



Human Rights

Introduction, Origin and Evolution


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What are Human Rights

Human rights are the *minimum* civil, cultural, economic, political and social entitlements that *every* human being should be able to *claim* and enjoy because they are human.



HUMAN RIGHTS ARE ...

- A *moral* recognition of the dignity and equality of all human beings
- A *legal* guarantee - states (and increasingly non-state actors eg private business) are accountable for not protecting people from abuse + everyone should be able to claim a remedy for abuse

HUMAN RIGHTS ARE NOT ...

- Many *legal* rights are not human rights (e.g. contractual rights, divorce rights)
- Many things that are *good* or *moral* are not human rights (e.g. love, honesty, peace)
- *Charity* or *compassion* are not an exercise of human rights - why not?

Human rights: Myths and Misconceptions

“Duties to society are more important than rights:

But... Human rights says that everyone has responsibilities as well as rights

“We believe society as a whole – the collective – should come before individual rights”

But... Human rights protect the group as much as the individual

Human rights: Myths and Misconceptions

“Human rights are just interference from the west in our internal affairs”

But... The west is not the guardian of human rights

“Developing nations don’t have the resources to give houses, secondary education, television sets etc. to everyone”

But... Human rights are minimum, not maximum.

State can prioritize and gradually realize rights.



Human rights: Myths and Misconceptions

“Human rights are not universal, they change with every different culture, religion, history”

But... Human rights are the most basic entitlements found in every civilization.

Human rights celebrates and protects differences and cultural diversity



HOW ARE HUMAN RIGHTS RECOGNIZED?

Claims made at

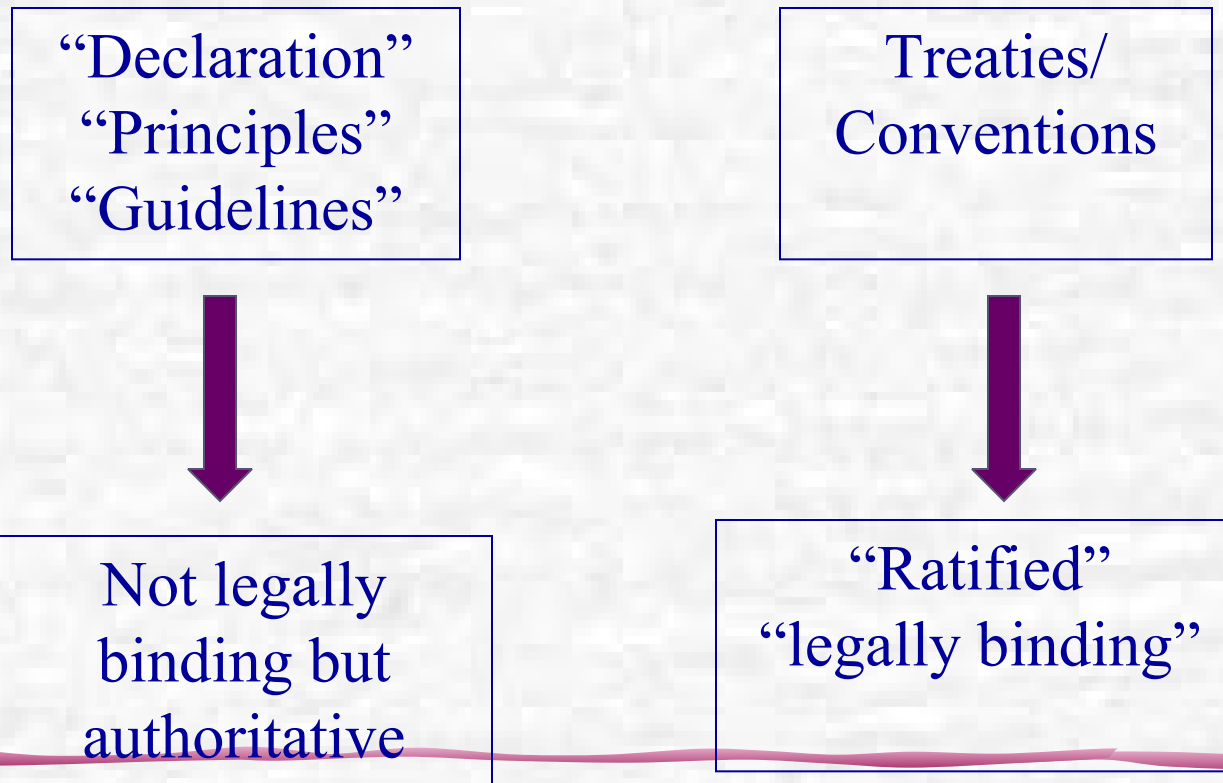
local level → national level → international level,
where the right is recognized in a human rights document

