

History of human rights

Antonija I., Fani H., Naomi N., Kiara Anna W., Dario K.

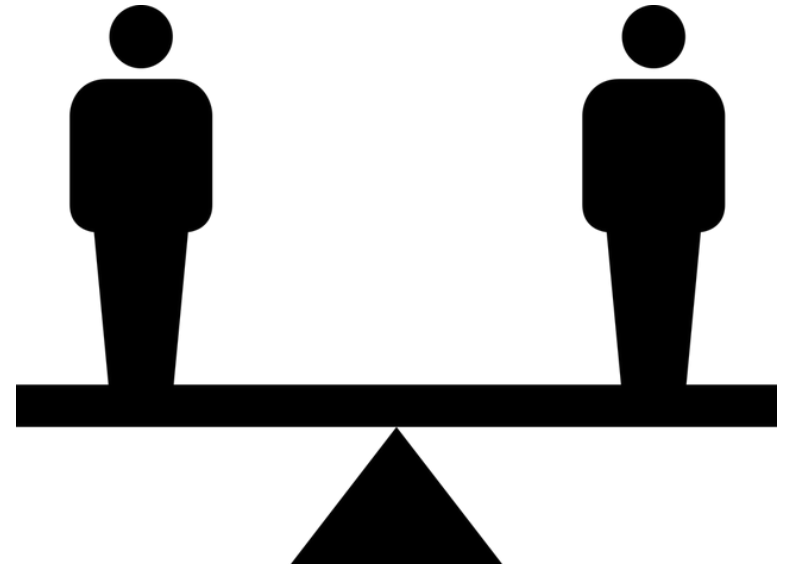
High school Ivana Lucića-Trogir,

Trogir

Croatia

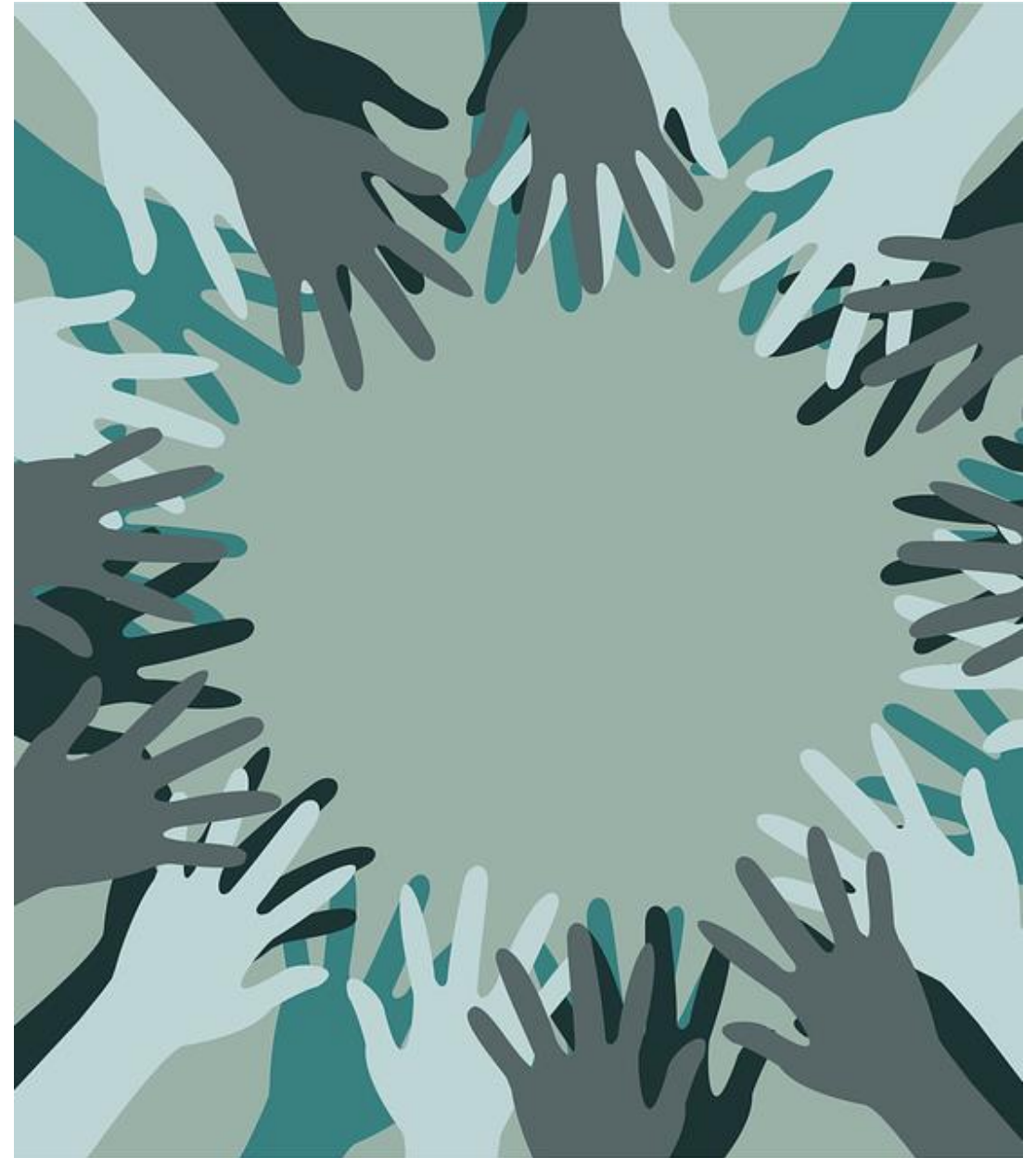


- **Human rights:**
 - the rights that every person has by belonging to the human race



CORE VALUES

dignity
equality
freedom
respect
non-discrimination
tolerance
justice
responsibility
cooperation
acceptance





