

Decay of Human Rights in 21st century

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Abstract:

Purpose and Originality: The article is aimed to assess the development and current state of the human rights. Modern reality requires redefinition of human rights, due to the events, which are re-establishing realist approach to global politics.

Method: Method is combination of focused synthesis and inverse deduction.

Results: The article supports the basic assumption that the human rights are endangered, not only in non- or semi-democratic regimes, but also in the states which are considered to be functional democracies.

Society: The article provides insight in one of most overlooked and underestimated concepts in the contemporary political science. It requires people to re-assess the human rights as concept as well as its implementation.

Limitations / further research: Article is limited to the argumentation with limited empirical support to the arguments, and it is based on non-neutral assumption that human rights today are ideological concept and not universal category.

Keywords: human rights, ideology, USA, contemporary world.

1 Introduction

Human rights are one of most endangered and misused concepts (together with the democracy) in the western hemisphere¹. On one hand, it shall be important for all the people to have their rights respected. On the other hand there is more and more legally justified violations of these rights by the states.

¹ Based on current societal processes, limiting the legal predictability (state of law), religious freedoms (discrimination towards particular religion), state control (espionage on the general population), freedom of press and information, freedom of movement, etc in practically all countries from Poland, Hungary, Turkey, France, USA and long list of others. If in the recent history, there was ideological connection between democracy and human rights, today democracy can be as oppressing as any communist regime.

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Human rights are granted on the philosophical, legal and practical level in order to assure individuals with two main commodities. Freedom and security. Freedom, which can be limited only by the same freedom of the fellow human being. Security, which does not limit the freedoms and which does not protect only survival but life in its full quality, including protection of dignity and privacy of an individual.

In this manner the article is trying to highlight certain aspects of human rights in the 21st century. We are trying to test the modern western civilisation human rights standards towards the basic human rights protection documents. We argue that the human rights in 21st century are becoming cheap excuse to justify political, economic and military pressure on different countries with very little concern when the stability of the current political system is in question.

In this manner it is of utmost importance to systematically address this issue, point out lack of respect for human rights in the modern world as well as the need to maintain civic engagement, for protecting what was the pre-condition for democracy. Hereby we argue human rights are precondition for democracy, since only people who are not endangered in expressing their political views can demand responsibility of the government and have power to change it, when the government is not ruling for their benefit.

In order to prove this argument we will rely on focused synthesis as predominant descriptive method and support the argumentation by different cases and deductive reasoning.

2 Theoretical framework

2.1 Human rights definition

Human rights are moral, legal and political device protecting the dignity, wellbeing, and survival of human beings. A right is a freedom of some kind. It is something to what you are ideally entitled by solely being a human (Cerar, 1996).

Human rights are based on the principle of respecting each individual. Fundamental assumption is that each person is a moral and rational being, who deserves to be treated with dignity. Precondition of humanity is incorporating the universality of the concept. While nations or specific groups can enjoy specific rights that apply only to them, human rights are the rights to which each person is entitled, regardless of any other personal specific. (Human Rights Educators' Network, 1998)

The horror of two great wars in 20th century lead to preparation of Universal Declaration of Human rights, adopted in 1948 by the United Nations Organization (Human Rights Educators' Network, 1998), in further years supported by additional conventions dealing with special sets of rights (political, economic, etc.). However, main postulate is that any human being should be free from any oppression, due to national, religious, gender or other personal circumstance, should have right to the political participation and should be free from existential fear.

However, practical history of last seventy years presents, more than universal respect, universal violation of human rights. If initially it was utopically believed that human rights violations are consequence of lack of political will to protect them (Pinterič, 2004, p. 2), today it becomes more and more evident that human rights violations are ordered by the states, justified by legislation and judicial system which assesses the legislation within non-discrimination paradigm, which means that abolishment of certain right can be justified if it is abolished for everyone, and not only for a specific group of people.

2.2 Brief history of human rights

Human rights, as we define them today, are not self-evident and from the beginning of time. In the manner as human society developed also different political concepts emerged over the time. In the historical perspective, one can distinct for major periods in human rights development. In the early times (antique and afterwards renaissance and enlightenment era) the focus was primarily on political rights, after the industrial revolution, economic and social rights were promoted, after the second world war, so called third generation of human rights, dealing with individuals' wellbeing became important and it was followed by the cyber rights, which were not that much new rights, but started to implement the previous sets of rights in newly developing virtual environment.

