CULTURE AND THE USE OF INFORMATION UNDERSTANDING IN THE FIELD OF NATIONAL SECURITY (A CASE STUDY OF UKRAINE)

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Abstract. For the first time the article substantiates the informational understanding of culture on the basis of a systematic interdisciplinary approach and takes into account the information content as such and cultural content in the dialectical unity of information flows, including hostile, with further proposals for such information understanding in the national security of Ukraine and democracies. The connection of relations in the sphere of culture, on the one hand, and in information, on the other hand, at the theoretical level, in normative regulation and in practical activity is established. Theoretically, based on the principle of evolutionism, it should be assumed that the information exchange, genetically determined, between individuals of the animal world occurs in the pre-human period. In the process of evolution and anthropogenesis, the result of cultural work is the creation, processing, assimilation, dissemination and transmission of information that has a non-biological, non-genetic nature. The objectivity of the relations between culture, on the one hand, and information, on the other, creates appropriate links at the level of administrative
and legal regulation of these relations. Based on both these principles and the principles of the 1950 European Convention, this unity of administrative and legal regulation makes it possible to determine the legality of restrictions or the absence of grounds for such. For the first time, from the point of view of the requirements of the European Court of Human Rights, the legality of restrictions on the introduction into the Ukrainian information space of information and cultural product of the Russian Federation as an aggressor waging an information war against Ukraine was analyzed and substantiated.

**Keywords:** freedom of expression, information; culture; information exchange; communication of individuals; artistic expression.

**INTRODUCTION**

It is generally accepted that a significant portion of external information threats are in fact a form of military threat (Bogdanovich, et al, 2018), so information security is an integral part of a country’s national security (Antonov & Martyniuk, 2019; Antoshkina, 2019; Hrabar; 2019; Artemenko & Zhornovyi, 2018; Panchenko, 2020; Toryanik, 2016; Shevnyuk, 2007; Shemchuk, 2019; Sytnyk, 2020; other). Yet ancient Chinese philosopher and military figure of the VI century B.C. Sun Tzu knew about the effectiveness of negative information influences in order to undermine the country’s defense capabilities (undermine the prestige of the enemy’s leadership; incite quarrels and clashes among the citizens of the enemy country; restraining the will of enemy soldiers with “songs and music”, etc.). Israeli military instructor Zvi Arieli (Zvi Arieli, 2016) points out that information is an integral part of any military campaign. Thus, the restriction of hostile content becomes objectively necessary.

For example, the textbook “Hybrid Warfare and Journalism” (2018) emphasizes that “discussions about information that creates semantic information threats are usually ineffective. Objections only increase the influence, prohibitions are more effective. Simply denying anything that poses an informational or semantic threat is not only ineffective but harmful: it only exacerbates the negative effect. A wave of discussions is rising in the information space, which stimulates interest in the topic. And bans on the penetration of “infected” media or cultural products into the country are still quite effective. Despite the fact that the discussion of such bans is also quite heated, they do not cause serious harm, as for the mass consumer is physically impossible “contact with the virus”. Among the important means of counteracting virtual influences is also called “legislative prohibition of the most harmful methods of lateral programming”.

The problem of negative informational influences became especially acute for Ukraine in connection with the large-scale aggression of the Russian Federation against Ukraine on February 24, 2022. The reasons and grounds for aggression are openly contrived and created by Russian propaganda by artificially constructing virtual reality that does not correspond to reality. In particular, the accusations of Ukraine in the “genocide” of Donbas were refuted in the decision of March 16, 2022 of the International Court of Justice in The Hague. As the
Ukrainian Russian-language writer Yan Valetov emphasized in his article (Valetov, 2022), “russian propaganda is trying to arouse aggression in society, and direct the anger and hatred of the lumpen outside – to a foreign state, to a foreign way of life, to Ukrainians, as a nation, to their European choice, to the entire Western civilization. Is Russian propaganda lying. Almost always from the very beginning. And there is no good purpose in this lie.

Russian propaganda is a reflection of the evil will of one person, who, in turn, is a reflection of the public demand of the Russian deep people. That marginal layer that considers the collapse of the prison of peoples – the USSR – the main geopolitical catastrophe of the 20th century. The reasons for the war are invented by Russian propagandists. The reason for the war is invented. Goals are made up. Losses are hidden. Atrocities are hiding. The methods of warfare are hidden”.

Thus, research into the issues of counteracting negative Russian propaganda, both in Ukraine and abroad, is relevant. The object of the study is social relations regulated by administrative, civil, and criminal law, arising in connection with ensuring information security and implementation of the rights of subjects of information activities. The subject matter of the study is information security as the basis of Ukraine’s national security.

The purpose of the proposed article is to substantiate the informational understanding of culture on the basis of a systematic interdisciplinary approach, followed by the formation of proposals for the use of such understanding in the field of national security of Ukraine and democracies state. The study of this issue was initiated by the authors in the fundamental monograph of the co-author (Iurynets, 2016), as well as in their separate articles (Iurynets et al., 2018; Iurynets et al., 2020; Sopilko, 2021).

The research methodology is based on a systematic interdisciplinary approach, which allowed to study information content as such and cultural content in close connection with each other and the dialectical unity of information flows, including hostile ones. The authors analyze in detail the regulations of Ukraine, Europe and the world in the field of culture and law.

RESULTS AND DISCUSSIONS

In democracies, there is always a contradiction between freedom of speech and restrictions on the distribution of negative content. In particular, V.F. Zagurska-Antoniuk (2020) agrees that one of the mechanisms to limit negative information influences is to restrict access to information. But such restrictions can be challenging in a democratic society.

This conflict is generally resolved by the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (hereinafter referred to as the European Convention). In particular, Article 10 of the European Convention sets out a “European standard” for guarantees of freedom of expression and restrictions: paragraph 1 guarantees the “right to freedom of expression”, but paragraph 2 provides for the possibility of restricting such freedom by law, in the interests of national security and within the limits justified by the needs of a democratic society.

