

# Introduction to Human Rights

Human rights are traditionally categorized in the following five types

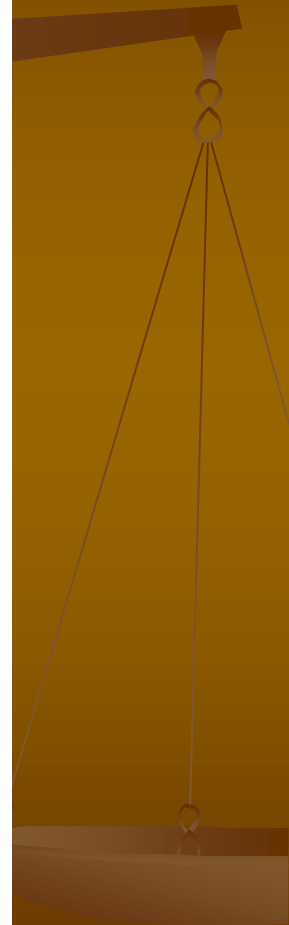


## ■ The Universal Declaration of Human Rights

The idea of human rights did not begin with the establishment of the United Nations - its roots can be found in all world cultures and religions. However, the adoption of the Universal Declaration by the UN General Assembly in 1948 was a landmark achievement in world history as it was the first time that the international community set down formal standards of human rights and freedoms that should be enjoyed by everyone, everywhere. The Universal Declaration proclaims that respect for human rights "is the foundation of freedom, justice and peace in the world". Since agreeing on the Universal Declaration, the international community has pursued what is a continuing task, to make the Declaration's ideals effective.

The Universal Declaration is now available in over three hundred languages, which makes it the most translated document in the world.

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*Eleanor Roosevelt led and chaired the commission that developed the historic Universal Declaration of Human Rights.*



# Basic Documents on Human Rights

1948 Universal Declaration of Human Rights

1966 International Covenants on Human Rights

International Covenant on CPR

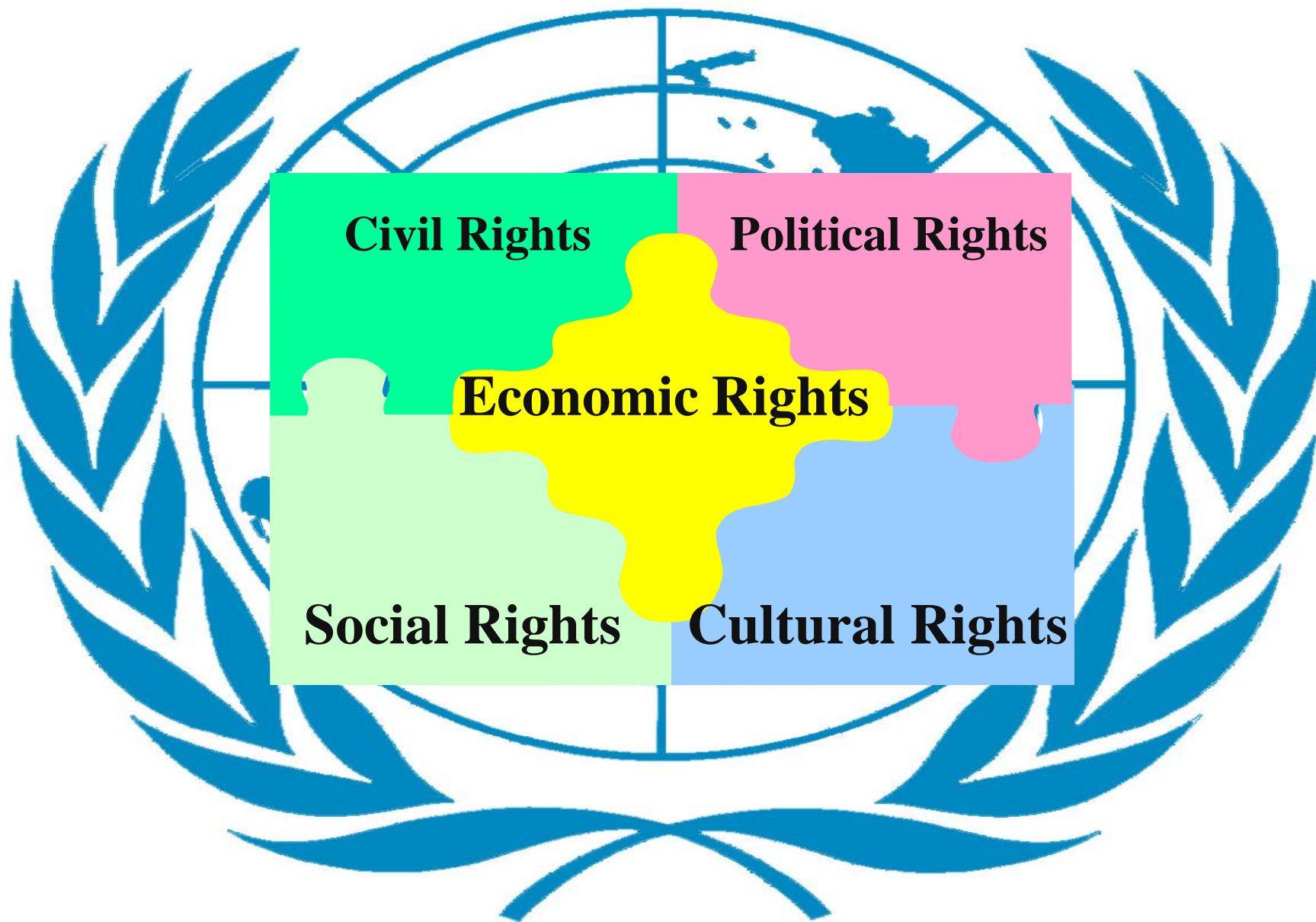
International Covenant on ESCR

- a) Specific topics: Torture, Racial discrimination
- b) Specific victim groups: Gender, Children

General Comments & Recommendations by all treaty bodies including:

General Comment 12, 1999

General Comment 15 on drinking water, 2002



**Civil Rights**

**Political Rights**

**Economic Rights**

**Social Rights**

**Cultural Rights**



# Civil and Political Rights

**Civil Rights**



**Political Rights**

Civil rights deal with standards of judiciary and penal systems.

Political rights deal with specific components of participation in political power.

These rights are often focused on when one talks about human rights.

