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### POLITICAL NEUTRALITY OF JUDGES

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Recently, the role of impartial, objective, politically neutral legal proceedings has been increasing. In this regard, the official legal consolidation in the legislation of the Republic of Belarus and in foreign countries, including the behavior of a judge plays an important role.

The purpose of the research is to identify the features of the legal consolidation of the political neutrality of judges in the legislation of the Republic of Belarus and in foreign countries.

**Material and methods.** The theoretical base is statutory act in the field of judiciary, namely the Law of the Republic of Belarus «On Civil service», the Code of honor of judge, the Code on Judiciary and the Status of Judges and other regulatory acts. When writing the article, the method of analysis of theoretical and legal views was used. The method of analysis was used in conjunction with the method of synthesis, which made it possible to combine various points of view into a single whole and systematize the features of consolidating these issues.

**Findings and their discussion.** Political neutrality of judges is enshrined in legislative acts not only in the Republic of Belarus, but also in foreign countries.

The main legal act establishing the legal status of judges is the Code on the Judiciary and the Status of Judges (further the Code of judiciary), which, in turn, indicates on other acts, which complement the regulation of the legal status of judges. Feature of status of judge is determined by the Constitution of the Republic of Belarus. The Code sets that judge is public servant and thereby expends lists of statutory acts including in him the Law of the Republic of Belarus “On Civil Service”. The Code also consolidates duty of judges comply the provisions the Code of honor of judge of the Republic of Belarus. As a general rule these acts should establish general rule of legal status of judge, complement, not contradict each other.

The Law of the Republic of Belarus “On Civil service” does not regulate the activities of specific organizations and government structures it sets internal rules of civil service organization, namely, the position of employees, the establishment of their special status, requirements for them, their rights and obligations, restrictions, relations within the organization between employees and citizens, rules for recruiting, conducting certification, examinations, responsibility. In its turn the Law of The Republic of Belarus “On Civil service” is not determining document in current work of public servant but has a significant impact on establishment of legal status.

The Code of honor of judge sets and consolidates proper behavior and his duties during the performance of work duties and outside of working hours. This document applies to all judges as well as retired persons related to the judicial community.

The Code of judiciary sets out the basic principles for the conduct of judges: independence, removability, inviolability, a prohibition on holding positions in the bodies of other branches of government, political neutrality. The content of the principles is further disclosed in the Code of honor of judge. These principles, on the one hand, are guarantees in the legal status of judges, on the other hand, restrictions. An expanded list of restrictions is enshrined in the Law of the Republic of Belarus “On Civil service”.

An interesting limitation associated with the guarantee of the impartiality of judges through the consolidation of political neutrality of judges, which contains the prohibition of membership in a political party and other public associations pursuing political goals. The judge does not have the right to provide them with any support, materially or in any other way. According to the Code of Honor, a judge, while fulfilling his job duties, cannot openly express his opinion about political events, the situation in the country, or a particular ideology, publicly express his sympathies and antipathies towards a particular candidate for election or appointment to a public office. A judge cannot speak publicly about court cases, a judge must behave with dignity, thereby convincing everybody of his impartiality.

In its turn the Public Service Act contains rules of behavior, restrictions of public servant, but it doesn't prohibit membership in political parties, public associations, but on the contrary establishes the right on freedom associations. The Public Service Act also prohibits the collection of personal information about belonging to political parties, other political associations, pursuing political goals as well as to establish restrictions and (or) advantages in the formation of information about candidates for public office, depending on their belonging to political parties and other public associations. Such a restriction and prohibition is a significant difference from the Code of judiciary and, at first glance, contradict. At the same time, the Law of the Republic of Belarus «On Civil Service» has a reference norm to articles of the Constitution, in which Article 36 restricts the right to membership in political parties and other public

associations pursuing political goals specifically for judges. The consolidation of the political neutrality of judges at the level of the Constitution is an important indication that the government establishes political neutrality for all public servants without restrictions.

The principle of political neutrality is ambiguous in consolidation in neighboring countries it was not even included in the 2006 Bangalore Principles of Judicial Conduct because it is controversial. For example, in Switzerland, judges are elected based on their party affiliation. In other European countries, judges can be involved in politics and be elected to parliament, local councils, without losing their position as a judge. Therefore, it cannot be said that the principle of political neutrality is unambiguous and it is applied in all countries of the world community. Each country, at its own discretion, decides whether it is necessary to strictly prohibit the participation of judges in the political life of the state, but the general approach, in almost all states, judges should not undermine their independence and question their objectivity when participating in the political life of the country. The activity of a judge should be based on an orientation exclusively towards normative legal acts, and not towards political attitudes. The judge must adhere to public policy, not the policy of a particular party. With political neutrality, there must be a prohibition on the use of official position in the interests of political parties, public and religious organizations, as well as a prohibition on the creation of party organizations in government bodies.

**Conclusion.** In the Belarusian legislation, the regulation and establishment of the principle of political neutrality are taken comprehensively, consistently securing guarantees that judges should adhere to neutrality in their work and make their decisions on the basis of the law and not from the position of belonging to any party or public association. At the same time, it cannot be said that of the legal acts mentioned and analyzed by us, some regulates the legal status of a judge most fully. Only in their consistent and complex totality acts fully regulate the status of judges, establish principles, rules, restrictions and privileges, in the absence of one of them, such regulation will be incomplete.

## **THE RIGHT TO BIRTH AND THE PROBLEM OF ABORTION LAW AND POLICY IN THE LEGISLATION OF FOREIGN COUNTRIES**

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The right to birth is one of the derivatives of the right to life. It is enshrined in a number of international acts, at the level of constitutional and sectorial legislation of many countries. As its legal guarantees, some restrictions on various levels of abortion are established in national legislation. As a result, abortion sometimes leads to its criminalization and the death of a significant