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ENFORCE HUMAN RIGHTS IN MAIN INTERNATIONAL DOCUMENTS

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Abstract

Human quality is based on the natural rights, inalienable and sacreditura Citizen regular and it HAS to set by law "year as expression of general will." Their Participation at birth is related to city life and all it implies Equality. We should find That Individuals Contribute to the extent of Their faculties, the defense force dependence on public administration and STIs.

Keywords:
natural rights, inalienable, citizen, Equality, public administration.

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Results of a detailed and laborious process of negotiations which took place mainly in three phases, the Helsinki Final Act is a document of great complexity, which indicates a development of human rights issues in Europe and worldwide. "Final Act" is actually composed of several documents subsumed under a unitary concept, principles that govern relations aimed at European countries, building confidence and security and development aspects of the continent, cooperation in economy, science and technology and environment, cooperation in humanitarian and other fields. It should be noted that this document marks an unequivocal recognition of human rights protection as a fundamental principle of international law. Thus, Section VII of the "Decalogue" in Helsinki[2] establish itself as a stand-alone principle "respect for human rights and fundamental freedoms, including libertţii of thought, conscience, religion or belief. Other categories included are those borne by participating states to respect human rights, promote and encourage respect of these rights, including rights of persons belonging to national minorities to equality before the law and to actually enjoy all the rights and fundamental freedoms human. It states that human rights and fundamental freedoms, the participating States will act in accordance with the purposes and principles of UN Charter, the Universal Declaration of Human Rights, international treaties and agreements in this field. The principle of respect for human rights in the design of participating states represents an important norm of international behavior to be interpreted and applied in a full agreement with all other fundamental principles.

In connection with a "Final Act"[3] has started to look "formal", namely the Final Act that was not registered as a document of the United Nations issued its opinion that it would be only a political document with moral value, specific releases and other common documents published at the end of international conferences. Such terms can not be accepted as filed and signed by the heads of the 35 participating countries, "Final Act" shall be held responsible in categorical terms, whose strength can not be disputeditura Declaration of human rights and citizen's human rights proclaimed in 1789 corresponds to a large extent, their simultaneous birth in the U.S. and France, explains the

[2] The Helsinki Decalogue includes most public international law principles: sovereign equality of States, refraining from the threat and use of force, inviolability of borders, territorial integrity, peaceful settlement of disputes, non-intervention in internal affairs, the principle of cooperation, good-faith fulfillment of obligations Results of treatment, the right to self-determination of peoples, including rights and fundamental freedoms: freedom of thought, conscience, religion and belief.

[3] How to improve working relations and implementation of Helsiki Act was discussed and approved a series of meetings held in Belgrade (October 4, 1977 to March 8, 1978), Madrid (November 11, 1980 to September 9, 1983) and Vienna (November 4, 1986 to January 19, 1989).

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importance and development of human rights in relation to the statement, today, it represents a guarantee of those rights.

Declaration assumes in fact, two categories of articles on different principles of political organization and recognition of the natural rights of man. From the perspective of the political principles, the Declaration includes first a philosophy of political association which is expressed in Article two of these: "The purpose of all political associations is the preservation of natural and indefeasible rights of man. These rights are liberty, property and resistance to oppression. "

The purpose of the society, from this perspective, we see that an individual is in itself rather than social constraints. Declaration provides in particular the right of citizens to participate in the sphere of public affairs for that beyond the human quality, and recognizes individual and a citizen. This is based on two traditions: ancient heritage, for which freedom is on the status of citizen (to be free means to be a citizen of a free cities) and is characterized by freedom of political participation and obedience to the law (at the is not subject can not claim any right across the city). Human quality is based on the natural, inalienable and sacreditura Citizen has to set and regulate it by law "as an expression of general will." Their birth is related to participation in city life and all it implies equality. We find that individuals should contribute to the extent of their faculties, the defense force and its dependence on public administration.

Declaration brings a legal revolution. Hence, sovereignty, monarchy is replaced with national sovereignty. "Principles of all sovereignty resides essentially in the nation's existence. No social status, no individual may exercise authority not emanating from the nation. " Under this principle, while France could become a representative democracy, the affirmation of the principle of equality implies that, logically, universal suffrage, the basis of all democracies.

Constitution of 1789 will use the principle of national sovereignty to trigger able to express the will of the nation's citizens. Universal suffrage was proclaimed in 1789, will become a reality for men in France in 1848 and 1944 for women. The French Constitution of 1958, the concept of national sovereignty and popular sovereignty are mistaken, because democracy remains essentially French is limited to representative democratic institutions semidirecte.