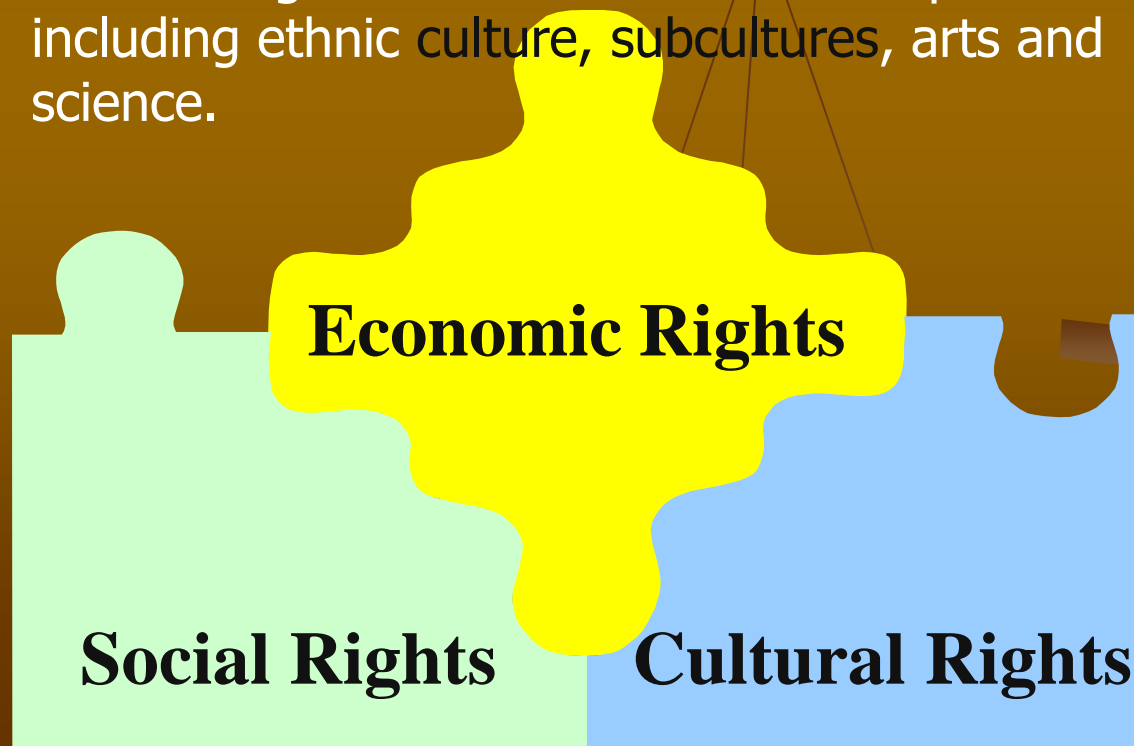


# ESCR - The neglected half of Human Rights

Economic Rights deal with the sphere of human beings working, producing and servicing.

Social Rights deal with standard of living and quality of life for all persons, including those not participating in economic activities.

Cultural Rights deal with the cultural sphere of life including ethnic culture, subcultures, arts and science.



# “Distinctions” of CPR

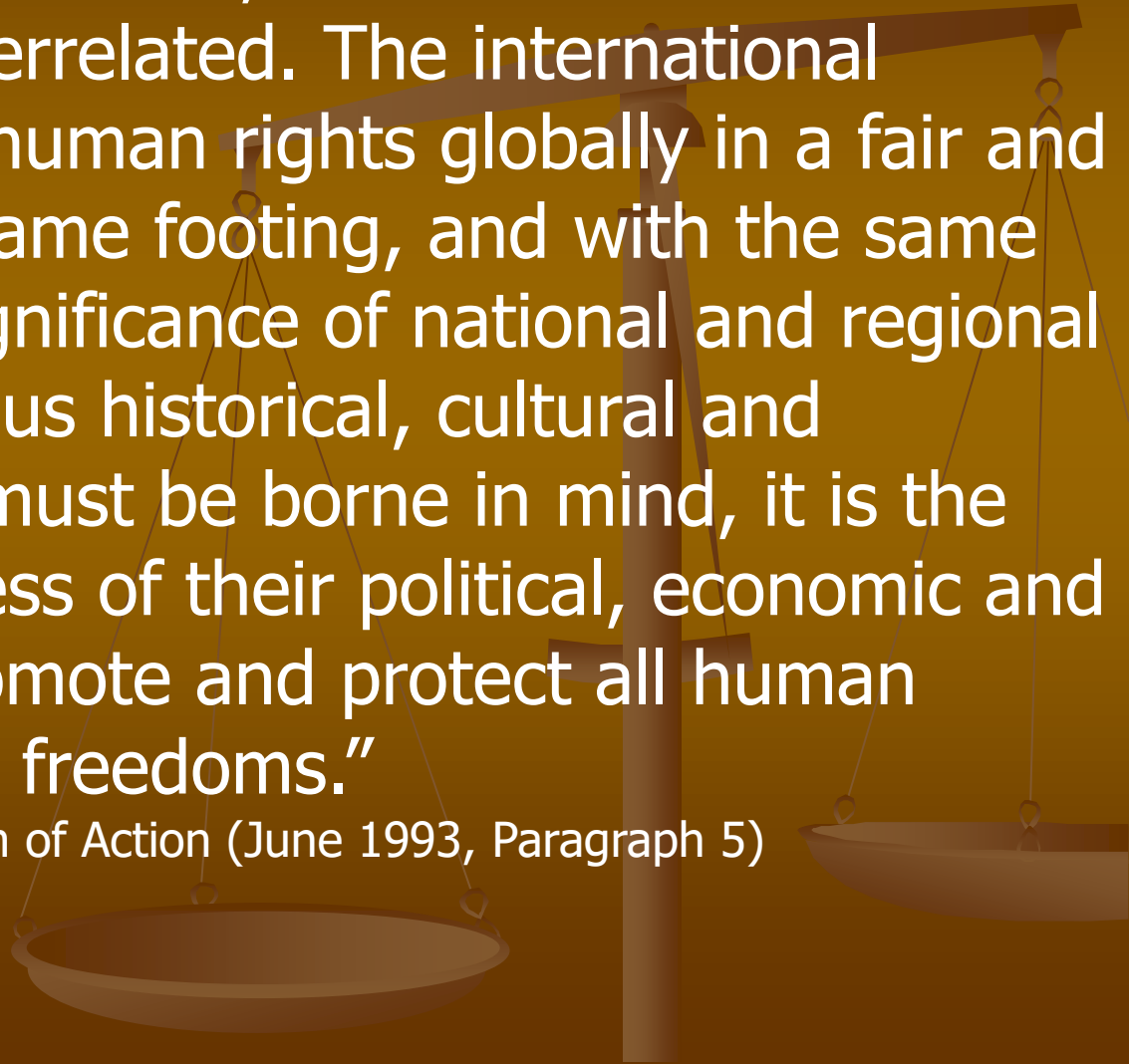
# ESCR

<b>Civil and Political rights (CPR)</b>	<b>Economic, social, and cultural rights (ESCR)</b>	<b>Rationale for challenging the distinction</b>
<p><b>Objective is to ensure freedom</b></p> <p><b>Negative (freedom from=droit attribut)</b></p> <p><b>Cost-free (individual freedom)</b></p> <p><b>Justicia ble</b></p> <p><b>Immediate implementation</b></p> <p><b>Absolute, immutable</b></p>	<p><b>Objective is to ensure equality</b></p> <p><b>Positive (right to=droit créance)</b></p> <p><b>Resources required (welfare)</b></p> <p><b>Political or programmatic</b></p> <p><b>Progressive implementation</b></p> <p><b>Relative, responsive to changing conditions</b></p>	<p>Freedom requires both types of rights, and equality must be assured in both</p> <p>Obligation to respect, protect, and fulfill apply to all rights.</p> <p>Requirement of resources is dependent on the type of obligation not on the type of right.</p> <p>All rights eventually become justiciable as better they are defined</p> <p>Elements of immediate and progressive implementation apply to all rights in varying degrees</p> <p>All rights have a core of which the implementation is indispensable</p>

