

²¹ Селезень П. О. Концепція належного управління у сфері оподаткування: сучасні виклики / П. О. Селезень // Право і суспільство. – 2015. – № 5.2. – Ч. 2. – С. 161–166. – С. 165.

²² Introducing the Financial Secrecy Index / Tax Justice Network : [Електронний ресурс]. – Режим доступу : <http://www.financialsecrecyindex.com/introduction/introducing-the-fsi>

Резюме

Лепетюк О. В. Роль рекомендацій Європейської Комісії як актів «м'якого» права у контексті забезпечення дотримання третіми державами мінімальних стандартів належного управління у сфері оподаткування.

У сучасній практиці Європейського Союзу значного поширення набуло використання актів «м'якого» права, до яких, зокрема, можна віднести і рекомендації Європейської Комісії. Оподаткування стало однією зі сфер, у якій Європейська Комісія використала можливість прийняття власних рекомендацій, особливо у контексті забезпечення дотримання мінімальних стандартів належного управління у сфері оподаткування. Разом із тим використання рекомендаційних норм може бути пов'язане з такими викликами, як надмірна широта та формалізм формулювань, неузгодженість з аналогічними вимогами інших міжнародних органів та організацій тощо, що можуть потенційно негативно впливати на рівень їх дотримання адресатами таких норм.

Ключові слова: рекомендації Європейської Комісії, належне управління у сфері оподаткування, Європейський Союз, «м'яке» право, оподаткування.

Резюме

Лепетюк А. В. Роль рекомендаций Европейской Комиссии как актов «мягкого» права в контексте обеспечения соблюдения третьими государствами минимальных стандартов надлежащего управления в сфере налогообложения.

В современной практике Европейского Союза значительное распространение приобрело использование актов «мягкого» права, к которым, в частности, можно отнести и рекомендации Европейской Комиссии. Налогообложение стало одной из сфер, в которой Европейская Комиссия использовала возможность принятия собственных рекомендаций, особенно в контексте обеспечения соблюдения минимальных стандартов надлежащего управления в сфере налогообложения. Вместе с тем, использование рекомендательных норм может быть связано с такими вызовами, как чрезмерная широта и формализм формулировок, несогласованность с аналогичными требованиями других международных органов и организаций и т.д., которые могут негативно повлиять на уровень их соблюдения адресатами таких норм.

Ключевые слова: рекомендации Европейской Комиссии, надлежащее управление в сфере налогообложения, Европейский Союз, «мягкое» право.

Summary

Lepetjuk O. Role of the European Commission's recommendation as act of soft law in the context of encouraging third countries to apply minimum standards of good governance in tax matters

The instruments of soft law have become very popular in modern practice of the European Union, among which are the European Commission's recommendations. Taxation is one of the areas of cooperation in which the European Commission has realized its right to adopt recommendation, especially on the issues of measures on encouraging third countries to apply minimum standards of good governance in tax matters. Nevertheless, the usage of form of recommendation might determine such challenges as too wide and formalistic formulation of provisions, incoordination of demands of the European Union and other intergovernmental organizations and so on. Such challenges might have negative impact on the results of application of the European Commission's recommendation in the area of minimum standards of good governance in tax matters.

Key words: European Commission's recommendation, good governance in tax matters, European Union, soft law.

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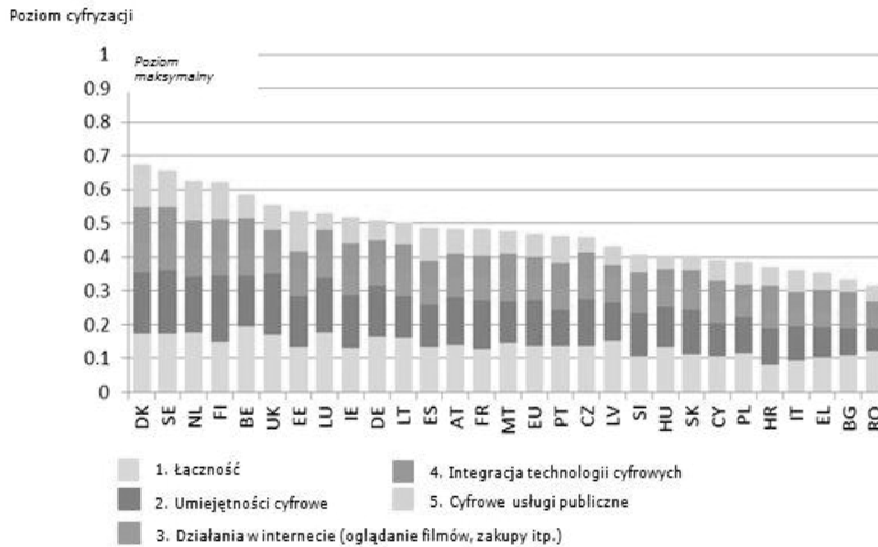
VIOLATION OF HUMAN RIGHTS IN THE ERA OF CIVILIZATION AND TECHNOLOGICAL SOCIETY ON THE EXAMPLE OF THE BALTIC STATES (LITHUANIA, LATVIA, ESTONIA)

