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ADAPTATION OF UKRAINIAN LEGISLATION TO EU REQUIREMENTS

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**Manhora T., Dzeveliuk A., Manhora V., Kahliak I., Tomliak T.,
Demianchuk Y., Semeniuk O., Pravdiuk A., Skichko I., Pohuliaiev O.**

**ADAPTATION OF UKRAINIAN LEGISLATION TO EU
REQUIREMENTS**

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ANNOTATION

The collective monograph is devoted to the trends of the modern development of the Ukrainian legal society. The research uses an interdisciplinary and legislative approach, which allows to analyze and characterize various aspects, parties and approaches regarding the development and further prospects of social and legal processes in Ukraine, as well as to obtain socially important, legal scientific results.

The subject of scientific interests of **Tamila Manhora** and **Andrii Dzeveliuk** became large-scale acute trends in the modern era of globalization, the issue of cross-border migration, which is caused primarily by its influence on the development of one of the types of international crime, in addition to drug and arms trade - human trafficking. Peculiarities of criminal liability for this type of shadow process are considered. The direct definition of the concept of "trafficking in human beings" is characterized and its characteristic varieties are considered. The current state of legislation regarding this problem is analyzed. The regulatory support for countering this negative phenomenon, as well as the institutional support for countering it, are being studied. The criminal liability for this illegal action has been specified. And also the issue of human trafficking as a form of organized criminal activity is separately investigated.

The chapter by **Volodymir Manhora** and **Inna Kahliak** is devoted to the topic of business contracts in modern social and legal conditions. The expediency of the classification of business contracts has been determined. Their current distribution was carried out in order to determine the place of this or that contract in the general system of economic and legal relations, and their main functional purpose was clarified. The newest form of economic contracts - electronic ones - is characterized. It has been established that the division of this type of contracts into types can be carried out according to various qualification criteria, which is due to the continuous evolution of economic turnover.

Creation of a harmonious and effective system of economic legislation is one of the most important areas of development of the legal system of Ukraine in the context of adaptation to the legislation of the European Union.

According to **Taisa Tomliak's** scientific research, modern evidence of judicial practice of national courts and the European Court of Human Rights proves that judicial bodies have the largest number of cases related to the protection of the rights, freedoms and best interests of the child. It is the judicial bodies that protect the best interests of children, therefore, such a judicial mechanism must be effective and efficient. The mechanism of the legal issue under consideration has its own specifics. Considering the special status of the child as a vulnerable category and the broader concept of the best interests of the child than the rights of the child in general, this issue requires special protection and proper legal protection.

Yurii Demianchuk and **Oksana Semeniuk** consider the issue of the normative and legal basis of the prevention of corruption in Ukraine in relation to the requirements of the European Union. As a method of scientific research, it plays an extremely important role in learning the essence of social phenomena and processes. The expediency of the raised topic is stated as one of the universal methods in the plan of transforming the future, because it is impossible to carry out social transformations without having a proper innovative project. The considered legal model of combating corruption motivates the desire to get into power structures for reasons of personal safety and impunity. Therefore, it includes the processes of the degradation of power and its consistent corruption in Ukraine to the requirements of the European Union.

According to **Andrii Pravdiuk**, information is a productive force and a commodity, simultaneously being a means of protection and attack in defense of state, corporate and personal interests of subjects of power relations. Starting from the time of the first attempts to scientifically understand the concept, essence and meaning of information in society, the problem of the right to access to information has been the object of considerable attention of representatives of various scientific fields - historical, socio-psychological, philosophical, legal, technical, etc. However, despite the different level of coverage of the problem from the point of view of informativeness

and source support, they do not exhaust the topic of research, but on the contrary, in the modern conditions of the formation of the national and global information space, they enrich and update it.

The purpose of **Irina Skichko's** research is to analyze the state of adaptation of the legislation of Ukraine to the legislation of the European Union in the context of the actually implemented and planned. The author emphasizes that despite Ukraine's active implementation of the Association Agreement between Ukraine on the one hand, and the European Union, the European Atomic Energy Community and their member states on the other, the application for Ukraine's membership in the European Union was submitted only during a full-scale military intrusion. This situation is explained by the large amount of unfinished rule-making work to adapt Ukrainian legislation to European legislation. Even despite the constant obstacles on the way to adaptation, as of February 2023, Ukraine has fulfilled 72% of the obligations stipulated in the Association Agreement with the European Union. Considering the above, it is relevant to review the current and future steps taken regarding this adaptation.

