

HUMAN RIGHTS

"As Secretary General I have made human rights a priority in every programme the United Nations launches and in every mission we embark upon. I have done so because the promotion and defence of human rights is at the heart of every aspect of our work and every article of our Charter. Above all, I believe human rights are at the core of our sacred bond with the peoples of the United Nations.

Kofi Annan, "The Question of Intervention," 1999

Vital Statistics

- The Universal Declaration of Human Rights, adopted unanimously in 1948 and translated into over 300 national and local languages, is the best known and most cited human rights document in the world.
- More than 80 international human rights instruments have been created since then.
- The office of the High Commissioner for Human Rights, the UN official with principal responsibility for human rights activities, receives reports of over 200,000 violations per year.
- In 1998, a statute creating an International Criminal Court was adopted. Over 100 Member States signed it through April 2000.
- The Office of the High Commissioner for Human Rights has set up a fax hot line for receiving complaints of violations of human rights. The fax number in Geneva is 41-22-917-9018.

A small step...

There are some 200,000 Guarani Indians living in Bolivia, Argentina, Brazil and Paraguay. For many years, schools in these countries taught only in Spanish and did not allow the use of Indian languages. Guarani children were unable to cope with the new language and lagged behind. Many thought they were stupid and backward. Then in 1989, two United Nations agencies, UNICEF and UNESCO, started a new school programme for the Guarani children, allowing them to learn two languages, Spanish and Guarani.

The initiative soon paid off. Guarani children began getting higher grades in all subjects. As a result, fewer children left schools before finishing. Thanks to the United Nations, the Guarani Indians will no longer be punished for speaking their own language.

....toward a giant leap

Now, more than a decade later, the world's indigenous peoples, including the American Indians, have won another significant recognition. For the first time, the United Nations has established a permanent forum to discuss issues important to the indigenous peoples. This forum, which will be a sub-group of the UN's Economic and Social Council, will deal with human rights, environmental, educational and development issues affecting indigenous people around the world.

"It is an exhilarating, historic day," said a spokesman for the indigenous peoples.

This was another important step for the United Nations in its quest for establishing universal recognition of all rights for all peoples, a principle enshrined in the Universal Declaration of Human Rights. The explanation and articulation of the rights defined by the Universal Declaration has now achieved virtually universal acceptance. Today the Universal Declaration, translated into over 300 national and local languages, is the best-known and most cited human rights document in the world. It has served as a model for numerous international treaties and declarations as well as the constitutions and laws of many countries. The Declaration has inspired more than 80 international human rights instruments, which together

constitute a comprehensive system of legally binding treaties for the promotion and protection of human rights.

There is now international recognition that respect for human rights includes:

- the right of political choice;
- the freedom of association;
- the freedom of opinion and expression;
- the right to express and enjoy one's own culture;
- the right to be free from arbitrary arrest and detention;
- the right to an adequate standard of living, including health, housing and food;
- the right to be free; and
- the right to work.

During the past five and a half decades, the list of rights clarified and articulated by International Law has expanded dramatically to include new issues, such as the right to development, capital punishment, children in armed conflicts, compensation of victims, disability, discrimination based on HIV/AIDS, enforced or involuntary disappearances, environment, impunity, indigenous peoples, migrant workers, peacekeeping operations, sale of children, terrorism, human rights defenders, war crimes and many more.

But assuring human rights for all people remains a daunting challenge, especially given the impunity with which they continue to be violated in all parts of the world. In a survey conducted in 1999, the world's largest ever public opinion poll survey conducted by Gallup International, respondents showed widespread dissatisfaction with the level of respect for human rights. In one region, fewer than one in 10 citizens believed that human rights were being fully respected, while one-third believed they were not observed at all. Discrimination by race and gender were commonly expressed concerns.

