

Citizenship, Governance, & Participation

Chapter 3

Human Rights

Pre Reading Activities

Task 01 What do you already know?

In pairs discuss what you think human rights are.

Task 02 Word Match

Working in pairs, match the word with the definition.

Word	Definition
1. Rights	a) Laws agreed to by states that regulate the way states treat their citizens as well as the way they act towards other states.
2. Human rights	b) A set of responsibilities we have towards each other.
3. International law	c) Rights that he/she has from the moment of birth

Text for reading

1.0 What are rights?

You have probably heard of human rights and you may have even seen a copy of some of the international documents that list rights. The purpose of this chapter is to explain what “human rights” are, and how they work.

In this chapter we will discuss:

- what are human rights
- political and economic rights
- who responsible for protecting human rights
- international law and organizations

Before explaining ‘human rights’ let’s start with just “rights”. A right is basically an agreement between humans about human behaviour towards each other and therefore it tells us what we can expect from others in relation to ourselves and what we are obliged to do. When you make an agreement with someone to do something, you are making an agreement to exchange rights. For example, if Gulnora asks Vohid to look after her sheep and in exchange Gulnora will give Vohid some of her apples then an exchange of rights has taken place. Gulnora has gained the right to expect Vohid to look after her sheep and Vohid has gained the right to expect Gulnora to give him some apples. We can also express this as an obligation. For example, after the agreement Vohid has an obligation to Gulnora to look after her sheep. So a right is both something to expect and an obligation.

2.0 What are human rights?

This information is from "Citizenship, Governance, & Participation: Your Role in Civil Society of the XXI Century", International Foundation for Election Systems (IFES), Dushanbe, Tajikistan, 2003.

The idea of human rights is quite different because with human rights there does not need to be an agreement about the value of what is being exchanged as by being human every person automatically has these rights. In fact there may not be obvious exchange at all. However, just as with other rights there is an obligation in that all humans are obliged to observe the rights of others and if they are abused it is our duty to protect the rights of others. To just observe the rights is not enough. We must actively protect each others' rights even if we endanger our own lives. This is because one person cannot resist a state or a mass of people. They must be aided by others to protect their own rights. The idea that every human has a duty to protect the rights of others is one of the key ideas behind human rights, because without such an idea they are valueless.

The following story from Fascist Nazi Germany demonstrates why this is so:

- They (the government) first came for the Jewish people. I think they took them away and killed them. I wasn't Jewish so I did nothing.
- Later they came for the Catholics and they took them away and killed them I think. I wasn't Catholic so I did nothing.
- Later they came for the Gypsies and they took them away and killed them I think. I wasn't a Gypsy so I did nothing.
- Last they came for me. There was no one left to help me.

Human rights, instead of guaranteeing the delivery of products or services, try to guarantee the basic essentials of life, such as life itself. A minute's thinking will show you that this is a very broad idea and clearly some rights are much easier to give than others. We can better understand human rights if we first categorize rights into basic rights and provided rights with some examples that show the differences between the two. (Note that the examples given are probably too broad in meaning to be used in real life, but they are good examples do demonstrate the differences.)

2.1 Basic Rights

Basic rights describe your right to live without interference by others. Basic rights can be further classified into protecting your rights to be free to do things and to be free from the actions of others.

a) You are free to do anything as long as it does not hurt anyone else.

This right is stating what you can do. It is giving you freedom to do things, for example:

- the right to travel wherever you want,
- the right to meet together
- the right to write, say, read and listen to what ever you want

b) Nobody can hurt you, unless you hurt someone else.

This is stating cases where other people have rights to interfere with you. It is in fact limiting these actions and therefore you have freedom from the actions of others.

Other examples could be:

- the right to be free from torture,
- the right to be free from slavery.

