



# New Trends and Issues Proceedings on Humanities and Social Sciences



Volume 4, Issue 1 (2017) 14-19

ISSN 2421-8030

[www.prosoc.eu](http://www.prosoc.eu)

Selected Papers of 9th World Conference on Educational Sciences (WCES-2017) 01-04 February 2017 Hotel Aston La Scala Convention Center, Nice, France

## Images, international law, political rhetoric and democratic education form Human Right's needs: A study case of Portugal 1933-2016

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### Suggested Citation:

Campina, A. (2017). Images, international law, political rhetoric and democratic education form Human Right's needs: A study case of Portugal 1933-2016. *New Trends and Issues Proceedings on Humanities and Social Sciences*. [Online]. 4(1), pp 14-19. Available from: [www.prosoc.eu](http://www.prosoc.eu)

Selection and peer review under responsibility of Prof. Dr. Jesus Garcia Laborda, University of Alcala, Spain.

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### Abstract

Human Rights international social situation has a "double" life: the real and the *imaginary*. All around the world, although all statistics and problems known and denounced, Human Rights are being violated, there are serious and dangerous situations to the Humanity, affecting millions of human beings *beside* the "images"/information published. The Education for Human Rights is the change key but this is a complex process that should be object of an intervention through the International, Regional and National authorities (governmental and non-governmental Institutions and Organizations), as well as, by everyone in their capacities, and, their social, professional and citizenship responsibility. Nowadays the World have an enormous and different legal instruments, laws and documents, but there are too many people without access to their Rights, living supported by the information manipulated with consequences that History showed as worried consequences for societies and generations. As the study case presents, Portugal is a great example of the rhetoric manipulation by the political power, developed by an authoritarian regime, with unreal images generated social isolation and violence. However, despite the democracy and four decades, the Portuguese need to develop their knowledge to face the Human Rights violations and know to prevent other problems. There is still an imaginary world completely different from realities we need to change to protect and promote the Human Rights for everyone.

Keywords: Politic; rhetoric; education; human rights.

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## 1. Introduction

As the history showed, it was always need, specially nowadays, the scientific study and (re)interpretation to develop and implement a serious and real project of Human Rights Education supported by the special needs of each continent, region and state to be achievable.

This study started by the need of a new (re)interpretation of the dichotomy between the "images" and the reality concerning the Human Rights, as there was/are millions of victims who don't have the supposed help, respect and sometimes, the denounce to the authorities. It was/is dangerous to million human beings living in fear, extreme surviving situations, violence and unhuman situations, or, at least, human life and suffering and stressed to whom we need urgently address the major legal and social work.

More than International and National Laws and Instruments – Documents and Institutions, nowadays it's urgent to continuing the research looking to have enough scientific and real information to promote the debate, awareness and enough preparation to detect and denounce to the authorities: Human and Fundamental Rights violations. In fact, aiming to achieve those violations (in silence, concealed, social and political rhetoric illusory) mostly the unknown or strategically hidden through the most several ways, supported by Mass Media manipulated, Political strategies, Social interests, and others, creating ideas and "images" completely different from the reality. Consequently, the most serious problem is not known: the victims don't have the support needed, the institutions don't develop the supposed actions to protect them, the state doesn't develop the most important mission: promote and protect the Human and Fundamental Rights.

Illusory political rhetoric and governments public position; the Social Media manipulation, based on wrong research/information or aiming generate an imaginary reality; the religion, tradition, culture and social conditioned behaviors justified by the need of violence; the individual and/or social group afraid of denounce their own, or other, fundamental and human rights violation; the national and the international mechanisms insufficiency and/or failure; and all other possible reasons enounced, ruled out the knowing, understanding and action to help the victims and prevent the growing of the violence.

The history showed the Humanity the best "weapon" to "fight" against this reality is the Democratic Education for Human Rights giving information and responsibility to everyone: citizens, families, political and social actors, as well as, the International Organizations in their important role of prevent, protect and denounce the reality (ies) around the world developing programs adapted to the real demands. Mostly there is no need of more rules or laws, unless the effective application of the existing.