Oleksandr Pohuliaiev makes an attempt to analyze the historical process of unification of legal institutions of European states. According to the author, this process can serve as an example for Ukraine and other countries that intend to join the European Union. Treaties regulating relations between Ukraine and the EU have been reviewed. Ukraine's fulfillment of requirements for deepened political and legal integration into the European family is analyzed.

European integration is a natural and logical path for the European Ukrainian nation. Other alternatives are absent or unprofitable. It has been proven that membership in the European Union contributes to the improvement of quality standards of all state institutions and modernizes the country's legal system. Since the second half of the 20th century, integration processes have intensified all over the world.

The content of the collective monograph corresponds to the direction of scientific work of the Department of Law of Vinnytsia National Agrarian University. The monograph is the result of the initiative theme "Legal regulation of social relations

in the conditions of martial law and post-war reconstruction of Ukraine in the conditions of European integration". State registration number 0123U100675. The head of the topic is Candidate of Law Sciences Associate Professor Manhora T.V.). The monograph uses: legal, social and legislative research methods, statistical analysis, legal approach of national and international practice.

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3. Mechanism for legal protection of the best interests of the child

Legal protection of the best interests of the child is carried out through various mechanisms at the International and national levels. There is no definition of the best interests of the child, their types and content in both national and international law. At the same time, the consolidation at the legislative level of the fundamental rights and freedoms of the child is insufficient to properly protect, implement and protect the best interests of the child, as a broader concept than the rights and freedoms of the child.

In our view, the best interests of the child are realized only when the state, by means of a mechanism for the legal provision of the best interests of the child, creates appropriate conditions for the realization by the child personally or by a legal representative of his or her rights, freedoms and best interests.

Although the mechanism for the protection of human and Child Rights is different, we believe that the research of Ukrainian scientists in the field of the mechanism for the protection of human and civil rights is important for further research of the mechanism for the legal provision of the best interests of the child.

Thus, I. Slovskaya defines the mechanism for ensuring human rights and freedoms as a system of means and factors that provide the necessary conditions for respect for all fundamental human rights and freedoms that are derived from its dignity [1, p.15-17].

N. M. Onishchenko defines the mechanism for ensuring human rights and freedoms as a set of interrelated, interacting legal prerequisites, normative means and general social conditions that create proper legal and factual opportunities for the full exercise of human rights and freedoms [2, p. 487-488].

M. D. Savenko notes that the basis of the mechanism for ensuring human and civil rights and freedoms is made up of legal principles, norms (legal guarantees), as well as conditions and requirements for the activities of government bodies, local self-government bodies, their officials, citizens, which together ensure the observance, implementation and protection of citizens ' rights and freedoms [3, p. 74].

According to Mytnik O. V., The mechanism of protection of human and civil rights and freedoms is interpreted in the legal literature in different ways: as a system and a set of consistent actions aimed at protecting human and civil rights; as a component of the mechanism for ensuring human rights, which is measures aimed at restoring violated rights; as a system of bodies, means enshrined in the Constitution that ensure the most complete and effective protection of human and civil rights and freedoms [4, p. 53].

Shilo S. M. believes that the mechanism of protection of human and civil rights and freedoms is a system of interrelated constitutional norms that consolidate the basic rights and freedoms of citizens and establish guarantees for their implementation, as well as a system of state authorities, local self-government, and other state institutions that ensure, protect and protect the basic rights and freedoms of citizens [5, p. 271].

