HUMAN RIGHTS AS A SUBJECT OF WORLD POLITICS

Aneta Stojanovska-Stefanova* & Drasko Atanasoski** & Zoran Chachorovski***

The aspiration towards protection of the human dignity of all human beings is central to the concept of human rights. This concept in its center positions man and common universal system of values dedicated to the sanctity of life and provides a framework for building human rights system protected by internationally accepted norms and standards. The existence of international norms, by itself, does not give an authority to the United Nations to explore how the countries implement them or not. Human rights treaties, together with the Universal Declaration, represent an authoritative exposition of the norms of the international human rights, standards of conduct towards which all countries should aim. These three documents, which collectively are called International Acts on Human Rights, represent a summarized presentation of the minimum social and political guarantees recognized by the international community as necessary for a decent life in the modern world.

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Countries, as the main players on the international level, in mutual relations are often seen as sovereign, which means they are not vulnerable to any higher political authority. The duty which corresponds to the right of sovereignty is non-interventional, an obligation not to interfere in actions which essentially fall within the domestic jurisdiction of sovereign countries. Human rights, which usually imply the treatment of its own citizens by the country in its own territory, traditionally belong to the domain of domestic jurisdiction.

The general impression is that before the Second World War not much about human rights has been discussed. The political history of that period witnesses about countless violations of human rights and racial discrimination. Also in the modern world, unfortunately, millions of people are born and died without knowing that they have human rights, and therefore are not able to turn to their governments in order to fulfill their obligations. But, in the democratic world rightfully is concluded that imposed ignorance is also a violation of the human rights.

Hence, the effective protection and promotion of human rights has become a central pillar of the modern foreign policy of the countries.

The aspiration to protect the human dignity of all human beings is central to the concept of the human rights. This concept at the center leaves the man and the common universal system of values dedicated to the sanctity of life and provides a framework for building a human rights system protected by internationally accepted norms and standards.

Education on the other side, in the field of human rights, through the transfer of knowledge, raises awareness of the protection of human security and dignity around the world.

The frame of human rights, if we know it and appeal to it, is finally a guideline for tracing our future together. It represents critically important support system and a powerful tool for active action against the current social disintegration, poverty and intolerance that are spread around world.

I. HUMAN RIGHTS AS OBJECTS OF WORLD POLITICS

The existence of international norms, by itself, does not give authority to the United Nations to explore how the countries implement or not implement them.

The Acts for Human Rights, along with the Universal Declaration, represent an authoritative exhibiting of the norms of international human rights, standards of behavior in which all countries should strive for. These
three documents, which collectively are called International acts of human rights, represent the summarized exhibition of the minimum social and political guarantees recognized by the international community as necessary for a decent life in the modern world. They are summarized in Table 1.

Table 1 Internationally Approved Human Rights.

<table>
<thead>
<tr>
<th>The International Declaration of Human Rights recognizes the rights of:</th>
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<tbody>
<tr>
<td>Equality of rights without discrimination (D1, D2, E2, E3, C2, C3)</td>
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<tr>
<td>Life (D3, C6)</td>
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<tr>
<td>Freedom and security of the individual (D3, C9)</td>
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<tr>
<td>Protection from slavery (D4, C8)</td>
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<td>Protection from torture and cruel inhuman punishment (D5, C7)</td>
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<tr>
<td>Human treatment by the law (D6, C16)</td>
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<tr>
<td>Equal protection of the law (D7, C14, C26)</td>
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<tr>
<td>Access to legal means during violation of the rights (D8, C2)</td>
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<td>Protection against arbitrary arrest and detention (D9, C9)</td>
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<td>Interrogation by an independent and impartial court (D10, C14)</td>
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<td>Presuming innocence (D11, C15)</td>
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<td>Protection against ex post facto laws (D11, C15)</td>
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<tr>
<td>Protection of privacy, family and home (D12, C17)</td>
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<tr>
<td>Freedom of movement and of residence (D13, C12)</td>
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<tr>
<td>Seeking asylum from persecution (D14)</td>
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<tr>
<td>Nationality (D15)</td>
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<tr>
<td>Marriage and family creation (D16, E10, C23)</td>
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<td>Owning a property (D17)</td>
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<tr>
<td>Freedom of thought, conscience and religion (D18, C18)</td>
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<tr>
<td>Freedom of opinion, expression and the press (D19, C19)</td>
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<tr>
<td>Freedom of assemblage and of association (D20, C21, C22)</td>
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<tr>
<td>Political participation (D21, C25)</td>
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<tr>
<td>Social security (D22, E9)</td>
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<td>Working under favorable conditions (D23, E6, E7)</td>
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<td>Free Unions (D23, E8, C22)</td>
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<td>Rest and recreation (D24, E7)</td>
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<td>Special protection for children (D25, E10, C24)</td>
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<tr>
<td>Education (D26, E13, E14)</td>
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<td>Participation in cultural life (D27, E15)</td>
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<tr>
<td>Social and international order necessary for the accomplishing of rights (D28)</td>
<td></td>
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<tr>
<td>Self-determination (E1, C1)</td>
<td></td>
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<tr>
<td>Human treatment in detention or prison (C10)</td>
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</tbody>
</table>