Often forgotten is reciprocity conceptualisation or reverses principle, where human right of one becomes responsibility of others towards the one (Cerar, 1996). Even more radical perspective on human rights is offered by the concept of "human duties", where there is no initial right, but only one's duty to properly treat the others, without any right of the others. Such cases exist in the collectivist societies, where the role of individual is put behind the collective (Cerar, 1996).

Throughout much of history, people executed/enjoyed their rights and responsibilities within different social groups – a family, nation, religion, class, community, or a state. Regardless of historical and geographical background, most societies have traditions similar to the "golden rule" of "Do unto others as you would have them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Koran, and the Analects of Confucius are five of the oldest written sources which address questions of people's duties, rights, and responsibilities. Nowadays, reciprocity principle still exists in religious context or in certain societies (e.g. in many Far East societies or in certain African tribes). In addition, the Inca and Aztec codes of conduct and justice, and an Iroquois Constitution were Native American sources of proper treatment that existed well before the 18th century. Basically, all societies have had (oral or written) systems of propriety and justice as well as ways of tending to the health and welfare of their members.

Within the context of "Western civilisation", documents asserting individual rights, such the Magna Carta (1215), Habeas Corpus Act (1679), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizen (1789), and the US Constitution (1787) and Bill of Rights (1791) are the written precursors to many of today's human rights documents.

For the first time in history, Magna Carta established the principle that everybody, including the king, is subject to the law. Although nearly a third of the text was deleted or substantially rewritten and almost all the clauses have been repealed in modern times, Magna Carta remains a cornerstone of the British constitutionality.

Within the Magna Carta, there was a number of fundamental values that both challenged the autocracy of the king and proved highly adaptable in future centuries. Most famously, the 39th clause gave all ‘free men’ the right to justice and a fair trial.

Some of Magna Carta’s core principles echoed in the United States Bill of Rights (1791) and in many other constitutional documents around the world, as well as in the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950). (Breay, Harrison, 2015)

The English Bill of Rights was a British Law, passed by the Parliament of Great Britain in 1689 that declared the rights and liberties of the people. The document in question have had a massive influence on the colonies in North America and the Constitution of the United States. The most elements of the Bill of Rights are as follows:

- A frequently summoned Parliament and free elections
 - Members should have freedom of speech in Parliament
 - No armies should be raised in peacetime
 - No taxes could be levied, without the authority of parliament
 - Laws should not be dispensed with, or suspended, without the consent of parliament
 - No excessive fines should imposed, nor cruel and unusual punishments inflicted
- (Land of the Brave, 2017)

In 1789, French National Assembly accepted the Declaration of Rights of man and the Citizen (fr. *Déclaration des droits de l'homme et du citoyen*), served as the preamble to the French Constitution of 1791. The basic principle of the Declaration was that all “men are born and remain free and equal in rights” (Article 1), which were specified as the rights of liberty, private property, the inviolability of the person, and resistance to oppression (Article 2). All citizens were equal before the law and were to have the right to participate in legislation directly or indirectly (Article 6); no one was to be arrested without a judicial order (Article 7). Freedom of religion (Article 10) and freedom of speech (Article 11) were safeguarded within the bounds of public “order” and “law.” The document reflects the interests of the elites who wrote it: property was given the status of an inviolable right, which could be taken by the state only if an indemnity were given (Article 17); offices and position were opened to all citizens (Article 6). (Encyclopædia Britannica, 2005)

The Constitution of the United States of America prepared in 1787 is the fundamental law of the US federal system of government. It is one of the oldest written national constitutions (Based on the fact that United Kingdom has constitutionality packed in different legal documents, including aforementioned Magna Carta) in use and defines the principal organs of government and their jurisdictions and the basic rights of citizens.

The first ten amendments to the Constitution, known as the Bill of Rights (not to be confused with British document with the same name), came into effect on December 15, 1791, limiting the powers of the federal government of the United States and protecting the rights of all citizens, residents and visitors in American territory.

The Bill of Rights protects freedom of speech, freedom of religion, the right to keep and bear arms, the freedom of assembly and the freedom to petition. It also prohibits unreasonable search and seizure, cruel and unusual punishment and compelled self-incrimination.

Among the legal protections it affords, the Bill of Rights prohibits Congress from making any law respecting establishment of religion and prohibits the federal government from depriving any person of life, liberty or property without due process of law.

In federal criminal cases it requires indictment by a grand jury for any capital offense, or infamous crime, guarantees a speedy public trial with an impartial jury in the district in which the crime occurred, and prohibits double jeopardy. (United for Human Rights, n.d.)

