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International experience and national peculiarities of protection of the right to access to information: comparative legal analysis

D.A. Digay*¹ , N.D. Tleshaliyev² , A.S. Persheyev³ 

¹Ilyas Zhansugurov Zhetysu University

²Caspian University

³Regional Innovation University

(e-mail: ¹damirdigay@gmail.com, ²ali_2301@mail.ru, ³alihoja90@mail.ru)

Abstract: The work explores the evolution of the right of access to information, analyzes international standards and national models of its implementation, and considers challenges and prospects in this area. The research contributes to the development of the theoretical foundations of the right to access to information and provides practical recommendations for its improvement. The research employs a approach to examine global and local legal statutes and court precedents alongside the practices of various nations in guarantee of information access rights. The study demonstrates that access, to information is a entitlement and a crucial component of a democratic community. The authors identify key international standards in this area, as well as analyze differences in national approaches to the implementation of this right. Special attention is paid to the challenges associated with the protection of state secrets, confidential information and personal data. The research categorizes data regarding the rights to access information and investigates procedures while acknowledging the national traits, in its implementation process. The results of this study can be used to improve legislation and regulations and develop programs to educate the public about their right to access information.

Keywords: the right to access information, transparency, accountability, freedom of expression, international standards, national characteristics, information society.

Introduction

Modern processes of globalization and digitalization make information an important resource in the life of society. In these conditions, the right of access to information acquires special importance, becoming not only an element of legal regulation, but also a mechanism for ensuring transparency of State institutions and citizen participation in governance. Open access to information creates conditions for more effective interaction between the state and society, as well as for the development of the rule of law and civil society. As information technology advances and political and legal processes become more complexed, new challenges arise that demand efforts to uphold this right.

Access to information is considered an aspect of rights and is governed by global legal agreements like the Universal Declaration of Human Rights [1] and the International Covenant on Civil and Political Rights [2]. These documents consolidate not only the possibility of free access to information, but also emphasize its importance for the democratic structure of society. Therefore examining the issues surrounding the implementation of the right to access information is crucial and essential, in crafting strategies to safeguard it.

In the contemporary context, where an information driven society the access to information is crucial for transparency in government agencies and empowering oversight [3]. The advancement of tools has broadened individuals ability to access a range of data, in real time. However, at the same time, new challenges have arisen, such as cyber threats, personal data protection and the need to ensure equal access for all segments of the population.

Despite the existence of international standards and national legislation, the process of realizing the right to access information in many countries faces a number of serious obstacles. Bureaucratic barriers, lack of awareness of citizens about their rights, as well as the lack of effective mechanisms for the implementation of these rights leads to a decrease in the transparency of State institutions. In this context, the study of international experience and national characteristics of the right to access to information becomes relevant and significant.

The research centers on the relationships that develop while carrying out the right to access information in todays society. Covering not sources of information but also digital data controlled by government entities. The study explores both methods and distinctive qualities in protecting the right, to information access. The significance of this aspect lies in the varying approaches to safeguard this right that can differ greatly across countries based on their systems diversity and the extent of development, along with the culture of transparency present within each society. The objective of this research is to examine the progression and current status as evaluate future possibilities for enhancing access to information rights by drawing insights, from global practices and unique national attributes. This goal involves the study of not only legal mechanisms, but also practical aspects of the implementation of this right in various countries.

In the modern era, the ability to information is crucial as it empowers citizens to engage in government affairs and oversee the actions of institutions. Despite significant achievements in the field of legal regulation, the implementation of this right remains relevant. The analysis of international experience and national characteristics allows us to better understand the specifics of law enforcement practice and identify areas for its improvement.

Research methodology

To achieve these goals, a set of methods was used, which includes comparative legal, historical, systemic and documentary analysis. The comparative legal method was used to compare international standards and national legislations, which made it possible to identify differences and similarities in law enforcement practice. The historical method was necessary to study the evolution of the right of access to information, and a systematic approach made it possible to consider this right as part of the general human rights system. The documentary analysis, in turn, was used to study the content of normative legal acts, court decisions and scientific publications.

The research is characterized by an integrated approach that combines international and national experience with an emphasis on national characteristics and modern challenges such as digitalization and personal data protection. The use of systematic and comparative legal methods allowed not only to identify key problems, but also to propose possible solutions to improve law enforcement practice in this area.

