

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ**  
**ПРИКАРПАТСЬКИЙ НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ**  
**ІМЕНІ ВАСИЛЯ СТЕФАНІКА**  
**КАФЕДРА ІНОЗЕМНИХ МОВ**

**Я.В. Остапчук**

# **АНГЛІЙСЬКА МОВА ДЛЯ ЮРИСТІВ**

**Навчальний посібник**  
**для студентів другого і третього курсів**

Івано-Франківськ

2019

УДК 81.111.347.96

ББК 81.2 Англ

О 76

*Рекомендовано до друку на засіданні кафедри іноземних мов  
Прикарпатського національного університету імені Василя Стефаника  
протокол № 12 від 22. 05. 2019*

**Рецензенти:**

кандидат філологічних наук, доцент, завідувач кафедри іноземних мов **Ткачівський В.В.** (Прикарпатський національний університет імені Василя Стефаника)

кандидат філологічних наук, доцент кафедри іноземних мов **Поміркована Т.В.** (Прикарпатський національний університет імені Василя Стефаника)

**Остапчук Я.В. Англійська мова для юристів: навчальний посібник для студентів другого і третього курсів. Івано-Франківськ: Територія друку, 2019. 165 с.**

Посібник розроблено за сучасними, науково обґрунтованими принципами навчання з урахуванням динаміки розвитку навичок і вмінь.

Посібник складається із восьми розділів професійної тематики. Кожний розділ ідентичний за структурою і містить базовий текст, словник до нього, вправи на розуміння тексту, лексичні вправи різноманітного характеру та додаткові тексти.

Розраховано на студентів-юристів вищих навчальних закладів освіти, фахівців, які прагнуть вдосконалити навички та уміння професійного спілкування.

© Остапчук Я.В., 2019

## CONTENTS

<b>Передмова</b>	<b>4</b>
<b>Unit 1. Notion of civil law. Civil Law as a branch of law</b>	<b>6</b>
<b>Unit 2. Civil Code of Ukraine</b>	<b>19</b>
<b>Unit 3. Constitutional Law</b>	<b>35</b>
<b>Unit 4. Criminal Law</b>	<b>46</b>
<b>Texts for individual reading</b>	<b>55</b>
<b>Unit 5. International Law. System of International Law</b>	<b>78</b>
<b>Unit 6. European Union</b>	<b>92</b>
<b>Unit 7. Ukraine's foreign policy</b>	<b>107</b>
<b>Unit 8. Human rights</b>	<b>117</b>
<b>Texts for individual reading</b>	<b>135</b>
<b>References</b>	<b>160</b>

## ПЕРЕДМОВА

Процес реформування системи освіти в Україні зумовлений потребами часу і передбачає підготовку кваліфікованих спеціалістів із високим рівнем володіння іноземною мовою. У сучасних умовах міжнародне спілкування стає суттєвим компонентом професійної діяльності. Формування навиків інтерпретації іншомовної спеціальної інформації в курсі навчання іноземній мові для спеціальних цілей розглядається в якості одного із завдань мовної підготовки спеціаліста як суб'єкта міжкультурного професійно орієнтованого співробітництва.

Іноземна мова стає ключовим інструментом для досягнення визначальних критеріїв освіти в рамках Болонського процесу – якості підготовки фахівців різних напрямків навчання, високої фахової кваліфікації на вузівському і післявузівському рівнях підготовки, відповідності європейській системі освіти.

Підготовка майбутніх юристів на сучасному етапі вимагає, по-перше, розширення галузевих блоків, з якими знайомляться студенти під час навчання, а по-друге, оптимізації системи вправ для підвищення ефективності навчання за рахунок його інтенсифікації. Саме тому актуальним є забезпечення процесу навчання студентів навчально-методичними матеріалами, зміст, структура та система завдань яких відповідали б сучасним вимогам.

Пропонований посібник призначений для студентів першого курсу Юридичного інституту Прикарпатського національного університету імені Василя Стефаника, а також для всіх, хто бажає вдосконалити рівень володіння англійською мовою. Його метою є формування у майбутніх юристів здатності і готовності до професійної комунікації, розвиток різноманітних видів компетенції, як рецептивного, так і репродуктивного характеру іншомовного спілкування.

Посібник ґрунтується на оригінальних текстах, що забезпечує автентичність як змісту, так і термінології. Пропоновані матеріали є

результатом ретельної підбірки, що відповідає прагненню авторки представити якомога більший спектр правових документів за відповідної тематикою.

Усі розділи структуровано за єдиною схемою: після базового тексту пропонується необхідна для засвоєння кожної теми лексика, завдання навчального та контрольного характеру. Система завдань спрямована на подальший розвиток необхідних автоматизованих мовних навиків, розвиток техніки читання і розуміння англомовних текстів професійної тематики, розвиток навиків письма в межах програми курсу, формування мовленнєвої, мовної, соціокультурної, компенсаторної та навчально-пізнавальної компетенцій. Наявність кількох текстів до кожної теми для індивідуальної роботи забезпечує як засвоєння юридичної термінології, так і розвиток перекладацьких навичок та умінь.

## UNIT 1

### **Notion of civil law. Civil Law as a branch of law**

Civil law is a manifestation of private law at the level of national legal systems, acting here as a branch of national law. The term “civil law” is used in scientific and academic literature and in legal practice in several senses:

1) a special kind of subjective right; 2) a branch of national law; 3) a system of legislation; 4) a part of science of law; 5) a subject.

Understanding of civil law as subjective law belonging to a particular private individual, and as a branch of law, that is a manifestation of private law at the level of national legal system is defining between them.

Civil law as the law that belongs to the subject of civil relations is a possibility of its determined behavior based on the norms of natural and positive law, protection of which is guaranteed by the state.

The characteristic features of civil law in this interpretation are that it: 1) belongs to the person who is a member of civil relations; 2) can be based both on legislative provisions and on the agreement of the parties, on customs, standards of morality, etc.; 3) is ensured by legal protection through public legal means (court, notary public, government agencies, etc.) regardless of the grounds of origin.

In the meaning of a branch of national law, civil law can be defined as a set of concepts, ideas and legal norms which set the status of a private individual and ensure protection of his interests on the principles of optionality, legal equality and initiatives of parties.

The characteristic features of civil law as a branch of national law is that it: 1) is a manifestation of private law at the national level; 2) is a set of concepts and legal ideas, principles embodied in acts of legislation and other norms; 3) serves to the purposes of ensuring of realization of subjective civil rights to their owners.

The main role in determination of civil law as a branch of law is played by its subject, method, functions and principles.

With adoption of the Civil Code of Ukraine in 2003, foundation for such disputes is liquidated as the Article 1 of the Civil Code refers to the subject of civil regulation only those of property relations that are based on legal equality, free will, property independence of their participants. Thus, not the subject but the method and principles of legal regulation become the main criterion for establishing branch belonging of relationships. Legal equality and free expression of participants of relations regulated by it are typical for the civil method.

By its nature, property relations are characterized by the following features: 1) they are economic, i.e. they have money-commodity character; 2) they arise and exist between the participants who possess proprietary independence and legal equality; 3) they provide satisfying of mostly material needs and interests.

The most common criterion of property relations in civil law can be divided into: 1) property relations as to belonging of property (*relations of statics*), such as relations of ownership, possession, use; 2) property relations as to fixing of the process of property transition (*relations of dynamics*), for example, relations under contractual obligations; 3) property relations on management of a corporation (*corporate relations*), for example, relations for management of private property by members of corporations (JSC, LLC, etc.); 4) property relations as to creation and use of intellectual property (*exclusive relations*), for example, relations on use of works of literature, science and art, inventions, utility models and industrial designs, etc.

Non-property relations also take a significant part in the subject of civil regulation. These legal relations as a subject of civil law are quite "young" since they are first officially recognized in that rank only in the CC of Ukraine. Features of non-property relationships are the following: 1) they are closely related to personality of their participants; 2) they are non-property, that is their content cannot be determined in money or other property equivalent; 3) they arise and exist between legally equal participants; 4) they provide satisfaction of mainly internal (spiritual) needs and interests.

### Words and word combinations:

civil law	цивільне право
manifestation	виявлення/втілення/відображення
national legal system	національна правова система
subjective law	суб'єктивне право
legislation	законодавство
to guarantee	гарантувати
civil relations	цивільні відносини
to be based on	ґрунтуватись на
legislative provision	законодавчі положення
agreement of the parties	домовленість сторін
to be ensured	забезпечуватись
legal protection	правовий захист
legal means	правові засоби
notary public	нотаріус
government agencies	урядові структури/відомства
grounds of origin	ознака походження
set of concepts	низка понять
legal norms	правові норми
to set the status	встановлювати статус
private individual	приватна особа
legal equality	правова рівність
initiatives of parties	ініціатива сторін
to be embodied	бути втіленим/закріпленим
to serve to the purpose	послугуватись меті
subject	предмет
method	метод
function	функція
principle	принцип



adoption; to adopt	прийняття; приймати
Civil Code	Цивільний кодекс
foundation	основа
dispute	суперечка
civil regulation	норми громадянського права
property relations	майнові відносини
free expression	вільне волевиявлення
money-commodity character	грошово-товарний характер
to arise	виникати
to exist	існувати
proprietary independence	майнова незалежність
participant	учасник
material needs	матеріальні потреби
property relations	майнові відносини
ownership	володіння
possession	розпорядження
use	використання
property transition	передача майна
obligation	зобов'язання
intellectual property	інтелектуальна власність
non-property relations	немайнові відносини
to take a part	брати участь
to be officially recognized	бути офіційно визнаним
content	зміст
to determine	визначати
to provide	забезпечувати

**1. Make up word combinations using words from right and left columns:**

branch of	academic literature
scientific and	legal norms
to be based on customs or	their owners
regardless of the	in that rank
to set of concepts, ideas and	interests
realization of subjective civil rights to	grounds of origin
free expression of	property equivalent
to satisfy of mostly material	national law
to be officially recognized	needs and interests
in money or other	participants
spiritual needs and	standards of morality

**2. Complete the following sentences:**

1. Understanding of civil law as subjective law belonging to a particular private individual, and as a branch of law, that is ...
2. Civil law can be based both on legislative provisions and ...
3. Civil law can be defined as a set of concepts, ideas and legal norms which set ....
4. Civil law serves to the purposes of ensuring of realization of subjective civil rights to ....
5. Legal equality and free expression of participants of relations regulated by it are typical for the civil ...
6. Property relations are economic, i.e. they have ... character.
7. Property relations as to creation and use of intellectual property presuppose for example ....
8. Non-property relations provide satisfaction of mainly ... needs and interests

### 3. Provide Ukrainian equivalents; read and translate the text:

civil provisions	
peculiarity	
permissive nature	
sanction	
civil institutions	
property rights institution	
institution of delictual liability	
civil sub-branch	
property law	
contract law	
grounds of change	
termination of civil relations	
exercise of civil rights	
special part	
proprietary and contractual right	
inheritance rights	
institutional	
pandect	
contractual law	
family law	
inheritance law	
civil status of a person	
to take into consideration	
to cover	
agreement	
contractual/non-contractual obligations	

## System of civil law of Ukraine

The system of civil law as a branch must include:

1) *civil provisions* that are specific rules of behavior. The peculiarity of such rule of behavior is that the vast majority of civil norms has permissive nature, i.e. gives persons a choice of options of behavior. This significantly affects the structure of a civil norm, as such its element as a sanction is either absent or is more universal than other branches of law;

2) *civil institutions*, i.e. a group of civil rules governing homogeneous social relations. Thus, property rights institution, institution of delictual liability, etc. should be considered civil institutions;

3) *civil sub-branch*, which is a set of institutions governing the homogeneous social relations, such as sub-branch of property law, contract law, etc.

The structure of civil law as a branch of law includes:

1) *General part* that contains civil norms extending the application on the whole range of civil relations and concern the sources of civil law, subjects, objects, contents and grounds of change and termination of civil relations, exercise of civil rights and their protection, etc.;

2) *Special part* that contains civil norms extending the application only on certain legal relations and concern regulation and protection of personal non-proprietary rights, proprietary and contractual right, intellectual property rights, inheritance rights, etc.

Existence of two main systems of organization (structure) of private law – institutional and pandect – was traditional for private (civil) law.

*Institutional system* of organization (structure of civil law) includes the following institutions: persons, things, and means of buying things.

*Pandect system* consists of the following parts: general provisions, property law, contractual law, family law, inheritance law.

Its advantages: singling out of general part, which allows avoiding repetitions when characterizing certain institutions, a clear division into sections

(sub-branches), etc. And with it, unlike the institutional system, civil status of a person supposedly passes into the background here, which does not meet modern trends of development of civil law.

However, it should be taken into consideration that neither one nor another system exists in its pure form. Although some civil codes are built by institutional (the Civil Code of France) or pandect system (the Civil Code of Germany), but the structure of civil law as a branch now looks more difficult. In particular, it covers:

1. General provisions.
2. Legal status of a person.
3. Property rights (Rights to things).
4. Intellectual property rights.
5. Agreements (contractual obligations).
6. Non-contractual obligations.
7. Inheritance law.
8. Family Law. (In Ukraine, it is traditionally treated as a separate branch, but in fact it belongs to the sphere of civil law).

Speaking about the structure of civil law, it should be noted that differentiation of it into general and special parts is arguable.

This differentiation is impractical, because there is no universal “general part” in civil law. However, the “general part” consists as if of two levels: there are provisions common to the whole civil law and there is a general part of obligatory law. Moreover, the third level – general part of contractual law, general part of non-contractual obligations, general issues of inheritance law, etc – is possible. Therefore, it is always impossible to separate the “general part” as such.

In this regard, it is advisable to speak not about General and Special part, but about some sections of civil law. And first section of civil law covers its general provisions. The following sections are generally adequate to relevant

sub-branches of civil law, moreover, each of them has its own “general” and “special” parts.

**4. Read and translate the text filling in the gaps using the words from the table:**

**consent; guidelines; choice; violation;  
interest; person; freedom; protection; confiscation**

### **Principles of civil law**

*Principles of civil law* are basic principles, the most general \_\_\_\_\_ of civil law that have obligatory nature by virtue of their legal assignment. The meaning of civil law principles lies in the fact that they:

- 1) reflect essence of social orientation and major branch features of civil regulation, i.e. each further norm in its content must be penetrated by the principle of civil law;
- 2) are taken into account when concluding non-nominate contracts (Article 6 (1) of the Civil Code of Ukraine);
- 3) are taken into account when applying the analogy of law (Article 8 (2) of the Civil Code of Ukraine);
- 4) are taken into account when protecting the legally protected \_\_\_\_\_ (Article 15 (2) of the Civil Code of Ukraine).

The following civil law principles are set in the Article 3 of the Civil Code of Ukraine:

- 1) *inadmissibility of arbitrary interference in the sphere of private life of a person*, i.e. no one has the right to interfere into personal and family life of an individual without his \_\_\_\_\_, unless explicitly stipulated by the Constitution of Ukraine. This principle stipulates conditions for protection of privacy of an individual from undue external interference to ensure his internal (spiritual) interests;

2) ***unacceptable deprivation of property rights, except as prescribed by the Constitution of Ukraine and the law***, meaning that property right is inviolable in Ukraine. This principle provides a \_\_\_\_\_ with guarantee of economic independence and property separation from other participants of civil relations. However, in some cases directly prescribed by law, this principle may be subject to certain restrictions, when it is directly derived from the Constitution of Ukraine, such as depriving a person of property due to \_\_\_\_\_ or forced alienation of private property for reasons of social necessity (Article 41 of the Constitution of Ukraine);

3) ***freedom of contract***, this principle means that members of civil relations are free in possibility of entry into contractual relations and \_\_\_\_\_ of the kind of contracts (both nominate and non-nominate), contractors and contractual terms, etc. In some cases, prescribed by law, this principle is subject to appropriate limitation, such as making previous or public contracts, etc. This principle provides a person with a possibility to initiatively enter into contractual relations at his own discretion, based on his own interests;

4) ***freedom of entrepreneurial activity that is not prohibited by law*** means that individuals are free to choose business. However, in some cases directly provided for by law, a person may be limited in his \_\_\_\_\_ of business, for example, under subject's content (deputies, officers and employees of state and local governments) or nature of business (establishment of monopoly), etc.;

5) ***judicial protection of civil rights and interests***, i.e. in case of \_\_\_\_\_ of civil rights or interests, as well as in the case of creating obstacles as to their implementation, a person has the guaranteed opportunity to defend them in court. This person has the right to defend civil rights and interests both in courts of general jurisdiction and in specialized courts and arbitrations.

6) *fairness, good conscience and reasonableness*, this principle means that regulation and \_\_\_\_\_ of civil relations should take place fairly, honestly and wisely.

## 5. Give a short summary of the text:

### Public and Private Law

Since the Roman times, division of right into *public law* and *private law* is generally accepted. For the first time, such division was proposed by Ulpian in the Digests of Justinian. According to him, private law was intended for regulation and protection of the sphere of *person's private interests* based on the principles of legal equality which is provided by inviolability of their private property, freedom of agreement, legal protection of their rights and interests of others. Public law, in its turn, was directed to regulation of the sphere of *state and public interests* through a range of imperative (mandatory) rules of conduct.

But over time, in connection with a significant complication of social relations, such classifying feature as the sphere of protected interests was not enough. That is why along with this criterion, the manner and nature of impact of law on relationships were also taken into consideration. I.e. when relationships are directed to secure state and public interests and *subordination* (vertical subordination), *organizational-administrative* and *enforcement* principles are inherent for them, they have public law nature. Instead, social relations, which not only directed to secure private interests and arise between legally equal entities, but also those which are formed *at their initiative* and on the basis of *purview* in choice of behavior, i.e. through *coordination*, have private law nature.

Starting to study civil law, first of all, we need to determine correlation of this branch with such categories as “private law” and “public law”, since it affects choice of models, according to which the fields of national legislation are formed, codes are created, their content, character of relationships is determined, etc.



The traditional private law is characterized by the “private law – public law” dichotomy. This approach is completely logical. But here we should consider undesirability of simplifications in establishing differences between private and public law. Most often such simplifications are linked to identification of law and legislation. As a result, we can often find expressions the essence of which boils down to the fact that as each law is a public phenomenon, private law exists only within the framework of public law.

However, we cannot identify the categories “law” and “act”. The notion “law” is wider. It covers all obligatory norms that exist in society (including those based on the prescriptions of natural law, corporate norms, etc.) and cannot be reduced only to a set of regulations issued by the authorities. That is why one or other branch of law does not automatically become a public law from settlement of relations by legislative acts.

We should also take into consideration that while determining private and public law, we cannot be limited by quoting of Ulpian’s words: “... public law is what concerns provisions of the Roman state, private – what concerns benefit of individuals”. This mechanical citing distorts Ulpian’s position, who did not write about distribution of the Roman law into fields, but that study of the Roman law is divided into two parts: public and private law (D.1.1.1.2). Therefore, he gave the definition of these parts in a simplified form, based primarily on educational purposes.

Taking into consideration the above mentioned about peculiarities of interpretation of the notion of private law, we can conclude that the characteristic features of private law are: 1) recognition of priority of interests of a private individual as to interests of the state and other social and public formations; 2) recognition of “sovereignty of a private individual”, i.e. non-subordination to other persons in private relations; 3) lack of power relations between subjects of private law: they are private individuals, none of which acts on behalf of the state or its bodies (not a figurant of the state); 4) legal equality of participants of private relations before the law (but not necessarily before

each other); 5) initiative of the parties in establishing relationships; 6) free choice of subjects of civil law in choosing rules of conduct, not expressly prohibited by law; 7) providing of benefits to ordinary proceeding of protecting the interests of private individuals in court; 8) implementation of “rights, freedoms” of personality based on the norms of natural law through appropriate legal institutions.

Taking into consideration the above mentioned, **private law** can be defined as a set of ideas, principles, rules and regulations that determine the status and protect the interests of private individuals who are not figurants of the state and not in relations of power – subordination to each other.

Recently, lawyers emphasize that when characterizing **public law**, it is not enough to specify only what concerns interests of the state in general, but one should also note that the following is inherent to public law: 1) official recognition of predominance of public (social) interests over interests of certain individuals; 2) presence of relations of power between its subjects – subordination; 3) clear definition of boundaries of possible behavior of subjects of public law by legislation acts adopted by relevant government authorities; 4) use of such method of legal influence as a direct “commitment”, when participants of specific legal relations are suggested to act in a certain way; 5) use of prohibitions on certain actions as a means of formation of behavior of subjects of public law; 6) use of such incentive, first of all, as state coercion to ensure proper conduct by a subject of public legal relations; 7) acting of public law as prerequisites for public order and results of its implementation.

Taking into consideration the above, **public law** is a set of legal rules and institutions that make up the functional-structural system, which regulates relations with the state (its figurants) and between subjects that are in relations of power and subordination to each other to ensure public order and protecting of interests of citizens (O.I. Kharitonova).

Public law together with private law creates a general system of law that is a part of civilization (culture).

## UNIT 2

### **Civil Code of Ukraine [Book 1]**

Civil law regulates the everyday life of citizens and other legal entities, such as corporations. The main code of Ukrainian civil law is the Civil Code of Ukraine. It comprises provisions governing ownership, intellectual property rights, contracts, torts, obligations, inheritance law, and the definition of legal entities. The code introduces new types of business contracts into the legal practice, including franchising, rent service, and inherited contracts. Civil litigation is governed by the Civil Procedural Code of Ukraine.

According to Article 1 of the Code, civil legislation regulates personal non-property and property relations based on judicial equality, free will expression, and property independence of their participants. Participants of legal relations are: natural persons; legal entities; the state Ukraine; the Autonomous Republic of Crimea; territorial communities; foreign states; other subjects of public law.

According to Article 11 of the Code, the grounds for arising civil rights and duties, in particular, shall be: agreements and other legal proceedings; creation of literary, art works, inventions and other results of intellectual, creative activity; inflicting property (material) and moral damage to the other person; other legal facts.

Each person shall have the right to protection of his/her civil right in case of its violation, disclaiming or contesting. Each person has the right to protection of his/her interest, which does not contradict to general principles of civil legislation. Each person shall be entitled to apply to court for protection of his/her personal non-property or property right and interest. Civil rights and interests may be protected by: recognition of right; recognition of legal proceedings as invalid; termination of the action violating the right; renewal of pre-violation state; change of legal relations; termination of legal relations; compensation of losses and other ways of compensation of property damage; compensation of moral (non-property) damage; recognition as illegal of decision, actions or inactivity of body of state power, body of power of the

Autonomous Republic of Crimea or body of local self-government, their officials and employees .