Yet many of these documents, when originally translated into policy, excluded different groups of population, such as women, people of colour, and members of certain social, religious, economic, and political groups. Nevertheless, oppressed people throughout the world have drawn on the principles these documents express to support revolutions that assert the right to self-determination. (Human Rights Educators' Network, 1998)

Establishment of the United Nations Organisation and its efforts in protection of the human rights have its basis in unsuccessful or limited successful previous attempts to recognise the value of human being in the time of war and peace. Among such efforts are, for instance 19th century attempts of the slave trade prohibition. In 1919, countries established the International Labour Organization (ILO) to oversee treaties protecting workers with respect to their rights, including their health and safety. Concern over the protection of certain minority groups was raised by the League of Nations at the end of the First World War which was also the first attempt to limit the war activities by implying so called concept of *jus ad bellum* (which defined the principles of starting the war). Unfortunately the League lost its credibility because the United States refused to join and further more failed to prevent Japan's invasion of China and Manchuria (1931) and Italy's attack on Ethiopia (1935), and all in all it failed to prevent raise and military activities of Hitler, which caused the Second World War (1939 when Germany refused to step down, and occupied Austria and Poland).

The idea of human rights emerged stronger after World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the defeated countries were punished for committing war crimes, "crimes against peace", and "crimes against humanity."

Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that

never again would anyone be unjustly denied life, freedom, food, shelter, and nationality. The essence of these emerging human rights principles was captured in President Franklin Delano Roosevelt's 1941 State of the Union Address when he spoke of a world founded on four essential freedoms: freedom of speech and religion and freedom from want and fear.

The calls came from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. These voices played a critical role in the San Francisco meeting that drafted the United Nations Charter in 1945. (United for Human Rights, n.d.)

2.2.1 The Universal Declaration of Human Rights

On December 10, 1948 United Nations Organisation adopted Universal Declaration of Human Rights. Roosevelt, credited with its inspiration, referred to the Declaration as the international Magna Carta for all mankind.

In its preamble and in Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings:

“Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...All human beings are born free and equal in dignity and rights.”

The Member States of the United Nations pledged to work together to promote the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. In consequence, many of these rights, in various forms, are today part of the constitutional laws of democratic nations. (United for Human Rights, n.d.)

2.3 Cultural context of human rights

Human rights are essential to the protection of individuals, communities, and peoples regardless of the cultural context. However, in every cultural context different issues arise in the execution of human rights. For example, some of the distinct ethnic or cultural groups in Africa and other regions owe their current boundaries and definition in part of European colonial powers that imposed distinctions based on racial categories. Race is a culturally constructed category (though it may use biologically influenced variations in appearance as social markers) because the choice of categories, the ways of assigning people to the categories, and the uses of this distinction are all determined by cultural practices. The

meaning of these categories changes with social context, but racial categories have usually been imposed by a group or society to justify its domination, exploitation, or annihilation of another group (Fredrickson, 2002).

Cultural stereotypes can have the same invidious effects as racial stereotypes. The conceptual difficulties with notions of culture and their history of abuse, have led many to argue that it would be best to dispense with culture entirely. However, this is problematic for scientific, moral, and political reasons. Scientifically, it is clear that we are cultural beings, requiring culture to achieve our full functioning. The human brain is essentially an organ of culture, and the ways in which we can become ill reflect culture as much as biology. Morally, since culture is the source of our individual values and the means by which we organize communities, recognizing culture is essential to our recognizing and respecting each other's commitments and concerns. Finally, every political system, no matter how much it strives for equality and neutrality, privileges some (usually predominant) cultural groups while ignoring or disadvantaging others. Acknowledging the domain of culture and recognizing specific ethno-cultural groups are essential to identifying and correcting these biases and inequalities. (Kirmayer, 2008)

Historically, cultures have been viewed as homogeneous, self-justifying, closed worlds of moral meaning and practice. In reality, cultures are complex, open, hybrid, and contested from within. This makes it difficult to appeal to a cultural norm as part of a cohesive and consistent body of knowledge and practice adhered to by a community. Cultures are not finely tuned homeostatic systems that insure the well-being of all members of the community. (Edgerton, 1992)

There may be conflict, inequalities, and injustices within groups due to internal structures that advantage some members of a society while oppressing and exploiting others. This is particularly clear in the case of gender, age, or other forms of discrimination. Simply appealing to cultural tradition or collective values does not address the vulnerability of children, women, and minorities to systemic violence and injustice. Rights language provides a way to speak back to power in social and political struggles that cut across diverse cultures. Human rights offer a potentially useful strategy for the weak and vulnerable in any social system to gain support for challenges to the status quo. (Kirmayer, 2008)

The massive violations of human rights in genocides and other forms of organized violence have been fuelled by processes of dehumanizing the other as somehow not fully or really human. We have psychological mechanisms for dehumanizing some individuals as subhuman, primitive and animalistic or non-human, machine-like and devoid of the capacity for empathy (Haslam, 2006).