1 Jack Donnelly, International Human Rights 17 (MI-AN, Skopje 2004).
2 Markings are: D = Universal Declaration of Human Rights, E = International Covenant on Economic, Social and Cultural Rights, C = International Covenant on Civil and Political Rights.
The International Declaration of Human Rights recognizes the rights of:

- Protection from debt prison (C11)
- Protection from arbitrary expulsion of foreigners (C13)
- Protection from advocacy of racial and religious hatred (C20)
- Protection of minority cultures (C27)

The comprehensiveness of the acts, means that the further significant progress in international action on behalf of the human rights will primarily lay in implementing (or monitoring the implementation) of these standards—an area in which the United Nations showed, and still shows much smaller success. They should be emphasized strict structural constraints imposed by the United Nations (UN). In fact, they are an intergovernmental organization established October 25, 1945 in San Francisco with the UN Charter, which represents an agreement between sovereign countries. Its members are sovereign countries. Delegates at the United Nations represent countries, and not the international community, let alone individuals whose rights are violated. As for other intergovernmental organizations, the UN has only those powers that the Countries—which also are the main damagers of the human rights—they grant them. Thus, perhaps more than the limits of the power to monitor the human rights, surprises the fact that the UN in general have received even this limited power. Countries have a duty to respect, protect and fulfill human rights. In many cases, implementation means that the countries, its authorities should respect the accepted rights, for example to respect the right to privacy or freedom of expression. This particularly applies to civil and political rights, while to economic, social and cultural rights its implementation means a positive action by the countries in a way to fulfill them, regarding the need to fulfill or provide certain services like education and health and to provide certain minimum standards. In this context, it is especially important to take into consideration the capacity of a given country. The duty to protect requires the country to prevent violence and other human rights violations among the people on its territory. According to this, human rights also have a “horizontal dimension”, which has become increasingly important in the era of globalization, raising the question of social responsibility of international corporations. Another trend of development is the growing emphasis on the prevention of the human rights abuse by structural measures, respectively through national institutions or by including the dimension of the human rights in the operations of peacekeeping.

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Prevention is also a priority and access of human security to human rights.\(^4\)

However, generally accepted is the conclusion that non-governmental human rights organizations, played an important role in the enactment of international concern for human rights. Lobbying exactly the non-governmental sector in the world, helped the language of the human rights to join the United Nations Charter. Although civil society organizations do not have the right to register the violation of human rights and in that way to become the position of protector in every sense of the word, however, they have the choice of a significant place in the overall protection of rights.\(^5\)

II. SOURCE OF HUMAN RIGHTS

Human nature which is the source of the human rights is based on the moral understanding of human possibilities. It indicates what human beings can become, not what they have been historically or “are yet” in some scientific definable sense. Human rights are based on the understanding of life as dignified and that “by nature” is convenient for human beings. If the rights provided along with the territory for human nature which stays behind them are implemented and put into effect, they should help in creating the imaginary personality type, the way a person would be worthy of such a life. The effective implementation of the human rights, on that way resembles a moral self-satisfied prophecy. Most synthetically said, the human rights are a set of principles and norms created upon the recognition of human dignity and differences that aim securing respect for that dignity in two dimensions—“man-man” and “man-society”, and the goal is to develop them. They are universal, inalienable, indivisible and absolute, and their development is divided into generations of basic civil, political, economic, social, cultural and environmental rights.\(^6\)

Unfortunately, there is no philosophical theory of human nature which is widely accepted. Although the consensus is not a measure of truth, without any consensus every special theory and every action that is based upon it, it is vulnerable to attacks. The problem becomes even more difficult when it would be seen that there are many theories of morality and theories

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\(^4\) UNDERSTANDING THE HUMAN RIGHTS 34 (the Macedonian Information Center in Cooperation with the Directorate for Public Diplomacy, Ministry of Foreign Affairs of Macedonia, Printing House Europe 92, Kocani 2008).


of human nature behind them, are in denial to human rights.