Discussion and results

Having access to information is vital when it comes to upholding our rights and freedoms as it allows people to freely obtain and exchange information that's, in the possession of government bodies and other public institutions. This access contributes to shaping a society while also supporting the principles of law and the development of civil society.

The concept of the right to access information can be seen as a guarantee that allows individuals to obtain information and documents without unnecessary limitations or barriers in a way that's accessible and understandable, by public authorities and organizations carrying out public duties. This right allows citizens to be informed about the activities of state institutions, make informed decisions and actively participate in the socio-political life of the country [4].

The core principle behind the right to access information is acknowledging that information is a resource accessible, to all individuals [5]. This right ensures transparency and accountability of public authorities, contributing to the prevention of corruption, abuse of power and improving the effectiveness of public administration. Furthermore it serves as a tool, for upholding rights and liberties such, as the freedom to express oneself the right to gather and form associations and the entitlement to engage in public affairs.

The legal basis, for the freedom to access information within the framework of rights is outlined in global and local legal documents.

Article 19 of the Universal Declaration of Human Rights mentions that everyone is entitled to express their thoughts and access information without any limitations on how it's acquired and distributed globally. In a vein Article 19 of the International Covenant, on Civil and Political Rights [6] asserts that individuals are free to develop their own viewpoints independently from governmental influence and to communicate openly by exploring and exchanging information and thoughts without restrictions.

Regional pacts such as the European Convention, on Human Rights and Fundamental Freedoms [7] contain regulations that uphold this as well. The European Court of Human Rights has emphasized the significance of having information for maintaining freedom of speech and upholding democracy in its rulings. In cases the court has pointed out that restricting access, to information may be a breach of the freedom of expression right.

The right of access to information is closely linked to the principle of transparency of public administration, which implies openness of decision-making processes and accessibility of information about the activities of public authorities to citizens. Society's capability to monitor and regulate the behaviors of those in positions of authority plays a role in improving the efficiency of governmental processes and fostering trust among citizens, in institutions. Transparency plays a role in fighting corruption and upholding the principles of justice, within government organizations.

Access to information is crucial in today's society centered around digital advancements and connectivity through the Internet and various digital tools enhances the ability for people to access information and engage, in public discourse effectively. Nevertheless there are also obstacles that come up concerning safeguarding information, cybersecurity and controlling the flow of data. Governments need to find a ground, between guaranteeing access to information and safeguarding other rights and priorities, like privacy rights and national security [8].

The ability to obtain information is crucial, within the framework of rights. Serves as a foundation, for the establishment of democratic structures. It creates conditions for the implementation of the principles of openness, accountability and active participation of citizens in the management of public affairs, thereby strengthening democratic processes and contributing to the development of civil society [9]. The current perception of this privilege has evolved over time through a historical progression marked by a gradual shift from government confidentiality, to the values of openness and transparency.

The historical development of the right of access to information reflects the process by which information, originally considered a privilege of the ruling elites, became available to the public. In early societies, access to information was strictly limited, which served as a tool for maintaining power and control over the population. However, over time, the ideas of democratization and citizen participation in government have led to the recognition of the importance of transparency as the basis for effective public administration and the protection of citizens' rights.

Until the end of the XVIII century, many states adhered to a policy of secrecy, justifying this by the need to maintain public order and security. However, with the advent of Enlightenment ideas and the development of democratic values, a gradual recognition of the importance of citizen awareness began.

A landmark event was the adoption in Sweden in 1766 of the world's first Press Freedom Act [10], which provided for the right of citizens to access official documents. This piece of legislation laid the foundation for the subsequent development of freedom of information legislation in other countries. The ideas of openness and accountability of government were further spread after the French Revolution, when the principles of freedom, equality and fraternity became fundamental in the formation of new state systems.

In the 19th and early 20th centuries, the development of democratic institutions and the growth of civil society increased the demands for transparency of government agencies. However, in many countries, the culture of secrecy persisted, especially during the world wars and the Cold War, when national security considerations prevailed over the needs of society for information.

In the half of the century significant shifts occurred as a result of global human rights movements and the establishment of international human rights regulations that prompted nations to acknowledge information access, as a fundamental component of democratic communities fabric. The approval of the Universal Declaration of Human Rights in 1948 and the International Covenant on Political Rights, in 1966 solidified this belief on a scale.

In 1966, the USA passed the Freedom of Information Act (FOIA) [11], which became a model for many other states. This law gave citizens the right to request and receive information from federal authorities, which significantly increased the transparency of public administration. In the following decades, many countries adopted similar legislation reflecting the desire for openness and accountability.

