Legal and Administrative Studies, www.jlas.upit.ro.
e-ISSN: 2344-6900, ISSN-L: 1583-0772
No. 1(34), Year XXV, 2026, pp. 197-220

HUMAN RIGHTS – THE FOUNDATION OF A DEMOCRATIC SOCIETY

Anamaria Iuliana MIHALESCU
ORCID[ID]: https://orcid.org/0009-0009-7466-4655
Email: mihalescuanamariaiuliana@yahoo.com
Affiliation: Association of the Suceava Association of Legal Advisers

Abstract: *Human rights represent the foundation of the democratic legal order and are the expression of the recognition of the inherent dignity of each person. The evolution of contemporary society, marked by globalization, technological development, armed conflicts, migration and profound social transformations, requires a permanent reassessment of the mechanisms for the protection of fundamental rights and freedoms. This study aims to analyze the concept and evolution of human rights, the international, European and national legal framework to guarantee them, as well as the main challenges generated by current realities. The research is based on the normative analysis of the main international and European legal instruments, the examination of the specialized doctrine and the capitalization of the relevant jurisprudence in the matter. At the same time, the role of national and international institutions in ensuring respect for fundamental rights and the need to maintain a balance between protecting the public interest and guaranteeing individual freedoms are highlighted. The study highlights that the effectiveness of protection mechanisms depends both on the existence of a coherent normative framework and on its effective application through public authorities and courts. In conclusion, respect for human rights is an indispensable condition for strengthening the rule of law, democracy and a society based on freedom, equality and justice.*

Keywords: *human rights; human dignity, rule of law; fundamental rights.*

Introduction

Human rights represent one of the fundamental values on which contemporary society is based and constitute the legal expression of the recognition of the inherent dignity of every human being. The evolution of this concept reflects the political, social and legal transformations that marked the development of civilization, from the consecration of the first individual freedoms to the establishment of a complex system of protection at the national, European and international level. Currently, respect for fundamental rights and freedoms no longer exclusively represents an obligation of states towards their own citizens, but a responsibility assumed within the international community, their protection becoming an essential criterion for evaluating the democratic character of a state and for strengthening the rule of law.

The importance of human rights is more evident today than ever. Globalization, the accelerated development of digital technologies, the expansion of the use of systems based on artificial intelligence, migration, climate change, pandemics, armed conflicts and new forms of transnational crime have generated unprecedented challenges for the exercise and guarantee of fundamental rights. In this context, public authorities are called upon to find a balance between protecting the general interest, ensuring collective security and respecting individual rights, avoiding the adoption of disproportionate or arbitrary measures that could affect the very essence of fundamental freedoms.

In recent decades, human rights have experienced a continuous development both from the perspective of legal regulation and institutional mechanisms intended for their protection. The adoption of international and European legal instruments, the development of the jurisprudence of international and constitutional courts, as well as the strengthening of national rights guarantee systems have contributed to shaping a common standard of personal protection. However, the efficiency of these mechanisms continues to be put to the test by economic, social and technological developments, which constantly generate new situations and require the adaptation of the normative framework to contemporary realities.

At the same time, the protection of human rights cannot be analyzed exclusively from a legal perspective. It involves ethical, social, economic and political dimensions, as the effective exercise of fundamental rights depends not only on the existence of legal norms, but also on the functioning of democratic institutions, the independence of justice, respect for the principle of legality, access to education, combating discrimination and promoting a culture of respect for human dignity. Human rights thus represent an indispensable element of social cohesion and sustainable development, and their guarantee requires the involvement of all public and private actors.

Special attention must be paid to the challenges generated by the accelerated digitization of society. The use of IT technologies in administration, justice, health, education or public security creates important opportunities for increasing institutional efficiency, but can also cause significant risks for privacy, personal data protection, equal treatment and freedom of expression. The development of artificial intelligence, the expansion of digital surveillance and the use of algorithms in the decision-making process require the strengthening of existing legal guarantees and the development of effective control mechanisms, so that technological progress does not affect the exercise of fundamental rights.

Equally, armed conflicts in different regions of the world, humanitarian crises, the phenomenon of migration and the amplification of hate speech demonstrate that human rights continue to be vulnerable, even in states with a democratic tradition. These realities highlight the need to strengthen international cooperation and make the mechanisms for preventing and sanctioning violations of fundamental rights more efficient, as well as the importance of human rights education as a tool for promoting tolerance, equality and mutual respect.

