Chapter 17
Protection of Fundamental Rights and Freedoms as a Universal Problem and Chaos Theory

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Abstract Protection of fundamental rights and freedoms and the removal of all forms of barriers has always been the focus of political, social and cultural struggles conducted throughout human history. In this struggle of freedom and protection of human rights and preventing violations, the necessary assurance mechanisms have been established depending on the success achieved and they vary from region to region calling for provision to eligible individuals. In today's world order, government, culture and geographical frontiers, human rights are an acceptable set of values considered indispensable within all domains and in recent years have become a matter of serious debate and research at both national and international level. This is because if fundamental rights and freedoms of a person are attacked his personality and dignity in everyone's view are violated too. In this respect, the person who violates the right of the one attacked ends as more than a personal reckoning and this is an issue that should be addressed in a universal dimension. This study is intended to bring out the impact of chaos theory on the implementation of human rights as a mechanism of protecting fundamental rights and freedoms.

Keywords Fundamental rights · Freedoms · Chaos theory · Complexity

17.1 Introduction

Protection of fundamental rights and freedoms and the removal of all forms of barriers has always been the focus of political, social and cultural struggles conducted throughout human history. In this struggle of freedom and protection of

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human rights and preventing violations, the necessary assurance mechanisms have been established depending on the success achieved and they vary from region to region calling for provision to eligible individuals. This is because if fundamental rights and freedoms of a person are attacked his personality and dignity in everyone's view are violated too. In this respect, the person who violates the right of the one attacked ends as more than a personal reckoning and this is an issue that should be addressed in a universal dimension. Otherwise, it remains up to the audience's persecution, and if we don't react to that attitude we would become a partnership to that persecution (Öztürk 2013).

17.2 Fundamental Rights and Freedoms as a Concept

In the academic and philosophical understanding, the emergence and development of the phenomenon of human rights is almost as old as civilization. In this sense, the theme of human rights and the social life that reveals the concept of "legitimacy of the state" is discussed in the academic world in close association with natural rights especially in the realm of theory. This debate today, is very meaningful especially against the deep violations in the field of human rights.

In the historical development process, the concept of what is covered in human rights has been and is always a subject of heated debate and struggle in the philosophical and political fields but tragic statements have been seen in the violation of human rights especially in war and economic crisis eras. Despite this gloomy atmosphere all cases of human rights from this struggle could be strengthened on the conceptual, institutional and practical plane. As a result of the major economic crisis in the world, the point of compromise has always been to "promote and safeguard human rights" (Ural 2013).

Beyond being "a moral ideal" (Erdoğan 2007), Human rights, is an important element of the strategy developed for the establishment of peace in the world that has a modern security concept dubbed "confidence-building measures". In this context, the most precious element of peace which will be used in the establishment of stability, peace and security in national and international order is "human rights".

When we talk of human rights two factors come to mind. The first of these is "human", the other is the "right phenomenon". Besides human existence in material form, spiritual aspects of the person as a whole are of supreme value. If the concept of rights in general is "true, correct and receivable", it offers a meaning "next to the protection and benefits that must be observed with other material and spiritual values". In this context, in a country where human rights are one of the most important indicators of existence, respect and value are given to people. In addition, the main purpose of the law is; to determine what right belongs to whom, to protect the rights and to eliminate all kinds of violations of human rights. The rule of law meanwhile determines and balances the rights and responsibilities of individuals and society. What is important in a modern legal system is to provide unrestricted

and unconditional rights for people to have the confidence to live together in dignity and honor as much as possible.

The concept of human rights also refers to the freedoms that people have. In this context, "rights and freedoms" are facts which actually complement each other. This is because a right can be realized through freedom, but also freedom is a right in a way. In other words, a right at the same time implies a demand for freedom. Because the request is not authorized or empowered by law, enforcing the protection of a right is not likely to happen.

