

# Human Rights - facts & dilemmas

# Human Rights issues in Danish media

- - Danish judges are to learn about discrimination and Human Rights
- - Denmark changes politics in Iraq - more focus on Human Rights and reform of the court system
- - Danes don't consider torture an important issue
- - Danish companies are considered the world's most social responsible

# The Universal Declaration of Human Rights

- - **Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948**
- The Preamble:
- “disregard and contempt for Human Rights have resulted in barbarous acts which have outraged the conscience of mankind”

# Preamble

- - “ **proclaims THIS 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...”

# The Universal Declaration of Human Rights

- *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.”

# The Universal Declaration of Human Rights

- *Article 2.*

“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. ...”

# Civil and political rights (negative rights)

- freedom of speech
- freedom of assembly
- freedom of movement
- freedom from torture
- freedom from slavery

# Economic, social and cultural rights (positive rights)

- the right to adequate housing
- the right to work, rest and leisure
- the right to education

# Different generations of Human Rights

## **1. generation: Liberté: Civil and political rights**

- Inspired by the philosophy of liberalism and individualism
- Freedom from rather than right to.. (negative rights)
- Lack of state intervention (laissez-faire)
- Articles 2-21

# Different generations of Human Rights

## **2. generation: Égalité: Economic, social and cultural rights**

- Inspired by Socialism and revolutionary movements
- ‘Defence’ against the negative consequences of capitalism
- Right to rather than freedom from... (positive rights)
- State intervention to secure a fair distribution
- Articles 22-27

# Different generations of Human Rights

## **3. generation: Fraternité: Solidarity rights**

- Article 28 in the Universal Declaration of Human Rights

“Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

### 3. generation

- Redistribution of power, economic wealth
- The right to economic and political self governance
- The right to economic and social development
- The right to take part in and benefit from the common resources
- The right to peace, a sustainable environment and humanitarian aid

# Other Covenants & Declarations

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

# Other Conventions & Declarations

- The Convention on the Rights of the Child
- The International Convention on the Elimination of All Forms of Racial Discrimination
- The Declaration on Race and Racial Prejudice
- The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- The Declaration on the Principles of International Cultural Cooperation

# Other Conventions & Declarations

- The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
- The Declaration on the Right to Development
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

# Background

- Greece and Rome
- The English and French Revolution (1688, 1789)
- The American Declaration of Independence (1776)
- Second World War

# How to interpret and put into practice?

- What does it mean that everyone has the right to a nationality?
- What does it mean that everybody has the right to marry – and that the family is entitled to protection by society and the State?
- What does it mean that everyone has the right to manifest his religion or belief in teaching, practice, worship and observance – in public and private?

# How to interpret and put into practice?

- What is social security?
- What does it mean that everyone has the right to work? What kind of work?
- What does it mean that everyone has the right to education? How much education?
- What does it mean that everyone has the right to participate in the cultural life of the community?  
Etc.

# Human Rights and culture

- Are human rights universal?
- Or are they are culturally relative?

# Cultural relativism

- Human values, far from being universal, vary according to different cultural perspectives.
- Human Rights could be interpreted differently within different cultural and religious traditions.
- Makes it difficult to agree upon international humanitarian law
- Could legitimize violation of Human Rights – using tradition, religion and culture as an ‘excuse’.

# Universalism

- “Like most areas of international law, universal Human Rights are a modern achievement, new to all cultures. Human Rights are neither representative of, nor oriented towards, one culture to the exclusion of others. Universal Human Rights reflect the dynamic, coordinated efforts of the international community to achieve and advance a common standard and international system of law to protect human dignity.”

# Universalism

- “Every human being has the right to culture, including the right to enjoy and develop cultural life and identity. Cultural rights, however, are not unlimited. The right to culture is limited at the point at which it infringes on another human right. No right can be used at the expense or destruction of another, in accordance with international law.“

# Universalism

“No culture can claim a right to practise slavery. Despite its practice in many cultures throughout history, slavery cannot be considered part of a cultural legacy entitled to protection.”

“Cultural rights do not justify torture, murder, genocide, discrimination on grounds of sex, race, language or religion.”

# Human Rights and religion

- The Universal Declaration of Human Rights was created with the participation of experts, activists and politicians of many different religious and cultural backgrounds – including Konfucianism, Hinduism, Islam, Christianity, Judaism.

# Islam and Human Rights

- Human Rights abuses and violations are widespread in the Muslim/Islamic world
- Islamic scholars disagree on the issue
- Islamic scholars tend to underline the combination of rights and duties in Islam

# Islam and Human Rights

- Universal Islamic Declaration of Human Rights, 1981. The Islamic Council of Europe
- The Cairo Declaration on Human Rights in Islam, 1990. Nineteenth Islamic Conference of Foreign Ministers in Cairo. The Member States of the Organization of the Islamic Conference
- Arab Charter on Human Rights, 1994. Council of the League of Arab States

# Islam and Human Rights

"Most Muslim countries are either anti-Islamic or non-Islamic considering their economic, political, social and juridical systems. If Islamic law and doctrines were in stead used correctly, it would definitely be possible to implement most of the international Human Rights in the Muslim world."

Maimul Ahsan Khan, professor at the Faculty of Law, University of California, author of the book 'Human Rights in the Muslim World'

# Human Rights abuses

- lack of freedom of expression
- the lack of free elections
- suppression of certain religious groups
- torture and ill-treatment in police custody
- child labour
- discrimination and violence against women
- slavery
- trafficking
- mass killings and rape on civilians

# Human Rights abuses

**are connected with:**

- poverty
- weak states or authoritarian states
- lack of democracy
- war and instability
- ethnic conflicts and sectarianism
- war on terrorism

But:

- Human rights are also violated in rich, industrialized, democratic countries like Denmark
  - Denmark has been criticised by international human rights organisations and institutions during the last ten years

# Human Rights problems in Denmark

- Racism and lack of political awareness of it
- Restrictions on immigration and asylum
- Hate speech and hate crimes
- Etc.

# Institutions

- UN
- European Court of Human Rights
- The European Union
- The Arab League
- NGOs
  - Amnesty International
  - Human Rights Watch
- Companies
- National Human Rights Institutions

# **Danish Institute for Human Rights**

- Education
- Research
- Awareness-raising-campaigns
- Institutional support for NGO's and National Human Rights Institutions

# Danish Institute for Human Rights

## Projects:

- Afghanistan: Meetings and discussion on how to link Human Rights to the tenets of Islam
- Arab-European dialogue: Discussion between politicians and human rights experts on how to combat terrorism while still protecting human rights