

issuer, its securities or transactions with them, the disclosure of which may significantly affect the value of securities.

List of references

1. Khodos LV Legal regulation of the circulation of insider information. Legal Informatics. No. 1 (37). 2013. p. 56-63.
2. Scientific and Practical Commentary of the Criminal Code of Ukraine / D.S. Azarov, V.K.Grischuk, A.V. Savchenko [and others]; Per unit edit O. M. Dzhuzhi, A. V. Savchenko, V. V. Cherney; EDUCATION K.: Yurinkom Inter, 2018. 1064 p.

*Roshchina Inna,
Professor of the Department of Criminal
Law and Process of the Vadym Hetman Kyiv
National Economic University,
PhD in Law, Associate Professor*

**ARTICLE 4 OF EUROPEAN CONVENTION ON THE PROTECTION
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND
NORMS OF CRIMINAL LEGISLATION IN UKRAINE:
COMPARATIVE ASPECTS**

In Ukraine, as in some other European countries, there has been an increase in the number of trafficked persons both within their own national borders and abroad. Thus, in recent years 332 cases of sale of people into slavery have been registered and about 100 thousand Ukrainians have been victims of trade [1].

The current state of employment of the Ukrainian population greatly contributes to the employment of Ukrainian citizens, and especially women, abroad. At the same time, they are used not only as cheap labor, but also as sex - slaves. Therefore, recently, certain actuality in Ukraine is committed by sexual slavery. The mass media often reports about Ukrainian sex slaves abroad.

Recognizing the importance of combating slavery, the international community, systematically, through the adoption of international legal acts, is combating this evil, which fully applies to the European Convention. Yes, Art. 4 (Prohibition of slavery and forced labor) of the European Convention, states that:

1. No one shall be held in bondage or servitude.
2. No one shall be subjected to forced or compulsory labor.

3. For the purposes of this article, the meaning of the term «compulsory or compulsory labor» does not apply:

a) for any work, the execution of which is usually required during appointment in accordance with the provisions of Art. 5 of this Convention, in the conditions of deprivation of liberty or during the conditional release;

b) for any military service, or in the event that a person refuses, on the grounds of personal convictions, in the countries where such refusal is recognized, the service required in lieu of compulsory military service;

c) to any service required in the event of an emergency or natural disaster that threatens the life or well-being of society;

d) for any work or service that is part of ordinary civil duties [2, p. 216].

As can be seen from the contents of Art. 4 of the European Convention contains 4 different terms: slavery, servitude, compulsory or compulsory labor, the concept which does not give rise, which causes certain difficulties in practice.

In Art. 1 of the Slavery Convention of September 25, 1926, the concept is given only to «slavery» and «slave trade». So:

- slavery refers to the position or state of a person in respect of which some or all of the powers inherent in property rights are exercised;

- under the slave trade are understood as «any actions related to the seizure, the acquisition of any person or the order of her in order to bring her into slavery; any actions related to the acquisition of a slave for the purpose of selling or exchanging it; any actions for assignment through the sale or exchange of a slave acquired for this purpose, and in general any act related to the trade or transportation of slave persons» [3].

Similar concepts of «slavery» and «slave trade» are given in Art. 7 of the Additional Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices of Slavery-Like [4].

The decisions of the European Court do not contain the definition of «slavery», «servile status», «forced» or «compulsory» labor. To understand the notion of slavery as a guideline for the European Court, the definitions contained in the above-mentioned international legal acts serve.

Judicial practice of the European Court under Art. 4 of the European Convention is small, and therefore the cases examined by them do not give an opportunity to draw conclusions about some precedents in this category of cases.

The Constitution, like other normative acts of Ukraine, also does not contain the definition of «slavery», «servile status», «forced» or «compulsory» labor. In the legislation of Ukraine there is no specific law of law, which would coincide with the content and essence of art. 4 of the European Convention. Part 3 of Art. 43 of the Constitution of Ukraine stipulates that the use of forced labor is prohibited. Military or alternative (non-military) service, as well as work or service, which is performed by a person by a judgment or other court decision or in accordance with laws on military and state of emergency, is not considered to be compulsory labor.

Under Art. 4 of the European Convention fall under Art. 149 of the Criminal Code «Trafficking in persons or other unlawful human rights», art. 150 of the «Exploitation of Children», as well as Art. 150-1 CC «Use of a young child for begging».

The above-mentioned articles of the Criminal Code of Ukraine also do not give the notion of the terms «slavery», «servile state», «forced» or «compulsory» labor. In addition, comparing the disposition of Art. 4 of the European Convention on the above-mentioned norms of the Criminal Code of Ukraine, it is not difficult to conclude that their content and terminology do not coincide. Therefore, to eliminate the differences between the European Convention and Art. Art. 149, 150, 150 - 1 of the Criminal Code of Ukraine should be supplemented with the following content: «Slavery» is a form of exploitation in which the worker is the owner of the owner (the slave owner). Slavery represents the possession, use or disposal of man as a thing.

The prohibition of slavery extends to institutions and customs similar to slavery: debt bondage, exploitation of children and forced forms of marriage. Forced labor - is labor (rendering of services), carried out involuntarily and under the threat of punishment. Forced labor does not include: - work, the performance of which is stipulated by the law on military duty and military service or its alternative civil service; work performed in extreme circumstances.

List of references

1. Протидія торгівлі людьми [Електронний ресурс]. – Режим доступу: <http://www.slideshare.net/nelarinal/ss-15914078>.
2. Європейська конвенція про захист прав людини і основоположних свобод // Право Укр., 2010. – № 10. – С. 215–233.
3. Конвенція про рабство від 25.09.1926 р. (ред. від 23.10.1953 р.) [Електронний ресурс]. – Режим доступу: http://translate.yandex.ua/translate?srv=yasearch&url=http%3A%2F%2Fkazakhstan.news-city.info%2Fdocs%2Fsistemsu%2Fdok_peyyti.htm&lang=ru-uk&ui=uk.
4. Додаткова конвенція про скасування рабства, работоргівлі та інститутів і звичаїв подібних до рабства від 07.09.1956 р. [Електронний ресурс]. – Режим доступу: http://translate.yandex.ua/translate?srv=yasearch&url=http%3A%2F%2Fzakon.rada.gov.ua%2Flaws%2Fshow%2F995_160&lang=ru-uk&ui=uk.

Rudenko Sofiia,

*3d Course Student of the National Academy
of Internal Affairs*

CRIMINAL LEGAL DESCRIPTION OF CRIME BRIBING A VOTER

The place of electoral rights in the system of human rights and freedoms and in the system of the Special part of the Criminal Code of Ukraine has the content of solving the problem of determining the place of electoral rights in the system of human rights and freedoms, which, by its very nature, is a problem of constitutional law and the theory of human rights, with at least two problems that are purely criminal. The bribing of the voter was interpreted in the same way as the previous position - the rejection of a person by providing, proposing or promising remuneration of the material nature (money, material assets or services) to commit certain acts or to abstain from them (inactivity).

Important attention should be paid to the objective side of the crime.

The objective side of the crime has 3 elements: