

CURRENT CHALLENGES
OF HUMAN RIGHTS, RULE OF LAW
AND DEMOCRACY

THE JOHN PAUL II CATHOLIC UNIVERSITY OF LUBLIN

Faculty of Law, Canon Law and Administration





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OF HUMAN RIGHTS, RULE OF LAW
AND DEMOCRACY**

EDITED BY
ROBERT TABASZEWSKI, ENA KAZIĆ-ČAKAR
NADIJA SHULZHENKO AND MATEUSZ HYPIAK

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Reviewers
dr hab. Kinga Machowicz, prof. KUL
dr Kenan Ademović, prof. IUS

Revision
Agata Łuka

Typesetting
Zuzanna Guty

Cover design
Aleksander Lewkowicz

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Wydawnictwo KUL, ul. Konstantynów 1H, 20-708 Lublin, tel. 81 740 93 40
e-mail: wydawnictwo@kul.lublin.pl, <http://wydawnictwo.kul.lublin.pl>

Print: volumina.pl Daniel Krzanowski
ul. Księcia Witolda 7-9, 71-063 Szczecin, tel. 91 812 09 08, e-mail: druk@volumina.pl

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Introduction

We want to present the book “Current Challenges of Human Rights, Rule of Law and Democracy,” which is the result of a collaboration of young scholars from member states of the Council of Europe, an international organization comprising 47 countries from the continent. The volume consists of twelve articles by fifteen scholars representing prestigious research centers involved in in-depth research on law and human rights. The authors of the texts included in this book are academics and practitioners from ten university centers from Poland, Italy, Bosnia and Herzegovina, and Ukraine. The current challenges addressed in the book are global and cross-border in nature, requiring collaboration and an integrated approach.

The book consists of three parts, reflecting the richness of the subject matter undertaken by young researchers. The editors aim to present the current challenges faced by Europe and integrate the community of young lawyers in this part of Europe. The collected material is divided into three sections, each containing four scholarly papers addressing current challenges. The different parts of the book deal with human rights, democracy, and the rule of law, respectively, i.e., the pillars of the Council of Europe.

Part one of the book, entitled “New and Emerging Human Rights Issues in the COVID-19 Crisis,” addresses current social, political, and legal developments. In this part of the monograph, the agenda begins with Michał Lewandowski’s text entitled “*Nul-lum crimen sine lege – Stefan Glaser’s concept AD 1942*”, concerning a fundamental principle that should guide all democratic states. On the other hand, in the paper entitled “Criminal Law and Pandemic: a Brief Overview of Criminal Law Regulation of Crimes

Against Health in Bosnia and Herzegovina,” Ena Kazić-Çakar presents the unexpected consequences of the pandemic in the sphere of criminal law and human rights. In the paper entitled “Defamation and Deformation of the Judge’s Image,” Inna Spasibo-Fateeva presented the judge’s behavior in the proceedings and everyday life. The first part of the book is concluded with apt remarks by Katarzyna Kucharska, Agnieszka Skoczylas and Robert Tabaszewski on the role of nurses and caregivers in shaping vaccination attitudes from the perspective of child rights and human rights.

Part two of the book, entitled “Social Rights and Employment Issues in a Democratic Society,” reflects on contemporary social rights issues in a democratic society. It begins with an in-depth analysis by Mateusz Hypiak entitled “The Right to Work as a Human Right.” The author very aptly presents the content of this right, referring to both national, international, and European regulations. Łucja Kobroń-Gąsiorowska, based on the example of Poland, presents “Limitations on the Level of Whistleblower Protections in the Labor Law – Poland.” Dariusz P. Kała conducted a comprehensive analysis in his paper “Organization of Voluntary Fire Services in Poland as an Emanation of the Democratic System of Contemporary Poland.” This part of the volume is concluded with reflections by Svitlana I. Zapara, entitled “Protection of the Rights and Freedoms of Ukrainian Labor Migrants in the Era of Globalization,” which presents a comprehensive analysis of the legal situation of a labor migrant in the context of national and European conditions.

The starting point for the book’s third part, entitled “Preparing for a Post-COVID-19 the Rule of Law” is the rule of law. Comprehensive knowledge of “The Right of Indigenous Peoples to Land: an American Perspective” is provided by Dawid Majchrzak’s text, which presents the human rights institutions of the inter-American system. The legal analysis opens with a research paper by Martino Reviglio entitled “Soft Law and Externalisation of European Border Management: between Political Effectivity and Legal Validity.” The author addresses the very topical issue of the migration process, proposing practical solutions to this issue, using Italy

as an example. In contrast, a multifaceted analysis of legal conflict resolution was included by Svitlana Yaroslavivna Fursa and Yevhen Ivanovych Fursa. Their text entitled “Resolving a Legal Dispute in Preventive Challenges: Actualities of Theory and Practice” may become a good starting point in further discussion of the problems of extrajudicial dispute resolution. The considerations in this section and the entire volume conclude with the paper “The Right to Dispose of the Property in the Human Rights System” by Yuri Zaika.

The topicality of the issues addressed within each paper may encourage repeated reading. To make it easier, all papers are concluded with short summaries and keywords. The book, which has a scholarly nature, is addressed to law theoreticians and practitioners and all those interested in human rights and representatives of related sciences: sociology, political science, administration, and international relations. Special thanks are due to the reviewers for their valuable comments that allowed us to achieve the final outline of this paper. The editors hope that you all enjoy reading this book and that it may offer inspiration for further, perhaps their own, in-depth research on the issues raised.

The Authors,

October 1, 2021, Lublin-Sarajevo-Warsaw-Kiev