The significance of information technology, on enhancing access to information is immense. Cannot be overlooked. The emergence of the Internet and digital communication towards the conclusion of the century brought about a transformation, in how information is stored transmitted and shared. Technological advancements have simplified the accessibility to volumes of data enabled global dissemination of information and fostered the growth of e government initiatives.

Government websites and online services have made it easier for people to access information nowadays. There are ways for citizens to get involved in activities through the internet like signing electronic petitions and discussing laws online. Technological advancements have raised concerns, about privacy protection, cybersecurity, reliability of information and digital disparities. Governments are tasked with updating laws and policies to align with changing circumstances while maintaining an equilibrium, between information access and safeguarding rights, like privacy and national security.

The historical development of the right of access to information, accompanied by a gradual transition from a culture of secrecy to the principles of openness and transparency, was directly related to the evolution of democratic values and significant technological changes. This procedure not helped enhance oversight of state operations but also laid the groundwork, for establishing worldwide norms governing information access, on a global scale.

Changes were. There was a push to set guidelines to ensure everyone's access to information rights during that time period. The international norms in this field draw from United Nations papers that uphold basic human rights and liberties and provide the legal framework, for safeguarding them worldwide.

The Universal Declaration of Human Rights was established in 1948 as a document that champions principles related to the human rights concerns of that era. A significant point made in Article 19 highlights the entitlement to freedom of opinion and expression for everyone without any limitations, on accessing and exchanging information and thoughts across all boundaries. This statement forms the foundation for acknowledging the privilege of having access to information, as a component of freedom of expression.

While the Declaration itself does not hold weight and is presented in a way that is not legally binding; it has had a significant impact, on the development of global treaties and local legislation by establishing a benchmark for defining legal norms concerning human rights.

The International Covenant, on Political Rights was adopted in 1966. Ratified in 1976 legally enforced various aspects of the Declaration and outlined responsibilities for countries involved. In particular Article 19 of the Covenant guarantees individuals freedom of speech by allowing them to freely access and share information and ideas irrespective of boundaries. The agreement states that using this right may come with obligations and duties well as restrictions outlined by law that are considered necessary for;

- Valuing the rights and standing of others;
- Safeguarding the security of the state and maintaining order and health are priorities.

The UN Human Rights Committee analyzed freedom of expression and information access, in General Comments No 34 [12] while overseeing Covenant compliance. It emphasized that the right to express includes accessing information and States must facilitate this access unless restrictions meet the Covenants criteria under article 19(3).

The Committee also highlighted the importance of implementing laws to guarantee efficient processes for enabling access, to information rights and establishing avenues for challenging refusals to disclose information. Furthermore it emphasized the role of authorities in fostering an environment and proactively sharing information that is of significance, to the public.

Information access is becoming more established. Improved at a global level in different regions, through specific agreements and conventions that are customized to suit each regions distinct characteristics and legal structure.

Article 10 of the European Convention on Human Rights and Fundamental Freedoms guarantees freedom of expression by enabling people to exchange information and ideas without interference from the government or limits based on location. This fundamental concept introduced in the 1950 Convention has played a role in defining the norms for freedom of expression and information accessibility, in Europe [13]. The rulings of the European Court of Human Rights (ECHR) uphold that this freedom encompasses not the ability to access information that can be shared openly but also safeguarding individuals whose expressions might cause surprise or distress – in line, with the values of a community founded on pluralism and tolerance. However, this right may be restricted if the State can convincingly justify such restrictions, for example, on issues of national security or protection of private life (article 10, paragraph 2).

The European Court of Human Rights has expanded the boundaries of freedom of speech outlined in Article 10 by including aspects concerning access to information in its judgments. In cases the Court has acknowledged that withholding information by public bodies could potentially breach Article 10 of the Convention if the information requested is crucial, for public interest and democratic debate.

In the instance of "Társaság a Szabadságjogokért v. Hungary" the Court decided that withholding information from a governmental organization focusing on public interest issues breaches the freedom of expression right. The Court highlighted the importance of media and civil society, in sharing information for oversight of government actions [14].

The Tromsø Convention of 2009, by The Council of Europe is the agreement focusing on the access to official documents aspect and is also referred to as the Council of Europe Convention on Access, to Official Documents [15]. This Convention outlines the entitlement of individuals to obtain documents maintained by authorities and sets out the guidelines that States need to follow to uphold this entitlement.

