

# The idea of a UN super-convention on a minimum core of human rights and its impact on the protection of particularly vulnerable groups – including in Slovenia

When the protection of rights no longer protects people.

In a multipolar world, we do not need new rights, but a common framework that protects conditions and children as the future of all rights.

Perhaps the problem is not that the world is not listening to the West, but that the West is abolishing the conditions that would allow it to have a future at all.

Author: Franc Derganc, M.A. Version (Idea [superconvention\\_introduction\\_V4.0](#)) dated 13 December 2025

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Protecting human rights without protecting people?

Human rights: protecting people or protecting the system?

Human rights arose from fear of the future – have we forgotten that?

Why formal protection of human rights is no longer enough

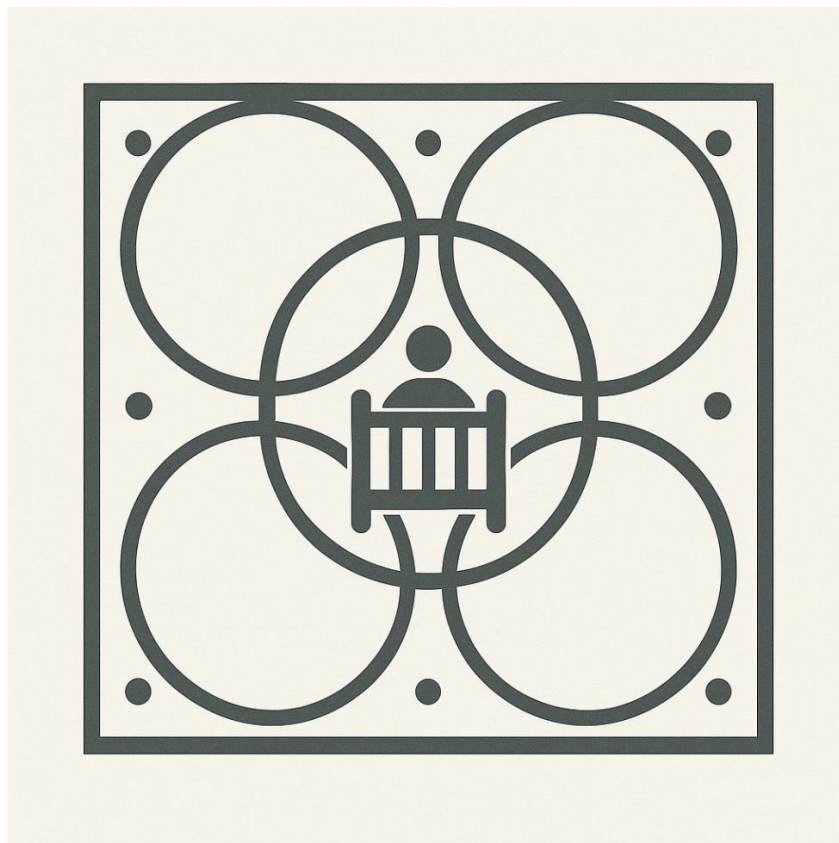
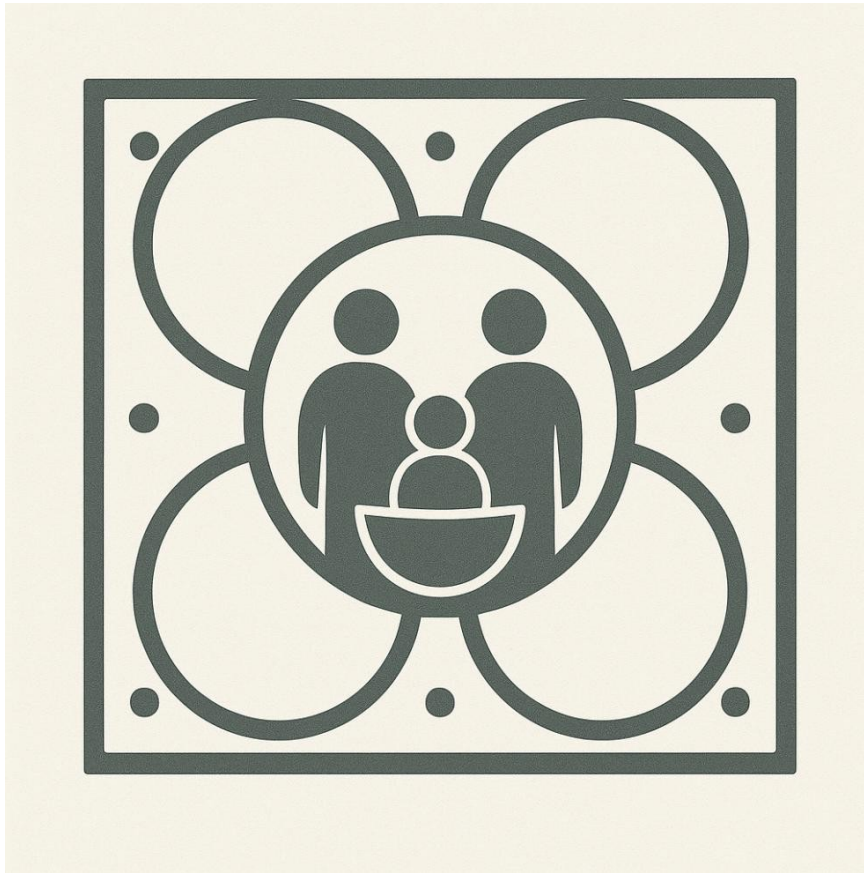
**p.s.**

The text is deliberately written in Slovenian.

You are welcome to read it in your own language using machine translation or artificial intelligence tools.

This text is intentionally written in Slovenian.

You are invited to read it in your own language using machine translation tools or artificial intelligence.



I am sending this version to a human for preliminary reading:

Language	When the protection of rights does not protect people anymore	In a multipolar world, we do not need new rights, but a common framework that protects conditions and children as the future of all rights	Perhaps the problem is not that the world does not listen to the West, but that the West is abolishing the conditions for its own future
Slovenian	When protecting rights no longer protects people anymore.	In a multipolar world, we do not need new rights, but rather a common framework that protects conditions and children as the future of all rights.	Perhaps the problem is not that the world is not listening to the West, but that the West is destroying the conditions for its own future.
中文 (Mandarin)	When the protection of rights no longer truly protects people themselves	In a multipolar world, we do not need new rights, but rather a common framework that protects the conditions for human survival and children as the future of all rights	Perhaps the problem is not that the world no longer listens to the West, but that the West is undermining the conditions for its own future
English (US)	When the protection of rights no longer protects the human being.	In a multipolar world, we do not need new rights, but a common framework that protects conditions of life and children as the future holders of all rights.	Perhaps the problem is not that the world no longer listens to the West, but that the West is dismantling the conditions of its own future.
Русский	When the protection of rights no longer protects human beings.	In a multipolar world, we do not need new rights, but a common framework that protects living conditions and children as the future of all rights.	Perhaps the problem is not that the world no longer listens to the West, but that the West is destroying the conditions for its own future.
हिन्दी (Hindi)	जब अधिकारों की रक्षा होसान की रक्षा नहीं करती	In a multi-ethnic society We do not have new rights की नहीं, but rather the necessity of such a decision is the necessity of life and all the rights and in the form of a blessing	Perhaps this is not the case. I don't hear what you're saying, but this is the sound of my own footsteps शब्दों के खतम कर रहा है
Español	When the protection of rights no longer protects the individual.	In a multipolar world, we do not need new rights, but rather a common framework that protects living conditions and children as the future of all rights.	Perhaps the problem is not that the world no longer listens to the West, but that the West is destroying the conditions for its own future.
Kiswahili	The time for new rights has not yet come.	In a world of many nations, we need new rights, but the model of unity that you have created is a model of life and children as the beneficiaries of all rights.	The problem is not that the world is listening to the West again, but that the West is destroying the conditions for its own future.

**P.S.:**

I will take into account any criticism, comments or thoughts you send via the link below and, where appropriate, include them in my future work.

Link for criticism: <https://podio.com/webforms/30542708/2582252>

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## I. Preface: where does the author's idea of a "UN Superconvention" come from?

The Superconvention does not arise from a vacuum. It is based on scattered but related insights that have emerged in recent decades in different parts of the world and in different disciplines, but have never been linked into a unified framework.

The key question that the author has been asking himself throughout his many years of practice stems from

the experience of "the struggle of the individual against the powerful state"<sup>1</sup>. Initially limited to the public sector, where he works as a tax advisor, this question gradually extended to the entire system of rights protection. The turning point was not professional, but personal: a look in the mirror during the candidacy for Human Rights Ombudsman in Slovenia.

Slovenia belongs to the "safe part of the world", with a relatively developed legal system, stable institutions and formally high standards of human rights protection. However, an analysis of the legal framework and its actual effects reveals unease: the results do not speak in favour of young people, women, children or vulnerable groups. This is confirmed by demographic indicators, long-term fertility trends, data on the mental health of young people, and comparative analyses of quality of life.

In its regular reports on development and quality of life, the Office of the Republic of Slovenia for Macroeconomic Analysis and Development (UMAR) has for several years been drawing attention to the structurally low birth rate, the uncertainty of young people regarding the transition to independent living, and the growing risks

poverty and social exclusion among certain population groups. The National Institute of Public Health (NIJZ) and international studies (HBSC, WHO) have also recorded a marked increase in anxiety, depressive symptoms and psychosocial distress among children and adolescents, particularly in connection with uncertain life prospects, educational pressures and social fragmentation.

Comparative analyses by the OECD and Eurostat also show that the formal development of the welfare state and rights protection does not in itself guarantee a sense of security, confidence in the future and psychological well-being. On the contrary, in environments where legal and institutional systems fail to identify cumulative risks to individuals in a timely manner, the negative effects often first manifest themselves among young people, children and other vulnerable groups.

