

law cites that just carrying more than a set amount of controlled substance will be considered trafficking; 30 grams of cannabis, for example.

3. Saudi Arabia ranks third in the world for the most amount executions enforced. In 2015, 43 percent of those given capital punishments had been convicted for drug smuggling, ranging from marijuana to hard drugs like heroin.

4. Death by capital punishment is an option in India only when it is a second conviction by the same offender for drug trafficking. The quantities of various drugs that will result in the death penalty are specified by the law in detail.

5. The legal penalty of execution is valid under the Narcotics Hazard Prevention Act in Taiwan; though it has not really been enforced in recent years. The last execution for a drug trafficking offense took place in October 2002 [4].

So, researching this problem we could notice experience of different countries on fighting against organized crime. Countries have different attitude to punishment for this crime. In some countries it is higher or lower but of course none of them don't let it by its own. In my opinion, in 21<sup>st</sup> century there is no place for such crimes as human trafficking, mafia, money-laundering and any other crimes which lead to really awful outcomes. That all is meant to be leaved in our dark past because it can not just exist at the same world with European democracy.

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*Місяць А.,*

здобувач ступеня вищої освіти бакалавра

Національної академії внутрішніх справ

Консультант з мови: **Волік О.**

## **HUMAN RIGHTS DURING MARTIAL LAW**

It is often during armed conflicts that human rights are infringed upon the most. Therefore, over the years, experts have focused much attention on the formulation of instruments aimed at alleviating human suffering during war and conflict. Today, three areas of modern international law attempt to provide protection to victims of war: human rights law, refugee law and humanitarian law. While these fields are closely

linked, they need to be distinguished systematically. Refugee law has been discussed in Part IV. This chapter focuses on international humanitarian law, which differs from human rights law in that it concentrates on specified conflict-related acts and does not give rise to individual claims.

Humanitarian law applies in armed conflict, restricting the actions of warring parties, providing for protection and humane treatment of persons who are not taking part or can no longer take part in the hostilities. Like international human rights law, humanitarian law protects the lives and dignity of individuals, prohibiting torture or cruel treatment, prescribing rights for persons subject to a criminal justice procedure, prohibiting discrimination and setting out provisions for the protection of women and children. In addition, humanitarian law deals with the conduct of hostilities, combatant and prisoner of war status and the protection of the Red Cross, Red Crescent and Red Crystal emblems.

A distinction is generally made between the law designed to protect military and civilian victims of armed conflicts on the one hand, and the laws governing the way war is waged, on the other.

The international law of armed conflicts, of which international humanitarian law is a part, was formulated much earlier than international human rights law. Important phases in the development of the humanitarian law of armed conflicts were the (diplomatic) Conferences of Paris (1856), Geneva (1864), St. Petersburg (1868), Brussels (1874), The Hague (1899, 1907) and Geneva (1949 and 1977) [1].

The international law instruments adopted at these conferences form the basis of modern hu471 Human Rights and Armed Conflict manitarian law, the most relevant being the four Geneva Conventions (1949) and their two Additional Protocols (1977). The principal purpose of the four Geneva Conventions was to set out humanitarian rules to be followed in international armed conflict. The Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) lists a number of actions which the parties must refrain from in all circumstances. These include actions that are recognised as violating the most basic human rights, such as violence endangering life, torture and physical or moral coercion, as well as non-compliance with many due process rights. The Convention forbids in the strongest terms the utilisation of human shields. It also provides that civilians may not be compelled to work for an occupying power unless certain strict conditions are met (Article 51). The Additional Protocols to the Geneva Conventions, which were adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (1977), are major developments in this context.

The International Committee of the Red Cross (ICRC) monitors compliance with the Geneva Conventions and the Protocols by, inter alia, visiting places of detention, receiving complaints of breaches of humanitarian law and addressing concerns to governments.

In recent years humanitarian intervention, the maintenance of peace and the protection of collective security, as well as the protection of cultural property, have received increased attention in relation to humanitarian and human rights law. The last mentioned issue has a place in Additional Protocol I to the Geneva Conventions in Chapter III dealing with civilian objects.

Other recent international efforts to lessen human suffering resulting from conflict is the fight against the widespread use of anti-personnel mines and small arms and the efforts to curb easy funding such as the trade in 'conflict diamonds' and the use of drug revenues to finance conflicts.

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*Молчанюк Д.,*

здобувач ступеня вищої освіти бакалавра

Національної академії внутрішніх справ

*Консультант з мови: Могилевська В.*

### **GENDER-BASED VIOLENCE IN THE MILITARY CONFLICT UNDER INTERNATIONAL LAW**

The lack of delivery of essential services to the population experienced during conflict and situations of strife and instability can have a disproportionate impact on specific groups of the population, including women and girls, often building on pre-existing situations of discrimination. Access to essential services such as health care, including sexual and reproductive health services can be disrupted, with women and girls being at a greater risk of unplanned pregnancy, maternal mortality and morbidity, severe sexual and reproductive injuries and contracting sexually transmitted infections, including as a result of conflict-related sexual violence [1].

Several resolutions, 1888 (2009), 1889 (2009) and 1960 (2010), have focused on preventing and responding to conflict-related sexual violence, and have established the United Nations architecture to this end, including:

- the appointment of the Special Representative on Sexual Violence in Conflict to provide leadership
- strengthen existing UN coordination mechanisms and advocate on ending sexual violence against women with governments;
- the establishment of a Team of Experts on the Rule of Law and Sexual Violence in Conflict, who works with the UN on the ground and assist national authorities to strengthen the rule of law;
- the identification and deployment of women's protection advisers (WPAs); and
- the establishment of monitoring, analysis and reporting arrangements (MARA).

In more recent resolutions, the Security Council has indicated that acts of sexual and gender-based violence can be used as a tactic of terrorism