

FEATURES AND SPECIFICATIONS OF THE CONCEPT OF HUMAN RIGHTS

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ABSTRACT:

PROMOTING AND RESPECTING THE FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS, REGARDLESS OF RACE, GENDER, LANGUAGE, RELIGION, IS THE BASIC CONDITION OF THE EXISTENCE OF SOCIETIES AND GLOBAL COOPERATION BETWEEN THEM, BY SOLVING INTERNATIONAL ECONOMIC, SOCIAL, CULTURAL AND HUMANITARIAN PROBLEMS.

KEYWORDS: HUMAN RIGHTS, UNIVERSAL RIGHTS, PRIORITY RIGHTS, MORAL RIGHTS, ABSTRACT RIGHTS, EDUCATION;

Human rights represent a philosophical concept, a near perfect condensation of everything that has produced the essence of humanistic philosophy from the ancient period to the present. These are, or if not, they should be, indeed, on one of the first places among all the immaterial values, conscious of humanity as universal values. In the general concept of the concept, human rights belong to the human nature, indissolubly related to it and which can only be separated with the price of sacrificing freedom, dignity and human value, descent into sub-human, vegetative, instinctual state.

Beyond the historical, cultural and economic differences, as a result of the conflicting situations registered today on the world map, which could endanger¹ the climate of peace, stability and security, changing the structure of relations between human beings and the ever-evolving social environment, human rights have become one of the central ideas of the time.

However, the essential element of human rights is to ensure well-being, progress and civilization in any state².

Although they are in the portfolios of many bodies that reflect and act according to the directives they draw, there are poor countries in Asia, Africa and other continents³, where a large part of the population lives in the worst misery, without can hope for a better life. Education, culture, health are abstract notions for them, taking into account contemporary forms of slavery (use of children aged 6 years and 11 years in industrial work, endangering

¹ armed conflicts, globalization, technological development, poverty, illiteracy, terrorism, organized crime, corruption, tax evasion, professional crime

² Flavius Cristian Mărcău, „Undemocratic regimes”, in Annals of „Constantin Brâncuși” University of Târgu Jiu, Letter and Social Science Series, Issue 2/2014, pp. 105-110

³ including in our country a part of the population lives in an indescribable mess;

their physical and mental development, processing of organs, using hundreds). thousands of children in armed conflicts), unemployment, pimping, prostitution, etc¹.

According to the report on human development for 1997:

- about 1.3 billion people were living on less than one dollar a month,
- about 1 billion were illiterate,
- over 1 billion had no running water
- over 800 million were hungry or lacked the necessary nutrition²;

The General Assembly of the UN has decreed the period of poverty eradication between 1997 and 2006, and October 17 becomes the day of poverty eradication. Since 1990 the Human Development Report offers new perspectives on some of the most urgent challenges facing humanity - life, education, health and civic and community well-being remain the main problems at both European and global level.

Thus, according to the Global Report on Human Development - 2010³ there is no automatic link between economic growth and human progress, in relation to the HDI fields not determined by revenue - namely education and health, as measured by HDI (Human Development Index).).

The countries in the "Top of the most dynamic" highlighted in the 2010 report, which recorded the most substantial improvements during the years 1970-2010, in terms of HDI - are led by Oman, which has invested energy gains over decades in education and the public health system⁴.

The other nine countries in the "Most Dynamic Top" are China, Nepal, Indonesia, Saudi Arabia, Laos, Tunisia, South Korea, Algeria and Morocco. Remarkably, China was the only country to enter the "Most Dynamic Top" exclusively due to revenue performance⁵. Romania, along with Bulgaria, Serbia and Ukraine are part of the "human development" quarter.

Inequality - adjusted Human Development Index - Human Development Index adjusted for Inequality, taking into account disappearances regarding health, education and income⁶, Poland, Romania, Bulgaria and Croatia have losses of 10.8, 12.1, 11.3 and 15.3 respectively. In terms of living standards and incomes for disadvantaged national groups, HDI for ethnic people in Romania is well below the national average. Roma incomes represent one third of the national average, and their infant mortality rate is three times higher⁷.

In Romania, the low participation of women in politics, only 9.8%, is the promoter of gender inequality (The Gender Inequality Index - GII), with gender-based discrepancies in terms of reproductive health, empowerment of women and participation in the labor force, although women are close to par with men in terms of reaching a certain level of education⁸.

¹ Armed conflicts that make millions of victims degrade the natural environment, leading to the loss of large amounts of financial resources, which can cause disasters that challenge human rights on a large scale.

² Ph.D. Ion Diaconu, Human Rights in Contemporary International Law, 2001, p. 444

³ www.undp.ro/publications/human-development-report/2010/ro/

⁴ idem

⁵ But the countries in the top HDI are - Norway, Australia, New Zealand, United States, Ireland, Lichtenstein, Holland, Canada, Sweden and Germany.

⁶ based on a study for 139 states for which there were comparative data, established in terms of statistical principles

⁷ the Global Human Development Report 2010

⁸ idem

The new poverty measure from 2010, based on income, taking into account multiple factors at the domestic level, until access to education, clean water and medical care is estimated that approximately:

- 1.7 billion people live in poverty¹
- 1.3 billion live on \$ 1.25 per day or less.