Legal status of natural person is defined by sub-chapter 1 of Chapter II of the Code. All natural persons shall be able to have civil rights and duties (legal capacity). Legal capacity of natural person arises when s/he is born. Legal capacity of natural person shall stop in the moment of his/her death. A natural person who is able to perceive and control his/her actions shall have a legal capability. Legal capability of a natural person is his/her capability to obtain civil rights and independently exercise them by own actions, as well as capability to create by own actions civil duties, perform them independently and bear responsibility in case of their non-fulfillment.

The Law envisages: partial legal capability of a natural person who is under fourteen years old; incomplete legal capability of a natural person of age from fourteen to eighteen years; full civil capability.

The right to carry out entrepreneurial activity shall have a natural person with full legal capability. A natural person who is unable to meet creditors' demands which are connected with his/her entrepreneurial activity may be recognized bankrupt.

The Code envisages that guardianship is set over the minors who are deprived of parents' care and over the natural persons who are recognized as incapable. Trusteeship is set over the minors who are deprived of parents' care and over the natural persons whose legal capability is limited.

According to the Code, legal entity is an organization established and registered according to the set procedure. Legal entity is vested with legal capacity and capability, may be plaintiff and defendant in court. Legal entity may be created by uniting persons and/or property. Legal entities, depending on the procedure of their establishment, are divided into legal entities of the private law and those of the public law. Legal entity of the private law is established on the basis of constituent document. Legal entity of the public law is established

by the regulatory act of the President of Ukraine, body of state power, body of power of the Autonomous Republic of Crimea or body of local self-government.

The Code sets the procedure for establishment, organizational legal form and legal status of legal entities of the private law. The procedure for establishment and legal status of legal entities of the public law is set by the Constitution of Ukraine and law. Legal entity may be established by forced division (spin off). Legal entities may be established in the form of partnerships, institutions and other forms. Partnerships are divided into entrepreneurial and non-entrepreneurial. The partnerships that conduct entrepreneurial activity for obtaining profit and its further distribution between the participants (entrepreneurial partnerships) may be established only as business associations (full liability company, differentiated liability company, additional liability company, limited liability company, joint-stock company) or production cooperatives.

The objects of civil rights are things, including money and securities, other property, property rights, results of works, services, results of intellectual, creative activity, information, as well as other tangible and intangible welfare.

**Words and word combinations:**

citizen	громадянин
legal entity	юридична особа
to comprise provisions	містити положення
ownership	власність
intellectual property	інтелектуальна власність
tort	делікт, громадянське правопорушення
inheritance law	спадкове право
litigation	судовий процес
non-property / property relations	немайнові / майнові відносини
judicial equality	юридична рівність

free will expression	вільне волевиявлення
property independence	майнова самостійність
participant	учасник
natural person	фізична особа
territorial community	територіальна громада
to arise	виникати
civil rights and duties	цивільні права та обов'язки
legal proceedings	правочини
to inflict (material) and moral damage	завдати (матеріальної чи моральної) шкоди
to violate	порушувати
to disclaim	не визнавати
to contest	оспорювати
to contradict	суперечити
to apply to court	звертатись до суду
recognition of right	визнання права
recognition of legal proceedings as invalid	визнання правочину недійсним
change of legal relations	зміна правовідношення
compensation of property damage	відшкодування збитків
actions or inactivity	дії чи бездіяльність
officials	посадові особи
employees	службові особи
legal capacity	цивільна правоздатність
legal capability	цивільна дієздатність
to obtain civil rights	набувати цивільні права
to bear responsibility	нести відповідальність
partial legal capability	часткова цивільна дієздатність
incomplete legal capability	неповна цивільна дієздатність

fully legal capability	повна цивільна дієздатність
to carry out entrepreneurial activity	займатись підприємницькою діяльністю
guardianship	опіка
trusteeship	піклування
according to the set procedure	у встановленому законом порядку.
plaintiff	позивач
defendant	відповідач
constituent document	установчий документ
regulatory act	розпорядчий акт
to sets the procedure	встановлювати процедуру
organizational legal form	організаційно-правова форма
forced division (spin off)	примусовий поділ (виділ)
legal status	правовий статус
partnerships	товариство
institution	установа
entrepreneurial / non-entrepreneurial	підприємницькі / непідприємницькі
to obtain profit	отримувати прибуток
business associations	господарські товариства
full liability company	повне товариство
differentiated liability company	командитне товариство
additional liability company	товариство з додатковою відповідальністю
limited liability company	товариство з обмеженою відповідальністю,
joint-stock company	акціонерне товариство
production cooperative	виробничий кооперативи.
securities	цінні папери
welfare	добробут

**1. Make up word combinations using words from right and left columns:**

legal	contracts
business	rights and duties
civil	his/her actions
intellectual and creative	creditors' demands
to perceive and control	welfare
to meet	of parents' care
deprived	the participants
distribution between	activity
results of	entities welfare
tangible and intangible	intellectual and creative activity

**2. Complete the following sentences:**

1. Civil litigation is governed by \_\_\_\_\_.
2. Civil legislation regulates personal \_\_\_\_\_ and property relations.
3. Each person shall have the right to protection of his/her civil right in case of its violation, \_\_\_\_\_ or contesting.
4. Legal capacity of natural person arises when \_\_\_\_\_. Legal capacity of natural person shall stop in the moment of \_\_\_\_\_.
5. Legal \_\_\_\_\_ of a natural person is his/her capability to obtain civil rights and independently exercise them by own actions, as well as \_\_\_\_\_ to create by own actions civil duties, perform them independently and bear responsibility in case of their non-fulfillment.
6. Legal entities, depending on the procedure of their establishment, are divided into \_\_\_\_\_.
7. Legal entity of the private law is established on the basis of \_\_\_\_\_.
8. Partnerships are divided into \_\_\_\_\_.



9. \_\_\_\_\_ is set over the minors who are deprived of parents' care and over the natural persons who are recognized as incapable.

10. \_\_\_\_\_ is set over the minors who are deprived of parents' care and over the natural persons whose legal capability is limited.

**3. Provide Ukrainian equivalents; read and translate the text:**

legal equality	
goodwill	
property independence	
administrative or other power subordination	
to tax	
infringement	
disclaimer	
contesting	
to contradict	
to apply to the court	
officials and employees	
right recognition	
modification	
recognition	
termination	
indemnification for losses	
application to the court	
notary	
according to the procedure specified by the law	
self-protection	
counter measures	

### **Relations Regulated by the Civil Legislation**

1. Civil legislation shall regulate personal property and non-property relations (civil relations) founded on the basis of legal equality, goodwill and property independence of their parties.
2. The civil legislation shall be not applied to the property relations founded on the administrative or other power subordination of one party to another as well as to tax and budgetary relations unless otherwise established by the law.

### **Protection of civil rights and interests**

1. Each person has a right to the protection of its civil rights in case of the infringement, disclaimer or contesting thereof.
2. Each person has a right to the protection of his/her/its interests not contradicting the general foundations of the civil legislation.

### **Protection of Civil Rights and Interests by the Court**

1. Each person shall be entitled to apply to the court for the protection of his/her/its private non-property or property rights and interests.
2. Civil rights and interests remedies may include: 1) right recognition; 2) recognition of a legal action as invalid; 3) termination of the action violating the right; 4) restoration of pre-violation position; 5) enforcement of in kind fulfillment of obligation; 6) modification of legal relationship; 7) termination of legal relationship; 8) indemnification for losses and other means of property damage indemnification; 9) indemnification for moral (non-material) damages; 10) recognition of decisions, actions or inactivity of the state power authority, the power authority of the Autonomous Republic of Crimea or the local self government body as well as of their officials and employees to be unlawful. The court may protect a person's civil right or interest in any other way established by the agreement or the law.
3. The court may deny the protection of a person's civil right and interest in case of violating thereby the provisions of parts 2-5 of Article 13 of this Code.

## **Local Self-Governments**

- 1.** The President of Ukraine shall protect civil rights and interests within powers established by the Constitution of Ukraine.
- 2.** In cases specified by the Constitution of Ukraine and the law, a person shall be entitled to apply for the protection of his/her/its civil rights and interests to the state power authority, the power authority of the Autonomous Republic of Crimea or the local self-government body.
- 3.** The state power authority, the power authority of the Autonomous Republic of Crimea or the local self-government body shall protect civil rights and interests within limits, on the grounds and in the way specified by the Constitution of Ukraine and the law. The decision taken by the aforesaid authorities on the protection of civil rights and interests shall not hamper the application to the court for the protection thereof.

## **Protection of Civil Rights by a Notary**

A notary shall protect civil rights by making the executive inscription on the debt instrument (document) in cases and according to the procedure specified by the law.

## **Self-protection of Civil Rights**

- 1.** A person shall have a right to self-protection of his/her/its civil right and the right of any other person against violations and unlawful infringements. Self-protection consists in taking by a person counter measures not prohibited by the law and not contradicting the moral norms of the society.
- 2.** Self-protection means must comply with the substance of the violated right, the nature of actions that caused this violation as well as with the consequences resulted therefrom. Self-protection means may be chosen by a person or specified by the agreement or civil legislation acts.

## **Civil Code of Ukraine [part 2]**

Book Two of the Code is devoted to personal non-property rights of a natural person. Each natural person has personal non-property rights from birth or by the law. Personal non-property rights of a natural person do not have economic substance. Personal non-property rights are tightly connected with a natural person. A natural person cannot refuse his/her personal non-property rights and cannot be deprived of these rights.

According to the Constitution of Ukraine a natural person shall have the right to life, health protection, safe environment, freedom and personal security, inviolability of personal and family life, respect of dignity and honour, the right to the privacy of correspondence, telephone conversations, telegraphic and other correspondence, the right to inviolability of dwelling, the right to a free choice of residence and to free movement, the right to freedom of literary, artistic, scientific and technical creativity.

Personal non-property rights provide natural existence of an individual (the right to life; the right to eliminate the danger threatening the life and health; the right to health protection; the right to medical aid; the right to freedom; the right to person immunity; the right to family; the right to guardianship and tutorship; the right to safe environment) and social life of a natural person (the right to name; the right to respect for dignity and honour; the right to personal privacy and its secrecy).

Book Three is dedicated to ownership right and other property rights. Ownership right is the person's right to thing (property) which s/he exercises according to the law and his/he will regardless of other persons' will. A special type of ownership right is the trustee ownership right, which arises under the law or property management agreement.

The owner has the right to own, use and dispose of his/her property. The essence of the ownership right is not influenced by the owner's place of residence or location. The subjects of ownership right are the Ukrainian people and other participants of legal relations. All subjects of ownership right are

equal before the law. The owner owns, uses, disposes of the property to own discretion. The owner is entitled to commit as regards to his/her property any actions that do not contradict the law. All owners shall enjoy equal conditions for exercising their rights. The ownership right is obtained on the grounds that are not prohibited by law.

Property owned by two or more persons belongs to them by the right of joint ownership (joint property). Property may belong to persons by the right of joint share or joint common ownership.

The Code regulates relations in the sphere of exercise of ownership right to land, accommodation. It also regulates the issues related to protection of ownership right.

Book Four of the Code covers the issues related to intellectual property right. Intellectual property right is the right of the person to the result of intellectual, creative activity or other object of intellectual property right. Intellectual property right consists of personal non-proprietary intellectual property rights and/or proprietary intellectual property rights. To objects of intellectual property right, in particular, refer: works of literature and art, computer programs, data compilations (databases), performances, phonograms, videograms, media broadcasts (programs), scientific discoveries, inventions, utility models, industrial designs, integrated circuit designs, innovations, plant varieties, animal varieties, commercial (brand) names, trademarks for goods and services, geographical designations and commercial secrets.

Book Five of the Code is devoted to the right of obligations. Obligation is a legal relation in which one party (debtor) is obliged to commit in favor of the other party (creditor) some action (transfer property, perform work, render service, pay money, etc.) or refrain from some action, and a creditor is entitled to demand from a debtor fulfillment of the liability.

Book Six of the Code regulates legal relations in the sphere of inheritance. Inheritance is a transfer of rights and duties (legacy) from a natural person who died (testator) to the other persons (heirs). Inheritance is performed according to

will or law. Inheritance includes all rights and duties that belonged to the testator at the moment of inheritance opening and did not stop due to his/her death.

**Words and word combinations:**

personal non-property right	особисте немайнове право
economic substance	економічне підґрунтя
to be deprived	бути позбавленим
freedom	свобод та
personal security	особиста недоторканність
inviolability of personal and family life	недоторканність особистого і сімейного життя
respect of dignity and honour	повага честі і гідності
free choice of residence and to free movement	вибір місця проживання і вільне пересування
literary, artistic, scientific and technical creativity	літературна, художня, наукова і технічна творчість
to eliminate the danger	усувати небезпеку
to threaten life and health	загрожувати життю та здоров'ю
guardianship	опіка
tutorship	підклування
personal privacy and its secrecy	особисте життя та його таємниця
ownership right	право власності
property right	майнове право
to contradict	суперечити
right of joint ownership (joint property)	право спільної власності
in particular	зокрема
works of literature and art, data	літературні та художні твори;
data compilations (databases)	компіляції даних (бази даних);
performance	виконання

media broadcasts (programs)	передачі (програми) організацій мовлення
scientific discoveries and inventions	наукові відкриття і винаходи
utility models	корисні моделі
integrated circuit designs	компонування (топографії) інтегральних мікросхем
innovations	раціоналізаторські пропозиції
goods and services	товари і послуги
commercial secret	комерційна таємниця
the right of obligations	зобов'язальне право
obligation	зобов'язання
legal relation	правовідношення
debtor	боржник
to commit in favor	вчинити на користь
to transfer property	передати майно
to render service	надати послугу
to refrain from some action	утриматися від певної дії
creditor	кредитор
to fulfill the liability	виконати обов'язок
inheritance	успадкування
testator	спадкодавець
heirs	спадкоємець
according to	відповідно до
will	заповіт

#### **4. Provide the literary translation:**

##### **Article 281. The Right to Life**

1. Each person shall have the inalienable right to life.
2. A natural person cannot be deprived of life. A natural person shall have the right to protect his/her life and health, as well as the life and health of another natural person from illegal encroachment with any means not prohibited by the law.

3. Medical, scientific and other experiments may be conducted only regarding a capable natural person of age upon his/her free consent.

4. Satisfaction of the request of a natural person to terminate his/her life shall be prohibited.

5. Sterilisation may be carried out only at will of a natural person of age. Sterilisation of an incapable natural person, given medical indications, may be carried out upon the consent of his/her guardian under observation of the requirements established by the law.

#### **Article 288. The Right to Freedom**

1. A natural person shall have the right to freedom. 2. Any forms of physical or mental pressure on a natural person, involvement of him/her in alcohol drinking, the use of narcotic and psychotropic drugs, commitment of other actions violating the right to freedom shall be prohibited.

#### **Article 289. The Right to Person Immunity**

1. The natural person shall have the right to person immunity. No natural person shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that violates his/her dignity.

2. Physical punishment by parents (adoptive parents), guardians, tutors, educators of minors, infant children and wards shall be prohibited. In case of cruel immoral conduct of a natural person concerning another person being helpless, the measures established by this Code and by the other law shall be taken.

3. A natural person shall have the right to give instructions to transfer, after death, his/her members (organs) and other anatomic materials of his/her body to scientific, medical or educational institutions.

#### **Article 302. The Right to Information**

1. A natural person shall be entitled to freely collect, store, use and disseminate information.

Collecting, storage, use and dissemination of information on private life of a natural person without his/her consent shall be inadmissible, except for the cases



established by the law and only to the benefit of the national security, economic welfare and human rights.

2. A natural person disseminating information shall be obliged to make sure in its reliability.

A natural person disseminating information obtained from official sources (governmental bodies, local self-governments, reports, shorthand records, etc.) shall not be obliged to verify its reliability and shall not be liable in case of its disapproval.

A natural person disseminating information obtained from official sources shall be obliged to refer to such source.

#### **Article 314. The Right to Freedom of Association**

1. Natural persons shall have the right to freedom of association in political parties and public organisations.

2. Membership or non-membership of a natural person in a political party or a public organization shall not be the ground to restrict his/her rights, to grant him/her privileges or advantages.

#### **Article 315. The Right to Peace Assemblies**

1. Natural persons shall have the right to freely gather for peace assemblies, conferences, meetings, festivals etc.

2. Restrictions to realize the right to peace assemblies can be established by the court pursuant to the law.

#### **Article 325. Right of Private Property**

1. Physical and legal persons shall be the subjects of private property.

2. Physical and legal persons may be the owners of any property except for specific types of property that cannot be in their possession pursuant to the law.

3. Composition, quantity and value of property that can be owned by physical and legal persons shall have no limitations. The law may establish a limited size of the land parcel that can be owned by physical or legal persons.

### **Article 326. Right of the State Property**

1. The state shall own the property including monetary funds possessed by the Ukrainian State.
2. Relevant bodies of the state power shall exercise the property right on behalf and to the interests of the Ukrainian State.

### **Article 327. Right of the Municipal Property**

1. The municipal property shall comprise property including monetary funds owned by the territorial community.
2. The municipal property shall be managed directly by the territorial community and the local bodies created thereby.

### **Article 1216. Concept of Succession/Inheritance**

1. Succession is the passing of rights and obligations (inheritance) from a natural person who died (the testator) to other persons (the heirs).

### **Article 1217. Types of Succession**

1. Succession shall be exercised based on a will (testamentary succession) or according to law (legal succession).

### **Article 1218. Contents of Inheritance**

1. Inheritance shall include all rights and obligations of the testator as of the moment of opening of inheritance that did not terminate in consequence of the testator's death.

### **Article 1219. Personal Rights and Obligations outside Inheritance**

The rights and obligations inseparably connected with the testator shall not be included in the inheritance, particularly:

- 1) personal non-property rights;
- 2) the right to participation in partnerships and the right to membership in associations of citizens, unless otherwise established by law or the constituent documents thereof.

## UNIT 3

### Constitutional Law

We may begin by asking the question: “What is constitutional law and what part does it play in our constitution?” One motive for seeking a definition of constitutional law is simply to settle conventional questions of usage within the legal system for purposes of exposition: to mark, for example, the boundaries of constitutional law and administrative law, or public law and private law. Another point of asking this question is to establish the existence of clear distinction between rules of strict law and rules established by political practice or constitutional convention. So, constitutional law is the law which establishes, empowers and regulates institutions of government. Simple as it may seem, there is a complication because constitution has three meanings.

First, it means all the laws regulating government. From this first meaning comes a second meaning where constitution refers to a system of government. Finally, constitution is used in a narrow sense to mean a document or statute, called “Constitution” containing basic constitutional rules.

The concept of constitution was first outlined in Aristotle’s classification of governments identified with constitution. He believed that the best form of constitution is the combination of monarchy, aristocracy and democracy so that citizens could realize their rights and carry out the duties for the benefit of the whole society.

The modern ideological roots of the idea of constitutional law are connected with the names of Thomas Hobbes, John Locke and other scholars who claimed the concept of concentration of powers and separation of powers and developed the notion of social contract. According to the above-mentioned notion, people in society willingly give up absolute freedom for sake of security and prevention of rule of “the law of the jungle” (the principle that only the strongest will survive). The works of these philosophers influenced upon the authors of the US Constitution and the French Declaration of the Rights of Man and the Citizen.

As the constitution is the framework for government then constitutional law is the study of foundational laws of nation states. Constitutions may limit or define the authority and procedure of political bodies to provide for enforcement of new laws and regulations.

Constitutional law is the body of law governing the implementation and interpretation of the constitution. It defines the range and application of the terms of the Constitution and covers fundamental aspects of the application of government authority in the nation states. It is a field of law that is both complex and broad.

Some constitutional lawyers maintain that the Constitution purposely remains vague and subject to interpretation so that it may be adopted to the circumstances of a changing society. Other constitutional scholars however, maintain that the provisions of the Constitution should be strictly construed and their provisions applied in a very literal manner.

Constitution is usually understood as the main formal document of the state but, of course, dealing with constitutional law the constitutional lawyer must not only consider constitutional history and political practice but also conventions of various kinds that are closely linked with the constitution itself.

**Words and word combinations:**

conventional	традиційний
the boundaries of constitutional law	межі Конституційного права
distinction between rules	різниця між правилами
political practice	політична практика
constitutional convention	Конституційна конвенція
basic constitutional rules	основні Конституційна правила
classification of forms of governments	класифікація форм правління
for the benefit of the whole society	на користь цілого суспільства
concept of concentration of powers	поняття концентрації влади
separation of powers	розподіл влади

the notion of social contract	поняття соціального договору
“the law of the jungle”	закон джунглів
foundational laws of nation states	основоположні закони держав
to enforce new laws and regulations	впроваджувати нові закони і норми
to limit	обмежувати
to define	визначати
implementation	впровадження
interpretation	інтерпретація, потрактування
application of the terms of the Constitution	застосування норм Конституції
application of government authority	застосування урядової влади
subject to interpretation	об’єкт інтерпретації
to adopt to the circumstances	пристосовувати під обставини
to construe	потрактовувати
the main formal document of the state	головний офіційний документ країни
to be linked with	бути пов’язаним з

**1. Answer the following questions:**

1. What are the motives for seeking the definition of constitutional law?
2. What form of government was the best possible, according to Aristotle?
3. Whose works should we keep in mind speaking about development of constitutional law?
4. Why is this field of law broad and complex?
5. What two points of view of the constitution are mentioned in the text?
6. Why does a constitutional lawyer have to take into consideration the existing conventions and extralegal rules?

**2. Choose the word on the right that is associated with the word on the left :**

Definition	term, exposition, custom
Constitution	work, document, tradition
Democracy	convention, custom, government
Provision	article, subject, influence
Enforcement	authority, court, regulation
Scholar	school, scientist, circumstances

**2. Decide on the right answer choosing among the following words and putting them in the appropriate form: *to constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality***

1. The federation was \_\_\_\_\_ in 1949.
2. The UK is a \_\_\_\_\_ monarchy.
3. The right to speak freely is written in the \_\_\_\_\_ of the USA
4. A decision on the proposal's still has to be made \_\_\_\_\_.
5. \_\_\_\_\_ oppressions were the reason for the international conflict.
6. He was \_\_\_\_\_ incapable of dealing with this matter.

**3. State the part of speech for the following words and use them in the word combinations of your own: *Constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality.***

**4. Read and comment upon the definition of the constitution given below:**

**Constitution** is the fundamental, underlying document which establishes the government of a nation or state. The U.S. Constitution, originally adopted in convention on September 17, 1787, ratified by the states in 1788, and thereafter amended 27 times, is the prime example of such a document.

