

Introductory Session

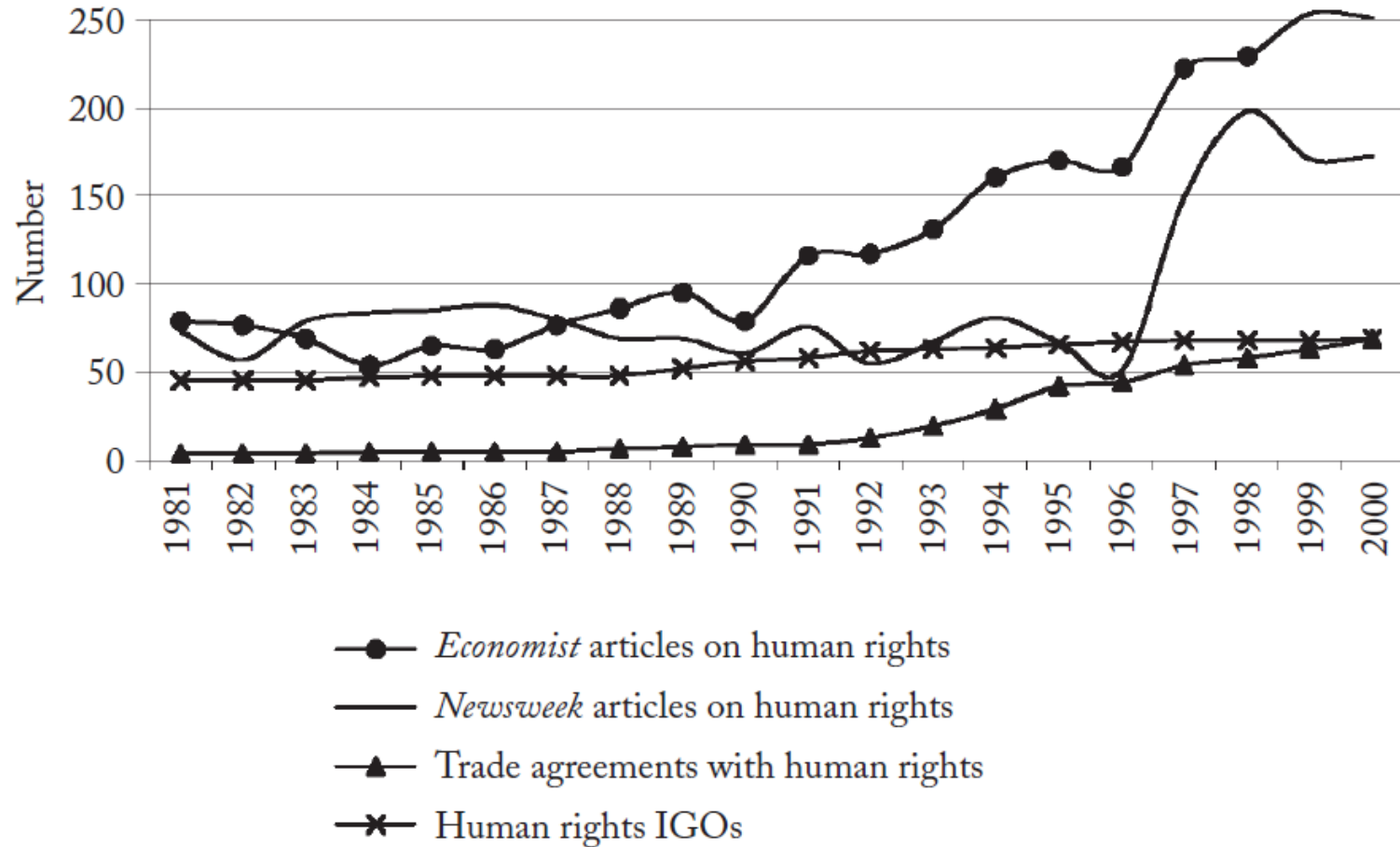
EGO402 EU Law and European System of HR Protection