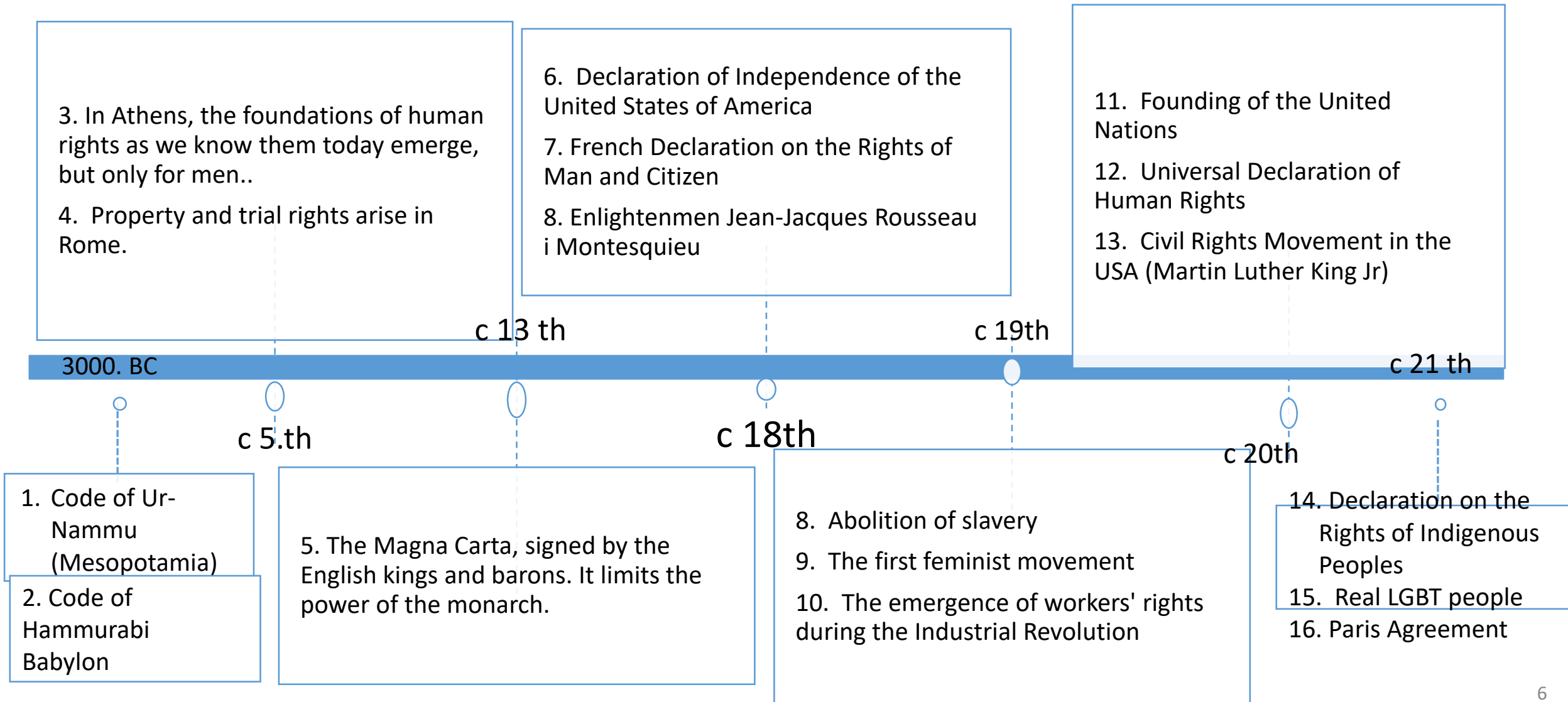
Characteristics of human rights

- **universality:** they are the same for all human beings anywhere in the world
- **inalienability:** a person cannot lose them
- **indivisibility:** there is no right “that is “less important” or “not necessary”
- **interdependence:** they can not be viewed separately from each other.

Three generations of human rights according to Karel Vašek

GENERATIONS OF HUMAN RIGHTS	TYPES OF RIGHTS	AREAS OF LAW	INDIVIDUAL RIGHTS
first generation	civil and political rights	physical and civil safety	protection of life; prohibition of torture, slavery, inhuman treatment, arbitrary arrest
		civil and political freedoms	freedom of thought, conscience and religion; freedom of assembly and voluntary association; political participation in society
second generation	social and economic rights	goods that meet social needs	food, housing, health care, education
		goods that satisfy economic needs	work and fair wages, unemployment benefits, adequate living standards, social security
third generation	collective development rights	self-determination of peoples and the rights of ethnic and religious minorities	political status, economic, social and cultural development
		joint and several rights	peace, clean environment, natural resources, cultural heritage, intergenerational justice, communication

Time machine



Historical documents that are the foundation of human rights

Code of Hammurabi: (1754 BC)

- consists of 282 laws
- regulate issues in areas such as: trade, renting real estate, wages, selling slaves, adopting children, marriage and divorce
- prescribe penalties for committing criminal offenses

Persia: Cyrus Cylinder, 539 BC

- the first human rights charter
- it was written in the Akkadian language
- it frees slaves, establishes racial equality
- gives the right to religion
- influences the spread of human rights in Greece, Rome and India

Magna Carta Libertatum (1215)

