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ПОДРОБНЕЕ

IV. SOCIO-ECONOMIC AND POLITICAL-LEGAL ASPECTS OF INFORMATION

HUMAN AND CITIZEN RIGHTS TO INFORMATION: EVOLUTION OF INTERNATIONAL STANDARDS

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Summary. The article examines the process of formation of international legal norms related to the protection of human and civil rights to information in international constitutional law and public law. The author analyzes the international legal documents devoted to this problem, and comes to the conclusion that in most countries there has been a liberalization of legislation in the field of access to information. In connection with the rapid growth of information technology, the trend towards greater openness will grow.

Keywords: international law; information; information society; Charter of the global information society; transformation of public institutions; international legal documents; human and civil rights.

International standards of human and civil rights to information are expressed in international legal norms. The relationship of such norms with the norms of national legal systems has a double character. On the one hand, they are influenced by «national legal systems that are reflected and taken into account in the foreign policy and diplomacy of states» [8, p. 12]. On the other hand, legal consciousness, which is formed as a result of constant interaction between different states, has a great influence on the formation of international law. It corresponds not to the subjective will of the people, but to the objective factors of social development. In turn, international law also influences national legislation. In some states, ratified international treaties automatically become part of national legislation. Since the subjects directly subordinate to the norms of international law are the official state bodies, and not individuals and legal entities, the actual implementation of international obligations within the state can be achieved only by transforming international legal norms into national laws and regulations [7, p. 39].

Thus, international law is formed on the basis of those norms of national legal systems that have developed on the basis of certain social relations and have already proven the effectiveness of their action. In turn, the emergence of certain norms in national legal systems may be due to the ratification by one or another state of international legal documents. Therefore, when we talk about international standards of a particular law, one should bear in mind not only the norms enshrined in international legal documents, but also the most progressive

norms of national legislation that are able to most fully regulate social relations arising in this or that historical stage.

In most of developed countries, with the participation of political leaders, progressive governments and financial support of transnational corporations, programs for the formation of the information society are being implemented; concepts of the transition to the information era, plans for participation in the transformation of public institutions adopted by the international organizations UN / UNESCO, the World Bank, the World Trade Organization, the Organization for Economic Cooperation and Development, the Council of Europe, the European Union, the European Bank for Reconstruction and Development, the OSCE, The Central European Initiative and other international and regional governmental and non-governmental institutions. The concepts are based on the definition of the information society strategy, the main provisions, conditions and priorities of international, regional and national information of another policy, formulated political, legal, socio-economic, cultural and technological prerequisites for the transition to an information society [11, p. 39].

In the Universal Declaration of Human Rights of 1948, the term "information" was used for the first time, while in the legislation of most states, the terms "opinion" and "thought" were used. In addition, this document clearly outlined the range of actions that a person could carry out in relation to information. That is, he could seek, receive and distribute it by any means, regardless of state borders. In the early 1950s, in the constitutions of a number of countries, the right to information also appears as an element of freedom of speech and printing or freedom of expression. It was guaranteed, for example, in Part 1 of Art. 5 of the Basic Law of the Federal Republic of Germany of May 23, 1948. In it, the right of citizens to information was an integral element of freedom of speech and press. «Freedom of the press and freedom of information through radio and cinema are guaranteed», – this article reads [4, p. 139].

In the 50s, few countries adopted the provisions of the Universal Declaration of Human Rights (1948) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) about information in their constitutions. The human right to information in most countries existed as an element of freedom of expression, freedom of speech and press, moreover, it meant to a greater extent scientific, cultural and other types of information, except official, and the term "information" was almost never used anywhere. The only country in which during this period a law was passed that allowed citizens access to information about the activities of state bodies and their officials was Sweden.

In countries with a common law system (Australia, UK, USA, Canada), many of the rights of citizens are usually enshrined in special laws, since some of them (Australia, UK) do not have a single written constitution. But until the 60s in the laws of these countries there were no norms that obliged state bodies and their officials to provide citizens with the information they need. In the USA and Canada until the 60s, there were only laws on state secrets, which allowed

some cases of public access to official documents as an exception. Moreover, in the United States, this access could be opened only if necessary, the presence of which had to be proved, and the desire of state bodies and officials to hide any information was encouraged [2, p. 32].

In other countries with a common law system, such laws still do not exist, and all relations in this area are regulated on the basis of judicial precedents (Australia), including problems related to the implementation of freedom of speech and press, in which it was previously accepted to include the right person and citizen for information [1, p. 139].

In the late 70s and 80s, freedom of expression, in the form in which it was proposed in the European Convention for the Protection of Human Rights and Fundamental Freedoms, was enshrined in the constitutions of 124 countries of the world. In some countries, the right to information was enshrined as an independent institution (Spain, France – 1978; Great Britain – 1985; Brazil – 1988) [3, p. 39].

However, not all of the above-mentioned legislative acts mentioned the right to personal access of citizens to government information. The main factor limiting their access to information on the activities of state bodies in all countries is state secrets. The list of information that composes it is approximately the same in all countries. This was primarily information received by officials, exclusively as a result of official activities. The storage of information could be justified by the interests of maintaining public peace, order and security, the country's defense, international relations, as well as economic interests, the requirements for preparing decisions of an administrative body [9, p. 14].

Some countries, such as Canada and the United States, have privacy laws. They regulate both the procedure for obtaining certain information about individuals and the procedure for familiarizing individuals with information about them held by state bodies. These laws have their own peculiarities. For example, the Privacy Act of 1974 in the United States provides for the obligation of officials in certain cases to notify citizens of the availability of information about them to public authorities. In accordance with these laws, persons whose information is a subject to access by other persons must be warned in advance of its opening and have the right to judicial protection. Information, related to the personal life of a citizen is strictly protected by law. If state bodies want to receive any information about a citizen, they are obliged to notify him of where and how it will be stored and used [10, p. 74].

