



**«ПРАВА И СВОБОДЫ
ЧЕЛОВЕКА И
ГРАЖДАНИНА»**

Правовой статус человека и гражданина



Права – это неотъемлемые и гарантированные государством возможности индивида обладать и пользоваться конкретными благами.

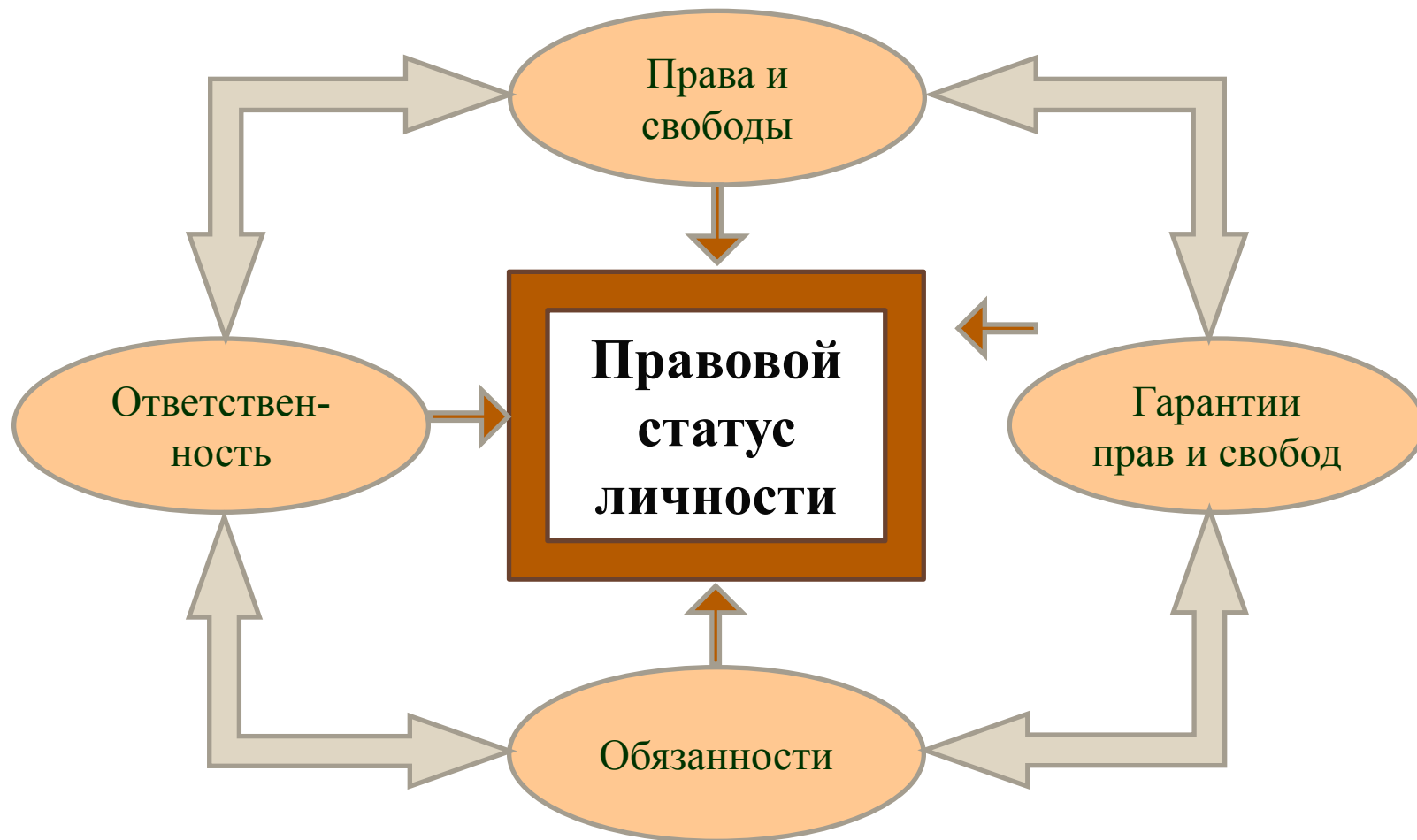
Свобода – это закрепленная возможность определенного поведения человека (например, свобода слова, вероисповедания и т. д.)

возможность делать всё, что не наносит вреда другому

Юридическая обязанность – это определенная законом мера должного поведения человека, участника правоотношения.

Правовой статус личности

– это юридически закрепленное положение личности в государстве и обществе, включающее:



Международные нормативно-правовые акты по правам человека

Международный Билль прав человека

Всеобщая декларация прав человека

- рекомендованный для всех стран-членов ООН документ, принятый 10 декабря 1948 года

«Международный пакт о гражданских и политических правах» и «Международный пакт об экономических, социальных и культурных правах», 1966 г.



THE UNIVERSAL DECLARATION OF Human Rights

PREAMBLE Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

PREAMBLE Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

PREAMBLE It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

PREAMBLE It is essential to promote the development of friendly relations among nations.

PREAMBLE The peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom.

PREAMBLE Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

PREAMBLE A common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

WE HEREBY THE GENERAL ASSEMBLY

of the United Nations proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1 — All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 — Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ARTICLE 3 — Everyone has the right to life, liberty and security of person.

ARTICLE 4 — No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all forms.

ARTICLE 5 — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 — Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 — All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of the Declaration and against discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ARTICLE 8 — Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9 — No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 — Everyone is entitled to full equality before a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 — Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law. In the course of a trial he shall be entitled to all the guarantees necessary for his defence.

