

Democracy and the human rights

Lecture 2

Human rights are moral principles or norms, which describe certain standards of human behaviour, and are regularly protected in law. They are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being, and which are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin or any other status.

Amnesty International in 2016 documented human rights abuses in 159 countries around the world.

HUMAN RIGHTS: DEFINITION AND SITUATION



The terroristic attacks and a wave of refugees have made major adjustments in the human rights situation in the US and the EU. Now the Western countries agenda is limiting freedom for the sake of security.

"The states have significantly expanded their powers to conduct surveillance all across Europe," human rights activists have claimed.





Such countries as United Kingdom, Austria, Switzerland, Germany, Russia, Poland etc. adopted the laws relating to surveillance over citizens. These laws together with the State of emergency created the ground for abuse. For example, in France the authorities searched more than 4000 families without the permission of the Court and imposed a ban on mass rallies.

HUMAN RIGHTS: DEFINITION AND SITUATION

PRINCIPLES OF THE HUMAN RIGHTS

▶ **the equal rights of citizens**

The principle of equality does not mean that all persons in the territory of a particular country, have the same status. In every country there are three main categories of persons whose status varies: citizens, apatrides (stateless persons) and foreigners.

▶ **a combination of public and individual interests**

This means that the state legislatively establishes some limits for the use of rights. No right or freedom can be used in a manner that would violate the rights and freedoms of other persons, or undermine public order, or lead to political instability, etc.

▶ **the unity of rights and duties**

Broadening of rights inevitably entails greater responsibility and increases duties for the holders of such rights.

The **democratization** of society lies not only in providing a large number of the rights of citizens, but also to raise demands to their action on the realization of these rights, because such actions have serious implications for the fate of the country, and indeed for the citizens too.



GUARANTEES FOR THE HUMAN RIGHTS

- ▶ **Economical:** means the economic independence of the individual, i.e. real participation in property (private or collective ownership).
- ▶ **Political:** means democratic political regime.
- ▶ **Ideological** means the priority of human rights and consideration of the human welfare as the highest value.
- ▶ **Juridical** means consolidation of the human rights in the Constitution and other legislative acts.
- ▶ **Organizational** means real functioning of the state institutions defending human rights.

Rights and freedoms can be divided into four groups:

- ▶ personal,
- ▶ civil and political,
- ▶ socio-economic,
- ▶ socio-cultural.

There is a principle that the different rights could only successfully exist in combination:

All human rights are universal, indivisible and interdependent and related.

Vienna Declaration and Programme of Action, 1993

2. Types of Human Rights



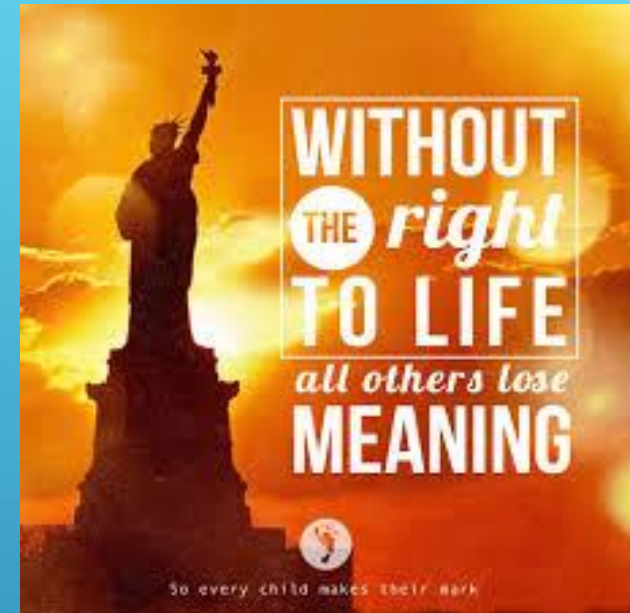
1. Personal rights
2. Property rights
3. Legal equality rights
4. Political rights
5. Social and cultural rights
6. Procedural rights

The right to life is a moral principle based on the belief that a human being has the right to live and, in particular, should not be killed by another human being. It is:

- ▶ the inalienable right;
- ▶ protected by law;
- ▶ the first among other rights;
- ▶ recognized by the most Constitutions of the world.

