



# Understanding Human Rights

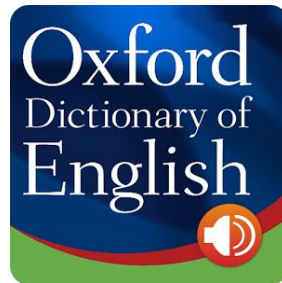
## 01. The Development of Human Rights

# Definition of Human Rights

- What are Human Rights?
- <http://www.humanrights.com/what-are-human-rights/>

## Oxford Dictionary Definition of Human Rights

- "A right which is believed to belong to every person."
- Human rights are the freedoms, standards and protections given to all humans
- No-one can take human rights away



## UN Definition of Human Rights

- “Human rights are rights inherent to All human beings regardless of nationality, sex, national, colour, religion etc”
- All equally entitled to our human rights without discrimination
- Human rights are all interrelated, interdependent and indivisible



## UN Definition of Human Rights

- Universal human rights are often expressed and guaranteed by law
  - ❖ Treaties
  - ❖ Customary international law
  - ❖ General principles
  - ❖ Other sources of international law
- International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts
- To promote and protect human rights and fundamental freedoms of individuals or groups

## Definition of Human Rights

- Human rights are designed to promote respect for human life and individuals
- They are universal; they apply to everyone
- One of the fundamental aims of human rights is to promote an international standard of life and conditions for humans everywhere
- Human rights are not privileges but given

## Wide Scope of Human Rights

- The right to free speech
- The right to equality
- The right to an education
- The right to marry and raise a family
- The right to a fair trial
- The freedom of movement
- The right to privacy
- The right to have a nationality
- The right to rest

## Human Rights: Core Values & Aims

- 1) Protection of Human Life
- 2) Promotion of Human Dignity & Equality
- 3) Freedom
- 4) Limiting Power
- 5) Respect for Others
- 6) Non-discrimination & Tolerance
- 7) Justice
- 8) Responsibility



# 1) Protection of Human Life

- UN Declaration of Human Rights (UDHR):

- ❖ Article 3 - Everyone has the right to life, liberty and security of person

- ❖ Article 4 - No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms

- ❖ Article 5 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment



## 2) Promotion of Human Dignity & Equality

- Establish a basic standard of life for everyone
  - ❖ UDHR Article 1 - All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood
- Human dignity, equality and protection of life are the main pillars of human rights

## 3) Freedom

- One of the most rudimentary elements of human dignity
  - ❖ The freedom of movement
  - ❖ The freedom of speech
  - ❖ The freedom of religion
  - ❖ The freedom of thought

## 4) Limiting Power

- Limiting political power of the King or government is one of the oldest struggles in human history



Magna Carta (England, 1215)

## 5) Respect for Others

- If you do not respect other people, fails to appreciate their dignity as human beings, fails to appreciate their individuality, and ultimately fails to appreciate their human rights

## **6) Non-discrimination & Tolerance**

- If you discriminate against someone, do not tolerate their beliefs or differences

## 7) Justice

- A core part of human rights
- The same legal protections and opportunities
- Punishing transgressions

## 8) Responsibility

- Positive rights: Responsibilities of what governments should provide
- Negative rights: Responsibilities of what governments are prohibited from doing
- Human rights responsibilities help to establish “prescriptive norms”



## Human Rights: Core Values & Aims

- **Key question:**

How did human rights develop to their modern day status?