# Indivisibility of Human Rights

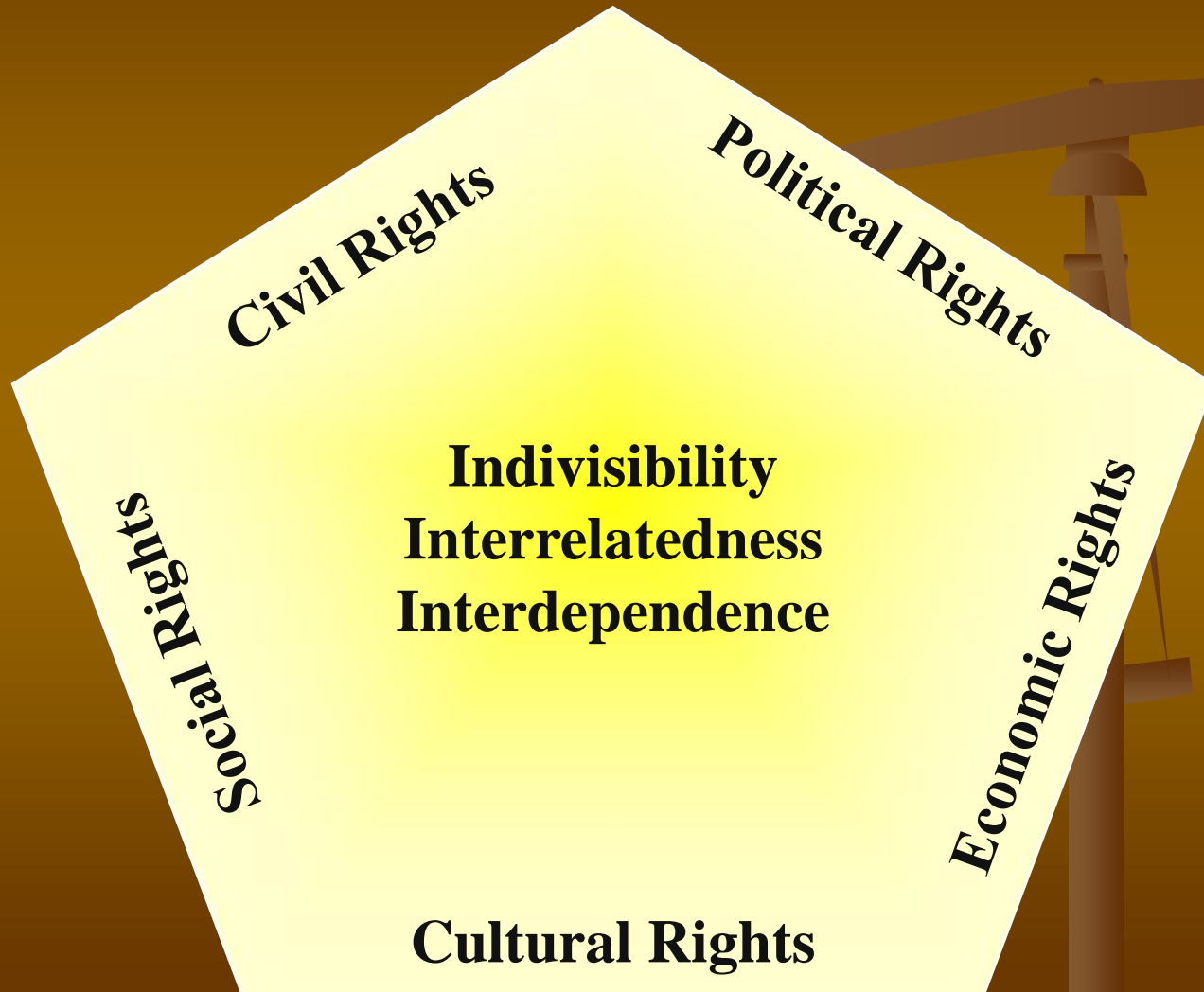
“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

The Vienna Declaration and Program of Action (June 1993, Paragraph 5)



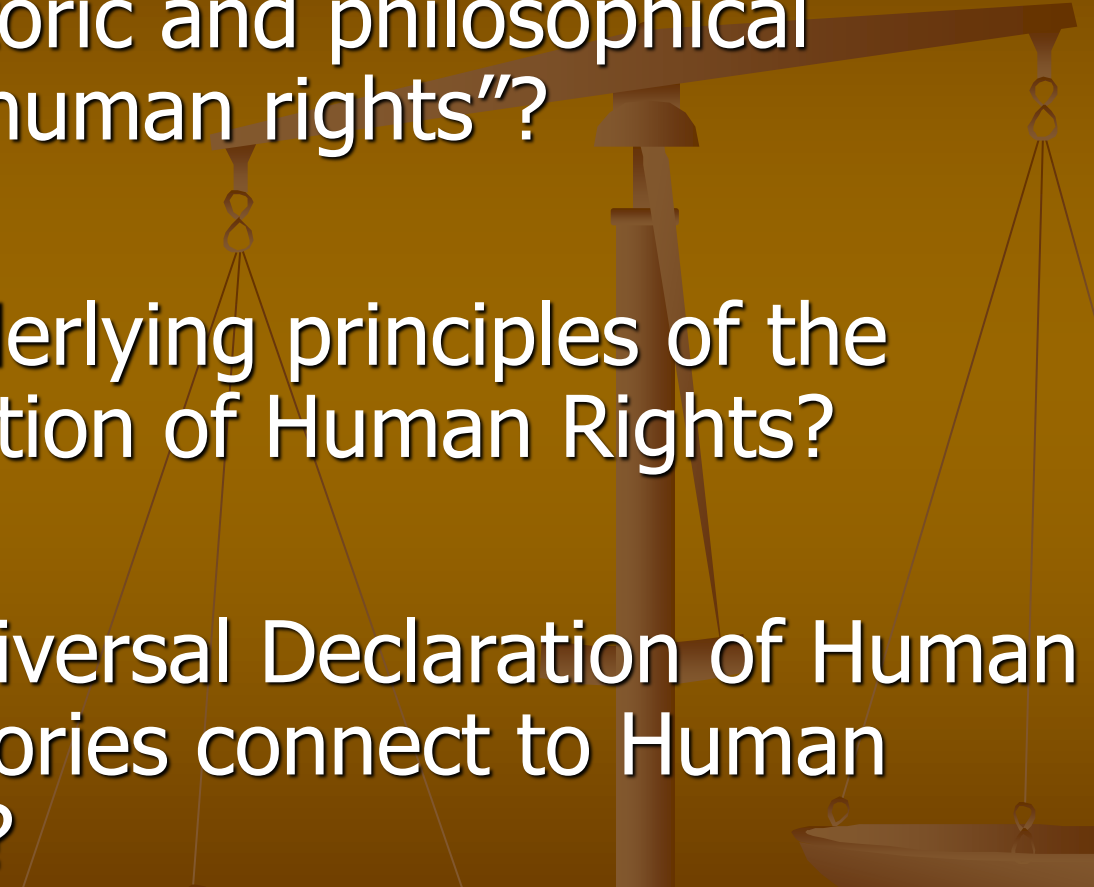
# Summary

Human rights are indivisible and highly interrelated.