The field of human rights has always extended in the historical process. Civil and political rights consist of first-generation rights, while we view economic, social and cultural rights which developed in the middle of the 20th century as representing the second generation rights, in this period we refer to globalization and the information age rights such as the right of individual-state relations as those which define the third generation rights, beyond this though there are scientific rights against the possibility of the misuse of technological developments and essential features of human dignity which have been raised calling for the human being to be concerned about situations (such as the right to the fetus). Here some arrangements should be made in areas pointing to the fourth generation of rights. All of these processes have been reviewed as testimony to the emergence of new rights, along with the redefinition of existing rights (Tezcan et al. 2011).

Today, "the content of human rights" is equally important as the subject of fundamental rights, especially the methods and mechanisms which can be used to protect human rights. Because lived social and political experiences sometimes show that traditional security mechanisms are inadequate, the advances in human rights theory could not be reflected into practice quickly and accurately. Thus, the universal quest for a standard of achievement in the field of human rights has always been an application reflected in how better to establish new mechanisms or looking to strengthen the existing ones and how to be protected against possible dangers. In the historical process we live in, despite the grave situation faced in many regions of the world, inadequacy of existing mechanisms that disturb the human conscience and efforts in this direction will continue to increase the intensity today.

On such an important subject of human rights, the academic, philosophical and practical work can be grouped under two main headings. The first is determination of the extent of human rights, the other is related to how effectively the study of human rights considerations can be protected and improved.

This article will examine how to draw on the scope of human rights. Accordingly international mechanisms for the protection of human rights will be discussed and the functioning of these mechanisms in terms of managing chaos will be examined too. The functioning of processes towards the protection of human rights in chaotic situations holds an important place in literature of the present international system and this article will add a key difference to the discourse in this respect.

17.3 Chaos and Management as a Concept

> Chaos is inevitable. In the sense that perturbation is evolutionary, it's also desirable. But managing it is essential. It's no use for any of us to hope that someone else will do it. Do you have your own personal strategies in place?
>
> C.P. Brinkworth 2006

Chaos means that strategies go wildly astray. It is often associated with missed deadlines, understaffing, runaway costs, and similar situations generally considered negative (Hubler et al. 2007). Under these circumstances "Chaos" describes a situation where the goals of a strategy are unachievable and therefore the outcomes become random, unpredictable and often undesirable.

In organizational development, chaos theory is a subset of more general chaos theory that incorporates principles of quantum mechanics and presents them in a complex systems environment (Wikipedia, the free encyclopedia 2014). To the observer the systems seem to be in chaos. The claim therefore is that organizational development of a business system is the management of that apparent chaos.

Any of the administrative sciences wishing to guide firms, agencies and governments through the cycles of uncertainties in an increasingly complex and changing environment might well consider the findings of the new science of Chaos (Young and Kiel 1994). Chaos theory deals with the changing relationship between order and disorder in the behavior of natural or social systems. Chaos theory is so fundamentally different from previous understandings of social and natural dynamics that an entirely new paradigm for the knowledge process is required.

Young and Kiel (1994) also opine that the chief elements of the new paradigm include (1), the nonlinearity but self-similarity of systems dynamics, (2), qualitative transformations to new dynamical states, (3), progressively more complex outcomes as well as (4), the appearance of new forms of order out of even the most chaotic regimes.

The expected enables stability and helps us live comfortably. The unexpected changes our lives and the lives of organizations. As strategic leaders, we can build a positive future out of chaos. But without management, chaos can produce arbitrary outcomes, some may be very positive some may be very negative. If the management does a good job in prioritizing ideas for implementation the overall outcome is positive. Traditional, control-oriented, resource and bottom-lined focused Management approaches have been consistently shown to be ineffective in handling change, chaos/complexity, or globalization.

Chaos Management is a catalyst for change in organizations. It can provide tools and solutions for collaborative, equitable, and participatory work through consultation, facilitation and education. Macnamara (2013) postulates that the concept of managing change comes from the erroneous belief that we can control it, direct it, contain it, slow it down or even speed it up. (The "it" being the many external forces of customer expectations, market value shifts, changing regulations/standards, and more, plus the internal processes, efficiencies, employee attitudes, etc.) Managing after all, is mainly about the organization and control of resources in order to achieve specific goals or results.

