methods of Ukrainian forensic linguistic experts, make them more rigorous and reliable to serve the purposes of linguistic evidence expertise in civil and criminal cases. Furthermore, the

analysis of the findings in the field of application of linguistic methods to various legal issues can foster the development of Forensic Linguistics as a distinct field of science in Ukraine.

Список використаних джерел

1. ISSN 2409-1154 Scientific Bulletin of the International Humanitarian University. Ser.: Philology. 2021 No. 47 Volume 1 URL: <https://doi.org/10.32841/2409-1154.2021.47-1.19>.

2. Linguistic security as a factor of sustainable development of a region URL: <https://doi.org/10.1051/shsconf/20219402015>.

3. Law and Language: Understanding multilingual EU Law URL: <https://www.openaccessgovernment.org/law-and-language-multilingual-eu-law/55829/>.

Олейнікова Ю.,

здобувач ступеня вищої освіти бакалавра

Національної академії внутрішніх справ

Консультант з мови: Могилевська В.

**STRENGTHENING THE RIGHT TO EDUCATION
IN ARMED CONFLICT**

The right to education [1] is enshrined in article 26 of the Universal Declaration of Human Rights, and in numerous other international human rights instruments. A clear formulation of the right to education can be found in article 13 of the International Covenant on Economic, Social and Cultural Rights. The Convention on the Rights of the Child also includes a detailed recognition of the right to education in its articles 28 and 29. The right to education is an important precondition for the meaningful exercise of most of the freedoms protected by human rights law. Education enhances freedom of expression, assembly and protest, the right to vote, the right to participate in public affairs, the right to form a family and to freely decide the number and spacing of children, the right to form and join trade unions, the right to work, the right to participate in cultural life and the right to benefit from scientific progress.

The Committee on Economic, Social and Cultural Rights in its general comment No. 13 on the right to education defined the core content of the right to education as including access to public educational institutions and programmes on a non-discriminatory basis, conformity of education to the objectives of the full development of the human personality and a sense of its dignity. It also includes free and compulsory primary education, the adoption and implementation of a national educational strategy which includes provision for secondary, higher and fundamental education, and free choice of education without interference from the State or third parties, subject to conformity with “minimum educational standards” (art. 13 (3 and 4)) of the International Covenant on Economic, Social and Cultural Rights).