



**LJUDSKA PRAVA |**  
**CIVILNO DRUŠTVO**

# LJUDSKA PRAVA

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video – Ljudska prava i generacije ljudskih prava

<https://youtu.be/H6PExnyO95o>

# LJUDSKA PRAVA I PRAVA GRAĐANINA

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- **LJUDSKA PRAVA** ili **PRAVA ČOVJEKA** su temeljna prava koja pripadaju svakom čovjeku samim time što je ljudsko biće, ona su urođena i neotuđiva
  - univerzalna su i ne ovise o tome priznaju li ih državne vlasti ili ne
- **PRAVA DRŽAVLJANINA** ili **GRAĐANINA** su politička prava koja ustanovljava politička zajednica (država) za zaštitu pojedinaca u njihovom slobodnom djelovanju

# POVIJESNI RAZVOJ LJUDSKIH PRAVA

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- 622. – **Medinska povelja** (jednakost ljudi s obzirom na vjeru i običaje)
- 1215. – **Magna Charta Libertatum** (Velika povelja slobode)
- 1288. – **Vinodolski zakonik** – određuje prava, dužnosti i odnose kmeta, feudalca i biskupa – kažnjivo je nasilje muškarca nad ženom
- 1628. – **Petition of Rights** (Peticija prava)
  - predstavlja dokument o zaštiti ljudskih prava (parlament ograničava prava kralja – oporezivanje, izvanredno stanje i sloboda od nezakonita pritvaranja)
- 1679. – **Habeas-Corpus Acte** – štiti pojedinca od nezakonita progona i pritvaranja
- **John Locke** – „*Dvije rasprave o vladi*” – svaki čovjek ima **neotuđivo pravo na život, slobodu i privatno vlasništvo** (*zadaca države je zaštita tih prava*)
  - *John Locke se smatra ocem ljudskih prava i začetnikom ideje liberalizma (država treba služiti pojedincu, a ne pojedinac državi)*

# POVIJESNI RAZVOJ LJUDSKIH PRAVA

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- 1776. - **Američka deklaracija o neovisnosti** (*Bill of Rights*)
  - postavlja temelje ljudskim pravima
  - **ideja jednakosti** – svi su ljudi stvoreni jednaki s neotuđivim pravima
    - *pravo na život, slobodu i vlasništvo*
    - *sloboda okupljanja i tiska*
    - *sloboda kretanja i pravo na peticiju*
    - *pravo na pravnu zaštitu*
    - *glasačko pravo*
  - država se treba brinuti za dobrobit ljudi
- 1789. – **Deklaracija o pravima čovjeka i građanina**
  - deklaraciju je usvojila francuska Narodna skupština
    - narod je izvor državnog suvereniteta
    - država preko zakona je glavni instrument zaštite ljudskih prava
    - društveno bogatstvo služi za opće dobro

# POVIJESNI RAZVOJ LJUDSKIH PRAVA

– 10. 12. 1948. – Opća deklaracija o ljudskim pravima (Povelja UN-a

– prvi univerzalni i sveobuhvatni međunarodni dokument o ljudskim pravima

– utvrđuje kategorije općih ljudskih prava i sloboda te načela njihove zaštite

– uređuje pitanje ljudskih prava na razini cijelog svijeta

10th DEC

## INTERNATIONAL HUMAN RIGHTS DAY



**WHEREAS** recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

**WHEREAS** 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,

**WHEREAS** it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

**WHEREAS** it is essential to promote the development of friendly relations among nations,

**WHEREAS** the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom,

**WHEREAS** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

**WHEREAS** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**NOW HEREBY** THE GENERAL ASSEMBLY PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

**Article 1** — All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2** — Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 3** — Everyone has the right to life, liberty and security of person.

**Article 4** — No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5** — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6** — Everyone has the right to recognition everywhere as a person before the law.

**Article 7** — All are equal before the law and are entitled without any discrimination to equal protection of the law. All are equal before the courts and enjoy equal treatment under the law. This includes equal protection against any discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 8** — Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9** — No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10** — Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

**Article 11** — Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

**Article 12** — No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 13** — Everyone has the right to move freely and to settle in any country, in accordance with law and justice and according to the principles of the equal rights of men and women.

**Article 14** — Everyone has the right to freedom of movement and residence within the borders of each state.

**Article 15** — Everyone has the right to have a nationality, including his own, and to be free of it.

**Article 16** — Everyone has the right to own property singly or in partnership; no one shall be arbitrarily deprived of his property.

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**Article 18** — Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19** — Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20** — Everyone has the right to freedom of peaceful assembly and association.

**Article 21** — No one may be compelled to belong to an association.

**Article 22** — Everyone has the right to such international, national, governmental or local aid, directly or through intermediary organizations, as he may require in order to enjoy the rights and freedoms set forth in this Declaration.

