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LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?:

Summaries of the papers of the International Scientific and Practice Conference (Dnipro, London, October 11th, 2023) held by Dnipro Humanitarian University, University of Roehampton and the University of Westminster with the assistance of St. Mary's University, Twickenham.

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Editorial Board

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Framing the Future: Ethical AI Regulation and Innovation in a Globalized World

This paper proposes to explore the legal and policy challenges posed by the regulation of Artificial Intelligence (AI) in a globalized world. The rapid advancement and widespread adoption of AI technologies have transcended geographical boundaries, prompting the need for a comprehensive legal framework that can effectively address the challenges posed by AI. This paper aims to examine how national and international law should protect and realize rights in the face of AI's proliferation across international borders. The following key will be discussed: 1. The Implications of Globalization for AI: This section will analyse the legal issues arising from the globalized deployment of AI and assess the effectiveness of existing legal frameworks in regulating AI technologies across different jurisdictions, such as the EU AI Act. 2. Protecting Rights in the Digital Age: This section will examine the challenges of safeguarding legal rights within both judicial and non-judicial procedures in the context of AI, including issues of privacy, data protection, algorithmic bias, and accountability. 3. International Cooperation and Harmonization: This section will explore ideas and initiatives aimed at promoting legal rights realization and facilitating collaboration among nations to address the global challenges posed by AI, with emphasis on the issues of regulatory competition and the extraterritorial effect of AI regulation. In conclusion, this paper will contribute to the broader conversation on AI regulation in a globalized world, providing insights into how global law should be framed to ensure the protection and realization of rights in the coming decades.

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Causes and consequences of the migration movement in Ukraine

Ukraine, as well as European countries, is experiencing the largest migration crisis since the Second World War due to Russian full-scale invasion of Ukraine in 2022. Many of internally displaced persons from Ukraine have fled to European countries to save their lives and their families. Since the beginning of the aggression of the Russian Federation, the UN estimates that 4.8 million people have left Ukraine and never returned.² According to the International Organisation for Migration (as of 05.05.2023)³, there are 7.1 million internally displaced persons in our country.

² <https://www.epravda.com.ua/columns/2023/04/17/699148/>

³ <https://ukraine.iom.int/uk/dani-ta-resursy>

Active migration due to the hostilities in Ukraine has a significant impact on the population decline in our country. Demographers suggest that the population of Ukraine is gradually decreasing and is estimated at 34-35 million. The longer the war, lack of housing and jobs in Ukraine lasts, the longer our citizens, including women and children, will stay abroad, where they will adapt and try to stay there forever.

The problem of forced migrants needs to be addressed now. In the public sphere, this debate is discussed in several dimensions.⁴

The first is the creation of additional benefits for returning (large payments from the state budget or tax benefits for those who return).

The second is security (in its broadest sense) and improving the quality of life. Usually, the need to reduce the tax burden and improve the quality of education, healthcare and social security is discussed.

The third is the creation of a "dream state". This aspect usually lists reforms ranging from the rule of law to demonopolisation.

Experts note that these tasks need to be narrowed down. For many citizens, migration was forced. And they are ready to return, having at least minimal advantages of Ukraine. To do this, the conditions of necessity and sufficiency must be met. Necessary conditions: physical security and economic stability. The success of the Ukrainian Armed Forces, the sustainability of the energy sector, a stable economy, and declining inflation will stimulate the growth in the number of our citizens returning shortly. Sufficient conditions: prospects for improving living standards. Firstly, it is a recovery plan. Its parameters should be developed and announced before the victory. It includes both employment opportunities and the realisation of entrepreneurial opportunities. The role of the regions, which must compete for labour, should be significant.

At the same time, one of the problematic issues is the illegal transfer (deportation) of Ukrainian citizens from the temporarily occupied territories to Russian Federation. Thus, the Russian Federation illegally took 2,161 orphans from Ukraine (in total, the Ukrainian side is currently aware of more than 16,000 children illegally taken to Russia). The process of returning such children is carried out on a case-by-case basis. It is very complicated and time-consuming. Sometimes the search, all the necessary procedures and the journey take several months. In this way, 327 children have already been returned from the territory of the Russian Federation.⁵ Today, the Russian occupiers continue to force passport registration of the population of the temporarily occupied territory. In this context, it should be noted that the president of the Russian Federation signed⁶ a decree that provides for the deportation of residents of the occupied territories of Ukraine without a Russian passport. The document stipulates that by 1 July 2024, people must decide whether to become citizens of the Russian Federation or declare that they do not wish to do so; those who

⁴ <https://nv.ua/ukr/opinion/ukrajinci-za-kordonom-golova-nbu-pro-te-yak-povernuti-tih-hto-vijhav-v-yevropu-ta-ssha-50321422.html>

⁵ <https://ua.news.ua/ukraine/vereshhuk-ozvuchyla-shemu-vozvrashhenyya-nezakonno-deportirovannyh-v-rf-ukraynskyh-detej>

⁶ <https://t.me/+dWr24L7UeW8yNDQ6>

choose the second option will be considered foreigners and may be deported. At the same time, on 17 May 2023, the state duma of the Russian Federation adopted amendments to the law "On martial law", which allowed forcible eviction of Ukrainians from the territories where martial law was introduced by the occupiers (currently, the Russian authorities have introduced martial law in all temporarily occupied territories of Ukraine, except Crimea). Also in March 2023, the state duma of the Russian Federation adopted a law according to which Ukrainian citizens who received Russian passports in the temporarily occupied territories of Ukraine may renounce Ukrainian citizenship after submitting a relevant application to the Russian authorities.

