

## The Necessity of Humanitarian and Legal Protection at the Stages of Criminal Investigation

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### Abstract

The relevance of fundamental individual rights in national criminal justice systems is well established. For instance, the Magna Carta of 1215 guarantees liberty, a fair criminal trial, legality, and equitable punishment. International human rights law has grown in importance, especially after WWII. Human rights have shaped the criminal justice system in recent decades, making it a crucial legal topic. This is anticipated, as illustrated in the following paragraphs. The criminal justice system is the state's most powerful instrument amid domestic tranquility. This phenomenon is usually coercive. Criminal law and procedure always violate an individual's freedom and social space. To repress more severe offences and protect individual rights against even greater infringements, a criminal justice system may be required. Safety and protection of the population are governmental priorities. States cannot offer appropriate security without criminal justice institutions, as has been shown throughout history. Thus, the criminal justice system is vital to governmental authority. Due to the nature of the criminal justice system, every Rechtsstaat (state that follows the rule of law) has a monopoly or major authority over criminal justice. Human rights belong to people and communities, not the state. Many believe these rights are inherent and unalienable and that everyone has them by virtue of their humanity. Even from a positivist viewpoint, human rights involve vital concepts to protect people against governmental power. International human rights treaties, which include processes for individual complaints, and constitutional reforms have improved the legal protection of individuals. Given the criminal justice system's inherent oppression and the expanding legal enforceability and protective aim of fundamental principles, human rights are expected to have a substantial influence on criminal justice. Thus, human rights are not incompatible with substantive criminal law, criminal procedure law, and sentence law, which constitute the foundation of the criminal justice system. There are similarities between criminal law and human rights laws that apply to the criminal justice system. The concepts of proportionality, subsidiarity/necessity, honesty, and justice underpin criminal and human rights law.

**Key Words:-**Human Rights-criminal investigation- legal-Legitimacy - procedural-Inferences

### Introduction

The issue of human rights has assumed a prominent position and a significant obligation in the realm of international relations. Numerous international charters, accords, and declarations have been established, giving rise to the body of legislation sometimes referred to as international human rights law and international humanitarian law.

Several key international legal instruments are considered to be of utmost significance. These include the Universal Declaration of Human Rights, the Four Geneva Conventions, the Two Additional Protocols Concerning International Law in Armed Conflict, the 1948 Convention for the Prevention of the Crime of Genocide, the 1966 Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. The aforementioned treaties include the Convention against Torture, the Convention against All Forms of Discrimination against Women, the International Convention on the Rights of the Child, and the Statute of the International Criminal Court. The African Charter on Human and Peoples' Rights has significantly contributed to the safeguarding of human rights at the regional level.

International treaties and conventions have been formed to define the fundamental norms that provide a particular framework for law enforcement officers in their professional conduct, with the aim of ensuring security between states. The objective of these principles is to develop sufficient safeguards for the protection of human rights and basic freedoms across all domains and aspects pertaining to law enforcement activities. The primary responsibility of judicial police officers is to identify and investigate criminal offences, as well as apprehend the individuals responsible for their commission. The primary duty of judicial police officers is to conduct thorough investigations, gather pertinent information pertaining to the crime, and then present it to the investigating authority for careful examination and scrutiny. This process aims to facilitate the right decision-making process, which may include initiating a criminal case if the requisite circumstances are satisfied. During the process of making deductions, law enforcement officials who possess judicial power are required to comply with procedural legality and uphold the values of human rights as outlined in the Constitution and relevant laws.

Throughout many phases, criminal law establishes legal provisions that govern the violation of individual liberty, whether via the process of criminalization or punishment, the processes used against the offender, or the subsequent enforcement of penalties. When the topic of freedom is brought up in academic study, the notion of legality arises as a means to establish the acceptable boundaries within which it may be addressed. The concept of human freedom under these particular conditions

## **2. The humanitarian framework of the rules of human rights**

### **2-1: The nature of human rights, their importance, and their characteristics**

The idea of human rights refers to the fundamental rights and liberties that every person possesses by default, regardless of their nationality, ethnicity, gender, or any other distinguishing characteristic. The idea of human rights is subject to ambiguity, since some individuals see it as a highly adaptable or indistinct notion without clarity in its defining characteristics. Some individuals see it as a multifaceted idea that encompasses several elements, such as economic, political, and social aspects. Additionally, there exists a subset of individuals who hold the belief that the notion of human rights In several regions around the globe, the defensive stance will persist.