Rights exist, but their implementation often does not follow life, but remains trapped in the normative logic of the system. **Perhaps the author is wrong.** But data on anxiety

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<sup>1</sup> The author of "vsem na oči" is also preparing a book entitled "Ko država gre predaleč" (When the State Goes Too Far). Introduction: The state is a constant companion in our lives. It enters it unnoticed, with rules, forms, rights and obligations. Most of the time it operates quietly, almost invisibly. Until it intervenes. Then it becomes very tangible. Then the relationship between the individual and the state is revealed in all its weight. More on this at [https://www.modro-poslovanje.si/Portals/0/ko%20drzava%20gre%20predalec\\_V3\\_1.pdf](https://www.modro-poslovanje.si/Portals/0/ko%20drzava%20gre%20predalec_V3_1.pdf)

young people, their uncertainty about the future and life decisions are telling enough to raise doubts. We are not doing something right. As a society. Slovenian society. European society.

The author's deliberately chosen methodological approach also contributes to this feeling of unease. "disease": systematically testing every legal rule and every set of legal norms according to t. i. the method of extremes<sup>2</sup>. The purpose of such an approach is not to seek out marginal cases for the sake of provocation, but to reveal the essence and true purpose of legal rules. Only in extreme circumstances does it become clear whether the legal framework is designed to protect people or merely to maintain its own internal consistency.

If Slovenia were to persist with the existing system of rules and practices in the area of relations with young people, the elderly and education – a system that reproduces anxiety in young people and fear of the future in older people – a fundamental question arises: does such a legal and institutional framework really lead to the goals that we all declare to be striving for? Does it create conditions for a life that inspires confidence in the future, or does it merely manage the consequences of its own shortcomings? This mirror reveals the central dilemma of the Superconvention: are we as a society prepared to hand over the world to future generations in a responsible and respectful manner to future generations – not only in a formally orderly manner, but also in a humane and dignified way?

And what is the point of all the mechanisms for protecting rights if they are unable to detect that we as a society may be approaching the edge of the precipice<sup>3</sup> – aren't rules there precisely to prevent such a march in time, rather than merely accompanying it formally?

The question "why" opened up space for reflection beyond national frameworks and sectoral policies.

This gave rise to the idea of a Super-Convention: not as yet another catalogue of rights, but as an international normative framework that would oblige states to assess the actual effects of their policies on people – before irreparable damage is done. Prevention and inclusiveness<sup>4</sup> instead of sanctions, cooperation instead of automatism, responsibility instead of formalism.

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<sup>2</sup> When the law becomes "unbearably unjust", it ceases to be law, Gustav Radbruch. And. The law is interpreted in extreme situations in order to reveal its true purpose, Lon L. Fuller (USA). The methodological approach, which the author refers to in the text as the "method of the extreme", is based on established theories of legal rule interpretation. It involves testing the meaning and purpose of legal norms in extreme or borderline circumstances where it becomes apparent whether the legal system still serves to protect human dignity or merely maintains its own formal consistency. In global legal theory, this approach can be found in the works of Gustav Radbruch (the limit of intolerable injustice), Lon L. Fuller (the internal morality of law), Ronald Dworkin ("hard cases" and the integrity of law) and Robert Alexy (weighing and proportionality in cases of conflict between fundamental rights). In Slovenia, this value-teleological approach was systematically developed by Dr. Marijan Pavčnik.

<sup>4</sup> The author also prepared a draft [bill on coexistence in multi-ethnic communities](#), in which he deliberately uses the term *coexistence* rather than *integration*. This is not merely a terminological difference, but rather

This would not be possible without artificial intelligence. AI has proven to be a key analytical tool: in comparative analyses of legal rules, in reviewing the actual situation, and in researching the effects of policies in completely different social and cultural environments – from China to the Russian Federation and India, for example, in analysing the impact of housing policies on the situation of children.

the Russian Federation and India, for example in analysing the impact of housing policies on the situation of children. Without such a tool, these comparisons would be slow, fragmented and often methodologically incomparable.

But this is where the essential message of the Super-Convention comes in. AI is not a solution in itself. It is merely a mirror that shows with greater precision where systems are not working. **The responsibility for change remains human – political, legal and ethical.** The Super-Convention is therefore not based on technological optimism, but on the requirement that states assess their policies through the prism of human beings, their dignity and their future. If we do not, even the most sophisticated legal framework will not yield good results.

When assessing the impact of the text on individuals, the author deliberately used so-called "test friends" who provided him with direct and unfiltered responses while reading the article.

One of the key comments pointed out that today, with the use of artificial intelligence – **it is possible to write almost anything relatively quickly and convincingly.**

**This comment revealed an important reading obstacle: the question of trust in the text, its sources and how it was created.** For this reason, the author prepared a comprehensive and explicit

disclaimer in which he explains in detail the research methods used, analytical approaches and the role of AI in preparing and verifying the content of the article. The purpose of this is not to defend against technology, but to be transparent to the reader and to clearly distinguish between analytical tools and authorial responsibility.

Another important comment concerned the appropriateness of seeking solutions at the global level if the author is running for the position of Human Rights Ombudsman in the European and national level. The question is legitimate, but it reveals a fundamental misunderstanding in the contemporary understanding of the protection of rights. The Ombudsman in Slovenia cannot be successful<sup>5</sup>

constitutional corrective, if it stems from the assumption that Slovenia is an isolated island. In a world preparing for the possibility of major geopolitical upheavals – including scenarios of major war –

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the fundamental consideration is the urgent need to change the way majority cultures think about minority communities and subcultures. The concept of coexistence stems from the assumption that social cohesion is not created by one group adapting to the norms of another, but by mutual recognition of the dignity, boundaries and responsibilities of all involved.

In this context, inclusiveness is understood as an active principle of conduct that requires substantive changes in the functioning of institutions, policy-making and everyday practices, not merely declarative commitments. This understanding of inclusiveness stems from the text of the Convention, which emphasises that the protection of rights is not possible without the simultaneous adaptation of the majority system and without recognition of the real living conditions of different communities.

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<sup>5</sup> In the initiative to introduce [the Good Administration Act](#), the author also introduces a definition of the effectiveness of all branches and all levels of government – from the perspective of the implementation of human rights. The principle of effectiveness is framed within the principle of efficiency. Simplified. You can only be effective if you know what is right and if you act in a way that leads to what is right. But how do you know when you are effective or on the right track? The author seeks a solution in a system of risk management.



It is illusory to believe that the waves of violence, migration and systemic breakdowns will not also be reflected in Europe. On the contrary, national systems for the protection of rights will be the first to be affected.

In this context, it becomes clear that the protection of migrants' rights is inextricably linked to the absence of protection of the fundamental core addressed by the Super-Convention. Migration is not merely a security or social issue, but a consequence of the systemic failure by states in providing the basic conditions for a dignified life. If the Ombudsman understands this merely as a question of managing the consequences, rather than as a question of preventive protection of human rights in a broader, including global, context, then he is not fulfilling his fundamental function.

The super-convention is therefore not a departure from the European space, but its necessary intellectual and normative prerequisite.

Finally, it is worth highlighting another key finding that the author arrived at while searching for possible solutions. This concerns a structural problem of modern democracies: even where high-quality analytical tools and reliable data bases exist – in Slovenia, for example, the work of UMAR – there is generally a lack of institutionalised mechanisms for systematically testing different public policy scenarios and their actual effects.

Analyses usually provide a comprehensive description of the situation and trends, but much less frequently answer the question of what specific measures could demonstrably improve the identified critical

, for example in the areas of fertility, family policy or long-term prosperity.

population. The gap between analytical findings and actual policy-making therefore remains systemic, not merely political.

As a rule, political parties do not have their own expert bodies or methodological frameworks for verifying the feasibility and long-term effects of proposed ideas. At the same time, the state does not have an independent body whose task would be to prepare several comparable scenarios of possible measures and assess them from the perspective of actual improvements in the realisation of human rights and living conditions of the population.

This realisation led to the author's initiative in the form of a draft **Law on the Council for Economic Development and Welfare of the Population**, which represents an upgrade of comparable regulations (especially German ones) in terms of a substantive focus on the impact of public policies on

people. The purpose of the proposed council is not to interfere with democratic decision-making, but to

to fill a systemic gap: to establish a professional, independent mechanism that would, on the basis of data, analyses and scenarios, contribute to reducing the gap between perceived problems and actual, long-term effective solutions.

[A little more about the article – an attempt to find authors who think similarly](#)

In international law, this idea is approached **by the** concept of *minimum core obligations*, as developed by **Philip Alston** and confirmed by **the UN Committee on Economic, Social and Cultural Rights (CESCR, General Comment No. 3)**.

In philosophy and economics, **Amartya Sen** approaches this idea by emphasising that rights are not a matter of writing, but **of actual life chances**, and **Martha Nussbaum**, who highlighted the minimum conditions for human dignity.

**The Convention on the Rights of the Child (CRC)** has placed children at the centre of protection, although not yet as a systemic indicator of the future of all rights.

Outside Western legal discourse, the same idea appears in different languages:

- in African **ubuntu** philosophy (Ramose, Menkiti) as the protection of humanity through relationships;
- in Latin America as **vida digna** and **Buen Vivir** (Dussel, Gudynas);
- in Asian traditions as the protection of order, responsibility and continuity (Confucian thought, Tu Weiming);
- in Indian tradition as **dharma** – duty, without which there is no balance; in Islamic tradition as the protection **of knowledge** as a condition for the survival of the community;
- in the Eurasian space as a question **of cultural continuity and meaning** (Berdyayev).

The common point of all these approaches is simple: **rights without conditions for life and the future lose their meaning**.