## **Early concepts of human rights**

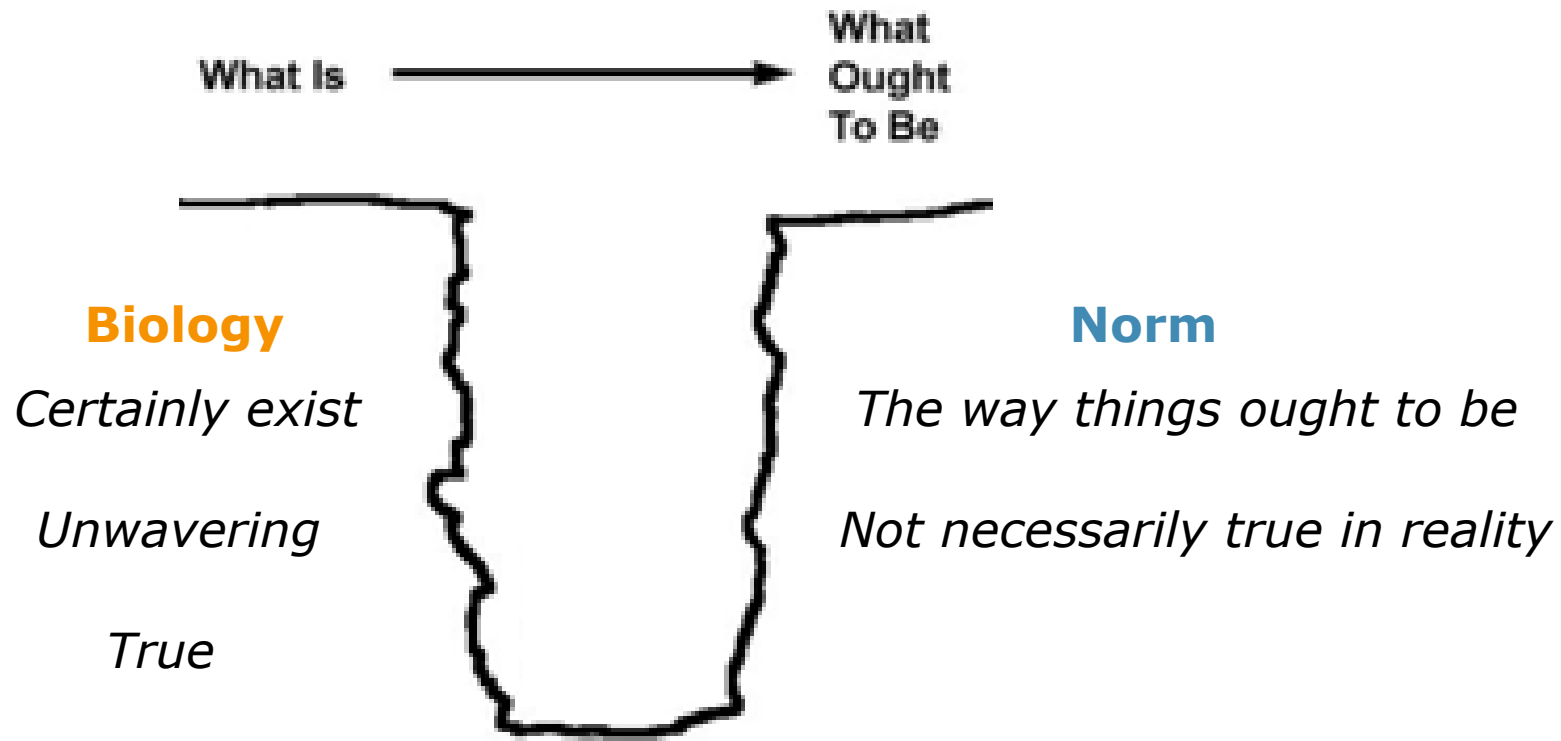
- 1) Prescriptive Norms
- 2) Religions & Ancient History
- 3) Natural Law

# 1) Prescriptive Norms

- Norms: expected standards, how we should behave, what should/must be, what is allowed or not allowed
- Norms tell us what is right and wrong
- Prescriptive norms influenced by as ethnics, morals, law, philosophy and religion

# 1) Prescriptive Norms

- What is (reality)-----→ What ought to be (ideal)



## 2) Influence from Religion & Ancient History

- Ten Commandments prohibits murder, theft, adultery, and false testimony
- Promotion of the ethical treatment of our fellow man and focus on freedoms
- Concepts of human dignity:
  - ❖ “Man has a certain dignity and was given dominion over the rest of creation.”  
(Genesis 1:26)

## 2) Influence from Religion & Ancient History

- Judaism - "Loving thy neighbour", human rights value of respect and human dignity
- Islam - Teaches equality and features rights for women and slaves
  - ❖ Qur'an - "O you who believe! be maintainers of Justice...if he be rich or poor, Allah is nearer to them both in compassion." (An-Nisa 4:135)
- Hinduism - Protections of vulnerable people e.g. slaves, women
- Buddhism - Against the caste system in India, promoted women's rights

## 2) Influence from Religion & Ancient History



## 2) Influence from Religion & Ancient History

- **Classic Roman and Greek societies** started to come up with concepts of law and judicial systems aimed at protecting people and their natural rights, as well as establishing some sort of connection between the social and political authorities and the everyday citizens