The present study aims to analyze the role of human rights in the building and functioning of a democratic society, starting from the evolution of the concept and the main legal instruments of protection and continuing with the examination of the challenges generated by the contemporary context. The research aims to highlight the relationship between fundamental rights and the principles of the rule of law, analyze

the legal mechanisms to guarantee them and identify the main difficulties encountered in the effective application of international and European standards. In carrying out the study, methods specific to legal research were used, respectively the method of legal-normative analysis, the comparative method, the analysis of the doctrine specialized and examining relevant jurisprudence, in order to formulate a unified perspective on the evolution and importance of human rights in contemporary society.

1. The concept and evolution of human rights

1.1. The notion and characteristics of human rights

Human rights represent the set of fundamental prerogatives and freedoms recognized to each person in consideration of his inherent dignity and the intrinsic value of the human being. These rights belong to any individual regardless of citizenship, nationality, ethnic origin, race, sex, language, religion, political beliefs, social status or any other criterion of differentiation. Unlike other categories of subjective rights, human rights are not conferred by the authority of the state, but are recognized and guaranteed by it, their existence being justified by human nature itself and by the need to protect the dignity of the person (Corsei, 2025).

In legal doctrine, human rights are considered the legal expression of the relationship between the individual and the public authority, representing the limits that the state power is obliged to respect in the exercise of its powers. From this perspective, the state is not the holder of these rights, but the main guarantor of their respect and protection. The exercise of public authority must be carried out in accordance with the principles of legality, proportionality and necessity, any restriction of the exercise of a fundamental right being admissible only under the conditions expressly provided for by law and in compliance with constitutional and international standards.

The contemporary notion of human rights is closely linked to the concept of human dignity. Dignity represents the supreme value that justifies the existence and protection of fundamental rights, being recognized both in international legal instruments and in the constitutions

of democratic states. From the perspective of the philosophy of law, dignity expresses the recognition of the value of each person as an end in itself, and not as a mere means for the achievement of economic, political or social interests. This approach decisively influenced the evolution of international human rights law after the Second World War, when the protection of the person became one of the priorities of the international community.

The legal enshrinement of human rights determined the transformation of the relationship between the individual and the state. If in traditional conceptions the public authority benefited from a wide margin of appreciation in the exercise of power, the evolution of modern constitutionalism has imposed the limitation of the state's powers by recognizing certain rights that cannot be violated arbitrarily. Thus, fundamental rights do not represent only individual guarantees, but constitute true principles of organization of the democratic constitutional order, influencing legislative, executive and judicial activity.

The universal character is one of the defining features of human rights. Universality assumes that all persons benefit from the same fundamental rights, without discrimination and independently of belonging to a particular state or political system. This principle enshrines the equality in dignity and rights of all people and imposes on states the obligation to ensure the effective protection of these rights for all persons under their jurisdiction.

Another fundamental characteristic is the inalienability of human rights. These rights cannot be alienated, assigned or withdrawn arbitrarily, since they derive from the human condition itself. Even in exceptional situations, such as a state of war or a state of emergency, certain rights enjoy absolute protection. The right to life, the prohibition of torture, the prohibition of slavery and the principle of legality of criminalisation are examples of rights that may only be subject to derogations within the strict limits provided for by international law.

The indivisibility and interdependence of human rights are two other principles enshrined in contemporary doctrine. Civil and political rights cannot be separated from economic, social and cultural rights, since

the effective exercise of one category directly depends on the guarantee of the other. Freedom of expression, for example, loses its effectiveness in the absence of access to education, and the right to work cannot be exploited in the absence of protection against discrimination or access to justice. This integrative vision has been consolidated by the evolution of international law and reflects the need to protect the person in all dimensions of his or her existence.

At the same time, human rights imply both negative and positive obligations on the state. Negative obligations require the authorities to refrain from any arbitrary interference with the exercise of fundamental rights, while positive obligations require the adoption of the legislative, administrative and judicial measures necessary to effectively guarantee them. The jurisprudence of international courts has consistently demonstrated that The formal enshrinement of rights is not enough, the state being obliged to create efficient mechanisms through which individuals can truly benefit from the protection conferred by the law.

In contemporary society, human rights can no longer be analyzed exclusively from the perspective of the relationship between the individual and public authorities. The development of digital technologies, the increasing influence of global economic actors, the cross-border circulation of data and the expansion of digital platforms have led to the emergence of new forms of vulnerability (Terec-Vlad, 2025, pp. 93-106). Consequently, the protection of fundamental rights requires the involvement of both the state and international organizations, European institutions, the private sector and civil society, in a joint effort to adapt legal mechanisms to new economic and technological realities.

Therefore, human rights represent the legal and axiological foundation of any democratic society. They define the limits of the exercise of public power, guarantee respect for human dignity and constitute the essential criterion for evaluating the functioning of the rule of law. Understanding the legal nature and characteristics of these rights constitutes the necessary premise for analyzing the historical evolution and contemporary protection mechanisms, aspects that will be developed in the following sections of this study.

