

THE CENTRAL IMPORTANCE

**OF HUMAN RIGHTS FOR LEGAL
AND SOCIAL HEALTH OF THE
SOCIETY AND MEMBERS OF THE
ARMED FORCES**

Mgr. Lenka Marečková

COMPATIBILITY OF HUMAN RIGHTS AND ARMED FORCES

- **Human rights imperative: obligation as per primary sources of law (UN Charter, North Atlantic Treaty (NATO), OSCE, Treaty on European Union, Treaty of Lisbon, national constitutions, Czech constitution): basic values we relate to are laid down**
- **Value system of the state, democracy, primary obligation= established to defend HR**
- **Participation in international organisations and communities, established to their defence**
- **Human rights and freedoms are laid down in law = consequence of war conflicts and horrors: observance of HR = guarantees of peace**

CONSEQUENCES OF DISRESPECT TO HUMAN RIGHTS

**human rights and values = basic interpretation viewpoint
= fundamental imperative of law = condition and
prerequisite for correct interpretation of law**

➤ **Either as individuals or as society – if we abandon own principles, (neglect aspects of humanity), we lose ourselves - our identity, credibility, natural authority, own stability, inner strength = our strength**

➤ **Social tension, armed conflicts, humanitarian disasters, wars: deviation from the value system of humanity always at the outset**

➤ **If we do not respect human rights as primary viewpoint of interpretation, and justice, as the mission and objective of law, we create legal pathology**

LEGAL PATHOLOGY = CONSEQUENCE OF FAILURE OF THE LAW SYSTEM

- Do not respect the hierarchy of legal regulations and its meaning,
- Human rights and values they express, as the primary interpretation viewpoint, and
- Justice, as the mission and objective of law, and we do not seek it.
- Underestimating, misunderstanding, playing down those basic principles
- Formalistic interpretation of law = interpretation regardless of justice (injustice justified by legal regulations)
- Any intentional circumvention, abuse of law, calculated interpretation of law and its rigging,
- Leaning on regulations of lower order regardless₄ of hierarchy and meaning of higher regulations

CONSEQUENCES OF LEGAL PATHOLOGY = ILL (UNSETTLED) SOCIETY

- **Unpredictability of law**
- **Difficult enforceability of law**
- **Injustice**
- **Lawful injustice (injustice justified based on provisions under effective regulations)**
- **Low confidence in the state**
- **Weakening/loss of authority**
- **Non observance and not respecting law**
- **Loss of meaning**
- **Social pathology**

SECURITY OR HUMAN RIGHTS ?

**NO SUSTAINABLE SAFETY,
NO SECURITY,
NO REAL LIVING DEMOCRACY**

**WITHOUT FULL RESPECT
TO HUMAN RIGHTS**

CURRENT CHALLENGES

RESPONSIBILITY