

## THE IMPACT OF GLOBALIZATION ON THE CONTENT OF HUMAN RIGHTS

Magdalena Sitek

Alcide De Gasperi University of Euroregional Economy in Józefów  
e-mail: ms@wsge.edu.pl

**Summary.** The timeless value of human rights was realized after World War II. Over the years, the influence of various, often extreme, ideologies on the content of human rights has led to a crisis of their identity. Building a vision of human rights as a universal value system is contested in Asia and Africa. It is believed that it is an instrument of Europeanization other continents. This study shows the weakness of the current concept of human rights. As a result, there is the necessity of separation of human rights from the historical background of their formation. New ideological basis should take into consideration the universal human needs which are independent from ideological conditions.

**Key words:** human rights, value system, globalization, human needs, instrumentalization of human rights

### HUMAN RIGHTS BETWEEN SCIENCE AND POPULISM

The human rights and their protection, in addition to cultural affiliation, which is based on three pillars, means – Greek philosophy, Roman law and Christianity (some also add Judaism), is one of the key elements of contemporary European identity<sup>1</sup>. That is why in the preamble to the Treaty establishing a Constitution for Europe (the Treaty has been never adopted) stated that “drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law”. Thus, the human rights are not only a tool for the protection of widely understood rights of the human person, but also have an ideological and integration function for multicultural Europe<sup>2</sup>.

The issues related to human rights are increasingly frequent subject of research and political discussions, often also the subject of discussion with the

---

<sup>1</sup> J. Krukowski, *Kultura a prawo w społeczeństwie pluralistycznym*, „Teka Komisji Prawniczej” PAN OL VIII/2015, p. 67 (p. 63–75); P. Stefani, *Appartenenza confessionale e identità della persona umana nella prospettiva del diritto europeo*, in: B. Sitek i inni (ed.), *Człowiek a tożsamość w procesie integracji Europy*, UWM, Olsztyn 2004, p. 299–310.

<sup>2</sup> M. Lubiszewski, *Garść refleksji o otwarciu Unii Europejskiej na standardy praw człowieka*, in: B. Sitek (ed.), *Człowiek a tożsamość w procesie integracji Europy*, UWM, Olsztyn 2004, p. 337–345.

populistic nature. In public discussion on human rights, the media show quite high activity, informing the public about violations of them in different parts of the world. The press reports indicate that the violations take place both in times of war and peace. On this occasion, the media increasingly set new directions for the interpretation of specific provisions, even for fundamental human rights, such as: the right to life or the new frontiers of freedom.

Because of the popularity *prima facie*, the issue of human rights seems to be relatively easy and obvious, and therefore it is taken by many who do not have sufficient or even any knowledge in this field. Consequently, the instrumentalization of human rights is done and the human rights are used to achieve specific political, economic, social and even purely private objectives<sup>3</sup>. They can also become a tool of political struggle, the elimination of economic competition, or simply to discredit an individual or even a whole political or social group.

Often the participants of public discourse proclaim extreme, or even scandalous opinions concerning human rights, supporting themselves with the freedom of speech, or pseudoscientific deductions, in order to build on this occasion their political or social image and potential, for example: before the next election. Often, the starting point for opinion-forming centers are the views of the creators of the minority or niche doctrines which are adopted by the recipients *a priori* and essentially without reliable scientific justification<sup>4</sup>. These views are often perversely referred as innovative or progressive and they create later repeated, but empty in content, dichotomous stereotypes of progress and backwardness, ignorance and enlightenment, scientific approach and irrationality. The labelling of individuals, social groups, nations, countries and even continents, is a phenomenon known for a long time, but today it takes monstrous proportions.

#### HUMAN BEING IN A GLOBAL SOCIETY

A typical symptom of globalization is blurring the political, economic, social or cultural boundaries, including the boundaries between normative and axiological systems. At the same time, the technological and information revolution is done. The world is becoming a "global village". Consequently, there is a weakening of the state and its structures in favour to international bodies, such as: the European Union, NATO, FIFA or financial and economic corporations. The migration of people increases while the already existing social inequalities

---

<sup>3</sup> A. Mirek, *Law as an Instrument of the Communist Authorities in the Fight Against Orders in Poland*, "Teka Komisji Prawniczej" PAN OL VII/2014, p. 65.