1.2. The historical evolution of human rights

The evolution of human rights is the result of a long historical, legal and philosophical process, influenced by the political and social transformations that have marked the development of human civilization. The consecration of these rights was not achieved in a single historical moment, nor does it represent the exclusive creation of modern law, but is the consequence of a continuous process of affirming individual freedom and limiting the arbitrary exercise of state power. The idea that every person has certain rights inherent in his or her nature was formulated in Antiquity, later developed by the philosophy of natural law and gradually enshrined in the fundamental legal instruments of the modern era (Muraru, and Tănăsescu, 2024, pp. 145-150).

The first forms of legal limitation of the monarch's authority appeared in the Middle Ages, one of the most important moments being the adoption of the Magna Carta Libertatum in 1215. Although this document aimed mainly to protect the privileges of the English nobility, it enshrined principles that would profoundly influence the development of modern constitutionalism, such as the supremacy of law, the limitation of the sovereign's power and the guarantee of procedural rights against arbitrary detention. Later documents such as the Petition of Right (1628), the Habeas Corpus Act (1679) and the Bill of Rights (1689) consolidated the idea that the exercise of public power must be subject to the control of the law and that individual liberties benefit from effective legal protection.

The 18th century was a defining moment in the development of human rights, with the rise of the Enlightenment and social contract theories. Philosophers such as John Locke, Montesquieu, and Jean-Jacques Rousseau argued that state power derives its legitimacy from the will of its citizens and should be exercised solely to protect the natural rights of the individual. These ideas directly influenced the adoption of the United States Declaration of Independence (1776) and the Declaration of the Rights of Man and of the Citizen (1789), documents that enshrined the principles of liberty, equality before the law, and the sovereignty of the people.

Although these documents represented a remarkable advance for their time, the protection of fundamental rights was still limited, influenced by the political and social context of the time. Many categories of people, such as women, slaves, and propertyless people, did not enjoy the same rights as other members of society. The evolution of the concept of the universality of human rights would only be consolidated in the following centuries, with the development of international law and the affirmation of the principle of legal equality.

The decisive moment in the contemporary consecration of human rights is the period after the Second World War. The atrocities committed during the conflict demonstrated that the protection of the person cannot remain exclusively within the competence of states, making it necessary to establish international mechanisms capable of preventing serious violations of fundamental rights. In this context, in 1945 the United Nations was created, and on December 10, 1948 the General Assembly adopted the Universal Declaration of Human Rights, a document that for the first time systematically enshrined the fundamental rights and freedoms recognized to all human beings, without any form of discrimination[1].

Later, the international protection of human rights experienced continuous development through the adoption of binding conventions. In the European space, the European Convention on Human Rights of 1950 established one of the most effective jurisdictional mechanisms for the protection of fundamental rights, offering individuals the possibility of directly appealing to the European Court of Human Rights when they consider that their rights have been violated by state authorities. The case law of this court has contributed decisively to the development of European standards on the protection of privacy, freedom of expression, the right to a fair trial, the prohibition of discrimination and respect for human dignity.

---

[1] Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations through Resolution 217 A (III), on December 10, 1948.

European integration has led to the further strengthening of the system of protection of fundamental rights. The entry into force of the Charter of Fundamental Rights of the European Union and the development of the case law of the Court of Justice of the European Union have extended the legal guarantees granted to European citizens, in particular in areas such as the protection of personal data, non-discrimination, social rights and access to justice. Today, human rights represent one of the fundamental principles governing the activity of the institutions of the European Union and condition the respect for democratic values by the Member States.

The evolution of human rights cannot, however, be considered a completed process. The rapid transformations of contemporary society constantly generate new legal challenges, driven by the development of digital technologies, the use of artificial intelligence, climate change, armed conflicts, migration and transnational crime. These phenomena demonstrate that legal systems must continuously adapt to ensure effective protection of the individual and to maintain the balance between the general interest and respect for fundamental rights (Fuerea, European 2023, pp. 27-39).

1.3. Fundamental principles of human rights

The protection of human rights is based on a set of fundamental principles that ensure the uniform interpretation and application of national and international legal norms. These principles represent essential benchmarks for the activity of public authorities and courts, contributing to the effective guarantee of fundamental rights and freedoms. They do not have only a theoretical value, but produce concrete legal effects, guiding both the process of developing legal norms and their application in practice (Bîrsan, 2021, pp. 21–32).

A first fundamental principle is the universality of human rights. It expresses the idea that all human beings benefit from the same fundamental rights and freedoms, without any distinction based on criteria such as race, sex, language, religion, national or social origin, membership

of a minority, wealth or any other situation. Universality does not imply the standardization of national legal systems, but the recognition of the existence of a common core of rights that must be respected by all states, regardless of their political, economic or cultural organization. This principle constitutes the foundation of international cooperation in the field of human rights protection and justifies the existence of international monitoring and control mechanisms.