The Superconvention brings these scattered insights together for the first time in a common, legally comprehensible framework.

## UNIVERSAL DECLARATION – THE ESSENCE OF THE SUPER-CONVENTION

### 1. Fundamental premise

The super-convention stems from the fact that human rights are not an end in themselves. They only have meaning if there are people – today and in the future – who can exercise them.

Without children, without future generations and without the basic conditions for their development, rights lose their subject.

**Therefore, the Super-Convention does not ask which rights are universal, but rather what must be protected in order for the system of rights to exist over time.**

### 2. Minimum protected core

The minimum protected core recognised by the Superconvention is pre-political and pre-cultural. It does not determine a way of life, but rather a threshold below which human society can no longer sustain itself.

This core includes:

- the protection of life from arbitrary destruction,
- protection of human dignity from dehumanisation,
- safeguarding the basic conditions for physical, mental and social development,
- protecting the future of children as a key criterion for the effectiveness of all policies.

### 3. Children as an indicator of the future

In the Convention, children are not ideological symbols or a means to achieve other goals. They are **empirical indicators of the future**. The situation of children shows whether a community maintains the conditions in which future bearers of rights and responsibilities can be born and develop.

If systematic circumstances prevent children from developing, this is not only a social or humanitarian problem, but also indicates **the collapse of the foundations of the entire normative order**.

### 4. The diversity of civilisations

The Super-Convention explicitly recognises the diversity of civilisations and their expressions of the protection of

life. It does not standardise cultures, religions or political systems. Different languages express the same concern: how to preserve the conditions in which human beings remain human beings in the future.

Therefore, the Superconvention does not introduce a new ideology, but rather **a common minimum** that is understandable in all cultural environments.

### 5. The Superconvention and wars

The Superconvention does not assume that wars will disappear overnight. However, it significantly changes the logic of response.

At the moment when armed conflict or systemic violence:

- massively endangers children,
- destroys the conditions for their development,
- causes irreversible damage to future generations,

**automatic mechanisms of monitoring, early warning and preventive response** are triggered. These mechanisms are not punitive, but aimed at the immediate stabilisation of living conditions and the protection of children.

In this sense, the Super-Convention **does not legitimise or normalise** wars, but treats them as a situation that triggers the highest level of international responsibility to prevent irreversible damage.

### 6. The Super-Convention and language

The Convention expressly rejects the possibility of prohibiting the use of language, culture or identity in the name of protecting rights.

A language ban constitutes an interference with:

- the child's identity,

- their mental and social development,
- their ability to belong to a community.

Such interference would be **in direct contradiction to the essence of the Convention**, as it would undermine the very conditions it seeks to protect. The Convention therefore does not allow measures that,

the name of order or security interfere with the fundamental integrity of a child's development.

### 7. The role of the United Nations

The United Nations is the only place where humanity meets as a community. The Superconvention does not transform it into a supranational authority, but rather consolidates it as **the guardian of a common minimum for the future**.

Its approach is based on cooperation, dialogue, support and joint risk management – not on automatic sanctions or cultural imposition.

### Conclusion

The super-convention does not answer the question of what kind of person one should be, nor does it determine how societies should live. It answers the question of whether humanity is preserving the conditions in which rights will continue to have bearers in the future.

**This question is neither Western nor non-Western. It is a question of life itself.**

## II. The idea of the Superconvention: a question, not a proclamation

This article does not present an adopted or formally proposed United Nations Super-Convention (see appendix). It presents the idea of a Super-Convention and the author's working conceptual and normative draft, created in response to a question that more and more people in different parts of the world have been asking in recent years: whether existing human rights systems are still capable of protecting the actual situation of human beings, or whether they are too slow, too narrow and, above all, too reactive. The idea of the Super-Convention does not stem from the belief that existing legal instruments are wrong. It stems from the realisation that they are not sufficient for the circumstances in which we live today. The world has become multipolar, conflictual and at the same time interdependent. Human rights violations no longer manifest themselves merely as individual unlawful acts, but as long-term processes of erosion of the conditions for a dignified life, with legal mechanisms often only reacting once the damage has already been done.

The Super-Convention is a preventive and complementary international framework that does not introduce new catalogues of human rights, but protects **the minimum core of conditions** without which human rights lose their real meaning. Its central criterion of effectiveness is **the actual situation of children and future generations**, because without them there are no rights holders and no future freedom. The super-convention operates without automatic sanctions, through **risk monitoring, early warning and collaborative dialogue**, with the aim of preventing irreversible damage before it manifests itself in dehumanisation, conflicts or forced migration.

In this context, the idea of the Super-Convention does not offer a new definition of man, introduce a new ideology or establish a hierarchy of civilisations. It attempts to answer a more fundamental question: what conditions must we as humanity protect in order to have a future in which human rights still have meaning. That is why the core of the idea is not a new cataloguing of rights, but a shift from reactive protection to preventive risk management, with the central criteria The effectiveness of protection is recognised in real-life conditions, especially where these conditions deteriorate most rapidly and dangerously, i.e. in the case of children and persons who, due to circumstances, are most vulnerable to dehumanisation.

### Very briefly about the Super-Convention – by articles

One of the key reasons for countries' reluctance to adopt new international instruments for the protection of is the fear of automatism: the assumption that the mere perception of risks or violations automatically triggers sanctions, coercive measures or interventions in sovereignty. The idea of the Super-Convention consciously and explicitly rejects this automatism. This stems directly from **Article 3 of the draft Super-Convention**, which limits the minimum protected core to the protection of living and development conditions, and from **Article 10**, which explicitly states that monitoring and early warning mechanisms do not imply automatic sanctions, but rather a structured international dialogue.

The preventive logic of the Super-Convention is based on the understanding that contemporary mass phenomena – including forced migration – are, as a rule, the consequence rather than the cause of violations of the minimum protected core. This starting point is normatively grounded in **Article 7 of the draft Super-Convention**, which requires a systematic assessment of risks, especially those leading to the breakdown of basic social, security and development conditions, and in **Article G**, which defines preventive response as a tool for stabilising

living conditions even before irreversible damage occurs. When the law only reacts in the country, it necessarily acts reactively and deals with the consequences rather than the causes.

The central criterion for assessing the effects of protection is the situation of children, as explicitly stipulated in **Article 4 of the draft Super-Convention**, which links the effectiveness of protection to ensuring the future of the human community, and **Article 11**, which defines the situation of children as the fundamental test of the effectiveness of the entire system. When society can no longer guarantee the conditions for the birth, safety and development of children, migration moves from the sphere of choice to the sphere of necessity, and freedom loses its future horizon.

In this context, the Convention specifically addresses the position of women, not as a separate identity category, but within the framework of the protection of the minimum core set out in **Article 3** and the assessment of the actual effects set out in

**Articles 4 and 11**. In situations where the minimum core is breaking down, women are often both the primary carers for children and persons who are particularly vulnerable due to economic dependence, violence or dehumanising migration routes. The super-convention does not address these situations with new declarative rights, but with preventive protection of the conditions without which free decisions about motherhood, family life and childcare is not possible.

The idea of the Super-Convention therefore does not promise a world without migration. In accordance with **Articles G and 10 of the draft Super-Convention**, it promises something much more realistic: that migration will no longer be the primary symptom of a complete systemic breakdown of living conditions, but rather a social phenomenon that takes place within a framework of preserved dignity, child protection and responsibility towards future generations.

### III. The Super-Convention as an attempt at human inclusiveness

Does the idea of the Super-Convention represent just another legal document in a series of international declarations, or is it something fundamentally different, an attempt at the inclusiveness of humanity at a time when the world is becoming fragmented once again? This question is not rhetorical. Today's international human rights system formally exists, is normatively ramified and institutionally relatively developed. In Europe, the fundamental instrument is the ECHR, which, among other things, protects the right to life in Article 2, prohibits torture in Article 3, the prohibition of slavery and forced labour in Article 4, and the right to respect for private and family life in Article 8. At the global level, the ICCPR protects the right to life in Article 6, Article 7 prohibits torture and inhuman treatment, Article 8 prohibits slavery and forced labour, and Article 3 of the CRC establishes the principle of the best interests of the child, Article 6 recognises the inherent right of the child to life and imposes an obligation on States to ensure the survival and development of the child, Article 19 requires protection from violence and neglect, and Article 27 recognises the right to an adequate standard of living.

Despite this normative density, the actual situation of humans in the world is deteriorating. Wars and protracted conflicts are intensifying, forced migration is on the rise, new forms of exploitation and modern slavery are spreading, populism and new forms of fascism are gaining strength, often based on race, identity or exclusion, and confidence in the universal values of human rights is weakening. In such an environment, it is becoming clear that existing human rights protection systems often operate in a predominantly reactive manner. They are activated after violations, tragedies and the collapse of societies, but rarely operate systematically, preventively and in a timely manner. This insight is not ideological, but empirical.

## IV. Methodology: searching for common ground in a multipolar reality

The idea of the Superconvention did not arise as a theoretical exercise or political manifesto. It arose through a comparative analysis of the actual situation of human beings in different parts of the world and through confrontation with

the fact that the modern world is multipolar – culturally, politically, civilisational and in terms of values. In such a world, universality can no longer be taken for granted. It cannot be based on the imposition of a single anthropological, cultural or civilisational model. If it is to survive, it must be based on the search for the lowest common denominator that can be accepted by different societies, not because they are the same, but because they are interdependent.

The starting point of the methodology is therefore threefold: first, an analysis of reality, i.e. the question of how human rights are actually realised and where systems fail due to their structure; then an analysis of the consequences, i.e. what happens when the law reacts too late and how systemic gaps migration, conflicts, radicalisation and dehumanisation arise; and finally, the search for common ground – not at the level of ideology, but at the level of conditions without which human existence and the future are not possible. This process did not result in a new definition of humanity. It raised an essential question: what must we, as humanity, protect in order to have a future in which rights can be upheld?