These formulations of Art. 10 of the Convention reflect the dualism of rights and obligations in the field of freedom of expression, according to which (dualism) these rights are guaranteed, but may be subject to certain restrictions. Note that part two of Art. 10 of the Convention considers it permissible to restrict information content, in particular in the interests of national security.
However, this rule of Art. 10 of the Convention operates with the concept of “information” and does not directly regulate relations in the field of culture. Instead, provided that the concept of culture as information is understood, legal relations in the field of artistic self-expression can be described in terms of freedom of access to information and its restrictions. In particular, in paragraph 6.1 of Section I “Culture and Freedom” of the final document of the Krakow Symposium on Cultural Heritage of the OSCE participating States (Krakow, 06.06.1991), the dialectic of rights and restrictions in the field of culture is defined similarly to Art. 10 of the Convention, namely: “the publication of written materials, performance and broadcasting of musical, theatrical and audiovisual works, as well as exhibitions of paintings and sculptures shall not be subject to restrictions or interference by the State, except where such restrictions are provided by domestic law and fully comply with international standards”. In particular, some issues of the unity of information and culture are considered in scientific articles: on the computer aspects of the art of dance (Laemmli, 2017); on the need to integrate cultural and information policy of the state (Shevchenko, 2018); on the unity of the cultural and information function of television (Kravchenko, 2018), as well as in the basic monograph of Yu. Iurinets (Iurynets, 2016).

The above-mentioned textbook “Hybrid War and Journalism” states that for semantic operations, in addition to the media, the products of mass and less often – elite culture (cinema, literature, entertainment and consumption industry, language) are involved. It is argued that if television news reflects the requirements for tactical communication, then culture belongs to the field of strategic communication. Attention is drawn to targeted hostile influence not only on the information space, but also on “cultural values, value orientations, symbols, worldview and other components of the cultural space in which the object of influence is located”.

M. Borshchov emphasizes that in the context of the current socio-cultural situation, information flows are included in existing trends in cultural development (Borschov, 2016).

In principle, from the point of view of cultural history, this process should not be regarded as completely new. As A. Ignatev notes, the reference to the novels of Balzac or Umberto Eco as a source of information should not be considered a curiosity: before the invention of “public sociology”, and this is already the 20th century, it was the novel published “with continuation” in newspapers or weeklies that was the “format”, Providing articulation of everyday social experience and even some kind of primary reflection on its content. The novel retains this function almost until the advent of the blogosphere, that is, to the present day. (Ignatev, 2015). At the same time, as will be further shown below, modern mass media significantly enhance this process.

Thus, information content as such and cultural content are closely interconnected and form a dialectical unity of information flows, including hostile ones. Thus, is needed a systematic analysis and substantiation of informational understanding of culture to use such an understanding in the field of national security of the state.

In paragraph 27 of the judgment of the European Court of Human Rights (hereinafter – the ECHR) of 24.05.1988 in the case “Müller et al. v. Switzerland” (application no. 10737/84) states, that Article 10 does not provide that it directly also applies to the freedom of artistic expression in question, although, on the other hand, this article does not distinguish between
different forms of expression. The Court emphasized that the parties to the case did not object to such an interpretation, but the Court found it necessary to provide additional, more extensive grounds.

Thus, although the ECHR recognizes that freedom of expression falls within the scope of Article 10 of the European Convention (1950), the Court does not do so with particular certainty and seeks indirect evidence to support this assertion. Therefore, additional justifications for this approach are needed. After all, when it comes to restrictions, the evidence base must be particularly solid.

The connection of relations in the field of culture, on the one hand, and in the field of information, on the other hand, can be traced at the theoretical level, in regulations and in practice.

In theoretical terms, based on the principle of evolutionism, including cultural (White, 1943), it should be recognized that information exchange between individuals (biocommunication) occurs in the pre-human period. So, prof. M.P. Naumov states the existence of communication between individuals of one or different species, which is established by the signals produced by them (chemical, mechanical, optical, acoustic, electrical), which are perceived by the relevant receptors of animals: organs of sight, hearing, smell, taste and more. Communication of animals ensures or facilitates their existence in nature. The essence of these information exchanges (methods, “content”) are determined at the genetic level (Dolnik, 2004; Podolska et al., 2005). In particular, A.I. Protopopov, A.V. Vyazovskiy (2012) distinguish a special group of instincts – communicative (facial expressions and gestures, nonverbal sound communication, linguistic). Communication of individuals as an exchange of information takes place in almost all groups of living beings. In particular, the nonverbal sound communication of humans is similar to the sound communication of animals and, without a doubt, inherited by us from ape ancestors. In the sound system of modern monkeys there are dozens of sound signals with the meaning of various environmental phenomena. Sounds inherited from animal ancestors served as the main material (biological prerequisite) for the formation of human sound language (Kradin, 2010; Belkin, 2013).


Thus, in animals, information is encoded by chromosomal cell structures and neurodynamic systems of the brain; the carrier is the body of the animal itself. The transmission of information from one generation to another occurs genetically, as well as, to some extent, through direct observation of animal behavior and copying them (in higher animals). In this case, the experience gained by an individual being during his life is not inherited by his descendants. Each new generation begins to gain experience “from scratch”. Therefore, the amount of information available to the genus does not increase from generation to generation (Podolska et al., 2005).

At the same time, the extreme conditions of survival of the protohuman forced him to disrupt the biological program, originally laid down at the genetic level, to act in accordance with the signs (rather than signals) that indicated a certain situation and required certain actions. This significantly accelerated the process of transmission and consolidation of information no longer at the genetic level, but at the level of communication, strengthened
the social ties due to the will of the subjects of the communicative process. The activity of communication promotes the formation of connections between the sign form and the object. This is how the signs of natural language (words) are formed. The more signals were converted into signs, the more effective the behavior of primitive man (Shevnyuk, 2007).