The notion of human rights encompasses two distinct interpretations. One fundamental assertion is that individuals possess inherent and unalterable entitlements only by virtue of their human status. The moral rights discussed below derive from the inherent humanity of each individual and serve to ensure the preservation of their inherent dignity. The secondary connotation of human rights pertains to the legal entitlements that have been created via legislative procedures within domestic communities. Both parties involved are of an international nature. The legal scholar According to Horio, human rights can be defined as a collection of acknowledged rights that are deemed fundamental within a particular stage of societal development. Consequently, it becomes imperative to safeguard these rights through specialised legal protection, which the state ensures, thereby guaranteeing their non-violation and outlining the mechanisms for their preservation.

### **The importance of observing human rights**

The significance of upholding human rights lies in their objective of safeguarding human dignity against any form of infringement. It is important to keep in mind that human rights are inherent rights rather than obligations, which means that the state does not grant or confer them upon citizens. Instead, they impose a responsibility on the state and its personnel to respect and uphold these rights, with appropriate measures in place to hold them accountable and penalise any transgressions. Engage in the infringement of any fundamental human rights. The infringement of human rights not only impedes social integration but also obstructs social adaptation, a concept emphasised by Dor Kaym as a fundamental aspect of an individual's harmonious coexistence within their own community. According to Dor Kaym, social adaptation manifests itself via an individual's subjective emotional experiences. The person is situated inside the family unit, which serves as the foundational cell of human society.

## **2-2. Human rights characteristics:**

Human rights include a range of distinct features, including several aspects. One such characteristic is the comprehensive nature of human rights and freedoms, which extend throughout an individual's lifespan, beginning with their entitlement to a place of residence and culminating with their entitlement to a dignified burial. They chronicle an individual's existence from birth to their eventual death.

Human rights and freedoms are distinguished by their equivalence and mutual exclusivity. The infringement of any of these rights results in the violation of other rights.

The interdependence and intersectionality of human rights and freedoms are evident, since the exercise of one right or freedom necessitates the use of other rights. The exercise of an individual's right to participate in political parties is contingent upon their use of the freedoms of assembly and expression of opinion.

The concept of human rights is subject to relativity. The extent of rights and freedoms recognised for people varies across different political systems, resulting in the contraction or expansion of these rights and freedoms when they transition from one society to another.

Human rights are universally applicable to all individuals, regardless of their nationality or immigration status. These rights are not selectively granted to certain individuals while being denied to others, as such discrimination would be deemed a violation of the fundamental principle of human rights, which recognises the inherent worth and dignity of every individual.

Human rights and liberties are inherently non-negotiable and cannot be relinquished under any circumstances or for any rationale. Furthermore, they are not susceptible to confiscation and are not bound by any time constraints imposed by legal statutes.

The creation of human beings coincided with the development of rights and freedoms, which were shaped by the prevalent economic and political notions and ideologies throughout history.

## **2-3: Patterns of human rights**

### **2-3-A: Civil and political rights:**

Civil and political rights include a set of fundamental entitlements and liberties that are inherent to individuals within a society. These rights pertain to the protection of individuals' freedoms, such as the right to life, liberty, and security of person, as well.

Political and civil rights are often seen as pertaining to the individual since they are intricately linked to the principles of personal freedom and human dignity. Human rights are intricately connected to the individual's personhood and inherent characteristics, serving as a means for asserting one's existence and autonomy. The purpose of these rights is to safeguard people against the potential abuse of power by the state and its rulers. They serve as a crucial safeguard for individuals to exercise their personal freedom since they require the state to refrain from any actions that may infringe upon the rights and well-being of individuals.

This category, including civil and political rights, is sometimes referred to as the first generation of rights. This collection of rights may be described as the individual rights that a person must possess and experience. There has been significant global focus on this particular collection of rights within the realm of establishing standards or overseeing their implementation.

There are two fundamental differences between civil and political rights:

Firstly, the rights in question possess an inherent quality of immediacy, indicating that they must be promptly enforced and upheld without any tolerance for delay or incremental implementation. Failing to properly execute these rights poses a significant risk to people and their inherent dignity. They exhibit a contrasting nature in relation to the forthcoming discussion on economic and social rights. The organisation exhibits a zero-tolerance policy against any kind of gradualness in the execution of its initiatives.

