

Thus, victims are an integral part of the criminal justice process. Their rights must be respected by acknowledging that their input is necessary and should be factored into the disposition of a case. Although great strides have been made in the victims' rights movement, further advancement has been undermined by an absence of substantive rights for victims [3].

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UDC 342

WARRANTY AND REALIZATION OF SOCIAL RIGHTS IN EUROPEAN STATES

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The article deals with the changes taking place in the social sphere of the European states, the factors influencing the changes and the reaction of the states to the situation. The changes in the provision of pensions are also discussed.

One of the most important areas of domestic policy is social policy, which is designed to resolve conflicts between the existing and future public interest. Today there is no doubt about the importance of social rights. In European countries a great impact on their recognition is provided by the European Court of Human Rights, the European Social Charter which recognizes not only the rights of this group, but also the level of their warranty. The author previously conducted research on the social rights of warranty, depending on the constitutional characteristics of the state [1, p. 138]. Having studied jurisprudence and constitutional doctrine we made sure once again that the warranty of social rights is treated to advantage of the state. For example, in the interpretation of the right to a pension there is a lot of talk about solidarity, fairness and proportionality, but the pensioners who have no other income except pension remain aggrieved.

We analyzed the current situation in the social sphere in the European States. For example, in the Republic of Lithuania the most vulnerable layers of the population that suffered were the pensioners whose pensions were reduced because of the crisis.

In 2012 the decision of the Constitutional Court of the Republic of Lithuania "On the conformity of legal acts of the Republic of Lithuania regulating the conversion and payment of pension to the exigencies of the state in the difficult economic and financial situation of the Constitution of the Republic of Lithuania" on February 6, 2012 [2] set forth the need to compensate for the reduction in the pension crisis. The Seimas of the Republic of Lithuania approved the beginning of the refund paid pensions at the end of 2014, and the calculation of all retired before the end of 2016, only on May 15, 2014 in the law "On state compensating of old age pensions and disability pensions". However, the reduced salaries of officials were returned immediately.

In January 2012 the law "On financial support to low-income residents" was adopted which stated that financial assistance would depend on the number of family members. For example, if a poor person lives alone, he receives 100% of the benefits. If there are more members in the family, the benefit will be differentiated: the second family member will be paid 80%, the third one and all the rest – 70% of the benefit amount. It is believed that this law will lead to a more active search for work. Actually, the able-bodied should provide for themselves, but the government cannot provide jobs. As a result a lot of residents of working age leave the country and Lithuania has the highest level of immigration in the European Union. This situation threatens the income of the state budget because of the reduction of tax revenues. At the same time the number of people of retirement age is increasing. The situation is getting worse because of the low birth rate and ageing of the population. Although the number of immigrants is decreasing, the statistics are still not happy. In 2012 41100 residents aged 20 – 34 left the country. They could have saved the state from a lack of labour force for at least the next 30 years. According to "Demografija ir MES" it is predicted that at the end of the century the residents aged 65 and more

may make 40% of all the residents (now about 18%). It is also said that even if the birth rate increases, the ageing of the population will continue.

Nowadays many states focus on retirement age. "More and more people are becoming old. A huge army of those who are sixty, all the wartime and post-war generations are getting ready to retire. And the smaller part of the population is going to work. Therefore, the government is in a hurry with the pension reforms: the cake will soon be reduced, but the number of consumers will increase" [3].

So T. Medaïskis also believes that pensions should be considered more widely. If a state has few working people and a lot of retirees, it will not have enough tax for normal pensions. In his opinion, in order to live a decent life in old age, people need to take care of themselves: to work longer, to retire later, to learn for life [4]. Another point of view is that pensions are threatened not only by demographic but also by the economic situation.

Nowadays 1.3 million people can work, but there are people of working age who do not work. Their number is 220,000 – 230,000. Besides, there is a large number of economically inactive people and people who are ill. It is necessary to pay attention to new-born children, because in 30 years it will be their task to finance pensions.

The state must provide jobs for them in the future otherwise they will become unemployed, and the state will have to pay unemployment benefits. In 2014 a new version of the Law «On financial social assistance to low-income residents» was adopted which provides targeted distribution of social benefits, i.e., for the needy. Each application will be considered on an individual basis, the living conditions will be examined. The innovations are designed to avoid cases of fraud that had taken place before.

The transition to the new principles of financing pensions in some countries is explained not only by the decline in the birth rate but by the increasing of life expectancy. Except for specific reasons mentioned above, the lack of funding has been caused by the global economic crisis. Spain and Italy are cutting their spending to balance the budget. In Germany, France and a number of countries the retirement age has been raised. Sweden has always been an example of prosperity. The pensions here are recalculated each year (the more a person lives, the greater the pension is). But even in Sweden they think about the increase in the retirement age, though it is one of the highest in Europe – they retire at 65. However, this increase is due to positive changes. The Prime Minister of Sweden, Frederick Reinfeld offered to consider the increasing of the retirement age to 75 years old as the life expectancy in Scandinavia is one of the highest in the EU. Besides, it is supposed that every second new-born baby in the country will live to be 100.