Everyone should have these rights, because everyone should be free from violence. This then means that everyone should respect other peoples' rights to freedom from violence. To do this, people have to refrain from doing something (that is, they must refrain from hurting someone) It is a basic right because the right requires that people NOT do something. Furthermore, they are NOT required to actually DO some additional action to protect this kind of right. Generally, for a government there is no cost involved in protecting these rights other than the cost of the police who enforce laws, which protect rights.

2.2 Provided Rights

An example of a provided right is "A child has the right to be fed by his or her parents." This right also has implications for the behaviour of others towards someone, but with provided rights something must be provided (in this case a child must be provided with food) and as a result we call this a provided right. This information is from "Citizenship, Governance, & Participation: Your Role in Civil Society of the XXI Century", International Foundation for Election Systems (IFES), Dushanbe, Tajikistan, 2003.

right. The difference between basic and provided rights is that with provided rights, instead of protecting rights by leaving others alone, here rights are protected by providing or doing something. Providing something often has a cost. For example, providing education costs money.

Do only children have provided rights? Not at all; provided rights are created whenever we are involved in any sort of contract to provide something in exchange for something else, which is an obligation. In return for the food the child (perhaps unknowingly) releases the parent from the obligation to provide food until the child is hungry again. A provided right is always related to someone else's obligation to provide that right. Obviously, parents are obliged to give their children food, at least while they are small, because they have taken on this responsibility when they decided to bring them into the world. While there was no written contract, there was certainly a tacit obligation to help the child become an adult.

In a democracy, citizens decide through voting for representatives, who if they are elected, will determine what goods and services the government should provide. If so, a legal provided right is created: in other words, the law stipulates the citizens' "right" to such goods and services (for example, health care). The government (and in fact all citizens in that they provide the taxes to pay for what is required) then have the responsibility to provide such goods to everyone who needs them. There are two problems with this: first, more goods and services might be "guaranteed" by law, than the economy can provide for; and second, not everyone might have agreed to use taxes to provide these services or goods (specifically those people who did not vote for the law or those proposing the law).

This means that when we meet our obligations as required by provided rights we often lose other rights. For example governments tax all citizens to provide education and in taxing them the government is taking away citizens' right to spend their money as they choose. In a democracy, by voting, we can give our agreement for governments to take some rights away by taxing us, on the condition that those taxes are spent guaranteeing citizens various provided rights like access to basic health care and education.

3.0 Civil, Economic and Political Rights

Human rights may be further divided into civil, political and economic rights. Civil rights (or liberties) involve human action in the area of civil society. Civil society can be understood to mean, every type of activity that involves expression, speech, interaction of all types including even employment. When people as individuals have "civil" rights they are free to do what they like as long as they respect everyone else's right to do the same, and they obey the law. Political rights involve activities and interactions between citizens and their government, for example the right to vote etc. Everyone should be free to engage in political activity and have protection from harassment and abuse. When we have economic rights we have the right to use our property as we choose. There are some limits to this freedom, for example if your property happens to be required for some greater public good. In the chapter on the relationship between economic and political freedoms these rights are discussed further.

4.0 Who has the responsibility of protecting human rights?

We all have responsibility to protect each others rights, but governments also have this responsibility.

The responsibility for protecting people against violations of their rights is the principal reason for the creation of government. Governments create laws, which should apply equally to all citizens (this idea is known as "rule of law"). Laws are designed to enforce private agreements, and so protect rights, but above all it is designed to protect people against harm. When the police are unable to or do not do this, there is disorder and chaos. Sometimes citizens create private police forces, as is often the case in stores, which hire private guards to protect the store's property. Sometimes however, people take justice into their own hands and punish rights-violators themselves. This is dangerous, and can easily deteriorate into chaos.

Sometimes people's rights are most grievously violated by governments themselves. People may be put in jail and harassed, or even killed, simply because they do not agree with official actions and policies. In fact, repressive governments (for example using torture) are probably the worst human rights

offenders, and are responsible for some of the most terrible crimes against humanity. In such cases, it is possible to appeal to principles of international law.