Portugal, a study case: It is proved by a scientific research concerning Human Rights: from 1933, when the Estado Novo regime was implemented by the Constitution of Portuguese Republic, by Antonio de Oliveira Salazar who was the chief of State during almost 40 years. In fact, there were false image(s) generated by the political rhetoric and the "rights" recognized by the Supreme Law, the Constitution, invalidated by other national laws (as the police of "spirit" that worked to chase and punish all who made, "think" or act against the Salazar ideas or instructions, violating the fundamental Portuguese rights). The regime was developed based in an image constructed by Salazar rhetoric (internal and international) of peace, social, human liberty and respect, despite a completely different reality: violence and rights violation (millions of human beings persecuted, tortured, death, prisoners, mainly without judicial indictment).

After 1974 and Democracy implantation in Portugal, the changing was not made based in the Education for Human Rights, as well as, there was a "Social Psychology" heritage, and persisted movements (governmental and other) who had hidden serious problems. However, the EU and UN Reports were a great instrument to denounce violations that society did not (want) recognize and public structures were trying to ignore. Concerning the action of the Social Media, there was

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manipulation aiming a "protection" of some influent politic, economic and cultural national "actors". However, in the last decade there was a concerted work to control and accuse the real situations, creating instruments to develop an effective democratic education, according the detailed and effective demands, acting to implement the prevention, promotion and protection of Human Rights in Portugal.

This research and aware work should be continuous as it is never finished, not only in this country but all over the world, so this research aims to implement the Human Rights as a common action and responsibility of everyone, everywhere although the "paper" each one would represent, all over the world. This is an audacious mission, but from all to all Human Beings.

## **2. Human Rights Inter/National Law(s) and Image(s)**

Nowadays it's possible to argue that, generally, Human Rights have International, Regional and (mainly) National legal protection, as Declarations, Treaties, Conventions, Covenants and other legal instruments in different political, juridical and social dimensions aiming the customary international law incorporated in the fundamental national law instruments.

It's known the essential support of the Humanity by the Human Rights recognition and protection by the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), as well as the International Covenant on Economic, Social and Cultural Rights (1976) (Universal Declaration of Human Rights, 2015). So, there are several international instruments and mechanisms developed to implement the effective protection of the Human Beings, wherever they are, considering their special needs according their contexts (individual, social, cultural, national and political) in the possible symbioses with the national, regional and international authorities and the laws structures. In this scenery is important to point out the juridical instruments in a correlation with the legal instruments, designed to be accessed by individuals or states, within determined conditions, being mechanisms of Human Rights protection but specially giving the possibility of the accusation and juridical claim. The European Court on Human Rights, included in the United Nations Treaty committees is an example of a Regional (European Union) succeed mechanism with individuals and states.

The Global and Regional law instruments and mechanisms for Human Rights are the starting point of the biggest problem the Humanity live as there are millions who don't have any protection, ones because their states and the legal framework don't recognize the Human Rights, others their states recognize but don't implement and consequently don't protect the citizens, don't complaint the violations neither work to support the victims.

Based in de jure independence, despite the diplomatic and international recognition, there are a relevant and worrying number of states around the world who doesn't recognized or implement the Human Rights in their body laws or policies generating the most serious violations, precluding their promotion and/or protection. So, it is not possible to assume the universality of the Human Rights by the reality of millions of Human Beings, which means the Humanity needs a serious, hard and continuous work by the International Organizations (Governmental and non-Governmental), States, entities, individuals and social groups aiming the recognizing but specially the establishment of Human Rights, legitimize the claims and ask for aid (ignored too many times).