In 1787 Americans held the principle of separation of powers. Interpretation is reflected in their constitution, the presidential political system model assumes a rigid separation between the executive and legislative power. In the preamble to the Declaration states that "men are born free and equal in rights" (Article 1) and that the goal of all political associations is the consecration of indefeasible natural rights of man. These rights are liberty, property and resistance to oppression"(Article 2). Freedom is defined in Article 4 It consists of the power to do anything without, however, to harm another.

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Safety is the highly related to freedom, when freedom is the result of an arbitrary deliberations.

The right to property is stated in Article 2 of the natural and indefeasible rights of man.

This concept, responding to the civil code, it uses according to an eighteenth-century, where ownership is the only private law intended for public necessity "provided there is a prior dignity recognized." Declaration of purpose and program of the Revolution, to not represent a conflict within the old regime, but represents a progress event of the world. Thus, we can not support the fact that the Declaration is the result of divine revelation or a work of genius. It is the result of a collective work of a political assembly composed of very different people. From this perspective, it was subject to various current and otherwise. However, it appeared and appears as a collective work with a consistent legal and heterogeneity because they had an opening and has universal: even today, for many countries, its principles is still needed.

To see the evolution that occurred after 1789, we have to go the rights proclaimed then. Denounced as selfish rights even by liberal democracies, they have been supplemented with new rights. If the Constituent National Assembly has proclaimed as natural and universal, its place asked if they produced a civilization in a certain historical context.

Natural rights have their origin in ancient Greek and Christian thought: have been recognized and declared the Supreme Being, as human rights and citizen.

Products of a particular situation in a historical context (the situation of French 1789), they were grounded philosophically sound, indicating that apart from "abuses of the old regime, where only the privileges belonging to the nobility. Very quickly began to follow the insertion of these rights guarantees in the Constitution and laws. For various reasons the Declaration was revised in the years 1793, 1795, 1714, 1830, 1848, 1852, and was completed in the preambles of the French constitutions of 1946 and 1958, where they solemnly reaffirmed and recognized human and citizen rights and freedoms.

Today the European Convention on Human Rights, based on the Declaration of 1789 [4] developed the following ideas: a) was moved from absolute to the relative rights, abandoning the idea of isolated human and human favor abstract concrete is in a certain situation; b) Economic rights and

[4] "Representatives of the French people, organized the National Assembly, considering that ignorance, disregard or contempt for human rights are the only causes of public misfortune and the corruption of governments, have decided to expose a solemn declaration the natural, inalienable and sacred human rights, such as this statement, ever present before all members of society, without ceasing to remind them of their rights and duties, and acts of executive power and legislative power, at any time can be compared to any political institutions, to be respected and the wishes of citizens henceforth based on simple and incontestable principles, always strive to respect the Constitution and the happiness of all.

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particularly property rights are considered in the light of a particular social purpose. Thus in 1949 the German 14-2 says: "Property oblige. Its use must simultaneously contribute to the public good. c) The right of association appeared after the individual. Today states recognize and guarantee the right combination of individuals where they can freely exercise their individual skills. d) The right to participate in public life without any discrimination.

Theoretical and abstract nature of the Declaration of 1789 was often the one who made it to be considered as having a value sometimes philosophical, metaphysical, without legal implications, there were no legal guarantees necessary. This delicate balance has developed due to political developments in 1973. Legal realities of the Declaration began to take effect in the Constitution of 1852 and then was in a form ambiguous. Only after 100 years, in 1958, guaranteed the French Fourth Republic legal, no doubt, the rule of the Declaration. If one takes into account the original concept of human rights (individual rights have been conducted primarily as a protective barrier against the action of the tentacular power), then we can see what progress was reached in the aceasãa issue within two centuries after the appearance of the Declaration.

Statement addressing the status of human beings in terms of its natural inalienable rights - the right to life, to existence, to health, safety, and civil rights within the meaning of human relationship with the city.

We know that citizens are from Latin civitas, a city dweller, a fortress, so a community that is governed by certain rules agreeditura In a country, everyone acts as citizen, in the sense that it assumes that the status of the community agreed with other public rights and obligations.

A French citizen-like, in fact, every citizen in general, and today was and is considered to have the faculty to subordinate their own deeds and acts, common laws and ordinances. " This college requires each of us "conscious of the individual submitting the idea and concept of the homeland" in the sense of national community. During the French Revolution was strongly affirmed the idea that "to die for the motherland is the fate of the most beautiful, most worthy of envy."

Romain Rolland stated that, I'm country, you, love is everything, everything that we dream, everything will be when we will not be us. " Promoted revolutionary ideas of the Enlightenment, the theorists who advocated political changes did not remain without an echo. Jean Jacques Rousseau, expressing a common view thinkers of his time, said: "Giving up your freedom means sacrificing your quality of man, human rights, and even your debt."