5.0 International Law and International Organizations

In 1995 the Commonwealth of Independent States CIS, together signed an agreement called the Convention on Human Rights. (see Russian title)

This document lists the rights, which all governments, which signed the convention, agreed to protect. Your government was one of the signatories to this convention. When governments sign documents like this it means that they are agreeing that when implementing policies they must make sure that they do not take away the rights of their own citizens and the citizens of other countries. Usually governments can agree on what they shouldn't do, but it is much harder to decide on what should be done when they break some part of the agreement.

The most famous list of rights and the one that was signed by most countries is the Universal Declaration of Human Rights, which was originally written and signed by many countries in 1948.

There are other lists of rights agreed to by governments. Two of the more famous ones are the "The Convention on the Elimination of All Forms of Discrimination Against Women" and "The Convention on the Rights of the Child".

An advantage of all these documents is that they are written by people from all different cultures and religions and so governments can usually sign them without causing offence to their citizens regardless of their religion or culture.

6.0 How can these documents protect our human rights?

Documents can never be sufficient to protect rights. Citizens must know how to use them, and have the courage to bring up human rights violations before the international community. Using the documents means understanding their content and knowing how they apply to you, and making sure people who might deny your rights, are aware of human rights. If this is not enough then citizens need to know how to use national and possibly international legal systems to protect their rights. (This country's legal system is explained later in this book.)

In Czechoslovakia and Poland before the collapse of the USSR people got together, under the guidance of international law, to bring about change. Because governments have, in many cases, signed up to international agreements at the UN, citizens can legally demand that rights are protected. In many countries governments and local non-government organizations work together in partnership to implement the human rights agreements, which these governments signed.

Hopefully, where the rights of citizens are not protected, local and central government agencies should assist. International human rights law works best when governments themselves agree to protect the rights of citizens. Unfortunately, even in some rich and developed countries it is the government itself that is the worst abuser of the rights of citizens. Human rights abuses are widespread in the world and in some countries they are systematic and extreme. Examples are the consistent abuse of prisoner's rights, such as by torture, and illegal killings by the police or the army. In this case international organizations can help, however it is important to recognize that they are not like a world police force.

The United Nations (an organization to which almost all governments belong) and others like the OSCE were set up to try to provide some way of monitoring and controlling the way governments treat their citizens and most importantly to help governments develop their countries so they could better protect the human rights of their citizens.

The United Nations can act to stop governments when there are gross and sustained violations of human rights through a range of interventions, which include:

- approving economic sanctions against a state in the hope of economically isolating it. For example, the United Nations member states agreed to stop trading with South Africa until the government reformed their political system in which only white people were allowed to vote.
- military intervention by UN troops made up of member state's armies. (This is usually the last option to be considered.)
- bringing people who committed war crimes before an international court.

International Courts – Achievements

At the end of World War II, Fascist war criminals were charged and punished with crimes against humanity.

Currently, an International Court of Justice sits in The Hague, in Holland. Consisting of 15 judges, the ICJ administers justice under international law dealing with cases ranging from disputes over territory to those concerning rights of passage, as well as human rights abuses and crimes against humanity. e.g. in the former Yugoslavia

Military and civilian leaders believed to have violated human rights in the case of the Balkan war are currently facing trial at the War Crimes Tribunal in The Hague. In some cases, individuals charged with crimes have been arrested by an international force and taken to Holland for the trial.

7.0 Conclusions

As history has shown, it is difficult for the member states of the United Nations to agree on intervention particularly in the case of human rights. Human rights enforcement at the UN level is subject to political debate and often has little to do with the actual human rights issues. For instance, the international military intervention in the Balkans in the last decade of the twentieth century was based on protecting the human rights of minorities there. But other similar violations of the rights of minorities have gone unnoticed by the world community.

In conclusion we can see that while human rights are subject to great dispute, governments throughout the world have indicated that they are at least committed to these rights somehow. How these are implemented depends on the response of civil society, governments, and international organizations, which can work together to ensure human rights are not simply political talk.