In this context, the author tested the actual implementation of economic and social human rights in four key global poles or countries with the greatest geostrategic influence on the modern world. The purpose of this comparison was not to rank political systems or cultures, but to examine whether – despite different histories, ideologies and systems – there are common patterns of risk and common conditions without which dignity, social security and the future of subsequent generations begin to disintegrate in all these environments.

## V. From disappointment to responsibility

One of the most dangerous side effects of the ineffectiveness of existing human rights systems is disappointment. When universal discourse fails to improve people's actual situation, the void is quickly filled with radical ideas, the search for enemies, and identity-based interpretations of the world. In such an environment, human rights cease to be a shared value and become a tool used by one side against the other. The idea of the Super-Convention is an attempt to break this spiral, not by denying differences or moralising, but by returning to the essence, to the question of what unites us as humanity and what different societies can reasonably accept as a common minimum threshold of protection.

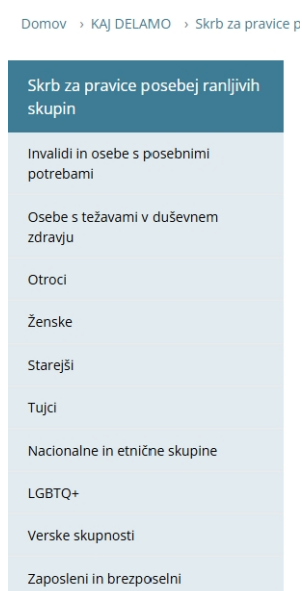
## VI. Acting on the good

The idea of the Superconvention stems from a simple but demanding premise: if we want a future, we must act on the good in every person and in every society, not on fear and exclusion. exclusion. This is not naivety, but responsibility. Therefore, the idea does not seek perfection, but a minimum core, without which there is no dignity, no development and no future generations that could carry on the rights. In this sense, the idea of the Super-Convention is not a document about the past or about violations, but an attempt to secure the future of humanity in a world that is diverse, divided, but still united.

## VII. The impact of the idea of the Super-Convention on the protection of particularly vulnerable groups in different legal systems around the world

### A. The impact of the application of the Super-Convention on the work of the Ombudsman in Slovenia

In the following, we draw on the classification of particularly vulnerable groups as used by the Human Rights Ombudsman of the Republic of Slovenia on its website and in its annual reports (see figure below).



This is an established, professionally recognised and, in Slovenia, legitimate framework for understanding vulnerability in practice. However, it is important to note that this classification is intended to provide transparency and a practical approach to vulnerability, but as a rule does not include specific categories of so-called absolutely vulnerable situations, such as modern forms of slavery, human trafficking or exploitation in the sex industry. These phenomena are strictly prohibited in legal instruments and are addressed in various contexts, but as

an independent “vulnerable group” in the systematisation. For this reason, in addition to the Ombudsman’s systematisation, this article also points out this gap and conceptually places it within the framework of the minimum protected core.

The idea of the Super-Convention does not contradict the Ombudsman's systematisation, but rather conceptually upgrades it. Its key starting point is that it does not regulate vulnerable groups as such, but rather regulates conditions without which vulnerability is systematically produced. In the working draft of the Super-Convention, this is expressed in the provisions on the subject of protection and the minimum core, which stipulate that rights and goods whose loss causes irreversible damage shall be protected, and that the minimum protected core includes protection of life from arbitrary deprivation, protection of dignity against dehumanisation, and protection of the basic conditions for physical, mental and social development. These contents are systematically covered in the working draft in the provisions listed in the Clean Draft as Article 1 on the concept of a human being,



Article 2 on the subject of protection, Article 3 on the minimum protected core, Article 4 on the protection of the future, and in the normatively strict formulation of the minimum core in Article X, which stipulates that this is the core that is a prerequisite for the realisation of all other rights and whose realisation is assessed on the basis of actual effects, particularly with regard to the situation of children.

### *1. An example of the impact of the Superconvention: Slovenia as a “Western country with an internal demographic deficit”*

**If the Superconvention were ratified and directly applicable, the first change in Slovenia would be in the understanding of the hierarchy of policies.** Family, demographic, housing, labour and social policies would no longer be treated as sectoral or redistributive policies, but as constitutionally relevant conditions for the existence of all human rights. The state would be obliged to prove that its measures actually create the conditions for the birth and development of children, rather than merely formally guaranteeing rights on paper.

Mothers' rights would shift from the framework of "reconciling work and family life" to the framework of positive obligations of the state to ensure that motherhood does not pose a systemic risk of poverty, career loss or social exclusion. Employment, taxation, housing and access to services policies should be assessed in terms of their actual impact on the decision to have children, not just in terms of formal equality or the prohibition of discrimination.

Children's rights would no longer be seen merely as the protection of a vulnerable group, but as an indicator of the long-term sustainability of the entire rights system. If indicators showed that children were being born into an environment of insecure housing, unstable parental employment or systemic demographic erosion, this would constitute a violation of international obligations, not merely a social problem or political issue.

For Slovenia – and Western countries more broadly – the Super-Convention would mean a break with the moralising of the international arena. A country that reminds the BRICS countries of human rights standards should at the same time recognise that without children and future generations, it will have neither rights holders nor a welfare state, regardless of the formally high level of protection for the elderly or other vulnerable groups today. The Super-Convention would thus expose the fundamental paradox of the West: normative self-confidence, but demographic emptiness.

The key effect of the Super-Convention is therefore not in additional rights, but in changing the question: no longer whether the state respects rights, but whether it creates the conditions for these rights to have bearers in the future. In this sense, the Super-Convention is not an instrument for Western countries to teach others, but a mirror of their own future.

### *2. Concrete policy changes that the Super-Convention would encourage – (hypothetically)*

On this basis, the understanding of the role of key policies in Slovenia would change: family, demographic, housing, labour law, tax and social policy would be assessed as constitutionally relevant conditions for the existence of all human rights, whereby the state would have to demonstrate **the actual effects** of measures on the birth, upbringing and development of children and on the intergenerational sustainability of society.

#### **2.1. Family and demographic policy**

Family policy would cease to be a set of transfers and partial measures. It would become a key state policy through which the state actively creates an environment in which the decision to have children is realistic

feasible and sustainable in the long term. Demographic trends would no longer be a statistical indicator, but an indicator of compliance with international obligations. Prolonged low fertility would require substantive policy adjustments, not just political debate or rhetorical appeals.

## 2.2. Housing policy

Housing policy would shift from a development and market issue to the core of protecting a minimum secure core. Uncertain rental conditions, unaffordable owner-occupied housing or long-term spatial instability for young families would no longer be treated as a side effect of the market, but as a direct obstacle to the realisation of human rights in the future.

The state would have to demonstrate that housing policy actually enables stable family life, not just formal access to the market.

## 2.3. Labour and employment policy

Labour law and employment policy would shift from protecting individual workers to protecting family and parental sustainability. Precarious forms of work, uncertain incomes and unpredictable working conditions would be assessed in terms of their impact on the decision to have children and on family stability. The super-convention would require an assessment of whether the labour market allows parenthood to be a normal life choice rather than a structural risk.

## 2.4. Tax and social policy

Tax and social policy would cease to be neutral instruments of redistribution. They would become a tool for preserving future rights holders. Tax systems that systematically penalise families with children or fail to recognise the long-term contribution of parenthood to the sustainability of the state would be problematic in terms of content. Social transfers would no longer be assessed solely on the basis of distributive justice, but on whether they prevent motherhood and parenthood from leading to poverty or social exclusion.

## 2.5. Equality and non-discrimination policies

Mothers' rights would shift from the framework of "reconciling work and family life" to the framework of the state's positive obligation to ensure that motherhood does not mean a systemic loss of economic, social or professional status. Equality would no longer be understood merely formally, but functionally: whether women and men actually have the opportunity to become parents without permanent negative consequences for their lives.

## 2.6. Children and youth policies

Children's rights would no longer be seen merely as the protection of a vulnerable group, but as a key indicator of the long-term sustainability of the entire rights system. If indicators showed that children were being born into an environment of material insecurity, unstable parental employment or systemic demographic erosion, this would constitute a violation of international obligations, not merely a social or political problem.

## 2.7. The role of the state and the administration

The administration and legislators would be obliged to assess in advance the impact of laws and policies on children and future generations, rather than merely repairing the damage ex post. The super-convention would thus change the logic of governance: from curative to preventive, from sectors to a holistic view of society as an intergenerational system.

### *3. Concluding upgrade*

In this context, the Super-Convention would act as a mirror: it would not add new rights, but would shift the focus to the question of whether the state is creating conditions for future rights holders. A state that draws the attention of others to human rights standards in the international arena would at the same time be forced to recognise that without children and future generations, it will have neither rights holders nor a welfare state. The Super-Convention would thus expose a paradox: normative self-confidence, but a demographic void.

The key effect of the Super-Convention is therefore not in additional rights, but in changing the question: no longer whether the state respects rights, but whether it creates the conditions for these rights to have in the future. In this sense, the Super-Convention is not an instrument for Western countries to teach others, but a mirror of their own future.

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### *4. Vulnerable groups according to the Ombudsman's classification (Slovenia) and the reflective effect of the idea of the Super-Convention*

In the case of children, the idea of the Super-Convention introduces a conceptual break. Children are not protected merely as weaker individuals, but as a condition for the continuation of the legal and moral world in which rights can be realised at all. When the state fails to provide the basic conditions for development, the deterioration is not only reflected in individual violations, but also in the loss of the future. Therefore, in the draft Super-Convention, the protection of the future is explicitly included in Article 4, and the effect of protection is assessed in particular with regard to the situation of children, as provided for in Article X. In practice, this means that we cannot be satisfied with formal protection for children, but that the state, including Slovenia, must ask itself whether, by ensuring housing, social and security conditions actually fulfil the obligations arising from the CRC, in particular Article 19 on protection from violence and Article 27 on living standards.