It is the basis for all decisions by the U.S. Supreme Court (and federal and state courts) on constitutionality. In 1803 the power of the Supreme Court to strike down federal statutes was firmly established. The Supreme Court is the final arbiter of constitutional interpretation.

The “equal rights” provision of the 14th Amendment established that the rights in the first ten amendments (“Bill of Rights”) applied to state governments. Unfortunately, state constitutions have gathered tremendous amounts of baggage of detail by amendment over the years, and it is more difficult to “fine-tune” state constitutions by further amendment than it is to enact statutes (pass new laws). However, state courts are bound by their state’s constitution on fundamental issues.

The so-called English constitution is an unwritten body of legal customs and rights developed by practice and court decisions from the 11th to the 18th Century.

**Provide Ukrainian equivalents for the following words and word combinations:**

to underlay	
government of a nation or state	
to establish	
to adopt	
to ratify	
to amend	
to strike down	
constitutional interpretation	
to “fine-tune”	
amendment	
to enact	
legal customs and rights	
court decision	

**5. Put in the missing prepositions:**

1. These provisions of the Constitution are not subject \_\_\_\_\_ amendment.
2. The main sources \_\_\_\_\_ English constitutional law are statutes and judicial precedents.
3. According \_\_\_\_\_ the Constitution, the Prime Minister carries \_\_\_\_\_ the domestic policy of the state.
4. The procedure \_\_\_\_\_ conducting elections of the President of Ukraine is established \_\_\_\_\_ law.
5. The Verkhovna Rada of Ukraine assembles \_\_\_\_\_ its first session no later than \_\_\_\_\_ the thirtieth day \_\_\_\_\_ the official announcement \_\_\_\_\_ the election results.

**6. Read, translate, memorize these matching combinations and use them in examples of your own:**

constitutionally acceptable	
constitutionally eligible	
constitutionally proper	
constitutionally improper	
constitutional abuse	
constitutional act	
constitutional right	
constitutional bound	
constitution of the country	
constitution of the court	

**7. Read the sentences. Three of these sentences are wrong. Find them and say why you have chosen them.**

Ukraine has no written constitution.

The Constitution of Ukraine was adopted in 1996.

The form of state government is a presidential republic.



The power in Ukraine belongs to people.

The Constitution was confirmed by the Verkhovna Rada of Ukraine.

The Constitution can be interpreted only by the Constitutional Court.

Laws and other normative legal acts must conform to the Constitution of Ukraine.

The right to amend the Constitution is vested with the Cabinet of Ministers.

## **8. Read and translate the following text:**

### **History of Constitution of Ukraine**

The Constitution of Ukraine is the main formal document of our country. The adoption of a new constitution of Ukraine at the 5th session of the Verkhovna Rada of Ukraine on June 28, 1996 became an important event in the life of the people of Ukraine. The constitution is the fundamental law of the land: laws and other normative legal acts must conform to it. The right to amend the Constitution through a special legislative procedure is vested exclusively with the parliament. The only body that may determine whether legislation conforms to it is the Constitutional Court of Ukraine.

The first Constitution of Ukraine was written by hetman Philip Orlyk in 1710. Being the first constitution in Europe it was notable for its profound democracy. The experience of Ukrainian people's republic (1918) played a significant role in the constitutional process. Until June 8, 1995, Ukraine's supreme law was the Constitution of the Ukrainian SSR (adopted in 1978, with numerous later amendments). Present Constitution was adopted at a dramatic overnight parliamentary session of June 27-28, 1996.

The Law No. 254/96-BP ratifying the Constitution was ceremonially signed and promulgated in mid-July 1996. However, according to a ruling of the Constitutional Court, current Constitution took force at the moment when the results of the parliamentary vote were announced, i.e., June 28, 1996.

On December 8, 2004, the parliament passed the Law No. 2222-IV amending the Constitution. The law was approved with a 90 percent majority

(402 ayes, 21 nays and 19 abstentions while for passing it required 300 ayes) simultaneously with other legislative measures aimed at resolving the presidential election crisis.

Principles of democracy common to all mankind are embodied in the Constitution which guarantees the basic economic, social, cultural, public and political rights to the citizens of Ukraine. According to the Constitution Ukraine is a sovereign, democratic, social and juridical state. The form of state government is a republic. The head of the state is the President. The power belonging to the people of Ukraine is exercised through democratic elections by state government bodies and self-government institutions. All citizens have equal rights. People are proclaimed the greatest social value in Ukraine. These and other regulations are developed in the chapters of the Constitution.

The best national traditions are embodied in the fundamental law of Ukraine. The Constitution creates the legal bases of regulation of social relations.

#### **Words and word combinations:**

normative legal act	нормативно-правовий акт
to conform to	відповідати
to amend	вносити поправки
legislative procedure	законодавча процедура
to determine	визначати
constitutional process	конституційний процес
to sign	підписувати
to promulgate	оприлюднювати, проголошувати
to approve	схвалювати
to resolve	вирішувати
presidential election	президентські вибори
to be embodied	бути втіленим
to guarantee	гарантувати

form of state government	форма державного управління
state government body	орган державної влади
self-government institution	орган самоуправління
to proclaim	проголошувати
to create	створювати
legal bases	правова основа
social relations	соціальні відносини

**9. Give the Ukrainian equivalents to the basic terms. Reconstruct the sentences with these word combinations:**

the main formal document –

the fundamental law of the land –

Constitutional Court of Ukraine –

special legislative procedure –

regulation of social relations –

profound democracy –

majority –

presidential election crisis

common to all mankind –

sovereign, democratic, social and juridical state –

the greatest social value –

chapter –

**10. Complete the sentences:**

1. The Constitution establishes \_\_\_\_\_.

2. According to the Constitution, all mineral and natural resources in our country belong to \_\_\_\_\_.

3. The Constitution guarantees \_\_\_\_\_.

4. The Constitution specifies the powers of \_\_\_\_\_.

5. The highest body of legislative power is \_\_\_\_\_.

6. The Constitution was adopted \_\_\_\_\_.

7. Justice in Ukraine is exercised and administered by \_\_\_\_\_.

8. According to the Constitution, church and religious organizations are \_\_\_\_\_.

## 11. Supply the necessary words.

### The main points of the Constitution:

Ukraine is a (суверенна) and independent, democratic, social, law-based state.

The sovereignty of Ukraine (поширюється) throughout its entire territory. Ukraine is a (унітарна) state. The territory of Ukraine within its present border is indivisible and inviolable.

There is single (громадянство) in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship are determined by law.

Ukraine is a (республіка). The people are the bearers of sovereignty and the only (джерело) of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government.

The right to determine and change the constitutional order in Ukraine belongs exclusively to the (народу) and shall not be usurped by the State, its bodies or officials. No one shall usurp (державну владу).

Social life in Ukraine is based on the principles of political, economic and ideological diversity. No (ідеологія) shall be recognised by the State as mandatory. (Цензура) is prohibited. The State guarantees (свободу) of political activity not prohibited by the Constitution and the laws of Ukraine.

To protect the sovereignty and territorial indivisibility of Ukraine, and to ensure its economic and informational (безпека) are the most important functions of the State and a matter of concern for all the Ukrainian people. The defence of Ukraine and the (захист) of its sovereignty, territorial indivisibility and inviolability, are entrusted to the Armed Forces of Ukraine.

(Державна мова) of Ukraine is Ukrainian. (Державні символи) are the State flag, the State Emblem and the State Anthem.

Every person has the right to free development of his/her personality as long as there are no (порушень прав та свобод інших громадян).

(Захист Батьківщини, її незалежність та територіальна цілісність, а також повага до державних символів) are the duty of Ukrainian citizens.

Citizens who have reached the age of 18 (мають право голосувати) and are guaranteed free expression of their vote.

The President of Ukraine is (голова держави) and speaks on behalf on it.

The Constitution of Ukraine (складається з 15 глав та 161 статті). (День її прийняття) is a state holiday – the day of the Constitution of Ukraine.

## **12. Provide Ukrainian equivalents:**

### **The Constitution of Ukraine**

#### **Preamble**

#### **Chapter I** General Principles

#### **Chapter II** Rights, Freedoms and Duties of Individuals and Citizens

#### **Chapter III** Elections; Referendum

#### **Chapter IV** The Verkhovna Rada of Ukraine

#### **Chapter V** The President of Ukraine

#### **Chapter VI** The Cabinet of Ministers of Ukraine; Other Organs of Executive Authority

#### **Chapter VII** Prosecutor's Office

#### **Chapter VIII** The System of Justice

#### **Chapter IX** Territorial Structure of Ukraine

#### **Chapter X** The Autonomous Republic of Crimea

#### **Chapter XI** Local Self-government

#### **Chapter XII** The Constitutional Court of Ukraine

#### **Chapter XIII** Amending the Constitution of Ukraine

#### **Chapter XIV** Final Provisions

#### **Chapter XV** Transitional Provisions

## UNIT 4

### **Criminal Law**

Criminal law (also known as penal law) is the body of law that deals with crime and the legal punishment of criminal offenses.

Criminal law seeks to protect the public from harm by inflicting punishment upon those who have already done harm and by threatening with punishment those who are tempted to do harm.

The harm that criminal law aims to prevent varies. It may be physical harm, death, or bodily injury to human beings; the loss of or damage to property; sexual immorality; danger to the government; disturbance of the public peace and order; or injury to the public health.

Criminal law also often tries to avoid harm by forbidding conduct that may lead to harmful results.

Criminal punishment, depending on the offense and jurisdiction, may include execution, loss of liberty, government supervision (parole or probation), or fines.

There are some archetypal crimes, like murder, but the illegal acts are not wholly the same between different criminal codes, and even within a particular code lines may be blurred, as civil law violations sometimes give rise also to criminal consequences. Criminal law typically is enforced by the government, unlike the civil law, which may be enforced by private parties.

Criminal law involves prosecution by the government of a person for an act that has been classified as a crime. Civil cases, on the other hand, involve individuals and organizations seeking to resolve legal disputes. In a criminal case, the state, through a prosecutor, initiates the suit, while in a civil case the victim brings the suit. Persons convicted of a crime may be incarcerated, fined, or both. However, persons found liable in a civil case may only have to give up property or pay money, but are not incarcerated.

### Words and word combinations:

Criminal law	Кримінальне право
body of law	звід законів
criminal offense	кримінальне порушення
to inflict punishment	накладати покарпння
to threaten	загрожувати
to prevent	запобігати
physical harm	фізична шкода
death	смерть
bodily injury	тілесне ушкодження
loss of property	втрата майна
damage to property	заподіяння шкоди майну
danger	небезпека
disturbance of the public peace and order	порушення громадського спокою і порядку
injury to the public health	заподіяння шкоди здоров'ю громадян
execution	покарання
loss of liberty	втрата свободи
government supervision	урядовий контроль
parole	умовно-дострокове звільнення
probation	умовне звільнення (на поруки)
fine	штраф
criminal consequences	кримінальні наслідки
prosecution	судове переслідування
to initiate the suit	ініціювати позов
to be convicted of a crime	бути засудженим за злочин

**1. Answer the following questions:**

1. What does the term “criminal law” denote?
2. What way does criminal law seek to protect the public from harm?
3. What can criminal punishment include?
4. Are illegal acts the same in different criminal codes?
5. What is criminal law / civil law usually enforced by?
6. Who initiates the suit in a civil case / criminal case?

**2. Continue the following sentences:**

1. Criminal law often tries to ...
2. Criminal law typically is enforced ...
3. Civil law may be enforced ...
4. Criminal law involves ...
5. Civil cases involve ...
6. In a criminal case ...
7. In a civil case ...
8. Persons convicted of a crime ...
9. Persons found liable in a civil case ...

**3. Arrange the letters in the following legal terms; then match these terms with their definitions:**

imcre	the crime of killing another person deliberately and not in self-defense
eiocutexn	the early release of a prisoner, conditioned on good behavior and regular reporting to the authorities for a set period of time
fein	an action prohibited by law
mdreur	case brought to a law court



aplero	somebody who is hurt or killed
optirbnao	a sum of money that somebody is ordered to pay for breaking a law or rule
utis	lawyers trying to prove somebody's guilt
secoiutpron	the supervision of the behavior of a young or first-time criminal offender by a probation officer. During the period of supervision, the offender must regularly report to the probation officer and must not commit any further offenses.
ctimvi	the killing of somebody as part of a legal or extralegal process

**4. Read and translate the text, provide Ukrainian equivalents for the words and word combinations given below:**

**(This Code enters into force on September 1, 2001)**

**Criminal Code of Ukraine**

The objective of the Criminal Code of Ukraine is to provide legal protection of the rights and liberties of the human beings and citizens, property, public order and public safety, the environment, and the constitutional order of Ukraine against criminal encroachments, to secure peace and safety of mankind, and to prevent crime.

To fulfill this goal, the Criminal Code defines which socially dangerous acts or omissions are offenses, and which punishments are to be imposed upon persons who commit them.

Commission by a person of a socially dangerous act that has such elements of crime as created by this Code gives grounds for criminal liability.

A person is deemed innocent of a crime and may not be criminally punished until his/her guilt is legally proven and found by a lawful sentence.

No person may be prosecuted more than once for one and the same offense.

A crime is a socially dangerous culpable act (action or inaction) envisaged by the present Code (action or inaction) that was committed by a subject of crime.

The subject of crime shall be a convicted natural person who committed a crime in the age which envisages criminal responsibility according to the present Code.

A convicted individual is an individual who was aware of his actions (inaction) and could guide them at the time when the crime was committed. Individuals who have reached the age of sixteen before the crime was committed shall be subjected to criminal responsibility. Individuals who committed the crime when they were aged fourteen to sixteen shall be subject to criminal responsibility only under certain *corpus delicti*.

A law on criminal responsibility which cancels criminality of actions or extenuates criminal responsibility shall have a reverse impact in time, that is, it shall be applied to individuals who committed relevant actions before such law came into force, including to individuals who are serving their sentences or have served their sentences, but have a criminal record.

An individual who committed a crime in the state of inebriety resulting from intake of alcohol, narcotic substances or other dope shall be subjected to criminal responsibility.

Necessary defense shall be actions of an individual committed for the purpose of defending interests and rights of this individual protected by the law, public interests and interests of the state from socially dangerous infringements by way of injuring the infringer in the manner necessary and sufficient to immediately prevent or cease such infringements in the current circumstances.

It shall not be considered a crime to inflict damages to law enforcement interests on the condition of absolute necessity, that is, to eliminate danger that directly threatens this individual or human rights or right of other people protected by the law, as well as public interests or interests of the state, if such danger could not be prevented by other means in such circumstances.

An individual who committed a crime shall be released from criminal responsibility in cases envisage by the present Code, a well as on the basis of the Law of Ukraine “On Amnesty” or a grant of pardon.

The punishment is defined as a coercive measure imposed in a judgment of court on behalf of the State upon a person found guilty of a criminal offense and consists in restraint of the sentenced person’s rights and freedoms secured by law. The punishment is aimed not only at penalizing but also reformation of sentenced persons and prevention of further offenses by both the sentenced and other persons. The punishment is not meant to cause physical sufferings or humiliate human dignity.

The following types of punishment may be imposed by a court on persons convicted of criminal offenses:

- 1) fine;
- 2) revocation of a military or special title, rank, grade or qualification class;
- 3) deprivation of the right to occupy certain positions or engage in certain activities;
- 4) community service;
- 5) correctional labor;
- 6) service restrictions for military servants;
- 7) forfeiture of property;
- 8) arrest;
- 9) restraint of liberty;
- 10) custody of military servants in a penal battalion;
- 11) imprisonment for a determinate term;
- 12) life imprisonment.

to provide legal protection	
rights and liberties	
public order and public safety	
criminal encroachments	
socially dangerous acts or omissions	

criminal liability	
to be deemed innocent	
lawful sentence	
to envisage	
criminal responsibility	
to serve the sentence	
intake	
necessary defense	
socially dangerous infringements	
to threaten	
grant of pardon	
coercive measure	
to restraint rights and freedoms	
to cause physical sufferings	
to humiliate human dignity	
fine	
revocation of a military or special title, rank, grade or qualification class	
deprivation of the right to occupy certain positions or engage in certain activities	
community service	
correctional labor	
forfeiture of property	
arrest	
restraint of liberty	
imprisonment for a determinate term	
life imprisonment	

**5. Complete the passage below, using the words from the box:**

**Objectives of Criminal Law**

**Behavior; arrest; offender; value; goal; victim;  
banishment; probation; jail; elements**

Criminal law is distinctive for the uniquely serious potential consequences or sanctions for failure to abide by its rules. Every crime is composed of criminal \_\_\_\_\_. Capital punishment may be imposed in some jurisdictions for the most serious crimes.

Physical or corporal punishment may be imposed such as whipping or caning, although these punishments are prohibited in much of the world. Individuals may be incarcerated in prison or \_\_\_\_\_ in a variety of conditions depending on the jurisdiction.

Confinement may be solitary. Length of incarceration may vary from a day to life. Government supervision may be imposed, including house \_\_\_\_\_, and convicts may be required to conform to particularized guidelines as part of a parole or \_\_\_\_\_ regimen. Fines also may be imposed, seizing money or property from a person convicted of a crime.

Five objectives are widely accepted for enforcement of the criminal law by punishments: retribution, deterrence, incapacitation, rehabilitation and restoration. Jurisdictions differ on the \_\_\_\_\_ to be placed on each.

**Retribution** – Criminals ought to *Be Punished* in some way. This is the most widely seen \_\_\_\_\_. Criminals have taken improper advantage, or inflicted unfair detriment, upon others and consequently, the criminal law will put criminals at some unpleasant disadvantage to “balance the scales”. People submit to the law to receive the right not to be murdered and if people contravene these laws, they surrender the rights granted to them by the law.

Thus, one who murders may be executed himself. A related theory includes the idea of “righting the balance”.

**Deterrence** – *Individual* deterrence is aimed toward the specific offender. The aim is to impose a sufficient penalty to discourage the offender from criminal \_\_\_\_\_. *General* deterrence aims at society at large. By imposing a penalty on those who commit offenses, other individuals are discouraged from committing those offenses.

**Incapacitation** – Designed simply to keep criminals *away* from society so that the public is protected from their misconduct. This is often achieved through prison sentences today. The death penalty or \_\_\_\_\_ have served the same purpose.

**Rehabilitation** – Aims at transforming an offender into a valuable member of society. Its primary goal is to prevent further offense by convincing the offender that their conduct was wrong. This is hindered by phenomenon such racial prejudice, slow court times and complexity in the law

**Restoration** – This is a victim-oriented theory of punishment. The goal is to repair, through state authority, any injury inflicted upon the victim by the \_\_\_\_\_. For example, one who embezzles will be required to repay the amount improperly acquired.

Restoration is commonly combined with other main goals of criminal justice and is closely related to concepts in the civil law, i.e., returning the \_\_\_\_\_ to his or her original position before the injury.

**TEXTS**

**FOR**

**INDIVIDUAL WORK**

## **TEXT 1**

### **Unification of European Civil Law**

Harmonisation of law means “make or form a pleasing or consistent whole”. In the case of harmonisation of law, the aim is to make a consistent whole of law. It is an important concept in the European Union for creating common standards across the internal market.

It is a process of admitting limits of international unification but does not necessarily mean total uniformity. Harmonisation is usually not comprehensive but is relatively partial. That is, harmonisation of law doesn't seek to create a sole authority of law on a particular subject. This is because measures to harmonise law cannot go further than that which is necessary.

Harmonisation is unsystematic. The Directives of the European Union do not focus on or contain comprehensive regulation of the entire law. The Directives regulate some very specific issues and they regulate them only for particular situations or circumstances and only for particular types of parties.

Harmonisation generally takes place on two levels of governance, the overarching body and the each of the members individually. Taking the European Union, the two levels are the European level and national level. Although both European and national legislators share the legislative responsibilities, neither of these bodies has final responsibility for the whole.

Also, there is no superior political authority which has the final say on who is responsible for what, i.e. no overarching authority over the European and national legislators. The European Court of Justice may however determine the extent of harmonisation when determining cases. Harmonisation can be seen as a step towards unification of European Union Law.

## **TEXT 2**

### **English Civil Law**

In civil law systems, there is a fundamental distinction drawn between private law public law which is much more firmly rooted, and more sharply drawn, than in common law and civil law systems recognise that private law



governs relations between private citizens and corporations, and public law concern a dispute in which the State is a party. However, the distinction in civil law systems has far greater practical implications since there are two different hierarchies of courts dealing with each of these types of law.

The main categories of English civil law are:

Contracts: binding agreements between people ( or companies).

Torts: wrongs committed by one individual against another individual's person, property or reputation.

Trusts: arrangements whereby a person administers property for another person's benefit rather than his own.

Probate: arrangements for dealing with property after the owner's death.

Land law: the legal rules governing land use and protection.

Areas of public law are constitutional law, administrative law and criminal law. Constitutional law deals with the relationship between the state and individual and the relationship between different branches of the state, such as the executive the legislative and specified within a written constitutional document. However in the United Kingdom of Great Britain and Northern Ireland, due to historical and political reasons there does not exist one supreme written document. The UK has an unwritten constitution – the constitution of this state is usually found in statutes such as the Magna Carta, the Petition of Rights, the Bill of Rights, the Act of Secession 1700 and the Parliament Act 1911 and Parliament Act 1949.

Administrative law refers to the body of law which regulates managerial procedures and defines the power of administrative agencies. These laws are enforced by the executive branch of a government rather than the judicial or legislative branches (it they are different in that particular jurisdiction). This body of law regulates international trade, manufacturers, pollution, taxation and the like. This is sometimes seen as a subcategory of civil law and sometimes seen as public law as it deals with regulation and public institutions.

Criminal law involves the state imposing sanctions for crimes committed by individuals so that society can achieve justice and a peaceable social order. This differs from civil law in that civil actions are disputed between two parties that are not of significant public concern.

### **TEXT 3**

#### **Civil Law vs Criminal Law in the USA**

In the United States, there are two bodies of law whose purpose is to deter or punish serious wrongdoing or to compensate the victims of such wrongdoing. Criminal law deals with behavior that is or can be construed as an offense against the public, society, or the state—even if the immediate victim is an individual. Examples are murder, assault, theft, and drunken driving. Civil law deals with behavior that constitutes an injury to an individual or other private party, such as a corporation. Examples are defamation (including libel and slander), breach of contract, negligence resulting in injury or death, and property damage.