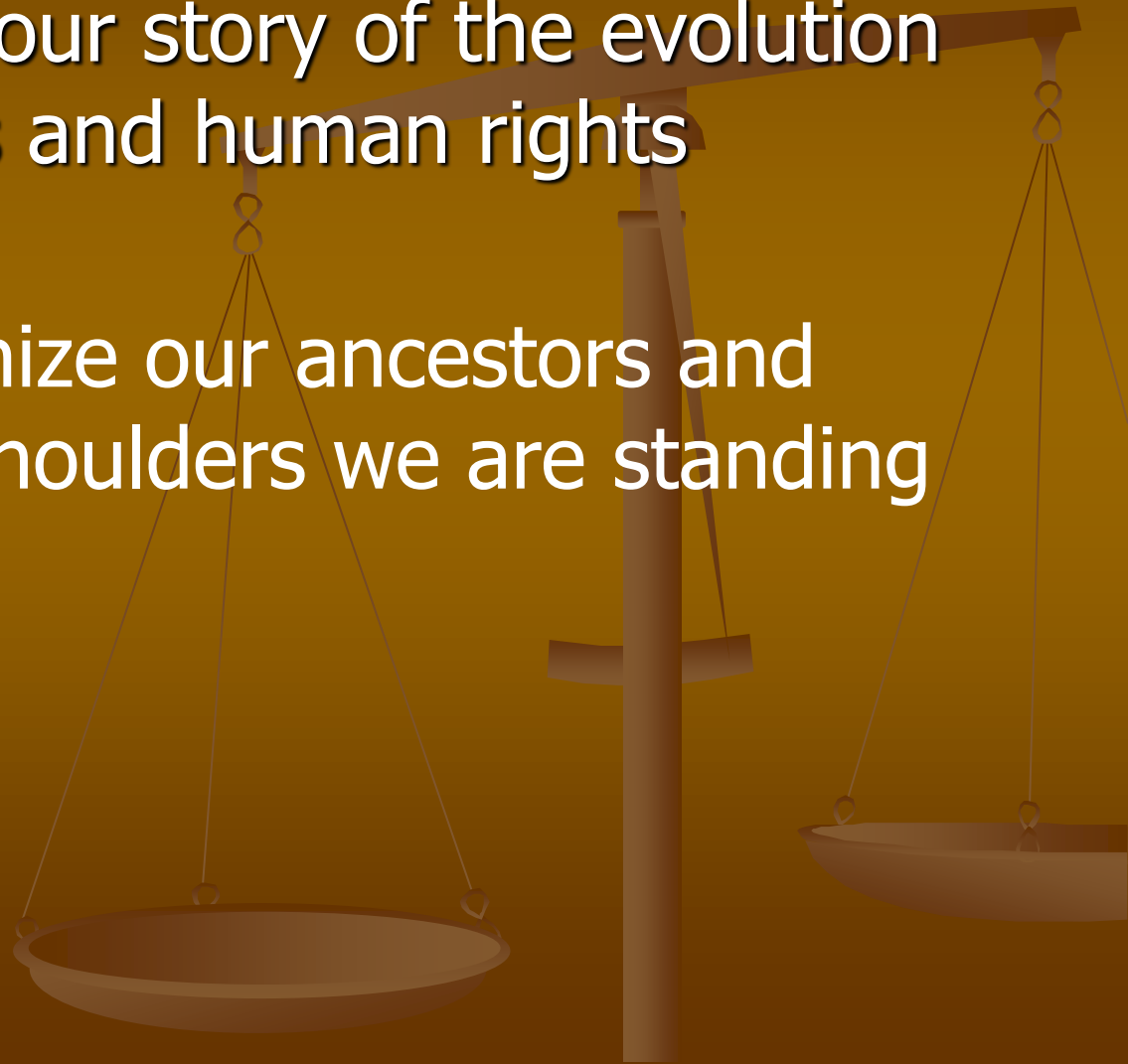


# FRAMING OUR HUMAN RIGHTS QUESTIONS

- What are the historic and philosophical foundations for “human rights”?
  - What are the underlying principles of the Universal Declaration of Human Rights?
  - How does the Universal Declaration of Human Rights and our stories connect to Human Rights Education?
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# Story of the evolution of Human Rights

- How do we tell our story of the evolution of human rights and human rights education?
- We must recognize our ancestors and elders, whose shoulders we are standing upon!



## Philosophical Visions:

**Human Nature - A search for Common secular inquiry and human reason**

**400 B.C.E. est. - Mo Zi founded Mohist School of Moral Philosophy in China**  
Importance of duty, self-sacrifice, and an all-embracing respect for others  
– “universally throughout the world”

**300 B.C.E. est. - Chinese sage Mencious**  
Wrote on the “human nature” – “humans are fundamentally good, but goodness needs to be nurtured”

**300 B.C.E. est. - Hsun-tzu**  
Asserted “to relieve anxiety and eradicate strife, nothing is as effective as the institution of corporate life based on a clear recognition of individual rights”

**1750 B.C.E. - King Hammurabi in Babylon**  
Necessary to honor broad codes of justice among people. Created one of the earliest legal codes to govern behavior – “let the oppressed man come under my statue” to seek equal justice in law

**Ancient Egypt**  
Explicit social justice – “comfort the afflicted...refrain from unjust punishment. Kill not...make no distinction between the son of a man of importance and one of humble origin”

**Early Sanskrit writings in Indian**  
Responsibility of rulers for the welfare of people. “None should be allowed to suffer... either because of poverty or of any deliberate actions on the part of others”

## Philosophical Visions:

Human Nature - A search for Common secular inquiry and human reason

### 300 B.C.E. – Ashoka of India

Freedom of worship and other rights of his subjects. Other leaders from this area impartial justice and social equality and no castes should exist since all are from one tree

### 16<sup>th</sup> century - Hindu philosopher Chaitanya

“There is only one caste – humanity”

### Sikh leader Guru Gobind Singh

Proclaimed “recognize all the human race as one”

### 10<sup>th</sup> Century - Al-Farabi, an Islamic Philosopher

Wrote *The Outlook of the People of the City of Virtue*, a vision of moral society in which all individual were endowed with rights and lived in love and charity with their neighbors.

### Greek Philosophers

Equal respect for all citizens (isotimia). Equality before the law (isonomia). Equality in political power (isokratia) and Suffrage (isopsephia).

### Marcus Tillius Cicero

“Universal justice and law guided human nature to act justly and be of service to others” – This natural law “binds all human society” together, applies to every member of “the whole human race” without distinction and unique dignity of each person.

### French philosopher Jean-Jacques Rousseau (1762)

“Man is born free, but everywhere he is in chains

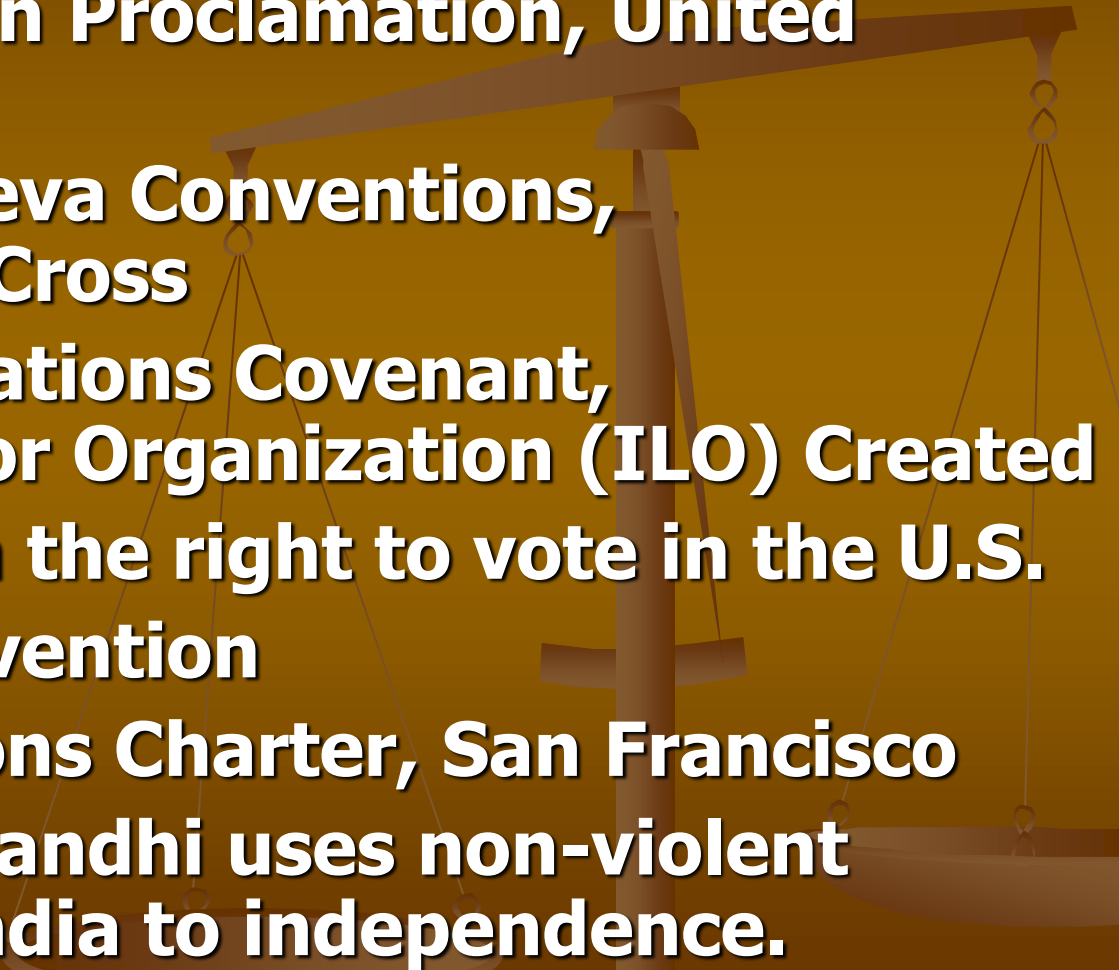
# Precursors to 20th Century Human Rights Documents

