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GENERAL ASPECT ON HUMAN SECURITY IN THE WORLD AND IN TURKEY

The concept of human security is a recently formed notion, even though the term «security» is effective since the beginning of the nation state. Before the term human security was accepted globally late in 20th century, the accepted view was the concept of the security of states, which was based on the policy of defending the territorial integrity of the state. In 1990s, the actions of international community and organizations such as United Nations began to put the security of people under protection as well as the security of states, even if the actions conflict with the interests of the state [1]. The circumstances back then caused the exigency of international and national regulations and treaties that protect the people, and such regulations constitute the base of these actions.

Human security is a people-centered and a universal concern. Its priority is to protect people, and promote peace and assure development of legal systems in the meantime [2]. The UN Commission on Human Security describes the term human security in its final report as «to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human Security complements state security, strengthens human development and enhances human rights [3].» Human security means protecting fundamental freedoms, protecting people from severe and widespread threats and situations.

In 1994, Human Development Report of the United Nations Development Programme has defined seven types of human security threats and seven areas; which are economic security, food security, health security, environmental security, personal security, community security and political security [4].

However, there are discussions about how the scope of human security should be understood. The objective of human security is commonly acknowledged as the safety and survival of people. «Freedom from Fear» is a narrow opinion which relies upon this objective only; it focuses on the freedom from fear of physical violence and suggests the scope should be limited to protecting people from violent conflicts. This opinion contains human rights, humanitarian law and refugee law as ways to provide human security. «Freedom from Want», on the other hand, is the second opinion which suggests widening the limit and counting hunger, diseases and environmental contamination, because these represent even larger security threats for people [5]. Besides human rights, this opinion contains labour law and emergency aid.

Nevertheless, these views are rather theoretical than practical, mere tools for analyzing the term and the situations. In my opinion, to see the concept of

human security wider than only physical violence like crime and terrorism is a more beneficial view for the people, although it is complex and difficult for countries and international figures to perform in practice.

Most states and international organizations have been trying to provide human security in the past years after the Human Development Report. Apart from conventions which aim to grant general protection on human rights and human lives such as European Convention on Human Rights, there have been dozens of treaties signed by the states, with the UN leading the way. Treaties about refugees, global warming, disarmament, nuclear weapons, and labour are signed by most of the countries and aid corridors are held by international organizations between the years. Having specified that, signing treaties are not enough to provide the human security; the treaties signed must also be applicable in the countries. A state cannot be known as defending security of people, without actually making amends for it.

Since 1990s, Turkey has recognized the term human security internationally and developed its legislation in accordance with it. Turkey is a party to the European Convention on Human Rights, one of the founding members of the Council of Europe, a party to the United Nations, a member of the Organization for Security and Cooperation in Europe and making legal reforms according to these and the observations of other organizations. In the last two decades, there have been reforms on Turkish Criminal Law, Turkish Civil Law, the Constitution, Anti-Terror Law, Immigrants Law, and the Human Rights Institution of Turkey has been established [6]. A member of International Labour Organization, Turkey has ratified 59 Conventions on the subject [7]. Furthermore, Turkey has been holding humanitarian aid to foreign countries in need [8].

To sum up, human security is a fundamental concept, yet it is only discussed and trying to be improved since the 1990s. Human security is in relevance with terms like human rights, development and state security. There are different views on the scope of the concept of human security; however there are treaties assigned under each one of them. And as much as signing such treaties, it has great importance to implement them.

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НОРМАТИВНИЙ ЗАХИСТ ПРИВАТНОСТІ ТА РЕГЛАМЕНТАЦІЯ ВТРУЧАННЯ У ПРИВАТНЕ СПІЛКУВАННЯ

Останні події у зовнішній політиці України є чіткими ознаками тяжіння до колективних структур безпеки, економічного та правового простору європейського співтовариства. Зрозуміло, що крім низки нових можливостей процес інтеграції та поглиблення співпраці передбачатиме й зворотній бік – неминучість реформування й гармонізації положень національного законодавства з певними загальноприйнятими в європейській спільноті еталонами. Це свідчить на користь того, що проблема відповідності вітчизняного досвіду регламентації втручання у приватне спілкування європейським стандартам має безпосередній зв'язок із важливими науковими і практичними завданнями, є своєчасною та актуальною.

Зважаючи на цю обставину, необхідним є висвітлення нормотворчої практики Ради Європейського Союзу (далі – Рада ЄС) в контексті регулювання відносин між правоохоронними органами та провайдерами телекомунікаційних послуг щодо виконання запитів на втручання у приватне спілкування.

Починаючи з середини 90-х років минулого століття Рада ЄС час від часу зверталася до питань захисту прав на приватність в контексті розвитку новітніх технологій. Базовими нормативними документами, які дають змогу ознайомитися зі стандартами Ради ЄС щодо регулювання