Criminal law and civil law differ with respect to how cases are initiated (who may bring charges or file suit), how cases are decided (by a judge or a jury), what kinds of punishment or penalty may be imposed, what standards of proof must be met, and what legal protections may be available to the defendant.

In criminal cases, for example, only the federal or a state government (the prosecution) may initiate a case; cases are almost always decided by a jury; punishment for serious (felony) charges often consists of imprisonment but may also include a fine paid to the government; to secure conviction, the prosecution must establish the guilt of the defendant “beyond a reasonable doubt”; and defendants are protected against conduct by police or prosecutors that violates their constitutional rights, including the right against unreasonable searches and seizures (Fourth Amendment) and the right against compelled self-incrimination (Fifth Amendment).

In civil cases, by contrast, cases are initiated (suits are filed) by a private party (the plaintiff); cases are usually decided by a judge (though significant

cases may involve juries); punishment almost always consists of a monetary award and never consists of imprisonment; to prevail, the plaintiff must establish the defendant's liability only according to the "preponderance of evidence"; and defendants are not entitled to the same legal protections as are the criminally accused.

Importantly, because a single wrongful act may constitute both a public offense and a private injury, it may give rise to both criminal and civil charges.

A widely cited example is that of the former American football player O.J. Simpson: in 1995 he was acquitted of having murdered his wife and her friend, but two years later he was found liable for their killings in a civil suit for wrongful death.

#### **TEXT 4**

##### **Grounds for the Accrual of Civil Rights and Obligations**

**1.** Civil rights and obligations shall appear from persons' actions provided by the civil legislation acts as well as from those that are not provided hereby but generate civil rights and obligations by analogy.

**2.** Grounds for the accrual of civil rights and obligations include the following: 1) agreements and other legal actions; 2) creation of literary and art works, inventions and other outcomes of intellectual and creative activity; 3) inflicting property (material) and moral damage to the other person; 4) other legal facts.

**3.** Civil rights and obligations may accrue directly from the civil legislation acts.

**4.** In cases specified by the civil legislation acts, civil rights and obligations shall accrue directly from the acts of state power authorities, power authorities of the Autonomous Republic of Crimea or local self-government bodies.

**5.** In cases specified by the civil legislation acts, the civil rights and obligations may accrue from court decisions.

6. In cases specified by the civil legislation acts or the agreement, the occurrence or nonoccurrence of a certain event may become a ground for the accrual of civil rights and obligations.

## **TEXT 5**

### **Exercise of Civil Rights**

1. A person shall exercise its civil rights freely and at his/her own discretion.

2. Person's non-exercising his/her/its civil rights shall be not a ground for the termination thereof except cases established by the law.

3. A person may waive his/her/its property right. The waiver of the property right to vehicles, animals and immovable things shall be made according to the procedure established by the civil legislation acts.

4. According to the agreement with or without consideration, a person may assign its property right to the other person except cases established by the law.

5. If the law fixes legal consequences (implications) of unfair or unreasonable exercising the right by a person, the person's conduct shall be deemed as fair and reasonable unless otherwise established by the court.

## **TEXT 6**

### **Notion of a Natural Person**

1. An individual, acting as a party of legal relations, shall be deemed a natural person.

### **Legal Capacity of a Natural Person**

1. All natural persons shall be able to have civil rights and obligations (legal capacity).

2. Natural person's legal capacity shall occur at the moment of his/her birth. In cases specified by the law the interests of a conceived but not yet given birth baby shall be also protected.

3. In cases specified by the law the capacity to have certain civil rights and obligations may be connected with a natural person's coming of the appropriate age.

4. Natural person's legal capacity shall be terminated at moment of his/her death.

### **Legal Capability of a Natural Person**

1. A natural person who is able to perceive and control his/her actions shall have a legal capability. A natural person's legal capability shall mean his/her capability to acquire civil rights by his/her actions and to exercise them independently as well as the capability to create civil obligations by his/her actions, perform these obligations independently and bear responsibility therefor in case of non-performance thereof.

2. The scale of the natural person's legal capability shall be specified by this Code and may be restricted exclusively in cases and according to the procedure established by the law.

### **TEXT 7**

#### **A Natural Person's Right to Entrepreneurship**

1. A natural person with full legal capability shall have the right to the entrepreneurial activity not prohibited by the law. The restriction of a natural person's right to the entrepreneurial activity shall be established by the Constitution of Ukraine and the law.

2. A natural person shall exercise his/her right to the entrepreneurial activity provided that his/her state registration will be carried on according to the procedure specified by the law. Information on the state registration of natural persons-entrepreneurs shall be open.

3. If a natural person starts his/her entrepreneurial activity without state registration by having concluded the appropriate agreements, he/she shall be not entitled to appeal these agreements on the ground of his/her not being an entrepreneur.

#### **Application of Regulatory Acts that Regulate the Legal Entities' Entrepreneurship to the Natural Persons' Entrepreneurship**

1. The normative-legal acts, which regulate the entrepreneurial activity of legal entities, shall be applied to the entrepreneurial activity of natural persons unless otherwise provided by the law or arises from the substance of relations.

### **Civil and Legal Liability of a Natural Person-Entrepreneur**

1. A natural person-entrepreneur shall incur liability on obligations connected with the entrepreneurial activity by all his/her property other than the property that may be not withdrawn pursuant to the law.

2. The married natural person-entrepreneur shall incur liability on obligations connected with the entrepreneurial activity by all his/her private property and his/her share in couple's joint ownership right that would belong him/her in case of property separation.

### **Bankruptcy of a Natural Person-Entrepreneur**

1. A natural person who is incapable to meet creditors requirements connected with the entrepreneurial activity may be declared a bankrupt according to the procedure established by the law.

## **TEXT 8**

### **Guardianship and Trusteeship**

#### **Objectives of Guardianship and Trusteeship**

1. The guardianship and trusteeship shall be established with the purpose of ensuring personal non-property and property rights and interests of children and minors as well as majors who cannot exercise their rights and fulfill their obligations themselves due to the state of their health.

#### **Body of Guardianship and Trusteeship**

1. The bodies entrusted with guardianship and trusteeship, their rights and obligations on ensuring rights and obligations of natural persons requiring guardianship and trusteeship shall be established by the law and other normative-legal acts.

#### **The Duty to Notify of Natural Persons Requiring Guardianship or Trusteeship**

1. The person who got aware of the natural person requiring guardianship or trusteeship shall be obliged to notify promptly the guardianship and trusteeship body thereof.

### **Natural Persons Placed in Ward**

1. The guardianship shall be established over the children divested of parents' care and natural persons recognized as legally incapable.

### **Natural Persons Requiring Trusteeship**

1. The trusteeship should be established over the minors voided parents' care and natural persons with the restricted legal capability.

### **Establishment of Guardianship and Trusteeship by the Court**

1. The court shall establish guardianship over a natural person in case of recognition him/her incapable and shall appoint a guardian upon submission of a guardianship and trusteeship body.

2. The court shall establish guardianship over a natural person in case of restriction his/her civil capability and shall appoint a guardian upon submission of a guardianship and trusteeship body.

3. The court shall establish tutorship over a minor if in the course of case examination it is established that he/she has been voided parents' care and shall appoint a tutor upon submission of a guardianship and trusteeship body.

4. The court shall establish tutorship over a juvenile if in the course of case examination it is established that he/she has been voided parents' care and shall appoint a tutor upon submission of a guardianship and trusteeship body.

## **TEXT 9**

### **The nature of constitutional law**

In the broadest sense a constitution is a body of rules governing the affairs of an organized group. A parliament, a church congregation, a social club, or a trade union may operate under the terms of a formal written document labeled a constitution. Not all of the rules of the organization are in the constitution; many other rules (e.g., by laws and customs) also exist.

By definition the rules spelled out in the constitution are considered to be basic, in the sense that, until they are modified according to an appropriate procedure, all other rules must conform to them. Thus, the presiding officer of an organization may be obliged to declare a proposal out of order if it is contrary to a provision in the constitution. Implicit in the concept of a constitution is the idea of a “higher law” that takes precedence over all other laws.

Every political community, and thus every state, has a constitution, at least insofar as it operates its important institutions according to some fundamental body of rules. By this conception of the term, the only conceivable alternative to a constitution is a condition of anarchy. Nevertheless, the form a constitution may take varies considerably. Constitutions may be written or unwritten, codified or uncoded, and complex or simple, and they may provide for vastly different patterns of governance. In a constitutional monarchy, for example, the sovereign’s powers are circumscribed by the constitution, whereas in an absolute monarchy the sovereign has unqualified powers.

## **TEXT 10**

### **Constitution of the USA**

The Constitution was written in the summer of 1787 in Philadelphia, Pennsylvania, by delegates from 12 states, in order to replace the Articles of Confederation with a new form of government. It created a federal system with a national government composed of 3 separated powers, and included both reserved and concurrent powers of states.

The president of the Constitutional Convention, the body that framed the new government, was George Washington, though James Madison is known as the “Father of the Constitution” because of his great contributions to the formation of the new government. Gouverneur Morris wrote the Constitution’s final language. The Constitution was a compact – though Federalists and Anti-Federalists disagreed over whether the states or the people were the agents of the compact.



In September of 1787, it was sent to the states for ratification. Nine of the 13 states would have to ratify it for the Constitution to become effective for those ratifying states. The future was not certain at all – a debate began among the states over ratification. Those who argued that the Constitution should be approved were called Federalists; those who argued against it were called Anti-Federalists.

Many of the state conventions ratified the Constitution, but called for amendments specifically protecting individual rights from abridgement by the federal government. The debate raged for months. By June of 1788, 9 states had ratified the Constitution, ensuring it would go into effect for those 9 states. However, key states including Virginia and New York had not ratified. James Madison, the principal author of the Constitution, knew that grave doubts would be cast on the Constitution if those states (the home states of several of its chief architects, including Madison himself) did not adopt it.

During the ratification debate in Virginia, Madison promised that a bill of rights would be added after ratification. His promise reassured the convention and the Constitution was approved in that state by the narrowest margin. New York soon followed, but submitted proposed amendments. Two states, Rhode Island and North Carolina, refused to ratify without a bill of rights. A year later in June of 1789, Madison proposed a series of amendments to be debated in the first Congress.

Principles of the Constitution include checks and balances, individual rights, liberty, limited government, natural rights theory, republican government, and popular sovereignty.

Antecedent documents to the Constitution include the political writings about natural rights theory and forms of government by John Locke, Thomas Hobbes, and Montesquieu, and English charters of liberty including the Magna Carta and the English Bill of Rights. James Madison saw one important difference between those documents and the Constitution, however: “In Europe,

charters of liberty have been granted by power. America has set the example of charters of power granted by liberty.”

## **TEXT 11**

### **What is the UK Constitution?**

Constitutions organise, distribute and regulate state power. They set out the structure of the state, the major state institutions, and the principles governing their relations with each other and with the state’s citizens. Britain is unusual in that it has an ‘unwritten’ constitution: unlike the great majority of countries there is no single legal document which sets out in one place the fundamental laws outlining how the state works. Britain’s lack of a ‘written’ constitution can be explained by its history. In other countries, many of whom have experienced revolution or regime change, it has been necessary to start from scratch or begin from first principles, constructing new state institutions and defining in detail their relations with each other and their citizens. By contrast, the British Constitution has evolved over a long period of time, reflecting the relative stability of the British polity. It has never been thought necessary to consolidate the basic building blocks of this order in Britain. What Britain has instead is an accumulation of various statutes, conventions, judicial decisions and treaties which collectively can be referred to as the British Constitution. It is thus more accurate to refer to Britain’s constitution as an ‘uncodified’ constitution, rather than an ‘unwritten’ one.

It has been suggested that the British Constitution can be summed up in eight words: What the Queen in Parliament enacts is law. This means that Parliament, using the power of the Crown, enacts law which no other body can challenge. Parliamentary sovereignty is commonly regarded as the defining principle of the British Constitution. This is the ultimate lawmaking power vested in a democratically elected Parliament to create or abolish any law. Other

core principles of the British Constitution are often thought to include the rule of law, the separation of government into executive, legislative, and judicial branches, and the existence of a unitary state, meaning ultimate power is held by ‘the centre’ – the sovereign Westminster Parliament. However, some of these principles are mythical (the British constitution may be better understood as involving the fusion of executive and legislature) or in doubt (Parliamentary sovereignty may now be called in question given the combined impact of Europe, devolution, the Courts, and human rights).

The British Constitution is derived from a number of sources. Statutes are laws passed by Parliament and are generally the highest form of law. Conventions are unwritten practices which have developed over time and regulate the business of governing. Common law is law developed by the courts and judges through cases.

The UK’s accession to the European Communities Act 1972 has meant that European law is increasingly impacting on the British Constitution. The UK is also subject to international law. Finally, because the British Constitution cannot be found in any single document, politicians and lawyers have relied on constitutional authorities to locate and understand the constitution.

An uncodified constitution creates two problems. First, it makes it difficult to know what the state of the constitution actually is. Second, it suggests that it is easier to make changes to the UK Constitution than in countries with written constitutions, because the latter have documents with a ‘higher law’ status against which ordinary statute law and government action can be tested, and are only amendable via elaborate procedures.

The flexibility of the UK constitution is evident from the large number of constitutional reforms since 1997, including the abolition of the majority of hereditary peers in the House of Lords, the introduction of codified rights of individuals for the first time in the Human Rights Act 1998, and devolution to Scotland, Wales and Northern Ireland. Arguably, however, these recent constitutional reforms may have made the constitution less flexible in some

respects: it is debatable, for instance, whether the devolution settlements could ever be repealed.

## **TEXT 12**

### **The notion of constitution**

The vast majority of contemporary constitutions describe the basic principles of the state, the structures and processes of government and the fundamental rights of citizens in a higher law that cannot be unilaterally changed by an ordinary legislative act. This higher law is usually referred to as a constitution. The content and nature of a particular constitution, as well as how it relates to the rest of the legal and political order, varies considerably between countries, and there is no universal and uncontested definition of a constitution.

Nevertheless, any broadly accepted working definition of a constitution would likely describe it as a set of fundamental legal-political rules that:

- are binding on everyone in the state, including ordinary law-making institutions;
- concern the structure and operation of the institutions of government, political principles and the rights of citizens;
- are based on widespread public legitimacy;
- are harder to change than ordinary laws (e.g. a two-thirds majority vote or a referendum is needed); and
- as a minimum, meet the internationally recognized criteria for a democratic system in terms of representation and human rights.

## **TEXT 13**

### **The functions of a constitution**

1. Constitutions can declare and define the boundaries of the political community. These boundaries can be territorial (the geographical borders of a state, as well as its claims to any other territory or extra-territorial rights) and

personal (the definition of citizenship). Thus, a constitution often distinguishes between those inside and outside the polity.

**2.** Constitutions can declare and define the nature and authority of the political community. They often declare the state's fundamental principles and assumptions, as well as where its sovereignty lies. For example, the French Constitution declares that 'France is an indivisible, secular, democratic and social Republic' and that 'National sovereignty belongs to the people, who exercise it through their representatives and by means of referendums'. The Constitution of Ghana (1992) states that 'The Sovereignty of Ghana resides in the people of Ghana in whose name and for whose welfare the powers of government are to be exercised'.

**3.** Constitutions can express the identity and values of a national community. As nation-building instruments, constitutions may define the national flag, anthem and other symbols, and may make proclamations about the values, history and identity of the nation.

**4.** Constitutions can declare and define the rights and duties of citizens. Most constitutions include a declaration of fundamental rights applicable to citizens. At a minimum, these will include the basic civil liberties that are necessary for an open and democratic society (e.g. the freedoms of thought, speech, association and assembly; due process of law and freedom from arbitrary arrest or unlawful punishment). Many constitutions go beyond this minimum to include social, economic and cultural rights or the specific collective rights of minority communities. And some rights may apply to both citizens and non-citizens, such as the right to be free from torture or physical abuse.

**5.** Constitutions can establish and regulate the political institutions of the community. Constitutions define the various institutions of government; prescribe their composition, powers and functions; and regulate relations between them. Almost all constitutions establish legislative, executive and judicial branches of government. In addition, there may be a symbolic head of

state, institutions to ensure the integrity of the political process (e.g. an electoral commission), and institutions to ensure the accountability and transparency of those in power (e.g. an ombudsman). The institutional provisions typically provide mechanisms for the democratic allocation and peaceful transfer of power (e.g. elections) and for the restraint and removal of those who abuse power or who have lost the confidence of the people (e.g. impeachment procedures).

6. Constitutions can divide or share power between different layers of government or sub-state communities. Many constitutions establish federal, quasi-federal or decentralized processes for the sharing of power between provinces, regions or other sub-state communities. These may be geographically defined (as in most federations, such as Argentina, Canada or India), or they may be defined by cultural or linguistic communities (e.g. the 1994 Constitution of Belgium, which establishes autonomous linguistic communities in addition to geographical regions).

7. Constitutions can declare the official religious identity of the state and demarcate relationships between sacred and secular authorities. This is particularly important in societies where religious and national identities are interrelated, or where religious law has traditionally determined matters of personal status or the arbitration of disputes between citizens.

8. Constitutions can commit states to particular social, economic or developmental goals. This may take the form of judicially enforceable socio-economic rights, directive principles that are politically binding on the government, or other expressions of commitment or intent.

## **TEXT 14**

### **Criminal Code of Ukraine. General provisions**

#### **Objectives of the Criminal Code of Ukraine**

1. The objective of the Criminal Code of Ukraine is to provide legal protection of the rights and liberties of the human being and citizen, property, public order and public safety, the environment, and the constitutional order of

Ukraine against criminal encroachments, to secure peace and safety of mankind, and also to prevent crime.

2. To this aim, the Criminal Code defines which socially dangerous acts or omissions count as offenses, and which punishments are to be imposed upon persons who commit them.

### **Grounds for criminal liability**

1. Commission by a person of a socially dangerous act that has such elements of crime as created by this Code gives grounds for criminal liability.

2. A person is deemed innocent of a crime and may not be criminally punished until his/her guilt is legally proven and found by a lawful sentence.

3. No person may be prosecuted more than once for one and the same offense.

## **TEXT 15**

### **Imposition of punishment**

#### **Circumstances mitigating punishment**

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be mitigating:

- surrender, sincere repentance or actively assistance in detecting the offense;
- voluntary compensation of losses or repairing of damages;
- providing medical aid of other aid to the injured person after committing the offense;
- the commission of an offense by a minor;
- the commission of an offense by a pregnant woman;
- the commission of an offense in consequence of a concurrence of adverse personal, family or other circumstances;
- the commission of an offense under influence of threats, coercion or financial, official or other dependence;
- the commission of an offense under influence of strong excitement raised by improper or immoral actions of the victim;

- the commission of an offense in excess of necessary defense;
- undertaking a special mission to prevent or uncover criminal activities of an organized group or criminal organization, where this has involved committing an offense in any such case as provided for by this Code;

2. When imposing a punishment, a court may find circumstances, other than those specified in paragraph 1 of this Article, to be mitigating.

3. If any of the mitigating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as a mitigating circumstance when imposing a punishment.

## **TEXT 16**

### **Imposition of punishment**

#### **Circumstances aggravating punishment**

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be aggravating:

- repetition of an offense or recidivism;
- the commission of an offense by a group of persons upon prior conspiracy (paragraph 2 or 3 of Article 28);
- the commission of an offense based on racial, national or religious enmity and hostility;
- the commission of an offense in connection with the discharge of official or public duty by the victim;
- grave consequences caused by the offense;
- the commission of an offense against a minor, an elderly or helpless person;
- the commission of an offense against a woman who, to the knowledge of the culprit, was pregnant;
- the commission of an offense against a person who was in a financial, official or other dependence on the culprit;



- the commission of an offense through the use of a minor, a person of unsound mind or mentally defective person;
- the commission of an especially violent offense;
- the commission of an offense by taking advantage of a martial law or a state of emergency or other extraordinary events;
- the commission of an offense by a generally dangerous method;
- the commission of an offense by a person in a state of intoxication resulting from the use of alcohol, narcotic, or any other intoxicating substances;

2. Depending on the nature of an offense committed, a court may find any of the circumstances specified in paragraph 1 of this Article, other than those defined in subparagraphs 2, 6, 7, 9, 10, and 12, not to be aggravating, and should provide the reasons for this decision in its judgment.

3. When imposing a punishment, a court may not find any circumstances, other than those defined in paragraph 1 of this Article, to be aggravating.

4. If any of the aggravating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as an aggravating circumstance when imposing a punishment.

## **TEXT 17**

### **Crimes against national security of Ukraine**

Actions aimed at forceful change or overthrow of the constitutional order or take-over of government

1. Actions aimed at forceful change or overthrow of the constitutional order or take-over of government, and also a conspiracy to commit any such actions, shall be punishable by imprisonment for a term of five to ten years.

2. Public appeals to violent change or overthrow of the constitutional order or take-over of government, and also dissemination of materials with any appeals to commit any such actions, shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

3. Any such actions, as provided for by paragraph 2 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or by means of mass media, shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

### **Trespass against territorial integrity and inviolability of Ukraine**

1. Willful actions committed to change the territorial boundaries or national borders of Ukraine in violation of the order provided for in the Constitution of Ukraine (254к/96-BP), and also public appeals or distribution of materials with appeals to commit any such actions, shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Any such actions, as provided for by paragraph 1 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or combined with inflaming national or religious enmity, shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

3. Any such actions, as provided for by paragraphs 1 and 2 of this Article, if they caused the killing of people or any other grave consequences, shall be punishable by imprisonment for a term of seven to twelve years.

### **High treason**

1. High treason, that is an act willfully committed by a citizen of Ukraine in the detriment of sovereignty, territorial integrity and inviolability, defense capability, and state, economic or information security of Ukraine: joining the enemy at the time of martial law or armed conflict, espionage, assistance in subversive activities against Ukraine provided to a foreign state, a foreign organization or their representatives, shall be punishable by imprisonment for a term of ten to fifteen years.

2. A citizen of Ukraine shall be discharged from criminal liability where, he has not committed any acts requested by a foreign state, a foreign

organization or their representatives and voluntarily reported his ties with them and the task given to government authorities.

### **Trespass against life of a statesman or a public figure**

Trespass against life of the President of Ukraine, the Chairman of the Verkhovna Rada (Parliament) of Ukraine, a National Deputy (Member of Parliament) of Ukraine, the Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, the Chairman or a judge of the Constitutional Court of Ukraine or the Supreme Court of Ukraine or High Specialized Courts of Ukraine, the Procurator General of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Head of the Accounting Chamber, the Chairman of the National Bank of Ukraine, or a leader of a political party, committed in relation to their government or public duties, shall be punishable by imprisonment for a term of ten to fifteen years or life imprisonment.

