

# THE IMPACT OF THE FRENCH REVOLUTION IN THE FUNDAMENTAL RIGHTS



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One of the main reasons of the French Revolution was:

## The Enlightenment and the liberal thought

### **Ideas:**

- Liberty
- Equality
- Reason
- Progress

### **Philosophers:**

- Locke: defended natural and inalienable rights: life, freedom and property. Those rights limit the power of the government, which must respect and protect them.
- Voltaire: attacked noble privileges and the Church authority.
- Rousseau: sustained that persons are born free and equal.
- Kant: Liberty is the only innate right: the other rights are included in it. The government must guarantee that everyone's liberty is compatible with the liberty of everybody.

These ideas were an inspiration for one of the first actions of the French Revolution:

## **Declaration of the Rights of Man and the Citizen (August 26, 1789; issued in Sept.)**



# **THE NATIONAL ASSEMBLY AND THE LIBERAL REVOLUTION**

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- **THE DECLARATION OF THE RIGHTS OF MAN AND CITIZEN**
    - **DECLARED NATURAL RIGHTS**
      - **PRIVATE PROPERTY**
      - **LIBERTY, SECURITY, AND RESISTANCE TO OPPRESSION**
    - **DECLARED FREEDOM OF SPEECH, RELIGIOUS TOLERATION, AND LIBERTY OF THE PRESS TO BE INVIOABLE**
    - **EQUALITY BEFORE THE LAW**
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# 19TH AND 20TH CENTURIES

The human rights were little by little included in the Constitutions of democratic countries. Political rights at first, and then social and economical rights, were incorporated.

**The Universal Declaration of Human Rights (1948)** of the United Nations has an international vocation. It's the first international treaty concerning Human Rights and it can be alleged everywhere in the world when Human Rights are violated.

# HR THREE GENERATIONS

## 1<sup>ST</sup>, 2<sup>ND</sup> & 3<sup>RD</sup> GENERATION RIGHTS

**1. Civil & Political (negative: against state)**

**2. Economic & Social (positive claims for support)**

**3. Group rights as to development (issue of obligations between rich & poor states)**



# Rights of all European citizens





# European Union Charter of Fundamental Rights

- Proclaimed by the Presidents of the European Parliament, the Council and the Commission in Nice, December 2000.
- A single text setting out civil, political, economic and social rights of all European citizens:
  - Dignity
  - Freedoms
  - Equality
  - Solidarity
  - Citizens' rights
  - Justice



# Dignity

- Human dignity:

The right to life, the right to the integrity of the person, prohibition of torture and inhuman or degrading treatment or punishment, prohibition of slavery and forced labour.



# Freedom

- The right to liberty and security, respect for private and family life, protection of personal data, the right to marry and found a family, freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association, freedom of the arts and sciences, the right to education, freedom to choose an occupation and the right to engage in work, freedom to conduct a business, the right to property, the right to asylum, protection in the event of removal, expulsion or extradition.



# Equality

- **Equality before the law:** non-discrimination,
- cultural, religious and linguistic diversity,
- equality between men and women,
- the rights of the child,
- the rights of the elderly,
- integration of persons with disabilities.



# Solidarity

- **Workers' right to information and consultation within the undertaking, the right of collective bargaining and action, the right of access to placement services, protection in the event of unjustified dismissal, fair and just working conditions, prohibition of child labour and protection of young people at work, family and professional life, social security and social assistance, health care, access to services of general economic interest, environmental protection, consumer protection.**



# Citizens' rights

- The right to vote and stand as a candidate at elections to the European Parliament, the right to vote and stand as a candidate at municipal elections, the right to good administration, the right of access to documents, the ombudsman, the right to petition, freedom of movement and residence, diplomatic and consular protection.



# Justice

- **The right to an effective remedy and a fair trial, the presumption of innocence and the right of defense, principles of legality and proportionality of criminal offences and penalties, the right not to be tried or punished twice in criminal proceedings for the same criminal offence.**



## A Europe of rights and values, solidarity and security

- A new emphasis on the rights of individuals as citizens in the Union
  - The Charter of Fundamental Rights: civil, political, economic and social rights which the Union must respect.
  - The European Court of Human Rights (Strasbourg).
  - The European Ombudsman.

# The European Court of Human Rights (Strasbourg)





The European Union

Activities. Let's work together!



Compare the articles (that you have on the photocopies) of The Declaration of Man and Citizen Rights (1789) and the Universal Declaration of Human Rights (1948) with the CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION and answer:

Which rights has been conserved?

Which rights are new?

Which article covers the issue of solidarity in the European Charter of Human Rights?

Open answer: debate during the five last minutes.

Question: Think about the future.