As a legal phenomenon, the mechanism for the protection of human rights is a system, since it consists of certain parts, such as the right to protection; the form and method of protection of rights; the process and procedure for applying to the relevant bodies, institutions and organizations. The mechanism of protection of rights as a system is characterized by dialectical interdependence of the whole and part, each element of which occupies a certain place and performs certain functions in it. Undoubtedly, the mechanism for protecting rights should be an organically holistic and logically consistent process. The essence of any mechanism for protecting rights is the sequence of human actions and achieving a certain result. Human activity in this case consists in restoring the situation that existed before the violation of a specific human right [6, p. 33]. The exercise of a person's right to protection can be carried out through various mechanisms for protecting rights. First of all, they are divided into two large groups - national and international mechanisms for the protection of rights. National (domestic) mechanisms for the protection of rights have their own characteristics in each country, while the international mechanism for the protection of Rights is the same for everyone, regardless of nationality and citizenship [6, p. 33].

Consequently, the mechanisms are divided into international and national ones. International mechanisms for the protection of rights are understood as a system of

international (interstate) bodies and organizations that act to implement international standards of human rights and freedoms or restore them in case of their violation. National mechanisms for the protection of Rights operate on the territory of a particular country. Also, mechanisms of protection of rights in Ukrainian law are classified according to branches of law, for example, the mechanism of protection of civil rights or the mechanism of protection of consumer rights, etc. [6, p. 34]

According to N. M. Opolskaya, the mechanism for ensuring the rights and freedoms of the child can be considered as a system of General Social, legal factors, means and measures that, interacting with each other, create appropriate legal and factual circumstances for the implementation, protection and protection of the rights and freedoms of the child. The task of this mechanism is to create conditions for the comprehensive development of the child, protection, protection and restoration of violated or disputed rights and freedoms, as well as the formation of a legal culture and legal awareness of each child and society as a whole. [7]

In our view, the mechanism of legal protection of the best interests of the child has its own specificity given the special status of the child as a vulnerable category and the broader concept of the best interests of the child than the rights of the child, which requires special protection and appropriate legal protection.

According to the author, the mechanism of legal provision of the best interests of the child can be divided into:

- 1) national and international;
- 2) state and non-government;

The author divides the state mechanism of legal support for the best interests of the child into: constitutional, judicial, legislative and administrative-legal.

According to Article 3 of the Convention on the rights of the child of November 20, 1989, ratified by BP Resolution № 789-XII of 27.02.91, in all actions against children, regardless of whether they are carried out by public or private social security institutions, courts, administrative or legislative bodies, priority is given to the best interests of the child. States Parties undertake to provide the child with such protection and care as is necessary for his well-being, taking into account the rights and

obligations of his parents, guardians or other persons responsible for him by law, and to this end shall take all appropriate legislative and administrative measures. States Parties shall ensure that the institutions, services and bodies responsible for the care or protection of children comply with the standards established by the competent authorities, in particular in the field of safety and health, and in terms of the number and suitability of their personnel, as well as competent supervision [8].

Ukraine, like most countries of the world, has implemented some provisions of the Convention on the rights of the child in the norms of the National Basic Law. Thus, Article 52 of the Constitution of Ukraine established equality of all children in their rights, regardless of origin, and prohibited any violence against the child and its exploitation [9]. However, the Basic Law of our state does not provide for taking into account the best interests of the child as the main principle applied in all actions against children. At the same time, the legal realities of our time show that the constitutional and legal mechanism for protecting the rights, freedoms and best interests of children in Ukraine is not effective and needs to be improved. As practice shows, judicial and administrative authorities do not always take into account their best interests when deciding cases involving children. Therefore, in our opinion, the constitutional and legal mechanism for protecting the rights, freedoms and best interests of children in Ukraine needs to be improved.

Kudryavtseva O. M. believes that the mechanism for protecting the constitutional rights of the child in Ukraine is being developed and improved by: 1) introducing international standards in the field of protecting the rights of the child; 2) preparing and adopting new legislative acts that will regulate public relations in the field of protecting the rights of the child; 3) further humanization of national legislation to ensure the rights of the child; 4) improving the competence, forms, methods of activity of authorized state bodies that are responsible for protecting the rights of the child in Ukraine; 5) Comprehensive use of the achievements of legal science to improve the current legislation and law-making practice in the field of protecting children's rights [10, p. 11].