For persons with disabilities and persons with special needs, the idea of the Super-Convention does not stem from status, but from an understanding of disability as a point of intersection of risks leading to social isolation, institutionalisation or dehumanisation. This is directly linked to the protection of dignity, which in the European context is supported by the prohibition of inhuman treatment in Article 3 of the ECHR and the systemic protection of personal integrity. In the draft Super-Convention, this aspect is reflected in Article 3 on minimum core and in Article X, which places dignity in the minimum core before dehumanisation. Since the idea of the Super-Convention is preventive, it emphasises the need to monitor situations that lead to the dehumanisation of persons with disabilities, which means that in Slovenia, this group should be systematically assessed, particularly in terms of the conditions for inclusion and the prevention of institutional practices that create dependency.

For persons with mental health problems, the idea of the Super-Convention stems from the understanding that mental distress is often the result of prolonged uncertainty, social isolation and the breakdown of support environments. Traditional law often only reacts when damage has already been done, when a person finds themselves in a situation that is difficult to remedy. The idea of the Super-Convention, however, shifts the focus to early detection

of conditions that systematically produce vulnerability. This logic is consistent with the prohibition of inhuman treatment in Article 3 of the ECHR and with the broader protection of private life in Article 8 of the ECHR, as mental integrity is at the core of the personal sphere. In the draft Super-Convention, this approach is set out in Articles 6 to

9, which provide for risk monitoring mechanisms, systematic risk assessment, early warning and preventive response.

In the case of older persons, the idea of the Super-Convention is based on the ethical and legal premise of intergenerational responsibility. The rights of older persons can only be realised if there are persons who are able and willing to take responsibility for their respect, care and dignity. In this sense

The idea of the Super-Convention emphasises the conditions for continuity of responsibility, which in the European context is linked to the protection of human dignity and the right to respect for home and private and family life under Article 8 of the ECHR. In the draft Super-Convention, this is reflected in Article 4 on the protection of the future and in Article X on the assessment of the effects of protection.

For women, the idea of the Super-Convention does not limit protection to the prohibition of discrimination, but links it to the elimination of conditions that create economic dependence, housing instability and social vulnerability, particularly in the context of motherhood and childcare. In this part, the link with the obligations under the ICESCR is obvious, because at its core is the issue of protecting dignity and protection from dehumanisation, as well as the issue of conditions for child development, which the CRC places at the forefront. In the draft Super-Convention, this approach is based on Article 3 on the minimum core and Article 4 on protecting the future, with the monitoring mechanisms in Articles 6 to 9 enabling systemic risks of vulnerability to be identified before irreversible consequences occur.

With regard to employed and unemployed persons, the draft Super-Convention explicitly emphasises that precariousness, long-term unemployment and loss of social security are not merely individual social problems. They are indicators of the breakdown of the conditions in which families could be formed and future generations born. Since

Article 4 of the draft Super-Convention links protection to the future, and Article X assesses the effectiveness of protection on the basis of actual effects, particularly with regard to the situation of children, uncertainty in the labour market has a direct impact on human rights. Not because labour law status has become a new human rights, but because without predictability and basic security, the conditions for the birth and development of children are not met, and with that, the chain of responsibility without which human rights cannot be realised also fails. In the European context, this problem is also linked to Article 8 of the ECHR, because social and housing insecurity often directly interferes with the possibility of family life.

For foreigners, refugees and displaced persons, the idea of the Super-Convention stems from the view that migration

are not a starting point, but rather a consequence of the failure to implement the minimum core of human rights in their home environments. If the law only reacts in the receiving country, it is too late, because the damage has already been done. The preventive approach of the draft Super-Convention, as set out in Articles 6 to 9 on risk monitoring, early warning and preventive response, is therefore aimed at eliminating the causes in the countries of origin, which means that protection is provided where the situation is breaking down. This approach is in line with the basic purpose of the MPDPP and the CRC, as both instruments protect people regardless of their nationality, with the CRC explicitly requiring non-discrimination against children in Article 2.

Finally, it is important to highlight the gap revealed by a comparison between the Ombudsman's classification system and the real risks of the modern world. The classification of particularly vulnerable groups, as used by the Ombudsman for reasons of transparency and practicality, does not, as a rule, highlight specific categories of absolutely vulnerable situations, such as modern forms of slavery, human trafficking and exploitation in the sex industry, even though these phenomena are addressed in other contexts. The idea

Super-Convention understands such phenomena as evidence of a complete breakdown of the minimum core, in particular the protection of dignity against dehumanisation, which is directly linked to the absolute prohibitions in Article 4 of the ECHR and Article 8 of the ICCPR. In this way, the idea of the Super-Convention warns that the protection of

human rights must not remain at the level of classification of groups, but must have mechanisms in place to detect early enough situations in which a person becomes an object of exploitation.

## B. Afghanistan without a Western-centric interpretation: how the Super-Convention would work (hypothetically)

The Superconvention did not arise as an extension of the existing human rights system or as a vehicle for Western values. Its starting point is different and much narrower: the search for a minimum common denominator that is acceptable in all civilisational and religious traditions, regardless of political system, culture or religion.

Important: This section has been written without comprehensive empirical and comparative analyses. It is possible that an in-depth analysis of the implementation of the Superconvention would show that certain countries – including Afghanistan – are implementing certain aspects of the Superconvention more consistently than one would conclude on the basis of general or prevailing perceptions.

### *1. Minimum common ground between civilisations*

In all major civilisational environments – Islamic, Christian and Jewish, in Indian civilisational traditions and in African community systems – there is a common starting point: the duty of the community to preserve life and ensure the future of its offspring. This is not a consensus on equality roles, political rights or social models, but rather a fundamental prerequisite for the existence of any society: the transfer of knowledge, care and skills from adults to the next generation. The super-convention does not expand this common ground, but rather normatively delimits and protects it.

### *2. A judgement that does not interfere with religion or culture*

In the Afghan context, the Convention does not judge Islam, Sharia law or cultural norms.

The assessment is strictly functional and substantively neutral: whether existing arrangements maintain conditions that enable children, regardless of gender, to acquire the knowledge and skills to live in the world in which they will live.

If the systemic arrangement results in mothers not having access to knowledge, education or public space, the Convention does not judge the reasons for this, but rather the effect: whether this interrupts the chain of knowledge transfer and thus jeopardises the future of the next generation.

### *3. Dignity as a condition for the survival of the community*

Dignity in the context of the Superconvention is not a cultural or moral category, but an existential condition. An infringement of dignity occurs when an individual or group is permanently deprived of the opportunity to learn, develop and transfer knowledge to their descendants. Such an infringement affects not only the individual, but the entire community, as it undermines its ability to survive.

### *4. Children as a benchmark, not as an interest group*

Children are not treated as one of the vulnerable groups in the Super-Convention. They represent a measure of the effectiveness of all regulations. If children do not have real opportunities for development, it means that the community – regardless of its religion, tradition or political system – is losing future bearers of rights, knowledge and responsibility.

In this sense, the Convention also protects the rights of older people and other vulnerable groups: without future generations, who will bear and maintain these rights, there can be no system

### 5. *How the Super-Convention would work in Afghanistan*

In Afghanistan, the Superconvention would operate without ideological requirements and without automatic sanctions.

Its only requirement would be the demonstrable maintenance of minimum conditions that enable the future :

- real access for children to knowledge and development,
- real opportunities for mothers to acquire and pass on this knowledge,
- prevention of intergenerational breakdown of skills and survival.

If these conditions are not met, it constitutes a violation of the minimum common core, which is pre-political, pre-cultural and pre-religious.

#### *c. What does the Superconvention actually "measure" in a global sense?*

The Superconvention in Afghanistan does not measure compliance with Western values. It checks something far more basic: whether society maintains the conditions without which no religion, no culture and no civilisation – future generations.

Important: This section has been written without the relevant analyses. It may be that the results of an analysis of the implementation of the Superconvention would show that Afghanistan is implementing the Superconvention in an exemplary manner.

The Superconvention was not created as a compromise between political systems, but as a search for the deepest common ground between civilisations and religions that have shaped human communities throughout history. This common ground was not sought at the level of identities, rituals or social roles, but at the level of the existence of communities as such.

Common ground can be found in:

- Islamic tradition, where the protection of life, family and offspring is a fundamental duty the community;
- Christian and Jewish tradition, where caring for children, family and the transmission of values between generations is a central moral imperative;
- Indian civilisational traditions (Hindu, Buddhist, Jain and related), where responsibility towards future generations and the transmission of knowledge are part of the social order (dharma);
- African community systems, in which the community exists and is preserved through offspring, intergenerational care and the transfer of knowledge from older to younger generations (e.g. ubuntu).

There is no consensus among these traditions on gender roles, political organisation or the understanding of rights. However, there is consensus on one essential point: without the protection of children and the transfer of knowledge and skills to the next generation, no faith, no culture and no civilisation can survive.

The super-convention therefore does not establish new values or replace existing legal systems. It protects a minimum common core that is pre-political, pre-cultural and pre-religious: conditions without which there will be no bearers of any rights in the future – no rights for women, no rights for the elderly, no rights for vulnerable groups and no rights for society as a whole. In this sense, the Superconvention is not an instrument for moralising others, but a tool for collective self-preservation.

humanity in a world where there are no longer any shared values, but where a common future is still essential.