Despite the development of civilization and social progress, human rights violations still remains a pressing problem, as an example, these disturbing phenomena can be observed in the Baltic states as BSR countries, which are one of the most technologically advanced civilization in Europe, yet in terms of respect for human rights and freedoms, these countries have still a lot of catching up to do. This paper is divided into two parts – the first of an optimistic value in which the author sets the research goal in order to show the advantages of technological development, development of digitization, and at the same time civilizational progress, while the second part has to be some kind of warning against the fact that a high level of social progress, technological and civilizational development in general, does not always go hand in hand with the observance and respect for human rights and freedoms.

1. The development of civilization and technology¹

Modern technologies, services and the use of telecommunications, data communications and multimedia are in the modern world a catalyst for economic development, increase the competitiveness of the economics, create new jobs positions, promote the development of the regions, support teaching, protect the security of the state and the citizens and the public order. The Baltic states are trying to use all of benefits arising from technological progress. The presentation of the importance and place of computerization in modern sovereign societies of Baltic states should start with an analysis of previous reports, namely the 2000 “eEurope +” or “eEurope +” from 2005². Studies up to date have led and are currently still carrying out, in this matter, by national and international agencies investigating the social opinions of the Baltic states as the entire Baltic Sea Region (BSR)³. Particular attention was paid to the analysis of the differences in the levels of technological development (ie. computerization, usage of internet, strength of telecommunications markets) in Baltic states (see Graph 1 and see Graph 2).

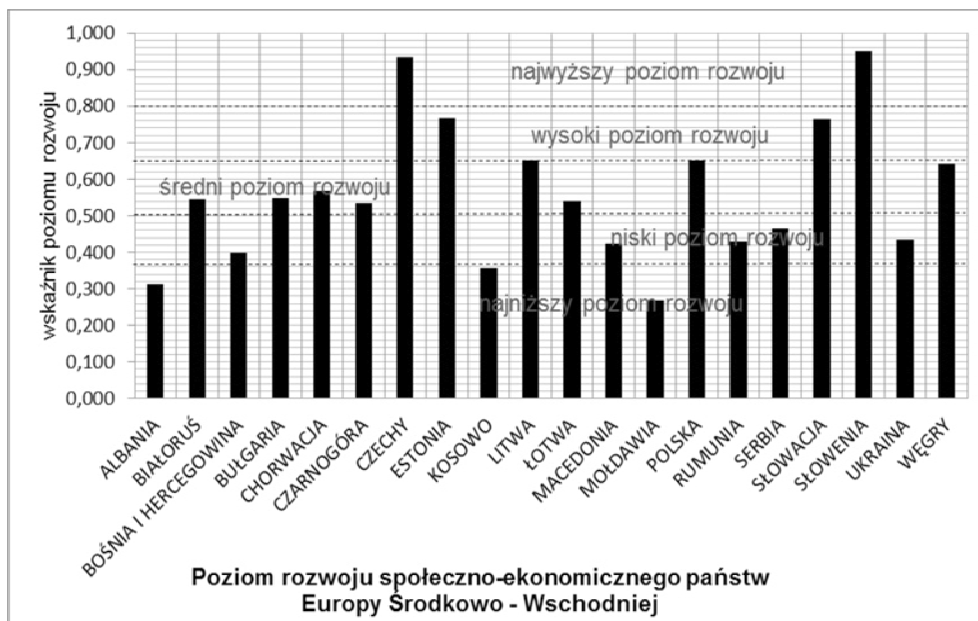
Graph 1. The level of technological development (ie. the digitization) of EU countries in 2014.



