



Human Rights

Definition

- What are Human Rights?
- Definition: Human rights are **the rights** that all people have **by virtue** of being a **human being**.
- These rights are interrelated, interdependent and indivisible.

Where do Human Rights come from?

➤ Natural Law:

- All people have an inherent sense of right and wrong.
- Human rights are inherent in the individual: each individual is born with these rights.
- States can pass laws that deny people's rights, but that does not mean that people are not entitled to their rights.

Where do Human Rights come from?

➤ Positivism:

- Human rights are defined by states.
- Human rights should not be based on the assumptions “natural”.
- “Natural” to some might not be natural to others.
- States are responsible for guaranteeing and protecting human rights.

Human Rights are Universal and Inalienable

- The ***principle of universality*** of human rights is first emphasized in the Universal Declaration on Human Rights in 1948, and has been reiterated in numerous international human rights conventions, declarations, and resolutions.
- Human rights are **inalienable**. They should not be taken away, except in a specific situation (example the right to liberty is restricted if a person is found guilty of a crime by a court of law).

Human Rights are Equal and Non-Discriminatory

- The principle of non-discrimination applies to everyone.
- The principle of non-discrimination is complemented by the principle of equality, as stated in article 1 of the Universal Declaration of Human Rights: “All human beings are born free and equal in dignity and rights”

Human Rights are Both Rights and Obligations

States assume obligations and duties under international law to respect, to protect and to fulfill human rights.

- The ***obligation to respect*** means that States must refrain from interfering with or curtailing the enjoyment of human rights.
- The ***obligation to protect*** requires states to protect individuals and groups against human rights abuses.
- The ***obligation to fulfill*** means that states must take positive action to facilitate the enjoyment of basic human rights.

The Universal declaration of Human Rights

- In December 10, 1948, the United Nations General assembly proclaimed the Universal Declaration of Human Rights (UDHR) for all people and all nations.
- The Declaration enumerates civil, political, economic, social, and cultural rights.
- But the Declaration contains no provisions for monitoring or enforcement.
- It has 30 Articles:
 - Civil and Political Rights
 - Social. Economic, and Cultural Rights
- https://www.youtube.com/watch?v=aiFlu_z4dM8

International Covenants

- International Covenant on Civil and Political Rights (ICCPR):
 - First generation rights
 - Has weak enforcement mechanism
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - Second generation rights
 - Legally binding

International Bill of Human Rights

- Consists of three instruments:
 - Universal Declaration of Human Rights (UDHR), 1948
 - International Covenant on Civil and Political Rights (ICCPR), 1966 (with two optional protocols)
 - International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

The Debate over Rights

- Are human rights the same for everyone or are they different depending on where a person lives or their culture?
- Universalist: human rights are universal, they are inherent in the individual (the same for everyone, everywhere).
- Cultural relativist: human rights must take into account the cultural value of a society.

Human Rights and Non-State Actors

- Non-State Actors: NGOs, Multinational Corporations, and Enterprises.
- Increasingly, non-state actors have been responsible for violating human rights: arbitrarily detaining, torturing, and executing citizens.
- MNCs accused of human rights abuses: forced labor, rape, child labor, dangerous working conditions, or murder.

How are Human Rights monitored?

- Monitoring activities:
 - Gathering information
 - Providing documentation necessary to authenticate the information
 - Reporting the information
 - Using reports to promote education and advocacy
- NGOs play the main role of monitoring human rights.

How are Human Rights monitored?

- Human Rights Council
 - Forum for UN member states
 - Report directly to the UN General Assembly
 - Political body with comprehensive human rights mandate
 - draft international human rights treaties
 - investigate rights violations
 - advise states on the implementation of rights agreements.

How are Human Rights monitored?

- Office of the High Commissioner for Human Rights (OHCHR)
 - Part of UN Secretariat and answering to the Secretary General.
 - Provide technical, substantive, and secretariat support to Council.
 - Put pressure on abusive government to adhere to their human rights obligations.



How are Human Rights monitored?

- Regional Organizations example European Union
 - European Convention on Human Rights (similar to ICCPR)
 - European Social Charter (similar to ICESCR)
 - European Court of Human Rights
- Non-Governmental Organizations (NGOs)
 - Monitor human rights at national or international level.
 - Advocate for those who are victims of abusive governments.
 - Example: Amnesty International, Human Rights Watch.

How are Human Rights enforced?

- Treaties enforcement is difficult and limited because of sovereignty issue and non-interference principle.
- Enforcement tools:
 - Diplomacy/political: public statements condemning a country's human rights abuse
 - Economic: cutting aid or trade relations
 - Establishment of international tribunals

How are Human Rights enforced?

- International tribunals:
 - International Criminal Tribunal for the former Yugoslavia
 - International Criminal Tribunal for Rwanda
 - International Criminal Court