In this regard, V.R. Dolnik (2004) notes that man came out of the action of natural selection because the main condition for success was information that is transmitted not genetically, but non-genetically transmitted knowledge. In particular, language has made it possible to pass from generation to generation a rapidly growing and any amount of information. Gradually, the value of this information became more important than the information transmitted with genes (2004). It is not those who have adapted better to natural conditions who have survived, but those who make better use of the acquired and growing knowledge with each generation on how to build, how to obtain food, how to protect themselves from disease, and how to live (2004).

At the same time, the forced departure of primitive man beyond nature, the implementation of purely human actions are just a purely cultural work. According to L. White (2004), in the course of the evolution of primates, man appeared when he developed and found expression in his ability to symbolize, hence the ability to produce culture. Culture is a special, fundamentally new and incomparably richer in its capabilities, a type of information process that nature does not know. In culture, information is encoded by structures external to the human body. Expressing their thoughts and ideas in man-made sign systems, the individual objectifies them. This means that they seem to be separated from him, acquire an independent, impersonal existence. They become social information, the carrier of which is not one individual, but social culture. Unlike biological, it does not disappear with the death of the individual. Culture forms a specifically human, non-genetic, superbiological “mechanism” of its imitation – social heredity. Thanks to culture in society, what is impossible in the animal world is possible – the historical accumulation and multiplication of information that is available to man (Podolska et al., 2005). According to Yu.M. Lotman, “culture is a device that produces information – culture, based on the resources of the world, turns non-information into information”. Paragraph 54 of the UN Declaration on the Building of the Information Society (Geneva, 12.12.2003) states that “the preservation of cultural heritage connects society with its past. The information society must collect and preserve cultural heritage for future generations by all appropriate methods, including digital translation”. That is, the transmission of information about cultural phenomena is now closely linked to modern opportunities for information exchange. O.O. Vergolyas argues that information networks have existed since the beginning of life on the planet (Vergolyas, 2019).

Thus, the relationship between relations in the field of culture, on the one hand, and relations in the field of information, on the other hand, can be traced on a theoretical level in the fact that the formation of information as a non-biological, non-genetic process and the formation of culture are considered the only process the emergence of non-biological, non-genetic information exchange becomes the trigger for the creation of culture as a supernatural mode of activity, and culture, in turn, becomes a means of creating, processing, assimilating, disseminating and transmitting information that has non-biological, non-genetic nature. A natural consequence of this situation is the recognition in the Mexico
Declaration on Cultural Policy of 06.08.1982, that the precondition for the development of every person, every nation is the ability to receive information, acquire knowledge and transfer their own experience (paragraph 11).

The objectivity of the relationship between relations in the field of culture, on the one hand, and relations in the field of information, on the other hand, creates the appropriate relationships at the level of legal regulation of these relations. These relationships are implemented as follows:

a) “classical” information activities are considered as a sphere of culture. According to paragraph 4 of Part 1 of Art. 1 of the Law of Ukraine (hereinafter – the Law) “On Culture”, activities in the field of culture include, in particular, library, information, museum activities. In Part 1 of Art. 3 of this Law, activities in the field of culture are defined, in particular, activities in the field of electronic and print media, audio and audiovisual products, development of computer technologies and their implementation in the field of culture.

b) “classical” activities in the field of culture are considered as a sphere of information activities. Thus, scholars and practitioners in the system of information law consider library activities, archival activities, activities in the field of television, radio and cinematography, museum activities (Marushchak, 2011; Kovalenko, 2014; Zhixian & Thompson, 2015; Jones, 2017). In this case, as noted above, in Art. 3 of the Law “On Cinematography” the latter is legally recognized as a branch of culture. On the other hand, in accordance with the Law “On Amendments to Certain Laws of Ukraine Concerning the Protection of Information Television and Radio Space of Ukraine”, the sphere of cinematography is included in the system of legal regulation of information television and radio space of Ukraine; the Laws “On Cinematography” and “On Television and Radio Broadcasting” are considered in the unity of legal regulation. According to Art. 1 of the Law “On Libraries and Library Affairs”, library business – a branch of information, cultural and educational activities of society. According to Art. 4 of the Law “On the National Archival Fund and Archival Institutions”, the National Archival Fund of Ukraine is an integral part of national and world cultural heritage and information resources of society. In paragraph 1 of Part 1 of Art. 2 of the Law “On Access to the Archives of the Repressive Bodies of the Communist Totalitarian Regime of 1917-1991” stipulates that archival information of repressive bodies is information recorded on any media that was created, received or was in the repressive bodies;

c) information activities as a factor in the creation, preservation and dissemination of cultural heritage and access to culture. Above, in the theoretical analysis, attention has already been paid to the great importance for humanity of the possibility of disseminating information about cultural heritage – both in spaciousness (in the country and abroad) and in time (from generation to generation). O.G. Komissarov notes that the formation of the
country’s information infrastructure by defining the principles of state information policy contributes to the development on this basis of a system of support for national TV and radio producers, print media, publishing and printing (Komissarov, 2012). In Part 3 of Art. 2 of the Law “On Culture” stipulates that ensuring the implementation and protection of the constitutional rights of citizens of Ukraine in the field of culture includes, in particular, access to cultural values, cultural heritage and information about them. In Part 2 of Art. 2 of this law establishes that the scope of regulation by the legislation on culture is the activity, the main purpose of which is the creation, preservation, dissemination and use of cultural values, cultural heritage and cultural goods.

In the Council of Europe Framework Convention of 27.10.2005 on the Importance of Cultural Heritage for Society (Article 14) access to cultural heritage is closely linked to the development of the information society. Accordingly, the Parties to the Convention have committed themselves to developing the use of digital technologies to increase access to and benefit from cultural heritage.

The Decree of the President of Ukraine of 20.10.2005 No 1497/2005 “On priority tasks for the introduction of new information technologies” provides for the creation in electronic form of archives, libraries, museums and other cultural institutions, the formation of appropriate information systems, including Ukrainian history, culture, folk art, contemporary art, as well as ensuring broad public access to such systems. In the Concept of the National Informatization Program, approved by the Law of the same name dated 04.02.1998 No 75/98-BP, some attention is paid to informatization in the field of culture, the main tasks of which are the preservation of information about monuments of material and spiritual culture, archival documents, access to domestic and world cultural achievements.