Source: The European Commission – Press release, http://europa.eu/rapid/press-release_IP-15-4475_pl.htm, Access 29.08.2015.

The above chart shows that the ratio of the digital economy and digital society today is determinant of the development of society in twenty-first century, and presented in this topic the Baltic states, as you can see, they are in a good position (eg. are before Poland).

Graph 2. Indicators of socio-economic countries of Central and Eastern Europe in relative size, the state from 2013.



Source: Z. Lach, Analysis of the level of socio-economic development and the power of the states of Central and Eastern Europe, <http://geopolityka.net/analiza-poziomu-rozwoju-spoeczno-ekonomicznego-i-potegi-panstw-europy-srodkowo-wschodniej/>, Access 29.08.2015.

It should be the occasion to mention the EU project “Europe of Knowledge”⁴; it is the heir, as well as a continuator of the above analysis of the reports. What led to the creation of the EU Strategy “Europe 2020” is the EU’s growth strategy for the period from 2010 to 2020. It includes a lot more than just a way out of the crisis, which continues to face many European countries, it focuses namely on the so-called smart growth, which means getting better results in the field of⁵:

- **education** (to encourage to the learning, study and growth of qualifications)
- **research / innovation** (creating new products and services that would boost economic growth and employment and help in solving social problems)
- **digital society** (use of information and communication technologies).

How are the Baltic states prepared to the objectives of the EU Strategy “Europe 2020”, including the implementation of so-called Smart Growth shows the report of European Commission’s from spring 2015. (see. Table 1).

Table 1. Economic situation and prospects for economic development of Lithuania, Latvia and Estonia by European Commission report of 2015.

LITHUANIA	LATVIA	ESTONIA
After a severe recession (with one of the sharpest declines in real GDP in the EU in 2009), the Lithuanian economy returned to strong and stable economic growth path. This is driven by exports and domestic demand state. After that the private investments significantly increased in the first half of 2014. In Lithuania, the labor market is recovering and also recovering the balance, so the unemployment rate is falling.	After a slowdown of economic growth in Latvia in 2014 an increase is expected again in 2015 and 2016. It is estimated that unemployment will fall over the next two years, also it is predicted that inflation will remain low in 2015 and 2016 reflecting the same price of crude oil. Imports will grow faster than exports in terms of quantity, but the current account deficit is likely to remain relatively small due to the categorization of the current trading gains. The deficit in the government sector is to continue in 2015 and 2016 and public debt is supposed to decline after 2016.	Despite the weakening of exports from trade partners in 2008 and 2009, the Estonian economy still remained very flexible, so it is expected real GDP growth and a drop in unemployment in 2016. Unemployment in Estonia, four times in raised and fell in 2009-2015, and that was partly due to the shrinking population of working age. It is expected that the public debt and the budget deficit will remain low in the coming years, and if it will grow it will be very slightly due to, eg. increasing the administrative sector wages planned for 2016.

Source: EUROPE 2020, http://ec.europa.eu/europe2020/europe-2020-in-your-country/index_pl.htm, Access 29.08.2015

To sum up. The EU intends to support *smart* growth through three initiatives⁶:

1. The European Digital Agenda wants to create a digital single market based on fast and ultra fast internet and interoperable applications.

2. Within the framework of the so-called Innovation Union, we have to confront climate change, improve energy efficiency and conserve resources, enhance services within health care and stop the negative demographic trends.

3. The youth on the move project is suppose to be a facilitation for young people in order to help them to obtaining internships and studying abroad, moreover, in order to better prepare young people to start in the labor market and improve education at all levels of education and trainings (including a high academic level and equal opportunities).

2. Social issues – organized crime

In the case of the Baltic states we are dealing with so-called international organized crime. Uniquely the development of transnational organized crime affects geographic states position. They are in fact on the so-called trade routes of international criminal organizations between sending countries, suppliers and countries-consumers.

Going back to the geography of the Baltic states, it should be mentioned here about the existing critical points of the issue, and these are, among others, long external borders of RMB to which these countries are not questionable. These borders often separate two very different types of legislation, eg. EU and non-EU countries. They cause situations in which cross-border cooperation in law enforcement (becomes time-consuming and difficult) which is fully exploited by the people connected with the criminal world. Thus, such border is conducive to the development of organized crime and illegal markets. Another convenience for fraud in this region, for eg. trade, are large traffic volumes passing through the borders and the lack of quality solutions in the logistics sector. This obliges the EU to promote and support the construction of modern regional approaches the border.