- The first written constitutional law guaranteeing civil rights and the rule of law

Historical documents that are the foundation of human rights



1288

Vinodolski Law

- Croatian written list of customary law

Pettiton of Rights

- 10 amendments on the general rights of the citizen
- Freedom of speech, religion,
- Prohibits unreasonable criminal proceedings
- Limits government to mandatory legal process
- It provides protection to the individual against royal arbitrariness



1628

Historical documents that are the foundation of human rights

1676

Habeas Corpus Act (1676) (forerunner of the Declaration of Independence)

- provides protection for the individual from royal tyranny
- promotes the principle of due process

1776

The American Declaration of Independence

- emphasizes the equality of all men
- the inalienable right to life, liberty, and happiness
- the right of every people to independence and the overthrow of tyrannical rule

Virginia Bill of Rights - Bill of rights for the American colonies


- it talks about civil, natural and inalienable rights
- the right to life, liberty and property
- freedom of assembly and press
- freedom of movement and the right to petition
- the right to legal protection
- the right to vote

1776

Historical documents that are the foundation of human rights



- France: Declaration of the Rights of Man and of the Citizen, 1789
 - rights stem from the revolutionary slogan: Liberty, Equality, Fraternity
 - *states the basic rights of all human beings*
- Universal Declaration of Human Rights 1948
 - represents the basic philosophy of legally binding minimum rights and freedoms and legal instruments in international law;
 - according to the Declaration, everyone is entitled to all rights and freedoms, such
 - the right to life, liberty and security of person,
 - equality before the law,
 - fair trial,
 - freedom of thought and religion
 - Right to an adequate standard of living
 - to equal protection of the law.