The building blocks

The major advances in human rights and human development came after the horrors of the Second World War. The 1945 Charter of the United Nations, followed by the Universal Declaration of Human Rights in 1948, ushered in a new era of international commitment to human freedoms. Among other things, they:

- emphasized the universality of rights, centered on the equality of all people
- recognized the realization of human rights as a collective goal of humanity
- identified a comprehensive range of all rights -- civil, political, economic, social and cultural -- for all people
- created an international system for promoting the realization of human rights with institutions to set standards, establish international laws and monitor performance (but without powers of enforcement)
- established the State's accountability for its human rights obligations and commitments under international law.

Work on international human rights legislation continued. But polarized by the cold war, the rhetoric of human rights was often reduced to a weapon in official propaganda for geopolitical interests. The West emphasized civil and political rights, pointing the finger at socialist countries for denying these rights. The socialist (and many developing) countries emphasized economic and social rights, criticizing the richest Western countries for their failure to secure these rights for all citizens. In the 1960s this led to two separate covenants -- one for civil and political rights; the other for economic, social and cultural rights.

The 1980s brought a strong renewal of international interest and action, propelled by a surge of activity by civil society on issues of democracy, women's and children's rights, rights of indigenous peoples and other issues. The two most notable achievements in these areas were: the Convention on the elimination of All Forms of Discrimination Against Women (1979) and the Convention on the Rights of the Child (1989). Another milestone was the adoption in 1984 of the Convention against Torture and Other Degrading Treatment or Punishment, which declared torture as an international crime.

In 1986 the Declaration on the Right to Development was adopted. And further strong commitments were made at the World Conference on Human Rights in Vienna in 1993. This was followed by the creation of the position of United Nations High Commissioner for Human Rights and the growing advocacy for rights internationally and nationally. The late 1990s and the turn of the millennium brought other exciting developments:

- The 1998 Rome Statute to establish the International Criminal Court opened up possibility for prosecuting those responsible for crimes against humanity. By April 2000 nearly 100 countries signed it.
- Establishment of the International Tribunals for former Yugoslavia (1993) and for Rwanda (1994) is helping enforce individual accountability for war crimes.
- The optional protocol to CEDAW (1999) has opened the way for individuals to submit claims of violations of women's rights.
- Two new Optional Protocols to the Convention on the Rights of the Child have strengthened the landmark 1989 treaty: one on child soldiers, the other on sale of children.
- Useful stock taking exercises regarding government programs in women' rights and social development was carried out in the Beijing+5 and Copenhagen+5 review conferences.
- The appointment of three new Special Rapporteurs -- on the right to adequate housing, the right to food and the issue of globalization and its impact on the full enjoyment of all human rights -- will help focus on the emerging human rights issues.

Box: Principal human rights instruments

- **International Bill of rights:** The International Bill of Rights consists of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCER). UDHR is a Declaration adopted by the General Assembly and hence requires no ratification; ICCPR has been ratified by 144 countries and ICESCER by 142 countries.
- **International Convention on the Elimination of All Forms of Racial Discrimination:** Adopted in 1965 and entered into force in 1969, it deals with a particular kind of discrimination – that based on race, colour, descent or national ethnic origin. Ratification: 156 countries.
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).** Adopted in 1979 and entered into force in 1981, this represents the first comprehensive, legally binding international instrument prohibiting discrimination against women and obligating Governments to take affirmative action to advance gender equality. Ratification: 165.
- **Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.** Adopted in 1984 and entered into force in 1989, the Convention lays out the steps to be taken by Governments to prevent torture and other cruel or degrading treatment or punishment. Ratification: 119 countries.
- **Convention on the Rights of the Child** Adopted in 1989 and entered into force in 1991, the Convention recognizes the need for specific attention to protecting and promoting the rights of children. Ratification: 191 countries.

▪ All ratifications as of 30 July 2000

How is compliance monitored once a country ratifies a Convention?