Before EU initiatives will be presented, those to eliminate the activities of transnational organized crime, it should be mentioned here about already existing types of this crime (see. Tab. 2).

Table 2. Transnational organized crime types.

Ways	Types of crime			
	Organized crime of an economic nature	Drug-related crime	Organized crime by criminal characteristics	Corruption
– VAT and excise fraud as well as undercutting public debts – crime in the capital market – crime in the banking market – insurance market crime – crime related to public procurement – crimes against copyright and related – offenses related to reactivation of pre-war companies – illicit trafficking and disposal of waste and hazardous substances – money laundering	– production – smuggling – marketing – “new drugs”	– crime with assault and criminal terror – illegal migration – human trafficking – illicit trafficking in case of weapons, munitions and explosives – crime related to the vehicle theft – forgery in the means of payments and documents – crime to the detriment of the national heritage – crimes on stadiums	– bribery – extortion – Pay favoritism or deception	– cyberterrorism – cybercrime – cyber spying – information warfare

Source: own study based on data from the National Program to prevent and combat organized crime for 2012–2016, the Department of Analysis and Surveillance of Ministry of Internal Affairs, Warsaw 2012, pp. 12–13⁸.

A series of measures to eliminate international organized crime, the European Union implements by four components. The first stage action would be the rating of State OCTA and serious transnational crime. Another part of the cycle is the identification by the Council the limited number of priorities, both regional and Europe-wide. For each of the identified priority areas to be developed Long-term Strategic Plan, in order to achieve a multidisciplinary, integrated approach to effectively counteract priority threats, including both preventive and repressive. The third part of the cycle is the implementation and monitoring of annual operational action plans, which should be linked with the strategic objectives contained in the Multi-Annual Strategic Plans and the multilateralism use as a platform for cooperation in dealing with priority threats⁹.

EU’s strategic objectives for the RMB international organized crime issues are¹⁰:

- strengthen the cooperation between customs and border guards as well as police forces;
- evaluate the risks for the Baltic Sea Region;
- the creation of a single national co-ordination center;
- the creation of a single national border surveillance system;
- pool resources for the posting of liaison officers to third countries and international organizations;
- take preventive actions against human trafficking.

A valuable fact is that in this context the strategy of the Task Force for combating organized crime in the Baltic Sea region in 2010–2014 has been implemented – Lithuania was the coordinator of the project.

In addition to participation in the structures of the EU Baltic states should maximize the opportunities for international cooperation in preventing and combating organized crime posed other forums and international organizations.

Particularly important in this context is the role of the International Criminal Police Organization – Interpol, Europol, Frontex, OLAF¹¹.

In the early 90s new conditions for emigration was created, especially to the post-communist states in RMB, and thus arose in Europe a new trade route called: the Baltic¹². The factors that lead to illegal emigration of citizens of the Baltic states include¹³: setting authority to create countries with single-national structure, and not as it was in Soviet times, the structure of multinational and related processes, conflicts of ethnic, cultural; lack of confidence in the ruling; unfavorable economic situation, economic crises; unemployment; progressive impoverishment of society as a result of fraud in the redistribution of wealth earmarked for social assistance (Table. 3).

Table 3. European countries, which frequently recruit victims of trafficking.

European destination countries for trafficking victims	European countries of origin of victims of trafficking (very high risk)	European countries of origin of victims of trafficking (high risk)	European countries of origin of victims of trafficking (moderate risk)	European countries where the victims of human trafficking comes from
1	2	3	4	5
Belgium	Albania	Czech Republic	Croatia	Poland
Germany	Bulgaria	Estonia	Serbia	Bosnia and Herzegovina
Grece	Lithuania	Hungary	Montenegro	Czech Republic
Italy	Romania	Latvia	Kosovo	
Austria	Russian Federation	Slovakia	Bosnia and Herzegovina	

Table 3 continuation.

1	2	3	4	5
Netherlands	Ukraine	Poland	Kyrgyzstan	
Denmark	Moldova	Estonia		
France	Belarus	Georgia		
Spain		Armenia		
Switzerland		Uzbekistan		
UK		Kazakhstan		

Source: Handel kobietami i młodymi ludźmi w Europie. Przybornik edukacyjny, ... op. cit., s. 26.