In the Republic of Belarus, the retirement age increase is not planned, but a number of incentives for later retirement are provided. The stimuli that already exist were supplemented by the decree of the President of the Republic of Belarus "On measures to improve pension provision of citizens" № 136 from 18.03.12. The Decree fixed the increase of pensions for persons who continue to work after reaching the retirement age and refuse to receive the pension. In addition the unification of the cost of the periods without payment of fees and their inclusion in the calculation of earnings are provided.

The decree serves the following purposes: 1) to increase the level of retirement income; 2) to reduce the load on the Fund of social protection of the population. The number of pensioners is increasing, and labor resources are shrinking. According to the statistics given by the Ministry of labor in the current year per 100 employees will account for 57 pensioners, and by 2020 the number may reach 67 people. The norms fixed in the decree are without doubts a positive thing. The pensioners get the right to choose and they ease the work of the social security Fund. The savings element in our pension system is presented in the form of voluntary pension insurance. However, for the time being this tendency is not widespread. Therefore, the new norms can fill these gaps.

Decree №136 applies to the workers who are still forming their pension rights. Since 2014 the right to retirement pension in the Republic of Belarus will be given to the persons who paid fees to the Social Security Fund for 10 years (earlier it was 5). And from January 1, 2015 you will have to pay the required fees for at least 15 years to get a retirement pension. This norm is presented in the Decree of the President of the Republic of Belarus No. 570 «On improving pension provision» on December 8, 2014. However this change will not affect families with many children and parents who have handicapped children.

Cutting on social benefits is characteristic of the whole of Europe. Today, working people support dozens of pensioners and migrants. The situation started to deteriorate in 2007 when the economic crisis began. It showed that the existing models have weak points, and that previous schemes do not work. We have to admit that the crisis is the acute phase of the disease, when all is bad. The situation in Europe is increasingly compared to the 20s of the 20th century. It is obvious that the states cannot cope with the situation. Our research proved that the problems in the social sphere exist in many states. The reasons are similar in many ways. They are the ageing of the population, unemployment and economic crisis. Also, in our opinion, it is necessary to reconsider the role

of the state in the social sphere, to analyse whether it copes with the administration. So we see that the rights were recognized, but there are a lot of reservations in the course of their realisation. There is a guaranteed minimum, ensuring the physical survival but not a decent life for people. Perhaps we should agree with the opinion of some scholars who think that a new model of the state is required, only then we will be able to cope with modern challenges. Maybe the functions of the state are simply the directions of the activity and not the activity itself.

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UDC 347.963

ROLE OF PROSECUTOR'S OFFICE IN ENSURING ECOLOGICAL SAFETY

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In article reveals the role and value of prosecutor's office in ensuring ecological safety reveals. The special attention is paid to the purposes and problems of public prosecutor's supervision in this direction. On the basis of studying of experience of the Russian Federation the question of need of creation of nature protection prosecutor's offices is raised the conclusion that this measure will provide complexity, systemacity and overall performance on ensuring ecological safety Locates.

According to the Concept of national security of Republic of Belarus the concept "ecological safety" is understood as a condition of security of environment, life and health of citizens from the threats resulting from anthropogenous influences, and also factors, processes and the phenomena of natural and technogenic character [1].

When studying the National report on a state of environment of Republic of Belarus some indicators of quality of environment and level of the existing ecological threats in Republic of Belarus attract attention. It is necessary to carry to the most serious environmental problems of the country: radioactive pollution of environment, pollution of water objects and ground waters, reduction of rare species of animals and plants.

So, annually the volume of gross emissions of the polluting substances in atmospheric air in Republic of Belarus makes more than 1,3 million tons, in reservoirs more than 900 million cubic meters of the sewage containing the polluting substances are taken away, more than 1 million tons of dangerous wastes of production is formed, pollution of lands chemicals in some territories considerably exceeds the established standards [2].

It should be noted that the condition of surrounding environment in many respects depends on how the ecological legislation is executed. In other words, exact performance of such legislation by all without exception by government bodies, public organizations, subjects of managing, and also citizens promotes rational use of natural resources, improvement of surrounding environment, ensuring ecological safety.

In Republic of Belarus there was a certain system of ensuring ecological safety including:

1) bodies of the general competence to which are carried the President of Republic of Belarus, the Government of Republic of Belarus, local executive administrative organs;

2) bodies of interindustry competence. Depending on the volume of coordination powers in this group of subjects are allocated: a) bodies of direct management of the sphere of the ecological relations (Ministry for Protection of the Environment and Natural Resources, Ministry of Emergency Situations); b) the bodies coordinating activity of subjects concerning ecological safety within other branches of management (Ministry of Agriculture and Food Production, the Ministry of Energy, Minleskhoz, KGB, the State Property Committee, Gosstandart);

3) bodies of branch competence (Ministry of Health, Minstroyarkhitektura, the Ministry of Internal Affairs, Minzhilkomkhoz, Ministry of Transport, the State inspectorate of protection of an animal and flora at the President of Republic of Belarus) [3, p. 13].