We believe that the consolidation of the principle of legal provision of the best interests of the child in the Constitution of Ukraine is of decisive importance. With this in mind, we propose that Article 52 of the Constitution of Ukraine [9] should read as follows: "Article 52. children are equal in their rights regardless of their origin, as well as whether they were born in or out of marriage. Any abuse and exploitation of a child is punishable by law. The maintenance and upbringing of orphaned children and children deprived of parental care is entrusted to the state. The state encourages and supports charitable activities for children. In all actions against children, public or private institutions, judicial, administrative or legislative bodies, priority should be given to the best interests of the child", making appropriate changes to the Basic Law.

So, the constitutional mechanism of legal provision of the best interests of the child is a system of means defined in the Constitution and laws of Ukraine, which guarantee the creation of appropriate conditions for fulfilling the obligations assumed by the state in the field of protection and protection of constitutional rights, freedoms and best interests of the child.

According to the case-law of the national courts and the European Court of human rights, the judicial authorities account for the largest number of cases concerning the protection of the rights, freedoms and best interests of the child. It is the judicial authorities that protect the best interests of children, so such a judicial mechanism should be effective and efficient.

Article 6 of the law of Ukraine "on bodies and services for children and special institutions for children" stipulates that specially authorized judges (composition of judges) with the participation of representatives of services for children, except in cases provided for by law, consider the following cases: in relation to minors who have committed criminal offenses; in relation to minors who have committed administrative offenses aged from 16 to 18 years; on placing children aged from 11 years in reception-distributors for children; on the administrative responsibility of parents (adoptive parents) or guardians (Guardians) of minors for failure to fulfill their duties to raise and educate children; on the restriction of parents' legal capacity, taking away children and depriving them of parental rights, eviction of persons deprived of parental rights if their

cohabitation with children in respect of whom they are deprived of parental rights is impossible; on the restoration of parental rights and resolving disputes between parents regarding the place of residence of children; on other issues related to personal, housing and property rights of minors [11].

Parts 2, 3 of Article 152 of the Family Code of Ukraine define the right of a child to apply for protection of their rights and interests to the guardianship and guardianship authority, other state authorities, local self-government bodies and public organizations, as well as directly to the court if they have reached the age of fourteen [12].

At the same time, according to Part 3 of Article 154 of the Family Code of Ukraine, parents have the right to apply for protection of the rights and interests of children even when, according to the law, they themselves have the right to apply for such protection [12].

In addition, the current legislation of Ukraine, including The Family Code of Ukraine, provides that for the protection of the rights and interests of the child, the right to apply to the court is granted:

- one of the parents who lives separately from the child and who has no arrears in the payment of alimony, has the right to apply to the court for permission to leave the child abroad without the consent of the other parent (paragraph 6 of Part 5 of Article 157 of the Family Code of Ukraine) [12];
- the second parent who lives separately has the right to apply to the court with a claim for the removal of obstacles in communication with the child and in his upbringing, in particular if the parent with whom the child lives evades the execution of the decision of the guardianship and guardianship authority and makes obstacles in communication with the Child (Part 1 of Article 159 of the Family Code of Ukraine) [12];
- one of the parents, guardian, trustee, the person in whose family the child lives, the health care institution, educational or other children's institution in which he is located, the guardianship and guardianship Authority, the prosecutor, as well as the

child himself, who has reached the age of fourteen with a claim for deprivation of parental rights (Part 1 of Article 165 of the Family Code of Ukraine[12];

- prosecutor with a claim for deprivation of parents or one of them of parental rights or for taking a child away from the mother or father without depriving them of parental rights (Part 2 of Article 170 of the Family Code of Ukraine) [12];

- when one of the parents makes transactions in relation to the property of a minor child, it is considered that he acts with the consent of the other parent. The second parent has the right to apply to the court with a request to declare the transaction invalid as concluded without his consent, if this transaction goes beyond a small household one. (Part 6 of Article 177 of the Family Code of Ukraine) [12];

- the alimony payer, in case of inappropriate spending, has the right to apply to the court with a claim for reducing the amount of alimony or for depositing part of the alimony to the child's personal account in the branch of the State Savings Bank of Ukraine. (Part 2 of Article 186 of the Family Code of Ukraine) [12];

- a sister, brother, stepmother, stepfather have the right to apply for protection of the rights and interests of minors, minors and adults disabled brothers, sisters, stepson, stepdaughter to the guardianship authority or to the court without special powers (Part 2 of Article 262 of the Family Code of Ukraine) [12].

