

16. Положення про комісію Міністерства охорони здоров'я Автономної Республіки Крим, структурних підрозділів з питань охорони здоров'я обласних, Київських та Севастопольських міських державних адміністрацій з визначення показань для проведення операції (процедури) штучного переривання небажаної вагітності, строк якої становить від 12 до 22 тижнів від 24 травня 2013 р. URL : <http://zakon3.rada.gov.ua/laws/show/z1101-13>

17. Про затвердження Порядку надання комплексної медичної допомоги вагітній жінці під час небажаної вагітності, форм первинної облікової документації та інструкцій щодо їх заповнення : наказ Міністерства охорони здоров'я від 24.05.2013 р. № 423. URL : <http://zakon5.rada.gov.ua/laws/show/z1095-13>

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### **THE RIGHTS OF THE CHILD IN THE CONTEXT OF THE MODERN WORLD**

Children not only have their own special needs, but often, unlike adult citizens, they need to protect their rights. The «World Constitution of the Rights of the Child» refers to the Convention on the Rights of the Child, adopted by the UN General Assembly on November 20, 1989 [1]. It brings together the full range of human rights – civil, political, economic, social and cultural rights – relating to children in one document. Since that time, almost all countries of the world have ratified the document. Article 41 of the Convention sets out the human rights that every child under the age of 18 has and must be protected and respected.

The Convention on the Rights of the Child lists four general core principles: the prohibition of unequal treatment, ensuring the interests of the child, ensuring the survival and development of the child and respect for the views of the child. These four principles are the foundations of the Convention and form the standard of a child-friendly society, under which every child can develop harmoniously, realizing all his abilities.

In Europe as anywhere in the world every child should enjoy the same rights and live free from discrimination of any kind. In the EU Strategy on the Rights of the Child addresses persisting and emerging challenges. It offers actions to protect, promote and ensure child's rights in the modern world.

Children's rights are promoted in EU by policies and EU legislation and supported by the Parliament in its work to ensure that the rights of the child are given all due consideration.

In the European Parliament there is the position of Coordinator whose primary duty is ensuring the promotion and protection of children's rights.

It is also responsible for guiding people experiencing parental child abduction and other cross-border family disputes, as well as advocating closer collaboration with the judicial and administrative bodies and promoting mediation in cross-border family matters.

The Coordinator on Children's Rights is responsible for:

- Acting as a central contact point to monitor and actively promote children's rights in EU policies, ensuring coherence and visibility of Parliament's actions in this area.
- Promoting cross-border mediation in international family disputes.
- Serving as a central information point for EU citizens in international parental child abduction or other cross-border family disputes.

The European Union adopted the Convention of the Rights of the child. The ratification of the Convention provides guarantees for children's rights, but it is not nearly effective enough in protecting them from the devastating effects of poverty on their development and well-being. According to EU estimates in 2017, 24.9 % of children were at risk of poverty and social exclusion, the highest levels observed in Bulgaria and Romania. Living with low incomes, insufficient to afford proper nutrition, access to healthcare, medicines, vaccination increase the obstacles for those children to maintain good health, as well preventing them from succeeding in education and professional life, breaking the circle of poverty.

Thirty years later, European countries still have a long path to walk to achieve full protection of children's rights. Stronger efforts and commitments are needed both from EU and

Member States to guarantee equal access to rights and services, reduce the risk of poverty, and thus insuring health equity for the Europe's youngest generation – the future of Europe.

Ensuring the right to education, US federal law sets the task for educational institutions to provide children, regardless of their nationality and gender, with a full-fledged education in accordance with age and ability, to provide quality nutrition and medical care. The laws pay much attention to the protection of the rights of children with disabilities. Psychological assistance is provided and educational work is carried out both with children and with parents.

In the United States, there is a social service that protects children's rights – Child Protective Services (CPS).

Children in the US can work from the age of 14. The US Federal Law Fair Labor Standards Act governs the regulation of the working day and the welfare of working teenagers. The law protects underage workers from abuse and exploitation of their labor. Child labor regulations protect the right of young people to education and prohibit the employment of children in jobs that are hazardous to their lives and health.

A child over the age of 14 may formally waive the custody of natural or adoptive parents. This legal process is called the emancipation of a minor. A child becomes emancipated before the age of 18 if he marries, joins the army or receives an emancipation declaration, proving that he legally earns a living and manages money himself.

Ukraine incorporated the Convention into national legislation on September 27, 1991. According to the legislation of Ukraine, the rights of children are protected by the state and have the following rights:

- be born and brought up in a family;
- to communicate with relatives;
- to protect their rights and interests;
- to defend their own opinion;
- to a name and its changes;
- to have property;
- to receive free treatment;
- to education.

Children have rights, but also responsibilities in the exercise of these rights, just like adults in society. The right of a child ends where the right of another child or adult begins. This means that rights have limits, and the child must take into account the rights of other children and adults when exercising their rights. Rights and responsibilities must be considered together.