The Strategy for the Development of the Information Society in Ukraine, approved by the order of the Cabinet of Ministers of Ukraine dated 15.05.2013 No 386-p within the development of e-culture provides for the creation of electronic versions of cultural heritage of libraries, museums, archives, fine arts (painting, graphics, sculpture), immovable cultural heritage (architecture, landscape), cinema, television, etc.; to this end, take measures to: promote the creation of cultural values in electronic form, their preservation and ensuring wide access; ensuring the processes of electronic translation of documents of archival, library, museum funds, other funds of cultural institutions and the creation of electronic information retrieval systems for history, culture, folk art, contemporary art of Ukraine, including increasing the level of preservation of documents of the National Archival Fund.

According to Part 4 of Art. 16 of the Law “On Culture”, documents on cultural heritage sites and information on cultural values are subject to preservation by creating an insurance fund of documentation. Thus according to Art. 11 of the Law “On the insurance fund of documentation of Ukraine”, in the system of the insurance fund of documentation of Ukraine the insurance fund of documentation for preservation of documents on objects of cultural heritage is provided. According to Art. 10 of this Law, the formation, maintenance and use of the insurance fund of documentation of Ukraine in the field of preservation of information about cultural values is carried out in accordance with this Law, taking into account the features determined by the central executive body in the field of culture and arts.

In the Resolution of the Verkhovna Rada of Ukraine following the parliamentary hearings
to the 200th anniversary of the birth of T.G. Shevchenko recognized the need to create an audio and video archive, Shevchenko’s film library. The factors of cultural regulation through its information component are also evidenced by the direct reference in Recommendation R(2000)13 of 13.07.2000 on the European policy on access to archives in connection with the Recommendation of the Committee of Ministers of the Council of Europe to member states R(81)19 of 25.11.1981 “On access to information available to public authorities”, and hence on the unity of the principles of access. A further development of these principles was the adoption of Recommendation Rec(2002)2 of the Committee of Ministers to member countries on access to official documents (dated 21.02.2002). This Recommendation, on the other hand, contains a direct reference to Recommendation R(2000)13 on a European policy on access to archives.

Legal regulation of access to archival materials in Ukrainian legislation is also carried out through regulation of access to public information. Thus, Articles 16 and 22 of the Law “On the National Archival Fund and Archival Institutions” regulate certain aspects of the procedure for access to archival documents by referring to the Law “On Access to Public Information”.

Article 61 of the UNESCO Recommendation (Paris, 16.11.1972) emphasizes the need for educational campaigns in order to arouse the general interest of the population and develop their respect for cultural and natural heritage. To this end, all means should be used.

In paragraph 6.2 of Section I “Culture and Freedom” of the above-mentioned Document of the Cracow Symposium On The Cultural Heritage of the CSCE Participating States (06.06.1991) freedom of creativity is directly considered in conjunction with the free dissemination of information, and states that the existence in the field of art and culture of different, independent of the state means of dissemination here: publishing houses, radio, cinematographic and television organizations, theaters and galleries, promotes pluralism and freedom of artistic and cultural expression.

d) universal principles of legal regulation of information and cultural activities – in the main features: freedom of expression, the validity of restrictions on this freedom, accessibility, humanism. The similarity of legal regulation of freedom of speech in general and freedom of expression in the field of culture has already been noted above. This can be seen from the above comparison of Art. 10 of the European Convention 1950 and paragraph 6.1 of Section I “Culture and Freedom” of the above-mentioned final document of 06.06.1991 of the Krakow Symposium on Cultural Heritage, which provides for the dualism of freedom and the possibility of its restrictions in justified cases. The same universality is evidenced by the EU Charter of Fundamental Rights, which provides guarantees for both freedom of expression and freedom of information (Article 11) and freedom of artistic creation (Article 13).

Consistently, this approach is implemented in Article 19 of the International Covenant on Civil and Political Rights, which, in paragraphs 1 and 2, guarantees that “everyone has the right to freedom of opinion and to exercise his or her views without hindrance; everyone has the right to freely express their views; this right includes freedom to seek, receive and impart information and ideas, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”, but stipulates in paragraph 3 that
“in paragraph 2 of this article, the rights impose special duties and special responsibilities. It may, therefore, be subject to certain restrictions, which, however, must be established by law and be necessary: a) for respect for the rights and reputation of others; b) for the protection of national security, public order, public health or morals”.

That is, the right to disseminate (transmit) any information is considered, including through “artistic forms of expression”, but at the same time warns against the infinity of such possibilities, including taking into account the needs of national security.

The possibility of protecting the rights to artistic expression on the basis of Art. 10 of the European Convention occasionally considered the ECHR in separate decisions. Thus, in the decision of the ECHR of 24.05.1988 in the case of “Müller et al. v. Switzerland” first of all, it was stated that Art. 10 of the European Convention includes freedom of artistic expression.

The ECHR concluded that the decisions on conviction and sentencing were provided by law within the meaning of Part 2 of Art. 10 of the European Convention... The Court also noted that the conviction and sentencing were intended to protect public morals and, accordingly, had a legitimate aim within the meaning of Part 2 of Art. 10 of European Convention. Violation of Art. 10 European Convention was not.

In Part 1 of Art. 1 of the Law “On Culture”, where, as noted above, “classical” information activities are considered as a sphere of culture (paragraph 4 of Part 1 of Article 1), provides, of course, and uniform principles of legal regulation. In particular, according to Part 1 of Art. 3 of the Law “On Culture”, the main principles of state policy in the field of culture (including, of course, in the field of information) are, in particular, promoting the establishment of humanistic ideas, high moral principles in public life; ensuring freedom of creativity, protection of intellectual property rights, copyright and related rights; guaranteeing the rights of citizens in the field of culture; creating conditions for creative development of personality.