Consequently, family law provides for the right to apply to the court for protection of children's rights personally by the child, legal representatives or the prosecutor. A separate category of cases is criminal cases involving children as an accused, witness or victim. Unfortunately, there are no separate official statistics of national courts on the number of civil, administrative and criminal cases involving children considered. However, having analyzed the Unified Register of court decisions, it can be argued that there are a large number of such cases and not always the court and participants in the trial can properly protect the best interests of the child in a procedural manner. The main reasons that lead to violations of the rights and best interests of the child in the judicial process include the lack of an effective and complete system of judicial and state bodies that can ensure the legality, validity and effectiveness of each decision against the child.

Along with this, we agree with the opinion of Kolomoets N. V., which refers to the main reasons that are the basis for leveling the process of protecting the rights of the child: 1) low level of legal culture of the population: children and their parents are mostly not aware of the norms of international and domestic legislation, which leads to a lack of understanding of the existence of certain rights, as well as awareness at the legislative level of the mechanism for their protection in case of violation or non-compliance with the norms, which leaves the problem unresolved; 2) lack of funding and material and technical support in the process of implementing the norms regulating the rights of the child in a particular sphere of Public Relations. Therefore, there is a situation in the state when there is a norm or even a law that grants a child certain rights, but there are no appropriate funds for the implementation of such a norm. In such circumstances, "de jure" is the norm, but at the same time it is "dead", and the rights of the child "de facto" are not protected; 3) the lack of a clear consolidation at the legislative level and, accordingly, the distribution of powers between the relevant bodies and organizations to protect the rights of the child. We have a large number of state authorities that are supposed to protect the rights of the child, but in fact there is no one to do this work. Therefore, the lion's share of human rights functions in the field of protecting children's rights falls on non-governmental public organizations [13, p. 34].

We believe that in order to ensure an effective and efficient judicial mechanism for ensuring the best interests of the child at the state level, it is necessary to humanize the trials of children who are in contact with the law, namely:

1. Legally regulate a special non-traumatic procedure for interrogating a child in court and during pre-trial investigation. To conduct such a procedure, employees of the court, police, prosecutor's office, and lawyers must undergo advanced training to strengthen their knowledge of the procedural rights of children and the specifics of working with children.

2. Establish a clear algorithm of actions of employees of state bodies and services involved in the interrogation of the child. At the same time, questioning in any category of cases should be carried out taking into account international practices.

The need to implement such measures is due to the fact that the rights, freedoms and best interests of the child are not conditional categories, and their protection requires clear legal measures of influence on the part of the state.

An important role in ensuring the best interests of the child is played by the administrative and legal mechanism to which the author refers the activities of central state and local government bodies.

Part 1 of Article 1 of the law of Ukraine "on bodies and services for children and special institutions for children" defines that the implementation of social protection of children and Prevention of offenses among them is assigned within the limits of a certain competence to:

the central executive authority that ensures the formation of state policy in the sphere of family and children, the central executive authority that implements state policy in the sphere of family and children, the executive authority of the Autonomous Republic of Crimea in the sphere of family and children, the corresponding structural divisions of regional, Kiev and Sevastopol city, district state administrations, executive bodies of city and district councils in cities;

authorized divisions of National Police bodies;

receivers and distributors for children of the National Police bodies;

schools of social rehabilitation and vocational schools of social rehabilitation of educational institutions;

Centers for medical and social rehabilitation of children in healthcare institutions;

special educational institutions of the State Penitentiary Service of Ukraine;

shelters for children;

Centers for social and psychological rehabilitation of children;

social rehabilitation centers (children's towns) [11].

The central executive authority, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine and which ensures the formation and implementation of state policy in the field of social policy, in particular, on family and children's health and Recreation, adoption and protection of children's rights, the

implementation of state control over compliance with the requirements of legislation in the provision of social support and the observance of children's rights, is the Ministry of social policy of Ukraine (Ministry of Social Policy).