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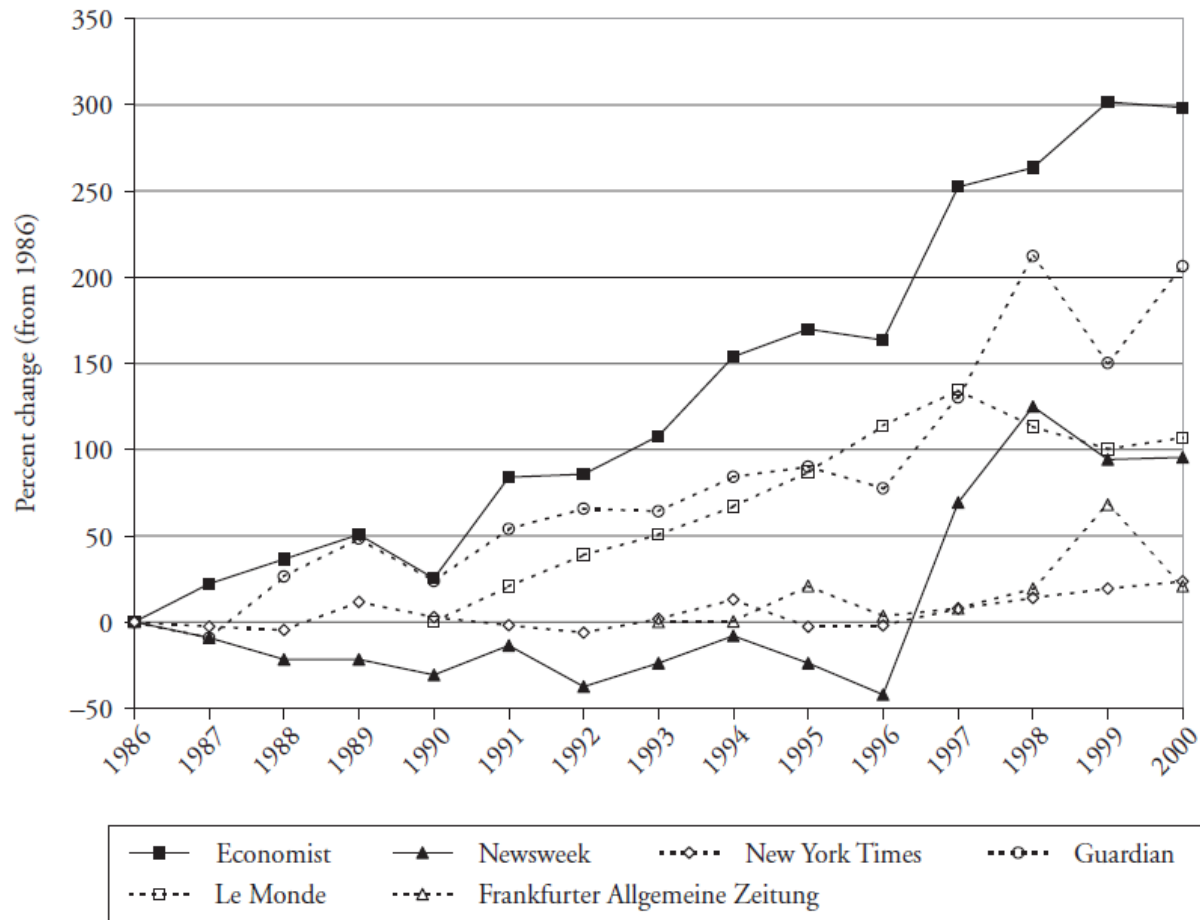