In Art. 1 of the Law “On Protection of Public Morality” defines products of an erotic nature as the object of potential restrictions on distribution – these are any material objects, objects, printed, audio, video products, including advertising, messages and materials, products Media, electronic media containing erotic information... That is, potential restrictions apply equally to both printed products, including books, and the media (print and electronic).

The connection between relations in the field of culture, on the one hand, and in the field of information, on the other hand, can also be traced in practice. This is manifested, first of all, in the fact that the access of the masses to cultural heritage is carried out not only by “classical” methods inherent in a particular field of culture, but also through information technology. Thus, the UNESCO Recommendation (Nairobi, 26.11.1976) on the participation and contribution of the masses in cultural life recognized the need for “the use and development of media, both modern and traditional in the interests of culture” (subparagraph d of section I). Examples of such use of the media include:

a) distribution of literary works not only by publishing books, but also by publishing newspapers, magazines, transmission of works by wired or wireless, including satellite, means of communication;

b) reproduction of musical, dramatic, musical-dramatic works; choreographic works or pantomimes; theatrical performances not only in auditoriums (concert halls, clubs, philharmonics, etc.), but also wired or wireless, including satellite, means of communication, including television;
c) reproduction of cinematographic works not only in auditoriums (cinemas, clubs, etc.), but also transmission by television. Regarding the impact of television on the masses, Professor G. Pocheptsov (2018), referring to the candidate of philosophical sciences D. Dandurey, noted that in terms of the volume of television viewing, this occupation takes the absolute first place among 500 occupations in all spheres of our everyday life. Second only to sleep. Every person over the age of four watches TV four hours a day. This means, someone is watching 8 hours, although someone does not include it at all. But about 125 million people – at least five times a week;

d) translation of literary, musical, theatrical works, works of fine arts, archival documents into electronic-digital form and their distribution on magnetic media and via the Internet. For example, the Internet makes it possible to “tour” virtual museums and galleries around the world, including the British Museum (it also has a separate on-line collection “Museum of the World”); Museum of Contemporary Art (the site presents tens of thousands of contemporary works of art that are now on display in the museum or from past exhibitions); museums of the Smithsonian Institution, including the National Portrait Gallery, the American Museum of Art, the Museum of Natural History, and some others; Louvre; The Metropolitan Museum of Art (New York) has a virtual “collection” of about 450,000 items; Guggenheim; Uffizi Gallery (Italy); The Rijksmuseum in Amsterdam has a virtual “collection” of about 150,000 items; Getty Museum in Los Angeles, more than 15,000 electronic “items” for reference; The Van Gogh Museum (Amsterdam) houses the largest collection of works by the master (Iurynets et al., 2020).

Of course, other sites may offer other virtual “collections” and “tours”. In the above-mentioned Resolution of the Verkhovna Rada of Ukraine following the parliamentary hearings to the 200th anniversary of the birth of T.G. Shevchenko was recognized as necessary to create an audio and video archive, Shevchenko’s film library;

The coronavirus epidemic gave a new impetus to the transfer of works of art to the virtual information sphere. Thus, since March 2020, many theaters and museums have opened on-line tours and on-line performances. For example, the Louvre in Paris has opened several on-line tours. On the website of the Tate Britain gallery you can get acquainted with the recently created, but now closed exhibition of unique English graphics of the late twentieth century. Aubrey Beardsley. And located on the other bank of the Thames, the younger and more modern gallery Tate Modern has posted on its website all 417 exhibits of the grand retrospective exhibition of Andy Warhol, which also closed just a week after opening. The London Symphony Orchestra has launched the on-line Always Playing program: twice a week it broadcasts full recordings of selected concerts of Britain’s best orchestra conducted not only by its famous current conductor Sir Simon Rattle, but also by its equally famous predecessor Valery Gergiev. Once a week, the Royal Opera and Ballet Theater launches free broadcasts of its selected performances on its YouTube channel and Facebook page (Iurynets et al., 2020).

e) creation of electronic databases (encyclopedic, anthological) and search engines, including remote access, to the funds of archives, libraries, museums and other cultural institutions, history, culture, folk art, contemporary art.

Researchers note a huge amount of digitized archives of libraries and museums in the
United States (Jones, 2017) and China (Zhixian & Thompson, 2017). In particular, the New York Public Library has proposed the NYPL Digital Gallery, which contains a collection of 275,000 images for viewing on the Internet.

Since 1998, the purposeful formation of the fund of electronic resources is carried out by the National Library of Ukraine named after V.I. Vernadsky. Network information resources of the Library as a scientific information center include: collection “Scientific Periodicals of Ukraine” (900,000 articles from 2,600 journals), electronic texts (845,000 documents, including 60,000 abstracts of dissertations), analytical materials (5,000 issues of operational information and information-analytical reviews), catalogs and card indexes (4 million bibliographic records and 5 million images of cards of the general alphabetical catalog); abstract database “Ukrainika Naukova” (547,000 records), information portal “Nauka Ukrainy: access to knowledge”, electronic library “Ukrainika”, a collection of manuscripts and old prints, as well as implemented unique projects jointly with scientific institutions and archives, in particular “Electronic archive of Mykhailo Hrushevsky”, “V.I. Vernadsky”, “T.G. Shevchenko”, etc (Lurynets et al., 2020).

Thus, the means of communication lead to the expansion of cultural boundaries.

Instead, such expansion has a downside – informatization also leads to the widespread spread of unwanted cultural content, and at the same time, utilitarian values, promotes the onset of authoritarian, distorted values on humanistic-liberal values and needs both at the individual and national level, even civilizational (Zagurska-Antoniuk, 2020). According to G. Sytnyk, information is exchanged between members of society, and thus the influence on each other. Influence can be both positive and negative, as the basis of this interaction can be both common and divergent interests, views, etc. of its participants. Negative influence can be identified as a manifestation of information security danger to a person (individual), social community or state institutions, as subjects of information relations (Sytnyk, 2020).

