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NAS RK is pleased to announce that Bulletin of NAS RK scientific journal has been accepted for indexing in the Emerging Sources Citation Index, a new edition of Web of Science. Content in this index is under consideration by Clarivate Analytics to be accepted in the Science Citation Index Expanded, the Social Sciences Citation Index, and the Arts & Humanities Citation Index. The quality and depth of content Web of Science offers to researchers, authors, publishers, and institutions sets it apart from other research databases. The inclusion of Bulletin of NAS RK in the Emerging Sources Citation Index demonstrates our dedication to providing the most relevant and influential multidiscipline content to our community.

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НАН РК сообщает, что научный журнал «Вестник НАН РК» был принят для индексирования в Emerging Sources Citation Index, обновленной версии Web of Science. Содержание в этом индексировании находится в стадии рассмотрения компанией Clarivate Analytics для дальнейшего принятия журнала в the Science Citation Index Expanded, the Social Sciences Citation Index и the Arts & Humanities Citation Index. Web of Science предлагает качество и глубину контента для исследователей, авторов, издателей и учреждений. Включение Вестника НАН РК в Emerging Sources Citation Index демонстрирует нашу приверженность к наиболее актуальному и влиятельному мультидисциплинарному контенту для нашего сообщества.

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PROTECTION OF THE RIGHT TO RESPECT FOR PRIVATE LIFE IN THE COURSE OF EDUCATIONAL ACTIVITIES IN THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS

Abstract. The development of digitalization processes and their implementation in educational activities, the establishment of certain legal and ethical requirements for its participants determine the importance of ensuring privacy, identifying and preventing the actions that can be considered as interference with it, and specifying the limits of admissibility of such interference. The purpose of the article is to identify, analyze and generalize the rulings of the European Court of Human Rights regarding the protection of the right to respect for private life in relation to educational activities. Conclusions were made about broad understanding of private life and interference with it by the European Court of Human Rights in the framework of educational activities. It was pointed out that its content includes questions related to the teacher's professional activity, the compliance of the participants in the educational activity with certain requirements for appearance and behavior, and control over their behavior using modern technologies. It was revealed that interference with private life in the course of educational activities is possible provided that certain criteria for its admissibility, connected with both moral attitudes of the subjects of such activities and with the developed international standards, are met.

Key words: private life, respect for private life, European Court of Human Rights, educational activities.

Introduction. «The globalization of education brought the questions about the use of information technologies and systems (ITS) in universities to the first place» [19, p. 155]. The development of digitalization processes involving all actors in education, the increasing importance of the electronic environment in the organization and implementation of educational activities, on the one hand, definitely simplify the organization and implementation of the learning process, however, on the other hand, they account for increasing relevance of ensuring privacy, defining the interference with it and the limits of its admissibility.

The problem of ensuring privacy can arise in the educational sphere also not in connection with the use of information technology and the learning process itself. For example, “when using certain psychological techniques, the right of a school student to privacy may be violated. Many questionnaires are aimed at revealing private aspects of life and relationships in a child's family as well as the status of their parents, etc.” [2].

Despite the objective practical need to develop some general approaches to ensure the inviolability of privacy in the course of learning activities, at a theoretical level, this problem has not almost been studied.

It seems that the standards established by the European Court of Human Rights (hereinafter referred to as “the ECHR”) as a result of interpretation and application of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms [3] (hereinafter also referred to as “the Convention”) are very useful for the formation and development of such approaches. It developed approaches to understanding private life and interference with it as well as the criteria for the admissibility of such interference.

Such general international standards for the protection of private life should be taken into account and implemented in specific states when carrying out educational activities in accordance with the assumed contractual obligations.

It should be noted that the protection of private life is quite in demand among citizens of the countries parties to the Convention for the Protection of Human Rights and Fundamental Freedoms. From 1959 to 2019, the European Court of Human Rights issued 1475 decisions connected with the violation of the right to respect for private and family life. The biggest number of violations was registered in Russia (220), Italy (170), Turkey (123), Poland (116), Romania (96) [24].

In modern science, quite a lot of attention is paid to the understanding of privacy and ensuring its inviolability, including protecting the right to respect for private and family life at the European Court of Human Rights [1; 5; 7; 18; 21]. However, there have been almost no research on the application of such international standards in educational activities. Certain aspects were analyzed, for example, in terms of assessing the legitimacy of medical students' participation in delivering healthcare services [22; 25].