### **Sabotage**

Committing, for any purpose prejudicial to the State, setting off explosions, fires, or committing other actions for the purposes of mass destruction of people, or causing bodily injuries or any other harm to their health, or destruction or damaging of important industrial or defense facilities, and also committing, for the same purposes, actions to cause radioactive pollution or mass poisoning, or to advance an epidemic, epizootic, or epiphytic diseases, shall be punishable by

### **Espionage**

1. Providing information on state secrets or collecting such information in order to provide to a foreign state, a foreign organization or their representatives, where these actions are committed by a foreign national or stateless person, shall be punishable by imprisonment for a term of eight to fifteen years.

2. A person shall be discharged from criminal liability where that person has stopped any such activities as provided for by paragraph 1 of this Article, and voluntarily reported what has been done to government authorities, provided this and the measures taken have been sufficient to prevent any prejudice to the interests of Ukraine.

## TEXT 18

### Some facts from the history of Criminal Law

The first codes of law were designed by the Sumerians. Around 2100–2050 BC Ur-Nammu, the Neo-Sumerian king of Ur, enacted the oldest written legal code whose text has been discovered: the *Code of Ur-Nammu* although an earlier code of Urukagina of Lagash ( 2380–2360 BC ) is also known to have existed. Another important early code was the *Code Hammurabi*, which formed the core of Babylonian law. Only fragments of the early criminal laws of Ancient Greece have survived, e.g. those of Solon and Draco.

The Old Bailey in London (in 1808) was the venue for more than 100,000 criminal trials between 1674 and 1834, including all death penalty cases.

In Roman law, Gaius's *Commentaries on the Twelve Tables* also conflated the civil and criminal aspects, treating theft (*furtum*) as a tort. Assault and violent robbery were analogized to trespass as to property. Breach of such laws created an obligation of law or *vinculum juris* discharged by payment of monetary compensation or damages. The criminal law of imperial Rome is collected in Books 47–48 of the Digest. After the revival of Roman law in the 12th century, sixth-century Roman classifications and jurisprudence provided the foundations of the distinction between criminal and civil law in European law from then until the present time.

The first signs of the modern distinction between crimes and civil matters emerged during the Norman Invasion of England. The special notion of criminal penalty, at least concerning Europe, arose in Spanish Late Scholasticism (see Alfonso de Castro), when the theological notion of God's penalty (*poena aeterna*) that was inflicted solely for a guilty mind, became transfused into canon law first and, finally, to secular criminal law. The development of the state dispensing justice in a court clearly emerged in the eighteenth century when European countries began maintaining police services. From this point, criminal law had formalized the mechanisms for enforcement, which allowed for its development as a discernible entity.

## TEXT 19

### **Criminal Law of England and the USA**

Criminal law in England derives from a number of diverse sources. The definitions of the different acts that constitute criminal offences can be found in the common law (murder, manslaughter, conspiracy to defraud) as well as in thousands of independent and disparate statutes and more recently from supranational legal regimes such as the EU. As the law lacks the criminal codes that have been instituted in the United States and civil law jurisdictions, there is no unifying factor to how crimes are defined, although there have been calls from the Law Commission for the situation to be remedied. Criminal trials are administered hierarchically, from magistrates' courts, through the Crown Courts and up to the High Court. Appeals are then made to the Court of Appeal and finally the House of Lords on matters of law.

Procedurally, offences are classified as indictable and summary offences; summary offences may be tried before a magistrate without a jury, while indictable offences are tried in a crown court before a jury. The distinction between the two is broadly between that of minor and serious offences. In common law crimes are classified as either treason, felony or misdemeanor.

A consolidated English Criminal Code was drafted by the Law Commission in 1989 but, though codification has been debated since 1818, as of 2007 has not been implemented. Scotland has a completely separate legal system.

In the United States, criminal prosecutions typically are initiated by complaint issued by a judge, or by indictment issued by a grand jury. As to felonies in Federal court, the Fifth Amendment to the United States

Constitution requires indictment. The Federal requirement does not apply to the states, which have a diversity of practices. Three states (Connecticut, Pennsylvania, and Washington) and the District of Columbia do not use grand jury indictments at all.

The Sixth Amendment guarantees a criminal defendant the right to a speedy and public trial, in both state and Federal courts, by an impartial jury of the State and district wherein the crime was committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense.

## **UNIT 5**

### **International Law. System of International Law**

International Law means principles, rules, and standards that govern nations and other participants in international affairs in their relations with one another. International law is the law of the international community. No single nation can create or modify international law. No statute of one nation or treaty between two nations can create global obligations. International law is not created, developed, or abolished by the demand of one country or a small group of countries. It exists as a result of the common consent and general acceptance of many nations.

Most international law consists of long-standing customs, provisions agreed to in treaties, and generally accepted principles of law recognized by nations. Some international law is also created by the rulings of international courts and organizations.

The rules of international law are generally divided into laws of peace, of war, and of neutrality. Peace is considered the normal relationship between nations. The laws of peace define the rights and duties of nations at peace with one another. Each country has a right to existence, legal equality, jurisdiction over its territory, ownership of property, and diplomatic relations with other countries. Many of the laws of peace deal with recognizing countries as members of the family of nations and recognizing new governments in old nations. War is still recognized under traditional international law. Warring states are called belligerents. The laws of war provide definite restrictions on

methods of warfare. Under international law, belligerents are forbidden to move troops across neutral territory. Neutral waters and ports must not be used for naval operations.

The purposes of international law include resolution of problems of a regional or global scope (such as environmental pollution or global warming), regulation of areas outside the control of any one nation (such as outer space or the high seas), and adoption of common rules for multinational activities (such as air transport or postal service).

International law also aims to maintain peaceful international relations when possible and resolve international tensions peacefully when they develop, to prevent needless suffering during wars, and to improve the human condition during peacetime. Enforcement of international law is often difficult because nations are sovereign powers that may put their own interests ahead of those of the international community. Enforcement may be effectively achieved through the actions of individual nations, agencies of international organizations such as the United Nations (UN), and international courts.

The United Nations Security Council can authorize economic sanctions, diplomatic sanctions, or military force to maintain or restore international peace and security.

International law began as a system governing the relations among sovereign states, and states have always been the primary legal entities affected by international law. As the global system has become more complex, however, international law has come to recognize and regulate international organizations, businesses, nonprofit entities, and individuals.

The emergence of international human rights law and, more recently, international criminal law reflects the fact that individuals today are direct subjects of international law in certain respects.

**Words and word combination:**

International Law	
-------------------	--

to govern	
international affairs	
international community	
to create	
to modify	
statute	
treaty	
to create	
to develop	
to abolish	
consent	
acceptance	
provision	
to define	
existence	
legal equality	
jurisdiction	
belligerent	
restriction	
methods of warfare	
to move troops	
neutral waters	
naval operations	
outer space	
high seas	
to maintain	
to resolve	
international tension	
enforcement	



to authorize	
economic sanctions	
diplomatic sanctions	
military force	
to restore	
emergence	

**1. Answer the following questions:**

1. What is the definition of international law?
2. What is international law aimed at?
3. How is international law implemented?
4. What are the subjects of international law?
5. What is the division of the rules of international law?

**2. Complete the following sentences according to the information from the text:**

1. International law is the law ...
2. Some international law is also created by ...
3. International law also aims ...
4. Enforcement may be effectively achieved through ...
5. International law began as a system ...
6. The rules of international law are generally divided into laws ...
7. The emergence of international human rights law and, more recently, international criminal law reflects the fact that individuals today ...
8. Under international law, belligerents are forbidden ...

**3. Match the following legal terms with their definitions:**

custom	having undisputed right to make decisions and
--------	---

	act accordingly;
rule	a generally accepted practice or habit, convention;
sovereign	a binding legal agreement or a moral responsibility;
organization	an accepted method of behaviour or procedure;
obligation	an association or society of people working together to some end

**4. Choose the right preposition in brackets according to the contents of the sentences ( after, of, before, for, from, in ).**

1. Many of the customs of the international relations have existed... hundreds of years. ... example, the ancient Greeks protected foreign ambassadors ... mistreatment, even in wartime. For about 2000 years, nations have given ambassadors similar protection.

2. Traditional international law developed various doctrines and institutions that were designed to protect different groups ... human beings: slaves, minorities, certain native populations, foreign nationals, victims of very massive violations.

3. ... the period of Rome's dominance of the ancient world, there was emerged rules governing the relations between Rome and the various nations or peoples with which it had contact.

4. Treaties, the immunities of ambassadors, and certain laws are to be found many centuries ... the dawn of Christianity, in ancient Egypt and India.

5. The modern system of international law is a product ... only the last four hundred years.

6. ... a legislative body passes a law for a nation or a state, police enforce the laws, and people who break them are tried in courts.

**5. Substitute the words in italics with the words from the text.**

1. The *aims* of international law include resolution of problems of a regional or global scope.
2. International law consists of long-standing customs, provisions agreed to in different *covenants*.
3. Enforcement of international law is oft en difficult because nations are *independent* powers.
4. International law is not *founded*, developed, or abolished by the demand of one country or a small group of countries.
5. No statute of one nation or treaty between two nations can create global *commitments*.
6. Some international law is also created by the rulings of international *tribunals* and organizations.

**6. Write as many legal expressions with the word “international” as you can and make up sentences of your own with those expressions.**

**7. Fill the blanks with the derivatives of the words in brackets. Translate these points.**

**Violations of International Law**

1. Japan ... international law in 1941 by attacking Pearl Harbor without first declaring war. (violation)
2. Germany broke international law during World War 2 when the German ...killed millions of European Jews and forced slave laborers from other European countries to work in German war factories. (to govern)

3. Reports were given to the United Nations about the cruel ... of many UN prisoners of war by the Chinese Communists and North Koreans in the Korean War (1950-1953). (to treat)

4. In 1990, during the crisis that resulted in the Persian Gulf War, Iraq broke international law by ... foreign hostages as “human shields” to discourage attacks against military and industrial sites. (to use)

**8. Give the Ukrainian equivalents for the following word combinations:**

International law, principle, rule, international affairs, provisions agreed to in treaties, rulings of international courts, environmental pollution, adoption of common rules, to maintain peaceful international relations, legal equality, enforcement of international law, ownership of property, international organizations, recognizing countries, legal entities.

**9. Read the extracts below and put them in correct order.**

1. While there were other intermediate influences on the development of international law, its modern roots may be traced to the seventeenth – century Dutch philosopher Hugo Grotius. He is often referred to as the “father of international law”. Grotius’s fundamental contribution to the theory of international law was his insistence upon a voluntary law of nations based upon their consent.

2. The Greek city-states and their philosophers believed that there was a legal hierarchy of local and “higher laws”. Local laws governed the conduct of individuals within each city-state. These laws of the city-states, however, were subordinate to what the ancient Greeks perceived as a branch of law now called international law.

3. As it developed, international law incorporated various inconsistencies and definitional aberrations. Even in the late twentieth century, some topics have only just been resolved after centuries of controversy – and others remain in the many “gray” areas of international law.

4. The process by which international law is formed dates from regional developments in the ancient Chinese and Indian empires. In the fourteenth century B.C., the Egyptian pharaohs entered into treaties with neighboring kings. These agreements represented a consensus on the recognition of sovereignty over certain geographical areas, the extradition of refugees, and the exchange of ambassadors.

### Words and word combination:

to trace	відслідковувати
contribution	внесок
law of nations	право народів
hierarchy [ˈhɪəɹɑ:ki]	ієрархія
conduct	поведінка
inconsistency	протиріччя
aberration	омана
controversy	полеміка, дискусія
consensus	погодження, консенсус
recognition	визнання
extradition	екстрадиція
exchange	обмін
ambassador	посол

### 10. Fill in the gaps with the appropriate forms:

#### Enforcement of International Law

After a ... (1) body passes a law for a nation or a state, police ... (2) the laws, and people who break ... (3) are tried in courts. However, there is no international legislature to pass rules that all nations are required ... (4).

Neither is there an international police force ... (5) countries obey international law. As a result, it is often difficult to enforce international law.

International law ... (6) in three groups, according to how many nations accept them. Universal international law ... (7) the rules ... (8) by all nations as part of international law. These rules ... (8) such items as the sanctity of treaties, the safety of foreign ambassadors, and each nation's jurisdiction over the air space above its territory.

General international law includes rules accepted by the majority of countries, especially ... (10) that are most powerful. One law of this type is the rule that each nation has jurisdiction ... (11) its territorial waters. A water area typically claimed to extend 12 nautical miles from ... (12) shore. Particular international law includes agreements between two or among a few nations, such as trade treaties.

**Note:** to be tried in court – поставати перед судом; sanctity ['sæn(k)titi] of treaties – непорушність угод.

- |                          |                      |                  |
|--------------------------|----------------------|------------------|
| 1. legislation;          | legislative;         | legislature      |
| 2. enforce;              | enforcement          | enforceable      |
| 3. they;                 | them;                | their            |
| 4. to observe;           | observance;          | observation      |
| 5. made;                 | to make;             | make             |
| 6. are often classified; | is often classified; | often classified |
| 7. include;              | includes;            | to includes      |
| 8. accepted;             | accepting;           | accept           |
| 9. covers;               | cover;               | is covered       |
| 10. them;                | they;                | those            |
| 11. under;               | above;               | over             |
| 12. it's;                | its;                 | it               |

**11. Read and translate the following text, give a short summary of it:**

### **International treaties**

A treaty is an agreement under international law entered into by actors in international law, namely sovereign states and international organizations.

A treaty may also be known as: (international) agreement, protocol, covenant, convention, exchange of letters, pact. Regardless of the terminology, all of these international agreements under international law are equally treaties and the rules are the same.

International organizations may also be given the capacity to make treaties, either with sovereign states or other international organizations. The name chosen generally does not affect the legal status of the agreement. As long as the parties intend the text to be binding, it is a treaty.

Treaties may incorporate rules of custom or develop new law. Treaties can be compared to contracts: both are means of willing parties assuming obligations among themselves, and a party to either that fails to live up to their obligations can be held liable under international law for that breach. The central principle of treaty law is expressed in the maxim *pacta sunt servanda* – “pacts must be respected”.

The most well known examples of international treaties are the United Nations Charter, Treaty on European Union, North Atlantic Treaty (NATO), Treaty on World Trade Organization (Marrakesh Agreement). Under Article 102 of the Charter of the United Nations, “Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it, be invoked before it or enforced in its judiciary organ, the International Court of Justice”. This was done to prevent the proliferation of secret treaties that occurred in the 19th and 20th century. The Charter also states that its members’ obligations under it outweigh any obligations under other treaties.

International treaties can be classified as bilateral and multilateral. Multilateral treaties establish rights and obligations between each party and every other party. Bilateral treaties are negotiated between a limited number of

states, most commonly only two, establishing legal rights and obligations between those two states only.

The present system of international law remains largely consensual and centered on the sovereign state. It is within the discretion of each state to participate in the negotiation of, or to sign or ratify, any international treaty.

Likewise, each member state of an international organization such as the UN is free to ratify any convention adopted by that organization. Treaty law thus is created by the will of states.

**Words and word combination:**

treaty	угода
agreement	угода
sovereign state	суверенна держава
international organization	міжнародна організація
covenant [kʌv(ə)nənt]	пакт, угода
convention	конвенція, договір
exchange of letters	обмін листами
pact	пакт
capacity	можливість, здатність, повноваження
binding	обов'язковий
to be invoked	застосовуватись
proliferation	поширення
bilateral [bɪ'læt(ə)r(ə)l]	двосторонній
consensual	загальноприйнятий, узгоджений
discretion	свобода дій

**Provide Ukrainian translation:**



**United Nations Charter –**

**Treaty on European Union –**

**12. Read and translate the text, memorize the words given below:**

### **Summary**

#### **What is public international law?**

Public international law is a combination of rules and customs governing relations between states in different fields, such as armed conflict, human rights, the sea, space, trade, territorial boundaries, and diplomatic relations.

The United Nations Charter sets out the fundamental principles of modern public international law, notably:

*Promotion of human rights;*

*The strict limitation on the right to use force against other states;*

*The strict prohibition on the acquisition of territory by force.*

#### **Subjects of international law**

States are the primary subject of international law. However, international law can also regulate the actions of other entities, namely: international organisations, non-state actors, international non-governmental organizations, and multinational companies. All can be defined as subjects of international law, and can be considered as having legal personality. This means that they have both duties and rights provided for by international law.

#### **Public international law and the protection of human dignity**

Several branches of public international law combine to protect universal values relating to human dignity. Each represents a tool of protection and all should be considered as complementary and must be applied comprehensively. These branches are:

international humanitarian law;

international refugee law;

international criminal law;

international human rights law.

### **Relationship between domestic and international law**

The relationship between domestic and international law on a procedural level can be complex, particularly where a national court is applying international law directly. It is important to remember that domestic law cannot be used as a justification for a failure to meet an international responsibility.

In the words of Hersch Lauterpact, who is recognised as one of the founders of modern international law:

*“The self-evident principle of international law that a State cannot invoke its municipal law as the reason for the non-fulfillment of its international obligations.”*

### **Sources of international law**

The norms and rules of international law are codified in a range of treaties and other materials. The main sources of international law are:

***Treaty law:*** Such as the United Nations Charter and the Geneva Conventions;

***Customary international law:*** Established by state practice and legal intention;

***General principles of law recognized by civilized nations:*** Seen as inspirational rather than direct sources of the law. Examples of this are the principles of estoppel and equity.

### **What is the difference between public international law and private international law?**

Public international law comprises a body of rules which is concerned solely with the rights and obligations of sovereign states. For example the United Nations Charter is a central instrument of public international law.

Private international law, also referred to as ‘conflict of laws’, consists of rules which govern relations between private entities and decide which domestic law and/or courts can adjudicate issues with an “international” component. For example, if a Chinese company was to sign a contract with the United States, private international law would regulate the applicable law if that contract was violated.

**Words and word combination:**

Public international law	Публічне міжнародне право
armed conflict	збройний конфлікт
territorial boundaries	територіальні кордони
promotion of human rights	забезпечення прав людини
to limit; limitation	обмежувати; обмеження
to prohibit; prohibition	забороняти; заборона
acquisition of territory by force	захоплення території силою
tool of protection	засіб захисту
international humanitarian law	міжнародне гуманітарне право
international refugee law	міжнародні закони у справах біженців
international criminal law	міжнародне кримінальне право
international human rights law	міжнародне право прав людини
to invoke	вимагати застосування; застосовувати
Treaty law	міжнародне договірне право
Customary international law	міжнародне звичаєве право
estoppel [ɪˈstɒp(ə)l]	процесуальний відвід; позбавлення права заперечення; позбавлення сторони права посилатися ( <i>на певні факти</i> ) або оспорювати певні факти
equity	справедливість

body of rules	звід законів
'conflict of laws'	конфлікт права
to adjudicate [ə'dʒu:dɪkeɪt]	розглядати питання; виносити рішення стосовно питань
applicable law	закон, що застосовується

## Unit 6

### European Union: Institutional System

The European Union is a family of democratic European countries committed to working together for peace and prosperity. The European Union is now regarded as a supranational legal and political entity, that is, in fact, unique. It is not a State intended to replace the existing states, but it is more than any international organization, it also contains some features of federation. The Community method involves a constant balancing of national and common interests, respect for the diversity of national traditions and the forging of a separate identity. It is an advanced form of integration. Its competence extends to the economy, industry, politics, citizen's rights and foreign policy. The Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. This pooling of sovereignty is also called "European integration".

The predecessor of the EU was created in the aftermath of the Second World War. The first steps were to foster economic cooperation: the idea being that countries that trade with one another become economically interdependent and so more likely to avoid conflict.

The result was the European Economic Community (EEC), created in 1958, and initially increasing economic cooperation between six countries: Belgium, Germany, France, Italy, Luxembourg and the Netherlands.

Since then, other members joined and a huge single market (also known as the ‘internal’ market) has been created and continues to develop towards its full potential.

What began as a purely economic union has evolved into an organization spanning policy areas, from climate, environment and health to external relations and security, justice and migration. A name change from the European Economic Community (EEC) to the European Union (EU) in 1993 reflected this.

The goals of the European Union are: to promote peace, its values and the well-being of its citizens; to offer freedom, security and justice without internal borders; sustainable development based on balanced economic growth and price stability, a highly competitive market economy with full employment and social progress, and environmental protection; to combat social exclusion and discrimination; to promote scientific and technological progress; to enhance economic, social and territorial cohesion and solidarity among member countries; to respect rich cultural and linguistic diversity; to establish an economic and monetary union whose currency is the euro.

Peace and reconciliation are central to the process of European integration. Not once since the end of the Second World War has Europe sought to impose its ideas on the rest of the world, other than by setting an example of how to solve problems by negotiation. The European Union is increasingly called upon to act as a mediator and a stabilizing force in world affairs. Almost a half century of European integration has had a profound effect on the development of the continent and the attitudes of its inhabitants. It also has changed the balance of power. All governments, regardless of political complexion, now recognize that the era of absolute national sovereignty has gone. Only by joining forces and working towards a “destiny henceforward shared” can Europe’s old nations continue to enjoy economic and social progress and maintain their influence in the world.

### Words and word combination:

to commit	зобов'язуватись
prosperity	процвітання
to intend	мати намір
to forge	формувати створювати
competence	компетенція
to set up	створювати
pooling of sovereignty	об'єднання суверенітетів
predecessor	попередник
aftermath	наслідки
to foster	сприяти
economic cooperation	економічна співпраця
to avoid conflict	уникати конфлікту
single market	єдиний ринок
to span	охоплювати
sustainable	стійкий
employment	працевлаштування
to combat	боротись
social exclusion	соціальне відчуження
to enhance	підвищувати
monetary union	грошовий союз
currency	грошова одиниця
reconciliation	примирення
to impose	нав'язувати
negotiation, to negotiate	переговори, вести переговори
mediator	посередник
inhabitant	житель
balance of power	баланс сил
“destiny henceforward shared”	єдина доля

**1. Complete the following sentences according to the information from the text:**

1. The European Union is now regarded as a supranational \_\_\_\_\_ entity.
2. The \_\_\_\_\_ method involves a constant balancing of national and common interests, respect for the diversity of national traditions and the forging of a separate identity.
3. This pooling of sovereignty is also called “\_\_\_\_\_”.
4. The \_\_\_\_\_ of the EU was created in the aftermath of the Second World War.
5. The European Economic Community was created in 1958 initially for economic cooperation between six countries: Belgium, Germany, Italy, Luxembourg and \_\_\_\_\_.
6. Single market of the EU is also known as the ‘\_\_\_\_\_’ market)
7. Peace and \_\_\_\_\_ are central to the process of European integration.
8. One of the goals of the EU is to enhance economic, social and territorial \_\_\_\_\_ and solidarity among member countries
9. The European Union is increasingly called upon to act as a \_\_\_\_\_ and a stabilizing force in world affairs.
10. All governments, regardless of political complexion, now recognize that the era of absolute \_\_\_\_\_ has gone.