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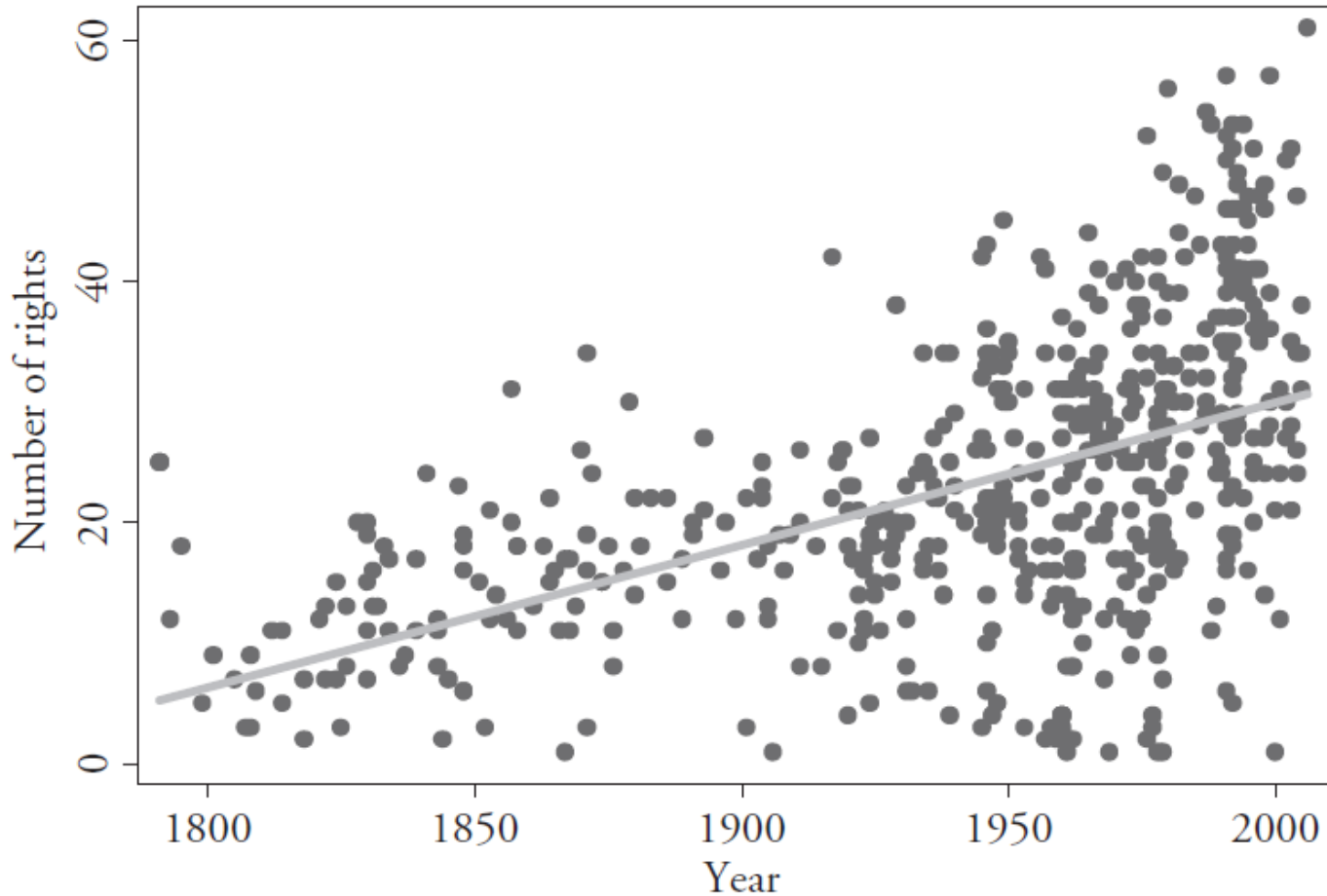
Expansion of rights



