

as in Ukraine in spite of raising the level of informatization and informational literacy of Ukrainian society, the level of its information culture remains low, and the question of an adequate level of security in the information sphere remains open today [5, p. 140].

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LEGAL ASPECTS OF RIGHT TO LIFE

Every human has an honorable value for being born and exists as a social and biological being. Because of this existence, every human is legally recognized as a person and vested with inalienable and non-assignable rights by law, which include fundamental rights and freedoms. As most of these fundamental rights and freedoms are guaranteed by the constitutions of countries, a large amount of them are covered by international conventions and court practices. Right to life basically describes a person's right to live and although there cannot be a comparison of importance between human rights, it is considered as the prior fundamental and inalienable right among others. To exemplify, in a case where a person's right to life is violated, it would not matter whether their right to fair trial is protected.

Even though its importance is indisputable, the concept and context of right to life only evolved with the development of human rights. The term of right to

life has been on international documents since the 13th century, as the first document known that mentioned the right is Magna Carta Libertatum. However, the definition of this right which contains the meaning as is used today has first appeared in UN Universal Declaration of Human Rights (1948), then followed by European Convention on Human Rights (1950), UN International Covenant on Civil and Political Rights (1966), American Convention on Human Rights (1969), African Charter on Human and Peoples' Rights (1981) and European Union Charter of Fundamental Rights (2000).

Article 2 of the European Convention on Human Rights has the widest range of application of determining the meaning of right to life and is the basis of most international instruments as well as the constitutions of countries. The article explains the right as: "1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. 2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection." As it is understood by the article, it is an obligation for the countries to legally protect every person's right to life [1].

The only exceptions for the violation of this right are also listed in the article specifically and must be interpreted strictly. For instance, in the case of *Berü v. Turkey*, the case concerned the death of a child in an attack by stray dogs, which were already known to be dangerous, the Court found no violations of article 2 and decided that "the series of incidents that had already taken place before the fatal attack were not sufficient for the Court to find that the authorities had had a "positive obligation" to take preventive measures. There was no evidence that the authorities knew or should have known that there was an immediate risk to the girl's life. The incident happened by chance and Turkey's responsibility could not therefore be engaged without extending that responsibility in an excessive manner [2]." However, in the case of *Kayak v. Turkey* which concerned the murder of a 15-year-old, who had been stabbed in front of a school, Court decided on the violation of article 2, declaring that the authorities had failed in their duty to ensure supervision of the school premises. As well as in *Andreou v. Turkey* case which concerned a British national shot and injured by Turkish armed forces during tensions at the United Nations buffer zone in Cyprus, it was decided that Turkey has violated article 2, that the use of potentially lethal force against the applicant had not been "absolutely necessary" and had not been justified by any of the exceptions permitted under Article 2 [2].

Right to life is a right which a person has for being a human, and it is included among the rights of status negativus [3]. In Turkish laws, right to life

first appeared in the Kanuni Esasi, the first Constitution, and has been on each of the Turkish Constitutions ever since the first 1921 Constitution of Republic of Turkey. The current constitution includes the right to life under Chapter 2: Rights and Duties of the Individual, Article 17: Personal inviolability, corporeal and spiritual existence of the individual. According to the article, “Everyone has the right to life and the right to protect and improve his/her corporeal and spiritual existence. The corporeal integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law; and shall not be subjected to scientific or medical experiments without his/her consent. No one shall be subjected to torture or mal-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity.” The exceptions of the right are also listed limitedly in the last sentence of the article: “The act of killing in case of self-defense and, when permitted by law as a compelling measure to use a weapon, during the execution of warrants of capture and arrest, the prevention of the escape of lawfully arrested or convicted persons, the quelling of riot or insurrection, or carrying out the orders of authorized bodies during state of emergency, do not fall within the scope of the provision [4].”

The definition and conditions of right to life in article 17 of 1982 Constitution are similar to the article 17 of ECHR. However, there are lackings in normative standards regarding effective inquiries about the issue and misimplementations of the Government. The Turkish Criminal Code regulates the violations of this right in accordance to art. 17 while Turkish Civil Code determines the beginning point of the right. There are also special laws about the scope of the Government’s obligations, the obligations of medics, and approach to euthanasia. It should also be mentioned that death penalty has been abolished under all conditions in Turkey with the constitutional amendments in 2004. In any case, new regulations in accordance with the principles of the ECHR are needed for better implementations and protection of the right to life.

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