Secondly, these rights are characterised as negative rights, meaning that they do not require the state to dedicate significant resources or substantial amounts of money. In other words, they do not necessitate extensive and expensive state action. The implementation of these rights just requires the state to refrain from violating them. To illustrate, in order to uphold the entitlement of individuals to be free from torture, it is sufficient for the state to refrain from engaging in acts of torture.

Regarding civil and political rights, a comprehensive delineation can be found under Articles 6 to 27 of the International Covenant that pertains to these specific rights.

- The fundamental human entitlement to life, whereby the imposition of capital punishment is restricted only to the gravest offences and subject to certain circumstances. Individuals should not be subjected to torture, punishment, cruel or inhuman treatment, or any kind of violation of their dignity.

- It is unlawful to subject an individual to natural or scientific investigations without obtaining their consent. The imperative is to refrain from apprehending or detaining individuals in a capricious or arbitrary manner.

- The principle of treating all individuals robbed of their liberty in a compassionate manner is a fundamental right.

- The act of incarcerating an individual solely on the grounds of their inability to satisfy a contractual duty is considered illegal. The entitlement to mobility and the liberty to choose one's place of domicile. The Universal Declaration failed to adequately address the right to non-arbitrary deportation of alien individuals. One of the fundamental rights in the legal system is the right to equality before the judiciary, which entails that all individuals should be treated equally under the law. Another crucial component of the legal system is the notion that there should be no crime and no punishment unless set forth by law.

- The principle that every individual has the right to be acknowledged as a legal person. The concept of freedom of private life is a fundamental aspect of individual rights and liberties. The concept of freedom of thought, conscience, and religion is a fundamental principle that is recognised and protected in many legal frameworks.

- The principle of freedom of speech is upheld while also prohibiting the dissemination of war propaganda and any incitement of national, racial, or religious animosity.

- The right to engage in peaceful assembly or to organise groups, including the freedom to form unions or become a member of them. The fundamental entitlement to enter into matrimony is characterised by the equitable distribution of rights and responsibilities between partners both during the duration and dissolution of the marriage, as well as safeguarding the welfare of offspring, including their entitlement to a designated identity. The fundamental principles include the citizen's entitlement to engage in the administration of public matters and the principle of legal equality.

The following are the fundamental rights that people are entitled to: The International Covenant on Civil and Political Rights, which was enacted by the United Nations General Assembly on December 16, 1966, provided a comprehensive and precise articulation of these rights.

### **2-3-B: The right to work:**

The right to work is widely recognised as a fundamental social and economic right, encompassing various aspects such as access to employment, fair remuneration, and suitable working conditions. Additionally, this right entails the acknowledgment of supplementary rights, including the freedom to establish trade unions and federations, the right to engage in strikes, and the right to participate in the decision-making processes related to project management.

### **2-3-C: The right to freedom of thought:**

The concept of freedom of mind is addressed in international agreements, namely in Article 18 of the International Convention on Civil and Political Rights. This article asserts that every individual has the right to freedom of thought. The right to freedom of thought is included in Article 15 of the Convention on Economic and Social Rights, which mandates that state parties recognise this fundamental entitlement for all individuals.

One reason individuals engage in cultural activities is to actively participate in the cultural aspects of society. In order to get satisfaction from the advantages of scientific advancements and their practical implementations, one objective is to limit the safeguarding of moral and material interests arising from scientific, artistic, or literary works that are subject to private ownership.

### **2-3-D: The right to self-determination:**

The concept of self-determination entails the inherent entitlement of all individuals to exercise complete autonomy in shaping their own future, devoid of external intervention. It encompasses the unrestricted ability of every community to select their preferred governance structure, economic framework, and social order. Additionally, it asserts that each nation possesses absolute sovereignty and may exercise it at its discretion. This principle was enshrined in the peace declaration promulgated by the Soviet government subsequent to the 1920 revolution. Despite the establishment of the League of Nations as a global international organisation aimed at preventing wars and promoting peace, it failed to incorporate the right to self-determination as a legal principle during its existence. Instead, the League introduced the concept of mandates, which effectively served the interests of colonial regimes. This undermined the principle of self-determination.