Therefore, while preparing this article, priority was given to the study of the judgments issued by the European Court of Human Rights on complaints of violation of the right to respect for private and family life in the context of educational activities. The ECHR judgments featuring general provisions on the understanding of private life and the admissibility of interference with it were also used.

The purpose of the research is to identify, analyze and generalize the rulings of the European Court of Human Rights regarding the protection of the right to respect for private life in relation to educational activities.

Methods. To summarize and analyze the practice of the European Court of Human Rights in this domain, a dialectical method of cognition was used, as well as such scientific methods as logical, formal legal and other methods, provided that in general the systematic approach was observed.

Results. *The concept of private life and interference with it in the practice of the European Court of Human Rights in the context of educational activities.* According to the ECHR, private life is a broad concept incapable of exhaustive definition that includes a person's physical, psychological and moral integrity, privacy, as well as identity and autonomy [6, § 65, 70]. Based on this understanding of private life, its following aspects that relate to the implementation of educational activities can be identified.

First of all, the teaching activity itself is considered as one of the elements of a person's private life, since professional activity enables most people to develop relationships with the outside world [6, § 130-134].

That is why the cancellation of an internship abroad, which had been planned as a reward for winning the competition, due to the circumstances not related to the professional qualities of the teacher (for example, the traditions he adheres to in everyday life, his wife's clothes), was considered interference with private life [17, § 43-49].

Cancelling or amending the certificate of equivalence of foreign education documents giving the right to carry out teaching activities is also regarded as interference with private life, affecting a person's relationship with other people, resulting in negative consequences for the well-being of their family [16, § 34-37].

Specific aspects related to the implementation of educational activities include both issues that are "traditional" for education, which have been reinvented in terms of protecting privacy, and problems that have arisen in connection with the development of information and communication technologies and their increasing application in the educational process and in the administrative and managerial activities of the educational institution.

Such interference with private life includes, for example, the participation in or presence of students during the delivery of medical care, the obligation of parents to inform school administration about their religious and philosophical beliefs, the rules regarding the preferred appearance of the student, video surveillance in classrooms, and monitoring Internet access and correspondence.

The presence of medical students during the delivery of medical care can be considered as interference with private life, since one of the aspects of a person's private life is physical integrity, while "the human body is the most intimate aspect of private life, and medical intervention, even if it is of minor importance, constitutes an interference with this right" [11, § 40]. Healthcare and treatment are considered by the ECHR as components of the physical, psychological and moral integrity of a person [6, § 90-96], and information on human health as an element of confidentiality [6, § 169 -173]. Moreover, when it comes to the presence of students during labour, it is highlighted that "the right of choosing the circumstances of becoming a parent" is included in the concept of private life [11, § 39].

«The basis of the worldview, the attitude of the emerging person to reality are laid in the childhood, adolescence and youth» [23, p. 123]. The problem of obliging students' parents to provide school administration with detailed information about their religious and philosophical beliefs was raised in the case of *Folgere and Others v. Norway* in conjunction with Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (freedom of thought, conscience and religion) and Article 2 of Protocol No.1 to it (the right to education). Parents of students who want to partially exempt their children from studying a subject, which includes the basics of Christianity, other religions and philosophies, could be forced to report on their religious and philosophical preferences according to the established procedure. This, in the opinion of the European Court of Human Rights, relates to the intimate aspects of private life and, therefore, can be considered as interference with it [10, § 98].

The student's appearance was studied, for example, in the Decision in the *Tiğ v. Turkey* Case [4], adopted on a complaint about a violation of the right to respect for private and family life related to the prohibition of wearing a beard at university. The court recognized the beard as belonging to an appearance that forms part of a person's private life (namely, such an element as identity and autonomy). But in this particular case, the complaint was declared inadmissible, since the measure of the university authorities was relatively limited in scope: the applicant was admitted to the university within a year after the issuance of the order prohibiting the wearing of a beard on his territory, and was able to complete his studies by shaving his beard.

Video surveillance in classrooms in terms of interference with private life was raised at the European Court of Human Rights in the case of *Antovic and Mirković v. Montenegro* [8]. The complaint was filed by professors of the University of Montenegro after video surveillance had been installed in the classrooms where they conducted classes, with recording being accessible to the faculty dean. When considering this case, the Court recalled that video surveillance of the employee at the workplace (hidden or not) is a significant interference with employee's personal life. With regard to video surveillance in the classroom, it was noted that, firstly, the classroom is the workplace of the teacher, where he is obliged to be present, and, secondly, the teachers not only teach students in the classroom, but also interact with them, developing relationships and constructing their social identity. Thus, proceeding from a wide understanding of private life in the practice of the ECHR, interference with private life was identified [8, § 44-45].

