

HUMAN RIGHTS

WHAT DO WE MEAN BY HUMAN RIGHTS?

Human rights are those rights that are necessary in order for us to live as human beings. Human rights give us dignity and equality.

Human rights ensure that we all have adequate access to basic needs such as food and shelter.

Human rights protect us from violence and abuse and work against ignorance and hatred.

Human rights are inherent in all human beings and they should never be denied.

Human rights are universal. They transcend borders, cultures, political ideologies and religious beliefs.

Human rights allow us to fully develop our abilities. They protect our right to participate in society, to work and provide for ourselves, to practise our culture and speak our language, to live in peace and to be free from harm.

Most importantly human rights are about respecting one another. They are about fulfilling our responsibility to ensure that no one's rights are violated. For example, it is your duty to be free from discrimination and it is your duty to not discriminate against others. When any person is denied human rights we are all affected.

Recognizing that human rights are only as strong as our willingness to treat one another as equals is the first step in achieving "freedom, justice and peace in the world."

The United Nations Association in Canada



LEGISLATING HUMAN RIGHTS

WHAT RIGHTS SHOULD HUMANS POSSESS?

All through history philosophers have debated what it means to be human and the rights that all humans should possess. Each culture and time has created a response to these questions based on ideas of the relationship between people and their state. The rise of democracy and the acceptance of democratic principles has had a major influence on these views, particularly in the 20th century.

Shortly after the Second World War ended in 1945 there was a push to create a universal code of human rights, one that applied throughout the world. This ideal, that all human individuals have certain inalienable rights was first recognized December 10, 1948 with the adoption and proclamation of the *Universal Declaration of Human Rights* by the General Assembly of the United Nations. This was a landmark in human rights history as it established group and individual rights in international law. Prior to this, only states enjoyed this status.

The three main bills of human rights are:

- 1) The *Universal Declaration of Human Rights* (1948);
- 2) The *International Covenant on Economic, Social and Cultural Rights* (1966)
- 3) The *International Covenant on Civil and Political Rights* (1966).

The *Universal Declaration* is a statement of principles but it is not legally binding. The two covenants have legal power in international law. If a country signs and ratifies a covenant it has agreed to uphold the rights and freedoms defined in this document.

The *International Covenant on Civil and Political Rights* is particularly important for people living in conflict situations. It begins with the right to self-determination:

“All peoples have the right of self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”



This covenant supports basic democratic principles such as freedom of opinion and expression, freedom of association, freedom from arbitrary arrest and the right to vote.

These three documents are the foundation on which human rights are understood in our world today. Over the past 50 years many other conventions and laws have expanded this vision. For young people, the most important of these is the *Convention on the Rights of the Child (CRC)*. It was signed in 1989 and has been ratified more quickly and by more countries than any other international human rights instrument.

The CRC accords four main categories of rights to all the world's young people under the age of 18. This includes:

- the right to survival;
- the right to develop to the fullest;
- the right to protection from harmful influences, abuse and exploitation;
- the right to participate fully in family, cultural and social life.

As a convention, this instrument is not legally binding. However, many states are using it as a guide when implementing policies and programs for

children. The *Convention on the Rights of the Child* is unique in that it is the only international human rights treaty that awards non-governmental organisations (NGOs) a role in monitoring its implementation. It has also been highly controversial as states and nations have debated how the CRC's articles should be interpreted.

This is not unusual. The definition and practise of human rights has been contested since the proclamation of the *Universal Declaration of Human Rights*.

Some critics question the very idea of human rights, saying that it is a western concept based on notions of individualism that have little meaning for countries with a communal sense of human relationships. Others criticize human rights legislation for its idealized visions that can never be realized. These issues are critical inside conflict situations where rights of privacy, freedom of movement, freedom of expression and other traditional civil liberties must be weighed against security needs.

Many say that the ability of human rights legislation to protect the world's citizens is thinner than the paper on which these conventions are written. The Genocide Convention of 1948 did little to stop the

slaughter of 700,000 Rwandans during that country's three-month rampage in 1994. Neither was it able to halt the ethnic cleansing operations in the Balkans during the 1990s.

These are legitimate points. However, for people living inside war zones where their rights are violated or abused, the international recognition of human rights is one of the few points of appeal. International and national struggles for social justice are based on this vision. Human rights have become an important tool for analyzing and challenging abuses of power whether they are committed by governments, inter-governmental bodies (such as the World Bank, the International Monetary Fund or the World Trade Organisation), or private actors (such as corporations, banks or investment funds). So while there have been many disappointments, human rights legislation and the recognition of human rights within international law does fill an important function.

Respect for human rights is the foundation of CAP's work. Yes, we have different views on the relative importance of collective or individual rights. In some of our countries the notion of children's rights is a new and difficult subject. But we all agree that a universally held code of human rights is essential for our work.