The today's world lives a latent problem that cannot be hidden by "images" generating a false Public Opinion based on the universal Human Rights recognizing and, consequently, the Humanity protection. We cannot continue think about the victims when there are, for instance, Terrorism attacks or a war, but every day, especially when there are many Human Rights violations: between human beings in an individual context; states preclude the living supported, for instance, in the right to live, freedom or right to have a home; policies against the citizens oppressing, repressing and abusing the societies; minorities without protection and living within violence, fears; victims who

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cannot denounce the perpetrators and any violent situation as they would be punished or, in some contexts, killed.

Thinking about the Human Rights, the problems concerned; the arguments and explanations of the violence and violations; the several and different legal instruments; their recognizing; the serious breach by governments, policies and societies; the strategies to control and develop programs and mechanisms to implement their effectiveness, as well as, the denounce and punishment of the defaulters. Thinking about the Human Rights should force everyone from everywhere to know their rights as Human and have the capacity to realize, to understand the realities but the complexity of the information manipulation.

It's undoubtable important the role of the mass media for the world, for the Humanity, their evolution, informing and developing ideologies, knowledge(s) and ideas, through the different communication channels, specially by the internet achieving millions in short time. However, there are dangerous concerns, contexts and control to the mass media: supranational (legal and illegal), political, security, social, cultural, religious, economic and financial organizations or structures. These influences are delicate and difficult to be understandable as mostly they aren't "visible" or assumed, but the manipulation is made with serious consequences to the promotion, the protection and the (possible) complaints of those who violate the Human Rights. Why? First, because the "images" of realities (that don't exist), where there aren't problems related, supporting violence, violation and sorrow dissemination. On the other hand, despite the globalization world we live, where is supposed to have information and knowledge supported in the diversity, there isn't the correct information and the etic Mass Media mission is in danger, and the aim to educate to the Human Rights, and their values, is not achieved but adulterated.

So, the scenery is very simple to identify if there are awareness to understand the real contexts, the effective life of millions who doesn't have their rights protected or violations denounced, but if there isn't information or enough education, it's easy to manipulate the Public Opinion and give the image that there aren't problems affecting people so there is no need to act. If the worldwide human values based on democracy culture and Human Rights, as the dignity, peace freedom, justice, protection, solidarity and humanity, the media policies would be based on these, but the pressures are mostly determinate to the distort the real information. The output of all this, is a worry misunderstanding with dangerous consequences to the World and to the Humanity. The consequence of these findings should be the legal control in the law limits as well as the develop of the Education for Human Rights having in consideration the needs of each society, country and region with the objective to develop the knowledge of these Rights and, specially, the instruments and the methods to achieve the protection in its different areas.

### **3. Political Rhetoric and Democratic Education for Human Rights**

The Human Rights Education must be understood as never ending, always transdisciplinary (seen by social or educational contexts) and global, as the Human Rights would be (by the concept it is but effectively isn't = Theory versus Practice). Consequently, the aim of this Education should be the individual and social change supported by values (human and democratic), so everyone, everywhere must know this and have the capacity to implement and/or claim – juridical and judicially. Unless this education is developed by a pedagogy adapted to the needs of each society, this would be unsuccessful, as it could be misunderstood, there is always the need of pedagogical strategies in permanent evolution concerning the policies, the place (regional, national, local) and the social contexts.

If the knowledge is the key to develop a society, of a human being, to be able to develop the concept, it's important to assign the meaning of the culture based o values, as human dignity, freedom, justice, equality, solidarity, cooperation, tolerance and peace. So, the development of this Education is a culture construction, what is hard due to all adverse situations, pressures and actions

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forbidden, so, the perseverance and resilience are the flags to continue creating, influencing, sharing and mentalities consolidation based on the values presented.

However, this Education for Human Rights cannot be only in the Legal instruments or in the political rhetoric. This is the danger and the difficulty, because in the manipulation by the rhetoric is not visible at the first sight, listening or seeing, it is a thorough strategy, mostly hidden by ideas and ideologies generating images and behaviors completely different from the objectives or reality, with consequences to the evolution of the societies and to the Human Rights living (deprivation, violations or violence).