The main tasks of the Ministry of social policy of Ukraine include, in particular, ensuring the formation and implementation of state policy on family and children, health improvement and recreation of children, adoption and protection of children's rights, in the sphere of state control over compliance with the requirements of legislation in the provision of social support (state aid, benefits, housing subsidies and other payments made at the expense of the state budget, Social Services) and for the observance of children's rights (paragraph 7, 15 of subparagraph 1 of Paragraph 3 of the regulations on the Ministry of social policy of Ukraine, approved by resolution of the Cabinet of Ministers of Ukraine № 423 of June 17, 2015) [14].

According to subparagraphs 44, 55, 64 and 65 of Paragraph 3 of the regulations on the Ministry of social policy of Ukraine, approved by resolution of the Cabinet of Ministers of Ukraine № 423 of June 17, 2015, the Ministry of Social Policy in accordance with the tasks assigned to it:

defines legal, economic and organizational mechanisms that stimulate the effective operation of social service institutions, rehabilitation institutions, sanatoriums for persons with disabilities and children with disabilities, enterprises and institutions of the prosthetic industry, and ensures the optimization and development of their network;

organizes and coordinates work to provide housing for orphans and children deprived of parental care, persons from among them; Persons with visual and hearing disabilities; citizens affected by the Chernobyl disaster; military personnel dismissed or retired, registered citizens in need of better housing conditions in local self-government bodies; military personnel dismissed or retired, to move them out of closed and remote settlements of military garrisons;

ensures the functioning of the unified information and analytical system of social protection and social services of the population, as well as on its basis the unified information and analytical system of accounting and management of social sphere

funds and pension provision using an electronic social card, maintaining a centralized data bank on disability problems and a data bank on orphans and children deprived of parental care, on the families of potential adoptive parents, guardians, Guardians, foster parents, parents-educators;

keeps centralized records of orphans and children deprived of parental care who can be adopted, as well as records of foreigners and citizens of Ukraine living outside Ukraine - candidates for adoptive parents and children adopted by them[14].

According to paragraph 6 of Part 1 of Article 13 of the law of Ukraine "on local state administrations", local state administrations, within the limits and forms defined by the Constitution and laws of Ukraine, are responsible for solving the following issues: Science, Education, Culture, Health, Physical Education and sports, family, women, youth and children, approval of Ukrainian national and civil identity [15].

According to paragraph 9 of Part 1 of Article 16 of the law of Ukraine "on local state administrations", local state administrations, within the limits defined by the Constitution and laws of Ukraine, exercise state control in the relevant territories, in particular, over compliance with legislation on science, language, advertising, education, culture, health, motherhood and childhood, family, youth and children, social protection of the population, Physical Culture and Sports [15].

According to Paragraph 1 of Paragraph 1, paragraphs 9, 11 of Part 1 of Article 29 of the law of Ukraine "on local state administrations", the local state administration: implements the state policy in the field of Social Security and social protection of socially vulnerable citizens - pensioners, persons with disabilities, single disabled people, orphans, children deprived of parental care, persons from among them, single mothers, large families, other citizens who, due to insufficient material security, need assistance and social support from the state; decides on the establishment of guardianship and guardianship, the creation of conditions provided for by law for the upbringing and/or placement of children who, as a result of the death of their parents, deprivation of parental rights, illness of their parents or for other reasons, were left without parental care, the protection of personal and property rights and interests of children, as well as takes other measures for the social protection of children referred

to its competence by law; carries out, in accordance with the legislation, a set of measures to provide assistance to persons and families with children in difficult life circumstances, maintenance and upbringing of children in difficult life circumstances [15].

Subparagraph 2 of paragraph "a", subparagraphs 4, 6 and 8 of Paragraph "B" of Article 32 of the law of Ukraine "on local self-government", in particular, it is determined that the executive bodies of Rural, Settlement, city councils are responsible for: their own (self-governing) powers: ensuring full general secondary, professional (vocational), professional pre-higher and higher education in state and municipal educational institutions, creating the necessary conditions for the upbringing of children and youth, the development of their abilities, labor training, professional orientation, productive work of students, assistance to the activities of preschool and extracurricular educational institutions, children's, youth and scientific and educational public associations, youth centers; delegated powers: Organization of registration of preschool and school-age children; providing schoolchildren from among orphans, children with disabilities/persons with disabilities of groups I-III, children deprived of parental care, and children from families who receive assistance in accordance with the law of Ukraine "on state social assistance to low-income families", who study in state and municipal educational institutions, with free textbooks, creating conditions for self-education; resolution in accordance with the legislation of issues on the full state maintenance of orphans and children deprived of parental care in family-type orphanages, vocational (vocational) education institutions and the maintenance of students of special educational institutions, on the provision of benefits for the maintenance of children in boarding schools of educational institutions, as well as on the payment of meals for children in educational institutions (extended day groups) [16].