The issue of monitoring the correspondence and use of the Internet and, to a certain extent, the collection and storage of personal data obtained at the educational institution received coverage, for example, in the case of *Copland v. the United Kingdom* against a college employee. The commission of these actions by the deputy rector and other persons on his behalf was considered an interference with the right to respect for the employee's privacy [9, § 44].

Criteria for admissibility of interference with private life in the implementation of educational activities. The problem of building certain "boundaries" of private life, when the interference can be recognized as admissible, has several aspects. Of course, we are not talking about situations where a person voluntarily agrees to commit such an action. If such consent is not obtained, we can speak, on the one hand, about the moral criteria for the admissibility of such an interference in terms of certain ethical requirements that apply in educational activities, the development of a culture of relationships in the virtual digital environment in the field of education, and somewhere even about the need of such interference [20].

On the other hand, there are certain criteria that have been developed in the legal sphere on the basis of standards established in the practice of implementing international acts in the field of human rights protection, which are largely related to universal humanistic values.

According to paragraph 2, Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, they include: interference in compliance with the law, pursuing one or more of the legitimate goals specified in this article, the need for a democratic society to achieve these legitimate goals.

At the same time, within the first criterion, not only the existence of a legal norm, but also its quality is important [14, § 228-230], the opportunity to independently familiarize oneself with the text of a legal norm and be consulted if necessary [13, § 26].

For example, when assessing the legitimacy of the medical students' presence while delivering medical care, the guaranteed protection of the patient's private life, as well as the circumstances of presenting the information on the participation of students in assisting the patient are important.

Firstly, the volume of information about the alleged student participation stated in the notification is crucial. The patient should be informed not only about the intended participation of students in delivering a certain procedure, but also about the actual volume and extent of such participation.

Secondly, the patient must have a real choice whether to agree to or refuse the participation of students in the delivery of medical care, as well as the possible alternatives in case of refusal.

Thirdly, the information on the intended participation of students should be provided to the patient in advance.

Fourth, the patient's condition should allow for an informed decision on this issue [11, § 46-48].

In the case of *Antovic and Mirković v. Montenegro*, it was acknowledged that the video surveillance introduced in classrooms did not comply with the conditions for its organization, as provided for in the national Law on the Protection of Personal Data, including, for example, a threat to the safety of people and property in the classroom [8, § 11, 56-60].

The second criterion of admissibility of interference with private life – the focus on achieving one or more legitimate goals – the compliance of the interference objectives with the list specified in paragraph 2 Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms is assessed: interests of national security and public order, economic welfare of the country, preventing unrests or crime, protecting health or morals, or protecting the rights and freedoms of others.

Thus, the regulation of access to the profession of a teacher in terms of establishing certain requirements for the educational background of the applicant is aimed at ensuring a high level of teaching in schools and may be related to the goals of protecting public order together with the rights and freedoms of others (students) [16, § 44-45].

In the above-mentioned Decision in the case of *Antovic and Mirković v. Montenegro*, the ECHR indicated that monitoring the teaching process is not such a legitimate goal [8, § 59].

Finally, state interference must be necessary in a democratic society, correspond to an urgent social need, be proportionate to the legitimate goal pursued [15, § 116]. States are vested with the margin of appreciation, which, however, has certain limits, taking into account several factors: the circumstances of a particular case, the nature of the affected sphere of public relations, the presence or absence of consensus among the Council of Europe member states either on the importance of the interest raised in the case, or regarding the best means for its defense [12, § 108-111].

For example, "the monitoring of an employee's telephone, e-mail or Internet usage at the place of work may be considered "necessary in a democratic society" in certain situations in pursuit of a legitimate aim" [9, § 48].

The decision not to send a competitively selected teacher to work abroad only for reasons related to his private life may be prescribed by law and may pursue a legitimate goal, but is not necessary in a democratic society [17, § 48].

Conclusions. Educational activity cannot be carried out without following certain rules of conduct, including, among other things, privacy. The international standards for the protection of private life, implemented in the course of educational activities within the framework of contractual obligations between states, occupy an important place among such rules.

