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Roshina Ina, Associate Professor
Associate Professor of the
Department of Criminal Law and
the process of DIVNZ «Kyiv
National University named after
Vadim Hetman», PhD in Law

COMPLIANCE WITH UKRAINIAN LEGISLATION ART. 10 EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Human rights and fundamental freedoms stipulated in art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the "European Convention") are the most controversial issues both in theory and in practice. This is particularly the case with the right to freedom to receive and impart information and ideas without interference by public authorities and regardless of frontiers. This is due not only to the complexity of art. 10 of the European Convention, but also a precedent for the European Court.

As can be seen from the contents of Art. 10 of the European Convention, it consists of three provisions: the freedom to observe their views; freedom to receive information and ideas; the freedom to distribute information and ideas. As the practice of the European Court shows, the restrictions contained in Part 2 of this article can not be applied to the first provision.

The European Court of Justice examines cases of freedom to receive information and ideas; the freedom to disseminate information and ideas, which is the first major requirement of Art. 10 of the European Convention is that any interference by a public

authority in the exercise of the freedom of expression should be lawful: the first sentence of the second paragraph, in essence, provides that any restriction of expression of opinion should be "established by law". In order to comply with this requirement, interference should not simply be based on national legislation, but the legislation must comply with certain conditions of "quality".

We fully agree with L. Pankratova that the most important conclusions of the European Court can be summed up as follows: in order to find out the facts, the European Court uses any information available to it, including reports from international organizations; Ukrainian legislation does not meet international standards, since it does not clearly divide facts and valuation judgments, and protection of the reputation of a public person outweighs the possibility of open criticism of it; it is necessary to distinguish between facts and appraisal judgments; the requirement to prove the veracity of judgmental judgments violates the freedom of expression; there must be a minimal factual basis for valuation judgments; Policies should be open to vigilant supervision and strict criticism, as this is the burden they have chosen and accepted in a democratic society; Election candidates are active politicians, information about them is a topic of public interest; Valuable judgments used in political rhetoric are not subject to proof; The journalist has the right to criticize politicians using a rigid, polemical, sarcastic language that can be offensive or even shocking to them; has the right to exaggerate and provocative.

Guarantees Art. The 10 European conventions apply not only to the truthful, that is, to information based on facts. A person who has expressed his views, and not facts, should not prove their truthfulness. They need pluralism, tolerance or openness, without which there is no democratic society.

In Ukrainian legislation, the provisions of Art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms have been reflected. Yes, in Art. 15 of the Constitution of Ukraine states that public life in Ukraine is based on the principles of political, economic and ideological diversity.

No ideology can be recognized by the state as obligatory. Censorship is prohibited.

The state guarantees freedom of political activity not prohibited by the Constitution and laws of Ukraine. Provisions of Art. 10 European conventions are also reflected in Art. Art. 34 and 35 of the Constitution of Ukraine.

Conclusions. If we analyze even the decisions of the European Court on the requests of Ukrainian citizens concerning the right to freedom of expression, it seems possible to conclude that the European Court is more inclined to adopt a position of freedom than its restrictions, stipulated in Part 2 of Art. 10 of the European Convention.

When comparing art. The 10 European Convention on the Law of Ukraine stipulated by the domestic legislation of Ukraine clearly shows that theoretically, the latter meet the requirements of Art. 10 of the European Convention. Therefore, it is necessary to eliminate the continuous corruption in the Ukrainian judicial system, so that the courts clearly comply with the requirements of the current legislation, and thus, they did not violate the rights of citizens stipulated by art. 10 of the European Convention. To a certain extent, this will be facilitated by the speedy establishment of an anti-corruption court in Ukraine.

Veresha Roman, Professor of
the Academy of Advocacy of
Ukraine, Doctor of Law

CRIMINAL INTENT

It is generally accepted that criminal intent is a person's idea of the result of his or her activity, of that, which the person wishes to achieve by committing a crime. It is worth examining the definitions of the 'criminal intent' term, given by different authors. For example, according to F. de Jong (2011), the term 'criminal intent' is related to