For example, Marxism explains moral beliefs with class structure and struggle, which are determined by funds and method of production. Radical behaviorists see the human person as a result of submission. In both cases “human nature” is the result of historical processes that shape human beings according to socially prescribed patterns, and is not reflective of the inherent essence or potential. For followers of both theories, speaking on equal and inalienable rights for all people just because they are human beings is useless. Utilitarianism, that achieved its classic formulation in the works of Jeremy Bentham and John Stuart Mill in the first half of the nineteenth century, is also in the “hassle” of human rights. Utilitarianists believe that the moral quality of an act is a function of its good or bad consequences (usefulness). Good and bad, consequently, are a job of satisfaction and pain (which are usually understood in subtle and broad sense). The principle of utility, or what Bentham calls it, the principle of greatest happiness, requires from us to act, to make the maximum balance of pleasure over pain. The moral and political theories that highlight the differences between communities are also likely to be incompatible with the idea of human rights. Ancient Hellenes considered themselves to be inherently superior to the “barbarians” (non-Hellenes), who have not been followed with treatment like the Hellenes.7

But still, the same act has many different basis for justifying the human rights. Human rights were often considered as given by God. Alan Gewirth advocated that we have human rights to those things that are necessary to act as a moral force.8 In my own work, I tried to give my views on human rights as a social and political guarantors necessary to protect the individuals from the usual threats to human dignity which represents the modern country and modern markets.9

III. HUMAN RIGHTS AND THE SOCIETY OF COUNTRIES

Once we have overcome or at least got rid of some of the more pressing philosophical questions, we can now look at the place of human rights in the theory of international relations. The country as a subject of international law in the broadest sense of the word is defined by its four fundamental features:

7 JACK DONNELLY, INTERNATIONAL HUMAN RIGHTS 30 (MI-AN, Skopje 2004).
The sum of all citizens who are living within a certain territory, separated from other territories, which are subordinate to the government and have an established relationship with the country through legal attachment—citizenship, is called population. The territory is an area separated from other territories with borders, where is living a certain population and over that population there is also a government. Country borders are endpoints to where the sovereignty of one country lies. Power within one country regulates the relations in the country and the character of its international positions. The highest authority, which does not recognize any other form of higher power, is sovereignty.

The characteristics of the modern country, the way we know it today, was shaped by Peace of Westphalia, under which the country constitute the three key features, territory, population and sovereignty, respectively absolute power to rule over them.

The modern international system dates back, a little arbitrarily, in 1648, when the Peace of Westphalia ended the thirty years of war. But as we have seen, human rights are part of international relations scarcely the last fifty years. The absence of human rights in modern international relations, the first three centuries of their existence is due directly to an international order based on sovereign territorial countries. To be sovereign means not to be subjected to any higher power. In early modern Europe, sovereignty was a personal attribute of the rulers. For example, Thomas Hobbes wrote about “princes and others with sovereign power”. In other periods and places, such as in medieval Europe, no (earthly) power was considered as sovereign. In modern international relations, sovereignty is often seen as an attribute of territorial countries. Sovereignty means supreme and independent authority over a territory and its population. This interpretation, which is part of a broader definition of what a country is, plays a huge role in every

WILLIAMS, GOLDSTEIN & SCHRITZ, CLASSIC READINGS OF INTERNATIONAL RELATIONS 82 (Belmond, California: Wadsworth Publishing Company).


JACK DONELLY, INTERNATIONAL HUMAN RIGHTS 34 (MI-AN, Skopje 2004).

Here it is emphasized the legal and political superiority of the state over other actors. In the modern world, usually it is understood that the internal sovereignty lies of the country which acts on behalf and in the interest of the people: “National sovereignty”.