Another defining principle is equality of rights and the prohibition of discrimination. Equality does not imply identical treatment of all persons in any situation, but rather the guarantee of equal opportunities and the application of the same legal regime to persons in comparable situations. At the same time, the principle allows the adoption of special protective measures in favor of vulnerable categories, when these aim to eliminate real inequalities and do not create unjustified privileges. From this perspective, combating discrimination is one of the essential obligations of the democratic state, requiring both the adoption of appropriate legislation and the development of effective public policies to ensure the effective exercise of fundamental rights.

A central role is played by the principle of human dignity, considered the axiological foundation of the entire system of human rights. Dignity expresses the intrinsic value of each person and imposes the obligation on authorities to respect the physical and mental integrity of the individual, his moral autonomy and the freedom to develop his own personality. From this principle derives the prohibition of torture, inhuman or degrading treatment, slavery and any form of exploitation of the person. At the same time, human dignity is the criterion that must guide the interpretation of all fundamental rights, regardless of their nature (Miga-Beșteliu, 2020, pp. 176–185).

The contemporary system of human rights is also based on the principle of the indivisibility and interdependence of fundamental rights. The evolution of international law has demonstrated that civil and political rights cannot be separated from economic, social and cultural rights, since the effective exercise of each depends on the existence of the others. The right to education influences the exercise of freedom of expression, the right to health contributes to the realization of the right to life, and access

to justice is the guarantee of the protection of all fundamental rights. Consequently, states are obliged to adopt coherent public policies that allow the progressive and effective realization of all these rights.

The principle of proportionality is also particularly important, governing any interference by public authorities with the exercise of fundamental rights. In a democratic society, no right is absolute, except in cases expressly provided for by international law. However, any restriction must be provided for by law, pursue a legitimate aim and be necessary and proportionate to the objective pursued. This principle allows for a balance to be struck between the general interests of society and the protection of individual freedoms, preventing the adoption of excessive or arbitrary measures.

Closely linked to proportionality is the principle of the effectiveness of human rights protection. The mere enshrinement of rights in constitutional texts or international treaties is not enough if individuals do not have effective mechanisms for defending them. For this reason, states have the obligation to ensure the existence of effective remedies, independent and impartial courts, and institutions capable of preventing and sanctioning violations of fundamental rights. Effective protection also requires the execution of court decisions and compliance with obligations under international human rights treaties.

In the context of contemporary transformations, these principles are gaining increasing importance. The development of digital technologies, the use of artificial intelligence, the processing of large volumes of data and the expansion of digital services generate new challenges for the protection of privacy, freedom of expression and equal treatment (Ungureanu, and Buruiană, 2024). From this perspective, the fundamental principles of human rights constitute indispensable benchmarks for the adaptation of legislation and for the interpretation of legal norms in relation to new social and technological realities (Toader, and Safta, 2023, pp. 34–41).

Therefore, the fundamental principles of human rights are the elements that give coherence to the entire system of protection of the person. They ensure the balance between the authority of the State and the

freedom of the individual, guide the activity of public institutions and contribute to the consolidation of a democratic society based on respect for human dignity, equality and the rule of law.

2. National, European and International Legal Framework for the Protection of Human Rights

2.1. The Universal Declaration of Human Rights – the Foundation of International Human Rights Protection

The enshrinement of human rights at the international level is the result of a broad process of legal and political reflection determined by the devastating consequences of the Second World War. Serious violations of fundamental rights, genocide, mass deportations and crimes against humanity have demonstrated that the protection of the individual cannot remain exclusively within the competence of states, and it is necessary to establish common international standards and mechanisms capable of preventing the repetition of such atrocities. In this context, the establishment of the United Nations in 1945 marked the beginning of a new stage in the development of international human rights law, based on the recognition of the inherent dignity of every person and on the promotion of peace, security and international cooperation (Predescu, 2006, pp. 15–24).

The first document with a universal vocation in the field of the protection of fundamental rights is the Universal Declaration of Human Rights, adopted on 10 December 1948 by the General Assembly of the United Nations through Resolution 217 A (III). Even though, from a legal point of view, the declaration is not binding like an international treaty, its importance is undeniable. Over time, its provisions have acquired a special authority in international law, numerous principles being taken over in international conventions, national constitutions and in the jurisprudence of international courts. In the doctrine, it has been appreciated that the Universal Declaration constitutes the founding act of the contemporary system of human rights protection and one of the most influential legal documents adopted in the 20th century.