**Article 23** — Everyone has the right to equal access to public service in his country.

**Article 24** — The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and honest elections.

**Article 25** — Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

**Article 26** — Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical, vocational and higher education shall be equally accessible to all on the basis of merit.

**Article 27** — Everyone has the right to the free development of his human personality, and in this respect the promotion of human rights and fundamental freedoms. It shall promote and encourage individual, cultural and family values, and shall foster the activities of the United Nations for the maintenance of peace.

**Article 28** — Everyone has a duty to other individuals, to the community and to the State.

**Article 29** — Everyone has duties to the community in which alone the free and full development of his personality is possible.

**Article 30** — Nothing shall be done to destroy the community in which alone the free and full development of his personality is possible.

**Article 31** — No one shall be subjected to arbitrary arrest, detention or exile.

**Article 32** — No one shall be subjected to arbitrary or unlawful interference with his private, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 33** — Everyone has the right to freedom of movement and residence within the borders of each state.

**Article 34** — Everyone has the right to have a nationality, including his own, and to be free of it.

**Article 35** — No one shall be subjected to arbitrary arrest, detention or exile.

**Article 36** — No one shall be subjected to arbitrary or unlawful interference with his private, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 37** — No one shall be subjected to arbitrary arrest, detention or exile.

**Article 38** — Everyone has the right to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

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# PODJELA / GENERACIJE LJUDSKIH PRAVA

## 1. GENERACIJA LJUDSKIH PRAVA

(osobna, građanska i politička)

- pravo na život, slobodu i sigurnost
- pravo na ljudsko dostojanstvo i slobodan razvoj osobe
- pravo na privatno vlasništvo i jednakost pred zakonom
- pravo na sudjelovanje u političkom životu
- biračko pravo
- pravo na slobodu mišljenja, izražavanja i slobodu vjeroispovijesti
- pravo na slobodu udruživanja i okupljanja

## 2. GENERACIJA LJUDSKIH PRAVA

1. SOCIJALNA
2. EKONOMSKA
3. KULTURNA

} prava na jednakost

- pravo na **rad**
- pravo na **obrazovanje**
- pravo na **prehranu**
- pravo na **socijalnu skrb** i **zdravstvenu zaštitu**
- pravo na **stanovanje**
- pravo na **prikladan životni standard**

## 3. GENERACIJA LJUDSKIH PRAVA

(prava na solidarnost i suradnju)

- pravo na **mir**
- pravo na **zdrav okoliš i održivi razvoj** (ekološka prava)
- pravo na **humanitarnu pomoć**
- pravo na **političku, gospodarsku i kulturnu samostalnost**
- pravo **nerođenih** i **svih živih bića**
- pravo na **zaštitu osobnih podataka**



# ORGANIZACIJE KOJE ŠTITE LJUDSKA PRAVA

- **Ujedinjeni narodi** – svjetska međuvladina organizacija
  - nije nastala primarno radi ljudskih prava, već za očuvanje svjetskog mira
- **Vijeće Europe** – regionalna međuvladina organizacija
  - **Europski sud za ljudska prava** – pravosudno tijelo Vijeća Europe – nadilazi nacionalne sudove – razrješava povrede ljudskih prava
- **Amnesty international** – međunarodna nevladina organizacija
  - zauzima se za zabranu mučenja i ukidanje smrtne kazne



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**AMNESTY**  
INTERNATIONAL







# PUČKI PRAVOBRANITELJ

Funkcija pučkog pravobranitelja:

nadzire provođenje ljudskih prava

i upozorava vlast ako se ona krše, a posebice ako to proizlazi iz djelovanja državnih organa

- **ombudsman** (Švedska u 19.st)
- pučkog pravobranitelja bira **Sabor**
- mandat traje **8 godina**
- ima **imunitet**
- uglavnom je pravnik
- **savjetodavna uloga**



TENA ŠIMONOVIĆ EINWALTER

# CIVILNO DRUŠTVO

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- „treći sektor društva” – uz državu i privatni sektor (tržište)
- uključuje sve oblike organiziranja građana koji ne ulaze u područje profitnog (tržište) ili u područje vladinog (državnog) djelovanja
- **UDRUGE** – vezane su uz određeno područje kojim se **kontinuirano bave** (npr. udruga za zaštitu životinja, za pomoć siromašnima i beskućnicima...)
- **GRAĐANSKE INICIJATIVE** – **kratkotrajne su i vezane su uz određeni problem** koji se pojavio, kada riješe problem, prestaju postojati (npr. inicijativa za referendum, inicijativa za pomoć u liječenju neke osobe...)
- značajke organizacija civilnog društva:
  - imaju organizacijsku strukturu i vlastitu upravu
  - odvojene su od vlasti i gospodarskih subjekata
  - neprofitne su
  - u rad uključuju volontere