ARTICLE 12 — No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 — (1) Everyone has the right to freedom of movement and residence within the borders of each country.

ARTICLE 14 — (1) Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 15 — (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

ARTICLE 16 — (1) Everyone has the right to marry and to found a family, to be protected in this respect, to marry only of the same sex, to be equal in marriage and to enjoy the same rights and responsibilities during marriage and at its dissolution.

ARTICLE 17 — (1) Everyone has the right to own property alone as well as in association with others.

ARTICLE 18 — Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 — Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20 — (1) Everyone has the right to freedom of peaceful assembly and association.

ARTICLE 21 — (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

ARTICLE 22 — Everyone has the right of equal access to public service in his country.

ARTICLE 23 — (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to the protection against unemployment.

ARTICLE 24 — Everyone, without any discrimination, has the right to equal pay for equal work.

ARTICLE 25 — (1) Everyone has the right to a just and favourable remuneration which shall be guaranteed to all other workers on the basis of equality of work with theirs.

ARTICLE 26 — (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

ARTICLE 27 — (1) Everyone has the right to the highest attainable standard of physical, mental and social well-being and to the enjoyment of leisure, rest and free time and to the enjoyment of culture and to the enjoyment of the benefits of scientific progress and to the enjoyment of the benefits of culture.

ARTICLE 28 — (1) Everyone has the right to a social order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29 — (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

ARTICLE 30 — Nothing shall be interpreted as authorizing any State, group or individual to engage in any activity aimed at destroying any of the rights and freedoms set forth in this Declaration, or at authorizing any State to practice such destruction.

ARTICLE 31 — (1) No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 32 — (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

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ARTICLE 41 — (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.

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Выдержки из Всеобщей Декларации прав человека

Статья 3

Каждый человек имеет право на жизнь, на свободу и на личную неприкосновенность.

Статья 7

Все люди равны перед законом...

Статья 10

Каждый... имеет право... чтобы его дело было рассмотрено... независимым и беспристрастным судом.

Статья 12

Никто не может подвергаться произвольному вмешательству в его личную и семейную жизнь...

Статья 15

Каждый человек имеет право на гражданство.

Статья 18

Каждый человек имеет право на свободу мысли, совести и религии...

Статья 23

Каждый человек имеет право на труд...

Статья 26

Каждый человек имеет право на образование...

Статья 29

Каждый... имеет обязанности перед обществом...

Глава 2 Конституции РФ «Права и свободы человека и гражданина» содержит 48 статей.

Ее основные задачи:

1. Закрепить и гарантировать права человека.
2. Упорядочить государственную власть
3. Утвердить правосудие в стране.

Права человека



- ✓ Присущи от рождения
- ✓ Признаются за всеми людьми

Права гражданина



- ✓ Связаны с гражданством -
взаимосвязь с государством

Конституция РФ,

глава 2 «Права и свободы человека и гражданина»

Статья 17

1. В Российской Федерации признаются и гарантируются права и свободы человека и гражданина согласно общепризнанным принципам и нормам международного права и в соответствии с настоящей Конституцией.

Статья 18

Права и свободы человека и гражданина являются непосредственно действующими. Они определяют смысл, содержание и применение законов, деятельность законодательной и исполнительной власти, местного самоуправления и обеспечиваются правосудием.

Статья 19

1. Все равны перед законом и судом.

Статья 20

1. Каждый имеет право на жизнь.

Статья 21

1. Достоинство личности охраняется государством. Ничто не может быть основанием для его умаления.

Статья 22

1. Каждый имеет право на свободу и личную неприкосновенность.

Статья 23

1. Каждый имеет право на неприкосновенность частной жизни, личную и семейную тайну, защиту своей чести и доброго имени.

Права и свободы гражданина РФ

По сферам жизнедеятельности	Примеры
<u>Гражданские (личные):</u> права, принадлежащие человеку как биосоциодуховному существу	право на жизнь (ст. 20) право на достоинство (ст. 21, ч. 1) право на свободу и личную неприкосновенность (ст. 22) право на неприкосновенность частной жизни (ст. 23) право на тайну переписки, телеф. переговоров (ст. 23)
<u>Политические:</u> возможности участия личности в политической жизни общества	право на информацию (ст. 29) право на собрания, митинги, демонстрации, шествия (ст. 31) право на участие в управлении делами государства (ст. 32) право избирать и быть избранным (ст. 32, ч. 2) право обращений в государственные органы (ст. 33)
<u>Экономические:</u> возможности свободного распоряжения имущественными благами и ведения хозяйственной деятельности	свобода предпринимательской деятельности (ст. 34) право на частную собственность (ст. 35, 36) право наследования (ст. 35, ч. 4)
<u>Социальные:</u> притязания на достойный уровень жизни и благосостояние	свобода труда, право на труд в нормальных условиях (ст. 37) право на защиту от безработицы (ст. 37) право на отдых (ст. 37) право на охрану здоровья и медицинскую помощь (ст. 41) право на благоприятную окружающую среду (ст. 42) право на образование (ст. 43)
<u>Культурные:</u> права, обеспечивающие духовное развитие и самореализацию личности	свобода творчества и преподавания (ст. 44, ч. 1) право на участие в культурной жизни (ст. 44, ч. 2) доступ к культурным ценностям (ст. 44, ч. 2)