

СЕКЦИЯ 7 ПРАВА ЧЕЛОВЕКА В МЕЖДУНАРОДНОМ И НАЦИОНАЛЬНОМ ПРАВЕ

*Dr Miriam Estrada-Castillo, Visiting Professor
Raoul Wallenberg Institute of Human Rights and Humanitarian Law
Lund University, Lund, Sweden*

HUMAN RIGHTS CHALLENGES IN THE XXI CENTURY

The foundation of the United Nations in 1945 marked the worldwide acceptance of the need to protect and advance human rights as core principles to ensure peace and security in the world. Indeed, the UN Charter of Foundation explicitly states as main purpose of the Organisation "to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, ensuring, that force shall not be used, but in the common interest, and advancement of all peoples".

However, seventy years later, in the XXI century, there is no doubt that the world is undergoing an in-depth metamorphosis of these precepts. Certainties are collapsing, and lines between the good and the wrong are becoming blurred. How many crimes have been committed throughout these last years for the greatest good? How far is the world to fulfil the promises done at the end of the Cold War under the theory of "the New Political order" – concept that appeared immediately after the fall of the Soviet Union and entailed the nature of the post-Cold War era, the triumph of democracy, and the spirit of the expected great power cooperation between the West and the East?

Contrary to all declarations, These conjunctions of events are not a mere coincidence, as part fundamental part of the metamorphosis pointed out previously, human rights conquest, achieved during the last century, are been grossly attacked, weakened, dismantled and now, openly broken.

Indeed, answering to the horrors and the tragedy of the Twin Towers attack, in less than ten days, the Security Council adopted resolution 1373 (2001) taking for the first time the role of a worldwide legislator. This is the historic milestone that marks the beginning of the global war on terror WITH the blessings of the United Nations Security Council which – along with the resolution – organised the Counter-Terrorism Executive Directorate – one of the most powerful directorates of the UN reporting directly with the P5.

This presentation analyses the impact that the implementation of Security Council Resolution 1373 (2001) has caused in the world when it comes to fundamental freedoms such as: peace, free speech, demonstration, religion, thought, movement, self-determination, civil and political rights, the same rights that were

the reason of fifty years of cold war. We will also examine the impact that the same Resolution has triggered in the legal system of State parties worldwide.

In the case of Belarus, for example as request from the UN Security Council, several laws have been adopted since January 2002 starting with the adoption of the Law "On the Fight against all forms of Terrorism" which constituted the basis for national counter-terrorism legislation in the country.

This presentation recognises that the major challenge that the XXI Century presents to humanity is to find the rights balance between security and human rights. It also conveys the message that with appropriate respect for human rights principles, taken as fundamental ethical reference points for International Law, this world, full of vicious contradictions could still be full of hopes and opportunities. The sine-quanton condition is, nonetheless, that we, citizens of the world, would have the courage to demand and stand for accountability regarding the recognition, guarantee and implementation of human rights as the indispensable vehicle for peace.

*Д.С. Береговцова, канд. юрид. наук, доцент,
БрГУ им. А.С. Пушкина (г. Брест)*

МЕЖДУНАРОДНО-ПРАВОВОЕ ЗАКРЕПЛЕНИЕ ОСНОВНЫХ ПРИНЦИПОВ ПРОВЕДЕНИЯ БИМЕДИЦИНСКИХ ИССЛЕДОВАНИЙ НА ЧЕЛОВЕКЕ

Как отмечено в ст. 4 Модельного Закона «О защите прав и достоинства человека в биомедицинских исследованиях в государствах-участниках СНГ» прогресс медицинских, биологических и фармацевтических наук, направленный на улучшение качества жизни, невозможен без проведения биомедицинских исследований с участием человека [1].

Под биомедицинским исследованием в соответствии со ст. 1 данного Закона понимается исследование с участием человека, проводимое с целью изучения новых диагностических, лечебных и (или) профилактических средств и методов получения новых знаний по физиологии и психологии человека в условиях нормы, патологии и экстремальных ситуаций. При этом подчеркивается, что биомедицинские исследования могут как предусматривать интересы конкретного участника исследования, так и осуществляться без непосредственной пользы для лица, участвующего в исследовании.

Под принципами проведения биомедицинских исследований, по мнению автора, следует понимать наиболее общие, основополагающие положения, которые закреплены в международных актах и актах внутригосударственного права, регламентирующих проведение биомедицинских исследований, и направлены на защиту прав и свобод, достоинства, автономии и целостности участников таких исследований.

К числу основных международных правовых актов, устанавливающих принципы проведения биомедицинских исследований на человеке, относятся: Всеобщая декларация прав человека 1948 г., Международный пакт о гражданских и политических правах 1966 г., Всеобщая декларация о геноме