- 1750 B.C.E.  
Code of Hammurabi, Babylonia
- 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



# 19th and 20th Century Human Rights based on Natural Rights

- **1863: Emancipation Proclamation, United States**
  - **1864 & 1949: Geneva Conventions, International Red Cross**
  - **1919: League of Nations Covenant, International Labor Organization (ILO) Created**
  - **1920: Women gain the right to vote in the U.S.**
  - **1926: Slavery Convention**
  - **1945: United Nations Charter, San Francisco**
  - **1947: Mohandas Gandhi uses non-violent protests leading India to independence.**
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# What are the Human Rights Principles?

- The rights that someone has simply because he or she is a human being & born into this world.

## CORE PRINCIPLES:

Human Dignity

Equality

Non-discrimination

Universality

Interdependency

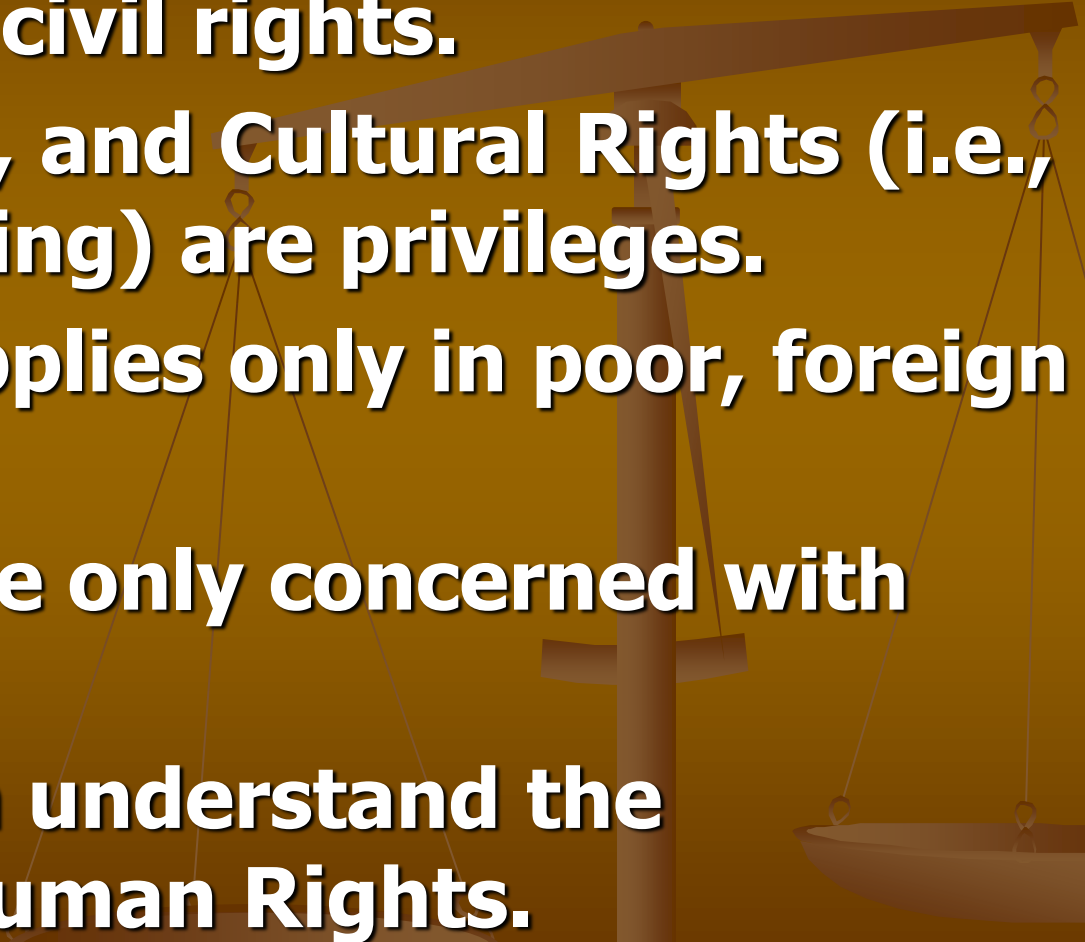
Indivisibility

Inalienability

Responsibilities



# What are the Common Myths about Human Rights

- Human Rights = civil rights.
  - Economic, Social, and Cultural Rights (i.e., healthcare, housing) are privileges.
  - Human Rights applies only in poor, foreign countries.
  - Human Rights are only concerned with violations.
  - Only lawyers can understand the significance of Human Rights.
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# Universal Declaration of Human Rights

## History and Current Status

- The Universal Declaration of Human Rights (UDHR) was drafted by the UN Commission on Human Rights chaired by, then first lady, Eleanor Roosevelt. The UDHR was adopted by the 56 member nations of the UN General Assembly on December 10, 1948.
- December 10th is celebrated around the world as International Human Rights Day. The 192 member states in the U.N., upon membership, agreed to educate their citizens about the principles of the UDHR. Most of these countries have incorporated the principles of the UDHR into their constitutions.
- **“The UDHR specifies minimal conditions of a dignified life.”**

# Human Rights Instruments

Organizations / agreements working for protecting,  
promoting human Rights





# International Bill of Human Rights

## Universal Declaration of Human Rights

(UDHR)

December 10, 1948

## Int'l Covenant on Civil and Political Rights

(ICCPR)