Managing change requires facilitating continuous innovation, while managing Chaos & complexity calls for connecting systems & networks to lever novelty and improved value. Indeed Billie (2010) laments that from this decade, forward; management practice will take a completely new direction. For those in health care management this will mean greater focus on strategy as well as the recognition of management's new realities. For starters, management in this decade will be directed and informed by the dictates of chaos management principles. These principles include: steady state chaos; chaotic direction; and managed focus implementation.

Taneja et al. (2013) contend that managing chaos is a strategic and tactical leadership imperative which can positively or negatively impact an organization's competitive capability and potential for long-term success and survival. Strategic thinkers should use a strategic management process which is capable of being consistent and improving organizational processes as well. Particular emphasis is given to strategic management in eras of paradigmatic chaos, i.e., in eras that are defined by chaotic, disruptive change.

Dolan et al. (2000) in their article entitled Organizational Values as "Attractors of Chaos": An Emerging Cultural Change to Manage Organizational Complexity, write that traditional management approaches fail to achieve is a confident reliance on human adaptation to turbulent environments. Both giving orders (Management by Instructions or MBI), and defining objectives (Management by Objectives) do not incorporate dealing with changes into their principal philosophy, and consequently fail to help organizations operating in turbulent environments. To deal successfully with complexity, chaos, and turbulence means to be embroiled in constant processes of change. A common view of managing change in organizations implies managing a cultural change, which affects the members of the organization directly. It for this reason that we should humanize the concepts and tools that are used in the change processes.

Dolan et al. identify the following conditions for adaptation to turbulent environments

- Reach shared ends and principles
- Generate trust to deal with uncertainty
- Work with flexibility
- Explore chaotic situation to develop creativity and innovation
- Simplify structures and rules
- Self-organize
- Stimulate participation and collaboration
- Create social responsibility
- Create high quality relationships between oneself and others
- Accomplish well-being in both ethical and emotional aspects

The bottom line therefore is that chaos is prevalent in organizations and all other systems. In the contemporary setting, chaos is looked at as something positive if well-handled and thus negative if neglected or poorly handled. The most important function in this case therefore is management with which every element of chaos

would be effectively dealt with. Managing chaos not only becomes a calling but actually inevitable. In this study chaos management is examined as expendable and indispensable or rather a sine qua-non for organizational and institutional success.

17.4 Human Rights Protection Within the United Nations

When we consider it in chronological order, the first efforts relating to the protection of fundamental rights and freedoms at the international level were the 1899 and 1907 Hague Peace Conferences. In 1899, the First Conference of Hague was organized upon the request of the Russian Tsar Nicholas II. By an edict dated Wed, 24 August 1898, making such a meeting brought an agenda for discussion of the development of interstate relations, the preservation of peace and disarmament issues which was welcomed by the countries which were being crushed under the weight of the other states during the arms race, so, on May 18th 1899, the First Peace Conference was held at The Hague with the participation of 26 government representatives (Gönlübol 1975).

At the end of the conference, the Hague Conventions for the International Pacific Settlement of Disputes agreement was signed. The 1899 conference resulted in the aforementioned Convention of 1907 and with the subsequent addition to the new Hague agreement of a charter, a set of rules that must be followed during the war, was established (Tezcan et al., 2009).

As a result of negotiations in the Conference a consensus was reached; everyone regardless of nationality, but issuing from the nature of being human, is subject to the rights and obligations of international law, both as a subject and object (Ball 1999). Accordingly, the 1899 Convention and the 1907 Convention are regarded as an extension of the process adopted in the annex of regulations through which some acts were prohibited in times of war. Among these acts are: attacking unprotected towns and cities, destroying enemy towns and cities arbitrarily, ill-treatment of prisoners of war, violating the independent status of a state and etc.

However, given cases of violation of the prohibitions referred to, the control function established as a mechanism can be seen to have failed. The Peace conference attended by 26 governments established a Permanent Court of Arbitration, however, this Court, having jurisdiction in the true sense was not an organ with power and authority, in case of disagreement between states judges could be selected from a list containing the names of the judges constituting the said states (Gönlübol 1975).