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- Population
- Territory
- Power and
- Sovereignty
aspect of international relations and international law because it means that no one else, referring primarily to the other country, has the right to prescribe or implement laws the territory of a sovereign country. Thus, the right to use force in order to enforce the laws, lies only in the hands of the holder of power, whether it be the Government, the President or shared sovereignty between the two institutions. Therefore, once a country acquires sovereignty and therefore it is recognized by other countries, they recognize its authority over a territory and a population and give up the opportunity to interfere in the internal affairs of the country which have already been validate.

In the countries, sovereignty can generally be divided into:
- Internal and
- External.

Internal sovereignty is determined by the country’s agency with the authority of exercising the power, while external sovereignty reflects the role of the country as an individual in the international community and refers to the country as the bearer of rights and obligations in relation to other countries in the international law.

Considering the importance of the term sovereignty is clear the importance and role of the decision whether a country will be internationally recognized or not, and the need for each territory and people who aspire to become a country to provide conditions for acquiring sovereignty.

A. Five Ways of Gaining Sovereignty

Sovereignty is acquired generally in five ways by which today’s international law recognizes four types.

The first way is through settlement of “no man’s land” or land on which no one else had claimed the sovereignty, or if she was under someone’s possession and the previous ruler gave up the rights to the land thus removing the obstacles a new or another country to realize its sovereignty over that territory.

The second way relates to the first and envisages acquisition of sovereignty by practicing it for a lengthy period on the territory without another country to challenge that right.

Secession is the third way through which can be gained sovereignty, but it must be conducted with the consent of the country to which the new breakaway territory previously belonged. So, on that way the transfer of rights is gotten from one another ruler, usually by agreement, and the modern trends and emergence of the idea of self-determination tell the new
sovereign to obtain the consent of the population on whose territory he requires sovereignty before he can accomplish the same. Such a case is the unification of East and West Germany, and so the four countries that had invaded her, the US, France, Britain and the Soviet Union agreed to the implementation of that process and have given up the right of sovereignty over its part of the German territory as well as people responded positively.

The fourth way, out of the five methods, today is not considered a legal way of gaining sovereignty because it is based on conquest which has been declared illegal by the United Nations and as such stays stated in its charter, which was signed and ratified by each of country members.

The fifth way and last type of passing the right for sovereignty over a particular territory is as far she is formed up as an additional part of an existing territory by way of natural growth as deposition of sediments or volcanic activity.

The choice of sovereignty as editorial principle is conditioned by the fact that the area of international relations is chaotic political arena without formal hierarchical power relations and revocation of act. But anarchy, the absence of hierarchical political governance, does not mean necessarily the rule of chaos, lack of order. Despite the international law, countries regulate their mutual interaction through institutionalized practices such as diplomacy, the balance of power and the recognition to spheres of influence. Although there is no international government, there is a social order which is managed by a set of rules. International relations are taking place within the anarchic society of the countries.\textsuperscript{15} International society in the eighteenth, nineteenth and early twentieth centuries carefully respected the sovereign prerogative of each country to treat its own citizens as it deems it necessary. Today, there is already a highly developed system of International Human Rights. Countries have become louder in expressing and sometimes even act on their interests in relation to human rights. This certainly reflects an enhanced and transformed understanding of the place of the individual in international affairs.

IV. Realization of Government and Human Rights

Human rights are only one part of the foreign policy. Theorists conclude that even well-meaning and well-considered policies on international human rights face enormous national and international barriers. In some circumstances, other political objectives can choose or justify cooperation with repressive regimes. But in practice, external constraints

and competing interests often served as an excuse for inaction, and not as a
basis for reasonable political considerations. In political theory, there is no
unanimity about the definition of the term politics.