## 2) Influence from Religion & Ancient History

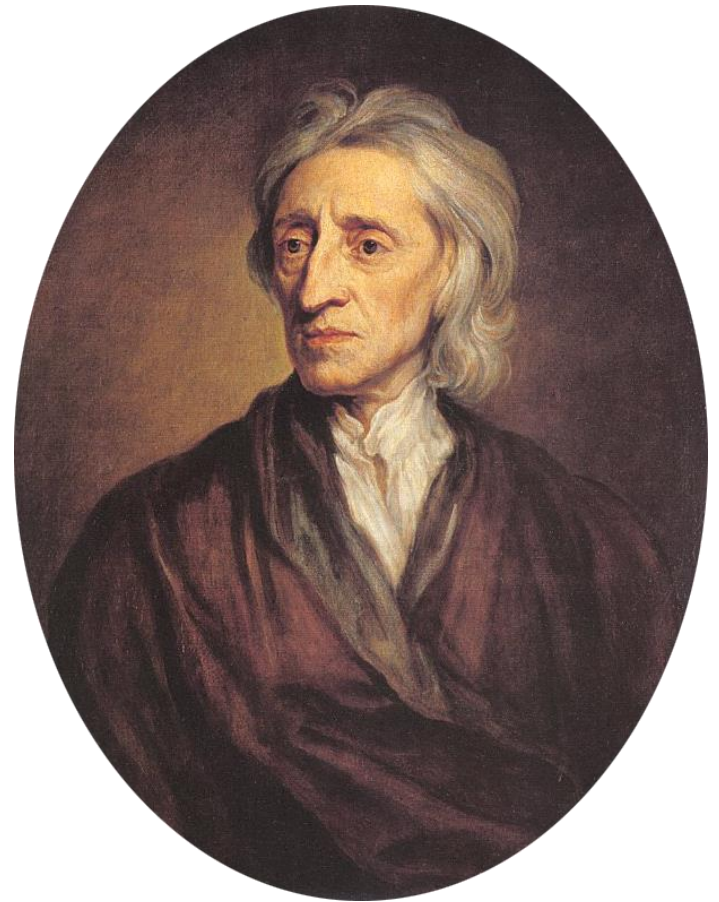
- **Confucius**

: the responsibility and necessity of the wealthy upper privileged echelons of society to focus on the general welfare and needs of ordinary people



## 3) Natural Law

- John Locke (1632 – 1704)
  - ❖ Everyone naturally has rights purely because they are human
  - ❖ Natural rights are for everyone, not just the King
  - ❖ Fought to limit the power of the King



## 4 key legal documents

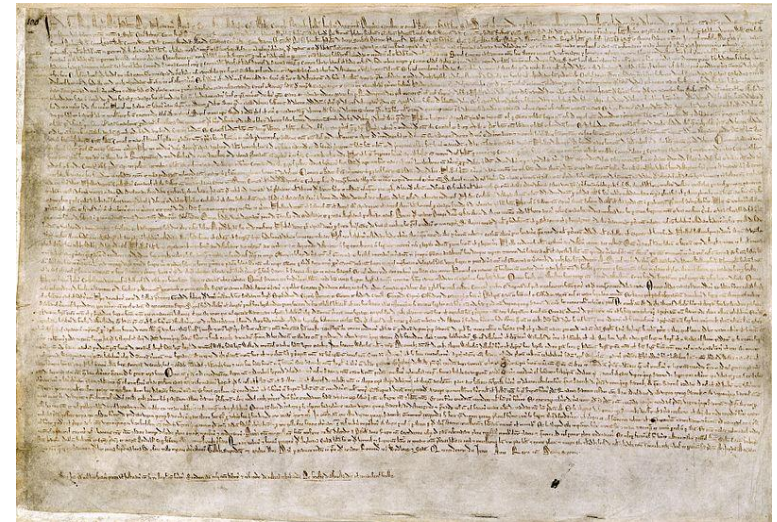
- 1) Magna Carta (1215)
- 2) The English Bill of Rights (1689)
- 3) Declaration of the Rights of Man and of the Citizen (1789)
- 4) The U.S. Bill of Rights (1791)