Within each of the six major human rights treaties there is a provision to set up a treaty body to monitor compliance. This treaty body examines report of States which have ratified the treaty. Each year they engage in dialogue with approximately 60 national Governments and issue concluding observations and suggestions by independent experts for improvement. Some of these bodies are

- The Committee on the Elimination of Racial Discrimination
- The Committee on the Elimination of Discrimination against Women
- The Committee on the Rights of the Child
- The Committee against Torture
- The Human Rights Committee
- The Committee on Economic, Social and Cultural Rights

In addition, mechanisms have been set up beyond the Conventions to address special issues. Such mechanisms include the creation of:

- United Nations Special Rapporteurs
- Special Representatives of the Secretary-General
- Experts
- Working Groups

Human rights and human security

In the 1990s, the world witnessed some of the worst violations of human rights. In country after country, innocent civilians became targets of unprecedented terror, often led by armed groups who demonstrated scant regard for human life and human values. In some cases, the Governments were unable to protect their own civilians; in others, the Governments themselves took part in attacking civilians, especially minority ethnic groups. From Angola and Sierra Leone to Bosnia and Kosovo to East Timor, millions have been killed; over 30 million have been displaced; countless men, women and children have been denied some of the most fundamental human rights.

What should be done when faced with such humanitarian crises?

Secretary-General Kofi Annan says the United Nations – and the international community – cannot accept a situation where people are brutalized behind national boundaries. “A United Nations that will not stand up for human rights is a United Nations that cannot stand up for itself. We know where our mission for human rights begins and ends: with the individual and his or her universal and inalienable rights -- to speak, to act, to grow, to learn and to live according to his or her own conscience,” he said.

To address the new humanitarian challenges, in a report to the Security Council submitted in September 1999, the Secretary-General proposed specific recommendations for consideration by the Member States, including:

- *Ratification and implementation of international instruments:* He urged Member States to ratify the major instruments of international humanitarian law, human rights law and refugee law, and to adhere to them.
- *Accountability for war crimes:* When Governments or groups fail to comply with such international humanitarian law, enforcement measures should be considered. He asked the Member States to ratify the Statute of the International Criminal Court.
- *Minimum age of recruitment in the armed forces:* He asked the Member States to support raising the minimum age for recruitment in the armed forces to 18;
- *Intervention in cases of systematic violations of international law:* He asked the Member States to consider appropriate enforcement action in the face of massive and ongoing abuses.

Human rights and development

“Poverty limits human freedoms and deprives a person of dignity,” says the *2000 Human Development Report* published by the United Nations Development Programme (UNDP). This statement only re-emphasized what has already been clearly stated by the Universal Declaration of Human Rights (1948), the Declaration on the Right to Development (1986) and the Vienna Declaration adopted at the 1993 Human Rights Conference.

To quote the General Assembly Declaration on Development, “the human person is the central subject of the development process and ...development policy should therefore make the human being the main participant and beneficiary of development.” Yet, at a time of unprecedented economic growth, more than a billion people live in abject poverty; almost 800 million people suffer from malnutrition, 140 million school age children do not go to school; and 900 million adults are illiterate. Of a total world labour force of some 3 billion, 140 million workers are out of work altogether, and a quarter to a third are underemployed.

- “With that kind of deprivation comes pain, powerlessness, despair and lack of fundamental freedom – all of which, in turn, perpetuate poverty” (Secretary-General Kofi Annan in his Millennium Report).
- “The torture of a single individual raises unmitigated public outrage. Yet the deaths of 3,000 children a day -- mainly from preventable causes -- go almost unnoticed. Why? Because these children are invisible in poverty” (Human Development Report, 2000, UNDP).
- “The link between poverty and the enjoyment of human rights is very clear and strong: The poor are denied almost all their human rights – the right to adequate housing, primary health care, education and food – not to mention the normal benefits of citizenship – fair legal treatment and access to justice, participation in the decisions that affect the poor, access to information and technology” (Mary Robinson, UN High Commissioner for Human Rights).

The answer to this daily violation of human rights is creation of a rights-based approach to development. It consists of, in the words of Mrs. Robinson, “integrating the long-established framework of norms, standards and principles of the international human rights system into the plans, policies and process of poverty reduction.” Such an approach seeks to address the causes of poverty and proposes solutions by identifying rights holders and duty bearers.

