

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**

**Anastasiya Stsiarzhniova**

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

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

number of women as a result. The emergence of safe and effective methods of artificial termination of pregnancy will dramatically reduce their risk if a broad access to this type of medical care is provided at the legal level. The purpose of this article is to analyze the features of legal regulation of abortion in different countries on the basis of comparative legal analysis.

**Material and methods.** The main research materials are the constitutional legislation of Ireland, Poland, the Philippines, Russia, Belarus, etc. Formal-legal and comparative-legal research methods were used to analyze the normative material.

**Findings and their discussion.** In the modern world, the issue of abortion is as relevant as the issue of maternity protection. Many countries have taken measures to improve the access to safe abortion services. According to the UN report in 2013, 97% of governments allowed abortions to save a woman's life, 67% to preserve physical and mental health, 52% in cases of rape or incest, because of fetal development disorders, 36% on economic and/or social reasons, and 30% on request. Between 1996 and 2013, 56 countries (20 in Africa, 12 in Asia, 12 in Latin America and the Caribbean, 8 in Europe, and 4 in Oceania) expanded the list of legal grounds for abortion. At the same time, 8 countries (3 in Latin America and the Caribbean, 2 in Africa, 2 in Asia, and 1 in Oceania) have reduced their number [1]. This statistics points at the gradual legalization of abortion, but indicates that the right to terminate a pregnancy at the will of a woman is not guaranteed in every country. Thus, according to art. 41 of the Irish Constitution, abortion was completely banned until the 2018 referendum. Mass disturbances occurred in Poland on 22.10.2020 after the tightening of the law on abortion. Article 72 of the Constitution of the Republic of Poland says "the state ensures the protection of the rights of a child. Everyone has the right to demand that public authorities protect children from violence, cruelty, exploitation and demoralization. The child who is deprived of parental care has the right on the care and assistance of public authorities." According to article 256 of the criminal code of the Philippines, the woman who has an abortion faces imprisonment. A similar penalty is provided for persons who co-operate with this procedure according to articles 258 and 259. Abortion is also illegal in Malta, Andorra, Liechtenstein, the United Arab Emirates, the Vatican, El Salvador, Nicaragua, Chile, Colombia, Venezuela, Paraguay and Mexico. Unsafe abortions cause about 47,000 deaths related to pregnancy. In addition, 5 million women suffer severe complications as a result of unsafe abortion.

In this regard, the concept of "abortion tourism" has spread, when women leave, as a rule, for neighboring countries with a liberal abortion regime. For example, the UK has become a destination for abortion tourism for Irish women.

As it is obvious, very strict legal restrictions on abortion are typical for countries with a state religion, because traditionally all faiths have a negative attitude to getting rid of the fetus, considering it unnatural and objectionable to the gods. The Orthodox Church allowed abortions only if the woman's life was

in danger. "Without rejecting women who have had abortion, the Church calls on them to repent and overcome the harmful consequences of sin through prayer" [2].

Most countries consider that the right to decide on abortion should remain with a woman, and not with the country or government. This is also noted in the universal Declaration of human rights, that states in article 12 that "no one may be subjected to arbitrary interference in their personal and family life" [3].

Belarus has liberal legislation on abortion. According to article 27 of the law "On health care", "a woman is granted the right to decide on motherhood independently". Health organizations must ... provide pre-abortion psychological counseling for women who have applied for an artificial termination of pregnancy. With the consent of a woman in health care organizations, after consultation with a specialist doctor, and in relation to a minor, also with the written consent of a legal representative, an artificial termination of pregnancy (abortion) can be performed if the pregnancy period is not more than 12 weeks" [4]. Russian and Belarusian legislation provides for criminal liability for criminal abortion by a doctor outside a medical institution or by a person who does not have a medical education. Thus, in accordance with article 56 CH. 8 of the Federal law of the Russian Federation an illegal artificial termination of pregnancy entails the administrative or criminal liability established by the legislation of the Russian Federation [5]. And according to article 156 part 1 of the UKRB, illegal abortion by a person who has a higher education in the field of education "health care" is fined or deprived of the right to hold certain positions or engage in certain activities with a fine [6].