3. Cyber Attack

In April of 2007. There has been organized on a large scale cyber attack on the resources essential for the functioning of society and the economy of Estonia or objects of critical infrastructure. Russian hackers seized control of more than one million private computers in 174 countries and created a cybernetic weapon through which in the three weeks time, successfully bombed the servers of the Estonian critical infrastructure banks, the president's office, all ministries, state security and the mass communication – effectively paralyzing their work. Estonians were not able to use online banking, to withdraw the money from the account, the banks have not been able to implement the transaction and suffered millions in losses¹⁴. According to Prime Minister of Estonia Andrus Ansip: "(...) Estonia tested a new model of cyber warfare. (...) This is the first such attack on an independent state by the Internet"¹⁵. Therefore, Estonia intensively appealed to the EU and government organizations in RMB to create their own cyber defense policy in order to protect against hackers not only the state system, the military, but primarily the private sector and ordinary citizens. It succeeded on 11 January 2013. When the European Centre for Combating Cybercrime started its activity, which protects citizens and European businesses against crime on the Internet. The Centre has its headquarters at the office of Europol in The Hague (Netherlands)¹⁶.

However, in Tallinn (Estonia) on 14 May 2008 was established Cyber Defence Centre of Excellence NATO Cooperative. The center is designed to defend against cyber crime, and also organizes educational projects for military and civilian structures of the state, they conduct research and exchange of experience and consultation of the Member States of NATO¹⁷.

4. Violation of human rights

For the last 20 years there have been changes in the development and establishment of democracy in the Baltic States, including human rights. On this road they were carried out two main objectives: to join NATO and the EU. The Baltic states are also parties to a number of international organizations dealing with the protection of human rights. They ratified a whole series of important documents relating to these rights, such as the Council of Europe Framework Convention for the Protection of National Minorities and the Geneva Convention relating to the Status of Refugees and so on.

The latest report of Amnesty International (2014/2015¹⁸) shows (see. Table 4) that the Baltic states are still having problems with the implementation of legal obligations relating to human rights even though they are at the forefront of EU countries and technologically advanced civilization.

Table 4. Details of the latest Amnesty International report on human rights violations in Lithuania, Latvia and Estonia (2014/2015).

Lithuania	Latvia	Estonia
<u>The main complaint:</u> – The RL Act created the in 2009 concerning the protection of minors, has led to violations of rights and freedoms of lesbian, gay, bisexual, transgender.	<u>The main complaint:</u> – Lesbians, gays, bisexuals, transsexuals are not protected by the government from hatred; - still remains high number of stateless persons do not have at the same time political rights in the country (267.789 thousand of people data from January 2014).	<u>The main complaint:</u> – about 91 000 people remain stateless in Estonia (January 2014) ; – The number of requests of asylum seekers and success rate remains very low.
<u>The rights of lesbian, gay, bisexual, transgender.</u> For transgender people it continues to be denied access to legal gender recognition due to lack of legal provisions.	<u>The rights of lesbian, gay, bisexual, transgender.</u> In September of 2013. RL Parliament adopted amendments to the Act relating to hate crimes. However, sexual orientation and gender identity have not been included in the background which can lead to this kind of aggression. RL Criminal Law still does not recognize incitement to hatred and violence based on race, ethnicity, nationality, religion, disability, age and sex a crime. Only a racist motives are regarded as aggravating circumstances.	<u>The rights of lesbian, gay, bisexual, transgender.</u> Praise. On 9 October the Estonian Parliament adopted a law on cohabitation and it contains records gender neutral, which already enter live from 1 st January 2016. The law allows live without a marriage contract, in the persons of the same sex; Such couples will also be able to collect social benefits.

Table 4 continuation.