One of the ways the United Nations has tried to respond to this need is by setting specific goals and working towards achieving them. In each of the major world conferences held in the 1990s, the United Nations set such goals and subsequently took stock of progress made. Based on the experience of the past years and through close collaboration with the Organization for Economic Cooperation and Development, the World Bank and the International Monetary Fund, the United Nations has now come up with seven specific goals to be achieved between the years 2000 and 2015. The goals, outlined in a report entitled “*2000: For a better world,*” are as follows:

- Reduce the proportion of people living in extreme poverty by half between 1990 and 2015;
- Enroll all children in primary school by 2015;
- Make progress towards gender equality and empowering women by eliminating gender disparities in primary and secondary education by 2005;
- Reduce infant and child mortality ratios by two-thirds between 1990 and 2015;
- Reduce maternal mortality ratios by three-quarters between 1990 and 2015;
- Provide access for all who need reproductive health services by 2015;
- Implement national strategies for sustainable development by 2005 so as to reverse the loss of environmental resources by 2015.

In the words of Secretary-General Kofi Annan, the goals are not utopian. They are ambitious, but achievable. “To reach them, we will need to work hard.”

This is also the message of his Millennium Report.

Signs of progress

- The ratification of the Children's Rights Convention by nearly every country on earth since its adoption by the General Assembly in 1989 has made it the most ratified human rights treaty in history. Marked changes are occurring in its implementation. At least 22 countries have incorporated children's rights in their constitutions. More than 50 countries have a process of law review to ensure compatibility with the Convention's provisions. Parliaments in Brazil, South Africa and Sri Lanka have enacted legislation and national budgets to more clearly identify allocations for children. Such harmful traditional practice as genital mutilation is now banned in a number of West African states, including Burkina Faso and Senegal. Corporal punishment of children in schools and in the family is prohibited in Austria, Cyprus and the Nordic countries.
- Two new Optional Protocols to the Children's Convention have been adopted. One is on the involvement of children in armed conflict. It raises from 15 to 18 years the age at which participation in armed conflicts will be permitted and establishes a ban on compulsory recruitment below 18 years. The second relates to the sale of children, child prostitution and child pornography. It gives special emphasis to the criminalisation of serious violations of children's rights - namely sale of children, illegal adoption, child prostitution and pornography.
- CEDAW's new optional protocol allows individuals to claim remedies for violations of Convention rights.
- Non-governmental organizations can now submit "shadow reports" – alternative statements to supplement State submissions – to all human rights treaty bodies.
- The International Criminal Tribunal for Rwanda found Jean-Paul Akayesu guilty of the crime of genocide, making him the first person ever found guilty of the crime of genocide by an international tribunal.
- Efforts are under way to set up a tribunal to deal with crimes against humanity committed by Khmer Rouge in Cambodia. Secretary-General Kofi Annan has recommended that any such tribunal should have an international character.

Several major multinational corporations have joined with the United Nations in a "Global Compact", agreeing to respect fundamental human rights, labour rights and environmental norms everywhere, including in countries where such rights are not fully upheld.

The seven freedoms

In an important contribution to the rights-based approach to development, the *2000 Human Development Report*, prepared by the United Nations Development Programme, lists seven freedoms which all people have the right to enjoy:

- **Freedom from discrimination** - Women, racial and ethnic groups have suffered violent discrimination. While the struggles against deep prejudices have brought many gains in freedom, the war is not yet over for the billions still suffering from discrimination.
- **Freedom from want** - There is enough food, but distribution inequities still account for hunger and malnutrition. National and global economic systems have to honour obligations to those humiliated by want.
- **Freedom for personal development** - Fundamental changes are occurring in the communications and information industries, and at near lightening speed. The opportunities afforded for personal development through technological changes are enormous. But a digital divide still exists in the world. Information is different and must be accessible to those who need and want it. We are all impoverished if the poor are denied opportunities to make a living. And it is within our power to extend these opportunities to all.