<sup>4</sup> Among others, the creators of Marxist philosophy referred to the scientific approach of their views. The basic research method should be experienced, and the objective of scientists' activities – a description of things in their specific properties. W. Tatarkiewicz, *Historia filozofii*, vol. 3. *Filozofia XIX wieku i współczesna*, Warszawa 1997, p. 48.

deepens and the sense of cultural or national identity weakens. In the process of all these changes at the global level, it appears that the weakest “element” is the man to whom it is increasingly difficult to find him or herself in the new reality.

One of the most visible global change is blurring the boundary between the sexes – the philosophy of gender. This phenomenon has a great influence on social and family relations and on broader understood cultural relations<sup>5</sup>. M.A. Peeters notes that, “according to the gender ideology there is no ontological difference between a man and a woman. Male or female identity are not inscribed in the nature, but they are only assigned to culture, they are the result of social construction and the role which is played by unit, fulfilling social tasks and functions”<sup>6</sup>. This view brings up a lot of discussion, and even the protests and the huge demonstrations of traditional environments, for which the distinction of sex is the foundation of the family’s existence.

In the global and computerized world, the personal contacts are increasingly being replaced by virtual. Due to the change in the nature and form of work, people spend more and more time in the virtual world. The meeting place are no longer cafes, parks, cinemas and theatres, but social networking sites. Consequently, a process of loosening the bonds between people, including family, friendships, or employee, take place. The increasing migration phenomenon needs to be noticed too. C. Caputo writes that, the elements of emotional or psychological life of the individual, for example: look, face memory, heat the other person’s hand, timbre of his or her voice, a handshake or spending time together have less and less importance<sup>7</sup>. As a result, phenomenon of singles and the couples and families breakdown are growing up. It creates the phenomenon of the family at a distance or patchwork families, means the families bonded with fragments of earlier family relationships. Paradoxically, in another dimension, there are carried out the pragmatic elements of the former Soviet policy, such as the submission of the challenges and needs of the party over the traditional relations between people. Today, more important values than closeness with another person is flexibility, the ability of self-presentation and short factual statements and the speed of virtual communication.

The information society, post-industrial society, and even post-modern society, accompanied by a paradoxical phenomenon of loss of faith in progress and development, are created. As a result, we can talk about the permanent economic and social crisis, about the crisis of values or simply about the growing sense of

---

<sup>5</sup> R. Sztuchmiller, *Ochrona prawna małżeństwa w kontekście ideologii gender*, „Roczniki Nauk Prawnych” 25(2015), nr 1, p. 78–81.

<sup>6</sup> M.A. Peeters, *Gender – światowa norma polityczna i kulturowa. Narzędzia rozeznania*, Polish transl.: L. Woroniecki, Warszawa 2013, p. 15.

<sup>7</sup> C. Caputo, *L’“inutilità” della comunicazione*, in: A. Ponzio (ed.), *Globalizzazione e infunzionalità*, Molteni editore, Roma 2008, p. 49.

danger and uncertainty<sup>8</sup>. It creates a knowledge-based society with the phenomenon of learning throughout life. The main emphasis, however, is placed on science, but often in isolation from the questions about values. The medical, genetic and biotechnology researches are conducted, only on the basis of the right to freedom of scientific research, without any connection with other values, including human dignity. At the same time, the progress of scientific research in these areas is so fast that we are not able to keep up with the resolve legal or ethical solutions. As a result, the importance of humanities and social sciences decreases.

An important phenomenon of global reality is the move away from mono systemic character in the law. Even, in the second half of the twentieth century, the students, majoring in law, were taught that the legal system should be coherent, hierarchical and the legal solutions (regulations) should be synchronized with one another and there should be the Constitutions in their center. Currently, we can talk about multi-layered legal systems<sup>9</sup> or about the multi-metrical legal system. According to A. Bisztyga, “the multi-metrical essence of the law is expressed in the possibility of simultaneous penetration in the same law space by the legal standards, the interpretations of these standards and the law cases of various decision-making centers, free of hierarchical relationships”<sup>10</sup>. This phenomenon brings us to the situation where the average person does not know any more the rules, including those essential and is not any more familiar with the procedures that would allow him or her to defend successfully in the case of violation of his or her rights. The hope for the average person and for the protection of his or her rights in this thicket of regulations, interpretations and law cases is getting easier access to legal aid, including the royalty-free legal help, provided by law students or professional corporations.