### **2-3-E: The right to dignity:**

The right to dignity encompasses the rights to life and personal freedom, as well as a range of additional rights, including freedom of conscience, opinion, and belief, which are interconnected with the right to freedom. One's right to freedom of speech is considered essential for individuals, regardless of their citizenship status. While it has significant importance, it is not Until recent times, this phenomenon was not acknowledged in several cultures.

### **2-3-F: The right to expression and opinion**

The right to express one's views and opinions serves as the fundamental basis for the establishment of political rights. In order for an individual to fully exercise any given right, it is necessary that they possess the freedom to adopt and uphold whatever ideas they want. However, he has complete autonomy to articulate his opinions, provided that such expression remains within the bounds of rationality and legality.

## **3. The legal framework of criminal investigation processes**

The primary responsibility of the investigator is to uphold and preserve public order, as per the conventional understanding of their role. The concept of public order emerged as a notion intricately linked to the fabric of society. The phenomenon emerged simultaneously with its commencement and underwent further development. The concept of public order is seen as a subjective notion with a malleable overarching significance that differs between nations. In contrast, the implementation of administrative control has evolved over time, varying across different regions within a state and adapting to the prevailing regime's philosophy. Its scope has transcended the conventional notions of safeguarding security, tranquilly, and health, encompassing broader aspects such as the maintenance of moral, economic, and political order. Due to the distinctive characteristics associated with public order, several legal scholars have posited that the concept of public order needs to include the notion of concrete physical order, which is seen as a practical condition that stands in opposition to disorder. into consideration as a contributing factor. The preservation of moral public order encompasses several aspects, such as beliefs, thoughts, feelings, and sensations. However, it should be noted that this falls beyond the purview of maintaining order, unless it is acknowledged as a potential influencing factor. The disruption of moral order is a significant manifestation that may pose a direct or indirect danger to the maintenance of public order. In such cases, it may be necessary for the police to act in order to avoid these disruptions and safeguard the public interest.

### **3-1: Legitimacy of inferences:**

#### **1. Definition of procedural legitimacy**

Procedural legitimacy within the realm of criminal law refers to the principle that criminal processes derive their authority and validity from the written law. The majority of these processes exhibit characteristics of oppression and neglect towards the accused, and in some instances, towards other persons as well, therefore resulting in a

breach of the fundamental rights of individuals. These measures are also used in cases where individuals' culpability has not yet been proven. It is plausible that their innocence may be afterwards shown, thereby necessitating law as its origin. The concept of criminal procedural validity encompasses more than mere adherence to legal processes; it also necessitates that the law explicitly establishes the formal and substantive prerequisites for performing these procedures. Neglecting these prerequisites would render the procedures illegitimate. Procedural legitimacy refers to the requirement that the criminal procedures employed against individuals accused of a particular offence adhere to the established legal principles and regulations recognised within a civilised society. This legitimacy must encompass all stages of the criminal case, commencing with the initial investigation phase and extending through to the trial phase. The aforementioned regulations are encapsulated within the fundamental concept of human innocence and the prohibition of engaging in any unlawful activities prior to the establishment of legal grounds and oversight by the court. Furthermore, these actions must adhere to the prescribed safeguards outlined in accordance with the principle of innocence.

It is important to examine the prescribed norms and foundational principles throughout the execution of criminal case procedures, since failure to do so may render the process unlawful or lack legitimacy. It is evident that there exists a significant and perilous distinction between actions that are deemed legitimate and those that are considered illegitimate. Legitimate action refers to a legally recognised course of conduct that yields all of its intended legal consequences. Conversely, illegitimate activity denotes an infringement against the rights and liberties of persons, as safeguarded by the law, and a deviation from the established legal framework. Instead, it is a criminal offence that is subject to legal penalties. In several instances, such as the offence of illegally apprehending individuals, the offence of breaching the inviolability of one's domicile, the offence of physically attacking individuals with diverse forms of injury, and the offence of infringing upon the privacy of personal affairs,

Hence, the principle of procedural legality necessitates that all evidentiary procedures conducted by the judicial police officer adhere to the parameters of legality. Consequently, it is impermissible for them to engage in any form of procedural fabrication that contravenes the principles of legality. Failure to comply with this requirement renders the procedure null and void.