Adopted by UN General Assembly in 1966

Entered into Force in 1976

## Int'l Covenant on Economic, Social and Cultural Rights

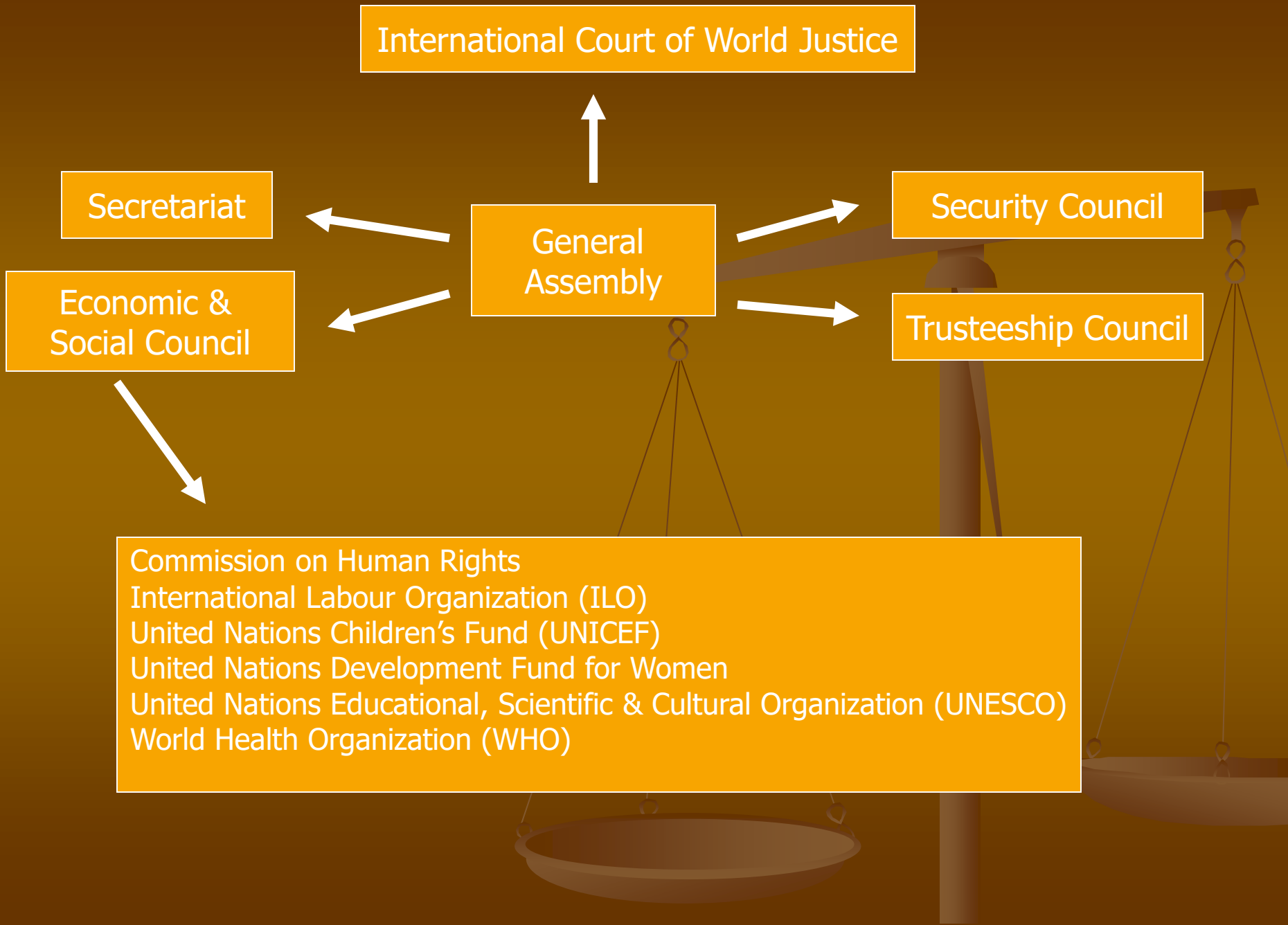
(ICESC)

Adopted by the UN General Assembly in 1966

Entered into Force in 1976

## 2 Optional Protocols to the ICCPR

(Member nations permit individuals or groups to report personal human rights violations to the UN Human Rights Committee)



# Human Rights Instruments



# The UN General Assembly

- The United Nations currently comprises 185 ***member states***, all of which belong to the General Assembly. The General Assembly controls the UN's finances, makes non-binding recommendations, and oversees and elects members of other UN organs. It is the General Assembly that ultimately votes to adopt human rights ***declarations*** and ***conventions***, which are also called ***treaties*** or ***covenants***. For example, in 1948 when the ***UN Commission on Human Rights*** had completed its draft of the Universal Declaration of Human Rights, the General Assembly voted to adopt the document.



# The UN Commission on Human Rights

## The UN Commission on Human Rights

Although human rights are fundamental to all functions of the UN, human rights issues mainly fall under the ***Economic and Social Council (ECOSOC)***. Made up of fifty-three member states elected by ***ECOSOC*** the UN Commission on Human Rights initiates studies and fact-finding missions and discusses specific human rights issues. It has responsibility for initiating and drafting human rights declarations and conventions.

***ECOSOC*** also supervises ***intergovernmental organizations (IGOs)***, which are specialized agencies that function independently with their own charter, budget, and staff but are affiliated with the UN by special agreements. ***IGOs*** report to the ***ECOSOC*** and may be asked to review reports from certain UN bodies that are relevant to their area of focus.

Some intergovernmental organizations that work to protect human rights include:

- ***International Labor Organization (ILO)*** – Develops international labor standards and provides technical assistance training to governments.
- **United Nations Children's Fund (UNICEF)** – Works with other UN bodies, governments, and nongovernmental organizations to provide community-based services in primary healthcare, basic education, and safe water and sanitation for children in developing countries. Human rights are fundamental to its programming.
- **United Nations Development Fund for Women (UNIFEM)** – Promotes economic and political empowerment of women in developing countries, working to ensure their participation in development planning and practices, as well as their human rights.
- **United Nations Educational, Scientific, and Cultural Organization (UNESCO)** – Pursues intellectual cooperation in education, science, culture, and communications and promotes development through social, cultural, and economic projects.
- **World Health Organization (WHO)** – Conducts immunization campaigns, promotes and coordinates research, and provides technical assistance to countries that are improving their health systems.
- **Other UN Bodies and Human Rights**
- The **UN Security Council**, comprising fifteen member states, is responsible



