

Human Rights Protection Systems

Historical background.

Generations of human rights.

Human Rights Protection Systems

SSP II, winter semester 2018/2019

Department of Constitutional Law – mgr Agata Jagna Wróbel

Organizational issues

Academic teacher: mgr Agata Jagna Wróbel

Office hours: Thursdays 11:20 – 13:20, room 509 A

All information about the dates and place of office hours, as well as the announcements and teaching resources can be found on the website: <https://prawo.uni.wroc.pl/> → Pracownicy i doktoranci → Doktoranci → Wróbel Agata

Credit:

- attendance
- active participation
- test: 20 single choice questions + case study

Human rights – milestones: antiquity

- Babylon: Cyrus Cylinder or Cyrus Charter (583 B.C.)
- Ancient Greece (i.a. the Stoicis, the Sophists) – law of nature
- Ancient Rome

Human rights – milestones: UK

- Magna Carta or Great Charter (1215)
- Petition of Right (1628)
- Habeas Corpus Act (1679)
- Bill of Rights (1689)
- T. Hobbes, J. Locke – social contract theory

Human rights - milestones: USA

- acts on rights of individuals: Virginia, Maryland (1776), Massachusetts (1789)
- US Declaration of Independence (1776)
- Constitution of the USA (1787)
- Bill of Rights (1791)

Human rights - milestone: France

- Declaration of the Rights of Man and of the Citizen (1789)

„(...) the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights”

Human rights – milestones: international

- First Geneva Convention (1864) – treatment of wounded soldiers
- United Nations (1945) – main goal: to protect and promote peace
- Universal Declaration of Human Rights (1948)

The concept of natural law (law of nature)

- determined by nature
- universal for each human being, regardless of time or place
- *lex in corde scripta*
- independent from human-made laws (positive law)

The concept of legal positivism (positive law)

- *lex humana* (human-made law)
- written rules that have been expressly enacted by legitimate entity
- law as a social construction
- legal certainty

The liberalism

- liberty and equality
- human being as independent individual
- role of state: night-watchman state
- civil and political rights and freedoms

The concept of social state

- fair division of goods (*each according to his need*)
- human being as a member of society
- role of state: interventionism
- public well-being
- social rights

The Catholic social teaching

- Pope Leo XIII – encyclical letter *Rerum novarum*
- human dignity
- solidarity and common good
- distributism and social justice

Generations of human rights

(Karel Vasak, 1977)



I

civil
and political

II

economic,
social
and cultural

III

collective-
developmental

Case study:

freedom of speech

vs.

privacy protection of public persons

LITERATURE

Essentials:

- Moeckli D., Shah S., Sivakumaran S., Harris D., *International Human Rights Law*, Oxford 2014

Extra:

- Bhuiyan J.H., Chowdhury A.R, *An introduction to international human rights law*, Leiden, Boston, 2010
- Conde V. H., *A Handbook of International Human Rights Terminology, Second Edition (Human Rights in International Perspective)*, 2010
- Hannum H., *Guide To International Human Rights Practice*, 2004
- Jabłoński M., Jarosz-Żukowska S., *Prawa człowieka i systemy ich ochrony. Zarys wykładu*, Wrocław 2010
- Joseph S., Mcbeth A., *Research Handbook on International Human Rights Law (Research Handbooks on International Law)*, 2010
- Lewis James R., *The Human Rights Encyclopedia*, 1999
- Lyons G. M., *International Human Rights in the 21st Century: Protecting the Rights of Groups*, 2004
- Martin F.F., Schnably S. J., Simon J., Stephen J., Tushnet M., Wilson R., *International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis*, 2006
- Merris A., *Human rights law*, 2006
- Provost R., *International Human Rights and Humanitarian Law*, 2002
- Ramcharan B. G., *The Fundamentals of International Human Rights Treaty Law*, 2011
- Schutter O., *International Human Rights Law: Cases, Materials, Commentary*, 2010