The primary objectives of the Tromsø Convention focus is to promote transparency in granting access, to records. The principle of openness implies that access to such documents should be a general rule, and any restrictions are possible only in exceptional cases strictly stipulated by law. States that have ratified the Convention are obliged to ensure transparent and predictable procedures for submitting requests for information, which includes clear rules for citizens wishing to access documents.

The guidelines mentioned in the Convention specify that limitations on access should be within boundaries such as safeguard of national security or privacy concerns and should only be applied when deemed necessary to safeguard rights and interests, in a democratic society. In case of refusal to provide information, citizens have the right to appeal such decisions to independent bodies or courts, which guarantees the protection of their access rights.

In addition, the Convention encourages countries to actively disseminate information and develop a culture of transparency in governance in order to promote open public administration. Even though not every nation, in the Council of Europe has officially approved this Convention yet it still acts as a reference point, for shaping laws in the realm of information accessibility and setting transparency benchmarks.

In addition to the agreements in Europe and other regions globally have regional documents as well existent in the Organization of American States (OAS). Key documents like the American Declaration of Human Rights and Duties from 1948 and the American Convention on Human Rights from 1969 were implemented to safeguard rights related to freedom of speech and access to information for people, in that area. The Inter American Court of Human Rights has underlined the importance of information access being linked to the freedom of expression in its judgments. One key legal example can be seen in the case of *Claude Reyes et. al. v. Chile*. The ruling stated that public authorities should provide individuals with access to information as it is tied to the right to freedom of speech as outlined in Article 13 of the American Convention, on Human Rights. The court recognized that freedom of speech encompasses beyond sharing information – it also entails the right to receive information that enhances democracy and ensures authorities are held responsible [16].

The 1981 African Charter on Human and Peoples Rights in Africa emphasizes the importance of freedom of expression and access to information for everyone in the region. The African Commission on Human and Peoples Rights outlined a series of guidelines in 2002 that address the issues surrounding freedom of expression and information accessibility, in Africa and shed light on the obligations of states in this regard. In 2019, a revised edition of this Declaration was accepted with a focus on emphasizing the significance of information access, in today's era [17].

Regional arrangements and suggestions are crucial, in tailoring standards to the circumstances and requirements of different regions. They help align regulations while fostering the sharing

of approaches and enhancing collaboration, among nations to uphold the right to access information.

The development of regional norms establishes a robust regulatory structure to safeguard the right to information access and mandates that governments uphold it at the local level as well. This promotes the advancement of systems and reinforces principles of transparency and accountability, in governance while enabling individuals to participate in public decision making processes.

The study of international experience in the field of protection of the right to access to information makes it possible to identify effective practices and models that contribute to strengthening democratic institutions and increasing transparency of public administration. Various countries have implemented their own approaches to the implementation of this right, taking into account national characteristics and legal traditions.

Countries with well-established democratic traditions, such as Sweden and the United States of America, have many years of experience in ensuring the right of access to information, which is reflected in their legislation and practice.

Sweden is a pioneer in the field of public administration transparency. In 1766 Sweden introduced the pioneering Press Freedom Act globally with guidelines concerning the transparency of records, in place this concept is referred to as "Offentlighetsprincipen" secured within the Swedish Constitution [18]. It ensures that all official documents are accessible, to the public unless otherwise specified by law.

Swedish law obliges public authorities to provide the requested information without the need to justify the reasons on the part of the applicant. Restrictions are possible only in exceptional cases related to the protection of national security, privacy or trade secrets. Such openness helps to strengthen citizens' trust in state institutions and stimulates their active participation in public affairs.

As mentioned above, in 1966, the Freedom of Information Act (FOIA) was passed in the United States of America [10], which was an important step in increasing transparency and accountability of public administration. This law gave citizens the right to request information from federal authorities. FOIA has established clear procedures for submitting requests, deadlines for their consideration and mechanisms for appealing refusals. In addition, the FOIA not only provided access to information, but also established legal grounds for refusing to provide data, which include nine exceptions, such as the protection of national security, trade secrets and personal data. These exceptions strike a balance between the right of access and the need to protect confidential information. This law has become a key tool for journalists, researchers and public organizations, allowing them to monitor government activities and disclose important data. As a result, FOIA fostered a culture of openness and accountability in U.S. government institutions, which was especially important in the context of democratic governance.

