Global Human Rights

At the end of this session, you should be able to understand:

- The Concept of human rights
- History and sources of human rights
- Universal Declaration of Human Rights
- The role of the UN—the UN Human Rights system
- UN and International Conventions
- Four generations of human rights
- Problems with and criticism of HR: State sovereignty, Universal acceptance? Cultural imperialism? Implementation?
- The role and attitude of U.S. governments toward HR
- How to promote and achieve HR goals? Humanitarian Intervention?
- HR belong to all of us versus governments/states

Common Myths about Human Rights

- Human Rights = civil rights.
- Human Rights violations occur only in poor, foreign countries.
- Human Rights are only concerned with violations.
- Only adults and lawyers can understand the significance of Human Rights.

Human Rights Are:

- Inalienable/ Universal
- Interconnected
- Indivisible
- Both Rights and Responsibilities
- The rights that someone has simply because he or she is a human being.

Sources of Human Rights

- Philosophy
- Religion
- Legislation, inspired by
- revolutionary movements
- increasing sensitivity for the dignity of mankind

Human Rights: Competing Interests

- State Sovereignty
- Individual Protection
- Personal Motivations
- Racism
- Religious discrimination
- Role of women
Precursors to 20th century Human Rights Documents

- 1750 B.C.E. Code of Hammurabi, Babylonia in Iraq
- 1200 - 300 B.C.E. Old Testament
- 551 - 479 B.C.E. Analects of Confucius
- 40 - 100 C.E. New Testament
- 644 - 656 C.E. Koran
- 1215 Magna Carta, England
- 1400 Code of Nezahualcoyotl, Aztec
- 1648 Treaty of Westphalia, Europe
- 1689 English Bill of Rights, England
- 1776 Declaration of Independence, United States
- 1787 United States Constitution
- 1789 French Declaration on the Rights of Man and the Citizen, France
- 1791 - United States Bill of Rights
- 1863: Emancipation Proclamation, United States
- 1864 & 1949: Geneva Conventions & International Red Cross
- 1920: Women gain the right to vote in the U.S.
- 1926: Slavery Convention
- 1947: Mohandas Gandhi uses non-violent protests leading India to independence.

Four generations of Human Rights

1. "negative" political/civil
2. "positive" eco/social/cultural
3. collective
4. intergenerational/ sustainability/ development

Universal Declaration of Human Rights

- Article 1: Everyone Is Free and Is Entitled to Human Rights
- Article 2: No Discrimination
- Civil and Political Rights
- Article 4: No Slavery
- Article 5: No Torture
- Articles 6 - 12: Legal Procedure
- Articles 13 - 15: Mobility
- Articles 18 - 21: Political Rights
- Social and Economic Rights
- Article 16: Marriage
- Article 17: Property
- Articles 22 & 25: Social Security
- Articles 23 & 24: Employment
- Article 26: Education
- Article 29: Limitations only if necessary to
  1) Secure due recognition and respect
  of the rights and freedoms of others
2) Meet the requirements of:
   - Justice
   - Morality
   - Public Order
   - General Welfare

UN CHARTER
Article 1(3): “The Purposes of the United Nations are: 3. To achieve international cooperation in ...promoting and encouraging respect for Human Rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”
Article 55: “The United Nations shall promote: Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”
Article 56: “All members pledge themselves to take joint and separate action for the achievement of the purposes set forth in Article 55.”

Tasks of the UN High Commission on Human Rights
- To make the UN rights regime more effective, the UN’s 53-state HR Committee examines periodic compliance reports submitted by treaty parties
- The High Commissioner must monitor and enhance the UN’s human rights programs

Number of ratified UN Human Rights Conventions (1998)
- 14 conventions dealing with general HR, racial discrimination, rights of women, slavery/prostitutes, refugees/stateless persons, children, torture, genocide
- 10. Examples
  - South African anti-apartheid campaign 1946-1992
  - 300 million indigenous peoples in 5,000 groups living in Australia, U.S., Canada, Mexico, South America, New Zealand, Scandinavia, Central Africa = "civilized to extinction"

Universal Acceptance of Human Rights?
- Many argue that universal acceptance of the UDHR has made it binding as a matter of international law. Does it really???

Support for Human Rights?
The Issue of “Cultural Relativism”
- All States profess support for the human rights of their citizens, but MANY disagree about the precise content of this body of rights.
- Some deny that these rights are universal
- Others pay lip service without actually observing/promoting them unequivocally & universally & non-hypocritically

The Issue of Western Imperialism? Are Human Rights Western-derived Concept?
Asian leaders have traditionally characterized human rights as imperialist tools for intervening in the internal affairs of other nations. They argue that human rights in China are now more viable than in previous generations. Indian scholars express their opinion that the West’s notions of politically oriented human rights has little meaning for people who lack the basic necessities of life.

The Human Rights record of the United States
- The US has historically shunned ratification of global human rights instruments.
- One rationale is the “lack of clarity” because of the “imprecise content” of HR Declarations.
- Is this a principled stand or one based on foreign policy expediency or political convenience? Is this ambivalence in the long term “national” and “security” interest of the people (!) of the United States?

Achieving Human Rights goals
- By example
- Via diplomacy
- Give asylum
- World opinion pressure
- Foreign assistance
- World Organizations (UN system)
- NGO’s (Red Cross, AI…)
- Economic sanctions/Peace keeping/War & Violence???

Humanitarian Interventions?
- (Dis)interest of intervening
  (Super)Power(s)⇒Rwanda vs. Iraq)
- What is genocide & human rights atrocities
- Problem of collective action
- Who should be protected and how?
- Who pays?