

Ignored Civil and Political Rights

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' *When it is dark enough, you can see the stars* '. Charles Beard

Not only For a lawyer, but also for every citizen throughout the world, there is this question that :why 'civil' and 'political'rights of citizens, ignored by some governing states?and how these rights, may be internationally protected?

In this article we briefly examine some important key notes regarding to International and internal considerations.

My notion is based on this criteria that every wise man in this world, loves justice and peace ,so logically we may anticipate that there is a logical way to end every violation of different sort of rights, including civil and political rights.

1. Definition and concept of civil rights & its historical background:

1.1. The phrase "civil rights" is a translation of Latin *ius civis* (rights of citizens). Roman citizens could be either free (*libertas*) or servile (*servitus*), but they all had rights in law. After the Edict of the Milan in 313, these rights included the freedom of religion. Roman legal doctrine was lost during the Middle Ages, but claims of universal rights could still be made based on religious doctrine. According to the leaders of Kett's Rebellion (1549), "all bond men may be made free, for God made all free with his precious blood-shedding. In the 17th century, English common law judge Sir Edward Coke revived the idea of rights based on citizenship by arguing that Englishman had historically enjoyed such rights The English Bill of Rights was adopted in 1689. The Virginia Declaration of Rights, by George Mason and James Madison, was adopted in 1776. The Virginia declaration is the direct ancestor and model for the U.S. Bill of Rights (1789).

In early 19th century Britain, the phrase "civil rights" most commonly referred to the problem of legal discrimination against Catholics. In the House of Commons support for the British civil rights movement was divided, many more largely known politicians supported the discrimination towards Catholics. Independent MPs (such as Lewis Eves and Matthew Mountford) applied pressure on the larger parties to pass the civil rights act of the 1920s.

In the 1860s, Americans adapted this usage to newly freed blacks. Congress enacted civil rights acts in 1866, 1871, 1875, 1957, 1960, 1964, 1968, and 1991.

1.2. As we see in 1.1 above, one of the earliest legal documents which specifically limited the power of government over its citizens was the Magna Carta, signed by King John of England in 1215. It is a contract between the King and his subjects, and between his descendents and their descendents "forever." Most of its articles applied to specific abuses of the time, but it guarantees the freedom of the English Church from royal interference, protected the property and inheritance rights of under age heirs and widows, limited taxes, established standing and roving courts to deal with criminal and civil issues, stated that punishment should fit the crime, and forbade officials to steal from citizens, noble or freeborn commoners. It also put on paper, for the first time, English concepts of due process and forbade bribery of judges and other legal authorities.

1.3. In the recent years, many intellectuals and elite groups argued that the domain and concept of civil rights, needs to be more cautioned, (see: "Rights Are Not Enough: Nathalie Des Rosiers, Therapeutic Jurisprudence Lessons for Law Reformers" (2002) 18 *Touro Law Rev.* 443 – 458. ,dans Symposium: The Varieties of Therapeutic Experience excerpts from the Second International Conference of Therapeutic Jurisprudence, Touro College of Law, NY), and some are discussing economical and legal aspects of it (Questions, Questions, Questions: Facing The Tough Ones, (Paper

presented by Huzaim Hamid at the NEAT Working Group on East Asian Investment Cooperation held at Weihai, China on 28 July 2006).

1.4. what we conclude by numerous research works, is to draw a new, developed concept of civil rights around the world and many aspects of civil rights have changed according to new dialogue of nations which provided by NGOs, International law institutions, civil movements and so on.

2. Governing States and their reactions :

2.1. Despite U.N's supervisions and efforts made by international institutions which seems to be effective for enforcement of fundamental human and civil rights ,many governing states ignored civil rights of their civilians, and then criticised for such unlawful behaviour (Janet Keeping and Dan Shapiro, Ethics without religion is not only possible but necessary in government affairs

, http://www.chumirethicsfoundation.ca/main/page.php?page_id=331)

2.2. we may categorise main factors of ignoring civil rights as follows:

2.2.1. Monopoly:

In economics, a government monopoly (or public monopoly) is a form of coercive monopoly in which a government agency or government corporation is the sole provider of a particular good or service and competition is prohibited by law. It is a monopoly created by the government. It is usually distinguished from a government-granted monopoly, where the government grants a monopoly to a private individual or company. A government monopoly may be run by any level of government - national, regional, local; for levels below the national, it is a local monopoly.