O.O. Vergolyas points out that the on-line social network, in terms of information and communication technologies, creates the conditions for the use of much more tools of information and psychological influence than off-line due to technological capabilities for placement and delivery of audio and video information to the addressee. On-line networks have a much wider range of options for placing and delivering information to the recipient of various kinds (video, pictures, photos, text, audio). The speed of information dissemination in the on-line network is much higher than in the off-line network due to the simplicity of transmission and broadcasting. In addition, it is worth noting that the production, distribution and delivery to the recipient of information products (content) for distribution in the on-line network requires much less human and material resources than in the on-line network, especially for due to the speed of distribution and extremely low costs for the animation of information materials (Vergolyas, 2019).

Thus, information networks create all opportunities for the delivery of hostile cultural and/or informational content.

Thus, the above informational understanding of culture provides grounds, in particular, to systematically extend approaches to the restrictions set out in Part 2 of Art. 10 of European Convention, for artistic self-expression. The criteria for such restrictions determine the establishment of prohibitions by national law in the interests, in particular, national security and the need for such prohibitions in a democratic society.
From these positions, considering the dangers of Russian film and television content, we turn to its characteristics provided by the famous Russian journalist A. Babchenko: “Television and Goebbels’ precepts met in the Russian Federation of the XXI century. And they gave such a shock effect that no supernova rocket will give it.

The most disgusting propaganda directed at the basest, most animal, the most negative human feelings, combined with the most powerful means of conveying ideas, plunged eighty-six percent of the population of the largest country on the planet into madness. Putin’s propaganda extracted all the impurity from people, turned all the worst into good, allowed murder, xenophobia, obscurantism, persecution, hatred, aggression, racial intolerance, sowed brains with chauvinism and national superiority, imperial grandeur; lifted prohibitions, lowered limits to almost zero, and said: everything, now everything is possible – and it turned out to be incredibly effective.

For ten years, the screen was packed with a product in which hate was the only communication model. The only pattern of conversation is screaming. The only model of communication with a child is shouting, screaming, beating. The only model of behavior, decision-making is moral idiocy. The only development model is violence. The only model for solving problems is aggression and murder.

Already now we can say for sure that the most powerful weapon that Russia possesses is not the “Iskander” or submarines. This is television” (Babchenko, 2016).

At the same time, until 2014, this film and television content reached Ukraine without hindrance.

Russian cultural discourse is characterized by the propaganda of war, moreover, the war with Ukraine. So, back in 2009, there was information that Russia began to massively “stamp” books about the war with Ukraine. Back in 2009, several books were published in Russia describing the collapse of Ukraine’s independence and the Ukrainian-Russian war (Russia began to stamp..., 2009).

Russian opposition journalist and politician I. Yakovenko compares Russian television to the ongoing show “Run, Ukraine, run!” the victims are the whole country – Ukraine (Yakovenko, 2015).

In this sense, it is obvious that Russian TV content played a very big negative role in the events of 2014 in Donbas, in fact acting as a trigger for the war. So, a resident of Donetsk: “I remember this “referendum”. A few days earlier, on one of the Russian TV channels, the news anchor said that in Donetsk, signs were put on the homes of Russian-speaking citizens. My wife and I giggled then. What nonsense! Then this nonsense was seriously retold to each other by people in the referendum... And we suddenly realized that the people began to go crazy en masse” (How life is in Donetsk..., 2016).

At the same time, Russian television played a particularly negative role in the run-up to and during the Russian Federation’s large-scale aggression against Ukraine. The Russian authorities are stubbornly lying, calling the war in Ukraine a “special military operation” whose main goal is the “denazification” and “demilitarization” of the neighboring country. According to Vladimir Putin, Ukraine owes its existence to the Soviet Union, so its independence is illegal, especially since it is now ruled by “neo-Nazis” and “drug addicts” who follow all the orders of Washington. All this, in a circle, is operated by the Russian television
services of the so-called “news” and talk shows on pro-Kremlin channels. In one of the stories on NTV on March 26, 2022, in particular, it was claimed that the Ukrainian military was targeting children with banned cluster bombs, that Ukrainian President Volodymyr Zelensky had banned all private media, that Ukrainians did not consider Russians people, and that Ukrainian doctors called for Russian castration prisoners of war, and the Ukrainian “Nazis” are "ready to tear out children’s eyes by nationality”. All modern Russian television is full of military brainwashing (Koalson, 2022).

At one time, Russia effectively used the methods of information hybrid warfare to annex Crimea. According to N. Minyailo (2020), A. Demartino, a publicist and specialist in PR technologies, analyzed the methods of conducting a hybrid war of Russia during the annexation of Crimea. In connection with this analysis, the following theses should be highlighted:

– on the eve of the Russian aggression, nowhere in Crimea, except for Sevastopol, were there any anti-Ukrainian sentiments. In the top 20 most popular groups in Crimea’s social networks, there were no overtly anti-Ukrainian ones;

– Sevastopol has always been pro-Russian. This distinguished him from the rest of Crimea. The presence of the Russian Navy’s Black Sea Fleet on the territory of the city had a great influence. Therefore, all of Russia’s efforts on social networks were directed to other parts of Crimea. Sevastopol was ready for annexation even before it began;

– pro-Russian political parties were on the margins, having within 3 % of the support of the Crimean’s;

– a feature of the Crimea was the deep penetration of the Internet. The level of Internet coverage of the population of Crimea was almost 50%. The Russians began active work on social networks and the Internet in the fall of 2013. Through these social networks, especially through the “Odnoklassniki” social network, the Russians spread slogans that the Nazis had come to power in Kyiv, which could ban the Russian language in Crimea;

– nevertheless, Russian television played a major role in changing the consciousness of Crimean residents. With the beginning of the Euromaidan, an active anti-Ukrainian campaign began on Russian channels, without which the influence of social networks would not have been so significant;

– Crimean’s rarely traveled to mainland Ukraine. Because of this, they were inclined to believe Russian disinformation about the events in Kiev

Yu. I. Mikhieiev et al. (2016) emphasize that in the Autonomous Republic of Crimea it had a clearly defined virtual information component. If we call it propaganda, it would reduce the treacherous and poisonous nature of this information war. The principles of the electronic cyberattack were transformed into an uncontrolled unimpeded flow of Russian-language disinformation announcing a new war with the “fascists”. A version of the reality of oppression, persecution and intimidation of the Russian-speaking population of Ukraine was created, which was spread to destabilize the situation in the country. Foreign news agencies covered the fake news as if they really had reason to discuss. As a result, the falsifications, confusion and fear they cause, prevented a quick response to the actions of the Russian Federation and weakened the determination of those who were to do so.