The child has the right to education, but at the same time he is obliged to attend school. The child has the right to protection of health, but he is also responsible for maintaining his health. A child has freedom of speech, but in exercising the right to freedom of speech, he must respect the rights of other children and adults, and above all, the right to protect honor and dignity.

More than 7 million children under the age of 17 now live in Ukraine. This is almost 20% of the total population of Ukraine. Often, all questions and problems related to guaranteeing and observing the rights of the child fall either on parents or on public organizations and volunteers. However, even the most powerful foundations or public initiatives cannot replace a systemic state approach. The problem needs to be solved at the state level – it is necessary to develop and approve appropriate state programs.

Until recently, 6 ministries, local self-government and executive authorities were engaged in the protection of children's rights, which led to chaos and bureaucracy. In 2021, the Cabinet of Ministers of Ukraine approved the creation of a new central executive body with a special status. It will ensure the formation and implementation of state policy in the field of adoption and protection of children's rights. The name of the new structure will be the State Service of Ukraine for Children.

It is expected that the formation of the State Service for Children will allow:

- to strengthen human resources in the field of protection of children's rights;
- contribute to ensuring the priority of the protection of children's rights at all levels in accordance with the administrative-territorial structure;
- Establish an effective system of executive authorities responsible for the protection of children's rights.

The Convention on the Rights of the Child gives the child the right to exercise his rights and take responsibility. This means that as the child develops, his right to make independent decisions and the amount of responsibility will also increase. Until the child is able to exercise his rights on his own, his parents or guardians will do it for him. In this case, the interests of the child should always be taken into account.

It is necessary to hear every child whose rights are violated and take all comprehensive measures to restore them. There are various sources of information: from official appeals to e-mails, through the media. Another task is to monitor the activities of public authorities (both central and local) for compliance with the interests of the child.

If we are talking about local authorities, then we are talking about how their decisions meet the interests of the child, how each individual child is protected on their territory. In 2019, the Informational Guide «Children's Rights in the Chernihiv Region» was released, prepared based on the results of the «Protection of the Rights of the Child in the Chernihiv Region» project with the support of the US Embassy Democracy Fund. According to the authors of the study, today in Ukraine the problems with observance of the rights of the child are especially relevant, since they are not actually a priority in state policy. The existing normative-legal support for the protection of the rights of the child is inadequate. Among the main shortcomings are: the lack of a unified attitude and approach to the issue of child protection; lack of system, which is expressed in the absence of a unified system of bodies for the protection of the rights of the child, an algorithm for the interaction between them; outdated forms of work; outdated regulatory framework and lack of mechanisms to implement existing regulations. [2, 5] The rights of the child are, in a general sense, human rights, with the only difference that children begin to enjoy some rights as they grow up and realize their position. [2,10].

Moreover, it is necessary to observe the interests of the child in relations not only “state-child”, but also “child-family”, “child-society”. For example, domestic violence in Ukraine – physical, psychological – is very common despite the fact that it is prohibited by law. This problem exists in many countries. And in 2009, the UN Commissioner for Violence against Children was created – they understand that violence is global. Another problem is children in conflict with the law. Today, the focus is on it all over the world. The question is: how not to nurture criminals through the correctional justice system, how this system should save the child, and not vice versa.

Children not only have their own special needs, but often, unlike adult citizens, they need to protect their rights. The «World Constitution of the Rights of the Child» refers to the Convention on the Rights of the Child. It brings together the full range of human rights – civil, political, economic, social and cultural rights – relating to children in one document.

1. Convention on the Rights of the Child. URL : <https://www.unicef.org/sites/default/files/2019-04/UN-Convention-Rights-Child-text.pdf>

2. Права дитини в Чернігівській області. *Інформаційний посібник*. URL : [https://martngo.org.ua/wp-content/uploads/2019/10/Публикация\\_Права-дитини-в-Чернігівській-області-1.pdf](https://martngo.org.ua/wp-content/uploads/2019/10/Публикация_Права-дитини-в-Чернігівській-області-1.pdf)

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**АКТУАЛЬНІ ПРОБЛЕМИ ПРАВОВОЇ ПРИРОДИ КОМЕРЦІЙНОЇ ТАЄМНИЦІ  
ЯК ОБ'ЄКТА ПРАВА ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ**

Поняття комерційної таємниці є ширшим, ніж поняття об'єкта права інтелектуальної власності, який може входити до складу комерційної таємниці конкретного суб'єкта підприємницької діяльності. На користь такої позиції свідчить і досвід регулювання охорони комерційної таємниці в деяких іноземних країнах. Наприклад, за законодавством Франції до комерційної таємниці може належати організаційна структура підприємства, списки постачальників, особисті справи персоналу, контракти з іншими організаціями, списки клієнтів, плани розвитку бізнесу, схеми дистрибуції тощо.

Комерційна таємниця є загальною формою правової охорони об'єктів інтелектуальної власності. У науковця О.Федорук виникло питання щодо доцільності віднесення комерційної таємниці до об'єктів права інтелектуальної власності. Оскільки