Regarding the civic and community welfare of the countries of the European Union, Romania, together with Lithuania, Latvia, Slovakia have the lowest perception regarding the safety of the citizens.

What is the direction to which Romania is heading if, for more than two decades, the education of Romanians is taking a step back?

Regarding education:

- ✓ In 1990 - the expectations for the school years were 12.5, while the actual study years were only 9;
- ✓ In 2010 - the school years were 14.8, while the actual study years were only 10.6.

Will only 1.6 years of effective study be enough for a possible evolution in 20 years, for a nation?

Regarding the material well-being of the Romanian population, the situation was as follows:

- 1990 - gross national income was \$ 8,929 / year
- 2000 - gross national income was \$ 7,746 / year
- 2010 - gross national income was \$ 12,884 / year

Taking into account the components of the human development index (HDI) Romania has an index of 0.767 and ranks 50th out of 169 countries. The evolution of HDI over the last 25 years shows an annual increase of 0.5% from 0.688 in 1990 to 0.767 in 2010².

Human rights are different from other rights because of the five characteristics that they entail:

- universal
- moral
- fundamental
- priority
- abstract³

Universal rights

The universality of the character of the bearer is that there are rights that belong to all people. The bearer of these rights, which have as their object and motive, the individual links with the community of which the individual remains. In the case of these rights, there is an enlargement of the rights of existence and the development of personality in the dimension of the community, without denying the possibility that the holder of certain rights is the group, the community or the state.

¹ one third of the population from the 104 countries included in the MPI - The Multidimensional Poverty Index - The Multidimensional Poverty Index - MPI - 2010 report

² archive. îuractiv.ro / Union-European / articles / displayArticle?articleID_21377 / Report UN-over-development and human-Romania-to-find-in-first-third-socioeconomic-citizen EU /

³ John Rûsen, Mans Klaus Kein, Adrian Paul Iliescu, Human rights at the meeting between cultures, Socio-Human Studies, Paralela 45 ed., Pitesti-Bucharest, 2004, p. 34.

Moral rights

For the validity or existence of a moral right it is sufficient that the norm underlying it is morally valid, and a norm is morally valid if it can be justified by anyone who accepts a rational justification¹.

The moral component must be reflected in the prism of the positive law, by issuing acts - contract, constitution, laws, judicial or social practice - depending on their existence to reach and maintain a minimum of social efficiency.

Priority rights

This feature stems from the first two, in the sense that, if there is a justifiable right to any, then there must be a right to impose that right. For example, the existence of the right to life, justifiable to anyone, then there is a right of the state to take the necessary measures to protect the life of each individual and to identify the sanctions, resolution and prevention of conflict report, born as a result of the violation. of the initial law.

Fundamental rights

The fundamental character questions the content of the law related to two things:

- the possibility of guaranteeing the interest, the necessity by the law
- the justifiability of guaranteeing the interest, the necessity by the law.

The fundamentality correlated with the possibility of guaranteeing rights sets the priority on all stages of the legal system, including the legislator. An interest or a need is fundamental if their injury or non-compliance means either death, serious suffering, or touching the nucleus of the anatomy, coming under this including the social rights that aim to ensure a minimum income².

If a study were made regarding the need of people for love, it would be found that for many it is important to be loved, but there is no possibility of guaranteeing love by law, because love cannot be obtained through law, by regulating a right to love, to which the obligation to love, not to affect the love of any individual, can be fulfilled.

Abstract rights

Without paying too much attention to this feature, it should be emphasized only that courts must be created that will be able to take decisions of compulsory legal character in the knowledge of the case.

Thus, the state must be both a court of decision and a court of imposition for the realization of human rights.

We can safely say that the decisive factor in the development of social stability, within a nation, is the respect for human rights, not to mention that social movements have contributed and contribute to the redistribution of rights - material, political or symbolic - in a conflict. more or less open with the political power or the social elite, in which tactics outside the conventional policy are regularly used.

Thus, the need to build a social dimension appeared especially as the urgent need for social welfare deepened, in the form of socio-economic organization at the level of each state.

¹ R. Alexy, Diskurstheorie und Menschenrechte; Recht Vernunft, Speech. Studien zur Rechtsphilosophie, Frankfurt am Main, 1995, p. 127

² Human rights at the meeting between cultures, p. 39

The imposition of a breakdown of the evolution of human rights, internally and internationally, is due to the provisions of art. 11 of the Constitution of Romania, according to which, the treaties ratified by our country are part of the national law, and according to art. 20 of the same normative act, the provisions regarding the rights and freedoms of citizens "will be interpreted and applied in accordance with the Universal Declaration of Human Rights, with the pacts and other treaties to which Romania is a party."

In case there will be inconsistencies between the pacts and the treaties regarding the fundamental human rights, ratified by Romania, on the one hand and, the internal normative acts, on the other hand, the international regulations prevail over the internal ones¹.

¹ Main International Human Rights Instruments to which Romania is a part, Vol. I, Universal Instruments, Romanian Institute for Human Rights, 6th edition revised and added, Bucharest Official Monitor, 2003.

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