The first court to be established in the international arena was the International prize Court. On 07/18/1907 during the second Peace Conference at The Hague, the convention for the International Court of confiscation was adopted. But due to the fact that this agreement did not elicit the approval of the parties, its operations did not become operational at any time (Özbey 2010).

By articles 4 and 5 of this contract people were given the real right to apply directly to the court.

On 12/20/1907 a group of states located in the Americas by special agreement created the Central American Court of Justice which has been serving as the first actual international court. This Court, as agreed by the parties served for a period of 10 years and in 1918 the activities of the court ended.

After World War I, one of the courts that provided people with the opportunity/right to apply is known by the name "Mixed Arbitration Tribunal Court", the UMS court was used just to win over the citizens of the German state against their own claim to compensation. The courts in question consisted of two members of the concerned State; the results were determined by the head and also the two government representatives in total consisting of 3 members. In these years another court working in an organized manner which became operational on 09/02/1921 and established by the League of Nations was the Permanent Court of International Justice. The Court started work on 15/02/1922 and the activities of the court ended on 18.04.1924.

After the Second World War the "International Court of Justice" was established under the United Nations with similar duties and powers in place of the Permanent International Court of Justice. Here again, the people did not have authority to apply directly to the Court.

Even the International Court of Justice just like the International Court of arbitration with the Permanent Court of Justice before, could not try individuals. However, as highlighted in the Nuremberg trial, which constitutes a serious violation of international law, those who commit crimes are not abstract institutions but real people all the time. The rule of law shall provide for such a person to be punished (Tezcan et al. 2009). The most important activity of a criminal trial is conducted by the recently established "International Criminal Court". The Rome Statute outcome document dated 17.07.1998 adopted by 120 states, seven states (U. S., India, Israel, Bahrain, Qatar, China, and Vietnam) against, and 21 absentees adopted the Statute of the Court. As before this is established in the international criminal court 4 times. This court was established to prosecute offenders of Genocide and crimes against humanity respectively: Nuremberg International Military Tribunal (was established to prosecute German Nazi war offenders and managers); Tokyo International Military Tribunal for the Far East (the court having jurisdiction over the Pacific to prosecute crimes committed by the 28 Japanese citizens in the area who served in the war; these cases included crimes against peace, conventional war crimes, and crimes against humanity); International Criminal Tribunal for the former Yugoslavia (the tribunal was set up to try those in former Yugoslavia with crimes against humanity, and grave breaches committed within the territory); Rwanda International Criminal Court (1990 and 1994 in Rwanda, the resulting civil war, along with the Hutu tribe, the Tutsi tribe genocide against the opposition moderate Hutus with about 800 thousand people killed as a result of the 11/08/1994 date and by the 955 decree of the United Nations Security Council the establishment of an international criminal tribunal for Rwanda and the status determination was adopted. The court began its work in 1995).

Besides the international courts, particularly within the United Nations after the Second World War, many contracts were signed. On 01/01/1941 at the United

Nations Declaration a contract was discussed and was to be signed subsequently on 26.06.1945 as the United Nations Charter. However on 10/24/1945, the approval process was completed. This was to turn out to be a cornerstone in the history of mankind in terms of a very important document dubbed the "Universal Human Rights Declaration" of the United Nations General Board which was adopted and attained effective operation on 10 December 1948.

After World War II the United Nations Charter was signed, but in the charter, human rights and fundamental freedoms are considered as only one, the charter does not specify them one by one and did not explain them as well. These deficiencies within the United Nations Human Rights Commission were corrected the "Universal Declaration of Human Rights" prepared by the United Nations was adopted and proclaimed by the General Assembly on 10 December 1948.