The ECHR is constantly introducing new aspects in its understanding of private life, also those related to educational activities. On the one hand, the teacher's professional activity itself is already considered as an element of private life, and, on the other hand, it includes other issues both "traditional" for education, and those arising in connection with the development of information and communication technologies, for example, following certain requirements for appearance and behavior by participants of the educational process, control over their behavior using modern technologies.

The impossibility of maintaining complete and unconditional privacy in the implementation of educational activities in modern society accounted for the need to develop certain criteria for the admissibility of such interference, both ethical and legal. The general approaches to the admissibility of interference with the right to respect for private and family life, established in the practice of the ECHR on

the basis of the Convention for the Protection of Human Rights and Fundamental Freedoms standards, are also largely based on common moral guidelines and humanistic values. They are also used in educational activities, allowing such interference, provided that it is carried out in accordance with the law, legitimate goals, and, if necessary, in a democratic society.

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Л. Ю. Фомина

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ПРИ ОСУЩЕСТВЛЕНИИ ОБРАЗОВАТЕЛЬНОЙ ДЕЯТЕЛЬНОСТИ
В ПРАКТИКЕ ЕВРОПЕЙСКОГО СУДА ПО ПРАВАМ ЧЕЛОВЕКА**

Аннотация. Развитие процессов цифровизации и их внедрение в образовательную деятельность, установление определенных правовых и этических требований к ее участникам определяют важность обеспечения неприкосновенности частной жизни, выявления и предупреждения действий, которые могут рассматриваться как вмешательство в нее, и уточнения пределов допустимости такого вмешательства. Целью статьи является выявление, анализ и обобщение постановлений Европейского Суда по правам человека относительно защиты права на уважение частной жизни в связи с образовательной деятельностью. Были сделаны выводы о широком понимании частной жизни и вмешательстве в нее Европейского Суда по правам человека в рамках образовательной деятельности. Было отмечено, что его содержание включает вопросы, связанные с профессиональной деятельностью педагога, соответствием участников образовательной деятельности определенным требованиям к внешнему виду и поведению, а также контролем за их поведением с использованием современных технологий. Выявлено, что вмешательство в частную жизнь в процессе образовательной деятельности возможно при условии соблюдения определенных критериев ее допустимости, связанных как с нравственными установками субъектов такой деятельности, так и с разработанными международными стандартами.

Ключевые слова: частная жизнь, уважение частной жизни, Европейский суд по правам человека, образовательная деятельность.

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REFERENCES

- [1] Barendt E. (2016). Problems with the ‘reasonable expectation of privacy’ test // *Journal of Media Law*. 8 (2): 129-137. DOI: 10.1080/17577632.2016.1209326
- [2] Budyakova T.P. (2019). *Sovremennyye problemy etiko-pravovogo regulirovaniya deyatelnosti shkol'nyh psichologov [Modern problems of ethical and legal regulation of school psychologists]* // *Journal of Shadrinsk State Pedagogical University*. 1(41). Available at: <http://vestnik.shgpi.edu.ru/journal/article/view/165/133> (in Russ.).
- [3] Convention for the Protection of Human Rights and Fundamental Freedoms of November 04, 1950. Available at: https://www.echr.coe.int/Documents/Convention_RUS.pdf (in Russ.).