### 7. Key distinction: UN incompetence and the threshold for mandatory response

Even if the authorities in Afghanistan did not (for example) ensure the conditions for their own social or economic development (e.g. by preventing all female children from receiving an education, which would significantly affect the core of the Super-Convention...), this in itself would not create a mandate for the United Nations to intervene. The Super-Convention is based on the fundamental principle of restraint: the UN is not a body that supervises the political models, religious arrangements or development strategies of states and de facto authorities.

The UN's competence only comes into play at a clearly defined tipping point: when, on the basis of objective, pre-defined indicators (KPIs), it is determined that children's rights and conditions for their development are disproportionately and systematically disadvantaged. Children are a decisive criterion in this context because their situation directly reflects whether the community still maintains the conditions for its own future.

Up to this point, the Superconvention explicitly excludes automatic action. After this point, however, automatic action becomes legal rather than political: not as a punishment or ideological pressure, but as a mandatory response to a confirmed violation of the minimum common core, which is pre-political, pre-cultural and pre-religious. The response is triggered regardless of the reasons, motives or interpretations of the authorities, solely on the basis of the established effects on children.

In doing so, the Super-Convention clearly distinguishes for the first time between:

- legitimate diversity of social arrangements and
- unacceptable breaches of the conditions without which no society, religion or civilisation can survive.

In this logic, the automatic response is not an expression of hegemony, but an expression of the international community's shared responsibility for self-preservation, based on measurable, pre-known and universally verifiable criteria.

## VIII. The fundamental premise of the idea of the Super-Convention: conditions before groups

The idea of the Superconvention stems from the recognition that human rights cannot be self-realised.

Their implementation requires people, institutions and an unbroken chain of responsibility between generations.

Rights are not merely normative statements, but require concrete actors and responsibilities.

Therefore, the draft Super-Convention focuses on a minimum protected core and at the same time stipulates that the effectiveness of protection should be assessed with regard to the future, first and foremost through the situation of children.

This approach is consistent with the basic logic of the CRC, in particular Articles 3 and 6 of the CRC, which require States to give priority to the best interests of the child and to ensure the child's survival and development, and Article 27

Conclusion: the idea of the Super-Convention as an open process and the question of feasibility

## IX. Conclusion: the idea of the Super-Convention as an open process and the question of feasibility

At this point, it should be explicitly reiterated that we are not talking about the Super-Convention as an adopted or formally proposed international act, but rather about the idea of the Super-Convention and a working draft intended for discussion, review and possible further development. The purpose of the idea is not to replace existing conventions such as the ECHR, ICCPR or CRC, but to open up a discussion on whether existing. Despite all its legal sophistication, the system still addresses the essence of contemporary challenges or, above all, mitigates their consequences. The key thesis of the idea of the Super-Convention is that human rights are not self-fulfilling and that without the protection of the basic conditions for life, dignity and development, there will be neither future rights holders nor persons capable of assuming responsibility for their implementation. In this sense, the idea of the Super-Convention does not protect groups, but rather protects the future of rights themselves, with the central normative test remaining the minimally protected core, as conceived in Article 3. draft and normatively strictly formulated in Article X.

How to actually implement the idea of a super-convention remains an open question. That is why the idea does not propose immediate formal codification, but rather a gradual and multi-level approach. First, an expert debate is needed to verify whether the minimum core is truly universal and whether the preventive logic of risk monitoring, as envisaged in Articles 6 to 9 of the draft, is feasible without excessive interference in the sovereignty of states. This should be followed by a soft institutional test, in which the concepts of the draft could appear as guidelines, recommendations or pilot mechanisms within existing structures, and only then by a practical test to see whether such an approach actually reduces vulnerability, conflict and dehumanisation. If this is confirmed, only then could consideration be given to formalisation in the form of an international instrument, either as a  
a super-convention or other forms of commitment.

The idea of a super-convention is therefore not a final answer. It is an attempt to ask the right question at a time when the world seems to be looking for enemies again instead of common ground. If it is human nature for each generation to act responsibly in order to enable the existence of the next, then considering how to protect the conditions for the future is also a civilisational duty. In this sense, the idea of a super-convention does not close the debate, but rather opens it.



## X. Super-convention on human rights – an idea in the form of a UN convention text

Super-convention – Clean copy

### I. BASIC PRINCIPLES

#### 1. Article – Concept of a human being

- (1) In the sense of this Superconvention, a human being means every human person, regardless of legal status, stage of development or social position.
- (2) This Superconvention does not standardise anthropological, philosophical or religious definitions of a human being.
- (3) The concept of a human being is used as the bearer of protected rights and goods within the meaning of this Superconvention.

#### 2. Article – Subject of protection

- (1) The subject of protection are rights and goods whose loss or systemic endangerment causes irreversible damage to individuals, communities or future generations.
- (2) The Superconvention stems from the question of what must be protected, not from the question of how a human being is defined.

#### 3. Article – Minimum protected core

- (1) The minimum protected core of human rights within the meaning of this Superconvention comprises the rights and goods whose protection is a necessary condition for the realisation of all other human rights.
- (2) The minimum protected core includes, in particular:
  - 1. protection of life against arbitrary deprivation,
  - 2. protection of human dignity against dehumanisation,
  - 3. protection of the basic conditions for physical, mental and social development within the meaning of this Convention.
- (3) The rights and benefits referred to in the preceding paragraph shall be protected in all circumstances and shall not be subject to arbitrary or disproportionate interference. (4) The implementation of the minimum protected core shall be assessed in terms of the actual effects of protection, in particular with regard to the situation of children as persons in development and future generations.

#### 4. Article – Protection of the future

- (1) The protection of the minimum protected core is justified by the need to ensure the future of the human community.

- (2) The effectiveness of protection shall be assessed primarily through the position of children as persons in development.

## *II. RESTRICTIONS AND EXCEPTIONAL CIRCUMSTANCES*

### **5. Article – Restrictions**

(1) Measures for the implementation of this Super-Convention and the conduct of the Contracting States may be restricted only in exceptional cases, when this is necessary due to extraordinary circumstances that seriously threaten the existence of a community or the functioning of fundamental institutions.

(2) Any restriction must be:

1. lawful,
2. necessary,
3. strictly proportionate,
4. limited in time,
5. aimed at preventing irreversible damage, particularly with regard to the situation of children and future generations.

(3) The protection of human dignity against dehumanisation and the protection of the basic conditions for physical, mental and social development cannot be waived even in exceptional circumstances.

(4) Restrictions must not be applied in a way that would lead to the systematic normalisation of exceptional measures or to a permanent reduction in the level of protection of the minimum core.

## *III. PREVENTIVE MONITORING MECHANISMS*

### **6. Article – Principle of continuous monitoring**

(1) The Contracting States shall establish continuous monitoring of risks that could jeopardise the minimum core protection referred to in Article 3 of this Superconvention.

(2) Monitoring shall be directed towards the early identification of systemic risks, not towards the detection of individual violations.

### **7. Article – Systematic risk assessment**

(1) The Contracting States shall regularly assess circumstances that may lead to:

1. armed conflicts or violence,
2. the breakdown of basic social, material and housing conditions,
3. mass endangerment of children as developing persons and future generations.

(2) The risk assessment shall take into account, in particular:

1. the likelihood of harm occurring,
2. the possible extent and duration of the consequences,

3. the ability of the state to manage risks with proportionate measures.

#### **8. Article – Early warning**

(1) Where monitoring indicates an increased risk to the minimum protected core, early warning mechanisms shall be triggered.

(2) Early warning may include:

1. internal corrective measures by the State,
2. notification of the competent United Nations bodies,
3. offer professional and technical support.

#### **Article – Preventive response**

(1) Preventive response is based on cooperation, dialogue and support.

(2) Measures are proportionate to the level of risk and focus in particular on:

1. protecting children as developing persons,
2. stabilising living and family conditions,
3. preventing escalation into armed or systemic crises.

#### **10. Article – Distinction from automatism**

(1) Monitoring, early warning and preventive response mechanisms do not imply automatic sanctions, coercive measures or interference in the sovereignty of States.

(2) An automatic response within the meaning of this Super-Convention is permissible only if the conditions for a violation of the minimum protected core, as specified in the annexes to this Super-Convention, are proven and cumulatively fulfilled.

(3) The mechanisms of this Superconvention function as instruments of cooperation, support and joint risk management and are not intended to replace existing judicial, political or security mechanisms.

### **IV. INSTITUTIONAL FRAMEWORK**

#### **11. Article – Minimum Core Commission**

(1) A United Nations Commission on a Minimum Protected Core of Human Rights (hereinafter referred to as the Commission) shall be established.

(2) The Commission shall, in particular:

1. collect and analyse data on the actual impact of the protection of the minimum core
2. issue non-binding warnings and recommendations,

3. promote the exchange of good practices,
4. provide expert and technical support at the request of a State Party or on the basis of an agreed dialogue.

### **12. Article – National contact points**

(1) The Contracting Parties shall designate national contact points for:

1. coordinating monitoring,
2. forwarding information to the Commission,
3. coordinating the implementation of preventive recommendations.

(2) The national contact point does not interfere with the competences of national institutions, but ensures operational connectivity.

## *V. RELATIONSHIP WITH SOVEREIGNTY AND EXISTING INSTRUMENTS*

### **13. Article – Respect for sovereignty**

(1) This Superconvention respects the sovereignty of States.

(2) The monitoring and preventive action mechanisms do not interfere with the internal constitutional order of States, but act as a support for responsible risk management.

### **14. Article – Relationship to existing human rights instruments**

(1) This Superconvention does not replace existing international human rights instruments.

(2) Its role is complementary and preventive.

### **15. Article – Principle of non-regression**

(1) The provisions of this Superconvention shall not be interpreted as reducing or limiting already recognised rights or standards of human rights protection.

