European Union Law and Governance in Populist Times
Jean Monnet Module 2019-2022

WHAT ARE HUMAN RIGHTS?

DR.NATALIE ALKIVIADOU

CHARACTERISTICS OF HUMAN RIGHTS

- Universal

- Interrelated

- Interdependent

Protection of human rights: national and international law

https://www.youtube.com/watch?v=pRGhrYmUjU4

WHY ARE HUMAN RIGHTS IMPORTANT?

European Union Law and Governance in Populist Times
Jean Monnet Module 2019-2022

According to the United Nations, human rights:

"Ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent, and conscience and satisfy his or her spiritual and other"

- reflect the minimum standards necessary for people to live with dignity
- give people the freedom to choose how they live
- guarantee people the means necessary to satisfy their basic needs
- protect people against abuse by those who are more powerful → for the relationship between individuals and government?

PAST HUMAN RIGHTS DOCUMENTS

European Union Law and Governance in Populist Times
Jean Monnet Module 2019-2022

- England: The Magna Carta (1215), Petition of Right (1628) and Habeas Corpus Act (1679)
  - "no freeman shall be arrested, or detained in prison or deprived of his freehold . . . except by the lawful judgment of his peers or by the law of the land."

- United States Declaration of Independence (1776):
  - "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."

- Bill of Rights (1791): to the U.S. Constitution approved by the States.

HUMAN RIGHTS TODAY

- Impact of WW2

- United Nations and the 'never again' objective – The Universal Declaration of Human Rights

- The Council of Europe – The European Convention on Human Rights

US FIRST LADY ELEANOR ROOSEVELT

"Where, after all, do universal human rights begin? In small places, close to home- so close and so small that they cannot be seen on any maps of the world[…]Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

- Adopted in **1948** by the **56** (at the time) members of the United Nations

- Treatment of persons by States is *not* just a matter of national law

- "[R]ecognition 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."

- Not legally binding

THE INTERNATIONAL BILL OF RIGHTS

ICCPR → Focuses on the right to life, freedom of speech, religion, and voting.

ICESCR → focuses on issues such issues as food, education, health, and shelter.

+ UDHR

THE INTERNATIONAL BILL OF RIGHTS

The right to equality and freedom from discrimination

The right to life, liberty, and personal security

Freedom from torture and degrading treatment

The right to equality before the law

The right to a fair trial

The right to privacy

Freedom of belief and religion

Freedom of opinion

Right of peaceful assembly and association

The right to participate in government

The right to social security

The right to work

The right to an adequate standard of living

The right to education

The right to health

The right to food and housing

THEMATIC DEVELOPMENT OF HUMAN RIGHTS PROTECTION

- International Convention the Elimination of All Forms of Racial Discrimination (ICERD)(1965)

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)(1979)

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)(1984)

- Convention on the Rights of the Child (CRC)(1989)

Convention on the Rights of Persons with Disabilities (CRPD)(2006)

European Union Law and Governance in Populist Times

COUNCIL OF EUROPE

European Convention on Human Rights (1950)

- International treaty to protect human rights and fundamental freedoms in Europe drafted by the Council of Europe

- The Convention established the European Court of Human Rights (ECtHR)

- Council of Europe NOT European Union

- Case examples – e.g. Rantsev v Cyprus and Russia, Modinos v Cyprus

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

European Union Law and Governance in Populist Times

Jean Monnet Module 2019-2022

EUROPEAN UNION

European Coal and Steel Community – European Economic Community – European Union

Charter of Fundamental Rights of the European Union:

- The Charter contains rights and freedoms under six titles: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights and Justice
- Proclaimed in 2000 – status of primary law in 2009 (Treaty of Lisbon)

European Union Law and Governance in Populist Times
Jean Monnet Module 2019-2022

BEYOND EUROPE

American Convention on Human Rights (1969)

African Charter on Human and Peoples' Rights (1981)

European Union Law and Governance in Populist Times
Jean Monnet Module 2019-2022

WHO IS RESPONSIBLE FOR UPHOLDING HUMAN RIGHTS?

The UDHR states:

"Every individual and every organ of society … 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."

→not only the government, but also businesses, civil society, and individuals are responsible for promoting and respecting human rights.

→governments: human rights are protected by both preventing human rights violations against people within their territories and providing effective remedies for those whose rights are violated

RESPONSIBILITY OF THE GOVERNMENT

RESPECT

- Governments must not deprive people of a right or interfere with persons exercising their rights.
  - Create constitutional guarantees of human rights.
  - Provide for legal remedies from domestic and international courts.
  - Sign international human rights treaties.

PROTECT

- Governments must prevent private actors from violating the human rights of others.
  - Prosecute perpetrators of human rights abuses
  - Educate people about human rights and the importance of respecting them
  - Cooperate with the international community

FULFILL

- Governments must take positive action to facilitate the enjoyment of basic human rights
  - Provide free, high-quality public education.
  - Create a public defender system
  - Ensure everyone has access to food by funding public assistance programs.

http://www.humanrights.com/what-are-human-rights/

Any questions?

European Union Law and Governance in Populist Times
Jean Monnet Module 2019-2022