# Human Rights Instruments

- **International Bill of Human Rights**

**Human Rights Defenders**

**Right of self-determination**

**Prevention of discrimination**

**Rights of women**

**Rights of the child**

**Slavery, servitude, forced labour and similar institutions and practices**

**Human rights in the administration of justice**

- **Freedom of information**

**Freedom of association**

**Employment**

**Marriage, Family and Youth**

**Social welfare, progress and development**

**Right to enjoy culture, international cultural development and co-operation**

**Nationality, statelessness, asylum and refugees**

**War crimes and crimes against humanity, including genocide**

**Humanitarian law**



# Human Rights Subjects

<p><b>A</b>  Adequate housing /  Administration of  justice / AIDS /  Arbitrary detention /  Asylum</p> <p><b>B</b>  Biotechnology (&amp;  Human rights ) /  Business &amp; human  rights</p> <p><b>C</b>  Capital punishment /  Children' s rights /  Civil and political  rights /Crimes  against humanity</p> <p><b>D</b>  Death penalty  (Capital Punishment)  /Defenders (Human  Rights-) /  Democracy  Development (Human  Rights in-) /  Disability ( &amp; Human  Rights)  Disappearances /  Discrimination (other  forms than racism  and racial  discrimination)</p>	<p><b>E</b>  Economic, social and  cultural rights / Education  (Right to-) / Enhancing  national capacities /  Environment / Executions  (extrajudicial, summary or  arbitrary- ) / Exploitation  of the prostitution of  others / Extreme poverty</p> <p><b>F</b>  Fair trial (right to a-) /  Family rights / Food (Right  to -) / Forced or bonded  labour / Foreign debt  (&amp; Structural adjustment)  / Forensic science (Human  rights and-) / Freedom of  association / Freedom of  opinion and expression /  Freedom of Religion and  belief</p> <p><b>G</b>  Genocide Girl children /  Globalization / Good  Governance</p>	<p><b>H</b>  Health / HIV/AIDS  Human rights / Human  rights education / Human  rights institutions for the  protection and promotion  of human rights (National  Institutions)</p> <p><b>I</b>  Income distribution /  Independence of the  judiciary / Indigenous  people) / populations /  Internally displaced  persons / International  law and human rights</p> <p><b>J</b>  Justice (Administration  of-)</p> <p><b>L</b>  Labor rights -Employment  Law enforcement</p> <p><b>M</b>  Mercenaries / Migrants /  Minorities</p> <p><b>N</b>  National human rights /  institutions / Nationality  &amp;statelessness</p>	<p><b>P</b>  Poverty</p> <p><b>R</b>  Racism and racial  discrimination / Refugees /  Religious intolerance  Right to development / Right  to education / Right to food</p> <p><b>S</b>  Self-determination / Slavery  Social Forum / States of  Emergency / Structural  adjustment and foreign debt /  Summary or arbitrary  executions</p> <p><b>T</b>  Terrorism / Torture Toxic  waste /Trade and Investment  /Traditional practices / Traffic  in persons / Transnational  corporations</p> <p><b>W</b>  War crimes Water (Right to) /  Women</p> <p><b>X</b>  Xenophobia (Discrimination)</p>
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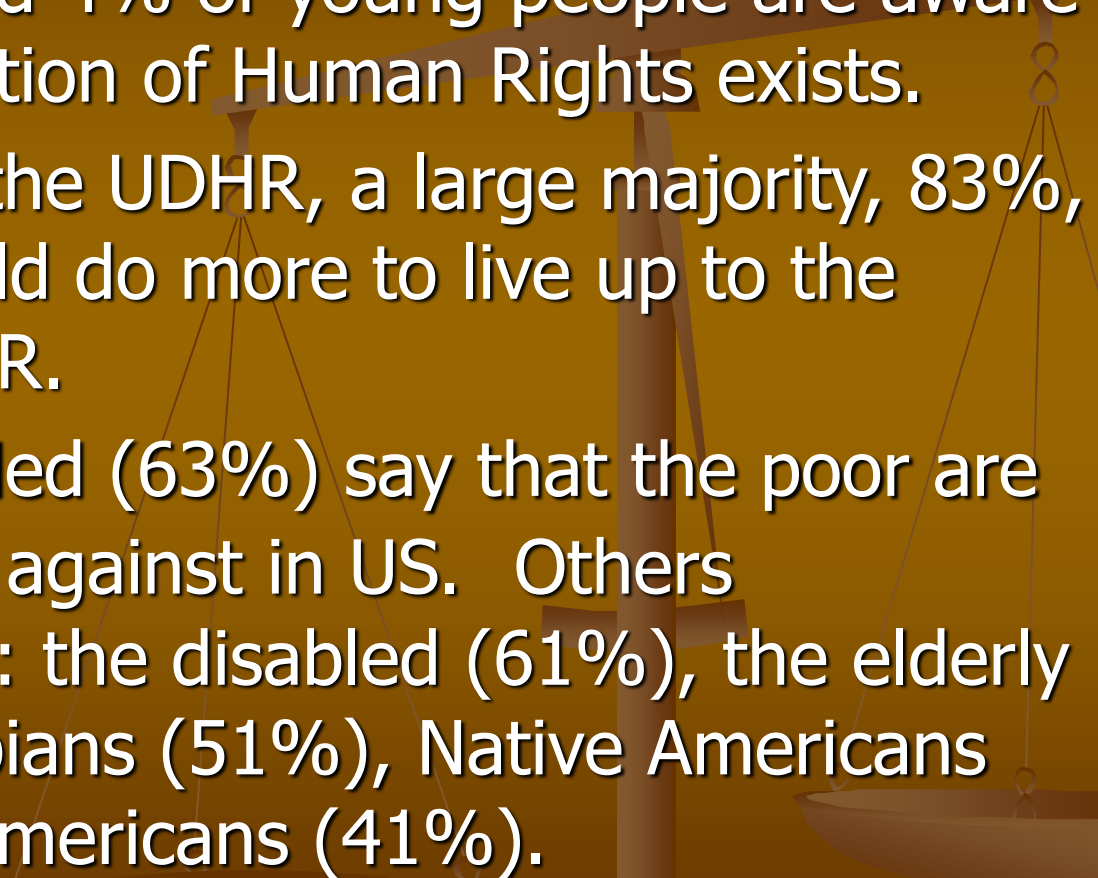
# Human Rights Instruments





# Human Rights USA

## 1997 Survey Results

- Only 8% of adults and 4% of young people are aware the Universal Declaration of Human Rights exists.
  - After learning about the UDHR, a large majority, 83%, feel that the US should do more to live up to the principles of the UDHR.
  - 2/3 of the people polled (63%) say that the poor are usually discriminated against in US. Others discriminated against: the disabled (61%), the elderly (54%), gays and lesbians (51%), Native Americans (50%), and African Americans (41%).
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# HUMAN RIGHTS EDUCATION

- “***Human Rights Education*** is ***a means*** towards social change; ***a tool*** to transform the theory and practical applications into everyday social practice.”
- “In conflict situations and in peace building, ***HRE*** must be seen to benefit the target populations’ daily lives.”  
“HRE focuses especially on social goals and ideals that emphasize the dignity of all human beings and the need for laws and institutions that enforce those standards. In so doing, HRE contributes directly to the process of building a society based on freedom, peace and Justice.”

Paul Martin, et al.

- “Where, after all do universal rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the **neighborhood** he lives in; the **school or college** he attends; the **factory, farm or office** where he works. Such are the places **where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination.** Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

Eleanor Roosevelt

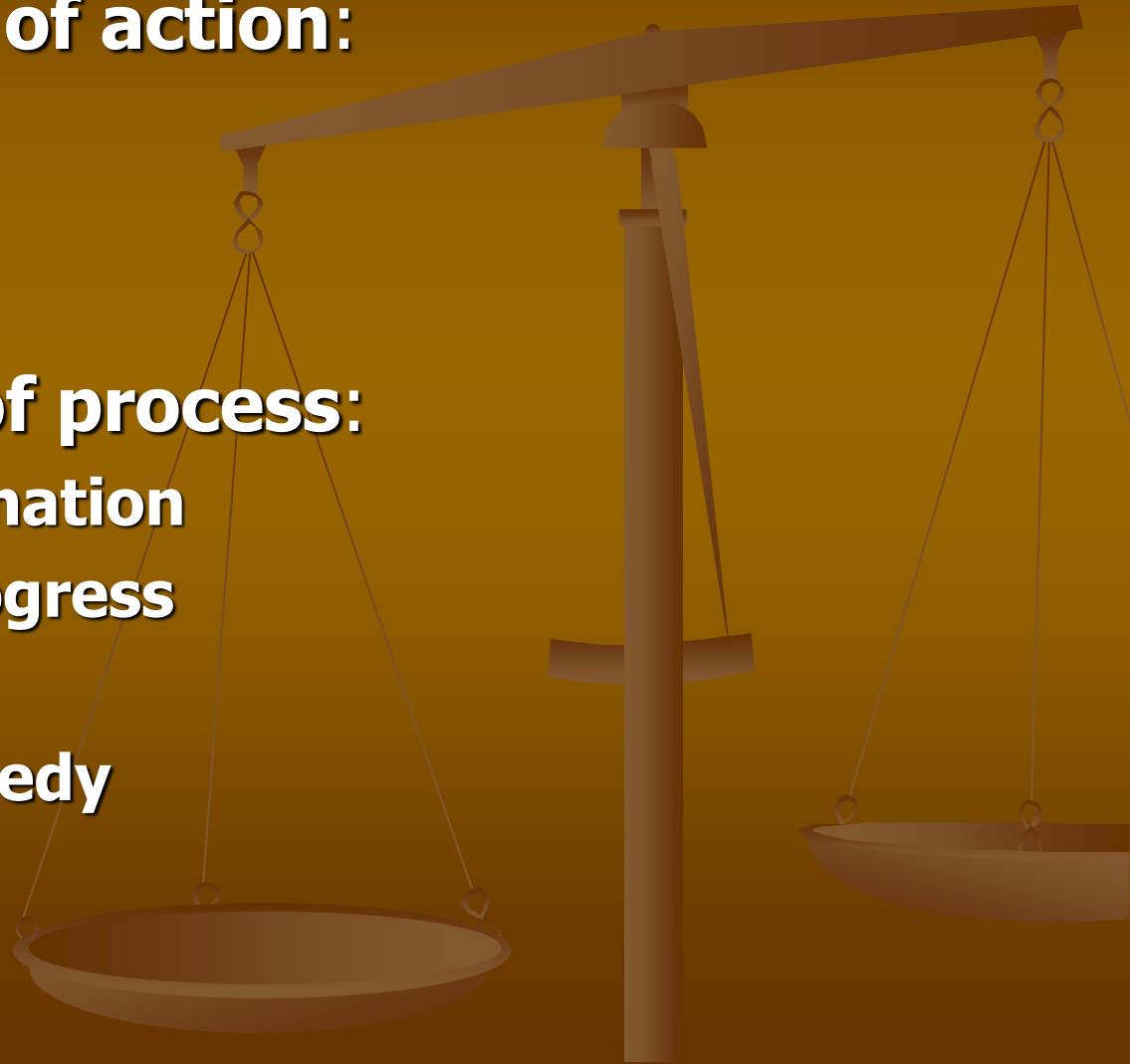
# Formal state obligations for each human right