These pave the way for excluding others from the human community and allow acts of violence to proceed without the empathic recognition of the other as vulnerable or suffering human being that might otherwise limit our aggression. In some communities, humans may be labelled with inhuman qualities - for example as witches or demons. These claims

undermine the humanness of the accused and make it possible for others to attack them with impunity. (Kirmayer, 2008)

Global survival depends on our ability to extend our empathy, identification and concern beyond local tribalisms to encompass humanity as a whole.

Nationalism and ethnic loyalty may forge ties to a larger group but they define insiders and outsiders, “us and them”, in ways that can undermine our sense of connection to humanity as a whole. National identities may be constructed a number of ways but in some respects are tribal identities writ large. The creation of nation states has mapped the world in terms of citizenship, giving everyone a place where they legally belong. This creates the possibility of being pushed outside the state, into an ambiguous place where individuals do not belong to the land on which they stand. This extraterritoriality creates a new kind of vulnerability that requires new forms of protection, like those embodied in the UN conventions on refugees (Gibney, 2004).

2.4 Ideological positioning

After the Second World War, human rights became mantra of western world. Ignatieff (2001) named them also language of modern world in accordance of his relationship to them. At the same time Ignatieff (2001, pp. 9-10) also argues that human rights are never objective, and always defending some option. In his context NGOs despite using universal language of human rights are far from fighting for everyone, but only on behalf of some "political" option². In this manner we have to say that no political option is neutral, because it has its own values that prefers. In values framework it is always possible to recognise some kind of ideology. In case of human rights promoted by western culture liberal individual ideology stands behind. The last shape of it, connected with economical globalization and political internationalization, is neo-liberalism.

According to the situation it seems that human rights are moral imperative translated into a language of law for political purpose. It is quite evident that human rights are translated in a language of law and nobody is hiding this. Much more unpleasant and also hidden is connection between human rights and policies and especially politics. Despite Ignatieff (see above) suggests that human rights are and should be political issue, everyone want to keep human rights as something that is above politics and has power to control it. According to this Boli-Bennett (1981, p. 173) argues that “the ideology of the expanding state constantly co-opts the ideology of individualism by translating human rights into citizen rights, a process that serves not much to strengthen the possibility of individual choice as to expand state jurisdiction over the lives of citizens”. In this context rights are more and more defined as subject to restriction by the state, rather than inherent in the individual without restriction

² Here, we cannot forget Plato’s idea that human is different from other beings because of ability to take political decisions – *zoon politicon*.

(Boli-Bennett, 1981, p. 174). Main problem of Boli-Bennett concept is in his dialectical approach. He separates human rights ideology and state authority as two dialectical concepts. Despite he confesses that human rights are tool for controlling the state, he missed the point of the dialectic approach³. Much more than searching dialectics in this relation it is appropriate to think about human rights as tool of state authority to rule over the citizens. He is trying to show correlation between human duties, human rights and state authority as crucial “ideological” problem. He argues, stronger than human rights are, weaker are human duties and state authority. In this context he sees human rights as protection of individuals from government and dominant classes and at the same time also as “incorporation of the individual in the state structure and the ideology of state authority over society” (Boli-Bennett, 1981, p. 176). On a first glance he seems right, but we are not allowed to forget that there are different power relations that make incorporation of individuals into state structure prevailing and reducing individual’s protection from others or state interference into his/her privacy.

In context of politics, human rights are becoming more and more just a political tool. If before human rights were described more as the ideology, in next paragraph we will try to show human rights as tool used by politicians in their daily activities to keep their political function. In fact it is about (ab)use of human rights discourse in political purpose.

Human rights are not absolute categories. It means that each person is entitled to exercise his or her rights in a way that does not interfere with rights of other people or legitimate public interests. For example, freedom of speech does not mean that one can speak about any topic at any time and place. Freedom of press does not allow a person to intentionally publish false, harmful information about another person. However, individual rights are not subordinate to common good. In complex, democratic societies such as the United States, the primary goal is striking the proper balance between individual rights and public interest. (Milovanovich, n.d.).