Developing countries such as India and Mexico are taking active steps to strengthen the right of access to information, seeking to increase transparency in public administration and fight corruption.

In 2005, India passed the Right to Information Act (RTI) [19], which gives citizens the right to request information from government agencies at all levels – from the central government to local administrations. The law obliges officials to respond to requests within the established time limits and provides for sanctions for unjustified refusals or delays.

A Central Information Commission and Staff Information Commissions have been established to monitor compliance with the law and consider citizens' complaints. RTI has become an effective tool in the fight against corruption and in increasing the accountability of civil servants.

In 2002, in Mexico the Federal Law on Transparency and Access to Public Information was passed leading to the creation of the National Institute for Access to Information and Protection of Personal Data (INAI) [20] an autonomous organization entrusted with ensuring access, to information and enforcing laws effectively.

The law obliges government agencies not only to provide information upon request, but also to actively publish data on their activities, budgets and programs. INAI has the authority to consider citizens' complaints, conduct investigations and apply sanctions to officials who violate the law.

The study of international experience demonstrates that effective enforcement of the right to access to information is possible if there is an appropriate legislative framework, independent supervisory authorities and a culture of openness in society. The examples of Sweden and the United States show how historically established democratic traditions contribute to the realization of this right. The practices of India and Mexico demonstrate the desire of developing countries to strengthen democratic institutions and increase transparency in public administration.

Continuing the analysis of international experience, it is necessary to pay attention to the national peculiarities of the realization of the right of access to information in various legal systems. These features have a significant impact on the formation of legislation and practice in this area.

The continental legal tradition, represented by countries such as Germany, demonstrates a highly developed legislative framework and well-established legal traditions that reflect the specifics of each country. In order to promote transparency within the sector in Germany the Federal Law on Freedom of Information (Informationsfreiheitsgesetz or IFG) [21] which was established in 2005 is currently active. This legislation allows individuals to request information, from government agencies. A distinctive feature of the legal framework is its decentralized nature, where each state has the authority to create its own regulations concerning information access. This allows us to take into account regional peculiarities and needs, making legislation flexible and appropriate to local conditions.

The federal law applies to federal authorities, and individual states such as Berlin, Hamburg and Schleswig-Holstein have their own laws governing access to information at the regional level. An important task is to balance transparency and the protection of confidential data, which is also regulated by a number of provisions of the law. In line with this strategy Germany adheres to global norms with its involvement in programs like the Argos Agreement and the European Convention, on Human Rights.

The legal system in Great Britain and Australia follows the Anglo Saxon tradition of law and precedent as opposed to the continental model approach. The focus here is on citizens having access to information from government agencies without restrictions on the reasons for their requests. This showcases an more inclusive perspective on upholding the right to access information, for all individuals. Both the continental and Anglo Saxon legal systems aim to enhance the transparency of administration despite their distinct approaches.

In the United Kingdom the Freedom of Information Act [22] was established in the year 2000 to give individuals the opportunity to seek information from bodies such as government departments and local councils as well as certain non governmental entities under a wide reaching definition of public authorities, in British law that requires information disclosure irrespective of the nature of the inquiry.

In Australia, a similar Freedom of Information Act was passed in 1982. The Australian model is characterized by an emphasis on proactive disclosure of information: government agencies are required to publish certain categories of documents without the need to submit individual requests. This helps to increase transparency and reduce the administrative burden on public institutions. The article by Margaret Allars [23] discusses the history and impact of the Freedom of Information Act 1982 on Australian society and public administration. This law has become fundamental for the creation of transparency systems and has been used as a model for legislative reforms in other countries. Proactive disclosure of information is seen as a central element in improving access to government data, especially after the 2009-2010 reforms. In both countries, there are effective mechanisms for appealing refusals to provide information and independent supervisory authorities responsible for compliance with the law.

Unlike these States, post-Soviet countries such as Kazakhstan, Russia and Ukraine continue the process of adapting their legal systems to new democratic conditions. In Kazakhstan, as an illustration of this issue is the Law "On Access to Information" [24] enacted in 2015 that gives citizens the privilege to obtain information from bodies; however encountering hurdles and lack of public awareness regarding available channels remains a common challenge for citizens in practice despite the existence of this law, in Kazakhstan. Sources [25] point to a number of problems that impede the effective exercise of this right. The challenges highlight the importance of enhancing law enforcement procedures in Soviet nations to ensure successful enforcement of the right, to information access [26].