### **3-2. Controls for making inferences**

The implementation of controls is essential in the process of drawing conclusions. Controls serve to minimise confounding variables and ensure the validity and reliability of the inferences drawn from the data. By establishing controls, researchers may The police are responsible for carrying out three distinct sorts of functions: The role of social control This role may be succinctly described as the preservation of societal conventions, traditions, and public morality, which are supported by society and maintained by the dominant norms and traditions within that society. The administrative control function encompasses the efforts undertaken by the police to safeguard, prevent, and manage criminal activities via various measures, including insurance and security protocols, with the aim of mitigating potential crimes before they transpire.

- The purpose of judicial control The role of this particular mechanism may be succinctly described as the implementation of police protocols subsequent to the commission of criminal acts, with the objective of elucidating its enigma, apprehending the individuals responsible, and substantiating their culpability by evidentiary means. The tasks included under this scope of work are the reception of reports and complaints, the examination of crime scenes, the interrogation and discussion of witnesses, as well as the seizure and inspection of relevant materials.

The discipline of police inferences encompasses the exercise of judicial functions by law enforcement officials in many events and situations.

To enhance the comprehensibility of the controls pertaining to the validity of the investigative technique, it is essential to address the following points:

1. The focus on specialisation within the field of investigative work

2. As previously elucidated, the legislation delineates the specific categories that have been accorded the designation of judicial oversight and are obligated to carry out their investigations within the purview of the security operations that pertain to their respective domains. It is essential that the investigating officer have the necessary competence to effectively carry out the investigation pertaining to the aforementioned offence within the specified jurisdiction. The jurisdiction in the United Arab Emirates is determined by the specific location of the crime, as stipulated by the legislator. The responsibility of inferring authority lies with the investigating officers of the police, while the Public Prosecution takes complete power for conducting investigations and issuing indictments.

### **3-3: Legitimacy of the method**

The legislation lacks explicit guidelines regarding the procedures for conducting investigations and examining criminal offences, with the exception of a general principle that emphasises the preservation of individual liberties and the avoidance of their infringement. Furthermore, it underscores the importance of upholding the dignity and sanctity of individuals and locations while adhering to the regulations aimed at safeguarding human rights and preserving personal freedoms.

This implies that the detectives have the authority to use various methods for gathering evidence and conducting inquiries while upholding the principles of human dignity. The detective must adhere to legal measures in their pursuit, ensuring consistency and adherence to the law. It is impermissible to use methods that encourage the conduct of criminal acts.

The individual in question is prohibited from engaging in surreptitious activities, such as covertly moving about, intercepting private conversations, or unlawfully entering residences, unless explicitly authorised by the Public Prosecution.

### **3-4: Legitimacy of the goal**

The legitimacy of the purpose is a crucial aspect to consider. The objective of doing investigative work must align with a lawful purpose, one that is in accordance with applicable laws and regulations. For instance, the act of elucidating the enigma surrounding a previously perpetrated criminal act, apprehending an individual involved in a prospective criminal act, or identifying individuals affiliated with a criminal organisation. Hence, the objective of inquiries, in the event that they lack legitimacy or pertain to personal matters, has a significant impact on the credibility of the investigations and the methodologies used within.

### **The importance of investigation is crystallised in the following matters:**

- 1 The significance of the investigation is exemplified in the subsequent aspects: 1. Firstly, it grants investigative authorities the autonomy to exercise their actions, such as presenting the case to the court, initiating legal proceedings, or responding to the specifics of the crime and its contextual factors. The nature of investigative work affords those involved in this field more flexibility in terms of mobility, information gathering, and conducting inquiries into criminal activities in comparison to investigative authority.
2. Investigations play a significant role in safeguarding against unfounded allegations. This alleviates the challenges associated with the ongoing pursuit of their inquiry, enabling the investigating body to dedicate its resources to more substantial cases.

The investigation also uncovers the strategies and tactics employed in the perpetration of contemporary crimes, such as terrorism and organised crime, which transcend national boundaries and have far-reaching and hazardous consequences across multiple countries. This has fostered the exchange of information among nations through international institutions aimed at detecting criminal activities, identifying the individuals responsible, and ensuring their prosecution.