The Preamble to the Declaration states that 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. This formulation expresses a fundamental paradigm shift in international law. Whereas previously the protection of the individual was considered an internal matter of each state, after 1948 human rights became a legitimate concern of the international community, and their observance began to constitute one of the criteria for assessing the democratic character of a state.

The Declaration enshrines a complex catalogue of civil, political, economic, social and cultural rights, demonstrating their indivisible and interdependent nature. Civil and political rights include the right to life, liberty and security of the person, the prohibition of slavery, the prohibition of torture, equality before the law, the right to a fair trial, the presumption of innocence, freedom of movement, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and the right to participate in public life. At the same time, the declaration recognizes economic, social and cultural rights such as the right to work, the right to an adequate standard of living, the right to education, the right to health protection and the right to take part in cultural life.

An essential contribution of the Universal Declaration consists in affirming the principle of the universality of human rights. Article 1 establishes that all human beings are born free and equal in dignity and rights, and Article 2 enshrines the principle of non-discrimination in the exercise of all the rights and freedoms provided for in the document. These provisions have decisively influenced the subsequent development of international and European law, constituting the foundation of the conventions adopted in the following decades on the elimination of racial discrimination, the protection of women's rights, the rights of the child, the rights of persons with disabilities and the protection of refugees.

The influence of the Universal Declaration, however, goes beyond the sphere of international law. Numerous constitutions adopted after 1948 have taken over the principles enshrined in this document, integrating into the domestic legal order guarantees regarding individual freedom, equality

before the law, protection of private life and access to justice. The Constitution of Romania also enshrines a complex system of fundamental rights and freedoms, harmonized with European and international standards, and the interpretation of constitutional provisions is carried out in accordance with the international human rights treaties to which Romania is a party.

Today, the relevance of the Universal Declaration remains particularly relevant. The transformations of contemporary society – digitalization, the use of artificial intelligence, migration, armed conflicts, climate change and the development of new technologies – generate legal challenges that could not have been anticipated in 1948. However, the principles of enshrined in the Declaration continue to provide the necessary value framework for the interpretation and application of legal norms in relation to new social realities. Respect for human dignity, equality, freedom and the prohibition of discrimination remain essential benchmarks for any democratic system and for the activity of all public authorities.

The importance of the Universal Declaration of Human Rights cannot be assessed exclusively in terms of its historical value. It represents the starting point for the development of the entire contemporary system of protection of fundamental rights and continues to inspire the evolution of international, European and constitutional law. Although modern mechanisms for guaranteeing human rights are much more complex than those existing in 1948, the principles enshrined in the Declaration retain their current character and constitute the foundation for the interpretation of all legal instruments subsequently adopted in the field of protection of fundamental rights (Popescu, 2021, pp. 41–58).

2.2. The European Convention on Human Rights – the main regional instrument for the protection of fundamental rights

After the end of the Second World War, European states became aware that the mere formal enshrinement of fundamental rights was not enough to prevent the repetition of the abuses that marked the first half of the 20th century. It was necessary to establish an international legal

mechanism that would allow for the control of compliance with the obligations assumed by states and to offer individuals the opportunity to obtain effective protection of their rights. In this context, under the aegis of the Council of Europe, on 4 November 1950 the Convention for the Protection of Human Rights and Fundamental Freedoms was adopted, which entered into force on 3 September 1953. The Convention represented the first international treaty that established a permanent jurisdictional system intended for the protection of human rights, becoming a model for numerous legal instruments subsequently adopted at regional and international level.

The originality of the Convention lies not only in the catalogue of rights it guarantees, but above all in the control mechanism established to ensure their respect. Individuals who consider that a State party has violated their rights under the Convention may bring an action before the European Court of Human Rights, after exhausting domestic remedies. This mechanism transforms the individual from a mere beneficiary of international norms into a genuine subject of international human rights law, capable of seeking judicial protection against their own State.

The Convention guarantees a complex set of civil and political rights that constitute the core of European protection of fundamental rights. These include the right to life, the prohibition of torture and inhuman or degrading treatment, the prohibition of slavery and forced labour, the right to liberty and security, the right to a fair trial, respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, and the right to an effective remedy. These rights have been progressively developed through additional protocols, which have extended the scope of protection by enshrining the right to property, the right to education, the right to free elections, and the abolition of the death penalty (Selejan-Guțan, 2023, pp. 45–63).

A defining element of the system established by the Convention is the evolutionary nature of its interpretation. The European Court of Human Rights has consistently held that the provisions of the Convention must be interpreted as a “living instrument”, adapted to the social and legal realities

existing at the time of the resolution of cases. This approach has allowed the protection of fundamental rights to be extended to phenomena that could not have been anticipated at the time of the adoption of the Convention, such as the protection of personal data, electronic surveillance, bioethics, the use of new technologies or the impact of artificial intelligence on individual rights and freedoms (Dogaru, and Negru, 2019, pp. 201–214).