Declaration of the United Nations General Assembly resolution technically does not offer authority and obligation to signatory states. However, the platonic nature of a list of rights within the "the United Nations Universal Human Rights Declaration", makes it one of the present documents that are legally binding in terms of rights and thus symbolizing a landmark in the processes of human development and the history of mankind (Kapani 1981). The lack of a binding dimension within the Declaration of the United Nations establishment was reviewed under the contracts prepared by the commission. During the preparatory phase of human personality a lot depends on "fundamental" rights. There is need to ensure that social and cultural rights profit from socio-economic development fully and urgently according to levels and interests of the different groups of people. In order to realize the idea, different control mechanisms were envisaged which resulted in two contract preparations: in 1966 the International Covenant on Civil and Political Rights was opened for signature and in January 1976 became operational whilst the International Covenant on Economic, Cultural and Social Rights came into effect in March 1976. This Agreement encompasses such a wide range of personal, legal, civil, political, livelihood, economic, social and cultural rights (Donelly 2000).

Human rights at the international level in terms of preserving contracts are extremely loose (Kapani 1981). However an assurance system that creates a general consensus that more flexible and gradual mechanisms bringing out the idea that the present settings contain rights that are interrelated and interact has been reached (Donelly 2000).

Civil and Political Rights Convention hold important and classic rights and freedoms of persons. Under this agreement "Human Rights Committee" organ was formed to spy on the implementation of the rights and freedoms of other State Parties and to assess whether appropriate action is being implemented thereof. Accordingly, the Committee on the other side of the state has the right to complain about the alleged breach of contract related to one of the State parties. For this, both parties must accept the Committee's examination authority. This is a valid way for "government applications". Also the optional Protocol to the Convention "personal application" was adopted and accordingly member states can complain about their rights being violated by an individual. In this case, the committee provides a review of the scenario and decision-making is swiftly undertaken. For this, the state must be party to the protocol.

However, as in the Court there is no serious mechanism to supervise and to follow the decisions of the Committee. Even the "Tracking Method" formed by the committee is also unable to perform this task effectively (Özbey 2010).

Another International agreement adopted by the United Nations is the "Convention on the Elimination of All Forms of Racial Discrimination" dated 21.12.1965. A committee was established with the objective of tracking the rights and freedoms defined in the Convention for consideration under the responsibility of the member states. In case of violations against one of the state parties, another state party complains to the Committee. If the Committee does not remove the conflict between the parties within 6 months, a "Reconciliation Commission" shall be established. However, this commission is not binding on the parties under sanctions. In addition, real people, individuals and groups in the community, are entitled to "personal application" citing their grievances to the Committee. For this, the actual application against the state should be preceded by a declaration in advance accepting the jurisdiction of the Committee on this subject.

Another United Nations Convention that became operational on 26.06.1987 is the "the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment". These mandatory reports stipulated in the contract that state control by way of reference and personal reference is provided as a task and responsibility of states. Following the establishment of the "Committee against Torture" many other organs have been named too. In this regard the State party accepts the jurisdiction of the committee with regard to whether there are rights of reservations.

Another United Nations Convention signed with full assertion to realize crimes against Women and became effective on 18.12.1979 is the "Convention on the Elimination of All Forms of Discrimination against Women". Under the contract, a "Committee" was established and an optional protocol called "personal remedy" was also adopted. However, the Committee had no authority to request for a report containing the measures taken regarding violations of women rights other than notifying concerned parties on this issue.

An important control mechanism within the United Nations is evaluation of the application by the member states relating to human rights violations that are conducted by a person. This is done by "United Nations Commission on Human Rights". Commission and Sub-Commission take a stand or decision by examining violations by subject and creating a series of reports and making recommendations to the State party. The said report is presented to the "Economic and Social Council". That way an indirect pressing is made on the states concerned. Applications are made to the "United Nations Human Rights Center" established by the "United Nations Secretary-General's" based in Geneva. The state does not have a binding decision as required by the Commission as well as the Economic and Social Council (Özbey 2010).