Subparagraph 2, 2-1 of Paragraph "A", Part 1 of Article 34 of the law of Ukraine "on local self-government", in particular, defines that the executive bodies of Rural, Settlement, city councils are responsible for: their own (self-governing) powers: ensuring the implementation of measures provided for by law to improve the housing

and material conditions of persons with disabilities, war and Labor veterans, citizens rehabilitated as victims of political repression, military personnel, as well as military personnel dismissed or retired, families who have lost a breadwinner, large families, elderly citizens who need home care, before placing in homes persons with disabilities and elderly citizens who need it, children left without parental care, for upbringing in the family of citizens; solving in accordance with the legislation issues of providing social services to persons and families with children who are in difficult life circumstances and need outside help, ensuring the maintenance and upbringing of children who are in difficult life circumstances [16].

Paragraph 1 of Part 2 of Article 38 of the law of Ukraine "on local self-government" defines, in particular, that the jurisdiction of the executive bodies of city (with the exception of cities of district significance) councils, in addition to the powers specified in Paragraph "B" of part one of this article, includes: the formation of services for children and observation, the direction of their activities [16].

In the international mechanism of legal protection of the best interests of the child, along with the norms of international law, a special and important role in protecting the best interests of the child both at the International and national level is played by the system of international (interstate) bodies and organizations that act to implement international standards of rights, freedoms and best interests of the child or restore them in the event of their violation.

International (inter-state) bodies and organizations that are most involved in the protection of the rights, freedoms and best interests of children and adolescents in Ukraine include: the UN Committee on the rights of the child, the United Nations Children's fund (UNICEF), the UN Human Rights monitoring mission in Ukraine, the World Health Organization (WHO) and UNESCO.

According to Article 43, paragraph 1, of the Convention on the rights of the child, in order to review the progress made by states parties in fulfilling the obligations assumed under this convention, a committee on the rights of the child is established, which performs the functions provided for in the convention [8].

In March 2022, the UN Committee on the rights of the child issued a statement demanding that the Russian Federation immediately stop its aggression and military actions against Ukraine, as well as fulfill its obligations under the convention, as required by the secretary-general to comply with the Charter of the United Nations for the protection of children's rights at the highest level and as the highest priority[17]. Referring to the Preamble of the Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict, which emphasizes that peace and security based on respect for the purposes and principles of the Charter and compliance with the relevant legal instruments are indispensable for the protection of children, in particular during armed conflicts [18].

The United Nations General Assembly, in accordance with resolution 57 (I) of 11 December 1946, established the United Nations Children's fund (UNICEF) as one of the United Nations bodies that, in accordance with this and subsequent resolutions, has been entrusted with the responsibility of meeting, by providing financial support, materials, training and advice, the emergency, long-term and permanent needs of children, and for providing services in the field of maternal and Child Health, Nutrition, and water supply, primary education and support services for women to strengthen, where necessary, measures and programmes to ensure the survival, development and protection of children in countries with which UNICEF cooperates [8].

UNICEF also cooperates in Ukraine in accordance with the main cooperation agreement between the United Nations Children's Fund and the Government of Ukraine dated September 07, 1998 (ratified on September 21, 1999) [8].

The UN Human Rights monitoring mission in Ukraine (hereinafter referred to as the HRMMU) operates on the basis of an agreement between the Government of Ukraine and the Office of the United Nations High Commissioner for Human Rights on the deployment of a short – term UN Human Rights monitoring mission in Ukraine dated July 31, 2014 [19].