In this way, Russia is trying to legitimise the attempted annexation of the occupied Ukrainian territories and the illegal passport registration of their residents. This act of the state duma of the Russian Federation grossly violates Ukrainian legislation and international law. The procedure for renouncing Ukrainian citizenship is clearly defined by the current legislation of Ukraine.

The results of a survey on the ways in which Ukrainian citizens leave the country show that 23 percent of respondents went abroad for volunteer activities; 23 percent – by providing illegal benefits to authorised employees of state bodies; 16 per cent – by registering disabilities, including fictitious ones; 15 percent – accompanying a close person who is disabled.⁷

In the area of illegal migration, attempts to illegally travel to foreign countries by Ukrainian citizens of military age continue to be widely observed, potentially leading to the emergence of new corruption components in the activities of national institutions and negatively affecting the formation of the mobilisation reserve of the defence forces. To this end, "evaders" continue to use the services of criminal groups and individuals – organisers of illegal migration networks – and try to cross the state border, in particular, 1) at the state border crossing stations using counterfeit documents; 2) outside the state border crossing stations; 3) at the border crossing stations concealed from border and customs control (in the pre-arranged secret place of motor vehicles or railways).

Illegal schemes are mainly based on the forgery of documents that give the right to legally cross the border, namely:

- persons liable for military service have documents that become the basis for their entry into the "Shlyakh" system (as if for humanitarian aid transportation from abroad for the needs of the defence forces, as drivers engaged in international transportation of goods, etc;)
- obtaining fictitious disability documents that allow a disabled person and a person accompanying them to illegally cross the border of Ukraine;
- obtaining fictitious conclusions of the military medical commission on temporary unfitness for military service and granting persons a deferral from conscription, which is the basis for their unimpeded crossing of the border of Ukraine, etc.

⁷ Опитування проведене Українським інститутом майбутнього. URL : <https://news.uifuture.org/ocinka-migraciy-nikh-procesiv-ta-nastr/>

The “Shlyakh” information system devotes special attention, as offenders began to use it for illegal purposes after the entry into force of the Government's resolution⁸ amending the Rules for Crossing the State Border by Citizens of Ukraine (approved by the Cabinet of Ministers of Ukraine on 27 January 1995, No. 57) in terms of allowing persons liable for military service to cross the border if they are transporting humanitarian aid, medical supplies, etc.

In order to take targeted, systematic and comprehensive measures to counteract the functioning of illegal migration channels in wartime, the following points are advisable:

- improving the "Shlyakh" system, including by limiting the number of direct performers who have the right to enter information into it;
- implementation of preventive measures to identify potential violators of the law at the stage of decision-making on their departure by the relevant agencies;
- intensification of international cooperation (in particular, with the EU countries neighbouring Ukraine), their law enforcement and regulatory authorities, in order to improve the functioning of the migration control system;
- taking measures to identify organisers and accomplices of migrant smuggling;
- ensuring the (technical, operational, physical and informational) strengthening of the state border protection, including through the introduction of new technologies, technical re-equipment and appropriate training of the service personnel.

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Ensuring the human right to mental health in the context of war in Ukraine

Health is a natural and inalienable human good and the highest social value, on the basis of which all other benchmarks and benefits of society are formed, defined and evaluated. Society can achieve sustainable development only if its members are healthy. Public health is one of the main factors of national security and well-being of the state. The state of individual and public health is the key to harmonious relations in society, so taking care of health is a vital necessity for every country in the world.

The right to health is a fundamental right of every person, regardless of race, religion, political beliefs, gender identity, ethnic and social origin, property status, place of residence, language or other characteristics. When we talk about human health, we often mean only physical health without taking into account its mental component. At the same time, mental health is an integral part and an important component of a person's general health and well-being. Physical health cannot exist without mental health, because it is the basis for the development and formation of the individual and society in general. Economic resources, physical, spiritual and

⁸ Постанова Кабінету Міністрів України від 20 травня 2022 р. № 615 “Про внесення змін до постанов Кабінету Міністрів України від 27 січня 1995 р. № 57 і від 3 березня 2022 р. № 194”
[<https://zakon.rada.gov.ua/laws/show/615-2022-%D0%BF#Text>].