**2. Choose the word or phrase that best complete the sentence:**

1. European Union countries have \_\_\_\_\_ common institutions to which they delegate some of their sovereignty.  
*(a) set back; (b) set down; (c) set up; (d) set with*
2. The \_\_\_\_\_ is fundamental to the European Union.

*(a) rule of law; (b) standing rule; (c) golden rule; (d) rule of the road*

3. All European Union decisions and procedures are based on the \_\_\_\_\_, which are agreed by all the EU countries.

*(a) Commands; (b) Orders; (c) Treaties; (d) Decrees*

4. In the early years, much of the \_\_\_\_\_ between EU countries was about trade and the economy.

*(a) cooperation; (b) cooperate; (c) cooperative; (d) cooperator*

5. The EU treaties lay down the basic aims of the Community, establish the \_\_\_\_\_ and their powers.

*(a) institutions; (b) universities; (c) colleges; (d) firms*

6. The \_\_\_\_\_ is the main trend of development of the European communities and the Union.

*(a) federalization; (b) globalization; (c) consolidation; (d) collaboration*

7. The Member States created the Schengen area and introduced a single \_\_\_\_\_ for foreigners on the basis of Schengen Agreements.

*(a) citizenship; (b) passport; (c) visa; (d) license*

**3. Complete the passage below, using the words from the box:**

**First steps of development**

*unite; cooperation; common objective;  
integration; Europe; peace and prosperity; solutions; negotiations*

There is nothing new about the desire to \_\_\_\_\_ Europe. Figures from history as diverse as Roman emperors, Genghis Khan, Napoleon and have in turn coveted the \_\_\_\_\_ of taking European Continent as their own. Some such attempts have failed, others have enjoyed limited success over different periods of time. None has brought lasting



\_\_\_\_\_ to all the inhabitants of Europe. The European Community aims to achieve that objective through \_\_\_\_\_ between European states.

The modern history of European \_\_\_\_\_ began immediately after the Second World War. The states of \_\_\_\_\_ shared a common interest in restructuring and reconstructing the Continent. They were seeking fresh \_\_\_\_\_ independent of old, discredited nation-state structure. The strong belief appeared that Europe had to start \_\_\_\_\_ and pursue the path of integration.

**4. Who speaks what and where? Match the words in the columns, mark the main stress in the words and practice saying them:**

Country	Language	Capital
Belgium	Lithuanian	Brussels
Malta	Hungarian	Berlin
Portugal	Spanish	Lisbon
Denmark	Portuguese	Nicosia
Germany	Greek	Rome
Netherlands	French, Flemish	Amsterdam
Spain	Finnish, Swedish	Ljubljana
Hungary	German	Vilnius
France	Maltese, English	Paris
Croatia	Czech	Luxembourg
Slovenia	Danish, Faroese, Greenlandic	Madrid
Italy	Italian	Budapest
Cyprus	Greek, Turkish	Copenhagen
Greece	Polish	Athens
Luxembourg	Croatian	Prague

Lithuania	Dutch	Warsaw
Sweden	Slovene	Helsinki
Poland	French	Valetta
Romania	Romanian	Bucharest
Estonia	Bulgarian	Tallinn
Slovakia	Swedish	Stockholm
Bulgaria	Estonian	Sofia
Finland	Slovak	Bratislava
The Czech Republic	German, French, Luxembourgish	Zagreb

**6. Read and translate the text, provide Ukrainian equivalents for the following expressions:**

### **The EU values**

The EU values are common to the member countries in a society in which inclusion, tolerance, justice, solidarity and non-discrimination prevail. These values are an integral part of our European way of life:

**Human dignity:** Human dignity is inviolable. It must be respected, protected and constitutes the real basis of fundamental rights.

**Freedom:** Freedom of movement gives citizens the right to move and reside freely within the Union. Individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information are protected by the EU Charter of Fundamental Rights.

**Democracy:** The functioning of the EU is founded on representative democracy. Being a European citizen also means enjoying political rights. Every adult EU citizen has the right to stand as a candidate and to vote in elections to the European Parliament. EU citizens have the right to stand as candidate and to vote in their country of residence, or in their country of origin.

**Equality:** Equality is about equal rights for all citizens before the law. The principle of equality between women and men underpins all European policies and is the basis for European integration. It applies in all areas. The principle of equal pay for equal work became part of the Treaty of in 1957. Although inequalities still exist, the EU has made significant progress.

**Rule of law:** The EU is based on the rule of law. Everything the EU does is founded on treaties, voluntarily and democratically agreed by its member countries. Law and justice are upheld by an independent judiciary. The member countries gave final jurisdiction to the European Court of Justice which judgments have to be respected by all.

**Human rights:** Human rights are protected by the EU Charter of Fundamental Rights. These cover the right to be free from discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the right to the protection of your personal data, and or the right to get access to justice.

These goals and values form the basis of the EU and are laid out in the Lisbon Treaty and the EU Charter of fundamental rights.

member countries	
inclusion	
tolerance	
solidarity	
to prevail	
integral part	
way of life	
human dignity	
individual freedoms	
to stand as candidate	
to vote in elections	

country of residence	
country of origin	
to underpin	
principle of equal pay	
rule of law	
independent judiciary	
European Court of Justice	
on the basis of	
protection of personal data	
to get access to justice	

**7. Complete the word-building table, use the words in the sentences of your own:**

<i>Verb</i>	<i>noun</i>	<i>person</i>	<i>adjective</i> <i>(participle)</i>
to negotiate	negotiation	negotiator	negotiating
to govern			
		integrationist	
to create			
	formation		
	recognition		
		informer	
to limit			
			cooperative
to promote			
	existence	existentialist	
	elections		
to judge			
		employer, employee	
	protection		

		inhabitant	
		resident	
to occupy			

**8. Read and translate the following text, do the exercises given below:**

### **Institutions of European Union**

**The Council of the European Union** – Рада Європейського Союзу;

**COREPER (Committee of Permanent Representatives)** – Комітет постійних представників або Корепер (*Coreper*, акронім від назви комітету французькою);

**European Council** – Європейська Рада:

не слід плутати з Радою Європейського Союзу (**The Council of the**

**European Union**) – законодавчою гілкою влади Європейського Союзу;

не слід плутати з Радою Європи (**The Council of Europe**) – міжнародною організацією, що не є частиною Європейського Союзу.

**Heads of Governments** – голови урядів;

**Heads of the Commission** – голови комісій;

**The European Parliament** – Європейський Парламент;

**The European Commission** – Європейська комісія (або скорочено Єврокомісія);

**the European Central Bank** – Європейський центральний банк (ЄЦБ);

**the European Court** Суд – Європейського Союзу (також Європейський суд);

**the General Court** Суд – загальної юрисдикції – у 1989–2009 роках відомий як *Суд першої інстанції Європейських Спільнот*;

**the Court of Auditors** – Європейський суд аудиторів (Рахункова палата)

What sets the European Union apart from more traditional international organizations is its unique institutional structure. In accepting the European Treaties which are the basis for all EU decisions and procedures, Member States relinquish a measure of sovereignty to independent institutions representing

national and shared interests. The institutions complement one another, each having a part to play in the decision-making process.

**The Council of the European Union** is the main decision-making and coordination institution. It is made of ministers from the Member States. Depending on the agenda each country is represented by the minister responsible for the subject (foreign affairs, finance, agriculture, etc.). The Council enacts EU legislation. It is the Union's Legislature, although it shares this function with the European Parliament. The Council and the Parliament also have joint control over the Union's budget. The Council is responsible for coordinating the general economic policies of the Member States.

The Presidency of the Council rotates, changing hands every six months. The ground for the Council's decisions is prepared by the Coreper – a committee of Member States' permanent representatives to the EU. There is also a General Secretariat, based in Brussels.

**The European Council** is regular meetings of the Heads of Governments of the Member States and Heads of the Commission. The European Council meets at least twice a year, plays the role of the launch pad for EU's major political initiatives and a forum for settling controversial issues not resolved in the Council of European Union. It also deals with current international issues through the common foreign and security policy (CFSP), a mechanism devised to allow the Member States to align their diplomatic positions and present a united front.

**The European Parliament** provides a democratic forum for debate. It has a watchdog function and also plays a part in the legislative process.

The Parliament currently has maximum 750 seats. Directly elected every five years, the members of Parliament sit not in national blocks but in seven political groups. Each group reflects the political ideology of the national parties which its members belong to. Some members are not attached to any political group. Parliament's principle roles are as follows:

- examine and adopt European legislation under the co-decision procedure; this power is shared with the Council of European Union; approve the EU budget;
- exercise democratic control over the other EU institutions; assent to important international agreements.

Parliament normally meets in Strasbourg. Its 20 committees work in Brussels, Parliament's Secretariat is in Luxembourg.

As the guardian of the Treaties **the European Commission** represents the EU interests and ensures that regulations and directives are properly implemented. It can bring a case before the Court of Justice to ensure that the EU law is enforced. The Commission has sole right of initiative and can intervene at any stage in the legislative process to facilitate agreement within the Council or between the Council and Parliament. The European Commission consists of 27 representatives assisted by about 24000 civil servants, most of its staff work in Brussels.

**The European Central Bank** is in charge of the single currency, the EURO, and independently manages European monetary policy – deciding, for example, what the interest rates should be. The main objective is to ensure price stability, so that the European Economy will not be damaged by inflation. The bank issues binding acts. It is based in Frankfurt, Germany.

The judicial system of the European Union consists of **the European Court, the General Court and specialized courts**. They are to ensure that EU law is interpreted and implemented in line with the Treaties, also check that EU instruments respect fundamental rights. The European Court is the main judicial organ and the only body with the power to give an opinion on the correct interpretation of the Treaties or the validity and interpretation of instruments enacted by the Community institutions.

The Court sits in Luxemburg and comprises 27 judges and 8 Advocates-General appointed for a renewable six-year term by agreement between the

Member States, which select them “from persons whose independence is beyond doubt”.

The Court of Auditors checks if the funds available to the EU are used legally, economically and for the intended purpose. It is an independent body located in Luxembourg. The Auditors help European taxpayers to get better value for the money that has been channeled into the EU budget.

**Words and word combination:**

to elinquish	ВІДМОВЛЯТИСЬ
to complement	ДОПОВНЮВАТИ
to play a part	ВІДІГРАВАТИ РОЛЬ
decision-making process	ПРОЦЕС ПРИЙНЯТТЯ РІШЕНЬ
agenda	ПОРЯДОК ДЕННИЙ
launch pad	ПУСК
foreign and security policy	ЗОВНІШНЯ ПОЛІТИКА І БЕЗПЕКА
watchdog function	ФУНКЦІЯ КОНТРОЛЮ
to assent	ПОГОДЖУВАТИСЬ
to bring a case	ПОДАТИ ПОЗОВ
civil servant	ДЕРЖАВНИЙ СЛУЖБОВЕЦЬ
binding acts	АКТИ, ЩО МАЮТЬ ОБОВ'ЯЗКОВУ ЮРИДИЧНУ СИЛУ

**Choose the word or phrase that best complete the sentence:**

1. European Central Bank is responsible for \_\_\_\_\_ policy and managing the euro.

*(a) foreign; (b) monetary; (c) military; (d) internal*

2. The European Commission drafts proposals for new European laws, which it presents to the \_\_\_\_\_ and the Council.

*(a) European Court of Auditors; (b) European Parliament;*

*(c) European Central Bank; (d) Committee of Rights*



3. European Ombudsman deals \_\_\_\_\_ citizens' complaints about maladministration by any EU institution or body.

(a) with; (b) of; (c) at; (d) about

4. The Council of the European Union – together with the European Parliament – sets the rules for all activities of the \_\_\_\_\_ (EC).

(a) European Commission; (b) European Union;

(c) European Central Bank; (d) European Court

5. The European Central Bank is \_\_\_\_\_ the single currency, the euro.

(a) in charge of; (b) charged with;

(c) to charge down; (d) to charge against

6. The European Court consists of one independent \_\_\_\_\_ from each EU country and located in Luxembourg.

(a) investigator; (b) notary; (c) prosecutor; (d) judge

7. The European Investment Bank \_\_\_\_\_ money for investment projects of European interest.

(a) pays; (b) borrows; (c) lends; (d) wastes

8. The European Commission is appointed for a five-year term, but can be \_\_\_\_\_ by Parliament.

(a) discouraged; (b) dismissed; (c) dissolved; (d) disappointed

9. The main objective of the European Central Bank is \_\_\_\_\_ price stability.

(a) to ensure; (b) to enlarge; (c) engage; (d) enrich

**Put the letters in correct order and find the words for the following definitions from the words of active vocabulary:**

1. *gedana* – a set of operations which form a procedure for solving problem;

2. *scomonsimi* – body of persons given the duty to discharge a task, make an inquiry and write a report;

3. *sanset* – official agreement;
4. *trouida* – a person who examines accounts officially to see if they are in order;
5. *tudbeg* – estimate of probable future income and expenditure;
6. *terapaxy* – a person who pays taxes;
7. *motemitce* – a group of people selected by a legislative body to act on certain legislative matters;
8. *rapvepo* – agree to; confirm;
9. *micalenocoly* – carefully in spending money, time, not wasteful;
10. *ligeodoy* – manner of thinking, ideas forming the basis of an economic or political system;
11. *shlinquire* – give up control; give up.

## **9. Some interesting things about the EU:**

There are 24 official languages used in the European Union. The most commonly used are English, French, and German. Other languages include Bulgarian, Croatian, Czech, Danish, Dutch, Estonian, Finnish, Greek, Hungarian, Irish, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish. If there are European parliament debates, sessions, and conferences, official transcripts and documents are translated into all these languages.

In 2012, the Norwegian Nobel Committee has decided unanimously to award the Nobel Peace Prize to the European Union. The committee recognized the over six-decade contribution of the EU in the development of peace, equality, reconciliation, and human rights in the continent. The twist is that Norway is not a member of the European Union. It's not a big deal, anyway.

The European Union is not the only European Sovereignty in Europe. In fact, there is the Council of Europe. The Council of Europe (CoE) is the leading international organization that upholds human rights and democracy in Europe. They also promote the European culture. It was founded in 1949 and currently, it has 47 member states, including the UK. It also covers approximately 900

million people. Sometimes, it confused with the European Union. No country that joined the EU that has not yet joined the Council of Europe.

## **UNIT 7**

### **Ukraine's foreign policy**

Ukraine's foreign policy is regulated by the following fundamental national legal documents:

- Constitution of Ukraine dated 28 June 1996
- Basic Directions of Ukraine's Foreign Policy dated 2 July 1993
- Concept (the Fundamentals of State Policy) of National Security of Ukraine dated 16 January 1997
- Military Doctrine of Ukraine dated 19 October 1993
- Law of Ukraine "On Diplomatic Service of Ukraine" dated 20 September 2001
- Law of Ukraine "On International Treaties of Ukraine" dated 22 December 1993
- Law of Ukraine "On Legal Succession of Ukraine" dated 12 September 1991
- Law of Ukraine "On Participation of Ukraine in International Peacekeeping Operations" dated 23 April 1999
- Decree of the President of Ukraine "On Regulations about the Ministry of Foreign Affairs of Ukraine" dated 3 April 1999
- Decree of the President of Ukraine No.841/ 96 "On Measures to improve Coordination of Actions of Executive Authorities in the Field of External Relations" dated 18 September 1996
- Decree of the President of Ukraine "On Consular Statute of Ukraine" dated 2 April 1994
- Order of the President of Ukraine "On Regulations about Diplomatic Mission of Ukraine Abroad" dated 22 October 1992

According to Article 106 of the Constitution of Ukraine, the President of Ukraine is in charge of the foreign policy of Ukraine, he represents the country

in international relations, conducts negotiations and concludes international treaties [of Ukraine], makes decisions on recognition of foreign states, assigns and dismisses heads of diplomatic missions of Ukraine to foreign states and international organizations, and accepts credentials of diplomatic representatives of foreign states.

According to the Decree of the President of Ukraine “On Regulations about the Ministry of Foreign Affairs of Ukraine” dated 3 April 1999, “the Ministry of Foreign Affairs of Ukraine is a central executive authority of Ukraine that conducts foreign policy of the state and coordinates the activities in the field of external relations in accordance with powers delegated to it”.

The main tasks of the Ministry of Foreign Affairs of Ukraine are:

- participation in securing national interests and ensuring security of Ukraine through maintaining peaceful and mutually beneficial cooperation with the members of international community;
- promoting stability of Ukraine’s international position, raising its international authority, spreading throughout the world Ukraine’s image as a reliable and predictable partner;
- creation of favorable external conditions for strengthening independence, state sovereignty, economic self-dependence and preserving territorial integrity of Ukraine;
- ensuring integrity and coordination of Ukraine’s foreign policy according to the delegated powers;
- protection of rights and interests of citizens and legal entities of Ukraine abroad; promotion of ties with Ukrainian communities abroad and provision of support and protection for such communities according to international law and effective legislation of Ukraine.

The Ministry of Foreign Affairs of Ukraine is implementing Ukraine’s strategic course towards European and Euro-Atlantic integration and is guided by the following documents:

- Program for Ukraine’s Integration to the European Union (approved by the Decree of the President of Ukraine of 14 September 2000);
- Address by the President of Ukraine to the Verkhovna Rada of Ukraine of 18 June 2002 “European Choice. Conceptual Grounds of the Strategy of Social and Economic Development of Ukraine for 2002–2011”;
- Ukraine’s Strategy as regards the Northern Atlantic Treaty Organization (NATO) (approved by the Decree of the President of Ukraine of 8 July 2002).

The Ministry of Foreign Affairs ensures the negotiating process with the EU and NATO structures, it also monitors and reacts to all sensible issues of Ukraine’s integration to the European Union and the North Atlantic Alliance, coordinates participation of executive authorities in this process, provides assistance in adapting the national legislation to the EU standards and actively cooperates with the EU in consular and political/ security spheres.

Ukraine attaches paramount importance to building friendly relations and partnership with neighboring states and the development of regional and interregional cooperation. Ukraine is an unprejudiced and consistent participant in the settlement of the so-called frozen conflicts (Transdnestrrian and Georgian/Abkhazian); it also plays a significant role in international peacekeeping activities.

**Words and word combinations:**

foreign policy	зовнішньополітична діяльність
fundamental national legal documents	засадничі нормативно-правові акти
to represent the country in international relations	представляти країну в міжнародних відносинах
to conduct negotiations	вести переговори
recognition of foreign states	визнання іноземних держав
to assign	призначати

to dismiss	звільняти
diplomatic mission	дипломатична місія
to conduct foreign policy	проводити зовнішню політику держави
to coordinate the activities in the field of external relations	координувати діяльність у сфері зовнішніх зносин
mutually beneficial cooperation	взаємовигідне співробітництво
members of international community	члени міжнародної спільноти
to ensure security	забезпечувати безпеку
to create favorable external conditions	створювати сприятливі зовнішні умови
state sovereignty	державний суверенітет
to promote stability of international position	сприяння забезпеченню стабільності міжнародного становища
economic self-dependence	економічна незалежність
territorial integrity	територіальні цілісності
support	підтримка
protection	захист
to implement strategic course	втілювати стратегічний курс
negotiating process	переговорний процес
strategic course	стратегічний курс
integration	інтеграція
to provide assistance	надавати допомогу
to adapt the national legislation to the EU standards	адаптувати національне законодавство до норм ЄС
to cooperate with	співпрацювати з
consular and political/ security spheres	консульська та політико-безпекова сфера
regional and interregional cooperation	регіональна і міжрегіональна

	співпраця
unprejudiced and consistent	неупереджений і послідовний
settlement of frozen conflicts frozen conflicts	врегулювання заморожених конфліктів
to play a significant role	відігравати помітну роль
international peacekeeping activities	міжнародна миротворча діяльність

**1. Answer the following questions:**

1. What are the fundamental national legal documents which regulate Ukraine's foreign policy?
2. Who is in charge of the foreign policy of Ukraine?
3. Who represents Ukraine in international negotiations?
4. Who concludes international treaties?
5. Who makes decisions on recognition of foreign states? Who assigns and dismisses heads of diplomatic missions of Ukraine? Who accepts credentials of diplomatic representatives of foreign states in Ukraine?
6. What is the central executive authority that that conducts the foreign policy of Ukraine?
7. What are the main tasks of the Ministry for Foreign Affairs of Ukraine?
8. What is Ukraine's strategic course in international relations?
9. What executive authority conducts negotiations with EU and NATO?
10. Who coordinates the participation of other executive authorities in this process?
11. Who assists in in adapting Ukrainian legislation to the EU standards?
12. What is Ukraine's policy as regards the neighbouring states?
13. What is a frozen conflict?
14. What is Ukraine's policy to the frozen conflicts on the territory of the former USSR?