The major Conventions and Declarations formed by the United Nations are:

- United Nations Universal Declaration of Human Rights;
- United Nations Economic, Social and Cultural Rights;
- United Nations Convention on the Rights of the Child;

- World Conference on Human Rights;
- Declaration of Basic Principles on the Role of Lawyers;
- Principles for the Role of Prosecutors;
- Declaration on the Elimination of all Forms of Intolerance and Discrimination based on Religion or Belief;
- The United Nations Basic Principles on the Independence of the Judiciary;
- United Nations Conference on Human Settlements Habitat II Declaration—Istanbul;
- The United Nations Millennium Declaration

17.5 Protection of Human Rights at the Regional Level

Development of regional protection systems in terms protection of human rights is an effort supported by the United Nations. On a regional basis the "Central American Court of Justice" is one of the oldest international bodies with a contract made between Costa Rica, Guatemala, Nicaragua and El Salvador, to carry out audits of the Latin American states, it was established in 1907 and its duties ended in 1918 (Özbey 2010). The most important of all documents protecting human rights at the regional level is the European Convention on Human Rights signed on 4 November 1950 with the full name "European Convention for the Protection of Human Rights and Fundamental Freedoms". A legal obligation is imposed on the side of the states to provide and protect the rights and freedoms contained in the Convention. This aspect provides that the rights and freedoms of individuals based on the assurance of judicial sanctions are to be made subject to a control feature which is different from the Universal Declaration of Human Rights (Akad and Dinçkol 2002). Another important document at the regional level which was signed on November 22, 1969 and became operational on July 18, 1978 is the "American Convention on Human Rights" (Kapani 1981). The Organization of American States from across the continent which had gathered in Bogotá before, published the "American Declaration of Human Rights and Duties" in the 9th Pan-American Conference of 1948.

The "American Convention on Human Rights", signed in 22.11.1969 and became operational on 18.07.1978 inspired the creation of the Universal Declaration of Human Rights by the ECHR. The "American Commission on Human Rights" and "American Human Rights Court" was established as bodies guaranteed under the agreement to conduct audit activities relating to rights. The U.S. is not a party to the agreement in question (Özbey 2010).

Later in the year 28.06.1981 African Heads of State and Government agreed to the "African Human Rights Charter" with the Summit in Kenya's capital Nairobi. This charter became operational on 21 October 1981. In order to realize people's rights and to ensure proper protection of the same, the Organization of African Unity established the "African Commission on Human and Peoples' Rights" to present an

element of accountability in the eyes of Africa. The second organ to handle Control mechanisms however is the "African Heads of State and Government Conference".

The Commission which started work since 12 June 1989 examines member states, non-governmental organizations and the applications made by individuals. However, rights under the African Charter on rights suffered serious challenges and thus a meeting of the Organization of African Unity was convened in Cape Town in 1995 with an aim of establishing a court. At the meeting, a protocol floating the idea of establishing the "African Human and Peoples' Rights Court" was adopted by the Contingent. In September 1998, the Heads of State and Government accepted the "Additional Protocol to the African Charter" and dully signed it for recognition. It was agreed that in case 15 States ratify the Protocol, it becomes fully operational.

Another document in this field is the "Commonwealth of Independent States Human Rights and Fundamental Freedoms Agreement" passed in 1995 by the former USSR states, including a portion on the dissolution of the union may have on the Commonwealth of Independent States depending on the seven-states identified.

To ensure respect for human rights in the international arena the other document the "European Security and Cooperation Conference" was signed by the 35 countries who participated in the Helsinki Final Act in 1975. In principle the document intended to guarantee human rights but legally does not have the nature of a contract. However, the countries' "sovereign equality" and "the inviolability of borders" next to principles like "human rights and fundamental rights and freedoms" were based on a treaty that hinges on respect. Hence the importance of the Helsinki Final Act on the concept of human rights has been adopted as a common value lying between ideologies (Kapani 1981).

In the European Security and Cooperation Conference Summit of 19–21 November 1990 however, the "Charter of Paris" renewing views on the disarmament treaty known as the "European Conventional Forces Treaty" (CFE) and human rights, democracy and minority issues was adopted. In the Charter of Paris, human rights and fundamental freedoms of all people, inalienable rights that are acquired with birth were guaranteed by law. Their protection and promotion is the duty of the state. Respect for them creates real guarantees against an overbearing state. Adherence to and full implementation of freedom, and justice is the foundation of peace.

The last European document in this field is "European Charter of Fundamental Rights" signed on 7 December 2000 in Nice /France with a future bearing on the Constitution of the European Union as a part. The number of rights, freedoms and principles that constitute the European Charter of Fundamental Rights declaration and the quality extended to the rights cannot be considered legally binding. Therefore, it is appropriate to claim that the declaration itself and the rights enumerated in the declaration do not impose any obligations on states.