A new example of this model of ignoring is early Swiss bank's report titled :Switzerland has frozen almost \$1 billion of assets believed to be owned by Libyan leader Muammar Gaddafi and former Egyptian and Tunisian Presidents Hosni Mubarak and Zein al-Abidine Ben Ali.

Micheline Calmy-Rey, Switzerland's foreign minister, told her country's regional ambassadors assembled in Tunisia on Monday that around \$400 million stemmed from Gaddafi, nearly \$470 million belonged to Mubarak and about \$70 million - to Ben Ali (<http://english.ruvr.ru/2011/05/03/49753355.html>) .

Apparently, collection of such assets came from the unlawful manner of dictator regimes.

2.2.2. Corruption:

Corruption undermines everything the law enforcement community works towards. It impoverishes whole communities, and threatens the safety and security of the many for the benefit of a very few. Corruption is a multifaceted phenomenon supported by differing historical and socio-economic conditions in each country. It exists at all levels of society. Although in the past it could have been considered a largely domestic issue, corruption now often transcends national boundaries. Its consequences are global; its hidden costs immense. The private sector has responded by implementing ethics and compliance standards and regulations, while the public sector benefits from the ratification of recent laws and international conventions. Oversight bodies and mechanisms have been created to ensure the smooth running of efforts in both sectors. Nevertheless, corruption remains rampant in many countries, continuing to siphon off valuable resources and economic

gains(<http://www.ask.com/bar?q=corruption&page=1&qsrc=2445&dm=all&ab=9&u=http%3A%2F%2Fwww.interpol.int%2Fpublic%2Fcorruption%2Fdefault.asp&sg=YFrXy1Vl2vpeGt7Rp7dinaAHdgC3X4dsg1UHUmVhxRI%3D%0D%0A&tsp=1304451385428>

It seems that one of most important elements of Yemen's uprising is inevitably, the corruption of Ali Abdullah Saleh;s government(<http://arabia2day.com/tag/ali-abdullah-saleh/page/2/>).

2.2.3. Lack of General and Political knowledge of citizens:

Despite effective and improved methods of some democratic regimes(G. Horowitz,Conservatism, Liberalism, and Socialism in Canada: An Interpretation , The Canadian Journal of Economics and Political Science / Revue canadienne d'Economie et de Science politique ,Vol. 32, No. 2 (May, 1966), pp. 143-171),it is generally accepted that regimes which are not familiar with democratic atmosphere, encourage illiteracy, and constructed an isolated community. Populism,is under way and is an easy used(see: <http://uk.reuters.com/article/2011/03/29/uk-syria-idUKTRE72N2RZ20110329> , and also visit : <http://therealtimer.com/LYBIA-PROTESTS-AND-PRO-GADDAFI-DEMONSTRATIONS>).

2.2.4. Some other reasons:

In addition to above mentioned reasons,some minor elements cause violation of civil rights,i.e.,low knowledge of official authorities about civil rights concepts,local and political considerations,and more important one of them: financial problems.

3. Conclusion:

3.1.At no reason ,civil rights not to be ignored.International Law standards,is a serious ,effective, enforceable one. I strongly believe that the effective measure which we may provide for protecting civil rights throughout the world, is to increase of public knowledge of all nations. It may create by international dialogue and international institutions which encourage such dialogue, with different methods of learning.

3.2.We should honourably,remind the early history,the U.N's trend to expand civilized nation's dialogues (http://www.answers.com/topic/mohammad-khatami#Dialogue_Among_Civilizations),a proposal which ignored in the recent years and I think that in the light of that notion ,better results would appear in the societies. Then all civil and political rights are protected.