- [4] Decision of the ECHR in the case “*Tiğ v. Turkey*” of 24 May 2005. Available at: <http://hudoc.echr.coe.int/eng?i=001-69258> (in Fr.).
- [5] Gracheva M.A. (2017). Pravo cheloveka na uvazhenie chastnoj zhizni i ego zashchita v Evropejskom sude po pravam cheloveka [The human right to respect for private life and protection in the European Court of Human Rights] // *International Journal of Constitutional and State Law*. 1: 55-61 (in Russ.).
- [6] Guide on Article 8 of the European Convention on Human Rights. Right to respect for private and family life, home and correspondence (Updated on 31 August 2019) (2019). Available at: https://www.echr.coe.int/Documents/Guide_Art_8_ENG.pdf
- [7] Harris D., O’Boyle M., Warbrick K. (2017). *Law of the European Convention of Human Rights*. Moscow: Razvitie pravovyh system. ISBN: 978-5-9905648-8-6 (in Russ.).
- [8] Judgment of the ECHR in the case “*Antovic and Mirković v. Montenegro*” of 28 November 2017. Available at: <http://hudoc.echr.coe.int/eng?i=001-178904>
- [9] Judgment of the ECHR in the case “*Copland v. United Kingdom*” of 3 April 2007. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=43155#04298878805276214> (in Russ.).
- [10] Judgment of the ECHR in the case “*Folgero and Others v. Norway*” of 29 June 2007. Available at: <http://hudoc.echr.coe.int/eng?i=001-81356>
- [11] Judgment of the ECHR in the case “*Konovalova v. the Russian Federation*” of 9 October 2014. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&cacheid=C086B102A1B9F55E7C89080A5C1DA2F8&SORTTYPE=0&BASENODE=g1&ts=68457801405340976238178319&base=ARB&n=414259&rnd=9F3E6467C72AB8E3B1EC37CFD8455D4E#1zkghsn57d6> (in Russ.).
- [12] Judgment of the ECHR in the case “*Mosley v. United Kingdom*” of 10 May 2011. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&cacheid=C550A649C6E799DFD8DA48E7B927D01F&SORTTYPE=0&BASENODE=21&ts=145225289302388689413347187&base=INT&n=51826&rnd=9F3E6467C72AB8E3B1EC37CFD8455D4E#4b9wrau18nw> (in Russ.).
- [13] Judgment of the ECHR in the case “*Pakhtusov v. the Russian Federation*” of 16 May 2017. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=514803#024533959786450166> (in Russ.).
- [14] Judgment of the ECHR in the case “*Roman Zakharov v. the Russian Federation*” of 4 December 2015. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=405944#05718401840033935> (in Russ.).
- [15] Judgment of the ECHR in the case “*Rozhkov v. the Russian Federation (No. 2)*” of 31 January 2017. Available at: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ARB&n=505884#06907994928088474> (in Russ.).
- [16] Judgment of the ECHR in the case “*Sahin Kus v. Turkey*” of 7 June 2016. Available at: <http://hudoc.echr.coe.int/eng?i=001-163339> (in Fr.).
- [17] Judgment of the ECHR in the case “*Yilmaz v. Turkey*” of 4 June 2019. Available at: <http://hudoc.echr.coe.int/eng?i=001-193487> (in Fr.).
- [18] Kovler A.I. (2019). *European Convention: Problems of Interpretation and Implementation: monograph*. M.: Institute of Legislation and Comparative Law under the Government of the Russian Federation, Norma, INFRAM. ISBN 978-5-91768-987-6 (in Russ.).
- [19] Kydyralina L., Akhmetov B., Lakhno V., Adranova A. (2019) Review and analysis of previous researches in the sphere of ensuring the protection of information and educational environment of universities // *Bulletin of National academy of sciences of the Republic of Kazakhstan*. Vol. 4, No. 380. P. 154-169. <https://doi.org/10.32014/2019.2518-1467.104>
- [20] Potashnik M.M. (2019) Problemy chastnoj zhizni shkol'nikov: chto my o nih znaem [Problems of Private Life Schoolboy: What We Know About Them] // *National education*. 2: 187-196 (in Russ.).
- [21] Roagna I. (2014). Protection of the right to respect for private and family life under the European Convention of Human Rights. Voronezh: FIRMA «ELIST». ISBN 978-5-87172-062-2 (in Russ.).
- [22] Salagay O.O. (2015). Pravomernost' uchastiya studentov v okazanii medicinskoj pomoshchi v svete resheniya Evropejskogo suda po pravam cheloveka [Legality of participation of students in delivery of health care in the light of the judgment of the European Court of Human Rights] // *Medical Law*. 5: 5-10 (in Russ.).
- [23] Saparov B.Zh., Tashkyn A. (2019) About the influence of religion on the formation of tolerated consciousness and social consent // *Bulletin of National academy of sciences of the Republic of Kazakhstan*. Vol. 6, No. 382. P. 120-129. <https://doi.org/10.32014/2019.2518-1467.153>
- [24] Violations by Article and by State. Available at: https://www.echr.coe.int/Documents/Stats_violation_1959_2019_ENG.pdf
- [25] Yatsenko I.V. (2017). Princip informirovannogo soglasiya v praktike Evropejskogo suda po pravam cheloveka [Principle of Informed Consent in Case-Law of the European Court of Human Rights] // *Russian Justice*. 11 (139): 58-65 (in Russ.).