Attributes of the document are stated in the introduction of document itself as follows:

> "The peoples of Europe have resolved to share a peaceful future, in order to create an ever closer union among them based on common values. Awareness of spiritual and moral heritage, the indivisible union and universal values of human dignity, freedom, equality and solidarity are built on values. It is based on the principles of democracy and the rule of law.

> The union is the center of all activities for establishing freedom of citizenship, security and justice in the region…. This Declaration, takes into account the Community and the Union's powers and duties and the principle of subsidiarity, and in particular the Member States' common international obligations and constitutional traditions of the EU Treaty, the Community Treaties, the European Human Rights and Fundamental Rights and Freedoms Convention for the Protection of the Community and by the European Council Social Charters adopted and the European Court of Justice and the European Court of Human Rights case law confirms the rights arising from there …"

However, this is not a factor affecting the political weight of the document. It is an argument that all this would be a basic reference for the internal affairs of EU states whose leaders approved this document yet for the candidate countries, they are also bound by the criteria for determining human rights established at the Copenhagen Summit.

Among the major declarations occurring on a regional basis include the following:

- The American Convention on Human Rights;
- African Charter on Human Rights;
- European Convention on Human Rights; European Social Charter;
- European Convention for the Prevention of Torture;
- European Charter for Regional or Minority Languages;
- Convention for the Protection of National Minorities

In addition, in the framework of the Organization for Security and Cooperation in Europe (OSCE), documents, papers, and meetings such as Helsinki Outcome Document; The Charter of Paris; Monitoring of Madrid Meeting; Vienna Monitoring Meeting; Moscow Human Dimension Meeting; Helsinki Summit Declaration; Budapest Summit Declaration; Lisbon Summit Declaration; The Istanbul Summit Declaration; Copenhagen Meeting on the Human Dimension etc. were held.

If we examine the documents by the European Union, the following come to the fore: Declaration of Fundamental Rights and Freedoms; Declaration on Racism and Xenophobia; Declaration of Human Rights; Anti-Discrimination Directive; Decision on Human Rights, Democracy and Development; Agenda 2000 Report and the European Charter of Fundamental Rights.

17.6 Relationship Between Chaos and Complexity and Protection of Human Rights Mechanisms

The idea of human rights protection coming under the auspices of the UN was sown in the Preamble to the UN Charter. It was further reflected in the provisions of the UN Charter and the UDHR. Human rights were then spelled out in the two UN Covenants, the ICCPR and the ICESCR, which represented much refining of the rights and freedoms set forth in the UDHR. The relatively recent introduction of the

Second Optional Protocol on the abolition of capital punishment highlights that human rights are not static; they continue to evolve.

It is obviously important that UN human rights instruments be assessed as to their impact on promoting and protecting the human rights of individuals who are the nationals of contracting parties (Steinerte and Wallace 2009).

Accordingly a number of mechanisms have been introduced in an attempt to monitor compliance with each human rights treaty. The main international human rights treaties have established special committees which have been specifically entrusted with the task of supervising the way countries abide by their treaty obligations.

These treaty bodies, of which there are currently nine, have been created pursuant to the relevant UN human rights treaties, as follows (Steinerte and Wallace 2009):

- the Human Rights Committee (HRC), created under the ICCPR
- the Committee on Economic, Social and Cultural Rights (CESCR), created under the ICESCR
- the Committee on the Elimination of Racial Discrimination (CERD), created under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- the Committee on the Elimination of Discrimination against Women (CEDAW), created under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- the Committee Against Torture (CAT), created under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), created under the Optional Protocol to the Convention against Torture (OPCAT)
- the Committee on the Rights of the Child (CRC), created under the Convention on the Rights of the Child (CRC)
- the Committee on Migrant Workers (CMW), created under the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW)
- the Committee on the Rights of Persons with Disabilities (CRPD), created under the Convention on the Rights of Persons with Disabilities (CRPD).