# 1) Magna Carta (1215)

- Natural rights → Legal rights
- Establishment of due process of law
- Providing Legal Guidelines
  - ❖ Made sure even the King had to obey the law
  - ❖ Set out guidelines for how the King had to treat his people

# 1) Magna Carta (1215)

- The right to justice and a fair trial
- The right of the church to be free from outside intrusion
- The right to own property
- It provided widows with rights
- It forbade bribery or other kinds misconduct



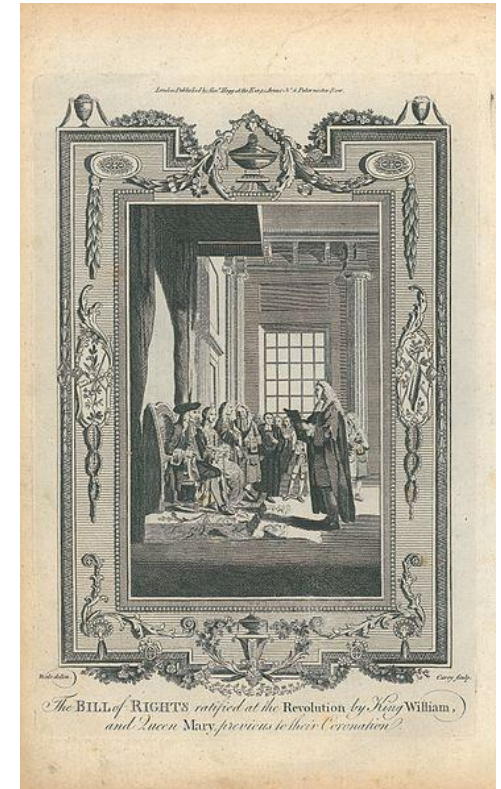
Magna Carta

## 2) The English Bill of Rights (1689)

- Controversy over the rights of parliament, not the king
- Chose to use his royal power rather than the law



Royal Coat of Arms of the United Kingdom

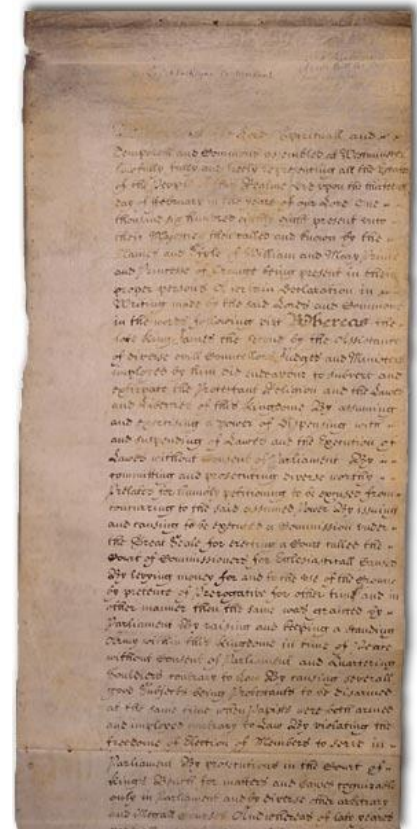


The Bill of Rights

Ratified at the Revolution by King William, and Queen Mary, Previous to their Coronation (1783)

## 2) The English Bill of Rights (1689)

- The provisions of the English Bill of Rights
  - ❖ Less power for the King, more for Parliament
  - ❖ An end to the King's bypassing the law
  - ❖ Charging taxes without grant of Parliament is illegal
  - ❖ The right for the people to petition against their King
  - ❖ The free election of members of Parliament
  - ❖ The freedom of speech and debates in Parliament



English Bill of Rights of 1689

### 3) Declaration of the Rights of Man and of the Citizen (1789)

- The Citizen-centered of legal documents
- La Déclaration des droits de l'Homme et du citoyen