(2) Where a higher standard of protection exists under other instruments or national law, the higher standard shall apply.

## *VI. FINAL PROVISIONS*

### **16. Article – Gradual implementation and pilot projects**

Contracting Parties may introduce the mechanisms set out in Chapters III and IV gradually, including in the form of pilot schemes, taking into account their institutional capacities.

### **17. Article – Review of effectiveness**

The Commission shall periodically prepare a report on the functioning of the mechanisms of this Super-Convention, taking into account as a key criterion the actual effects of the protection of the minimum core, in particular in relation to children as persons in development.

### **18. Article – Purpose of the Super-Convention**

The purpose of this Super-Convention is to prevent situations in which the protection of human rights is only possible after irreparable damage has been done.

ANNEX I Indicators for determining the implementation of the minimum core (within the meaning of Articles 3 and 4 of the Super-Convention)

## ANNEX I TO THE SUPERCONVENTION – Indicators for assessing the implementation of the minimum protected core (*within the meaning of Articles 3 and 4 of the Superconvention*) – proposal

### Indicators for determining the implementation of the minimum protected core

(*within the meaning of Articles 3 and 4 of the Superconvention*)

#### 1. Purpose of the Annex

(1) This Annex sets out indicators for assessing whether **the basic conditions for the physical, mental and social development of children** are in place, as a prerequisite for the realisation of all other

human rights.

(2) The indicators are used for:

- monitoring risks (Articles 6 and 7),
- early warning (Article 8),
- preventive response (Article 9),
- and, in exceptional cases, to determine **proven violations of the minimum protected core**.

(3) The indicators are assessed solely on the basis of **their actual effects**, regardless of the cultural, religious, political or economic system of the country.

#### 2. Interpretation of principles

(1) The indicators in this annex assess whether the family and community can still perform their basic function:

**to raise children to be responsible bearers of future rights and obligations.**

(2) Countries can ensure these conditions through various means, including:

- income from work,
- social transfers,
- community or family mechanisms,
- other legitimate support systems.

(3) The model chosen is not subject to assessment; what is assessed is **the impact on the situation of children**.

### 3. Basic indicators of the minimum protected core

#### Indicator A: Family functionality

The assessment is whether children predominantly grow up in a **stable family environment** in which there are lasting and responsible relationships between adults and children.

A violation is only present in cases of **systematic and prolonged absence of family care** affecting the majority of children in the community.

#### Indicator B: Biological security of the family

An assessment is made of whether families are objectively capable of providing **adequate nutrition, drinking water and basic conditions for the survival of children**.

A violation is deemed to have occurred in the event of **widespread and persistent threats to the basic biological needs of children**.

#### Indicator C: Material and spatial stability of the family

An assessment is made of whether the family has a **sufficient and stable material basis** that enables:

- safe accommodation,
- covering basic living costs,
- protecting children from economic exploitation.

This condition can be met by various legitimate means, including work, social transfers or community mechanisms.

A violation occurs when the material instability of the family leads to a situation in which the child is involved in work or other activities in a manner that **prevents** him or her **from accessing basic education** or permanently binds them to the role of a means of survival without the possibility of development.

#### Indicator D: Transfer of understanding of the world (education)

An assessment is made of whether children **are actually acquiring the basic understanding of the world** necessary for independent living and responsible behaviour.

Education is assessed on the basis of its actual effects. A violation also occurs when education is formally accessible, but children **are not able to actually participate in it** due to material, social or systemic circumstances.

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### Indicator E: Future prospects

An assessment is made of whether children have a **realistic and tangible future perspective** in which knowledge, effort and responsibility enable a stable and dignified life.

A violation is deemed to have occurred in the event of **proven intergenerational regression**, indicating a permanent deterioration in the life chances of future generations.

### 4. Cumulative test for determining a violation of the minimum protected core

(1) A proven breach of the minimum protected core exists only if all of the following conditions are met simultaneously:

1. a persistent breach of **at least three** of the core indicators listed in point 3 of this Annex;
2. the situation affects **the majority of children** in the community concerned;
3. **irreversible damage** to future generations has been established;
4. the preventive mechanisms set out in Articles 6 to 9 of the Super-Convention have not been effective;
5. the findings are based on **independently verifiable data**.

(2) If any of these conditions are not met, an automatic response is not permitted.

### 5. Distinction regarding child labour

(1) Child labour that is:

- part of family, cultural or community practices,
- proportionate to age and abilities,
- compatible with basic education,
- and does not lead to dehumanisation or a permanent

subordinate position, shall not be considered a violation of the minimum protected core.

(2) A violation exists when a child is **deprived of access to basic education** with the intention or effect of keeping them permanently tied to work, dependency or a subordinate position without any real possibility of development.

### 6. Safeguards of sovereignty

(1) No indicator in this Annex may be used as a basis for action solely because of:

- low levels of economic development,



- different cultural or religious arrangements,
- the chosen political or social model of the country.

(2) The assessment shall be based solely on **the actual impact on children and future generations**, not on the reasons or justifications given by the authorities.

## **7. Purpose of use**

The indicators in this annex are not intended to be punitive, but rather **to prevent situations in which the future realisation of human rights becomes impossible**.

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## **Final provision**

The minimum protected core is violated when society no longer provides the conditions for children to become responsible bearers of future rights and obligations.

## Annex 1 – Table of articles of the super-convention/existing professional and UN sources

<b>Annex 1: Comparative table</b>				
Articles of the Super-Convention ↔ existing professional and UN sources (analytical justification)				
Article Superconvention	Content focus Article	Closest existing concepts / sources	Key similarity	Key difference / your added value
<b>Article 3</b>	Minimum protected core conditions for dignity	CESCR, <i>General Comment No. 3</i> (minimum core obligations); ICESCR	The state has an obligation to ensure a minimum, regardless of resources	The super-convention does not derive from individual rights, but from <b>the preconditions of all rights</b>
<b>Article 4</b>	Assessment based on actual effects, not merely norms	OHCHR – ESC rights indicators; academic literature on “outcomes-based assessment”	Effectiveness is measured in people's real lives	Children/future generations as the <b>primary sensor of systemic failure</b>
<b>Article 6</b>	Monitoring structural risks	OHCHR – Human Rights Monitoring; Universal Periodic Review (UPR)	Regular monitoring of the human rights situation	Focus on <b>risks of violations</b> , not just on identified violations
<b>Article 7</b>	Early warning	OHCHR Early Warning; UN Office on Genocide Prevention – <i>Framework of Analysis</i>	Analysis of signals, trends, cumulative factors	Extension from mass crimes to <b>dignity, family, children, future</b>
<b>Article 8</b>	Preventive response and support to countries	OHCHR Technical Assistance; UNDP governance support	Dialogue, support, capacity building	Prevention as a <b>legal obligation</b> , not political discretion
<b>Article</b>	Escalation based on risk	Atrocity Prevention “graduated response”; peacebuilding literature	Proportionality of response	Clear distinction from sanctions; emphasis on preventing irreversible damage
<b>Article 10</b>	Explicit rejection of automatic sanctions	UN Human Rights Up Front (HRUF)	Early warning ≠ automatic enforcement measures	Normative codification of this principle (currently exists only as policy)
<b>Article 11</b>	Children and future generations as reference point	UN Convention on the Rights of the Child (CRC); principle of the best interests of the child	Special protection of children	Children as a <b>systemic indicator future (un)feasibility of all rights</b>

## Appendix 2 - Substantiated bibliography (ChatGPT5.2 analysis)

### A. Universal “normative backbone” (UN): minimum core, non-discrimination, positive obligations

1. **UN Committee on Economic, Social and Cultural Rights (CESCR). (1GG0).** *General Comment No. 3: The Nature of States Parties' Obligations (Art. 2(1) ICESCR).*  
**Usefulness:** Fundamental source for the doctrine of the **minimum core of obligations** and the “maximum use of available resources” test. In the article, it serves as evidence that the “minimum” is already an internal part of the UN system, but the Super-Convention transforms the minimum into *a common denominator in multipolarity*. [Refworld+1](#)
2. **United Nations. (1G66).** *International Covenant on Economic, Social and Cultural Rights (ICESCR).*  
**Usefulness:** Primary legal basis for the argument that the protection of *basic conditions* (standard of living, health, education, social security) is an integral part of human rights, which is compatible with your “pre-political minimum”. (You refer indirectly via CESCR GC3). [Refworld](#)
3. **OHCHR. (2012).** *Human Rights Indicators: A Guide to Measurement and Implementation (HR/PUB/12/5).*  
**Usefulness:** Methodological basis for assessment **based on actual** outcomes and for legitimising indicators that are necessary for “early warning” and prevention. Gives operational credibility to the super-convention. [OHCHR+2OHCHR+2](#)
4. **UN Office on Genocide Prevention and the Responsibility to Protect. (2014).** *Framework of Analysis for Atrocity Crimes.*  
**Usefulness:** Reference model for **risk analysis**, cumulative indicators and response escalation. Although the scope is narrower (atrocity crimes), the logic of “risk factors → early warning → preventive action” is a direct analogue to your articles on monitoring and early warning. [un.org+1](#)
5. **United Nations Secretary-General. (2013–).** *Human Rights Up Front (HRUF) Initiative.*  
**Usefulness:** Proof that even the UN institutionally recognises the need for a “shift from curative to preventive” and for coherence between development, peace and human rights. The super-convention can elevate this logic from internal politics to a normative framework. [un.org+1](#)

## B. Multipolarity as a legal problem: universality, particularities, non-selectivity

6. **World Conference on Human Rights. (1GG3).** *Vienna Declaration and Programme of Action (VDPA).*

**Usefulness:** Key compromise text: universality of rights confirmed, while explicitly recognising the importance of **national/regional particularities**. The VDPA is an ideal "bridge norm" for your argument that the Super-Convention does not competes for ideological unity, but defines the minimum that remains common.