Such social movements as "Pro-life" (pro-life) and "Pro-choice" (pro-choice) appear in contrast to the universal legalization of abortion on an expanded list of indications. Their supporters believe that artificial termination of pregnancy deprives the unborn person of the right to life. They achieve from the state, within the framework of the national demographic policy, to protect human life from the moment of conception [7].

The constitutions of many countries of the world guarantee the human right to life, to inviolability, to free choice of lifestyle, and to equality of all people before the law. Restricting abortion is equal to restricting choice, restricting a woman's right to control her body and life.

**Conclusion.** In this way the legal abortion regime protects women's right to life, to family planning, and the right to decide independently whether to terminate a pregnancy in cases of life-threatening or medical contraindications, as well as on economic and social reasons.

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1. Abortion Policies and Reproductive Health around the World [Electronic resource]. - Mode of access: <https://www.un.org/en/development/desa/population/publications/pdf/policy/AbortionPoliciesReproductiveHealth.pdf>. - Date of asses: 01.11.2020.

2. Karpuk, E. M. abortion in various religions / Karpuk, E. M. // Youth and medical science in the XXI century: proceedings of the 15th scientific-practical conference. students and young scientists

with international participation, Kirov, Russia, 16-18 April 2014 / Grodno state medical University; redkol.: Sheshunov I. V. (ed.) [et al.]. – Kirov, 2014. – S. 432-434.

3. The universal Declaration of human rights [Electronic resource]. - Mode of access: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf>. - Date of access: 03.11.2020.

4. On health care: Law of the Republic of Belarus from 18.06.1993 No. 2435-XII (ed. from 21.10.2016) [Electronic resource]. - Mode of access: [https://kodeksy-by.com/zakon\\_rb\\_o\\_zdravoohranenii/27.htm](https://kodeksy-by.com/zakon_rb_o_zdravoohranenii/27.htm). - Date of access: 03.11.2020.

5. On the basics of public health protection in the Russian Federation: Federal law of the Russian Federation от 21.11.2011 г. № 323-ФЗ (ed. from 31.07.2020) — Mode of access: <https://legalacts.ru/doc/FZ-ob-osnovah-ohrany-zdorovja-grazhdan/>. – Date of access: 03.11.2020.

6. Illegal abortion: criminal Code of the Republic of Belarus 275-Z of 09.07.1999 (with changes and additions as of 11.11.2019) [Electronic resource]. - Mode of access: <https://pravo.by/document/?guid=3871&p0=hk9900275>. – Date of access: 03.11.2020.

7. The Right to life and the problem of abortions [Electronic resource]. - Access mode: <https://elib.bsu.by/bitstream/123456789/96933/1/119-121.pdf>. – Date of asses: 02.11.2020.

## STATE BODY ACTIVITIES OF FOREIGN COUNTRIES FOR CHILDREN OF RETURNING EMIGRANTS FROM MILITARY CONFLICT ZONE

**Aleksandra Toguleva**

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

An important principle of international law is the right to return, which provides an opportunity to return to one's homeland. This principle is enshrined in Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and is mentioned in a number of other international instruments. At the national level, the right to return may derive from the country's Constitution, immigration law, or exist as a specific law on repatriation. Despite this, the issue of the return of persons, in particular refugees and migrants, to their homeland has not been effectively resolved in any of the modern military conflicts.

The purpose of this study is to characterize the problems of organization and the main directions of activities of state power for the return of children of former citizens left without parental care from zones of military conflicts.

**Material and methods.** The research is based on the law enforcement practice of specialized state bodies of the Russian Federation, Kazakhstan, Tajikistan and Uzbekistan on the return of children of emigrants. The main research methods are the methods of comparative legal and specific legal analysis.

**Findings and their discussion.** Military conflicts can erase cities from the face of the earth, destroy entire States. Against this background, one can imagine how defenseless children are in these conditions, especially those who are faced with this outside the state of origin of their emigrant parents. They are forced to survive in inhuman conditions, often losing their loved ones. A prime