**15.** What is Ukraine’s policy towards the participation in the international peace keeping operations?

**2. Complete the following table:**

<b>Noun</b>	<b>Verb</b>
<i>regulation</i>	<i>to regulate</i>
security	
operation	
coordination	
	to represent
	to conclude
deceision	
negotiation	
	to preserve
	to guide
integration	
development	
settlement	

**3. Provide the Ukrainian equivalents for the following legal documents:**

Constitution of Ukraine dated 28 June 1996 –

Basic Directions of Ukraine’s Foreign Policy dated 2 July 1993 –

Concept (the Fundamentals of State Policy) of National Security of Ukraine dated 16 January 1997 –

Military Doctrine of Ukraine dated 19 October 1993 –

Law of Ukraine “On Diplomatic Service of Ukraine” dated 20 September 2001

–



Law of Ukraine “On International Treaties of Ukraine” dated 22 December 1993

–

Law of Ukraine “On Legal Succession of Ukraine” dated 12 September 1991 –

Law of Ukraine “On Participation of Ukraine in International Peacekeeping Operations” dated 23 April 1999 –

Decree of the President of Ukraine “On Regulations about the Ministry of Foreign Affairs of Ukraine” dated 3 April 1999 –

Decree of the President of Ukraine No.841/ 96 “On Measures to improve Coordination of Actions of Executive Authorities in the Field of External Relations” dated 18 September 1996 –

Decree of the President of Ukraine “On Consular Statute of Ukraine” dated 2 April 1994 –

Order of the President of Ukraine “On Regulations about Diplomatic Mission of Ukraine Abroad” dated 22 October 1992 –

Program for Ukraine’s Integration to the European Union (approved by the Decree of the President of Ukraine of 14 September 2000) –

Address by the President of Ukraine to the Verkhovna Rada of Ukraine of 18 June 2002 “European Choice. Conceptual Grounds of the Strategy of Social and Economic Development of Ukraine for 2002–2011” –

Ukraine’s Strategy as regards the Northern Atlantic Treaty Organization (NATO) (approved by the Decree of the President of Ukraine of 8 July 2002) –

**4. Read and translate the text filling in the gaps using the words from the table:**

<p style="text-align: center;"><b>Security; strategy; election; membership; integration; force; relationship; intervention</b></p>
--

**Western relations**

Ukraine considers Euro-Atlantic \_\_\_\_\_ its primary foreign policy objective, but in practice balances its relationship with Europe

and the United States with strong ties to other Slavic countries. The European Union's Partnership and Cooperation Agreement (PCA) with Ukraine went into \_\_\_\_\_ on March 1, 1998.

The European Union (EU) has encouraged Ukraine to implement the PCA fully before discussions begin on an association agreement. The EU Common Strategy toward Ukraine, issued at the EU Summit in December 1999 in Helsinki, recognizes Ukraine's long-term aspirations but does not discuss association. On January 31, 1992, Ukraine joined the then-Conference on Security and Cooperation in Europe (now the Organization for Security and Cooperation in Europe – OSCE), and on March 10, 1992, it became a member of the North Atlantic Cooperation Council. Ukraine also has a close \_\_\_\_\_ with NATO and has declared interest in eventual membership. It is the most active member of the Partnership for Peace (PfP).

Former President Viktor Yushchenko indicated that he supports Ukraine joining the EU in the future. Plans for Ukrainian membership to NATO were shelved by Ukraine following the 2010 Ukrainian presidential \_\_\_\_\_ in which Viktor Yanukovich was elected President. Yanukovich opted to keep Ukraine a non-aligned state. This materialized on June 3, 2010 when the Ukrainian parliament (Verkhovna Rada) excluded, with 226 votes, the goal of 'integration into Euro-Atlantic security and NATO membership' from the country's national \_\_\_\_\_ giving the country a non-aligned status.

European integration has remained part of Ukraine's national security strategy and co-operation with NATO was not excluded. Ukraine then considered relations with NATO as a partnership. Ukraine and NATO continued to hold joint seminars and joint tactical and strategical exercises. After February 2014's Yanukovich ouster and following the Russian military \_\_\_\_\_ in Ukraine (which Russia denies) Ukraine renewed its drive for NATO \_\_\_\_\_. On 23 December 2014 the Verkhovna Rada abolished, with 303 votes, Ukraine's non-aligned status.

## **5. Read and translate the text choosing a proper word from the bracket:**

### **Ukrainian Foreign Policy Successes**

#### **Ukraine Enters Visa-Free Regime with Europe**

After years of important reforms, Ukraine entered into a visa-free regime with Europe on June 11, 2017. Now, any Ukrainian with a **(international; domestic; biometric; diplomatic)** passport can travel without a visa to Europe. The regime represents a huge step closer to Europe for Ukraine, and will allow Ukrainians and Europeans to discover each others' cultures with ease and dignity. Moreover, the **(ratification; development; adoption)** of the UA-EU Association agreement has been completed and will enter into force soon.

#### **Enhanced Cooperation with International Partners**

Ukraine continues to enjoy the support of many international **(rivals; partners; opponents)**. In Kyiv, we welcomed Foreign Ministers of the United Kingdom, Poland, Lithuania, Sweden, and OSCE Chairman Sebastian Kurz, along with countless visits of MFA officials to capitals all over the world. Foreign Minister Pavlo Klimkin also visited Washington, DC twice. There, he met with President Donald Trump, Vice President Michael Pence, Secretary of State Rex Tillerson, and officials across the U.S. government and in **(Congress; Senate; Chamber of Lords; Chamber of Commons)**. Further to this cooperation, a landmark Ukraine-EU Summit and NATO-Ukraine Commission will take place this month in Kyiv.

#### **EU and US Renew Sanctions on Russia**

Indeed, our international partners showed support in more than just visits. Both the United States and the European Union renewed and expanded **(negotiations; sanctions; agreements)** against Russia for its illegal occupation of Crimea and actions in the east of Ukraine.

President Poroshenko said, “This is what we are expecting from our partners. We expect unity and solidarity with Ukraine and we achieved that.” We are grateful to our partners for their unwavering support of Ukraine’s sovereignty and territorial integrity within internationally recognized borders.

### **International Court of Justice Rules in favor of Ukraine on Provisional Measures**

The International Court of Justice (ICJ) rendered a positive ruling in Ukraine’s case against Russia. In response to ongoing aggression by the Russian Federation, Ukraine filed a case against Russia to the International Court of Justice in January. The case charges Russia with financing terrorism in Ukraine’s east, as well as racial discrimination on the Crimean peninsula. In March, the Court heard Ukraine’s case for the imposition “provisional measures” that would stop Russia from continuing its crimes, delivering an order on them in April. The court decided that it has prima facie jurisdiction in the case. Importantly, the Court is imposing provisional measures on Russia for its **(discrimination; elimination; regognition)** of Crimean Tatars and ethnic Ukrainians in the illegally occupied Crimean peninsula.

“Russia must refrain from imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis, and ensure the availability of education in the Ukrainian language,” the Court ruled.

### **Cabinet of Ministers Approves Creation of Ukrainian Institute**

On June 21, the Cabinet of Ministers approved the creation of the Ukrainian Institute, which will **(guide; promote; substitute)** Ukraine and its image across the world. The Institute, which will be housed under the Ministry of Foreign Affairs of Ukraine, will be modeled after organizations like the Institut Francais, Goethe Institute, British Councils, and Windows on America to showcase Ukrainian culture, art, science, education around the globe. Thanks to the work of the Institute the world will soon get to know Ukraine even better.

## Unit 8

### Human rights

#### What are human rights?

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

***Universal and inalienable.*** The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality.

Some fundamental human rights and norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

***Interdependent and indivisible.*** All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

***Equal and non-discriminatory.*** Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights.”

***Both Rights and Obligations.*** Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At

the individual level, while we are entitled our human rights, we should also respect the human rights of others.

**International Convention on the Elimination of All Forms of Racial Discrimination** – Міжнародна конвенція про ліквідацію всіх форм расової дискримінації (ICERD)

**the Convention on the Elimination of All Forms of Discrimination against Women** – Конвенція про ліквідацію всіх форм дискримінації по відношенню до жінок (CEDAW)

**Words and word combinations:**

human rights	права людини
inherent	властивий, притаманний
nationality	національність
place of residence	місце проживання
national origin	національне походження
ethnic origin	етнічне походження
to be entitled to	мати право на
treaty	угода
customary international law	міжнародне звичаєве право
to promote	сприяти
to protect	захищати
universal	універсальний
inalienable	невід'ємний
cornerstone	основа
to reiterate	підтверджувати
legal obligation	правові зобов'язання
to restrict	обмежувати
freedom of expression	свобода вираження поглядів

social security	суспільна безпека
self-determination	самовизначення
deprivation	позбавлення
principle of equality	принцип рівності
to entail	передбачати
to assume	брати на себе
to interfere with	втручатись в
to curtail	обмежувати
abuse	зловживання, насилля
to facilitate	забезпечувати, покращувати

### 1. Complete the following sentences:

1. We are all equally entitled to our human rights without \_\_\_\_\_.
2. Human rights are all interrelated, interdependent and \_\_\_\_\_.
3. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other \_\_\_\_\_ of international law.
4. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.
5. Some fundamental human rights and norms enjoy universal protection by customary international law across all \_\_\_\_\_ and civilizations.
6. The improvement of one right facilitates \_\_\_\_\_ of the others. Likewise, the \_\_\_\_\_ of one right adversely affects the others.
7. Non-discrimination is a cross-cutting principle in international \_\_\_\_\_.
8. Article 1 of the Universal Declaration of Human Rights states: “All human beings are born free and equal in \_\_\_\_\_.”



9. Human rights \_\_\_\_\_ both rights and obligations.

10. States assume obligations and duties under international law to respect, to protect and \_\_\_\_\_ human rights.

**2. Complete the following table:**

<b>Noun</b>	<b>Verb</b>
<i>entitlement</i>	<i>to entitle</i>
	to express
	to guarantee
	to emphasize
	to ratify
obligation	
	to protect
	to promote
declaration	
resolution	
	to enjoy
	to restrict
development	
determination	
improvement	
	to apply
	to prohibit
deprivation	
elimination	
	to fulfill
	to require

abuse	
action	
	to respect

**3. Read and translate the text, provide Ukrainian equivalents for the words and word combination given below:**

**Classification of human rights**

One of the most widespread divisions of rights and freedoms into types in the modern world is the classification according to the spheres of life activity of a person and society in which these rights and freedoms are realized. In almost all international legal and interstate normative acts, which are devoted to the human rights in general (and not to some separate groups), the rights and freedoms are divided into *personal (civil), political, social, economical, and cultural*.

*Personal (civil) rights and freedoms* are applied not only to the citizens of the State, but to all people who live on its territory. They constitute a basis for the legal status of a person, have natural characteristics in origin and belong to everyone starting from birth without any limitations. The State is obliged to fight against violations of personal rights and freedoms. The most important rights of this group include the right to life; the right to personal security; freedom from slavery, violence, and imprisonment; security of private life and residence; freedom of conscience and religion; freedom of marriage; and others.

*Political rights and freedoms* express the possibility of participation of a person (as a rule, the citizen of the country) in society's political life, in the formation and realization of State power. Political rights are aimed at strengthening the connection between the citizen and society and the State. They are aimed at not allowing the people's indifference towards the destiny and activity of their country. That is why they are also called public rights. Political

rights include freedom of speech and opinion, the right to access public service, the right to participation in political movements and parties, the right to gather, and freedom of meetings, manifestations, petitions, as well as others. Political rights can be realized both individually and in association with others.

***Social and economic rights*** and freedoms are aimed at the provision of welfare and the quality of a person's life. These rights give a person the possibility of self-development in the sphere of production and distribution of benefits, receive guarantees and State defense of economic freedom and social stability. To this group belongs the right to private property, freedom of entrepreneurship, the right to work and the right to rest, the right to succession, right to social security and health protection, and many others.

***Cultural rights and freedoms*** guarantee spiritual development of a human, and help each individual to be spiritual or cultural. The cultural rights include the right of each person to participate in cultural life, the right to social values, the right to free use of archival and library stocks, the right to use one's native language, the right to development of culture in accordance with one's national and ethnical identity, etc.

personal (civil) rights and freedoms	
legal status of a person	
violations of personal rights and freedoms	
the right to life	
the right to personal security	
freedom from slavery, violence, and imprisonment	
security of private life and residence	
freedom of conscience and religion	
freedom of marriage	

political rights and freedoms	
participation	
formation and realization of state power	
freedom of speech and opinion	
the right to access public service	
the right to participation in political movements and parties	
freedom of meetings, manifestations, petitions	
social and economic rights	
provision of welfare and the quality of a person's life	
economic freedom	
social stability	
the right to private property	
freedom of entrepreneurship	
the right to work	
the right to rest	
the right to succession	
right to social security and health protection	
cultural rights and freedoms	
spiritual development	
the right of each person to participate in cultural life	
the right to social values	
the right to free use of archival and library stocks	

the right to use one's native language	
the right to development of culture in accordance with one's national and ethnical identity	

**4. Read and translate the text:**

**The Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages.

**Preamble**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human

person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

**Article 1.** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2.** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3.** Everyone has the right to life, liberty and security of person.

**Article 4.** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5.** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6.** Everyone has the right to recognition everywhere as a person before the law.

**Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9.** No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10.** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11.**

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.** (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14.**

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15.**

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16.**

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17.**

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

**Article 18.** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.



**Article 19.** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20.**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) (No one may be compelled to belong to an association.

**Article 21.**

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22.** Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23.**

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 24.** Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25.**

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26.**

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27.**

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28.** Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29.**

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30.** Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

**5. Human rights violations. Using the information from the UDHR can you identify what human rights have been violated in this case? Do you find any aspects of this story disturbing? If yes why and which aspects? Do you think this kind of story could happen in your own country? Please explain.**

**The different scenarios:**

**Example 1:** Rose is a biology student and a leader of the University student union. A year ago, she wrote an article in the student newspaper calling for education reform and complaining about the government's inaction in this field. Two days later she was arrested by policemen on the campus. She has been in prison since then. No reasons were stated for the arrest, she has not been able to contact a lawyer and there is no date for a future legal hearing.

Human rights violated: In this case Rose is denied her right to liberty (article 3) and to a fair trial (article 10) as she is held in custody without a fair hearing. Her freedom of expression (article 19) was denied as she was arrested due to an article she wrote for the newspaper. She has been arbitrarily arrested and detained (article 9) and is being denied her right to equal recognition and protection before the law (article 6 and article 7)

**Example 2:** Jignesh is a 50 year old man, who lives in a small and remote town. Both his kidneys have stopped functioning, and so he has to undergo dialysis twice a week. The nearest health facility is 200 kilometres away from the place where he lives. The cost of the service, medicines and the travel take a toll on his financial situation. Despite his health condition, he cannot take time off from work since he is the sole earning member of his family. If he takes a day off, he suffers a cut to his salary.

**Example 3:** Alexander is a famous singer and musician in a country in Europe. He is also an activist close to the opposition party and has on several occasions criticised the government in public. Recently, all his concerts have been cancelled. His passport has been confiscated and he is no longer allowed to travel abroad for personal or professional reasons.

**Example 4:** David is a human rights defender and is trying to create a human rights advocacy in his country. Two months ago, he was arrested and sentenced to the death penalty for treason. Since being put in prison, he has been repeatedly tortured and humiliated. The letters he receives in prison are opened by prison officials before they are transmitted to him.

**Example 5:** Adsila is a young woman who hears voices. As she was wandering on the street and talking aloud, the police arrested her. She had not committed any offence but while in custody she was told that she would be transferred to a psychiatric hospital. In the hospital, she was forced to take high doses of psychotropic drugs which made her extremely unwell. She was bullied and attacked by staff and other male patients. She has no way to challenge her detention.

**Example 6:** Ramon is a 25 year old man who comes from a poor family. He was withdrawn from school by his parents at a very young age so that he could earn a living by washing cups and dishes in a road side tea shop. When he was 20, he started his own tea stall and started earning well. But he fell ill and was diagnosed with schizophrenia. No mental health services were available near Ramon's home town, so his parents felt they had no choice but to admit him against his will into a State mental hospital in the capital, where the treatment was free. At the state hospital, he is regularly beaten, made to wear a uniform and live in a closed ward in unhygienic conditions. After nearly a year he is finally discharged. He applies for a job as an errand boy in a local government office and is selected for the position. But when the office head hears about his mental health diagnosis, he fires Ramon.

## **6. Can you name any historical events that might constitute violations of human rights?**

**The Holocaust (1933 – 1945):** As we have already discussed the Holocaust was one of the main reasons for the writing of the Universal Declaration of Human Rights. The Holocaust of the Second World War resulted in the murder of 6 million Jewish people, in Europe by the Nazi regime and its allies. The large majority of murders occurred in “concentration camps” set up in Nazi occupied territories. Other groups were also targeted and murdered including people of different political backgrounds, ethnic, cultural, sexual and religious identities. This event also involved the murder of approximately 250,000 to 275 000 people with disabilities (mainly Germans) living in institutions.

**The Slave Trade (16th - 19th century):** This refers to the trade routes that developed on both sides of the Atlantic between British colonies from the 16th through to the 19th century. Trading ships would set sail from Europe with a cargo of goods to the west coast of Africa. These goods would be traded for captured people – slaves – provided by African traders. When the European

traders 'ships were full, they would cross the Atlantic to the America's, where the slaves would be to be traded for rum, sugar or other luxury items. These slaves were destined to work on plantations in the Caribbean or the Americas which produced goods for consumption in Europe. They were transported under horrific conditions and many died on route. The slaves were kept as property and regularly bought and sold. They were frequently victims of violence and murder. Although slavery has been abolished, modern forms of slavery still exist today. Many people around the world are subjected to forced labour. In addition, sex slavery, which particularly affects young girls and women, is still a reality in many parts of the world.

**Apartheid in South Africa (1948 and 1991):** Between 1948 and 1991 in South Africa the government enforced a collection of laws that resulted in the segregation of black and other non-white South Africans from the white population. Legislation classified inhabitants into four racial groups: "black", "white", "coloured" and "Indian". These laws forced non-white South Africans to live in different areas, go to different schools and use separate healthcare facilities and other public services. The non-white population was not allowed to vote, or to have political representation in government. They were also denied the freedom of association. They were also deprived of their right of citizenship. 80% of the land in the country was set aside for the white minority. Mixed marriages between different racial groups were prohibited. During this period there was also violent repression of non-white South Africans including the shooting of 69 protestors in Sharpeville.

**The Cambodian genocide (1975-1979):** Between 1975 and 1979 around three million people died at the hands of the Khmer Rouge regime in Cambodia. The Khmer Rouge regime wanted to make everybody work on farms run by the state in order to produce enough food to make Cambodia independent of outside aid. Children were separated from their parents and made to work in labour camps and adults were forced to move to rural areas to work in farms. Many people died from starvation and forced labour at the farms. Opponents or

suspected opponents to the regime, intellectuals, ethnic minorities and religious people were interrogated, tortured and killed. Numerous Buddhist temples were destroyed.

**TEXTS**

**FOR**

**INDIVIDUAL WORK**

## **TEXT 1**

### **International Law. Definition and scope**

According to Bentham's classic definition, international law is a collection of rules governing relations between states. It is a mark of how far international law has evolved that this original definition omits individuals and international organizations – two of the most dynamic and vital elements of modern international law. Furthermore, it is no longer accurate to view international law as simply a collection of rules; rather, it is a rapidly developing complex of rules and influential – though not directly binding – principles, practices, and assertions coupled with increasingly sophisticated structures and processes.

In its broadest sense, international law provides normative guidelines as well as methods, mechanisms, and a common conceptual language to international actors – i.e., primarily sovereign states but also increasingly international organizations and some individuals. The range of subjects and actors directly concerned with international law has widened considerably, moving beyond the classical questions of war, peace, and diplomacy to include human rights, economic and trade issues, space law, and international organizations. Although international law is a legal order and not an ethical one, it has been influenced significantly by ethical principles and concerns, particularly in the sphere of human rights.

International law is distinct from international comity, which comprises legally nonbinding practices adopted by states for reasons of courtesy (e.g., the saluting of the flags of foreign warships at sea). In addition, the study of international law, or public international law, is distinguished from the field of conflict of laws, or private international law, which is concerned with the



rules of municipal law – as international lawyers term the domestic law of states – of different countries where foreign elements are involved.

## **TEXT 2**

### **International law vs National Law**

International law is an independent system of law existing outside the legal orders of particular states. It differs from domestic legal systems in a number of respects. For example, although the United Nations (UN) General Assembly, which consists of representatives of some 190 countries, has the outward appearances of a legislature, it has no power to issue binding laws. Rather, its resolutions serve only as recommendations—except in specific cases and for certain purposes within the UN system, such as determining the UN budget, admitting new members of the UN, and, with the involvement of the Security Council, electing new judges to the International Court of Justice (ICJ). Also, there is no system of courts with comprehensive jurisdiction in international law.

The ICJ's jurisdiction in contentious cases is founded upon the consent of the particular states involved. There is no international police force or comprehensive system of law enforcement, and there also is no supreme executive authority. The UN Security Council may authorize the use of force to compel states to comply with its decisions, but only in specific and limited circumstances; essentially, there must be a prior act of aggression or the threat of such an act. Moreover, any such enforcement action can be vetoed by any of the council's five permanent members (China, France, Russia, the United Kingdom, and the United States). Because there is no standing UN military, the forces involved must be assembled from member states on an ad hoc basis.

## **TEXT 3**

### **International law and international relations**

International law is a distinctive part of the general structure of international relations. In contemplating responses to a particular international

situation, states usually consider relevant international laws. Although considerable attention is invariably focused on violations of international law, states generally are careful to ensure that their actions conform to the rules and principles of international law, because acting otherwise would be regarded negatively by the international community.

The rules of international law are rarely enforced by military means or even by the use of economic sanctions. Instead, the system is sustained by reciprocity or a sense of enlightened self-interest. States that breach international rules suffer a decline in credibility that may prejudice them in future relations with other states.

Thus, a violation of a treaty by one state to its advantage may induce other states to breach other treaties and thereby cause harm to the original violator. Furthermore, it is generally realized that consistent rule violations would jeopardize the value that the system brings to the community of states, international organizations, and other actors. This value consists in the certainty, predictability, and sense of common purpose in international affairs that derives from the existence of a set of rules accepted by all international actors.

International law also provides a framework and a set of procedures for international interaction, as well as a common set of concepts for understanding it.

#### **TEXT 4**

##### **EU symbols**

The EU is recognisable by several symbols, the most well-known being the circle of yellow stars on a blue background.

##### **The European flag**

The European flag symbolises both the European Union and, more broadly, the identity and unity of Europe. It features a circle of 12 gold stars on a blue background. They stand for the ideals of unity, solidarity and harmony among the peoples of Europe. The number of stars has nothing to do with the number of member countries, though the circle is a symbol of unity.

The history of the flag goes back to 1955. The Council of Europe – which defends human rights and promotes European culture – chose the present design for its own use. In the years that followed, it encouraged the emerging European institutions to adopt the same flag.

In 1983, the European Parliament decided that the Communities' flag should be that used by the Council of Europe. In 1985, it was adopted by all EU leaders as the official emblem of the European Communities, later to become the European Union. In addition, all European institutions now have their own emblems.

### **The European anthem**

The melody used to symbolize the EU comes from the Ninth Symphony composed in 1823 by Ludwig Van Beethoven, when he set music to the “Ode to Joy”, Friedrich von Schiller’s lyrical verse from 1785.

The anthem symbolises not only the European Union but also Europe in a wider sense. The poem “Ode to Joy” expresses Schiller's idealistic vision of the human race becoming brothers – a vision Beethoven shared.