The case-law of the European Court of Human Rights plays an essential role in the development of European standards. Its decisions do not only resolve individual disputes, but also contribute to the uniform interpretation of the provisions of the Convention and guide the work of national authorities. Member States are obliged to execute the judgments of the Court, and the measures adopted for this purpose frequently lead to legislative amendments, changes in judicial practice or institutional reforms. Thus, the case-law of the Court has a direct influence on the development of domestic law and on the strengthening of guarantees for the protection of fundamental rights.

For Romania, accession to the Convention and recognition of the jurisdiction of the European Court of Human Rights represented a landmark moment in the process of consolidating the rule of law. The case-law of the Court has contributed to the improvement of national legislation in areas such as the reasonable length of trials, protection of property, freedom of expression, enforcement of judgments, conditions of detention or respect for private life. At the same time, Romanian courts constantly use the case-law of the Court as an interpretative reference in resolving cases concerning fundamental rights, which demonstrates the integration of European standards into the domestic legal order.

Currently, the European Convention on Human Rights continues to represent the main regional instrument for the protection of fundamental rights. The new challenges generated by digitalization, cybercrime, migration, combating terrorism, the use of artificial intelligence and environmental protection require a dynamic interpretation of the provisions of the Convention, capable of responding to changes in contemporary society without diminishing the level of protection of the person (Ungureanu, and Buruiană, 2025). In this regard, the European

Court of Human Rights plays a decisive role in identifying a balance between the public interest and respect for individual rights, constantly reaffirming the fact that authentic democracy cannot exist in the absence of effective protection of fundamental rights and freedoms (Sudre, 2018, pp. 87–105).

Through the efficiency of the judicial mechanism it establishes and through the influence it exerts on national legislation, the European Convention on Human Rights represents one of the most important international legal instruments in the field of human rights protection (Corsei, and Ștefănoaia, 2022). The evolution of the Court's case-law demonstrates that the protection of fundamental rights is a continuous process, which must be permanently adapted to new social, technological and legal realities, without losing sight of the supreme value that human dignity represents.

2.3. The Charter of Fundamental Rights of the European Union and the protection of rights in the digital age

The process of European integration has led to the development of its own system of protection of fundamental rights, complementary to that established by the European Convention on Human Rights. Although the founding treaties of the European Communities were initially predominantly economic in nature, the case law of the Court of Justice of the European Union has gradually recognised the existence of fundamental rights that form part of the general principles of Union law. This development has led to the adoption of the Charter of Fundamental Rights of the European Union, proclaimed in 2000 and becoming legally binding with the entry into force of the Treaty of Lisbon on 1 December 2009.

The Charter is the first European Union document to bring together in a single instrument the civil, political, economic and social rights recognised to persons under the jurisdiction of the Member States when they apply Union law. Its structure is built around fundamental values – dignity, freedoms, equality, solidarity, citizenship and justice – reflecting the modern concept according to which the protection of human rights

must be complete and indivisible. In this sense, the Charter does not limit itself to taking over the rights enshrined in the European Convention on Human Rights, but also introduces additional guarantees adapted to the specifics of European integration.

Of particular importance is the express enshrining of the right to the protection of personal data, provided separately from the right to respect for private life. This separation highlights the increasing relevance of data protection in contemporary society and obliges the European institutions and the Member States to ensure the lawful, fair and transparent processing of information concerning individuals. In the context of the development of the digital economy and the massive use of online platforms, this right has become one of the pillars of the protection of fundamental rights in the European Union (Stoica, and Baias (coord.), 2021, pp. 45–52).

The case law of the Court of Justice of the European Union has played an essential role in strengthening these guarantees. The Court has repeatedly stressed that the processing of personal data must respect the principle of proportionality and give individuals effective control over the information concerning them. Judgments such as Google Spain (2014), concerning the "right to be forgotten", or Schrems I (2015) and Schrems II (2020), concerning the transfer of data to third countries, have demonstrated that the protection of privacy and personal data constitute fundamental values of the European legal order and also limit the activity of large digital platforms and public authorities (Lenaerts, and Gutiérrez-Fons, 2022, pp. 312–328).

The relevance of the Charter is also highlighted by the challenges generated by the development of artificial intelligence. The use of algorithms in administration, justice, health, education or public security can affect rights such as equal treatment, data protection, freedom of expression and access to justice. For this reason, the European Union adopted the

Artificial Intelligence Regulation (AI Act), the first European legislative framework intended to regulate artificial intelligence systems according to the level of risk they pose to fundamental rights. The Regulation aims to ensure that the development and use of artificial

intelligence respects democratic values, human dignity and the principles enshrined in the Charter[1].