In Russia, the right to access information is regulated by the Federal Law "On Ensuring Access to Information on the Activities of State Bodies and Local Self-Government Bodies" [27] of 2009. Despite the existence of a regulatory framework, the effective implementation of the right is complicated by limited access to information related to state secrets or official information, as well as insufficient transparency of State institutions [28].

Ukraine, having adopted the Law "On Access to Public Information" [29] in 2011, has achieved some success in the field of transparency of public administration. The law provides for short deadlines for reviewing requests and obliges authorities to actively publish information about their activities. A significant role is played by civil society, which actively uses mechanisms of access to information to monitor the activities of government agencies. However, challenges

remain related to incomplete compliance with legislation at the local level and the resistance of some government agencies to disclosure of information.

The analysis of national peculiarities shows that the legal tradition and the degree of development of democratic institutions significantly affect the effectiveness of the right of access to information. In countries with an established legal system and a culture of openness, citizens have greater opportunities to receive information and participate in the management of public affairs. In States in the process of democratic development, despite the existence of legislative frameworks, the practice of applying the law often faces obstacles due to institutional and cultural factors. Understanding these features makes it possible to identify areas for improving legislation and increasing the effectiveness of its implementation.

However, even in countries with advanced legal systems, the realization of the right to access information is not without problems. This process is accompanied by many challenges, both legal and practical. Restrictions on access related to the protection of State secrets and confidential information, as well as administrative barriers and insufficient awareness of citizens about their rights, remain significant obstacles to the full realization of this right.

Balancing the public's access to information with safeguarding interests, like state security and personal privacy poses a significant challenge.

The protection of State secrets is a generally recognized reason for restricting access to information. Information related to national security, defense, foreign policy and other sensitive areas may be legally closed from public access. This is necessary to prevent threats to national security and ensure the stability of the state.

In addition, the confidentiality of personal data and trade secrets serves as a basis for restricting access to certain information. The right to privacy and personal data protection is enshrined in international and national legal acts. Disclosure of such information without the consent of the subject may violate human rights and lead to negative consequences for individuals and organizations.

Establishing a fair balance between security requirements and the principle of transparency is a difficult task. Overly limiting access to information in the name of safeguarding state interests could result in a lack of transparency within operations. Diminish public trust in authorities. Conversely excessive transparency may pose risks to security and infringe upon rights.

International guidelines propose that limitations on access to information must be clearly outlined by legislation and be essential in a society while being proportionate to the objectives being sought after. This means that each restriction must have a clear justification, and the application of such restrictions must be subject to control by independent bodies or courts.

In addition to legal restrictions, there are practical obstacles that make it difficult to exercise the right of access to information. The main ones include bureaucratic barriers and lack of awareness among citizens.

The complexity of administrative procedures can significantly complicate the process of obtaining information. Long deadlines for processing requests, excessive requirements for paperwork, lack of uniform standards and insufficient competence of officials lead to the fact that citizens face difficulties in trying to exercise their right to access information.

In addition, the reluctance of some government officials to provide information or the deliberate delaying of the process may be a consequence of the lack of a culture of openness and accountability in public institutions. This undermines the effectiveness of legislation on access to information and reduces the level of public confidence in government institutions.

Many citizens are not aware of their rights to access information and do not know how to use them [30]. The lack of information campaigns, insufficient media coverage and lack of educational programs lead to the fact that the population does not actively use existing mechanisms of access to information. Transparency International's recent research [31] points out that citizens frequently lack awareness of their information access rights due, to media coverage and limited public knowledge levels. Furthermore, challenges in processes may deter individuals from asserting their rights by factors that obstruct information access, particularly prevalent in nations with bureaucratic systems and poor training, for government employees regarding information rights legislation.

Lack of awareness also affects the level of public control over the activities of government agencies. Citizens are unable to engage in democratic processes and impact decisions that affect public interests without a proper grasp of their rights and opportunities as highlighted by UNESCO's emphasis on the role of citizen awareness, in democratic participation. The absence of educational initiatives that focus on enhancing media literacy and understanding information access mechanisms contributes to citizens' inefficacy in utilizing their rights effectively. Moreover, without active efforts on the part of Governments to disseminate information, public control over the activities of State bodies remains limited [32].