In 1972, the Council of Europe adopted Beethoven’s “Ode to Joy” theme as its anthem. In 1985, it was adopted by EU leaders as the official anthem of the European Union. There are no words to the anthem; it consists of music only. In the universal language of music, this anthem expresses the European ideals of freedom, peace and solidarity.

The European anthem is not intended to replace the national anthems of the EU countries but rather to celebrate the values they share. The anthem is played at official ceremonies involving the European Union and generally at all sorts of events with a European character.

### **Europe Day**

Europe Day held on 9 May every year celebrates peace and unity in Europe. The date marks the anniversary of the historical ‘Schuman declaration’. At a speech in Paris in 1950, Robert Schuman, the then French foreign minister,

set out his idea for a new form of political cooperation in Europe, which would make war between Europe's nations unthinkable.

His vision was to create a European institution that would pool and manage coal and steel production. A treaty creating such a body was signed just under a year later. Schuman's proposal is considered to be the beginning of what is now the European Union.

## **TEXT 5**

### **Money and the EU**

The EU budget is funded from sources including a percentage of each member country's gross national income. It is spent on efforts as diverse as raising the standard of living in poorer regions and ensuring food safety. The euro is the common currency of most EU countries.

#### **How the EU is funded**

The EU's sources of income include contributions from member countries, import duties on products from outside the EU and fines imposed when businesses fail to comply with EU rules. The EU countries agree on the size of the budget and how it is to be financed several years in advance.

The EU budget supports growth and job creation. Under the **cohesion policy**, it funds investment to help bridge economic gaps between EU countries and regions. It also helps develop rural areas in Europe.

#### **How the EU budget is spent**

The long-term budget sets out the EU's long-term spending priorities and limits.

The EU budget finances activities ranging from developing rural areas and conserving the environment to protecting external borders and promoting human rights. The Commission, the Council and Parliament all have a say in determining the size of the budget and how it is allocated. But it is the Commission that is responsible for spending.

The EU countries and the Commission share responsibility for about 80% of the budget.

## **The euro**

The euro is the most tangible proof of European integration – the common currency in 19 out of 28 EU countries and used by some 338.6 million people every day. The benefits of the common currency are immediately obvious to anyone travelling abroad or shopping online on websites based in another EU country.

## **EU monetary cooperation**

The Economic and Monetary Union involves the coordination of economic and fiscal policies, a common monetary policy and the euro as the common currency. The euro was launched on 1 January 1999 as a virtual currency for cash-less payments and accounting purposes. Banknotes and coins were introduced on 1 January 2002.

## **TEXT 6**

### **How EU decisions are made**

The EU's standard decision-making procedure is known as 'Ordinary Legislative Procedure' (ex "codecision"). This means that the directly elected European Parliament has to approve EU legislation together with the Council (the governments of the 28 EU countries).

### **Drafting EU law**

Before the Commission proposes new initiatives it assesses the potential **economic, social and environmental** consequences that they may have. It does this by preparing 'Impact assessments' which set out the advantages and disadvantages of possible policy options.

The Commission also consults interested parties such as non-governmental organisations, local authorities and representatives of industry and civil society. Groups of experts give advice on technical issues. In this way, the Commission ensures that legislative proposals correspond to the needs of those most concerned and avoids unnecessary red tape.

Citizens, businesses and organisations can participate in the consultation procedure via the website *Public consultations*.

National parliaments can formally express their reservations if they feel that it would be better to deal with an issue at national rather than EU level.

### **Review and adoption**

The European Parliament and the Council review proposals by the Commission and propose amendments. If the Council and the Parliament cannot agree upon amendments, a second reading takes place.

In the second reading, the Parliament and Council can again propose amendments. Parliament has the power to block the proposed legislation if it cannot agree with the Council.

If the two institutions agree on amendments, the proposed legislation can be adopted. If they cannot agree, a conciliation committee tries to find a solution. Both the Council and the Parliament can block the legislative proposal at this final reading. Sessions of the European Parliament and some Council sessions can be watched live online.

## **TEXT 7**

### **EU treaties**

The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member countries. For example, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area.

A treaty is a binding agreement between EU member countries. It sets out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its member countries.

Treaties are amended to make the EU more efficient and transparent, to prepare for new member countries and to introduce new areas of cooperation – such as the single currency.

Under the treaties, EU institutions can adopt legislation, which the member countries then implement.

### **List of EU treaties:**

(Treaty of Lisbon; Treaty of Nice; Treaty of Amsterdam; Treaty on European Union – Maastricht Treaty; Single European Act; Merger Treaty – Brussels Treaty; Treaties of Rome : EEC and EURATOM treaties; Treaty establishing the European Coal and Steel Community)

## **TEXT 8**

### **Foreign Policy Strategy Of Ukraine. Introduction**

Today, the system of international relations relying on the respect to the sovereignty and territorial integrity of states, on the principle of non-use of force and inadmissibility of using the war as a foreign relation tool is severely damaged, whereas the trust to international institutions and regimes, to international legal instruments is shattered. Importance of military actions in reaching state goals and in advocating state interests on the international arena has increased. Ukraine has been and keeps being responsible member of the global community, standing as a consistent adherent to peace and contributor to the global and regional security.

Nuclear disarmament of Ukraine has been a remarkable step for the nuclear weapon non-proliferation mode and for two decades of relative stability in Europe. Striving to solve disagreements between European states by peaceful means only, to search understanding in conflicts via negotiations, preferring joint actions and searching wide consensus – these were the basic security principles for united Europe without borders and dividing lines. These were the basic principles the Organization For Security And Cooperation of Europe was established on, these are values being promoted and protected on the continent by international institutions and organizations in the area of security. Ukraine has also been driven by such principles.

Occupation of Crimea by the Russian Federation and Russian presence in the conflict on the East of Ukraine have not only endangered the national security of Ukraine but have also compromised the regional stability in Europe and global security. Major external threats to the territorial integrity and sovereignty of Ukraine urge to revise the goals, basics and principles of the foreign policy in new conditions and to find a way of dealing with such challenges. This strategy unites an integral vision of a new geopolitical environment and combination of steps aimed at ensuring the conditions as favorable as possible for securing Ukrainian statism, protection of sovereignty and restoration of the territorial integrity of Ukraine.

## **TEXT 9**

### **Foreign Policy Strategy Of Ukraine. Principles and values**

In the foreign policy implementation, Ukraine will adhere to the principles of international law priority, commitment to the peaceful resolution of international disputes and recognition of indivisibility of the international security. An effective system of international institutes shall serve the basement of maintaining the global security. Ukrainian foreign policy is aimed at feasibility of its national interests: protection of sovereignty and territorial integrity, creation of a favorable international environment and strengthening the national security.

Moreover, with its policy, Ukraine will contribute to shaping a safe world order based at mutual trust, interdependence and international law principles. In the modern world, the security is indivisible and cannot be reached by unilateral actions or actions violating the international legal regulations. It is intolerable to strengthen the security of one at the cost of another. Ukraine will seek restoration of international security at all levels and will be a reliable contributor thereto.

In implementation of own foreign policy, Ukraine will base at inadmissibility of recourse to force or threats, reserving its right for the self-protection in compliance to Article 51 of UN Charter. Nonproliferation regime,



as well as international regimes of conventional arms control shall remain being the key tools of maintaining international security at all levels; Ukraine keeps being actively committed to it. Ukraine is a democratic rule-of-law state that stands at confirmation of democratic values and strengthening democratic institutes as a tool to reinforce the international and regional security. Democratization also serves to strengthening state institutional capacity. Ukraine will contribute to establishing united democratic Europe free of wars, armed conflicts and other forms of violence. The foreign policy of Ukraine will base on European values: democracy, rule of law, commitment to the human rights and freedom, protection of rights of minorities.

## **TEXT 10**

### **National Factors of the Foreign Policy**

Institutional weakness, low economy development level and democracy deficit: these are three key interrelated issues, creating a direct threat to Ukrainian sovereignty. Foreign policy of Ukraine is addressed to the overall contribution in order to overcome these challenges. Institutional weakness that means a lack of sustainable, recognized and legitimate procedures, rules and practices of the public life represents a threat to the national security. If deepened, it might result in Ukraine turned to a weak state, that would be especially vulnerable against transnational challenges and internal conflicts.

One of priority tasks in the foreign policy of Ukraine is mobilization of resources and international support for overcoming an institutional weakness. Building up a stable, developed and protected democratic regime is a guarantee of stronger internal stability, security and society development. This task requires both elite consolidation and creation of reliable institutions and procedures.

While the first part is an internal issue, implementation of the second part depends on effective and resolute international support. Ukraine assumes that the transformation of the political structure that will enable following the principle of the power distribution, independence of the judicial branch and rule

of law, multi-party system, strong civil society, reformed security sector and independent media are the components of a stable democracy.

Meanwhile, strengthening democratic institutes is the best way of reintegration of the temporarily occupied territories of Ukraine, reinforcement of its national security and regional security in Europe. A dynamic, innovative and competitive economy is a base of the national security. Shaping favorable conditions for economic development, access to markets and involvement of financial resources are an important task of the foreign policy. For this purpose, Ukraine will strive for the maximal implementation of the potential of the Agreement on Association with the European Union and further economic approximation to EU as a large and dynamic market and source of technologies and investments. Removing barriers for movement of goods, services, capital and people in the relations between Ukraine and EU will stimulate the economy development and is a step towards an economic integration. Ukraine will aspire an enlargement of the presence on the global markets. Following the principles and regimes of the free trade, creation of free trade zones, built upon the principles of interdependence and mutual profit but not on the political dictate – these are the priorities and the sense of economization of the foreign policy of Ukraine. Ukraine will comply with the duties under the WTO. Meanwhile, an important task of the foreign policy will be a total fostering of investments.

Bilateral relations of Ukraine and USA, EU, China and India in many ways will define a position of Ukraine in the international system of the world trade. Priority areas are economic cooperation development, mutually advantageous market opening, involvement of investments to the economy of Ukraine, integration of Ukraine into European Economic Area, use of the transit potential of Ukraine. An area of political-security cooperation is crucially important in the context of development of the relations with the global power centers.

## **TEXT 11**

### **Foreign Policy Strategic Priorities. National Interests of Ukraine**

A wide range of interests and needs of Ukraine defining its foreign policy with the purpose of implementation of this strategy is divided to two groups. The fundamental and primary national interests of Ukraine are the following:

- sovereignty protection;
- restoration of the territorial integrity;
- creation of effective and stable government institutions, including those in the area of foreign relations;
- support of democratic norms and values.

Other interests defining the foreign policy of Ukraine are as follows:

- restoration and reinforcement of regional security in Europe;
- deepening and enlargement of the processes of European and Euroatlantic integration;
- resolution of regional conflicts and development of mechanisms of sustainable prevention thereof;
- reaching high rates of national economic development;
- localization and limiting the instances of international terrorism;
- reinforcing the role of international regimes, organizations and institutions;
- effective operation of UN and OSCE on international conflicts prevention and resolution;
- reinforcement of non-proliferation regime and conventional arms control regime;
- minimization of risks evoked by transnational challenges;
- strengthening security and protection of Ukraine's allies.

## **TEXT 12**

### **Foreign Policy Strategic Priorities. Sovereignty Protection and Restoration Of The Territorial Integrity**

The main task of the foreign policy of Ukraine in the current conditions is protection of its sovereignty. Any military and security buildup in Ukraine is addressed to achieve this goal only and does not represent any threat to neighboring countries and to the whole region. In the conditions of weak

international institutions and destruction of the legal security guarantees, Ukraine reserves its right to set the priorities on its own and to choose the way of implementation of the security increase strategy.

While preferring peaceful means of conflict resolution, Ukraine will pay a respective attention to reinforcement of the own force capacity.

Standing on the principles of indivisibility of the global security and exclusively crucial role of collective efforts in the area of security ensuring, Ukraine will deepen its reconcilability and cooperation with NATO, aiming at the full membership; will develop the security cooperation with USA, EU, UK, countries of Central-Eastern and Northern Europe.

An important area is activity of Ukraine in international organizations, both universal and regional. Efficiency of international organizations today is lowered.

However, these international institutions remain being important platforms of dialog and multilateralism in action, that is crucial for peace-keeping. By scrupulous abiding to the norms of international law and undertaken liabilities, Ukraine has kept its legitimacy and moral authority in international organizations, and now can use this institutional resource to influence at the international stage. Ukraine will strive for reinforcing institutional capacity of international universal organizations and will use the opportunities of regional organizations as much as possible. An information policy becomes an important mark of the sovereignty protection. It shall be addressed against the destabilizing propaganda, cyber-threats and disinformation.

Occupation of Crimea by the Russian Federation has set the restoration of the territorial integrity of Ukraine as a key priority. Reaching this goal will enable not only strong national security of Ukraine but also the stability in Europe and worldwide. By the attempt of illegal annexation of Crimea, Russia has violated the mainstay of security and international law, in particular, the principle of non-use of the force, norms of UN Charter, Declaration on Principles Of International Law of 1997, Budapest Memorandum 1994, and

several other treaties. These actions have harmed the bases of international security. To restore it, Ukraine considers the restoration of own territorial integrity as an only way.

### **TEXT 13**

#### **Foreign Policy Strategic Priorities. European Policy**

The following is put in the basement of European policy of Ukraine:

- common agenda in the area of security;
- economic cooperation with European countries;
- proximity of norms and values.

Striving to protect democracy and European values, build up powerful institutions and enhancement of the regional security system define the European policy of Ukraine. We aspire to turn Ukraine into a European state in compliance with the standards of development of the rule of law, protection of minorities rights, democracy and market economy. Since Ukraine is situated in Europe, it is already an important element of the regional security system and will tend to become an integral part of other areas of European life as well.

Ukraine is eager to become a full member of the European Union. Ukraine proceeds from the normative, political, legal and security understanding of the European unity and strives to become an organic part of these communities.

For this purpose, Ukraine will develop comprehensive relations with EU. It is based on the Association Agreement, the potential of which is needed to be used as much as possible. Visa regime liberalization between Ukraine and EU expands opportunities for Ukraine to join a European humanitarian community.

Ukraine advocates an adaptation of the Eastern Partnership project to the new geopolitical conditions. Aggression of Russia against Ukraine has harmed a legal framework of the EU's long-term strategy concerning the neighboring regions, putting new security challenges in the agenda.

Ukraine is ready for partnership with the EU to counteracting that. Strategic interests of EU and Ukraine on turning Eastern Europe into the zone of stability, security and development coincide, thus, this might be a reliable platform for cooperation.

Ukraine is interested in mediation of EU and its separate member states in the conflict settlement in Ukrainian territory and, as well, in the general development of EU's capacity to take constructive part in the buildup of the regional security, prevention and resolution of international and internal conflicts.

Partnership with the European Union is also important for Ukraine considering its democratic future. A strong Ukraine with the stable government institutions and stable democracy corresponds to the long term interests of EU, and realization of such a cooperation potential is also considered to be a priority task for the European policy of Ukraine.

Development of relations with European states is also of a great importance. Some of them, namely, Poland, Germany, Italy, Spain, Netherlands are the major trade partners of Ukraine. Deepening the relations, increasing a mutual access to markets, investments and trade development are mutually advantageous. Great Britain is an important partner of Ukraine in the area of security. Balkan states and Ukraine have a non-realized potential of collaboration in the areas of security and economic cooperation. The countries of Central and Eastern Europe have common interests with Ukraine in a wide range of aspects, as well as European states of the Black Sea region. Deepening cooperation with them on a long-term perspective is able to make a sizable contribution in strengthening the regional security.

#### **TEXT 14**

##### **Foreign policy of Ukraine. Summary**

Foreign policy requires an integral realistic vision and strategic approach. The world around Ukraine is rapidly changing. International security is harmed, the importance of the military force has increased, a stabilizing influence of

values and norms has dropped. Russian revisionism breaks the global and, moreover, regional order, and the next version thereof might be less favorable for realization of our interests.

Assets and competitive advantages of Ukraine at the international stage have almost disappeared and today, an effective foreign policy is in lack of a ground. Security becomes a key priority of the foreign policy of the state. As the role and proportion of the military force are growing, the security notion will return to its basic and physical meaning. Protection of the sovereignty, restoration of the territorial integrity, creation of effective government institutions and implementation of an effective democracy – these are the key national interests of Ukraine for upcoming years.

The foreign policy addressed to the sovereignty protection will orient at the neutralization of the key threats against it: institutional weakness and Russian aggression. Through this prism it is reasonable to consider the plurality of bilateral and multilateral relations of Ukraine, as well as its strategic benchmarks: membership in NATO and EU. Losing the part of the territory will unavoidably decrease the flexibility of our foreign policy, will become the core of crystallization of its various manifestations and initiatives. Upon the condition of growing crisis manifestations in the international security system, we need to keep as much as possible the freedom to choose allies and liabilities.

This choice must be pragmatic, responsible and contributing to the foreign policy consistency. It is reasonable to set the pro-European foreign policy. The content of such foreign policy might be maximally full and functional cooperation with the European Union, based on the principles of progressive convergence. Circumspect, pragmatic and mutually beneficial European policy will be more useful, will have more credibility and, eventually, will faster lead us to Europe. Through the prism of security and state maintenance it is also reasonable to consider our partnership with NATO.

Membership in the Alliance would be an ideal tool for us. It is meaningful to build up such a partnership with NATO that would consider common vision

and goals, adequate evaluation of difference in perception of the risks and threats. Similar approach shall shape the system of bilateral relations of Ukraine. Structural changes in the world policy will influence not only at us.

### **REFERENCES:**

1. Britannica Online Encyclopedia. [Электронный ресурс]. Режим доступа: <http://www.britannica.com/>.

2. Civil Code of Ukraine. [Электронный ресурс]. Режим доступа: [http://teplydim.com.ua/static/storage/filesfiles/Civil%20Code\\_Eng.pdf](http://teplydim.com.ua/static/storage/filesfiles/Civil%20Code_Eng.pdf)

3. Civil Law Definition. [Электронный ресурс]. Режим доступа: <http://www.duhaime.org/LegalDictionary/C/CivilLaw.aspx>.

4. Committee on the Rights of the Child. [Электронный ресурс]. Режим доступа: <http://www2.ohchr.org/english/bodies/crc/index.htm>.

5. Constitution of Ukraine. [Электронный ресурс]. Режим доступа: <http://www.wipo.int/edocs/lexdocs/laws/en/ua/ua013en.pdf>.

6. The Constitution of the United States. [Электронный ресурс]. Режим доступа: <http://constitutionus.com/>

7. Criminal Code of Ukraine. [Электронный ресурс]. Режим доступа: [http://www.wipo.int/wipolex/fr/text.jsp?file\\_id=438599](http://www.wipo.int/wipolex/fr/text.jsp?file_id=438599)

8. Cyber Terrorism. [Электронный ресурс]. Режим доступа: <http://www.terrorism-research.com/cyber-terrorism/>.



9. English for Lawyers : підруч. для студ. вищ. навч. закл. / за ред. В. П. Сімонок. – Х. : Право, 2011. – 648 с.
10. EU administration – staff, languages and location. [Електронний ресурс]. Режим доступу: [http://europa.eu/about-eu/facts-figures/administration/index\\_en.htm](http://europa.eu/about-eu/facts-figures/administration/index_en.htm).
11. European Union. [Електронний ресурс]. Режим доступу: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)
12. Feinman J.M. Law 101: Everything You Need to Know About the American Legal System / Jay M. Feinman. – Oxford University Press, 2000. – 350 p.
13. Foreign Policy Strategy Of Ukraine. Режим доступу: <http://iser.org.ua/en/strategiia-zovnishnoyi-politiki-u-stani-viini>
14. Human Rights Violations. [Електронний ресурс]. Режим доступу: <http://www.buzzle.com/articles/list-of-human-rights.html>.
15. International Law. [Електронний ресурс]. Режим доступу: <http://www.hg.org/international-law.html>.
16. Joyner Ch.C. International Law: Encyclopedia of American Foreign Policy. 2002.
17. Law of Ukraine. [Електронний ресурс]. Режим доступу: [http://en.wikipedia.org/wiki/Law\\_of\\_Ukraine](http://en.wikipedia.org/wiki/Law_of_Ukraine).
18. Money and the EU. [Електронний ресурс]. Режим доступу: [http://europa.eu/about-eu/basic-information/symbols/index\\_en.htm](http://europa.eu/about-eu/basic-information/symbols/index_en.htm).
19. Rule of Law – Democracy and Human Rights. [Електронний ресурс].  
Режим доступу: [http://www2.ohchr.org/english/issues/rule\\_of\\_law/democracy.htm](http://www2.ohchr.org/english/issues/rule_of_law/democracy.htm).

- 20.** Terrorism. [Електронний ресурс]. Режим доступу: <https://www.msu.edu/~zagajews/WRA135/Terrorism.html>.
- 21.** Terrorist Behavior. [Електронний ресурс]. Режим доступу: <http://www.terrorism-research.com/behavior/>.
- 22.** The European Convention on Human Rights. [Електронний ресурс]. Режим доступу: <http://www.hri.org/docs/ECHR50.html>.
- 23.** The 5 Biggest Ever Crimes against Humanity. [Електронний ресурс]. Режим доступу: <https://www.therichest.com/rich-list/the-biggest/the-5-biggest-ever-crimes-against-humanity/>
- 24.** UNESCO. [Електронний ресурс]. Режим доступу: <http://www.unesco.org/new/en/unesco/about-us/who-we-are/governing-bodies/>.
- 25.** Universal Declaration of Human Rights. [Електронний ресурс]. Режим доступу: <http://www.un.org/en/universal-declaration-human-rights/>
- 26.** Англійська мова для юристів. Підручник для студентів та викладачів вищих навчальних закладів. – Вінниця: НОВА КНИГА, 2004. – 208 с.
- 27.** Посібник з англійської мови для студентівФюристів / В. П. Сімонок, Т. І. Костюченко, Т. В. Олійник, Т. М. ФоменФ ко, Л. О. Шишкіна ; За заг. ред. проф. В. П. Сімонок. – Х.: Право, 2005. – 264 с.











---

---

---

---

---

**Навчальне видання**

**Остапчук Яна Володимирівна**

**АНГЛІЙСЬКА МОВА ДЛЯ ЮРИСТІВ**

**Навчальний посібник**

**для студентів другого і третього курсів**

*Підп. до друку 21.08.2012. Формат 60x84/16.*

*Папір офс. Друк різнограф. Гарн. Times New Roman.*



*Умовн. др. арк. 10,2. Наклад 100.*