Politics can broadly be defined as the achievement of certain ideas
essential to a community. It is, above all, the essential idea for the common
good, justice, and general utility. As an individual plan man tends more to
perfect their moral qualities, such as the plan of living in a community, he
tends to justice and the common good, i.e., towards the improvement of
their community.\textsuperscript{16}

By definition, foreign politics should be a part, a substantial part, of the
politics that any country or sovereign political entity implements. We name these
politics as foreign politics, but other people call it: international politics, world
politics, global politics, international relations, and comparative politics.\textsuperscript{17}

Among several approaches, even more so concepts in the study of foreign
politics, geographic politics as already mentioned, is certainly unavoidable. It has
a long history and has produced the riches of academic resources and conceptual
reviews. Some authors associate the origin of the analysis of Aristotle’s spatial
factors that affect the political forms of ancient Greek cities. Actually, many
social thinkers since ancient times to today, who think about politics, had and still
have on their tables maps alongside their notebooks and pencils.\textsuperscript{18}

Until the 17\textsuperscript{th} century, the responsibility for diplomacy amongst European
countries has routinely been awarded various bureaucracies (“civil servants”) on
a geographic basis. Some of these functions have been responsible for certain
homework (Hamilton and Langhorne, 1995, 72-73).\textsuperscript{19}

Machiavelli writes almost exclusively about the mechanics of power, the
means of assistance that countries can become strong, the politics with which
countries can become strong, the politics with which they can expand their power,
and errors leading to their irreversible destruction. The political and military
measures are practically the only objects of his interest, and almost completely
separated them from the religious, moral, or social considerations, except as a
means for achieving political goals. The purpose of politics is to preserve and
increase the political power, the measure with which he appreciates is success in
achieving this goal.\textsuperscript{20}

We have already said that “every ruler should have good foundations,
because if not, they will certainly fail.”\textsuperscript{21} International relations are
organized around the legal fiction that countries have exclusive jurisdiction

\begin{thebibliography}{99}
\bibitem{16} ENCYCLOPEDIA OF POLITICAL CULTURE 873 (Modern administration, Belgrade 1993).
\bibitem{17} MIRCEV DIMITAR, THE MACEDONIAN FOREIGN POLICY 1991-2006 9 (Skopje, Az-buki 2006).
\bibitem{18} Ibid, at 11.
\bibitem{19} GEOFF R. BERRIDGE, DIPLOMACY THEORY AND PRACTICE 5 (Faculty of Political Science, University
of Zagreb 2004).
\bibitem{20} MALESKI D., INTERNATIONAL POLITICS 332—333 (University St. Cyril and Methodius Skopje 2000).
\bibitem{21} NICCOLO MACHIAVELLI, THE PRINCE 60 (Gjurgja Skopje 2009).
\end{thebibliography}
over its territory, its population and resources, and events that take place on it. The practice, as might be expected, is behind the idea, as is usually the case with political principles. However, the basic norms, rules, and practices of contemporary international relations are based on the country’s sovereignty and formal equality of (sovereign) countries. Non-intervention is a duty with varies with the right to sovereignty. Other countries are obliged not to interfere in the international actions of a sovereign country.  

Hans Morgenthau, representative of rationalists in international politics, wrote that international politics and politics in general is a battle for power. Of course, if one starts from the idea that physical survival is of primary importance for every individual, then you should come to conclusion that power is of primary importance to countries as subjects of international law, because the national security is of primary importance. Through the prism of power, the country promotes her national interest, which then tries to accomplish within the world politics.

In the book, “About God’s Country”, Saint Augustine asserts that “human history is a sine wave of good and bad events, from devastating wars that are trying to provide short-term peace, whose ultimate meaning is not understandable to man, but determined by God.”

In contrast, representatives of the internationalist theory in international politics advocate for relations between countries governed by the norms and behavior that previously voluntarily agreed, and that would be applicable in war and peace.

The message of Immanuel Kant that “the country of peace must be established”, and that it can be implemented through a “free federation” of countries close to the ideas of collective security and international organization, characterized by institutionalists of our time.

The principle of setting international disputes by peaceful means obligates all countries and those that are members of the United Nations and those that are not, all international disputes to be resolved through peaceful measures and thus not threaten international peace and security.

During the debate of the declaration of non-use of force in 1987, only the United States and Australia explicitly advocated for anticipatory self-defense; other countries were able to keep their positions by simply omitting any provision for self-defense, except the general formula that “Countries

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24 Maleski D., International Politics 37 (University St. Cyril and Methodius Skopje 2000).
25 Simik Miroslav, Modern International Relations and War 80 (Military Publishing and News Center 1988).
have the natural right to the individual and collective self-defense if an armed attack, as provided in the UN Charter.”