In the post-modern society there are other trends contradicted to each other, such as: increasing the rate of enrolment at the same time increasing functional illiteracy, creating a knowledge-based economy, thanks to the ever greater access to information through the Internet and at the same time getting a lower level of perception. Thanks to rapidly growing amounts of data, the mass culture is developing, while there is rejection or negation of subcultures and local cultures. We can notice the process of life secularization and the supersession of religion from public life and at the same time the increase or even promotion of the phenomenon of the occultism, divination and faith in horoscopes. Almost every evening at Via del Corso in Rome, the soothsayers are setting up their tables, which are besieged by crowds who want to know their future or solve their everyday problems.

---

<sup>8</sup> M. Pieńkowski, *Europa między relatywizmem i fundamentalizmem. Nasze fascynacje, nasze lęki, nasza wolność*, in: P. Mazurkiewicz, K. Wielecki (ed.), *Kryzys postindustrialny: Interpretacje, prognozy. Perspektywa Europejska*, Centrum Europejskie UW, Warszawa 2007.

<sup>9</sup> B. Sitek, *Bezpieczeństwo prawne a wertykalna wielowarstwowość systemów prawnych*, „Journal of Modern Science” 1/12/2012, p. 167–186.

<sup>10</sup> A. Bisztyga, *Konstytucyjne aspekty multimetryczności systemu prawa*, in: *Pluralizmus moci a prava*, Bratislavská vysoká škola práva, Bratislava 2009, p. 32.

## HUMAN RIGHTS IN POST-MODERN KNOWLEDGE SOCIETY

The relativism, or the rejection of metaphysical concepts and values, the dominant philosophy in the postmodern days, leads to a denial of knowing the absolute truth and the search for reliable methods of cognition. Thus, more and more often it is denied the possibility to learn about the rights and orderliness in the world<sup>11</sup>. On the other hand, the concept of political correctness with the mechanism of public criticism of those who proclaim the views different from the parent companies is built. The tolerance of views closes in a narrow layer of commercialized values, contributing to the radicalization of social groups, which are proclaiming different views from those who are in the mainstream of political correctness.

The phenomenon of post-modernity coincides with another concept called “liquid modernity”. This concept, formulated by Z. Bauman, helped him to identify the phenomenality of the processes taking place in the postmodern era such as the multi-centricity of philosophy, the isolation of individual cases from the wholeness, for example – a specific legal solution from the whole system of law or events, from the sequence of events (context), the relativity of behaviour and consequently, the relativity of ethical and moral standards etc.<sup>12</sup>.

The terms “postmodernism” and “liquid modernity” are supplemented by other terms, such as “rapid-fire culture”, “culture of acceleration”, “late modernity”, “hyper- modernity” or “reflexive modernity”<sup>13</sup>. Many thinkers, however, deny such far-reaching conclusions about the ongoing cultural changes, which have their origins in the second half of the twentieth century.

Among others, M. Lipowicz says:

This brings us to the core of post-modernity: the departure from the centralized structure of being, which, in the cultural order determined the framework of the individual human existence, means the disintegration of the ontological sense of security. But this is by no means the end: instead of trying to restore or compensate the past security by some equivalents for metaphysical concepts, the postmodern thinking sees, in this socio-cultural change, “the opportunity” for the discovery of new forms of life, experience, and thinking. [...] These rules may apply to both the arts and the most basic aspects of social life, such as family life, policy, economics, etc. From this point of view, the fundamental – customs, moral and religious changes of the West become understandable: they are not simply an expression of some progress, as it was naively claimed in modernity (progress of what?). The contemporary disintegration of traditional structures is not a conscious act of Westerners, but a structural consequence of decentralization of culture<sup>14</sup>.

---

<sup>11</sup> B. Baran, *Postmodernizm i końce wieku*, Kraków 2003; H. Perkowska, *Postmodernizm a metafizyka*, Inter Esse, Warszawa 2003.

<sup>12</sup> Z. Bauman, *Płynna nowoczesność*, Wydawnictwo Literackie, Kraków 2006.

<sup>13</sup> A. Krajewska, *Niebezpieczeństwa szybkostrzelnej kultury obrazu w okresie dzieciństwa*, „Journal of Modern Science”, 3/14/2012, p. 94.

<sup>14</sup> M. Lipowicz, *Problem z „ponowoczesnością”: pusty spór formalny czy zmiana charakteru egzystencji ludzkiej?*, „Analiza i egzystencja” no 26 (2014), p. 131–132.

