

**POSITION PAPER ON
HUMAN RIGHTS**

Position paper on Human Rights

In 2018 we celebrate the 70th anniversary of the UN Declaration of Human Rights. Nevertheless, recent years have seen increasing pressure on these human rights.

Radikale Venstre wants to strengthen and safeguard human rights now and for the future. To achieve this we will:

- Work for a general understanding of political freedom rights as fundamental in our political culture, never to be taken for granted
- Work for a general understanding of the social, economic and cultural rights as political goals, which in the long term will lead to a higher degree of real equality, helped along by the Sustainable Development Goals as defined by the UN
- Preserve and strengthen the European Court of Human Rights
- Encourage Government and Parliament to uphold the European Convention on Human Rights and not undermine or challenge our shared rights or set out to test their boundaries
- Incorporate the following UN conventions into Danish legislation: The International Covenant on Civil and Political Rights, The International Convention on the Elimination of All Forms of Racial Discrimination, The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, The UN Convention on the Rights of the Child, The Convention on the Elimination of All Forms of Discrimination Against Women, The UN Convention on the Rights of Persons with Disabilities, and The International Covenant on Economic, Social and Cultural Rights. By achieving this, Denmark would be sending an important signal to the international community and create a statutory foundation for the application of said conventions by Danish authorities and courts of law
- Use Danish foreign aid as a means of strengthening efforts in support of human rights in accordance with clear and internationally acknowledged criteria.

A General Set of Underlying Values

We want our society to be based on the rule of law, democracy and human rights. We believe that human rights are universal and apply to all men and women without exception.

Since the foundation of Radikale Venstre in 1905, we have supported the establishment of an international rule of law. The European Court of Human Rights is essential to the rule of law and plays a crucial part in the protection of the fundamental rights of the individual.

What are human rights?

Human rights are found globally, regionally and nationally. On a global scale there are the UN Convention of Human Rights and a series of separate conven-

tions. Regionally there are The European Convention on Human Rights and the European Court of Human Rights under the auspices of the European Council. At a European level there are the EU Charter of Fundamental Rights and the Agency for Fundamental Rights. On a national level the Constitution contains a small range of fundamental rights.

Human rights and democracy

The principles of the rule of law are fundamental in a liberal democracy, but a democracy can overrule these principles with legitimate parliamentary decisions. It is in the essence of human rights that they may limit the scope of democracy and majority rule in this fashion.

The European Court of Human Rights has been criticised for its dynamic interpretation of conventions, but this style of interpretation is necessary if human rights are to maintain their relevance and reflect developments in society at large.

Among other things, these rights must be interpreted in the context of concepts, ideas and phenomena which were not yet known when the convention was drafted. For example, freedom of speech and the right to private and family life have been heavily affected by the development of information technology. The perception of the general public of the terms set out in the conventions also changes over time. The concept of family is an example of how developments in society at large make a broader understanding necessary.

The international conventions and declarations on human rights must not become fossilised dogmas, but must not, on the other hand, be easily altered at the whim of elected rulers. Human rights must be universal and inviolable rights for the individual.

Are some rights more fundamental than others?

The political and civil freedom rights, including the freedom of speech, religion and family, form the basis of *formal* equality. They are *defined negatively* as limitations the state *cannot* practise, and through their “freedom from” and “freedom to” rights, they ensure equal possibilities for individuals to express themselves in accordance with their conviction and to participate in democracy. These rights are only to be limited if the expression of them limits the rights of others or is harmful to others.

The convention on social, cultural and economic rights binds the states to ensure a series of fundamental *positively defined* rights, including the right to work, social security, an adequate livelihood and education. They are an expression of a desire to create *real* equality. The convention binds member states to “undertake to ensure and promote the ongoing full realization of all human rights and fundamental freedoms”. Whereas political rights are often defined as individual rights, economic, social and cultural rights tend to be defined in terms of a means to an end, where the protection of a given right

is stated as a goal and the obligation of the state to take steps to ensure this right is defined as a means to achieving this goal.

In other words, different types of human rights have different distinguishing characteristics, but that is not to say that some rights are more fundamental than others, as they mutually presuppose each other. Radikale Venstre finds that political rights and freedoms are fundamental to liberal democracy. Social, economic and cultural rights are prerequisite to upholding democracy and ensuring a sustainable society.

Incorporation into Danish law

The Danish courts are bound to ensure that their legal interpretations are in accordance with international conventions which Denmark has agreed to, but this is merely as an interpretative aid to the understanding of Danish legislation.

However, once incorporated into Danish legislation, the conventions may be applied directly by citizens and courts in alignment with national legislation. Denmark has agreed to a series of human rights conventions, but has merely incorporated the European Convention on Human Rights into Danish legislation in 1992.

Increased awareness and understanding of the human rights

An insidious watering-down of human rights is going on. Concrete encroachments of particular rights may, from an isolated point of view, be construed as reasonable, and this involves a risk that the perspective on the overall effect may be lost. This is why it is crucial that the general public is informed about human rights and their relevance to the lives of ordinary people – even in Denmark.

Nationally we have to stand firm that our Constitution and the European Convention on Human Rights are at the core of our political and cultural heritage and not an alien element. Strengthening the human rights may be combined with the efforts towards achieving the Sustainable Development Goals, as it becomes apparent how these rights may serve as a leverage for sustainable development.

Further, human rights efforts may be strengthened internationally if Danish foreign aid is increasingly channelled towards organisations in civil society that work with human rights. Such funds should be distributed in accordance with clear and internationally recognized criteria.