A number of measures must be taken to solve practical problems. First, administrative procedures should be simplified, clear and transparent standards for processing requests should be established, response times should be shortened and the bureaucratic burden on applicants should be reduced. Secondly, it is important to provide training and professional development for civil servants so that they understand the importance of the right to access information and are able to effectively ensure it.

In addition, it is necessary to actively inform citizens about their rights and how to implement them. This can be achieved through information campaigns, educational programs in schools and universities, as well as cooperation with non-governmental organizations and the media.

Therefore, overcoming restrictions and practical obstacles in the realization of the right to access to information is an important step towards strengthening democratic principles and increasing transparency of public administration. Ensuring a balance between protecting legitimate interests and the public's right to information, as well as removing bureaucratic barriers and raising awareness among citizens, contribute to the development of an open and accountable State.

Conclusion

This study has confirmed that the right to access to information is a fundamental human right, an integral element of a democratic society. The transformation of this right, starting with the principles of secrecy and moving on to the ideas of transparency, reflects the desire

to increase the openness of State institutions and strengthen the accountability of authorities. The worldwide guidelines established in the Universal Declaration of Human Rights and the International Covenant on Political Rights alongside various other global legal instruments serve as a robust legal foundation, for safeguarding this right on a global scale.

An analysis of international experience has revealed that successful models for the realization of the right to access to information operate both in countries with long-standing democratic traditions (for example, Sweden, the USA) and in States with developing democratic institutions (India, Mexico). Despite the differences in legal systems and approaches, all these countries are united by the desire to increase the transparency of public administration and the active involvement of citizens in public processes.

At the same time, the study identified a number of significant challenges that impede the full realization of the right to access information. Among them is the need to find a balance between the right to information and the protection of state secrets, personal data and confidential information. Moreover obstacles arise from hurdles that hinder the access to information and citizens limited awareness of their rights along with the available mechanisms, for safeguarding them.

The results of the conducted research can serve as a basis for further improvement of legislation and practice in the field of access to information. The priority areas of improvement are simplification of administrative procedures and shortening the time for reviewing requests, professional development of civil servants and the formation of a culture of openness in public institutions, as well as information campaigns and educational events to raise awareness of citizens.

Prospects for further research include the study of the impact of digital technologies on the realization of the right to access information and the development of data protection mechanisms in the digital environment. It is also relevant to analyze the effectiveness of existing mechanisms for appealing refusals to provide information and develop recommendations for their improvement. An important task remains to study the role of civil society in promoting the principles of transparency and accountability of government.

The contribution of authors.

Digai D. the author for correspondence made significant contributions to the concept or design of the work; collection, analysis or interpretation of the results of the work and agreed to be responsible for all aspects of the work, appropriately examining and resolving questions related to the reliability of the data or the integrity of all parts of the article, edited the text of the manuscript.

Tleshaliyev N. edited the text of the manuscript and designed it, translated the references, abstract and information about the authors of the article.

Persheyev A. carried out an analysis and synthesis of literature data, wrote the text and/or critical revision of its content, analyzed and summarized the research results.

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Д.А. Дигай*¹, Н.Д. Тлешалиев², А.С. Першеев³

¹*Лияс Жансүгіров атындағы Жетісу университеті*

²*Каспий қоғамдық университеті,*

³*Аймақтық инновациялық университеті*

(e-mail: ¹damirdigay@gmail.com, ²ali_2301@mail.ru, ³alihoja90@mail.ru)

Халықаралық тәжірибе және ақпаратқа қол жеткізу құқығын қорғаудың ұлттық ерекшеліктері: салыстырмалы-құқықтық талдау

Аңдатпа: Зерттеу ақпаратқа қол жеткізу құқығының эволюциясын зерттеп, оны жүзеге асырудың халықаралық стандарттары мен ұлттық модельдерін талдайды, сондай-ақ осы саладағы қиындықтар мен болашағын қарастырады. Зерттеу ақпаратқа қол жеткізу құқығының теориялық негіздерін дамытуға өз үлесін қосып, оны жетілдіруге арналған практикалық ұсыныстар ұсынады. Жұмыста ақпаратқа қол жеткізу құқығын қамтамасыз ету саласындағы халықаралық және ұлттық құқықтық актілерді, сот тәжірибесін, сондай-ақ түрлі елдердің тәжірибесін талдау үшін салыстырмалы-құқықтық әдіс қолданылады. Зерттеу ақпаратқа қол жеткізу құқығы адамның негізгі құқығы және демократиялық қоғамның маңызды элементі екенін көрсетеді. Авторлар осы саладағы негізгі халықаралық стандарттарды бөліп көрсетіп, осы құқықты жүзеге асырудағы ұлттық тәсілдердегі айырмашылықтарды талдайды. Мемлекеттік құпияларды, құпия ақпаратты және жеке деректерді қорғауға байланысты қиындықтарға ерекше назар аударылады. Жұмыс ақпаратқа қол жеткізу құқығы туралы білімді жүйелеп, халықаралық тәжірибені талдайды және оны жүзеге асырудың ұлттық ерекшеліктерін анықтайды. Зерттеу нәтижелері заңнаманы жетілдіру, білім беру бағдарламаларын әзірлеу және азаматтардың ақпаратқа қол жеткізу құқығы туралы хабардарлығын арттыру үшін пайдаланылуы мүмкін.