Historical documents that are the foundation of human rights

- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
 - determines the instances that supervise the application of rights.
- European Court of Human Rights
- European Commission for Human Rights

History of human rights



- The development of the idea has threefold roots:
 - philosophical roots
 - political roots in nation states:
 - it is evident from the documents that are the basis of human rights, nation-states took the lead in their development: England, France and the USA
 - political roots in international institutions:
 - creation of the idea of universal law (general rights that transcend individual states)



Philosophical roots

Theories of natural law

The most important question for them is how and to what extent an individual respects the laws of their country, and "not how and to what extent those laws protect their rights"

They believe that there is an eternal and unchanging natural law that is superior to secular laws.

the theory of natural law in the 17th and 18th developed into the theory of natural rights

T Hobbes (17th century): we all have an equal natural right, and can do whatever we want in preserving and defending our own lives

John Locke (17th century) the innate rights of man are life, liberty and private property.

J.J. Rousseau (18th): the right to freedom stems from human nature; man is good by nature

Positivism

they criticized the theory of natural law and natural rights

they believe that rights derive only and exclusively from the authority of the state and its laws

the most important question for them is how and to what extent an individual respects the laws of their country, and "not how and to what extent those laws protect their rights"

Marxism

- K. Marx (19th century) considered the theories of natural law and natural rights to be bourgeois fabrications.
 - the concepts of law, freedom, morality and justice cannot be viewed separately from their socio-historical context
 - a fundamental human right (the right to self-realization), realized in a classless society and protected with the help of the communist state apparatus
 - the individual must subordinate his rights to "higher state interests".

Utilitarianism

J.Bentham (19th century) thought that laws of nature are nonsense

- the laws of nature are imaginary laws and guarantee imaginary rights.
- the fundamental principle of moral action is to achieve the greatest happiness for the greatest number of people
- government action, discussions about rights, should lead to ensuring the well-being of society as a whole

John Stuart Mill (19th century): the common good results from the free development of the individual

modern utilitarians have reduced the question of good or truth to the question of utility.

- they subordinated the interests of the individual to general interests and neglected the issues of his freedom and autonomy

Theory of human dignity

the idea emerged among philosophers of religion

- they saw in the dignity of the human being a mark of the sanctity of the individual

in the 1980s, secular variants emerged

- in the early 1980s. M. S. McDougal and his colleagues proved that it is possible to arrange a world community in which human dignity is protected as the most important goal of political development
- they created a catalog of values that promotes human dignity

Theories of Justice by J. Rawls

- J. Rawls (20th century) promotes the ideas of constitutional democracy and human rights.
 - Constitutional democracy offers a moral justification for a system of government based on rights and a participatory decision-making model.
- everyone possesses an "inalienability based on justice"
- Understanding human rights depends on how justice is understood.
- understands justice as the impartiality of social institutions, and human rights as the goal of justice
- two fundamental principles of justice that it places in a hierarchical relationship:
 - The first principle is about securing fundamental freedoms: "every person must have the same right to the greatest possible part of the entire system of equal fundamental freedoms for all"
 - the second principle, the principle of distributive justice, talks about regulating social and economic inequalities,

R. Dworkin's theory of equality

- R. Dworkin (20th century): emphasizes the equality of citizens and the connection of equality, freedom and responsibility in constitutive democracy
 - in a humanistic understanding of life and politics, equality, freedom, and individual responsibility cannot be separated.
 - law, politics, and morality cannot be separated, because morality and political ideals are necessarily embedded in laws.