## Three obligations of action:

- Respect
- Protect
- Fulfil

## Four obligations of process:

- Non-discrimination
- Adequate progress
- Participation
- Effective remedy





# Formal state obligations for each human right

Obligation	Meaning
<b>Respect</b>	The state <b>must not interfere directly</b> with people realising their rights
<b>Protect</b>	The state <b>must stop others</b> from interfering with people's rights
<b>Fulfil</b>	The state <b>must build</b> the legislation, institutions, norms to realise the right
<b>Non discrimination</b>	The state must not discriminate in meeting its obligations
<b>Adequate progress</b>	Progress must occur at a rate that show commitment
<b>Participation</b>	People must be able to participate in realising their rights
<b>Effective remedy</b>	There must be a remedy for violations of obligations

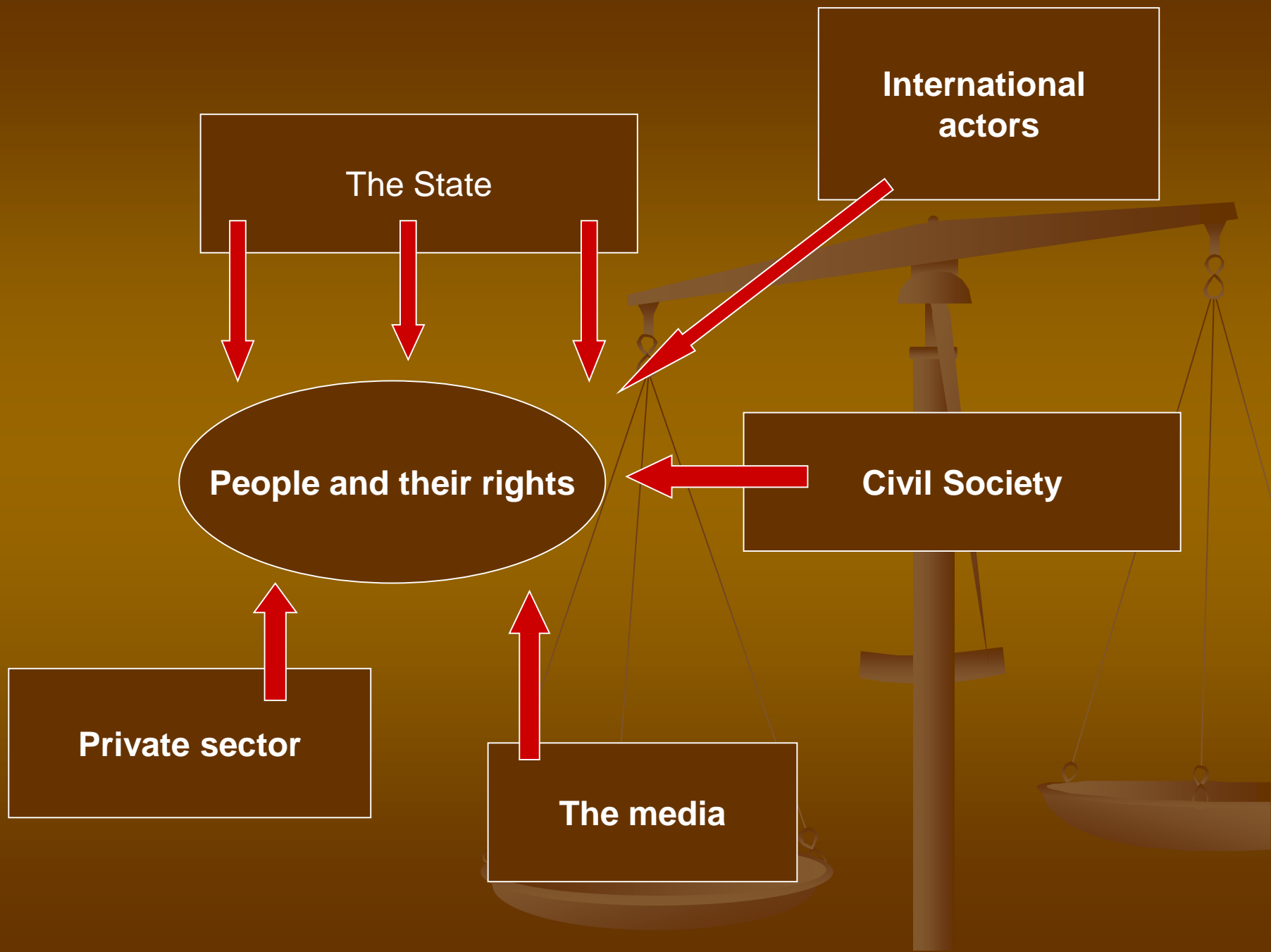
# Identifying state obligations:

<b>Obligation</b>	<b>Right to Education</b>	<b>Right to a fair trial</b>
Respect	Don't ban children from school	Don't imprison without trial
Protect	Tackle household gender bias	Prevent bribery of judges
Fulfil	Build schools, train teachers	Build courts, train judges
Non-discrimination	No ethnic bias in education budgets	No racial bias in sentencing
Adequate progress	Raise enrolments by X% by 2005	Reduce case backlog by X% by 2006
Participation	Community role in local schools	Citizen jury and public access
Effective remedy	Make complaint procedure accessible	Right of appeal against mis-trial


# Realising rights depends on more than the state

- Resources and capacity
- Culture, customs and norms
- The strength of civil society
- External impacts and pressures
- Other non state actors...





# Multi-actor responsibilities: Education in India



Actor	Obligation	Indicator	Finding
Parents	Must be willing to send children to school	% of parents who think education is important	% of enrolment - 89% for girls, 98% for boys
State	Must provide adequate facilities	% of schools with poor facilities	60% leaking roof 89% no working toilet 59% no drinking water
Community	Must support school and teachers	% of schools with community meetings	In 49% of schools no meeting for over one year
Media	Must report neglect of basic education	% of newspaper articles on topic	In one year: 8,500 articles on foreign investment 2,700 on defence 60 on rural education

# What roles can CSO\* play ?

\*Civil Society Organizations

<b>Obligation</b>	<b>Example</b>	<b>CSO role? Examples...</b>
<b>Respect</b>	<b>Don't imprison without trial</b>	<ul style="list-style-type: none"><li>- Monitor if there is access to lawyer</li><li>- Raise awareness on rights of detained</li></ul>
<b>Protect</b>	<b>Prevent bribery of judges</b>	<ul style="list-style-type: none"><li>- Monitor salaries</li><li>- Research other pressures on judges</li></ul>
<b>Fulfil</b>	<b>Build courts, train judges</b>	<ul style="list-style-type: none"><li>- Set targets for training of judges</li><li>- Provide human rights training</li></ul>
<b>Non discrimination</b>	<b>No racial bias in sentencing</b>	<ul style="list-style-type: none"><li>- Indicators of ethnic/political bias in sentencing, highlight in media</li></ul>
<b>Adequate progress</b>	<b>Reduce backlog of cases</b>	<ul style="list-style-type: none"><li>- Monitor backlog,</li><li>- Set targets for reduction</li></ul>
<b>Participation</b>	<b>citizen jury and public access</b>	<ul style="list-style-type: none"><li>- Gain respected voice in legal community, ensure CSOs consulted</li></ul>
<b>Effective remedy</b>	<b>Right of appeal against mis-trial</b>	<ul style="list-style-type: none"><li>- Monitor appeals, lobby cases</li><li>- Provide legal aid</li></ul>