However, these pertinent observations of changes taking place in contemporary theory and philosophy of law, characterized the contemporary reality and pointed to the slow disappearance of fixed reference points. The relativism of terms concepts allows for a dynamic interpretation of the content of individual human rights, especially those fundamental, such as the right to life, to found a family, to have and bring up a child or the right to freedom in all its dimensions. Newer interpretations are often mutually exclusive or contradictory, even though they are often supported by scientific arguments, rationalism, progress and legalism. According to Bauman, at the same time marginalization of the weaker units takes place by criminalizing the behaviour which is typical for the lower and poorer social strata, solving at the same time the problem of urban poverty, as in ancient Rome, the issues of the proletariat was resolved (*plebs urbana*)<sup>15</sup>. This phenomenon is now appearing under the name of social exclusion in different forms and for different reasons, for example: because of the gender, the religious affiliation, the appearance or the state of wealth<sup>16</sup>.

#### (NO) ACCEPTANCE OF HUMAN RIGHTS OUTSIDE OF LATIN CULTURAL CIRCLES

In the international legal doctrine, a clear trend towards the recognition of human rights as a universal system of moral norms of a positivist and rational nature can be seen. Human rights have become a part of global culture. Hence, it is believed that these are the transnational, transcultural and trans-religious standards. On the other hand, proponents of the modern concept of natural law consider human rights as timeless values. It is difficult to accept, especially with this concept, because the content of human rights is variable and depends on the specific social, economic or political context<sup>17</sup>. The variability of content of human rights is the result of using different forms of interpretation of specific legal provisions or the changing national or international law cases, mainly done by European Court of Human Rights.

However, quite apart from the above mentioned trends of thought, one cannot overlook the fact that the origins of the concept of human rights are related to Western-Latin culture, grown on the basis of Christian values, on the foundation of Greek philosophy and on legal standards generated under a system of

---

<sup>15</sup> Z. Bauman, *op. cit.*

<sup>16</sup> D. Łażewska, *Wykluczenie społeczne a rozwój osoby ludzkiej. Aspekty filozoficzno-pedagogiczne*, „Journal of Modern Science”, 3/18/2013, p. 29 and J. Zawisza, *Przestępczość nieletnich przyczyną wykluczenia społecznego*, „Journal of Modern Science”, 3/18/2013, p. 153.

<sup>17</sup> S.M. Liao, A. Etinson, *Political and Naturalistic Conceptions of Human Rights: A False Polemic?* “Journal of Moral Philosophy”, 9.3(2012), p. 327–352.

Roman law<sup>18</sup>. Without this historical background, the legal concept of human rights being created after World War II, especially the concept of human rights set out in the United Nations' Universal Declaration of Human Rights of 1948, cannot be understood. In this form, the concept of human rights in the second half of the twentieth century was implemented for other philosophical currents and cultures built on different values, especially religious values such as Muslim or Hindu. Significant contribution to the development of the concept of human rights was also brought by the American science.

The European and American form of human rights is not accepted in all cultural circles, especially in the circle of the Muslim religion, which created their own content for individual human rights, which are then incorporated into a seemingly equally-sounding concepts and legal regulations. Examples of the this situation are the right to life, which in the system of Islamic law does not protect against execution of the death sentence charged under Sharia law<sup>19</sup> or the completely different understanding of women's rights in relation to the rights enjoyed by men in Islamic countries. Also, we cannot talk about the equality of men and women in Islam, which for the European legal culture is one of the core values<sup>20</sup>.

Because of cultural differences in many countries, there has been the creation of legal dualism. Numerous African and Asian countries enthusiastically adopted European, so-called progressive, legal solutions, including the protection of human rights while maintaining its own system of normative values (moral) arising out of their own religion or tradition, for example: in Senegal, they adopted the French *Code civil*, and with it, the European legal order maintaining, however, the Islamic law (Sharia law), as a basic measure of the evaluation of social behaviour of individuals<sup>21</sup>. The very similar situation is in China, Japan, and in many other countries of Asia and Africa. Thus, in the practice of everyday life, the regulations of religious or customary law, including in trade, are respected. An example of the diversity of understanding of human rights can be a different interpretation of the right to life, liberty, or freedom of religion<sup>22</sup>.

---

<sup>18</sup> More about cultural identity of Europe: T. Płoski, *Chrześcijańskie aspekty tożsamości europejskiej*, in: B. Sitek i in. (ed.), *Człowiek a tożsamość w procesie integracji Europy*, UWM, Olsztyn 2004, p. 271–281.

<sup>19</sup> V. Teres, *Compatibility of Islamic Law with Internationally Recognised Human Rights*, in: *Wykorzystywanie człowieka w XXI XXI wieku*, UWM, Olsztyn 2012, p. 131–136.