Different human rights protection organizations regularly report on police abuse, racial differences, denying freedom of decision-making (abortion), confused voting system that excludes significant number of potential voters (especially those from society margins). With death penal U.S. are together in alliance of such states as China, Cuba, etc. (Pinterič, 2004, pp. 22-23).

The idea of human rights accepts that some limitations on rights are permissible but the limitations are themselves strictly limited by law. Public emergency, national security, and public order are examples of situations that indicate important societal interests, but they cannot be lightly or loosely invoked to unnecessarily invade or violate individual rights. Limitations are permitted only to the extent strictly required by the exigencies of the particular situation. However, the government may under no circumstances go so far as to

³ According to dialectics, human rights and state authority could not exist separated one from another, and they should legitimize each other in perpetual circle. In praxis, we know, that state authority can be maintained by the other ways than human rights maintenance (just promised or also fulfilled).

invade the right to life, or implement torture, inhuman punishment, slavery, or violate freedom of thought, conscience, or religion.

Concern for human rights protection is of paramount importance in any type of society. Even in countries that take pride in their human rights record, there are areas that call for improved treatment of human rights. For example, the respect for civil and political rights has been greatly emphasized in the United States and American government is actively promoting those rights all over the world. On the other hand, the very same government does not recognize health care, work, homelessness, environmental pollution, and other social and economic concerns as human rights issues.

Rather, they are viewed as mere aspirations or goals to be met someday in the distant future when they are feasible. Such approach has very serious consequences for quality of democracy in this country. Being deprived of their economic and social rights, people cannot effectively exercise their civil and political rights. For example, national wealth implies that there should be no hunger in the US. In reality, problem of hunger is very much present in this country. As a consequence, people affected by such deprivation cannot be expected to actively exercise their political freedoms.

Civil and political rights should not be measured by the existence of laws protecting democratic principles, but by a citizen's capability to exercise these rights. The paper right to participate in a democratic system does not guarantee inclusion in practice. While the government cannot remove all barriers to ability, it should eradicate the most basic impediments like hunger - particularly in the richest nation in the world. (Milovanovich, n.d.)

In the American history meaning of freedom is connected to the desire to the better world many first settlers were searching for on their travel over the sea. According to psychoanalysis point of view it is understandable desire of many people who wanted to start new life in new country with new opportunities not only as practical but also as symbolic one. One of behaviour rules in America was also that nobody is allowed to ask for someone's name⁴. This can be understood as beginning of development of today's American individualism.

At the same time beginning of the American (ultra) liberalism we can find in rule that someone can do everything for satisfying his needs, until he does not endangers other people or restrict same right to them. Today's theory of human rights in US is mainly based upon the official administrative statements supported by uncritical mass media. There are many cases when US administration violated article one of America Bill of Rights and misleads or misinforms American citizens.

According to the American culture it is hard to speak about serious development of human rights theory in US apart from existing political praxis. Human Rights transformed from

⁴ Among people in America there were a lot of criminals who escaped or were exported to colonies and who did not want to show their identity. (Pinterič, 2004)

theoretical concepts into the measurable tool for evaluating world, usually for the political purpose. International framework of human rights is based on the International Declaration of Human Rights from 1949 and two covenants from 1966 (International Covenant on Civil and political rights and International Covenant on Economic and Social rights). US ratified the International Covenant on Civil and political rights only in 1992. As an excuse they usually argue that political and civil rights are in US defined well enough with national legislation and that they do not need international regulation. At the same time US ensured themselves numbers of reservations and understandings that weaken power of this document. (Pinterič, 2004).

Table 1. Household food-insecurity rates in the USA 2013-2015

<u>Country</u>	<u>Percentage</u>
Mississippi	20,8%
Arkansas	19,2%
Louisiana	18,4%
Alabama	17,6%
Kentucky	17,6%
Ohio	16,1%
Oregon	16,1%
North Carolina	15,9%
Maine	15,8%
Oklahoma	15,5%
Texas	15,4%
Tennessee	15,1%

Note. * states stated in the table exhibited statistically significantly higher household food-insecurity rates than the U.S. national average 2013-2015 (<13.7%).⁵

"Western" philosophic foundations of human rights are not universally accepted. Today in the world there is no general consensus about positive definitions of human rights. Bills of rights differ from nation to nation. Even in the Western world scope and exercise of human rights differ from one country to another.