At the same time, the Charter of Fundamental Rights has a direct influence on the national legal order. The courts of the Member States are obliged to apply its provisions when resolving cases falling within the scope of application of Union law, and the interpretation provided by the Court of Justice contributes to the unification of protection standards at European level. For Romania, this mechanism is of particular importance in areas such as data protection, combating discrimination, consumer rights, judicial cooperation and access to justice.

Therefore, the Charter of Fundamental Rights of the European Union represents one of the most modern and dynamic instruments for the protection of human rights. It reflects the adaptation of the European system of protection to the realities of the digital society and provides the necessary legal framework for reconciling technological progress with respect for human dignity, freedom and equality.

3. Contemporary challenges and perspectives on the protection of human rights

The evolution of contemporary society demonstrates that the protection of human rights is a dynamic process, constantly adapting to economic, social and technological changes. While international and European legal instruments have created a complex system of guaranteeing fundamental rights (Corsei, Zisu, and Țoncu, 2023, pp. 52-60), its efficiency depends on the capacity of states and international institutions to respond to the new challenges generated by societal transformations. Respect for human rights no longer requires only the existence of adequate legal norms, but also the implementation of efficient public policies, capable of ensuring the effective protection of the individual in increasingly complex contexts (Vida, 2022, pp. 89–104).

[1] Regulation (EU) 2024/1689 on the establishment of harmonised rules in the field of artificial intelligence (AI Act).

One of the most important challenges is represented by the development of digital technologies and the expansion of the use of artificial intelligence. The automation of decision-making processes, the use of algorithms in public administration, health, education or the judicial system and the processing of impressive volumes of personal data can generate risks regarding respect for privacy, equal treatment and transparency of the decision-making process. For this reason, the European regulatory framework aims to develop mechanisms that allow the responsible use of innovative technologies, without affecting fundamental rights.

At the same time, the phenomenon of migration, armed conflicts and humanitarian crises continue to raise complex issues regarding the protection of vulnerable persons. The right to life, the prohibition of torture, the right to asylum, the protection of refugees and respect for human dignity must be guaranteed regardless of the existing political or security circumstances. These situations require the strengthening of cooperation between states and international organizations, as well as the uniform application of international human rights standards.

Another major challenge is the fight against discrimination and the promotion of equal opportunities. Despite legislative progress, discrimination continues to affect many social categories, limiting their access to education, work, health services or justice. In this context, the protection of human rights requires not only the sanctioning of discriminatory acts, but also the adoption of preventive and educational measures aimed at promoting tolerance, inclusion and mutual respect.

Likewise, the consolidation of the rule of law remains an indispensable condition for the guarantee of fundamental rights. The independence of the judiciary, respect for the principle of legality, transparency in the activities of public authorities and the fight against corruption contribute directly to the effective protection of citizens' rights and freedoms. In the absence of strong and independent institutions, rights enshrined in law risk remaining mere declarations of principle, lacking practical efficiency.

In the future, the protection of human rights will depend on the capacity of legal systems to respond to new social and technological

realities, without affecting the fundamental values of democracy. Adapting legislation, strengthening international cooperation, developing legal education and promoting a culture of respect for human rights are essential directions for maintaining a high level of protection of the individual and for strengthening citizens' trust in state institutions (Cercel, 2021, pp. 131–149).

In conclusion, human rights continue to represent the foundation of any democratic society and the main criterion for assessing respect for the rule of law. Although contemporary challenges are increasingly complex, the values enshrined in international and European legal instruments remain relevant and provide the necessary framework for the development of effective mechanisms for the protection of human dignity, freedom and equality. Respect for these values is not only a legal obligation of states, but also an essential condition for the development of a democratic, fair and inclusive society[1].

Conclusions

Human rights are the foundation of the democratic legal order and one of the most important achievements of modern civilization. Their evolution demonstrates that the protection of the individual is not only a legal obligation of the state, but also an indispensable condition for the existence of a society founded on freedom, equality, justice and respect for human dignity. Over time, human rights have undergone a continuous process of development and consolidation, determined both by social and political transformations and by the need to prevent abuses against the individual.

The analysis carried out in the present study highlights the fact that the contemporary system of human rights protection is built on an interdependence between national, European and international

[1] International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966, ratified by Romania by Decree no. 212/1974.

mechanisms. Legal instruments such as the Universal Declaration of Human Rights, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union have contributed decisively to the development of common standards of protection and to the consolidation of the obligation of states to respect and guarantee fundamental rights. At the same time, the work of international and European courts has played a decisive role in the interpretation and application of these standards, ensuring effective and dynamic protection of individual rights.