<sup>20</sup> A. Busch, *Islam and the Human Rights Situation of Muslim Women in the EU* in: *Communication as a Measure of Protection and Limitation of Human Rights. Information in Relation to Human Rights*, Comenius University in Bratislava, Bratislava 2013, p. 71–75.

<sup>21</sup> R. Sobański, *Uniwersalność i interkulturalność praw człowieka a globalizacja świata*, in: R. Sobański (ed.), *Prawa człowieka w państwie ekologicznym*, ATK, Warszawa 1998, p. 26.

<sup>22</sup> J. Kasprzak, *Prawa i wolności człowieka a prawo karne islamu – czyli dlaczego się nie rozumiemy*, in: B. Sitek i inni (ed.), *Prawo do życia a jakość życia w wielokulturowej Europie*, vol. 2, UWM, Olsztyn–Bari 2007, p. 103–109.

## FACTORS SHAPING THE CONTENT OF HUMAN RIGHTS

The existing, in the modern world, differences in the perception of content and function of human rights are the result of a strong impact of the political, economic, social and cultural, including religious, determinants. Hence, the approach to human rights may be different and it may depend from the political correctness. In the current media debate, some believe that the Polish Constitution does not have Christian roots, but it is a typical normative act of the purely liberal or secular nature. It is worthy to refer to the historical context of the 90s of the text edition of the today's Constitution. It was a time of far-reaching symbiosis of liberal values with Christian values, which is reflected in the content of the preamble. At the end of the nineties, in Poland, the connection of liberal system of values with the extreme leftist ideas was made, which significantly contributed to the reinterpretation of various constitutional provisions, including the reinterpretation of those regulation connected with the human rights done in isolation from the original ideological environment accompanying the creation of the Constitution of 1997.

Subsequently, differently shaped the content of individual human rights has an impact on the content of specific legal provisions, located in different areas of substantive and procedural law, for example – the penal law, the civil law or the administrative law<sup>23</sup>. The development of technology, especially in terms of equal access to the achievements of civilization, of science, or the introduction of a policy of equal development opportunities for all have also large significance for the shape of the content of individual human.

One of the dangerous phenomena related to human rights is politicizing them. The military operations of the United States or Russia armies and the UN or NATO troops, taken in different regions of the world, are often justified by the need to ensure or restore peace, by the need of the introduction a democratic order or just to guarantee the proper respect for human rights. Similarly, it was in the Middle Ages, when the conquest of pagan peoples was justified by the need of Christianization, for example – Prussians.

Also, recent actions done by the Russian authorities against the Crimea, until recently part of Ukraine until recently, are justified by the need to protect human rights, especially the rights of Russian minority. The Russian Minister of Foreign Affairs – Sergey Lavrov in his speech of 3<sup>rd</sup> March 2014 stated about the actions taken by the Russian authorities and consequently by the Russian army:

---

<sup>23</sup> P. Piotrowska, J. Szczerbowski, *Wpływ przemian kulturowych na kształtowanie się norm prawa cywilnego. Kilka refleksji na przykładzie prawa spadkowego wspólnoty autonomicznej Katalonii*, in: B. Sitek (ed.), *Prawo do życia a jakość życia w wielokulturowej Europie*, vol. 2, UWM, Olsztyn–Bari 2007, p. 273–288.

I reiterate, we are talking here about protection of our citizens and compatriots, about protection of the most fundamental of the human rights – the right to live, and nothing more<sup>24</sup>.

*A contrario* protection of the right to life of Ukrainian citizens or other national minorities living in eastern Ukraine, for example: Tatars, is no longer a subject of protection activities carried out by the Russian troops. And here we can talk about the paradox of ideological or political lies, adopted as the dogma of truth for the implementation of specific expansionist policy.

#### AREAS OF HUMAN RIGHTS VIOLATIONS ON DIFFERENT CONTINENTS

The need for promotion and legal education in the field of protection of human rights is primarily due to the numerous analysis of cases of human rights violations from different regions of the world. A simplified analysis is possible to be done on the basis of the Amnesty International Report 2013. The state of the world's human rights<sup>25</sup>.

According to the Report of the 2013, Africa is struggling with the problems of the past and with the contemporary expansion of radical Islamists, especially from the Boko Haram group in Nigeria, which is responsible for mass murder, kidnapping and forcing the marriage of a young Christian women in connection with forcing them to change their religion. Another problem is the migration of people on the African continent, especially as a result of the war between Sudan and South Sudan. As a result of this armed conflict, only in 2013, approx. 200 thousand people had to leave their homes. Often, these consequences are the result of systemic fight against Christianity.

