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Шайбаков Д.,

здобувач ступеня вищої освіти бакалавра
Національної академії внутрішніх справ

Консультант з мови: Скриник М.

FEATURES OF HUMAN RIGHTS IMPLEMENTATION IN DAMAGE COMPENSATION

Damage compensation serves as a fundamental mechanism for addressing wrongs and restoring balance in society. However, the process of determining and awarding compensation must be conducted in a manner that respects and promotes human rights. This includes ensuring equal access to justice, fair treatment, and adequate remedies for victims of human rights violations [1]. The implementation of human rights in damage compensation cases requires a nuanced approach that balances the needs of individuals with broader societal interests.

The implementation of human rights in the context of damage compensation is a critical aspect of modern legal systems. This thesis explores the unique features and challenges associated with ensuring that human rights principles are upheld during the process of compensating individuals for various forms of harm. The intersection of human rights law and damage compensation involves complex legal, ethical, and practical considerations that warrant careful examination.

One of the primary features of human rights implementation in damage compensation is ensuring access to justice for all individuals, regardless of their social, economic, or political status. This principle is enshrined in various international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights [2]. Access to justice in the context of damage compensation involves:

- Removing barriers to legal representation
- Providing legal aid for those who cannot afford it
- Ensuring transparent and accessible legal processes
- Addressing language and cultural barriers in legal proceedings

The principle of non-discrimination is fundamental to human rights law and plays a crucial role in damage compensation cases. Implementing this principle requires that all individuals be treated equally before the law, without distinction based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status [3]. In the context of damage compensation, this means:

- Applying consistent standards in assessing damages
- Ensuring that compensation awards are not influenced by discriminatory factors
- Addressing systemic biases that may affect the compensation process

Human rights implementation in damage compensation requires that remedies be proportional to the harm suffered and adequate to provide meaningful redress. This principle is derived from the right to an effective remedy, as recognized in international human rights law [4]. Key aspects of this feature include:

- Conducting thorough assessments of both material and non-material damages
- Considering long-term impacts and future consequences of the harm
- Providing comprehensive remedies that go beyond monetary compensation when appropriate
- Ensuring that compensation is sufficient to restore the victim's dignity and well-being

The timely resolution of damage compensation cases is essential for upholding human rights principles. Excessive delays in legal proceedings can themselves constitute a violation of human rights, as recognized by various international courts and tribunals [5]. Implementing human rights in this context involves:

- Establishing and adhering to reasonable timeframes for processing claims
- Utilizing alternative dispute resolution mechanisms where appropriate
- Streamlining administrative procedures without compromising fairness
- Providing interim measures or provisional remedies in cases of urgent need

Challenges in Implementing Human Rights in Damage Compensation

One of the significant challenges in implementing human rights in damage compensation cases is striking a balance between individual rights and collective interests. This is particularly evident in cases involving mass

torts, environmental damage, or state-sponsored human rights violations [6]. Addressing this challenge requires:

- Developing mechanisms for collective redress that respect individual rights
- Considering the broader societal impact of compensation decisions
- Balancing the need for individual justice with resource constraints and economic realities.

Quantifying damages for non-material harm, such as emotional distress or loss of dignity, presents a unique challenge in human rights-based compensation cases. The difficulty lies in assigning monetary value to intangible losses while ensuring that the compensation adequately reflects the severity of the violation [7]. Approaches to address this challenge include:

- Developing standardized guidelines for assessing non-material damages
- Incorporating expert testimony and psychological evaluations
- Considering comparative jurisprudence from international human rights bodies

Implementing human rights in damage compensation also involves ensuring that awarded compensation is actually received by the victims. This is particularly challenging in cases involving state actors or in situations where the responsible party lacks the means to pay [8]. Strategies to address this challenge include:

- Establishing enforcement mechanisms with real consequences for non-compliance
- Creating compensation funds for cases where direct payment is not feasible
- Exploring innovative financing solutions, such as bonds or insurance schemes

International examples:

1. Urgenda Foundation v. State of the Netherlands (2019):

The Supreme Court of the Netherlands ruled that the government must reduce greenhouse gas emissions by 25% by the end of 2020 compared to 1990 levels. This decision was based on the right to life and family life guaranteed by the European Convention on Human Rights. Although not direct compensation for damages, it set a precedent for similar climate change lawsuits.

2. Nevsun Resources Ltd. v. Araya (2020):

The Supreme Court of Canada allowed three Eritrean workers to sue a Canadian mining company for violations of international human rights law, including forced labor. This decision paved the way for compensation for victims of human rights violations by Canadian corporations abroad.

Ukrainian examples:

1. Law of Ukraine "On the Peculiarities of State Policy to Ensure State Sovereignty of Ukraine in the Temporarily Occupied Territories in Donetsk and Luhansk Regions" (2018):

This law provides mechanisms for compensation of material and moral damage caused by the armed aggression of the Russian Federation.

2. European Court of Human Rights decision in the case "Ukraine v. Russia (regarding Crimea)" (2021):

Although this decision does not directly address compensation for damages, it recognized Russia's human rights violations in Crimea, which could form the basis for future compensation claims.

3. Creation of an International Mechanism for Compensation of Damages Caused by Russian Aggression (2022–2023):

Ukraine is working on creating an international mechanism to compensate for damages caused by Russian aggression. This includes freezing Russian assets and establishing a special fund for compensation.

These examples demonstrate how human rights principles influence compensation processes at the international level and in Ukraine, creating new mechanisms to protect the rights of victims and ensure fair compensation.

The implementation of human rights in damage compensation cases is a complex and evolving field that requires ongoing attention from legal scholars, practitioners, and policymakers. By focusing on key features such as access to justice, non-discrimination, proportionality of remedies, and timeliness, legal systems can better ensure that damage compensation processes uphold and promote human rights principles.

Addressing the challenges inherent in this field, including balancing individual and collective rights, quantifying non-material damages, and enforcing awards, will be crucial for the continued development of human rights-based approaches to damage compensation. As societies continue to grapple with new forms of harm and evolving conceptions of rights, the intersection of human rights and damage compensation will remain a critical area for legal innovation and reform.

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Шарафундінова Т.,

здобувач ступеня вищої освіти бакалавра

Національної академії внутрішніх справ

Консультант з мови: Скринник М.

FEATURES OF GENDER EQUALITY AMONG POLICE OFFICERS

Gender equality in law enforcement agencies is an urgent issue that requires comprehensive research. Police officers play an important role in society and ensuring equal opportunities for women and men in this profession is a key aspect of building a just and democratic society.

The process of establishing gender equality as an integral part of state policy revealed an urgent need for a comprehensive analysis of the situation of women in law enforcement agencies. This is due to the need to develop effective measures to prevent the violation of their rights. Particular attention is paid to the identification of universal problems faced by female police officers in different countries. Studies initiated in the USA and Western European countries as early as the 1980s indicate that the main focus was initially on increasing the number of women in the police force and their adaptation to a specific male environment. Subsequently, the studies became more detailed and covered the issue of selecting women for various positions and overcoming barriers in their career growth [1].

In male-dominated police organisations, women often face difficulties in finding support networks and mentors to help them advance in their careers. Issues such as equal pay, reproductive rights, sexual violence, child care issues and the underrepresentation of women in STEM fields are examples of gender policy areas that reflect societal barriers that affect women's opportunities in various professions, including law enforcement. The lack of atmosphere can slow the advancement of women in law enforcement, they lack the mentoring and guidance that is critical to