Declaration of the Rights of Man and of the Citizen in 1789

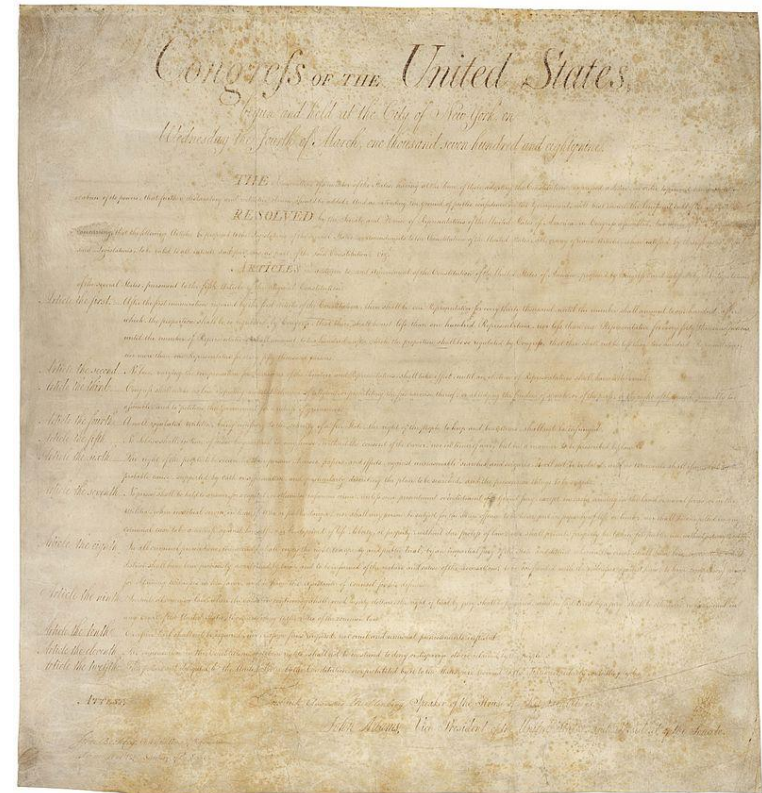


## 3) Declaration of the Rights of Man and of the Citizen (1789)

- Some of the key points of the Declaration
  - ❖ Article 1: "All men are born and remain free and equal in rights."
  - ❖ Freedom: Liberty, freedoms of speech, religion and to own property
  - ❖ All citizens were equal before the law
  - ❖ Positions in public office were opened to all

## 4) The U.S. Bill of Rights (1791)

- The purpose of the Bill of Rights
  - ❖ To stop government intrusion into the daily lives of citizens
  - ❖ To ensure the upholding of basic civilian freedoms
- The cornerstone of basic American rights and freedoms



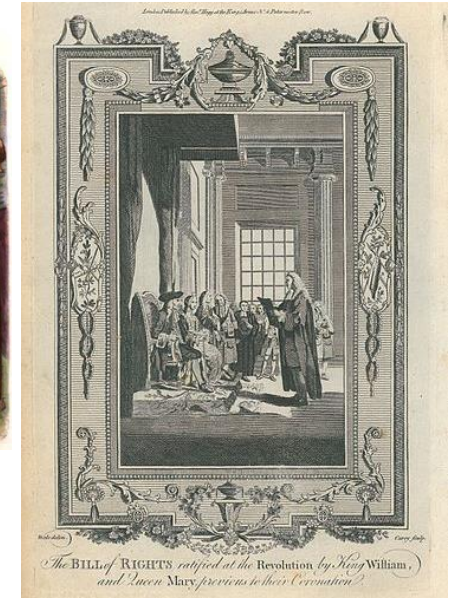
Magna Carta

## 4) The U.S. Bill of Rights (1791)

- Some of the Bill's main points
  - ❖ Freedom of religion, speech, press and assembly
  - ❖ Right to bear arms (guns)
  - ❖ Freedom from unreasonable searches and seizures
  - ❖ Right to due process of law
  - ❖ Right to a speedy and public trial
  - ❖ Powers reserved to the individual states

