

Mechanisms For Implementing Housing Integrity in Foreign Countries

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Abstract

In the modern world, the issue of ensuring the inviolability of the home occupies a central place in the legal systems of various countries. The inviolability of the home is a fundamental human right recognized by many international documents. In this article we will analyze the mechanisms for ensuring the inviolability of the home in several foreign countries, identifying similarities and differences in their approaches to this problem.

Keywords: *inviolability of the home, legal framework, protection mechanisms, judicial procedures, technological means, video surveillance, social support systems, comparative analysis.*

INTRODUCTION

Home security is an important aspect of human rights and an essential component of a just society. In world practice, there is a variety of approaches to ensuring this right, and its effective implementation depends on legal, social and cultural contexts.

In most foreign countries, the inviolability of the home is recognized and protected by law. For example, the European Convention for the Protection of Human Rights and Fundamental Freedoms clearly states the right of everyone to respect for their private and family life, including the inviolability of their home.

Mechanisms to ensure the inviolability of the home

1. Constitutional provisions: In many countries, the right to privacy of home is enshrined in the constitution. This means that it has the highest legal force and any laws that contradict it must be declared invalid.

For example, according to Article 25 Constitution of the Russian Federation: "Dwelling is inviolable. No one has the right to enter a dwelling against the will of the persons living in it, except in cases established by federal law, or on the basis of a court decision."

In the United States, the Fourth Amendment to the Constitution: "The right of the people to the safety of their persons, dwellings, papers and property against unreasonable searches and seizures shall not be violated..."

In Canada, section 8 of the Charter of Rights and Freedoms: "Every person has the right to the inviolability of his person, your home, their belongings and their means of communication..."

2. Legislation: In addition to constitutional provisions, a number of countries have special laws dedicated to the protection of the home. These laws may contain detailed rules about when and how home invasion may occur. For example, in the Housing Code of the Russian Federation, Article 17 establishes the rules for entering residential premises, including:

- with the consent of the residents;
- in case of fire, natural disaster, accident;
- to prevent crime;
- to ensure safety during mass events;
- in other cases provided by law.

3. Judicial practice: courts play an important role in protecting the right to privacy of home. They can consider complaints of illegal entry into a home and make decisions on compensation for damage caused. European Court of Human Rights: "In the case of *Cyprus v. Turkey*, the Court held that the right to security of the home is one of the fundamental human rights protected by the European Convention for the Protection of Human Rights and Fundamental Freedoms."

4. Administrative procedures: In some countries there are special administrative procedures that must be followed before entering a home. These procedures may include obtaining a warrant from a court or authorization from a prosecutor. Administrative procedures provide additional protection against arbitrary intrusion.

5. Civil remedies: In case of illegal entry into a home, the person whose rights were violated may apply to the court for compensation for the damage caused. In the event of illegal entry into a home, the person whose rights were violated may apply to the court for compensation for damage caused.

6. CCTV Systems and Technological Facilities : With the advancement of technology, a number of countries are using modern technologies such as CCTV systems to ensure home security while maintaining privacy norms.

7. Social support systems : Some countries provide social support for families to ensure stable living conditions, which promotes the integrity of the home.

The main international acts devoted to the protection of the right to inviolability of home:

- Universal Declaration of Human Rights (1948) Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence." The purpose of this rule is to protect the individual's right to private life, free from unauthorized interference by the state or other persons. As well as ensuring individual autonomy in the sphere of personal and family relationships. Protect the confidentiality of your home and correspondence.

- International Covenant on Civil and Political Rights (1976) Article 17: “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence. 2. Everyone has the right to the protection of the law against such interference or encroachments.”
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) Article 8: “1. Everyone has the right to respect for his private and family life, his home and his correspondence. 2. There shall be no interference by public authority with the exercise of this right, except where such interference is prescribed by law and is necessary in a democratic society in the interests of national security or public order, the economic welfare of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”
- Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms (1963) Article 2: “1. No one shall be deprived of the right to liberty and security of his person except in the cases provided for in this article and in accordance with the provisions herein procedures . 2. No one may be arrested or detained except in cases provided for by law and in accordance with the procedures provided for by law.”

Clarifications and Interpretations

Human Rights Committee. The Human Rights Committee, in its General Comment No. 19 (1989) on Article 17 of the International Covenant on Civil and Political Rights, explained that the right to security of the home includes:

- protection from physical intrusion into the home;
- protection from wiretapping and other forms of surveillance;
- protection from the collection of information about a person’s private life.

European Court of Human Rights. In its practice, the European Court of Human Rights has made a number of important decisions regarding the right to inviolability of the home. In particular, the court ruled that:

- the right to inviolability of home is one of the fundamental human rights;
- interference with this right can only be justified in exceptional cases;
- the state must provide effective guarantees for the protection of this right.

In conclusion of the article, it can be noted that the inviolability of the home plays a key role in modern society, recognized and protected by many international and national regulations. Constitutional provisions, laws, jurisprudence, administrative procedures and civil remedies are important mechanisms for ensuring this right.

Constitutional guarantees in various countries emphasize the highest status of the right to the inviolability of the home and the mandatory observance of this right before the law. Statutes, in turn, establish detailed rules governing home invasions, taking into account various scenarios such as emergency situations or crime prevention.

Jurisprudence, especially decisions of international courts, emphasizes the fundamental importance of the right to home security and sets standards for assessing the legality of interference

with this right. Administrative procedures and civil remedies complement the home security system by providing citizens with additional tools to protect their rights.

Technological tools, such as video surveillance systems, and social support are also important elements in ensuring home safety and stable living conditions.

In general, a comparative analysis of mechanisms for ensuring the inviolability of the home in different countries allows us to identify general trends and unique features of approaches. Further research in this area may help develop more effective strategies to protect this fundamental human right in different contexts.

Mechanisms for ensuring the inviolability of home in foreign countries are a complex system, including legal, technological and social aspects. Understanding these mechanisms will inform more effective approaches to home security in different cultural and legal contexts. Future research could explore the effectiveness of existing mechanisms and develop new approaches to ensure this important human right.

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