[OHCHR+1](#)

7. **Asian Regional Meeting for the World Conference on Human Rights. (1GG3).** *Bangkok Declaration.*

**Usefulness:** A historically significant document emphasising the Asian focus on **non-selectivity**, development, sovereignty, and cultural context. Useful for explaining why, in a multipolar world, it is realistic to seek *minimum*, rather than complete, convergence of values. convergence. [internationalhumanrightsllexicon.org+1](#)

8. **Organization of Islamic Cooperation (OIC). (1GG0; editions/reprints).** *Cairo Declaration on Human Rights in Islam.*

**Usefulness:** An example of normative plurality (religious-cultural basis) and different understandings of rights; it reinforces your argument that the Super-Convention is not a project of "uniformity" but a project of "minimum stabilisation".

[elearning.icrc.org+1](#)

## C. Africa: rights of "peoples", right to development, family and duties – directly relevant to "what is worth protecting"

9. **Organisation of African Unity / African Union. (1G81).** *African Charter on Human and Peoples' Rights (Banjul Charter).*

**Applicability:** Key, because it contains (i) **the rights of peoples**, (ii) **the right to development**, and (iii) explicit **duties**, including family and solidarity. This is the strongest regional evidence that a rights system can be based on a broader, community-oriented and development-oriented minimum. [African Union+2OAS+2](#)

10. **African Union. (1GG0).** *African Charter on the Rights and Welfare of the Child (ACRWC).*

**Applicability:** Regional African codification that places the child at the centre, often more explicitly than the universal framework, and confirms your central thesis: **without children, there will be no rights holders in the future.** [African Union+1](#)

11. **Okafor, O. C. (2000).** *Right to Development (commentary on the African Charter – e.g. discussion of Article 22).*

**Usefulness:** Authoritative expert interpretation of the right to development in Africa. system; useful for arguing that the "minimum" is not only a social threshold but also a developmental horizon for the community. [OHCHR](#)

## D. China: “subsistence and development as primary rights”, development, security, civilisational pluralism

12. **State Council Information Office of the People's Republic of China. (2021).**

*Human Rights Action Plan of China (2021–2025).*

**Usefulness:** Primary document showing China's normative focus: socio-economic rights, development, welfare, social security. Useful as “proof of minimum language” that can be built on in multipolarity survival, development and social stability. [OHCHR+1](#)

13. **People's Daily / official publication (2022).** (compiled PDF) *texts on the right to survival and development as primary fundamental rights.*

**Usefulness:** Illustrates the official doctrine of "subsistence C development first", which is directly compatible with your concept of "pre-political minimum", albeit from a different ideological tradition. [download.people.com.cn](#)

14. **Ministry of Foreign Affairs of the PRC. (2023/2024).** *A Global Community of Shared Future: China's Proposals and Actions* (and related materials).

**Usefulness:** Sources for placing the Super-Convention in the reality of global diplomacy: emphasis on development, security, civilisational dialogue. Useful as evidence that part of the world links the legitimacy of rights protection to **stability, development and sovereignty**, which the Super-Convention addresses with a minimum. [mfa.gov.cn+1](#)

15. **Chinese Foreign Policy – conceptual document. (2023).** *The Global Security Initiative Concept Paper.*

**Usefulness:** Shows how China conceptualises "security" as a prerequisite for development; support this in your article with your thesis: The Superconvention protects the minimum conditions for rights to remain enforceable. [en.chinadiplomacy.org.cn](#)

16. **Independent European analyses of Chinese global initiatives (2023–2024).** e.g. PRIF Spotlight; FIIA Briefing Paper.

**Usefulness:** Secondary sources that help to describe in a neutral way the importance of GDI/GSI/GCI and civilisational plurality for global governance and thus for the "multipolar context" of your proposal. [prif.org+1](#)

## E. Russian Federation: sovereignty, civilisational state, multipolarity – a framework in which a minimum must remain “common”

17. **Ministry of Foreign Affairs of the Russian Federation. (2023).** *The Concept of the Foreign Policy of the Russian Federation.*

**Usefulness:** Primary source for the Russian understanding of multipolarity, sovereignty and international order. Important for your article as evidence that part of the world is normatively distancing itself from "universalism as an instrument of hegemony"; therefore, the Superconvention offers a minimum that is not perceived as imposing a model. [mid.ru](https://mid.ru)

18. **Geneva Academy (2025).** *Beyond Power and Politics: Engaging Russia in a Fractured Multilateral Order.*

**Usefulness:** Secondary analytical source for understanding why human rights are often portrayed as a "tool of influence" in the Russian security narrative and why the search for a common minimum in multipolarity makes conceptual sense. [Geneva Academy](https://www.genevaacademy.org)

## F. Global South/BRICS: “right to development”, sovereign equality, equal treatment of all rights

19. **BRICS. (2024).** *Kazan Declaration (XVI BRICS Summit).*

**Usefulness:** Very useful primary source: explicitly emphasises **the right to development** and the requirement that all rights be treated “on the same level and with the same emphasis”. This ties in with your concept of a minimum that must be acceptable in a heterogeneous block of countries. [static.kremlin.ru](https://static.kremlin.ru)

20. **BRICS Ministers of Foreign Affairs. (2024).** *Joint Statement* (articles on human rights, equality, mutual respect, right to development). **Usefulness:** Additional basis for the argument of a "non-sanctioning, non-selective minimum": rights are treated without double standards and in the context of sovereign equality. [brics.br](https://brics.br)

21. **BRICS. (2025).** *Rio de Janeiro Declaration* (highlights: sovereign equality, inclusiveness, Global South).

**Usefulness:** Framework for positioning the Super-Convention as a "stabilising" instrument that addresses the concerns of the Global South regarding hierarchies and selectivity in international regimes. [brics.br](https://brics.br)

## G. Children as a condition for the existence of all rights (not as "one vulnerable group")

22. **United Nations. (1989).** *Convention on the Rights of the Child (CRC).*

**Applicability:** The universal legal basis that children are rights holders and that development

(survival C development) is at the core of states' obligations; in your case, the upgrade is that children become **the condition for the existence of all rights** (including the rights of older people). (For GC5, see the following source.)

**23. UN Committee on the Rights of the Child. (2003).** *General Comment No. 5: General measures of implementation of the CRC (CRC/GC/2003/5).*

**Usefulness:** It operationalises the state's duty to establish systemic measures (institutional, budgetary, coordination). It is a direct basis for your claim that without systemic care for children, no rights can be realised in the long term. [Refworld+1](#)

**Suggested concluding bibliographic sentence (for your article)**

The bibliography confirms that the Superconvention *normatively* derives from existing elements (minimum core, indicators, prevention), but *in a multipolar reality*, it explicitly shifts the focus for the first time to the question of a common minimum that is acceptable across different civilisational and political models: the protection of conditions for children and future generations as a prerequisite for the existence of all other rights, including the rights of the elderly and other vulnerable groups.

## Appendix 3: Map of authors by civilisation – a common issue, different languages

**Common issue (core of the problem)**

**How to protect the minimum conditions (life, dignity, development, future) without which society and rights collapse?**

### 1. The West (Europe, USA) – law and minimum obligations

Author / source	How to ask a question	What protects
Philip Alston admissibility	What is the minimum obligation of the state?	Threshold of non-
CESCR (GC 3)	When does a state violate rights by mere omission?	Minimum conditions
Samuel Moyn (criticism) concentration	Why does the inflation of rights not work?	The importance of
Amartya Sen	Are people actually capable of living?	Capabilities

**Note:** The West remains reserved on the question *of the survival of society*; the focus is on the individual and the state.

## 2. Africa – community and humanity

Author/tradition	How to pose the question	What
<b>protects Ubuntu (Ramose, Menkiti)</b>	How to preserve the humanity of the community? Relationships	
<b>African Charter</b>	Dignity + community	Non-dehumanisation

**Key:** without community there is no human being → without children there is no future for the community. This is *the core*, not a right.

## 3. Latin America – life and dignified survival

Author / tradition	How to pose the question	What Enrique
<b>Dussel protects</b>	Do rights serve life? Vida digna	<b>Buen Vivir</b>
<b>(Gudynas)</b>	How to live, not just have? Living conditions	
<b>Constitutions of Bolivia/Ecuador</b>	Life as the goal of the state	Common conditions

**Key:** rights without living conditions are empty.

## 4. Asia (China, Japan, Korea) – *order, responsibility, future*

Author/tradition	How to ask the question	What does
<b>Confucianism protect (Tu Weiming)</b>	How to maintain order and lineage?	
The family <b>Asian human rights discourse</b>	Rights + duties	Stability

**Key:** children are the guarantee of the future; rights are secondary to order.

## 5. India – dharma and responsibility

Tradition	How to ask the question	What protects
<b>Dharma</b>	What maintains cosmic and social order?	Duties <b>Indian</b>
<b>constitutional practice</b>	Rights + duties	Balance <b>Key:</b>

Community survival is based on duties, not demands.



## 6. Islamic world – *knowledge and community*

Source	How to ask the question	What
protects Hadiths on knowledge		How to
preserve the umma?	Knowledge	
<b>Islamic legal tradition</b>	What prevents the disintegration of the community?	Education
<b>Key:</b> knowledge (including for women) as a civilisational obligation.		

## 7. Russian Federation / Eurasia – *survival of culture and state*

Author / tradition	How to pose the question	What protects
<b>Berdyaev</b>	What preserves the meaning of community?	
Spiritual core	<b>Eurasian thought</b>	How to survive as a civilisation?
Continuity		
<b>Key:</b> scepticism towards universalism, emphasis on the survival of the collective.		