It should be noted that, although neither the Universal Declaration of Human Rights, nor the European Convention for the Protection of Human Rights and Fundamental Freedoms said anything about the human right to government information, these were the only international acts that gave impulse to the emergence of this right. Many countries, including Russia, have transferred the norms of 19 articles of the declaration and 10 conventions into their national legislation. The citizen's right to information as an element of freedom of speech was also enshrined in the International Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families (Part 2, Article 13), adopted by a resolution of the UN General Assembly on December 18, 1990.

In Russia, before the collapse of the USSR, the provisions of the Constitution of the RSFSR were in force, which in many respects repeated the provisions of the union constitution. They did not find a reflection of the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950). Even such freedoms as freedom of speech and press, assembly and rallies, street marches and demonstrations were only listed, but their content was not explained [12, p. 173]. The formalization of the right of a person and a citizen to information took place in Russia at the turn of the 80s-90s and was completed by legislative consolidation, first in the Declaration of Human Rights and Freedoms of 1991, and then in the Constitution of the Russian Federation.

The norms that secure international standards are the norms contained in international legal acts. The most progressive norms of the national legislation of other countries also play an important role. This is determined by the fact that international documents include norms that have already proven their effectiveness in practice. In turn, the recognition of such norms at the international level stimulates the emergence or further development of a certain institution of law in national legislation. So it happened with the right of a person and a citizen to information.

According to the Okinawa Charter for the Global Information Society (2000), only equal access to information sources for all segments of the population can create favorable conditions for the development of society. The question of solving the problem of "information terrorism" remained unclear. Indeed, with the help of information computer technologies (ICT), it is possible to implement all the progressive ideas mentioned in the Charter, but also to create the prerequisites for the destruction of what has already been created, the introduction of "harmful" ideas into the information space, which will also penetrate the minds of mankind, the use of ICT in unscrupulous purposes (for example, commercial espionage, information warfare, etc.) [6]. The Information Society, as the Charter presents it, allows people to use their potential more widely and realize their aspirations free exchange of information and knowledge, mutual tolerance and respect for the characteristics of other people.

It is necessary to state the obvious liberalization of the law and policy in the field of access to information over the past decades. In 40 states, legislative acts on access to state information resources were adopted, in others with relevant legislative experience, the existing laws on access to information have been significantly changed due to the development of information technologies and the general trend towards ensuring transparency in the functioning of government. institutes. However, in general, the interest of society in the informational openness of the authorities has not decreased. Moreover, the problem of ensur-

ing such openness is of particular importance in connection with the international legal establishment of the right to information.

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КРЫМ С ДРЕВНОСТИ И В РАННЕМ СРЕДНЕВЕКОВЬЕ

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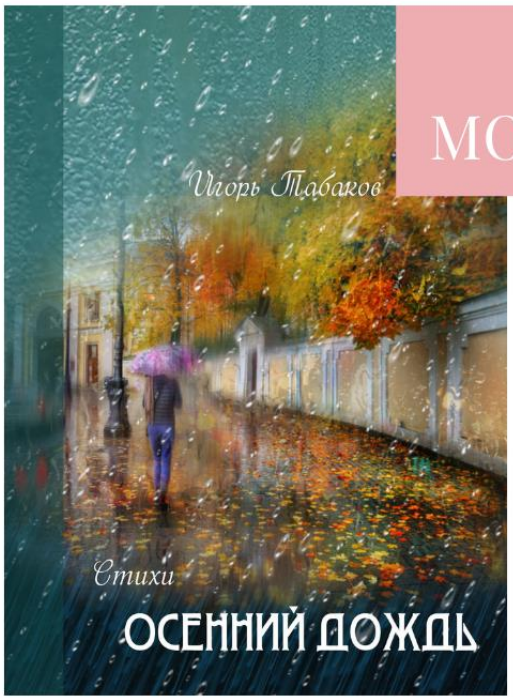
Summary. The article describes the people of Eurasia - the Scythians. The Scythians are a warlike people. Their culture, occupations, and everyday life are described.

Keywords: history; Scythians; people of Eurasia.

Народы Евразии самобытны и представляют интерес среди историков и исследователей и в наше современное время. Одним из таких народов является сильный и храбрый народ, воинственный, имеющий соб-



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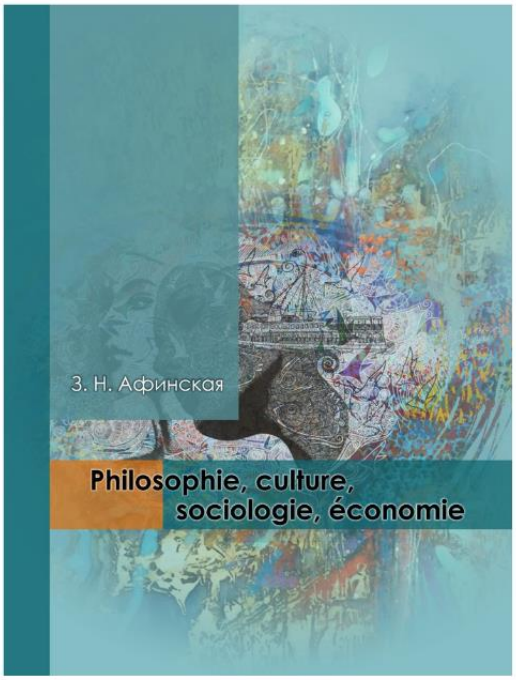

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