In Africa, there are also cases of state lawless. In 2013, the South African government has sent police and military troops with sharp weapon to suppress the miners' strike. As a result, sixteen miners were killed and many were injured. In Ethiopia and in the Ivory Coast, they were arrested and imprisoned dissidents, reducing in this way the freedom of speech. As a result of the poverty, the lack of civilizational development and the armed conflicts, the numerous acts of violence and rape against women and teenage girls take place.

Much better situation is in the Americas. The major difficulties, however, occur in the claiming of justice and compensation for state action taken in the past. Indians from the US and Canada are fighting for compensations. The repressed opposition members in Haiti, Chile and Argentina are seeking justice.

---

<sup>24</sup> Information PAP – *Siergiej Ławrow: na Ukrainie chodzi o ochronę naszych rodaków i ich prawo do życia*, in: [http://wiadomosci.wp.pl/kat,1356,title,Siergiej-Lawrow-na-Ukrainie-chodzi-o-ochrone-naszyc-rodakow-i-ich-prawo-do-zycia,wid,16445162,wiadomosc.html?ticaid=11252e&\\_tictsn=3](http://wiadomosci.wp.pl/kat,1356,title,Siergiej-Lawrow-na-Ukrainie-chodzi-o-ochrone-naszyc-rodakow-i-ich-prawo-do-zycia,wid,16445162,wiadomosc.html?ticaid=11252e&_tictsn=3) [Retrieved March 7, 2014].

<sup>25</sup> *Amnesty International Report 2013. The state of the world's human rights*, in: [http://files.amnesty.org/air13/AmnestyInternational\\_AnnualReport2013\\_complete\\_en.pdf](http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf) [Retrieved February 13, 2016].

The violations of the rights of indigenous peoples, especially the Indians, is found in South America. The civil wars in Venezuela and Colombia are extinguished. At the same time, the organized crime, especially in Mexico is growing. The violence against children and women is used and the rapes are often done on a daily basis in Latin America.

In the countries of East Asia and the Pacific, there are numerous cases of human rights violations caused by the political authorities. The opposition members, journalists, especially in Vietnam, North Korea and also in China and Cambodia, meet with large repression. In the areas covered by the local armed conflicts, especially in Afghanistan, Pakistan, Thailand and the southern Philippines rights violations occur. In Afghanistan, Japan, China, Pakistan, Malaysia and Singapore, there are still being carried out death sentences.

Middle East and North Africa, after the so-called. Arab Spring, are currently experiencing a very difficult period also in terms of human rights violations. The overthrow of dictators, including Gaddafi in Libya, showed that the opposition was not ready to rule the country, and as a result, the anarchy was created, especially in Algeria, Libya, Syria and Iraq. The numerous acts of violence, including rape and the migration of millions of people, especially Christians may be observed there. In a large part of Syria and Iraq, the Islamic State (Islamic State of Iraq and the Levant) was created which is the caliphate, which is in the unique way famous for the brutality and frequency of human rights violations.

In many countries of this region, especially in Saudi Arabia, Bahrain, Jordan and Algeria or Morocco, the prisoners of conscience are staying in prisons. In these countries, even if there is no violence against women, they are discriminated against in politics, public administration or in science. As a violation of human rights, the Amnesty International recognizes to build a wall separating Gaza and Jericho from the rest of the state of Israel. Thus, nearly 2 million people were sentenced on vegetation in very poor material conditions.

In Europe and Central Asia, only Georgia has managed to conduct democratic elections. Other countries are still ruled by dictators on the basis of an authoritarian political system. In Russia, Belarus and Azerbaijan political prisoners or prisoners of conscience are still detained. The political opponents are killed in mysterious circumstances, as it was with B. Nemtsov in Moscow. The improvement of human rights is not recorded also in Turkey, despite the positive economic changes. In some European countries, for short periods, there were CIA prisons where they tortured terrorists from Al-Qaeda. According to the European Court of Human Rights, such prisons had existed in Poland, Romania and Macedonia. There is persecution of Gypsies in some the European Union countries<sup>26</sup>.

---

<sup>26</sup> These data come from the Report of the 2013.