Stressing individual connection with the homeland, Jean Jacques Rousseau[5] says that "when it is no longer home, man ceases to be", he insisted

[5] Jean Jacques Rousseau (1712 - 1778) was a French philosopher, writer and composer, one of the most brilliant thinkers of the Enlightenment

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on the 'human connection with his homeland as its citizen." French Revolution enshrined the principle that law must be the same for all, whether it protects or punishes that. All citizens are equal before the law, are also admitted at all dignity, all public places and jobs, where their abilities and without further distinction in addition to their talents and virtues. " These general principles of the French Revolution and enshrined were taken in all, the fundamental laws of democratic countries. " Experience has shown and demonstrated, however, that in many cases have found violations and abuses, some officials inside the office and dignity considearându is important, above the law ", as happens in Romania in 1999-2000 when even the most senior state officials even seriously violates the country's constitution. Under the Declaration, each citizen can "speak, write, print, in free form, remaining to respond to abuse this freedom in cases determined by law." Bears the title of `` the French Declaration of Man and Citizen Declaration "and attempts to legalize the lives of these two categories of rights state.

In the statement are treated as absolutely personal rights of individuals should enjoy, as their people: liberty, equality, property (which is proclaimed as inviolable and sacred), safety and resistance against oppression. These rights, in terms of their social content, is the inherent conditions of the Iron Curtain and the establishment of feudal privileges of the new system, capitalism based on private property, market economy they are fundamental rights of citizens, as people, claiming equal possibilities of being admitted all dignity, jobs and public services, are presented in their capacity as members of the public state.

"Men are born and remain free and equal in rights, is shown in the Declaration of the Rights of Man and Citizen.

Marking a milestone in the political and legal thinking of the time, the Declaration of Human Rights and Citizen, in 1789, was a starting point for subsequent constitutions have been drafteditura Accordingly, the National Assembly recognizes and declares under the auspices of the Supreme Being, the following rights of man and citizen: - Men are born and remain equal in rights and social differences can not be based only on public utility.

- The aim of all political associations is the preservation of natural and indefeasible rights of man: these rights are liberty, property and resistance to oppression.
- The nation is the source of the essential principle of all sovereignty, no group, no individual may exercise any authority which do not emanate from it.
- Freedom is to be able to do anything that does not harm others. Thus, the exercise of natural rights of each man has no limits other than that which provides other members of society use the same rights, these limits can be determined only by law.

- Law has no right to prohibit injurious than the company's shares. Everything is not prohibited by law can not be compelled to do what the law does not oblige.
- Law is the expression of general will, all citizens have the right to contribute personally or through their representatives in its composition, it must be the same for everyone, whether it protects or punishes that. All citizens are equal before the law, have access equally to all dignity, jobs, public offices, where their ability and without distinction other than those of their virtues and talents.
- No man can be accused, arrested or detained only in cases determined by law and the forms prescribed by it. Those who request, give, or are executed to execute arbitrary orders must be punished, but any citizen summoned or arrested by law must obey immediately, if you resist, he is guilty.
- The law should not set the sentence strictly and obviously necessary and no one can be punished except by virtue of a law established and promulgated before the offense and legally applied.
- Every man is presumed innocent, until it was declared guilty, if it is deemed necessary to arrest him, any act of coercion beyond that necessary to detain him, should be severely punished by law.
- The free communication of thoughts and opinions is one of the most precious rights of the people, every citizen may therefore speak, write and print freely, except in cases stipulated by law, which responds to the use will be abuse of this freedom.
- The guarantee of human rights and citizen requires a public force, this force is instituted for the benefit of all, and the personal use of those to whom is entrusted.
- To maintain public employment and administrative expenses common contribution is indispensable, it must be distributed equally among all citizens in relation to their potential.
- Citizens have the right to declare themselves or their representatives need to accept public assistance, freely, to track the destination of which is given, and to determine the amount, basis, skill and time.
- Account Company has the right to ask any public official, for how they should act.
- Any company that fails to ensure security and no rights perpetuates the separation of powers, has no constitution.

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References

Duculescu V., Calinoiu C., Duculescu G., (1996) *Drept constitutional comparat*, Editura Lumina Lex

*** (1983) *Drepturile omului in lumea contemporana,* culegere selectiva de documente, Editura Politica

Gomien, D. (1993) *Introducere in Conventia europeana a drepturilor omului,* Editura All

Popa Val, V., Vatca, L., (2005) *Drepturile omului,* Editura AllBeck