Modern means of disseminating information – radio, television, the Internet have enabled
Russia to quickly and indefinitely influence the Ukrainian population for many years, adjusting certain regions of Ukraine, and especially the Crimea, to pro-Moscow policy. Russian media had an informational and psychological influence to create the necessary attitude to the negative perception of events in Ukraine (Turanskyi, Kharuk, 2019).

The analysis shows that the creation of pro-Russian sites in Ukraine reached a maximum during 2014-2015 (Snopok, 2022).

Thus, Russian content that claims to be cultural, has caused and continues to cause enormous damage to Ukraine’s national security, actually leads to the death of people, so restricting such content meets the legitimate goal – national security – and is necessary in a democratic society, because in a truly democratic country man, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value, as stated in Part 1 of Art. 3 of the Constitution of Ukraine.

As for the criterion of restrictions – the establishment of the law – it should be noted that Ukrainian law and practice have gone through the application of such prohibitions (restrictions), such as: retransmission of programs of the Russian broadcaster; broadcasting (distribution) of a television and radio product produced by the Russian Federation; import from the territory of the aggressor state or the temporarily occupied territory of Ukraine of publishing products that may be distributed on the territory of Ukraine; use of certain topics that harm the national security of Ukraine, in the national television and radio product, in other media, including print media. Thus, the laws of Ukraine prohibit the dissemination in any way of Russian informational and cultural content that contains the promotion or propaganda of the aggressor state and their individual actions, which justifies or recognizes the lawful occupation of the territory of Ukraine, namely: broadcasting of television programs, made after 01.08.1991 (Law “On Television and Radio Broadcasting”, Part 2, Article 6), distribution and demonstration of films containing content on the specified subject (Law “On Cinematography”, Article 15-1), distribution specified materials in the print media (Law “On Print Media (Press) in Ukraine”, Article 3) and book publications (Law “On Publishing”, Articles 28, 28-1). In addition, the norm of Part 2 of Art. 6 of the Law on Television and Radio Broadcasting prohibits the broadcasting of audiovisual works (films, TV programs, except for information and information-analytical TV programs), one of the participants of which is a person included in the List of persons who pose a threat to national security of Ukraine. Therefore, these restrictions on printed materials, audio and video materials are provided by law.

But, the Law Ukrainian “On News Agencies” does not introduce relevant provisions on the scope of news agencies to restrict Russian content and pro-Russian information, which is a significant shortcoming. That is, it is necessary to improve this law in this direction. After all, we are talking about the same Russian news agencies and mass media that massively published and publish false and propaganda “news” of anti-Ukrainian orientation: “crucified boy”, “mother of the crucified boy tied to a tank and dragged across the square”, “two slaves”, “devoured bullfinches, in contrast to the tits of patriotic color”, “drunken negroes dance on Ukrainian tanks”, “Yatsenyuk fought in Chechnya and participated in the torture and execution of Russian prisoners of war”; “Avdeevka is shelled by the Ukrainian army” (which itself at this time controls the city and provides life there – author’s note), etc. There is no
reason to allow these agencies and the media to legitimately disseminate this information in Ukraine.

Informational understanding of culture is the basis for the formation of European standards for restricting the dissemination of materials containing violence and cruelty – in accordance with the Recommendation of the Committee of Ministers of the Council of Europe No R (89) 7 of 27.04.1989; No R (97) 19 of 30.10.1997; No R (97) 20 of 30.10.1997. The basic principle of the approach to restrictions in this area are the rules established by Art. 10 of the European Convention 1950.

In Recommendation No R (89) 7, taking into account, in particular, the provisions of Articles 8 and 10 of the European Convention on Freedom of Expression and the Unhindered Dissemination of Information and Ideas recognize, however, “the importance of consolidating action against the dissemination of violent and pornographic videos, as well as against drug use, in particular for the protection of minors”.

Recommendation No R (97) 20 of 30.10.1997 states that certain cases of incitement to hatred may be so offensive to individuals and groups of the population that they will go beyond the legal protection afforded by Art. 10 of the European Convention. Some forms of unjustified violence and incitement to hatred may be lawfully restricted, given the duties and responsibilities of exercising the right to freedom of expression.

The most detailed problem is set out in Recommendation No R (97) 19. In particular, Recommendation No R (97) 19 points to the principle of the possibility of showing some episodes of violence in the media. However, some forms of unjustified violence may be legally restricted, in particular to vulnerable groups such as children and adolescents.

Based on the principle of the unity of the right to self-expression and the responsibilities associated with the exercise of that right, Recommendation No R (97) 19 set out the ways in which media professionals can be held accountable for appropriate editorial policies, including to avoid “unreasonable display of violence”, example, prior public awareness of messages, words and images of a violent nature that are intended to be made available, etc.

Among the effective national measures to curb “unwarranted violence” Recommendation No R (97) 19 defines: the provision of media users the possibility to lodge a complaint with a regulatory or other competent national authority; inclusion in the terms of licenses for broadcasters of certain obligations related to the display of violence, together with preventive measures of an administrative nature, etc.

The implementation of these provisions makes it possible to develop national standards for the proper protection of public morality against “unreasonable display of violence”.