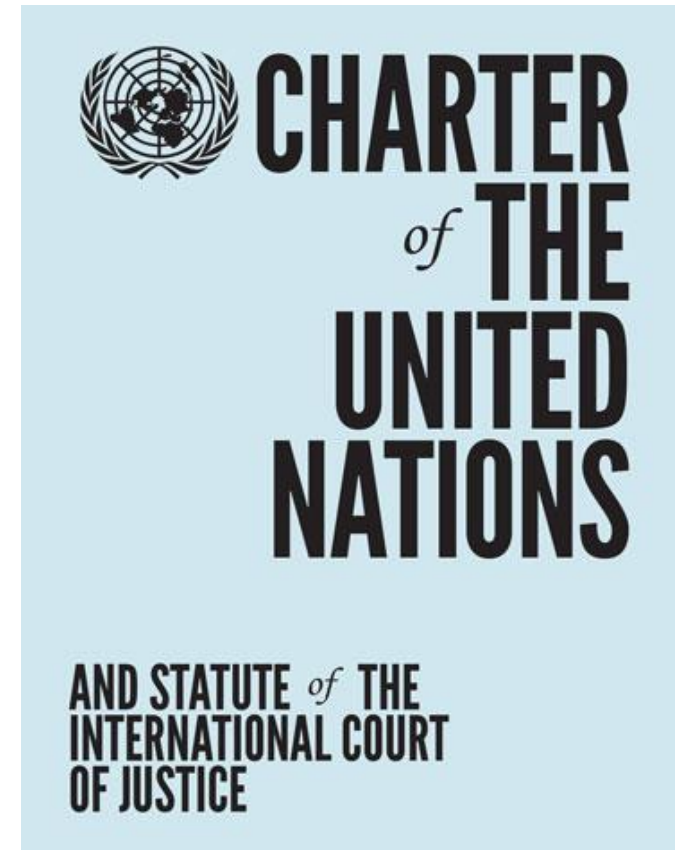
## Summary – Timeline

- 1) Magna Carta (1215)
- 2) The English Bill of Rights (1689)
- 3) Declaration of the Rights of Man and of the Citizen (1789)
- 4) The U.S. Bill of Rights (1791)



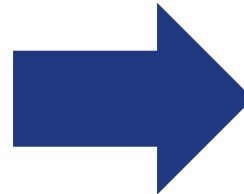
# 1) The United Nations Charter (1945)

- **Background:** the aftermath of WWII
- **Aims:** To preserve world peace, ensure security and develop relations and cooperation between nations
- **Member:** The United States, the United Kingdom, the Soviet Union, France and China ...
- <http://www.un.org/en/charter-united-nations/>



# 1) The United Nations Charter (1945)

- UN replaced The League of Nations



- UN's central aims

"Promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."

## 2) The Convention on the Prevention and Punishment of the Crime of Genocide (1948)



Charter of the United Nations, United Nation

# 3) The Universal Declaration of Human Rights (UDHR) (1948)

- Made up of 30 articles.
- Included many different types of rights:
  - ❖ Positive and negative rights
  - ❖ Civil and politics rights
  - ❖ Social, economic and cultural rights



**PREAMBLE** Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

**WHEREAS** disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

**WHEREAS** it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

**WHEREAS** it is essential to promote the development of friendly relations among nations,

**WHEREAS** the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

**WHEREAS** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

**WHEREAS** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**THE GENERAL ASSEMBLY**  
**RECOGNIZING** the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction,

**Article 1** — All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2** — 1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory has an independent, free or non-free governing status, whether it is under a trust, non-self-governing status, or under any other limitation of sovereignty.

**Article 3** — Everyone has the right to life, liberty and the security of person.

**Article 4** — No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5** — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6** — Everyone has the right to recognition everywhere as a person before the law.

**Article 7** — All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal treatment before the law.

**Article 8** — Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9** — No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10** — Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11** — 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12** — No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13** — 1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14** — 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecution genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15** — 1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16** — 1. Men and women of full age, without any limitation of race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights in marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

**Article 17** — 1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

**Article 18** — Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19** — Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without restriction and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20** — 1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

**Article 21** — 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22** — Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation, and in accordance with the obligations and resources of each State, of the economic, social and cultural rights indispensable for his dignity and for the development of his personality.

**Article 23** — 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal work for equal work.

3. Everyone who works has the right to just and favourable remuneration including for himself and his family an existence worthy of human dignity and improvement, if necessary, by other means of social protection.

**Article 24** — Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 25** — 1. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 26** — 1. Everyone has the right to an education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27** — 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28** — Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29** — 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of allowing the free development of the personality of each individual within a democratic society.

3. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations.

