

Lecture: Human Rights and the Role of the State

Level : 3rd Year – Public Law-

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In today's session, we will study an important topic in public law; Human Rights and the Role of the State in protecting them

Human rights are essential for any organized society because they aim to protect individuals and ensure their dignity. They also define the relationship between the individual and the state, and they limit the power of the state to prevent abuse

The idea of human rights developed over time. In the past, people started to demand their rights, especially when the power of the state was absolute. With time, these demands became legal rules, and human rights became an important part of modern constitutions and laws.

Today, human rights are not only a theoretical idea. They are legal principles recognised at both the national and international levels. Most countries include human rights in their constitutions, and they also follow international agreements to protect them.

From a legal point of view, human rights have two main functions:

- They protect individuals from the abuse of state power
- They require the state to take action to ensure these rights, such as providing education, health care, and security.

However, in practice, the protection of human rights faces many challenges. Sometimes, the state needs to balance between individual freedoms and public interests like security and public order. This can lead to limiting some rights.

This brings us to some important questions:

- What are Human Rights?
- What are their main characteristics?
- What is the role of the state?
- When can the state limit these rights?

By the end of this lecture, you will have a better understanding of Human rights from a legal perspective.

1. Definition and Characteristics of Human Rights

- ✓ Human rights can be defined as: Basic rights and freedoms that belong to every human being without discrimination.
- ✓ Main Characteristics:
 - a. **Universality:** Human rights apply to all individuals, regardless of nationality, gender, religion, or social status

- b. **Inalienability:** Human rights cannot be taken away, except in very limited and legal situations.
- c. **Equality and Non-discrimination:** All individuals are equal before the law and must enjoy the same rights
- d. **Interdependence:** All rights are connected. For example, the right to education supports the right to work.

2. Types of Human Rights

Human rights are generally divided into three categories:

- Civil and Political Rights
- Economic , Social, and Cultural Rights
- Collective Rights (Third Generation)

2.1/ Civil and Political Rights:

These include: -Right to life
 -Freedom of expression
 -Right to vote

⇒ They protect individuals from abuse of state power

2.2/ Economic, Social, and Cultural Rights:

These include: -Right to education
 -Right to health
 - Right to work

⇒ They require active intervention from the state

2.3/ Collective Rights (Third Generation)

These include: - Right to development
 -Right to clean environment

⇒ These rights concern groups and societies.

3. Legal Framework of Human Rights

Human Rights are protected at two main levels

 National Level:

*The Constitution

*National Legislation

*Courts and judicial institutions

Note: The Constitution is the highest legal document that guarantees rights.

International Level :

*International Treaties

*Conventions and agreements

Important example: The **Universal Declaration of Human Rights 1948**

These instruments create international standards for states.

4. The Role of the State in Human Rights Protection

The state is the primary actor responsible for human rights protection. Its role can be summarized in three obligations:

4.1-Obligation to Respect: The state must not interfere with individual rights

Example: -No arbitrary arrest

-No censorship without legal basis

4.2-Obligation to Protect: The state must protect individuals from violations by others.

Example: -Protect citizens from violence

-Enforce laws against discrimination

4.3-Obligation to Fulfil: The state must take positive actions to ensure rights

Example: -Provide education

-Ensure access to healthcare

5. Limitation on Human Rights

Although human rights are fundamental, they are not absolute

5.1 The state may limit rights in cases of:

-National security

-Public order

-Public health

-Emergency Situations

5.2 Conditions for Legitimate Limitations; Any limitation must be

- Based on law
- Necessary
- Proportionate

*And this ensures a balance between **security** and **freedom***

6. Challenges and Violations

In practice, many challenges affect the protection of human rights

- Examples:
- Abuse of power by government
 - Weak Judicial systems
 - Political instability
 - Lack of awareness

As a result, violations still occur in many countries.

7. Vocabulary Focus:

*Important terms:

- | | | |
|-----------------|---------------|-------------|
| -Human Rights | -Equality | - Justice |
| -Freedom | -Constitution | -Law |
| -Responsibility | -Protection | -Government |

8. Conclusion

Human rights are essential for justice and stability in society. The state plays a central role in protection these rights through laws and institutions. However, maintaining a balance between individual freedoms and public order remains a major challenge.



In your opinion, how can states improve the protection of human rights in practice?