After the large-scale armed invasion of the Russian Federation into Ukraine on February 24, 2022, the problem of restricting Russian cultural (in fact, propaganda) content arose with renewed vigor. In particular, according to V. Andreeva (2022), the Ministry of Culture of Ukraine stated that “during the war, no Russian-Ukrainian reconciliation through culture is possible”. Any theses about “fraternal peoples” and common culture are only manipulative. The Ministry emphasizes that such statements humiliate the Ukrainian people and their own cultural heritage. “The Kremlin is using culture as a propaganda tool, following the example of the Nazis. Attempts now, during the active hostilities on our territory, to give the floor to the representatives of the aggressor and Ukraine on the same platforms – is an attempt to
level the horrors of war, legitimizing Russian propaganda narratives about Ukraine”.

After this invasion in Ukraine, the liquidation of monuments associated with the totalitarian past was resumed, as well as the renaming of toponymic names. In fact, this is a deepening of decommunization. However, if initially decommunization was aimed at Ukraine’s Soviet past, now the question is to break with Russia’s past.

In this regard, it should be taken into account that monuments and place names are significant factors of ideological influence on the population.

Between monuments and society, there is always a connection that is not always visible. Monuments, being a part of the historical and cultural environment in which a person lives and develops as a social personality, already by the fact of their physical existence, influence him, knowledge about past history and culture, and thus, the formation of his worldview. Already in ancient times, the authorities were well aware of the great emotional power of the ideological impact of historical relics and monumental structures on the psyche and consciousness of people. At the dawn of civilization in the early states, historical relics were declared sacred and used by the authorities to rally society around the ideas they cultivated. No expense was spared for monumental propaganda (Kulemzin, 2001).

Soviet and American sculptor Ernst Neizvestnyy pointed out: “Lenin was not a fool when... the Soviet government carried out a plan of monumental propaganda. He tried to create Soviet mythology, in which he was a great clever. Even before Hitler came to power, a powerful, albeit diabolical, myth-making was created, including signs, rituals, processions, gestures, deeds” (cited from a 2020 Collective monograph).

A. Plotnikova (2017) refers to the Polish historian Mariusz Volos, who, commenting on the Polish law on decommunization of 22.06.2017, emphasizes that regarding the history of our country (Poland – author’s note) it should be mentioned that Poland was an independent state until 1939, but after 1944-45 it depended on Moscow. And, given this circumstance, the monuments to the Red Army remain for us, above all, a symbol of obedience.

The same is true for toponymic names.

The issue of limiting Russian content also arose before other countries.

As of March 28, 2022, thirty European countries have already boycotted Russian propagandists. In addition, some countries have included Ukrainian-language TV channels in their information space. These countries have completely or partially shut down Russian propaganda channels (Ivancheskul, 2022).

The number of European regulators and media, which began to broadcast radio and TV programs in Ukrainian,”constantly increases”. Thus, the countries that have not yet responded to Ukraine’s call to stop broadcasting Russian propaganda TV channels are Iceland, Norway, Bosnia and Herzegovina, Serbia, Kosovo, Albania and North Macedonia. The broadcast also continues in Turkey, Azerbaijan and Israel. Meanwhile, Great Britain, Germany, the Czech Republic, Poland, Lithuania and Romania turned on Ukrainian TV channels for their citizens.

CONCLUSIONS

The study of the genesis of information and culture in their dialectical relationship and the peculiarities of legal regulation in these areas gave the authors of the study to draw some conclusions and make recommendations on these issues.
For the first time committed substantiation of information understanding of culture on the basis of a systematic interdisciplinary approach and consideration of information content as such and cultural content in the dialectical unity of information flows, including hostile, with further proposals for the use of such information understanding in national security of Ukraine and democracies.

The connection of relations in the field of culture, on the one hand, and in the field of information, on the other hand, at the theoretical level, in normative regulation and in practical activity is traced. In theoretical terms, based on the principle of evolutionism, it should be assumed that the information exchange, determined genetically, between individuals of the animal world occurs in the pre-human period. In the process of evolution and anthropogenesis, the result of cultural work is the creation, processing, assimilation, dissemination and transmission of information that has a non-biological, non-genetic nature. The objectivity of the relationship between relations in the field of culture, on the one hand, and relations in the field of information, on the other hand, creates the appropriate relationship at the level of administrative and legal regulation of these relations. These relationships are realized as follows: a) “classical” information activities are considered as a sphere of culture; b) “classical” activities in the field of culture are considered as a sphere of information activities; c) information activities as a factor in the creation, preservation and dissemination of cultural heritage and access to culture; d) universal, in the main features, the principles of legal regulation of information and cultural activities: freedom of expression, the validity of restrictions on this freedom, accessibility, humanism.

This unity of administrative and legal regulation allows the use of the same or similar principles to determine the legality of restrictions or the absence of grounds for such restrictions. In particular, the ECHR found that Art. 10 of the European Convention 1950 both includes freedom of artistic expression (Part 1) and does not exclude restrictions (Part 2).

For the first time, from the standpoint of the ECHR requirements, the legality of restrictions on the entry into the Ukrainian information space of the information and cultural product of the Russian Federation as an aggressor country waging an information war against Ukraine has been analyzed and substantiated. It is established that with regard to printed materials, audio and video materials, these restrictions are directly provided by law (although it is noted that the same prohibitions are required in the field of information), which corresponds to Part 2 of Art. 10 of the European Convention 1950. With regard to the analysis of the legality of restrictions on the other two criteria provided for in Part 2 of Art. 10 of the European Convention 1950 (legitimate aim and necessity in a democratic society), it is proved that Russian propaganda has caused and is causing great damage to the national security of Ukraine, actually leads to death, so the systematic restriction of such propaganda meets the legitimate goal – national security – and is necessary in a democratic society. Restricting the entry of Russian (pro-Russian) information and cultural content into the Ukrainian information and cultural space is a factor in the information security of the Ukrainian state. From these positions, we are completely right about the limitation of Russian content in other countries of Europe.
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