Lithuania	Latvia	Estonia
<p><u>Torture</u> Allegations that on Lithuania ground the citizen of Saudi Arabia Mustafa al-Hawsawi was tortured and imprisoned on behalf of the US government in 2009.</p>	<p><u>Women's rights</u> Violence in Lithuanian law has still not been defined as a specific crime. In December of 2013., The United Nations Committee Against Torture expressed concern over the lack of protection and insufficient to provide shelter to victims of domestic violence in the republic of Latvia.</p>	<p><u>Discrimination - ethnic minorities</u> – calls in the report that children are stateless and at birth should get automatically citizenship of Estonia; – Ethnic minorities are still disproportionately with other citizens affected by unemployment and poverty; – Knowledge of the state language requirements for employment of people from minority ethnic / national puts them in a very unfavorable and stressful situation.</p>
		<p><u>Asylum seekers</u> The number of applications of asylum seekers remains low.</p>

Source: own study based on data Amnesty International Report 2014/2015, <https://www.amnesty.org/en/countries/>, 28.09.2015.

It is worth adding that the problems of discrimination against minorities in post-communist countries especially in Lithuania, Latvia and Estonia are big and practically unresolved since the early 90s mentioned in many previous reports by Amnesty International especially from the years 1998, 2000, 2006, 2009, 2012, while for eg. in the Nordic countries it the issue has been solved in an optimal way¹⁹.

¹ R. Runiewicz-Jasińska, *Budowa społeczeństwa informacyjnego na Litwie, Łotwie i w Estonii*, w: J. Sobczak, B. Hordecki (red), *Polityka i media*, WNPiD UAM, Poznań 2008, s. 113–127; R. Runiewicz-Jasińska, *Litwini, Łotysze i Estończycy – społeczeństwem informacyjnym*, w: *Polska we współczesnym świecie. Między zaściankiem a przestrzenią wolności*, Księga jubileuszowa z okazji 65. rocznicy urodzin prof. Karola B. Janowskiego, Adam Marszałek, Toruń 2007, s. 407–423.

² The purpose of the “eEurope” is to support the acceleration of the reform and modernization of the economies of the candidate countries to the EU, to stimulate their productivity and to build institutions and improve the overall competitiveness and social cohesion. The report, “eEurope + 2003” is the first full report on the state of implementation of the action plan in the candidate countries. The next report was released at the end of 2005. And it is part of the Lisbon Strategy, which is planned by 2010, to transform the EU into the most competitive and dynamic knowledge-based economy. It is worth to note here the considerable difference between the assumptions of the plan “eEurope 2005” and the earlier concepts. An example may be the fact that a large deference is paid to the very infrastructure of the information society. As the first and most important goals, reference is made to provide multiplatform access to the network (ie not only computers, but also mobile phones, digital TV), characterized by broadband links. More about this on the website of the Ministry of Internal Affairs and Administration, Cooperation, Report of the Steering Committee “eEurope 2005”.

³ These are the following international agencies analytical and statistical information: International Telecommunication Union (ITU), Emor e-Track, BMF Gallup Media, Andersen Consulting, SIC Gallup Media, TQM Consulting.

⁴ For the first time this phrase was used in the Bologna Declaration of 1999 : A Europe of Knowledge is now widely recognized as giving no way to replace the growth factor of social and human growth and as an indispensable component to consolidate and enrich European citizenship, which could equip its citizens with the skills to take challenges of the new millennium, together with an awareness of shared values and participation in a common social and cultural space.

⁵ The following text was developed based on the website EUROPE 2020, http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/priorities/smart-growth/index_pl.htm, Access 28.08.2015.

⁶ Ibidem.

⁷ R. Białoskórski, *Cyberzagrożenia w środowisku bezpieczeństwa XXI wieku. Zarys problematyki*, WSCiL, Warszawa 2011, s. 78–79.

⁸ However, the execution of the above-mentioned program was abandoned in 2013, taking into account the part of its elements in the current Polish „Programie przeciwdziałania i zwalczania przestępczości gospodarczej na lata 2015–2020”.

⁹ A national program to prevent and combat organized crime for 2012–2016, op. cit., p. 17.

¹⁰ EU Communication from the Commission to the European Parliament, RE, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Baltic Sea Region, Working Paper, Brussels 2010, pp. 76–78.

¹¹ A national program to prevent and combat organized crime for 2012–2016, op. cit., pp. 17–19.

¹² R. Runiewicz-Jasińska, *Handel ludźmi – współczesna zbrodnia przeciwko godności. Casus europejskich szlaków handlowych*, w: W. Waclawczyk, K. Żarna (red. red.), *Zbrodnia i kara. Ludobójstwo-zbrodnie wojenne – zbrodnie przeciwko ludzkości*, Adam Marszałek, Toruń 2011, s. 210–227.