Түйінді сөздер: ақпаратқа қол жеткізу құқығы, ашықтық, есептілік, пікір білдіру бостандығы, халықаралық стандарттар, ұлттық ерекшеліктер, ақпараттық қоғам.

Д.А. Дигай*¹, Н.Д. Тлешалиев², А.С. Першеев³

¹*Жетысуский университет имени Ильяс Жансугурова*

²*Каспийский общественный университет*

³*Региональный инновационный университет*

(e-mail: ¹damirdigay@gmail.com, ²ali_2301@mail.ru, ³alihoja90@mail.ru)

Международный опыт и национальные особенности защиты права на доступ к информации: сравнительно-правовой анализ

Аннотация: Работа исследует эволюцию права на доступ к информации, анализирует международные стандарты и национальные модели его реализации, а также рассматривает вызовы и перспективы в этой области. Исследование вносит вклад в развитие теоретических основ права на доступ к информации и предоставляет практические рекомендации по его совершенствованию. В работе используется сравнительно-правовой метод для анализа

международных и национальных правовых актов, судебной практики, а также опыта разных стран в области обеспечения права на доступ к информации. Исследование показывает, что право на доступ к информации является фундаментальным правом человека и важнейшим элементом демократического общества. Авторы выделяют ключевые международные стандарты в этой области, а также анализируют различия в национальных подходах к реализации этого права. Особое внимание уделяется вызовам, связанным с защитой государственной тайны, конфиденциальной информации и персональных данных. Работа систематизирует знания о праве на доступ к информации, анализирует международный опыт и выявляет национальные особенности его реализации. Результаты исследования могут быть использованы для совершенствования законодательства, разработки образовательных программ и повышения осведомленности граждан о праве на доступ к информации.

Ключевые слова: право на доступ к информации, прозрачность, подотчетность, свобода выражения, международные стандарты, национальные особенности, информационное общество.

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Information about authors

Дигай Д.А. – хат-хабар үшін автор, докторант, І.Жансүгіров атындағы Жетісу Университеті, Жансүгіров көшесі 187, 050043, Талдықорған, Қазақстан

Тлешалиев Н.Д. – PhD, «Әділет» ЖЗМ деканының орынбасары, Каспий қоғамдық университеті, Достық көш. 85А, 050000, Алматы, Қазақстан

Першеев А.С. – аға оқытушы, «Құқықтану» кафедрасы, Аймақтық инновациялық университеті, Қурманбеков көш. 4Б, 160006, Шымкент, Қазақстан

Дигай Д.А. – автор для корреспонденции, докторант, Жетысуский университет имени И. Жансугурова, ул. Жансугурова 187, 050043, Талдықорған, Казахстан

Тлешалиев Н.Д. – PhD, заместитель декана ВШП «Әділет», Каспийский общественный университет, проспект Достык 85А, 050000, Алматы, Казахстан,

Першеев А.С. – старший преподаватель, кафедра «Правоведение», Региональный инновационный университет, ул. Курманбекова 4Б, 160006, Шымкент, Казахстан

Digay D. – the author for correspondence, doctoral student, Zhetysu University named after I. Zhansugurov, Zhansugurova street 187, 050043, Taldykorgan, Kazakhstan

Tleshaliyev N. – PhD, Deputy Dean of the Higher School of Economics "Adilet", Caspian Public University, Dostyk ave. 85A, 050000, Almaty, Kazakhstan,

Persheyev A. – Senior lecturer, Department of "jurisprudence", Regional Innovation University, Kurmanbekov str., 4B, 160006, Shymkent, Kazakhstan