



Dr Lina Malagon

Week 5. Global Citizenship and Human Rights: a 'Just' Local, National and Global Order?

Origins and Evolution of Human Rights

Precursor of the idea of HR: The Peace of Westphalia (1648).

the major powers of Europe conditioned their recognition of the sovereignty and independence of Serbia on a guarantee of religious liberty (1878).

Nineteenth- century campaigns against the slave trade and slavery.

International Labour Organisation and League of Nations (1919). The Covenant of the League of Nations does not even include the term human rights.

States as primary actors in international relations

Supreme authorities

The right of sovereignty

The duty of non-intervention

Human Rights in the XX century

In January 1941 President Franklin D. Roosevelt framed the Allied war effort in terms of securing four fundamental freedoms: of speech, of religion, from want, and from fear.

Charter of August 1941: US President Roosevelt and British prime minister Winston Churchill.

January 1942 United Nations Declaration: “complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands.”

1945 the end of the II World War and the creation of the United Nations

Polish lawyer Raphael Lemkin: **genocide**.



After II World War

The Nuremberg War
Crimes Trials 1945:
crimes against humanity



Officials were
responsible to the
international community
for offenses against
individual civilians.



The Preamble of the
U.N. Charter:
“to reaffirm faith in
fundamental human
rights, in the dignity and
worth of the human
person, in the equal
rights of men and
women and of nations
large and small,” and “to
promote social progress
and better standards of
life in larger freedom.”



- Article 1. “to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

Purposes of the United Nations

Commission on Human Rights (1946-2006)



Adopted by ECOSOC, Its first task was to draft an “international bill of rights”.

The Universal Declaration of Human Rights adopted by the U.N. General Assembly on **December 10, 1948**.

John Humphrey Canadian member of the Commission’s staff;
René Cassin French member of the Commission.

Non-Western representatives: P. C. Chang of China (the vice chair of the Commission), Charles Malik of Lebanon (the rapporteur of the Commission),

Hernan Santa Cruz of Chile and Eleanor Roosevelt of the United States.



Vote on the Declaration

48 in favour

None opposed

Eight abstentions: Saudi Arabia, South Africa, and the six Soviet-bloc states (USSR, Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, and Yugoslavia)

Universal Declaration

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 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.”

Articles 2–27 lay out a comprehensive set of rights

Article 2 recognises the right to non-discrimination.

Articles 3–15. An extensive series of civil and political rights.

Articles 19–21, including rights to life, liberty, and security of person; an array of legal protections and civil liberties; and the right to political participation.

The Covenants

The Universal Declaration of Human Rights is not legally binding.

The Commission drafted a treaty to give binding international legal force to international human rights norms.

The initial draft “**Covenant on Human Rights**” only included CPR.

The General Assembly directed the Commission to include economic, social, cultural, and political rights as well and a mechanism for accountability.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) were adopted by the United Nations (December 1966).

The 1970s: From Standard Setting to Monitoring

By ratifying the Covenants, states agree to follow IHR standards by complying with certain reporting procedures.

In the late 1960. The UN began to move from merely setting standards to examining how states implement these standards.

In 1967 Economic and Social Council Resolution 1235 authorised the **Commission on Human Rights** to discuss human rights violations in particular countries.

In 1969 the racial discrimination convention came into force, requiring parties to file periodic reports on implementation.

In 1970 ECOSOC Resolution 1503 authorised the **Commission on Human Rights** to conduct confidential investigations of complaints.

The United Nations operates under severe structural constraints.

It is an intergovernmental organisation established by a multilateral treaty (the U.N. Charter) among sovereign states, who are its members.

Delegates to the U.N. represent states, not the international community, let alone individuals whose rights are violated.

The U.N. has only those powers that states—which are also the principal violators of human rights—give it.

Limited power of accountability

In response to the 1973 military coup in Chile, the UN created the Ad Hoc Working Group on the Situation of Human Rights in Chile.

In 1976 the International Human Rights Covenants (CPR and ESCR) entered into force, leading to the creation of the Human Rights Committee (HRC), which is charged with monitoring implementation of the International Covenant on Civil and Political Rights.

Human rights were also explicitly and systematically introduced into the bilateral foreign policies of individual countries in the 1970s, beginning in the United States.

UN Monitoring System

Commission on Human Rights (1946 - 2006)



Universal Declaration 1948



The International Covenant on CPR (1966
signed and entered into force 1976)



Human Rights Committee (1976)

The International Covenant on ESCR (1966
signed and entered into force 1976)



Committee on Economic, Social and
Cultural Rights (1985)

The role of civil society

The 1970s substantial growth in the number and range of activities of human rights nongovernmental organisations (NGOs),

Advocates for victims of human rights violations by publicising violations and lobbying to alter the practices of states and international organisations.

Amnesty International received the Nobel Peace Prize in 1977

The 1980s: Further Growth and Institutionalization

New treaties were adopted on discrimination against women (1979), torture (1984), and the rights of the child (1989).

The process of incorporating human rights into bilateral foreign policy also accelerated in the 1980s.

The end of dictatorships in Latin America and Asia.

Drastic changes in Central and Eastern Europe.

- In Latin America and Central and Eastern Europe, the progress of the 1980s was largely maintained
- Europe, the progress of the 1980s was maintained.
- In a few countries, such as the Czech Republic, Argentina, and Mexico, full democratization was achieved.
- In most of the former Soviet republics the human rights situation remained discouraging.
- November 1991 electoral defeat of Kenneth Kaunda, Zambia's president for the first twenty-five years of its independence, was an important democratic first for the region.
- The end of apartheid in South Africa, which held its first elections under the principle of universal suffrage in 1994.
- In Asia the picture in the 1990s was also mixed but generally positive.
- Middle East: Hafez al-Assad, Saddam Hussein, and Mu'ammar Gadhafi sustained their personalist dictatorships in Syria, Iraq, and Libya
- Religious intolerance and the suppression of all dissent remained the norm in Iran. The Gulf states remained closed and undemocratic.

The 1990s: Consolidating Progress in some countries and relapse

1990's genocide

1948 Genocide Convention established genocide as an international crime

Cold War era was characterised by international inaction. In places such as Burundi, East Pakistan (Bangladesh), Guatemala, Cambodia, and Uganda, genocide and politicide were met by verbal expressions of concern but little concrete action.

Yugoslavia and Rwanda.

The interventions in Kosovo and East Timor in 1999 consolidated an international practice of humanitarian intervention against genocide.

Human Rights in the Twenty-First Century

Maintaining the progress in Latin America.

Critical situation in different parts of Africa.

Rose Revolution Georgia's 2004, Orange Revolution Ukraine's 2005, and Iran's 2009 Green Revolution: failed or were ultimately reversed.

Arab Spring popular uprisings of 2011 resulted in the removal of long-entrenched dictators in Tunisia, Egypt, and Libya, but human rights conditions in these countries remain hopeless.

The "global war on terror" initiated in the aftermath of the September 11, 2001.

Questions

1. What explains the changes in human rights norms and practices over time? Consider the following possibilities:
 - Changing moral sensibilities? Changes in the character of international relations? Changes in national human rights practices?
2. What accounts for the weakness of international human rights enforcement?
 - What would be required to overcome the existing impediments? ? Do you think that change is likely in the next few years? The next few decades? What factors would lead you to expect continuity? What factors suggest change?
3. What kind of actor is best suited to pursue the protection and promotion of international human rights: individuals, NGOs, states, or intergovernmental organisations?