- **Freedom from threats to personal security** - The frequency of torture in history provides a tragic indicator of the evil that lurks in the hearts of people. The elimination of torture, and the national and international prosecution of those who engage in it, are central to the continuing struggle for the freedom of personal security. And when rape is the issue, institutions and values that deny dignity and protection to women must be accountable.
- **Freedom for participation** - The global gains in democracy are still very recent. Active involvement in civic institutions and unprecedented access to information and knowledge by all will enhance fundamental political freedoms.
- **Freedom from injustice** - Securing this freedom will require institutions that protect people through transparent rules applied equally to all. Social institutions must be based on legitimacy, consent and rule of law.
- **Freedom for productive work** - Much has been achieved in protecting children and improving the working conditions of adults. Many enjoy this freedom but millions toil in inhumane conditions while others feel socially excluded by lack of work. Dignity demands a commitment to including the ostracized and abolishing oppressive working conditions.

Suggested Activities for Students

1. Select one of your favorite companies and contact them to see if they have endorsed the Global Compact. To find out more about this concept, access the web site at <http://unglobalcompact.org>
2. Monitor the progress of war crimes tribunal proceedings and country reports to the various human rights committees by accessing the web site of the United Nations, www.un.org
3. Human rights organizations use the following criteria to evaluate compliance with a human rights principle:
 - No discrimination - ensuring equitable treatment for all
 - Adequate progress - committing resources and effort to solve the problem
 - True participation - involving people in decisions which affect their well being
 - Effective remedy - ensuring redress when rights are violated

Select one of the conventions and see how this criteria is implemented in the reports of human rights monitors.

4. For many countries recovering from a period of human rights abuses, Truth and Reconciliation Commissions have been set up to document the abuses. Choose one of the following countries; research and report on the findings coming out of these commissions: Bolivia (1982), Argentina (1983), Philippines (1986), Chile (1990), Chad (1992), El Salvador (1992), Germany (1992), Rwanda (1993), Guatemala (1994), Haiti (1994), Uganda (1994), South Africa (1995), Nigeria (1999), Sierra Leone (1999)
5. From the UN website, obtain scripts of UN radio/TV programs on human rights issues. Recreate these in class. Using research from any of the suggested sites, develop your own script.
6. Using information from this briefing paper, create a talk show format and stage a program about human rights in your classroom. Select a range of personalities to be interviewed, such as the High Commissioner, the Secretary General, a victim of a human rights abuse, a member of a human rights monitoring group, a person interviewed by the Gallup Poll, etc. As a class, decide any follow-up activities that you might wish to pursue, such as a letter-writing campaign, fund raising for a particular human rights program.
7. Compare the copy of the Constitution of your country with the Universal Declaration of Human Rights and other major human rights documents. What similarities can you find? What changes might you suggest?
8. Organize a school-wide event in commemoration of Human Rights Day on December 10th to honor the General Assembly's adoption of the Universal Declaration in 1948. Decide which aspects of human rights to focus on and invite speakers knowledgeable about the topic to explain progress, problems and recommended actions to take. You may wish to decide on an international, national or local focus.
9. Have a poster contest on a human rights theme. You might wish to select one article or one convention to focus on per poster. Try to show the abuse, the remedy and the implementation of improvement in the poster.

10. Design a map of human rights issues for the class. Using the websites for human rights organizations, create a list of major human rights abuses you wish to show, the geographic areas where these abuses are occurring and which areas are in need of urgent attention. Decide on some actions to take to address abuses of special concern to members of the class.

Selected resources:

On the World Wide Web:

untreaty.un.org
www.un.org/rights
www.unicef.org
www.unhchr.ch

Publications:

Human Rights: A compilation of International Instruments, United Nations, New York
Integrating Human Rights with Sustainable Human development, United Nations, New York
The United Nations and Human Rights, United Nations, New York
Human Development Report 2000, UNDP/Oxford University Press, New York
Teaching about Human Rights, United Nations, New York