Similarly, a Committee on Enforced Disappearances is set to be created under the International Convention for the Protection of All Persons from Enforced Disappearance, which was opened for signature on 20 December 2006.

Human Rights are guaranteed under international law but working to ensure that they are realized and taking up the cases of those who have had their rights violated can be a dangerous activity in countries all around the world. The work dully falls in the hands of the human rights defenders. Human Rights Defenders are often the only force standing between ordinary people and the unbridled power of the state (Enrique and Marie 2009). They are vital to the development of democratic processes and institutions, ending impunity and the promotion and protection of human rights.

Human Rights defenders often face harassment, detention, torture, defamation, suspension from their employment, denial of freedom of movement and difficulty in obtaining legal recognition for their associations. In some countries they are killed, abducted or "disappeared."

Over the last few years, general awareness has increased of the enormous risk human rights defenders face in their work. The risk is easy to identify when defenders work in hostile situations, for instance, if a country's laws penalize people who do certain types of human rights work. Defenders are also at risk when the law fully sanctions human rights work on the one hand, but fails to punish those who threaten or attack defenders on the other. In armed conflict situations, the risk becomes even higher.

Apart from a few chaotic situations during which a defender's life may be in the hands of soldiers at a checkpoint, the violence committed against defenders can't be called indiscriminate. In most cases, violent attacks are a deliberate and well-planned response to defenders' work, and linked to a clear political or military agenda.

These challenges require human rights defenders to implement comprehensive and dynamic security strategies in their day-to-day work. Giving defenders well-meant advice or recommending that they "take care" is not enough. Better security management is key. This manual does not offer tailor-made solutions ready to be applied to any scenario. However, it does try to provide a set of strategies aimed at improving defenders' security management.

Meanwhile according to the ILC infonote (2012), human rights defenders usually work in complex environments, where there are many different actors, and which are influenced by deeply political decision-making processes. Many things will be happening almost simultaneously, with each event impacting on another. The dynamics of each actor, or stakeholder, in this scenario will play a significant role in that actor's relationships with others. Human rights defenders therefore need information not only about issues directly related to their work, but also about the positions of key actors and stakeholders.

17.7 Conclusions

Chaos theory reflected in its management is a contemporary issue that bothers all institutions alike. But it does not get more intriguing than when subjected to protection of human rights. Indeed the debate about the issue of human rights in the international conjuncture intensified especially after the Second World War and academic studies have focused on the next steps towards implementation.

With the onset of war, sometimes human, sometimes mythical, philosophical or ideological reasons are offered although the underlying facts are often conflicts of interest of the state. The Second World War saw the birth of a new race based on interests of the sovereign states, and as always there was a strong common interest among states resulting in a general consensus. However, the real victory in this

battle was the victory achieved against dictators and totalitarian regimes declared as a success that the world could easily detect. In such an atmosphere, the United Nations as a world peace project idea was proposed and accepted. The United Nations Organization, in the foundation stage, claims that global peace is directly related to human rights and declared its commitment to this idea. As a result of this understanding, the famous Universal Declaration of Human Rights was proclaimed in 1948. That way, human rights won a universal identity for the first time in history, provided a general consensus regarding validity and also became one of the main concepts or subjects of national law in addition to being the individual subject of international law (Öztürk et al. 2013).

In this context, human rights protection and development has taken new steps in furthering the long-standing existing judicial and administrative mechanisms, in addition to continued developments occurring as a result of the 2nd World War in particular. These developments have been considered by governments and international organizations alongside people of international law subjects and are reflected within teams that concern themselves with protection of human rights. According to the rules of human rights law, while editing obligations at the national level, the state of relations between the individual and the state are expanded to include references to supranational rights of individuals. This opens up to searching for other mechanisms to address the human rights challenge (Tezcan et al. 2009).

In the historical process, when human rights practices are examined, the great massacres in the world and humanity's blind conscience will continue to bother us just like grave conflicts. Meanwhile the international community's agenda to engage hunger and poverty will continue since these are given the protection and tag of human rights. Therefore in any kind of academic work that will be done in this area, humanity will continue to be significant and indispensable.

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