At the same time, research demonstrates that the protection of human rights cannot be considered a completed process. Technological evolution, accelerated digitalization, the use of artificial intelligence, migration, armed conflicts, climate change and the emergence of new forms of vulnerability require the permanent adaptation of the legal framework and institutional mechanisms (Terec-Vlad, pp. 41-47). These transformations generate complex challenges, which require the identification of a balance between protecting the public interest and respecting fundamental rights and freedoms, without affecting their essence.

An essential role falls to the state, which has the obligation to ensure not only the legislative enshrinement of fundamental rights, but also their effective exercise through independent institutions, an impartial judiciary and public policies oriented towards the protection of the individual. Equally, cooperation between international organisations, European institutions, national authorities and civil society is an indispensable element for strengthening the culture of human rights and preventing their violations.

Last but not least, respect for human rights must be seen as a shared responsibility, which goes beyond the scope of legal obligations and involves the assumption of fundamental values by the whole of society. Legal education, the promotion of tolerance, the fight against discrimination and the strengthening of the rule of law contribute directly to the development of a democratic society in which fundamental rights and freedoms are effectively respected and protected.

In conclusion, human rights remain the main benchmark of contemporary democracy and the fundamental criterion for assessing the legitimacy of the exercise of public power. The efficiency of the protection system depends on the capacity of states to effectively apply the principles enshrined in national and international legal instruments, to respond to the challenges generated by the evolution of society and to maintain human dignity at the centre of all public policies. Only by respecting these requirements can a truly democratic society be consolidated, in which freedom, equality and justice are not mere ideals, but effectively guaranteed and protected values.

References

Corsei, A. (2025). Implants And Technological Augmentations: New Challenges For Fundamental Human Rights. *Public Administration and Regional Studies*, volume 18, Issue 1.

Corsei, A, and Ștefănoaia, M.A. (2022). Romania and Human Rights According to European Regulations. *Acta Universitatis Danubius. Juridica*, volume 18, Issue 2.

Corsei, A., Zisu, M.A., and Țoncu, S. (2023). The European Union and fundamental human right. *AGIR Bulletin*, Issue 4.

Fuerea, A. (2023). *European Protection of Human Rights*, 6th edition. Universul Juridic.

Selejan-Guțan, B. (2024). *European Protection of Human Rights*, 6th edition. Hamangiu.

Cercel, C. (2021). *Protection of Fundamental Rights in the European Union.* Hamangiu.

Ungureanu, C., and Buruiană, A. (2024). Războaiele locale și impactul asupra mediului. *Review of Juridical Sciences* [*Revista de Științe Juridice]*, Volume 44, Issue 1/2.

Ungureanu, C., and Buruiană, A. (2025). The EU'S armaments program: a contradiction between security and sustainability. *Valahia University Law Study*, Volume 46, Issue 2.

Bîrsan, C. (2021). *European Convention on Human Rights. Commentary on the Articles*, vol. I, 3rd edition. C.H. Beck.
Popescu, C.L. (2021). *International Protection of Human Rights.* Universul Juridic.
Sudre, F. (2018). *European and International Human Rights Law, Romanian translation*. Polirom.
International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations on 16 December 1966, ratified by Romania by Decree no. 212/1974.
Muraru, I., and Tănăsescu, E.S. (2024). *Constitutional Law and Political Institutions,* vol. I, 16th edition. C.H. Beck.
Vida, I. (2022). *Human Rights Handbook*. Universul Juridic.
Dogaru, I., and Negru, D. (2019). *General Theory of Human Rights.* C.H. Beck.
Lenaerts, K., and Gutiérrez-Fons, J.A. (2022). *European Union Constitutional Law*. Oxford University Press.
Terec-Vlad, L. (2025). Using artificial intelligence in fighting crime and respecting human rights. *Legal and Administrative Studies,* Volume 32, Issue 1.
Terec-Vlad, L. (2022). General Considerations on International Human Rights Law in the Context of New Technologies. *Journal for Social Media Inquiry*, volume 4, Issue 1, pp. 41-47.
Predescu, P. (2006). *European Protection of Human Rights*. Lumina Lex.
Miga-Beșteliu, R. (2020). *Public International Law*, vol. I, 4th edition. C.H. Beck.
Regulation (EU) 2024/1689 on the establishment of harmonised rules in the field of artificial intelligence (AI Act).
Toader, T., and Safta, M. (2023). *The Constitution of Romania. Decisions of the Constitutional Court, ECHR decisions, CJEU decisions, related legislation.* Hamangiu.
Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations through Resolution 217 A (III), on December 10, 1948.
Stoica, V., and Baias, Fl.A. (coord.). (2021). The New Civil Code. Commentary on Articles, 3rd edition. C.H. Beck.