**Article 30** — Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



### 3) The Universal Declaration of Human Rights (UDHR) (1948)

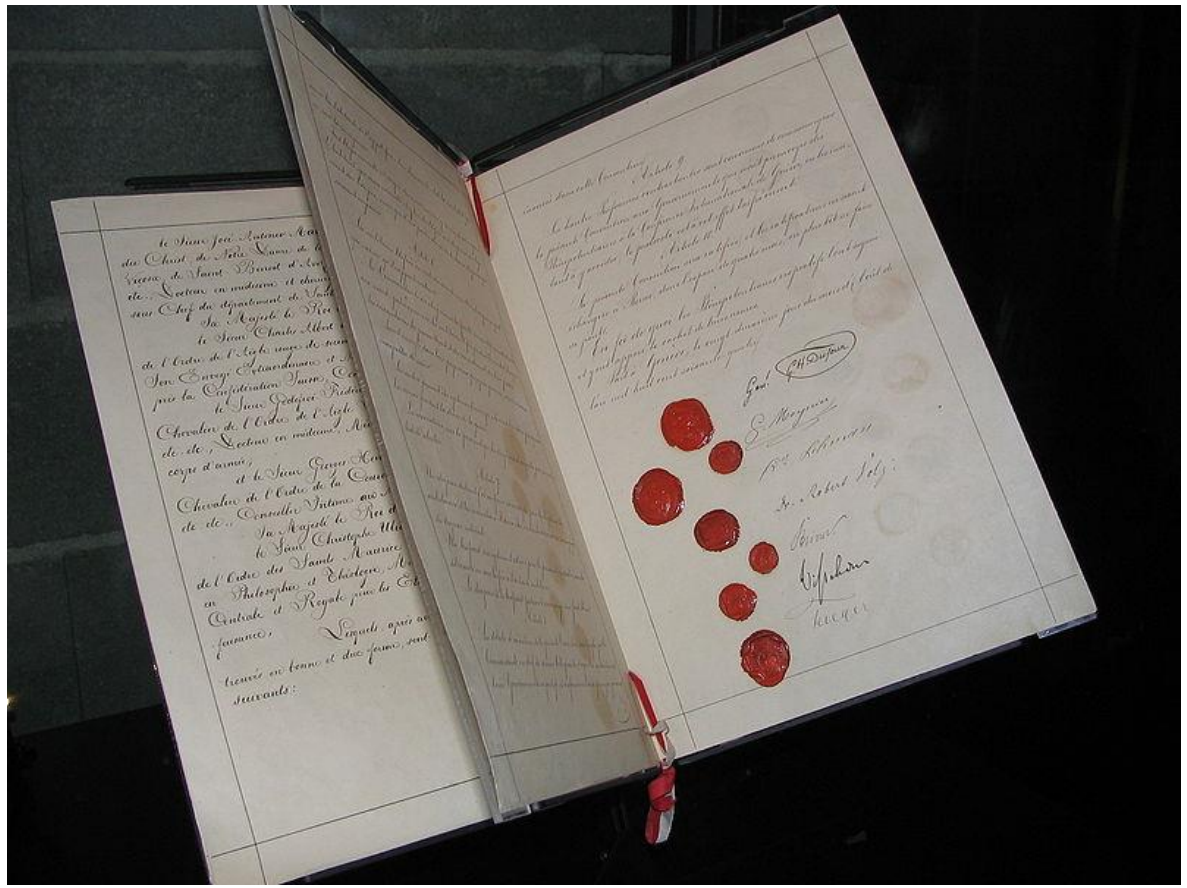


Eleanor Roosevelt and United Nations Universal Declaration of Human Rights in Spanish text

### **3) The Universal Declaration of Human Rights (UDHR) (1948)**

- Human rights are:
  - ❖ Universal
  - ❖ Inalienable
  - ❖ Interdependence

# 4) The Geneva Conventions (1949)



1864, The Geneva Convention

## 4) The Geneva Conventions (1949)

- Set out humanitarian principles for times of war, e.g:
  - ❖ Basic rights of prisoners of war
  - ❖ Codes of conduct for the wounded
  - ❖ Protections for civilians
- Ratified by 196 countries.

## 5) Refugees Conventions (1951)



The Refugee Convention (1951)

## 5) Refugees Conventions (1951)

- UN Definition of a refugee:

“Someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group.”

- This definition excludes internally displaced people.

## 5) Refugees Conventions (1951)

- The convention protected rights of refugees
- Offering asylum in another country
- Refugees should legally equal in their new country
- ★ *Non-refoulement* ★ – no forcefully sending refugees home

- Human Rights: Core Values & Aims
- The historical evolution of human rights
- Background
  - ❖ Natural right
- Early legal documents
  - ❖ The Magna Carta
  - ❖ The British and US Bill of Rights
  - ❖ France's Declaration of the Rights of Man and of the Citizen
- The basis of human rights