3. The inquiry aims to gather data pertaining to the prevalence of criminal psychology across society, the many possibilities that exist for criminal behaviour, and the specific conditions that contribute to the commission of crimes. This information plays a crucial role in forecasting the likelihood of criminal activity and facilitating the implementation of security measures. Consequently, relevant agencies within the police force expedite the adoption of the required safeguards to deter crime. The significance of conducting investigations and collecting

information has become increasingly evident in the context of crisis management, particularly in deterring criminal activities. This is due to the necessity of obtaining relevant data that aids in assessing the magnitude and scope of the crisis, predicting potential errors, and determining the most effective strategies to address it. Consequently, this information empowers decision-makers to effectively navigate the crisis by taking into account its unique characteristics, dimensions, and outcomes. The crisis encompasses several factors, including unexpected events, time constraints, and potential risks. However, with prudent security measures, the crisis may be effectively managed and resolved before it escalates into a catastrophe.

4: The investigation plays a role in bolstering security decisions by providing information that aligns with the correct course of action, particularly in situations where the administration has discretionary power. Examples of such scenarios include applications for firearm licences, travel restrictions, deportations, the organisation of public gatherings, and other decisions pertaining to the maintenance of security. The preservation of security and stability within the nation

5: The investigation involves ascertaining the location and time of the crime, identifying the individuals involved, and understanding the specific circumstances surrounding each perpetrator. These factors are crucial in establishing the legal classification of the incident and determining the appropriate application of mitigating or aggravating circumstances based on the unique circumstances of each case.

6: The process of investigation plays a crucial role in the identification and detection of criminal activities. Covertly, devoid of any disclosure, and possessing knowledge of the perpetrators' intentions, modus operandi, and optimal temporal and spatial conditions for impeding their illicit schemes, as well as facilitating their apprehension and the substantiation of incriminating evidence,

7: The investigation elucidates the vulnerabilities through which the perpetrator was able to perpetrate the illegal act, while also examining the underlying reasons that contributed to these

vulnerabilities. Furthermore, it analyses the necessary steps that need to be implemented in order to address these vulnerabilities and proactively deter future criminal activities.

8: The investigation serves to ascertain the perpetrator's identity, their escape route, their involvement in the commission of the crime, the locations where they concealed the tools and proceeds of the crime, the evidence pointing towards their culpability, and any accomplices who may have aided or abetted in the incident.

9: The investigation provides insight into the methodology used in the commission of the crime, the surrounding circumstances, the various roles played by those involved, whether as primary or secondary contributors, and the degree of veracity shown in the statements provided by the offender, the victim, and the witnesses.

10: The inquiry uncovers novel criminal techniques and incorporates them into the criminal record, aiding law enforcement officials in elucidating the intricacies of situations.

## Conclusion

The previous discussion acts as a demonstration of the inherent intertwining of criminal justice and human rights legislation. The fields of criminal process, substantive criminal law, and punishment have presented significant challenges to the development of human rights law, ultimately leading to its establishment as a well-established legal discipline. However, it is important to note that the extent of this development may vary between different human rights instruments. Human rights legislation has presented criminal justice systems with the challenge of upholding principles such as restraint, honesty, fairness, and efficacy within societies that are becoming more intricate. Numerous techniques

Some individuals have enjoyed the advantages of this phenomenon for several decades, while others continue to face significant challenges. However, in all systems, there are still challenging and basic inquiries about the connection between criminal law and human rights, as well as the justification and extent of human rights safeguards inside the criminal justice system. The collection of fourteen pieces in this book effectively demonstrates and offers insightful insights into the underlying foundation. Hence, these works play a key role in the scholarly conversation around criminal law and human rights.



### **Recomandations**

*Criminal law should impose prohibitions and orders, often referred to as offences or crimes, that serve to restrict the autonomy of people in their actions or inactions. In some cases, the preservation of such freedom is safeguarded by human rights legislation. The freedoms of speech and of religion and belief, which will be further explored below, are particularly relevant in this context. ---- Additionally, the freedom of assembly and the right to a private life are also significant considerations. The privacy of persons may be compromised by various criminal restrictions, such as those pertaining to certain sexual behaviours (including homosexual acts, sado-masochism, bestiality, and adultery), abortion, suicide, euthanasia, and the medicinal use of opiates.*

*In a similar vein, the act of criminalising public protests, both public and private meetings, as well as specific organisations, fundamentally hinders the exercise of freedom of assembly and association. According to several human rights agreements, criminal acts that infringe on human rights often need to satisfy three fundamental elements: the restriction—that is, the offence should have*