¹³ *Handel kobietami i młodymi ludźmi w Europie*, Przybornik edukacyjny, Uniwersytet w Padwie, s. 27–38.

¹⁴ R. Białoskórski, *Cyberzagrożenia w środowisku...*, op. cit., s. 50.

¹⁵ Wprost 24, <http://wprost.pl/ar/?o=107407>, 10.06.2012 r.

¹⁶ The European Centre for. Combating Cybercrime opens for business on January 11, http://europa.eu/rapid/press-release_IP-13-13_pl.htm, as at 30.08.2015.

¹⁷ NATO Cooperative Cyber Defence Centre of Excellence, <https://ccdcoe.org/about-us.html>, access : 24.08.2015 r.

¹⁸ Amnesty International Report 2014/15, http://amnesty.org.pl/uploads/media/Raport_roczny_2015_PL_wyb%C3%B3r_ost.pdf, Access: 28.09.2015 r.

¹⁹ Many on this topic in the studies of R. Runiewicz-Jasińska: The rights of the Polish minority in the Baltic states sovereign and bilateral accords, Krakow Lesser Studies, 2003, No. 7; Protecting the rights of the Polish minority in Lithuania, Latvia and Estonia after 1991, Lithuania, Warsaw 2002, No. 1/2 (42/43); Protection of minority rights in international law, ATHENAENUM, Torun 2002, No. 8; The problems of national minorities (for example the Polish minority) in sovereign Baltic states (Lithuania, Latvia, Estonia) in 1991–2001, in A.W. Mikołajczyk, M. Walczak-Mikołajczykowa (ed. Ed.), Latin and Byzantine tradition against the idea of European unity, University. Adam Mickiewicz University in Poznan, the Collegium Europaeum Gnesense, Poznan 2003; Violations of human rights in Lithuania, in Charter of Fundamental Rights of the EU. A new chance for human rights?, (ed.) W. Waclawczyk, Warsaw 2010.

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Резюме

Runiewicz-Jasińska R. Poruшення прав людини в епоху цивілізації і технологічного суспільства на прикладі країн Прибалтики (Литва, Латвія, Естонія).

Країни Балтії (Литва, Латвія і Естонія) є одними з найрозвиненіших серед країн Європейського Союзу з точки зору цивілізації і технології. Незважаючи на вищезазначений соціальний прогрес, порушення прав людини, організована злочинність та боротьба з тероризмом залишаються нагальними проблемами. Наприклад, Естонія входить до першої десятки списку країн-членів з високо розвинутою цифровою економікою і високою швидкістю інформаційного (цифрового) суспільства. Водночас у Міжнародній доповіді йдеться, що на січень 2014 р. на території Естонії налічувалося 91 тис. осіб без громадянства (Естонія має населення 1 млн 325 тис. осіб, дані 2013 р.). У Латвії ситуація ще гірша – 267 тис. 789 жителів без громадянства (Латвія налічує 2 млн 13 тис. населення, дані 2013 р.). Це означає, що вони там не мають ніяких політичних прав. Мета цієї статті – показати, що вище згаданий людський розвиток не рівнозначно відповідає правам людини. Ці права є ознакою демократичної зрілості країни в XXI столітті.

Ключові слова: країни Балтії, права людини, розвиток цивілізації, технологічний розвиток, інформаційне суспільство, розвиток оцифрування, інтелектуальний розвиток, організована злочинність, кібератака, доповідь «Електронна Європа +2000 і 2005», стратегія «Європа 2020».

Резюме

Runiewicz-Jasińska R. Нарушение прав человека в эпоху цивилизации и технологического общества на примере стран Прибалтики (Литва, Латвия, Эстония).

Страны Балтии (Литва, Латвия и Эстония) являются одними из наиболее развитых среди стран Европейского Союза с точки зрения цивилизации и технологии. Несмотря на вышеупомянутый социальный прогресс, нарушения прав человека, организованная преступность и борьба с терроризмом остаются насущными проблемами. Например, Эстония находится в первой десятке списка стран-членов с высоко развитой цифровой экономикой и высокой скоростью информационного (цифрово-

го) общества. В то же время в Международном докладе говорится, что на январь 2014 г. на территории Эстонии насчитывалось 91 тыс. лиц без гражданства (Эстония имеет население 1 млн 325 тыс. человек, данные 2013 г.). В Латвии ситуация еще хуже – 267 тыс. 789 жителей без гражданства (Латвия насчитывает 2 млн 13 тыс. населения, данные 2013 г.). Это означает, что они там не имеют никаких политических прав. Цель этой статьи – показать, что вышеупомянутое развитие общества не равнозначно соответствует правам человека. Эти права являются признаком демократической зрелости страны в XXI веке.