Considering the Democratic context – Policies, Juridical and Judicial – it is supposed to have the better support to develop the Education for Human Rights, through the United Nations “culture” in accordance with Regional and National Fundamental Laws. The complaints are accepted and there are legal instruments to be a help; The policies (theoretically) have the ideology based in Human Rights promotion and protection; The access to the news and different information is open to the different Mass Media, cross-borders, as well as, the connection between countries, governments, societies, is an excellent dissemination of the perception of the Human Rights relevance and all the Education and needs associated.

In conclusion, the History and the Actuality show us there is a long and hard work to do to have the Human Rights as a reality, as there are so many problems associated that it's impossible to believe we have a Humanity (or event great part) who knows their Rights, but this is utopia. So, each person, in its life, in correlation with the experts through the Education, supported by policies and legal instruments (used in all dimensions) would represent a great evolution for everyone all over the world.

#### **4. Portugal and Human Rights (1933-2016) Study Case: Law(s) vs Image(s)**

Portugal is an important study case concerning the Human Rights and the “art” of using the rhetoric to generate manipulated ideas supported in ideologies of social, cultural and political oppression and repression. During almost four decades, Antonio de Oliveira Salazar was the command of the Portuguese government developing a sui generis strategy of Public Opinion by their speeches and policies.

Despite the Constitution of Portuguese Republic (1933) state in its Article 8º fundamental rights, legally violated by the Regimen structures (for instance, the Spiritual Police who controlled everyone, everywhere, punishing without judicial process with torture and arrestments without charge or trial); a religious state obliging the society to profess a religion; the outside information and migration “closed” or limited, when not follow, object of persecutions and torture by state police; the international image based on false ideas and realities; (...) are examples of the reality completely different from the Salazar's rhetoric. This context generated a society misinformed, with social behaviors conditioned to illusory ideas and the political control (Antonio de Oliveira Salazar in the government and social command) aided.

The research developed conducted the finding: the Salazar persuasive art given to his speech and rhetoric, without the aim of true, in strito sensu, but with consequences situated exactly in the temporality and in the secular concern of the knowledge. The enounced democratic state construction, based on a new model different from the traditional, did not excluded the society from the political life, and Salazar did not leave the power and the authority cult. There was the rhetoric relativism through the eloquence supported in an intellectual strategy aiming the political objectives, manipulating the society to the compliance and acceptance of the ideas, opinions and instructions. It was the strategy of the acceptance by the seeming dialog (Campina, 2013).

The education and training, the means used by Salazar which allowed him to develop and assert himself into society were the genesis of the production, use and manipulation of Salazar's discourse. The speech has definitely been a mark of the trajectory of Antonio de Oliveira Salazar, in his rise to

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power - the goal of our investigation – even though the comparison of theory and practice takes us to a stint occurred between 1933 and 1968. The analysis of Salazar's speech allowed us a deep recognition of the regime, which lasted four decades, but demanded a functional analysis of this formidable strategic tool, which would certainly mark for a long time, even in different degrees, according to cases and sectors, by permeability or reaction, the collective mentality of the Portuguese citizens.

Since 1974 Portugal has a democratic regime and it was a complex change, specially to the politics and legal instruments, recognizing of the Human Rights UN Declaration and Agreements. There was a hard work to implement the promotion and protection of the Human and Fundamental Rights, facing a difficult scenario because, in these last four decades, there always had many undenounced violence and violations; the political rhetoric opposite to the reality, manipulating the society.

When Portugal joined EEC in 1986 there was a "new" political, judicial and juridical, there was a structured evolution but not enough to prevent the serious problems affected too many Portuguese people with Human and Fundamental violations and violence. However, it's possible to state there wasn't enough knowledge about the instruments and legal procedures each citizen would access to be advocated and protected.

Finally, the research gave important findings: there is some Education for Human Rights being developed, but in Portugal it's necessary to maintain the pedagogical actions, in the most different dimensions, to promote knowledge, promotion and protection. This is the most important strategy to construct a better society and to prevent human suffer, diagnosing the situations unknown or not announced and consequently unprotected.

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