The UN Human Rights monitoring mission in Ukraine embodies the mandate of the Office of the United Nations High Commissioner for human rights to protect and promote human rights for all around the world. The human rights mission monitors,

prepares public reports and advocates for the human rights situation in order to improve access to justice and bring those responsible to justice. Special attention is paid to the eastern regions and the Crimea.

According to the Preamble of the Charter (Constitution) of the World Health Organization (who) of July 22, 1946, the healthy development of the child is a factor of paramount importance; the ability to live harmoniously in an environment is the main condition for such development [20].

In accordance with paragraph (I) of Article 2 of the Charter (Constitution) of the World Health Organization (who) of July 22, 1946, the functions of the organization leading to the goal specified in the Charter will be, in particular, to promote the development of maternal and Child Health and to take measures that promote the ability to live a harmonious life in changing general environmental conditions [20].

The goal of UNESCO is to promote peace and security by promoting cooperation between nations through education, science and culture to promote universal respect for justice, for the rule of law and for Human Rights and fundamental freedoms for all peoples of the world, regardless of race, gender, language or religion, in accordance with the UN Charter. To achieve this goal, UNESCO, according to Paragraph 4 of Paragraph (B) of Part 2 of Article 1 of the UNESCO constitution of November 16, 1945 (effective date: November 04, 1946), in particular, to give a new impetus to popular education and the spread of culture by offering teaching methods that are best suited for preparing children around the world for the free expression of Will [21].

Non-governmental public organizations, both national and International, are of great importance in the development and protection of the rights, freedoms and best interests of the child. After all, such organizations are engaged in volunteer activities, conduct constant explanatory work among the population in the form of open events; provide various kinds of assistance to families with children; apply to state authorities and the court to protect the rights, freedoms and best interests of the child; develop plans, programs, concepts to protect the rights, freedoms and best interests of the child;

they cooperate with law enforcement agencies in the field of protecting children's rights, etc.

Special attention should be paid to international non-governmental organizations that also influence the development and protection of the rights, freedoms and best interests of the child in the world. Among them, it is worth highlighting:

The international protection of children is an international NGO, which is represented in 40 countries of the world, whose activities are aimed, in particular, at juvenile justice through direct intervention, as well as through lobbying, monitoring and training of specialists.

ECPAT is an international network that is represented in more than 70 countries, working to combat child prostitution, child pornography, child trafficking and sexual exploitation of children.

The NGO group monitoring the implementation of the Convention on the rights of the child is a network of more than 70 state and international NGOs whose mission is to develop, implement and monitor the implementation of the Convention on the rights of the child.

The European Youth Forum is a youth-led platform, which includes 98 National Youth Councils and international youth organizations from different European countries, which works to involve young people in child protection activities, representing and protecting their needs and interests, as well as the interests of their organizations in the direction of European institutions, the Council of Europe and the United Nations.

The European confederation of youth clubs (ECYC) is a network of youth workers' organizations and youth clubs that carry out open youth activities and non — formal education in cooperation with 28 member organizations of the convention located in 27 European countries.

Save the children, an organization that operates in 120 countries around the world, is one of the leading organizations working to develop and protect children's rights and support children in meeting their needs. With a wide range of initiatives, from direct intervention to advocacy and representation, this organization sees a world

in which every child has the right to survival, protection, development and participation.

The international movement "Falcons" - Socialist International Education (IFM — SEI) is an international educational working movement, whose activities are aimed at developing the opportunities of children and young people, fighting for their rights through seminars and trainings, organizing international camps, conferences and campaigns aimed at providing education, advocacy and working directly with vulnerable children who find themselves in difficult life circumstances [22].

We believe that the mechanism of legal provision of the best interests of the child is the legal principles and norms of national and international legislation, as well as the activities of state authorities, local self-government bodies, international governmental and non-governmental institutions and organizations, the activities of individual citizens, which together ensure the observance, implementation and protection of the best interests of the child.

According to the author, the mechanism of legal provision of the best interests of the child is divided into:

- 1) national and international;
- 2) state and non-government;

The author divides the state mechanism of legal support for the best interests of the child into: constitutional, judicial, legislative and administrative-legal.

We believe that professional and results - oriented activities of state and local authorities, together with the work of non-state national and international institutions, will most effectively ensure the implementation of the mechanism of legal support for the best interests of the child.

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