In non-Western countries, observance of human rights is based on quite different premises. For example, socialist and communist countries have emphasized social-welfare rights, such

⁵ Feeding America's Hunger and Poverty Facts and Statistics (2015).

as right to education, right to job, and right to health care. However, their citizens often have limited civil and political rights.

In some cultures, the Western idea of human rights as individual rights is completely rejected. Emphasis on individual is viewed as egocentric, egoistic, and divisive. For example, in Islamic countries religious concerns that dominate social life have distinct primacy over individual rights. Unlike Western law, which is primarily concerned with regulating public affairs of citizens and protecting individual rights, the Islamic law seeks to regulate the entirety of human existence leaving very little room for some civil rights and individual freedoms.

In some traditional societies, like Japan and India, concepts of personal loyalty and obligation have been given far more weight than individual aspirations. In those societies, self-worth and identity are viewed as stemming from groups to which the person belongs rather than from what that person has accomplished. (Milovanovich, n.d.)

3 Discussion

Human rights are not equal for everyone and are not fully enforceable.

Different cultures different rights and their protection is understand in different way. In this sense freedom of speech can be in different countries understand in different way and in different scope. Same is about human life and all other rights and freedoms. However main arguments why we cannot accept idea about human rights universality are their violations in the culture that created this construct. However, it seems most valid to say that there is kind of universal value system in the world, but it is different understand and implemented in different cultures. (Pinterič, 2004, p. 22) At the same time it is equally important that human rights are together with the democracy among the concepts which shall not be simply culturally questioned but should be, within the cultural context, provided to all people by following the main principle, which reaches over the Western civilisation principles and becomes humanitarian and thus universal in the aforementioned principle of not treating others in the manner as one would not like to be treated.

In this democratic-utopical perspective one shall not forget the reality of economic and social inequality, clearly showing the distribution of power between general population and the elites as well as recognising the inability to overcome this situation only by "petitioning" for the better living conditions. If Western perspective on human rights exposes predominantly the violations/disrespect of human rights in other cultural contexts, it is important not to neglect the decrease of human rights in the Western civilisation per se. Even if we ignore historical violation of human rights (already in the time when human rights were recognised as important societal concept), which can be strongly responsible for lots of global turmoil today, we cannot overlook the fact that certain "limitations" of human rights are culturally conditioned in the geographical perspective. Among such tradition is Islamic covering of the

body, where more precise analysis shows that what is today proclaimed as oppression of women's rights is historically nothing more nor less than protection from desert sun, which was implied also to the men. However, France (and few other countries') ban on burka is violation of the right to freely express the religion, since it is selective and discriminates against singular, defined religious group). Increasing surveillance over the general population is hardly anything else than reduction of individual's right to privacy. Especially in the perspective of decreasing personal security. In the fairness, we need to add that never before, world was safer from different terrorist acts (in opposition to general media reporting), but people are at the same time much more endangered by the poverty and social exclusion than by possibility of being victims of terrorist acts. In this perspective increased surveillance can hardly be justified by increased security of citizens, since their main threats are most often of non-violent nature⁶.

4 Conclusion

Human Rights are a set of rights and freedoms that are defined in the Universal Declaration of Human Rights and other documents in the UN system for all human beings on earth. They are universal and equal for everyone. Civil rights and freedoms are defined by international documents, states' legal documents, and are guaranteed to all citizens. Non-democratic states provide fewer civil rights than stated in the International Human Rights Document. The difference is between the legal enactment of human rights and the actual practice of individual states. Today, technically, only few countries openly refuse the idea about being democratic and respecting human rights. However, when it comes to human rights execution/provision, we can see that in many cases state as guarantor of human rights is failing more and more miserably by legalising religious discrimination, reducing the media and speech freedom, reducing the privacy of individuals, limiting the possibilities for political activism, etc. In this perspective, it is necessary to stress that golden era of human rights is over and that human rights can be only kept by fight against political and economic elitism, where symbolism of anonymous mask from V for Vendetta is not only shallow symbol of hiding but it will represent people's internalisation of the idea, of which government shall be afraid.

Research is limited by its rather speculative nature and is more discussion for further strengthening the debate on human right conceptualisation, as well as it shall present provocative entry point for further debate on the topic.

⁶ One can argue that we are in this manner returning to the times of the inquisition, where plague, famine and nature disasters were blamed on witches as external enemies, "few" people were scarified as a proof that the political system performs its role, while population did not feel any relieve. Only the political elite managed to channelize the frustration of the people away from themselves as responsible holders of political power.

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