Examples:

- minimum age of military recruitment
- female genital mutilation
- disability rights
- rights of migrant workers

WHERE ARE HUMAN RIGHTS WRITTEN DOWN?

International level:



SOME NON-TREATY HUMAN RIGHTS STANDARDS

- **Universal Declaration of Human Rights (1948)**
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on **Religion** or Belief
- Body of Principles for the Protection of All Persons under any Form of **Detention** or imprisonment
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic **Minorities**
- Declaration on the Protection of All Persons from Enforced **Disappearances**
- Standard Rules on the Equalization of Opportunities for Persons with **Disabilities**
- Declaration on the Right to **Development**

SOME GLOBAL HUMAN RIGHTS TREATIES

International Covenant on ...

- ...**Civil and Political Rights** (ICCPR) 1966
- ...**Economic, Social and Cultural Rights** (ICESCR) 1966

Treaties to protect vulnerable groups or particular rights:

The Convention ...

- .. on the rights of the **Child** (1989)
- .. on the Protection of **Migrant Workers** (1990)
- .. on the Elimination of Discrimination against **Women** (1979)
- .. on the Elimination of **Racial Discrimination** (1965)
- .. against **Torture** (1984)

WHERE ARE HUMAN RIGHTS WRITTEN DOWN?

National Level

- States translate international law into their **CONSTITUTIONS, LAWS, POLICIES**
- **PEACE AGREEMENTS** (also often have human rights commitments)

Origin of Human Rights

- Early Civilisation and Religious Philosophies
- 1215 – Magnacarta
- 1628 – British Petition of Rights
- 1689 – British Bill of Rights
- 1789 – French Declaration of the Rights of Man
- 1791 – US Bill of Rights

HR Timeline contd.

- 1914 – 1919 World War I
- 1919 – ILO is established
- 1919 – League of nations is established
- 1939-1945 World War II
- 1945 – United Nations is established
- 1948 – Universal Declaration of Human Rights

Evolution

- **1949 – Convention on Right to Organise and Collective bargaining (ILO)**
- **1951 - Convention on the Status of Refugees (UN)**
- **1953 - Convention on Political Rights of Women (UN) is adopted**
- **1965 - International Convention on the Elimination of All Forms of Racial Discrimination (UN)**
- **1966**
International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (UN) are adopted and opened for signature
- **1976**
International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights enter into force

Evolution Contd.

- **1979**
The Convention on the Elimination of All Forms of Discrimination Against Women (UN)
- **1984**
Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (UN)
- **1986**
Declaration on the Right to Development (UN)
- **1989**
Convention on the Rights of the Child (UN) and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, are adopted.
- **1990**
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN)



WHAT USE ARE HUMAN RIGHTS?

What use are human rights if they are often violated and if enforcement is weak?



Human rights

- an objective benchmark for measuring government's actions
- ... an objective guide for (development) policies and programmes
- ... changes law/behaviour over generations:
international law → national constitutions/laws
policies → behaviour
- ... turns "beggars" into "claimants"