Swiss jurist, Emmerich de Vatil, one of the first intellectual forerunners of modern internationalism in the work “Law of Nations”, said “Justice is the foundation of every society and it is very important to find a suitable application in relations between nations than in relationships between individuals.”

According to the theorist Carl Schmitt again, the essence of political action lies in distinguishing friend-enemy. That kind of differentiation according to Schmidt gives political sense to human activities and motives. The totality of the policy contained in every area of human activity (religion, economy, morality, etc.) is subject to such a distinction, i.e. the division of friends and enemies. Every religious, moral, economic, ethnic, or other prejudice turns into political opposition, when it becomes strong enough to group people in friends and enemies.

World politics, as a starting point, has the reality of the international community with established relationships, institutions and an active role of many partners in determining the guidelines of this policy, through the instruments of foreign policy, negotiations, joint ventures, and influence.

International regime is a set of principles, norms, rules, and decision-making procedures adopted by the countries (and other international actors) as binding within a given area.

V. POLICY FOR INTERNATIONAL HUMAN RIGHTS IN GLOBAL SOCIETY

After several decades of successfully setting standards, the main challenge for human rights became the implementation by the countries, or the implementation of commitments undertaken. Being developed are several new methods to enhance the enjoyment of human rights at the local, national, and global level. Among them is a more active approach of the international community, which now includes human rights officers in international missions and thus institutionalizes the consideration of human rights issues on the ground as, which is expected to have a significant

26 CHRISTINA GRAY, INTERNATIONAL LAW AND THE USE OF FORCE 10 (Foundation for International Law, Prosvetnodeo AD-Skopje 2009).
28 SCHMIT CARL, DER BEGRIFF DES POLITISCHEN 37 (Duncker und Humbolt, Berlin 1979).

Respect for human rights is also strengthened at the local and national level through building the capacity of human rights in local institutions or through the cities of Human Rights and the establishment of national institutions for the promotion and monitoring of human rights, in which NGOs play a key role as representatives of civil society. There is still a need to establish standards in several areas of concern as can be seen from the ongoing work of the United Nations on drafting conventions for people with disabilities, conventions for the protection from enforced disappearances, facultative protocol which allows appeals in terms of economic, social and cultural rights, legal instruments which deal with human rights issues related to biotechnology and genetic engineering, human organ trade, cultural diversity, etc.

At the same time, existing human rights can become more visible by focusing on “fundamental rights”, as proven by the approach of the International Labor Organization. New challenges can also be seen in the need of dedicating more attention to the interconnectedness of human rights and humanitarian law, just like the “fundamental standards of humanity”. The same applies to the relationship between human rights and refugee law, which exists in both terms of prevention of refugee problems and the plan of returning refugees. In both cases, the human rights situation in the country of origin confers a decisive impact.\(^\text{31}\)

**CONCLUSIONS**

In determining the nature and validity of this article, the inspiration for the theoretical overview can be found in the definition of human rights, but also in the current country of protection and their implementation by the countries.

Behind the current country of human rights on an international level, stands a long process of acquiring certain rights, their affirmation and promotion of their practice. In international relations, the central role is given to the individual, and thus human rights play an important role in international relations.

Theorists speak about three groups of developmental stages of human

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\(^{31}\) **UNDERSTANDING THE HUMAN RIGHTS** 49 (the Macedonian Information Center in cooperation with the Directorate for Public Diplomacy, Ministry of Foreign Affairs of Macedonia, Printing House Europe 92, Kocani 2008).
rights. The first group includes those rights that should allow the release of the man from the pressure of the country, i.e. rights aimed at freedom, and they include civil and political rights. As such, they should allow a person active engagement in the management of the country and its control. Among civil and political rights include: the right to life, liberty and security of person, freedom of thought and expression, the right to a fair trial, the right to effective remedies, and freedom of association. Some of these rights can also be restricted, for example, in the case of an emergency or crisis in the country. The second group includes: economic, social, and cultural rights, i.e. rights aimed at protecting the man. They enable the existence of man, adequate standard of living, employment, social, and health care and so on. The third group of rights is called collective rights that are still called solidarity, because their realization requires cooperation on the international level.

In order for all three groups of rights to implement, promote, and protect, it is extremely important that the country, as a subject of international law, find ways and models on how to successfully support individuals in finding the way to their accomplishments.