Ключевые слова: страны Балтии, права человека, развитие цивилизации, технологическое развитие, информационное общество, развитие оцифровки, интеллектуальное развитие, организованная преступность, кибератака, доклад «Электронная Европа +2000 и +2005», стратегия «Европа 2020».

Summary

Runiewicz-Jasińska R. Violation of human rights in the era of civilization and technological society on the example of the Baltic states (Lithuania, Latvia, Estonia).

The Baltic States (Lithuania, Latvia and Estonia) are one of the most developed countries within European Union in terms of civilization and technology. Violation of human rights, organized crime and counter-terrorism remain pressing problems despite the aforementioned social progress. For example, Estonia is in the top ten list of the Member States with high digital economic growth rate and high digital society rate. At the same time, in the report of International it is stated that on Estonian territory there were 91,000 stateless persons in January 2014 (Estonia has a population of 1 million 325 thousand people, data from 2013). In Latvia the situation is even worse since there are 267,789 inhabitants who are stateless persons. It means that they do not have any political rights there. (Latvia has a population of 2 million 13 thousand people, data from 2013). The aim of this article is to show that the above mentioned human development is not tantamount to responsibility of authorities in terms of human rights. Those rights are the sign of the democratic maturity of a country in the 21st century.

Key words: the Baltic states, human rights, development of civilization, technological development, the digital society, the development of digitization, intelligent development, organized crime, cyber attack, the report “eEurope + 2000 and 2005”, the strategy “Europe 2020”.

УДК 341.1/8; 347.8

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АКТУАЛЬНІ ПРОБЛЕМИ МІЖНАРОДНО-ПРАВОВОЇ ОХОРОНИ КОСМІЧНОГО ПРОСТОРУ ВІД ТЕХНОГЕННОГО ЗАСМІЧЕННЯ

Одним із актуальних питань сучасної теорії та практики міжнародного космічного права є забезпечення діяльності у сфері дослідження і використання космічного простору, включаючи Місяць та інші небесні тіла. Необхідно констатувати, що поряд із очевидними благами освоєння космічного простору для всього людства, здійснення космічної діяльності супроводжується його засміченням об'єктами техногенного походження, які називають «космічним сміттям». До категорії об'єктів космічного сміття відносять нефункціонуючі космічні апарати, розгінні блоки, останні ступені ракет-носіїв, їхні фрагменти, операційні елементи запусків та ін. Теперішнє перевантаження космічного простору об'єктами космічного сміття становить реальну загрозу реалізації міжнародних та національних космічних проектів і програм.

Сучасне міжнародне космічне право, на жаль, не вирішує глобальну проблему охорони навколомного космічного простору від техногенного засмічення. Загальне положення статті IX Договору про принципи діяльності держав по дослідженню і використанню космічного простору, включаючи Місяць та інші небесні тіла¹ (далі – Договір про космос) щодо обов'язку держав-учасниць даного Договору з проведення вивчення і дослідження космічного простору, таким чином, щоб уникати їх шкідливого забруднення, не має належного міжнародно-правового механізму реалізації. Іншими словами, норми міжнародного космічного права не містять конкретного міжнародно-правового механізму запобігання утворення космічного сміття та його видалення з космічного простору.

У світлі інтенсифікації господарської діяльності, пов'язаної з безпосереднім дослідженням та використанням космічного простору, міжнародно-правова проблема космічного сміття належить до нових викликів у галузі сучасного міжнародного космічного права.

У вітчизняній та зарубіжній юридичній літературі фактично відсутні розробки щодо міжнародно-правової охорони космічного простору від техногенного засмічення. У роботах Ю. С. Шемшученка, Н. Р. Малишевої, С. П. Малкова та Г. П. Жукова розглядалися окремі міжнародно-правові аспекти запобігання утворення космічного сміття. При цьому в науці міжнародного космічного права не проводилися наукові дослідження міжнародно-правових засад очищення космічного простору від космічного сміття.