## CONCLUSIONS

Human rights are not just a reflection of human dignity but also a reflection of human needs which are guaranteed by these rights. Human rights issues have their roots in the modern era, and in some ways even in ancient times but those issues become extremely important after the traumatic experience of the Second World War. Today it is the most frequent subject of seminars and scientific conferences, statements of politicians, journalists, theologians, and all sorts of populists. Human rights have become a key determinant of the rule of law, good law, a measure of democracy and progress. Despite conducting a broad international campaign to deepen the awareness of the society about human rights, there are still numerous cases of violations, as it is evidenced by the number of cases handled by the European Court of Human Rights in Strasbourg.

The modern era is defined by many thinkers as the period of the processes of globalization and post-modernity or liquid reality. This is reflected in the unprecedented technological progress, in the economic war, in the computerization, in the migration of population, and consequently, in the mixing of cultures. All this leads to far-reaching modifications to the content of individual human rights, adapting them to the evolving cultural, economic, ideological, political changes. We can even talk about the phenomenon of their redefinition under the influence of globalization processes. Even such basic right as the right to life is a subject to these changes.

For relativized axiological postmodern era, typical for Western world, the human rights have become a new and fundamental value system. As such, however, they are not accepted in other cultural circles, especially in Islam, but not only, also in Asia or Africa. Human rights, there are in fact perceived as a manifestation of the values of Western civilization, and thus as an instrument to combat against local culture.

Despite that, the idea of human rights is recognized in national and international standards of law, in the world, there are still numerous cases of breaking them. The positivisation or promotion of human rights is necessary. But, the most important is the education in the field of human rights from an early age, which is the best form of prevention.

## REFERENCES

- Amnesty International Report 2013. The state of the world's human rights*, [http://files.amnesty.org/air13/AmnestyInternational\\_AnnualReport2013\\_complete\\_en.pdf](http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf) [13.02.2016].
- Baran, Bogdan. 2003. *Postmodernizm i końce wieku*, Inter Esse, Kraków.
- Bauman, Zygmunt. 2006. *Płynna nowoczesność*, Wydawnictwo Literackie, Kraków.
- Biszytyga, Andrzej. 2009. *Konstytucyjne aspekty multimetryczności systemu prawa*, in: *Pluralizmus moci a prava*, Bratislavská vysoká škola práva, Bratislava, p. 32.