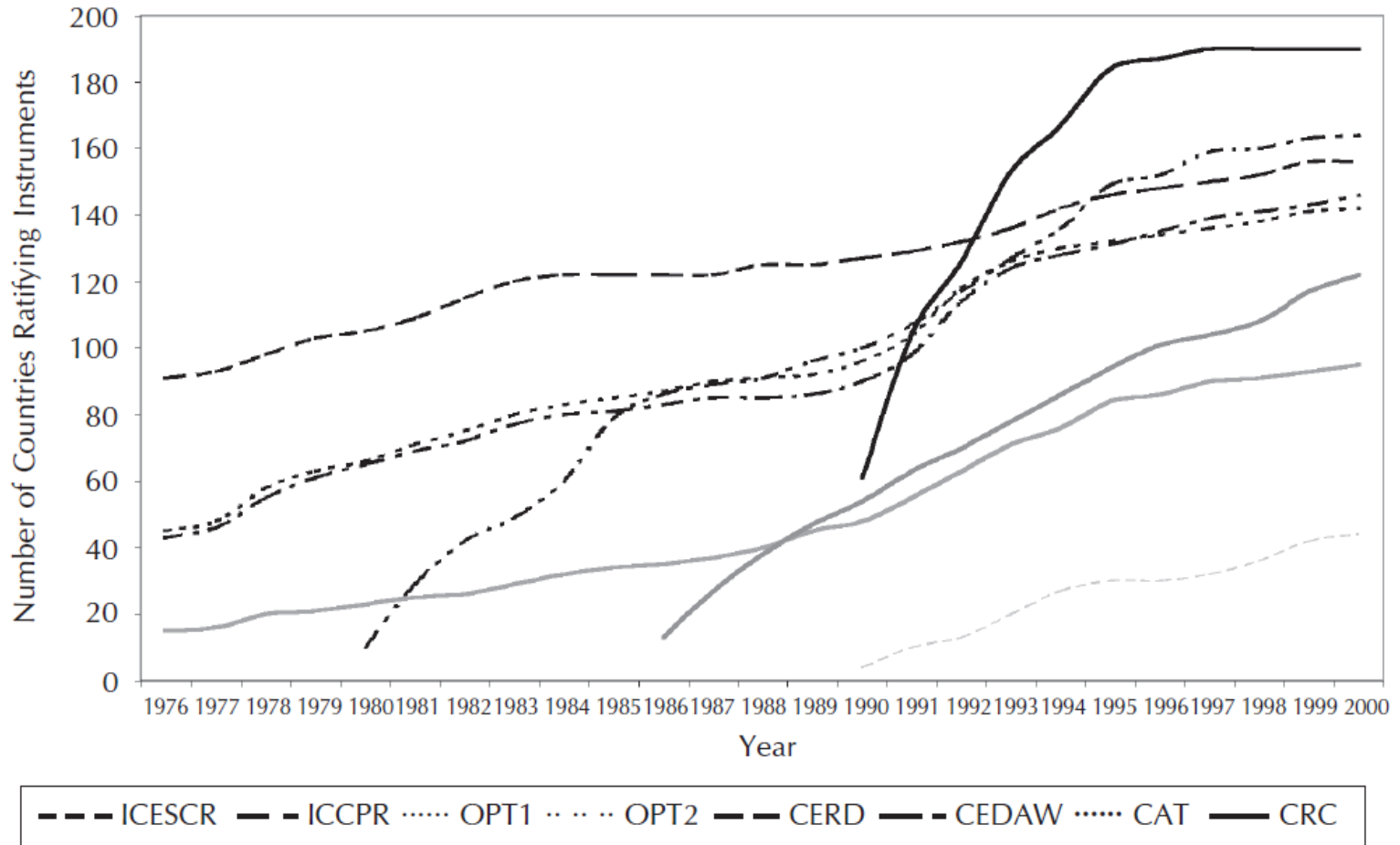
Expansion of rights



Expansion of rights



Expansion of rights



Expansion of rights

- Rhetoric of rights
- Rights
- Subjects of rights
 - Rights holders
 - Potential rights perpetrators (duty bearers)
- Rights in IR (criminal courts, HI, R2P, extraterritoriality, universal jurisdiction)

Terminology

- Human rights
- Fundamental rights
- Civil rights
- Freedoms
- Rights – philosophy, political science, law
- Law and right

Historical overview

- Natural-rights based proclamations
- *Positivation* in national legal systems
- Postwar drive towards universality of rights
- 1970s (UN Conventions, CSCE, AI, Carter)

- State as protector and oppressor
- Sovereignty
- Turn in IL: ECtHR, R2P

ICTY – Tadić case

It would be a travesty of law and a betrayal of the universal need for justice, should the concept of State sovereignty be allowed to be raised successfully against human rights. Borders should not be considered as a shield against the reach of the law and as a protection for those who trample underfoot the most elementary rights of humanity.

HR controversies

- Foundation of rights
- Generations of rights
- Relativism and universalism
- Collective rights

The Declaration of Independence

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, (...)

The Universal Declaration of Human Rights



History

Human Rights Law

Drafters

Resources

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.