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 6.1 of the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly in 1966



The concept of a right to life arises in debates on issues of :

- ▶ capital punishment;
- ▶ abortion;
- ▶ euthanasia;
- ▶ justifiable homicide.

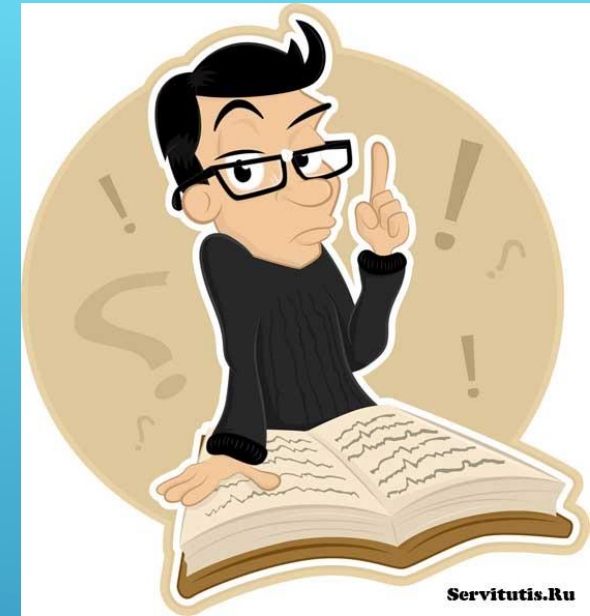
Poland finally renounced the death penalty in all circumstances, including the times of war or imminent threat of war.

PERSONAL RIGHTS: “RIGHT TO DEATH”



The personal rights and freedoms are:

- ▶ personal immunity;
- ▶ freedom from arbitrary arrest and detention;
- ▶ freedom of movement;
- ▶ inviolability of the home;
- ▶ security of correspondence (communication);
- ▶ the right to protection of honour and dignity;
- ▶ freedom of thought, conscience and religion.



PERSONAL RIGHTS

Bye Bye EUROPE

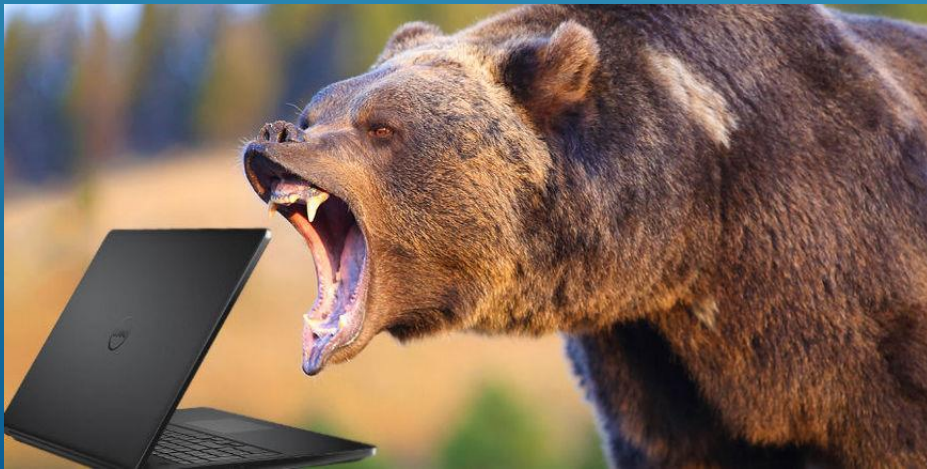


The violations of personal rights and freedoms are:

- ▶ personal immunity may be violated **under the threat of terrorism** or it may be granted to certain officials because of the office they hold, rather than in relation to the act they have committed;
- ▶ freedom from arbitrary detention may be violated under the threat of terrorism or may be politically motivated;
- ▶ freedom of movement may affect the migrations from poorer countries to the rich ones and generally the flow of migrants is able to ruin any democracy ('the refugee crisis');

PERSONAL RIGHTS AND DEMOCRACY

- ▶ inviolability of the home may be broken if there is a threat to life for other inhabitants, not only because of terrorism, but because of gas leak, for example;
- ▶ security of communication is violated by secret service in many democratic countries under the threat of terrorism and according to the national interests;



- ▶ the right to protection of honor and dignity may be violated in order to discredit the leaders of the opposition or just opponents, for example, using mass media;
- ▶ freedom of conscience and religion may be used by radicals and terrorists, for example, in mosques for recruitment of young Muslims to ISIS.



The civil and political rights and freedoms are:

- ▶ the right to vote;
- ▶ freedom of association;
- ▶ the right to petition;
- ▶ the right to assemble;
- ▶ freedom of speech;
- ▶ natural justice (procedural fairness) in law;
- ▶ the right of self-defense.

CIVIL AND POLITICAL RIGHTS

The violations of civil and political rights and freedoms are:

- ▶ the right to vote may be distorted by the electoral system or violated in different ways during the elections;
- ▶ freedom of association may be restricted by law requiring, for example, certain number of people supporting the new political party;
- ▶ the right to petition may be limited or restricted by the special order of submitting it or by the terms and periods of time for responding to it and so on;



- ▶ the right to assemble may be limited or restricted by establishing special conditions for the assembly or meeting or demonstration, including time for application, location, route, registration and so on;
- ▶ although the censorship is abolished as such the freedom of speech may be restricted by mass media themselves through their own policy, which sometimes is formed with the help of many means and factors;



- ▶ procedural fairness in law is often violated in many countries, including the democratic ones, because of lack of control over law enforcement structures, especially secret services;
- ▶ the right of self-defense is often associated with the right to bear arms, that means the opportunity to create some armed structures, which may be considered as the direct threat to the state order.



CIVIL AND POLITICAL RIGHTS AND DEMOCRACY



SELF DEFENSE

If someone tries to kill you, you try to kill 'em right back.

The socio-economic rights are:

- ▶ the right of ownership;
- ▶ the right to work;
- ▶ the right to rest;
- ▶ the right to social security;
- ▶ the right to health;
- ▶ the right to protection of family;
- ▶ the right to collective action.

SOCIO-ECONOMIC RIGHTS

The socio-cultural rights and freedoms are:

- ▶ the right to education;
- ▶ freedom of language;
- ▶ academic freedom;
- ▶ freedom of arts and sciences.



SOCIO-CULTURAL RIGHTS

The other rights and freedoms are:

- ▶ the right to housing;
- ▶ the right to information;
- ▶ ecological rights;
- ▶ digital rights;
- ▶ children's rights;
- ▶ sexual and reproductive rights;
- ▶ animal rights;
- ▶ Etc.



OTHER RIGHTS

Not only the rights and freedoms of citizens, but also responsibilities are secured in the constitutions and laws of most countries of the world. The main civic duties are:

- ▶ obey the law;
- ▶ pay tax;
- ▶ enroll to vote, and vote at all elections and referenda;
- ▶ duty to work;
- ▶ military duty;
- ▶ the obligation of primary education;
- ▶ the obligation to educate children and care of them, as well as care of elderly parents.

Consolidating obligations and duties in constitutional and current legislation is closely connected with the rights and freedoms because the rights and obligations are integral parts of personal status of a citizen.

The faithful performance of their duties by the citizens creates the conditions necessary for the realization of rights and freedoms.



RIGHTS AND DUTIES

The main institutions are:

- ▶ Court
- ▶ Public Prosecutor or Procuracy
- ▶ Parliamentary deputies
- ▶ Executive authorities
- ▶ Commissions on human rights
- ▶ Ombudsman.