- Busch, Arno. 2013. *Islam and the Human Rights Situation of Muslim Women in the EU*, in: *Communication as a Measure of Protection and Limitation of Human Rights. Information in Relation to Human Rights*, Comenius University in Bratislava, Bratislava, p. 71–75.
- Caputo, Cosimo. 2008. *L' "inutilità" della comunicazione*, in: A. Ponzio (ed.), *Globalizzazione e infunzionalità*, Molteni editore, Roma, p. 42–50.
- Information PAP – *Siergiej Ławrow: na Ukrainie chodzi o ochronę naszych rodaków i ich prawo do życia*, [http://wiadomosci.wp.pl/kat,1356,title,Siergiej-Lawrow-na-Ukrainie-chodzi-o-ochrone-naszyc-rodakow-i-ich-prawo-do-zycia,wid,16445162,wiadomosc.html?ticaid=11252e&\\_tictsrn=3](http://wiadomosci.wp.pl/kat,1356,title,Siergiej-Lawrow-na-Ukrainie-chodzi-o-ochrone-naszyc-rodakow-i-ich-prawo-do-zycia,wid,16445162,wiadomosc.html?ticaid=11252e&_tictsrn=3) [7.03.2014].
- Kasprzak, Jerzy. 2007. *Prawa i wolności człowieka a prawo karne islamu – czyli dlaczego się nie rozumiemy*, in: Bronisław Sitek (ed.), *Prawo do życia a jakość życia w wielokulturowej Europie*, vol. 2, UWM, Olsztyn–Bari, p. 103–109.
- Krajewska, Anna. 2012. „Niebezpieczeństwa szybkostrzelnej kultury obrazu w okresie dzieciństwa.” *Journal of Modern Science* 3/14, p. 89–107.
- Krukowski, Józef. 2015. „Kultura a prawo w społeczeństwie pluralistycznym.” *Teka Komisji Prawniczej PAN OL VIII*, p. 63–75.
- Łażewska, Dorota. 2013. „Wykluczenie społeczne a rozwój osoby ludzkiej. Aspekty filozoficzno-pedagogiczne.” *Journal of Modern Science* 3/18, p. 29–48.
- Liao, S. Mathew, Adam, Etinson. 2012. “Political and Naturalistic Conceptions of Human Rights: A False Polemic?” *Journal of Moral Philosophy* 9.3, p. 327–352.
- Lipowicz, Markus. 2014. „Problem z „ponowoczesnością”: pusty spór formalny czy zmiana charakteru egzystencji ludzkiej?” *Analiza i egzystencja* 26, p. 111–134.
- Lubiszewski, Maciej. 2004. *Garść refleksji o otwarciu Unii Europejskiej na standardy praw człowieka*, in: B. Sitek i inni (ed.), *Człowiek a tożsamość w procesie integracji Europy*, UWM, Olsztyn, p. 337–345.
- Mirek, Agata. 2014. “Law as an Instrument of the Communist Authorities in the Fight Against Orders in Poland.” *Teka Komisji Prawniczej PAN OL VII*, p. 64–72.
- Peeters, Marguerite, A. 2013. *Gender – światowa norma polityczna i kulturowa. Narzędzia rozoznania*, Polish translation: L. Woroniecki, Warszawa.
- Perkowska, Hanna. 2003. *Postmodernizm a metafizyka*, Scholar, Warszawa.
- Pieńkowski, Marek. 2007. *Europa między relatywizmem i fundamentalizmem. Nasze fascynacje, nasze lęki, nasza wolność*, in: Piotr, Mazurkiewicz, Krzysztof, Wielecki (ed.), *Kryzys postindustrialny: Interpretacje, prognozy. Perspektywa Europejska*, Centrum Europejskie UW, Warszawa.
- Piotrowska, Paulina, Jakub, Szczerbowski. 2007. *Wpływ przemian kulturowych na kształtowanie się norm prawa cywilnego. Kilka refleksji na przykładzie prawa spadkowego wspólnoty autonomicznej Katalonii*, in: Bronisław, Sitek (ed.), *Prawo do życia a jakość życia w wielokulturowej Europie*, vol. 2, UWM, Olsztyn–Bari, p. 273–288.
- Płoski, Tadeusz. 2004. *Chrześcijańskie aspekty tożsamości europejskiej*, in: B. Sitek (ed.), *Człowiek a tożsamość w procesie integracji Europy*, UWM, Olsztyn, p. 271–281.
- Sitek, Bronisław. 2012. „Bezpieczeństwo prawne a wertykalna wielowarstwowość systemów prawnych.” *Journal of Modern Science* 1/12, p. 167–186.
- Sobański, Remigiusz. 1998. *Uniwersalność i interkulturalność praw człowieka a globalizacja świata*, in: R. Sobański (ed.), *Prawa człowieka w państwie ekologicznym*, ATK, Warszawa, p. 26.

- Stefani, Paulo. 2004. *Appartenenza confessionale e identità della persona umana nella prospettiva del diritto europeo*, in: B. Sitek (ed.), *Człowiek a tożsamość w procesie integracji Europy*, UWM, Olsztyn, p. 299–310.
- Sztymchmiller, Ryszard. 2015. „Ochrona prawna małżeństwa w kontekście ideologii gender.” *Roczniki Nauk Prawnych* 2/1, p. 75–93.
- Tatarkiewicz, Władysław. 1997. *Historia filozofii*, vol. 3. *Filozofia XIX wieku i współczesna*, PWN, Warszawa.
- Teres, Valeisa. 2012. *Compatibility of Islamic Law with Internationally Recognised Human Rights*, in: *Wykorzystywanie człowieka w XXI i XXII wieku*, UWM, Olsztyn, p. 131–136.
- Zawisza, Jerzy. 2013. „Przestępczość nieletnich przyczyną wykluczenia społecznego.” *Journal of Modern Science* 3/18, p. 153.

#### WPLYW GLOBALIZACJI NA TREŚĆ PRAW CZŁOWIEKA

**Streszczenie.** Ponadczasową wartość praw człowieka uświadomiono sobie po II wojnie światowej. Z biegiem lat wpływ różnych ideologii, nierzadko skrajnych, na treść praw człowieka doprowadził do kryzysu ich tożsamości. Budowanie wizji praw człowieka jako uniwersalnego systemu wartości jest kontestowane w Azji i Afryce. Uważa się ją za instrument europeizacji innych kontynentów. Praca ukazuje słabości dotychczasowej koncepcji praw człowieka. W konsekwencji rysuje się konieczność oderwania praw człowieka od historycznego tła ich powstania. Nowe podłoże ideologiczne winno uwzględniać uniwersalne potrzeby człowieka, niezależne od ideologicznych uwarunkowań.

**Słowa kluczowe:** prawa człowieka, system wartości, proces globalizacji, potrzeby człowieka, instrumentalizacja praw człowieka