In this way, the system of executive authorities is a mechanism for implementing state policy in the field of child protection. Despite the well-developed system of state authorities for the protection of children, we consider it necessary to improve this system by conducting a full examination of the executive authorities in the field of child protection, and clearly identifying and delimiting their functions, which will contribute to the effectiveness of public administration in this area.

1. Starovoitov, O.M. Formation and development of international protection of the rights of the child / O.M. Starovoitov // Belarusian Journal of International Law and International Relations. – 1998. — № 5. – P. 51-58.

OBSTACLES TO ACCESS LEGAL REMEDIES FOR CORPORATE HUMAN RIGHTS ABUSES

Alina Skomoroshchenko
VSU named after P.M. Masherov, Vitebsk, Belarus

The relevance of the study is that protection from human rights violations, related to business activities is directly depend on ensuring access to effective remedies, in particular, judicial mechanisms. As part of its duty, the state must provide a framework for the applicant's ability to seek redress for human rights violations.

The purpose of the research is to analyze the obstacles the applicant faces.

Material and methods. To achieve the above goal, annual report of the United Nations High Commissioner for Human Rights and European Parliament report were used. The study is based on general scientific methods of analysis, synthesis and formal legal method.

Findings and their discussion. At the moment, various obstacles arise at each stage of the legal process.

So in a study conducted by the organization «Amnesty International» three main categories of barriers faced by victims of business-related human rights violations have been identified when applying for remedies [1, p. 5].

The first category includes issues related to the difficulties for applicants in securing legal representation, complexity of corporate structures, difficulties in establishing the responsibility of the parent company and jurisdictional problems. At the moment, the availability of qualified legal aid is severely limited, particularly when it comes to complex transnational cases involving corporate human rights violations, especially since the trial may take more than a decade. The complex corporate structure of multinational companies in many cases does not allow to prove involvement and to prosecute the parent company for the actions of the subsidiary, even if the company is wholly owned by the

parent company. The issues of applicable law and the establishment of jurisdiction are also a serious problem for justice.

The second category is related to the lack of access to information necessary for victims to substantiate their claims. As a rule, corporate human rights violations and related petitions have a large number of applicants. However, in most European countries, there is no possibility of filing a class action.

The third category concerns the influence of multinational companies, which may lead to States being unwilling or unable to develop regulatory and/or legal instruments to hold companies accountable. Often, especially in developing countries, the lack of an independent judicial system, corruption among officials, limited resources to handle complex transnational cases, or the direct fear of losing foreign investment can lead to denial of access to justice for ordinary citizens.

As a result, states do not meet their obligations to protect human rights and do not provide effective access to judicial remedies, which should be the basis of justice.

The report submitted to the European Parliament reviewed 35 cases of corporate human rights violations by companies from 6 EU countries, but in total they cover 23 countries with predominantly low and middle income levels. Of the 35 cases involving corporate human rights violations in third countries by companies based in the EU, 12 cases were initiated for human rights violations in third countries and were dismissed (2 of which were partially resolved), 17 cases are still ongoing (1 of which was partially resolved), 4 cases were fully settled out of court with compensation, and only 2 cases resulted in a successful outcome in court for the plaintiffs [2, p. 18].

The United Nations High Commissioner for Human Rights, in his report A/HRC/32/19, identified criteria for determining whether an effective remedy can be obtained in the legal system. The criteria include: legal liability for violations established in national legislation, law enforcement agencies can promptly and effectively request legal assistance, and judicial authorities must have the authority and capacity to make an independent decision [3, p. 9].

Conclusion. Thus, these obstacles significantly complicate or make it impossible for victims of human rights violations to access effective judicial mechanisms. The international community must develop international convention on human rights and business providing a comprehensive framework to the access to remedy mechanisms allowing the enforceability of the parent company's responsibility to monitor the behavior of its affiliated companies and supply chain in third countries. After all, effective and progressive legislation should become the main tool of the state in fulfilling the obligation to implement human rights related to business activities.

1. Improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms [Electronic resource]: Annual report of the

United Nations High Commissioner for Human Rights of 19 May 2020 // United Nations. -Access mode: https://undocs.org/en/A/HRC/44/32 - Access date: 2.11.2020.

2. Access to legal remedies for victims of corporate human rights abuses in third countries [Electronic resource]: European Parliament report of 1 February 2019 // European Union. - Access mode: https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603475/EXPO_STU(2019)603475_EN.pdf. - Access date: 02.11.2020.

3. Improving accountability and access to remedy for victims of business-related human rights abuse [Electronic resource]: Annual report of the United Nations High Commissioner for Human Rights of 10 May 2016 // United Nations. -Access mode: https://undocs.org/en/A/HRC/32/19. - Access date: 3.11.2020.

POLITICAL NEUTRALITY OF JUDGES

Veronika Soloyewa
VSU named after P.M. Masherov, Vitebsk, Belarus

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 statuary 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 statuary 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.