

## **AN INTRODUCTION TO HUMAN RIGHTS <sup>1</sup>**

### **DEFINITION OF HR**

Human rights are political and legal claims to equal freedom in a universal perspective. They constitute standards, which require political and legal implementation through national, regional, and international institutions.

### **ORIGINS OF HR**

The rights of individuals as part of a community have been addressed throughout the centuries by customs or laws in different parts of the world. Though the combination of the universal commitment to equal dignity and freedom with the political principle of the rule of law arose in the West a few hundred years ago, it is only with the adoption in 1948 of the United Nations Declaration of Human Rights, that human rights became truly universal in scope and application.

### **NATURE OF HR**

Human rights are a political means of recognizing human dignity in a legally binding way. This legal codification involves granting all people with equal rights of freedom. They enlarge the scope of individual freedom, while guiding the relationship between the individual, the community and the state.

### **UNIVERSALITY OF HR**

Even though the concept is of Western origin, human rights do not stem from, nor are dependent on, a particular Western philosophy or ideology. Respect for human rights is a way to promote mutual respect between people of different convictions and to render this respect politically effective. The idea of human rights establishes a basic consensus across ethnic, cultural, and religious boundaries.

### **HR & OTHER LAWS**

Human rights represent a specifically modern standard of justice that challenges traditional rules that do not rest on the principle of equal freedom. Human rights do not compete with cultural and religious traditions directly, but concentrate on political and legal aspects of human coexistence. Nonetheless there are obstacles to an unambiguous recognition of human rights in some religious traditions. For instance, certain laws developed centuries ago may contain provisions (for ex. regarding women, corporal punishment, etc.) that are difficult to reconcile with modern notions of human rights. The challenge therefore today is to implement existing human rights standards while engaging in an open discourse about their interpretation and improvement, in the context of different cultural perspectives and changing political needs.

### **THE INTERNATIONAL BILL OF HR**

International protection for human rights is governed by the International Bill of Human Rights which consists of the United Nations Declaration of Human Rights (UNDHR, 1948), which defines specific rights and their limitations, the International Covenants on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966), which place on states the obligation to promote and protect human rights. The Covenants are legally binding on those states that have ratified them.

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<sup>1</sup> A number of documents were consulted to produce this document, such as “An Introduction to the International Protection of Human Rights”, eds R. Hanski and M. Suksi and “Muslim Voices in the Human Rights Debate” H. Bielefeldt, as well as information material produced by the United Nations Commission on Human Rights as well as Amnesty International’s Human Rights Code for Companies.

The UNDHR, which is the key document, is conceived as "a common standard of achievement for all peoples and all nations": overtime it has become a yardstick by which to measure the degree of respect for, and compliance with, international human rights standards. It is a fundamental source of inspiration for national and international efforts to promote and protect human rights and fundamental freedoms. It has set the direction for all subsequent work in the field of human rights and has provided the basic philosophy for many legally binding international instruments designed to protect the rights and freedoms, which it proclaims.

### **THE UNDHR**

In a preamble and 30 articles, the UNDHR defines specific rights and their limitations. Art. 1 sets out the UNDHR philosophy: "all human beings are born free and equal in dignity and rights". Art. 2 establishes the basic principle of equality and non-discrimination as regards enjoyment of human rights and fundamental freedoms. Art. 3 proclaims the right to life, liberty and security of the person, a right essential to the enjoyment of all other rights. Articles 4 to 21, set out civil and political rights, including: freedom from slavery and servitude; freedom from torture and cruel, inhuman or degrading treatment or punishment; the right to recognition everywhere as a person before the law; the right to an effective judicial remedy; freedom from arbitrary arrest, detention or exile; the right to a fair trial and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proved guilty; freedom from arbitrary interference with privacy, family, home or correspondence; freedom of movement and residence; the right of asylum; the right to a nationality; the right to marry and to found a family; the right to own property; freedom of thought, conscience and religion; freedom of opinion and expression; the right to peaceful assembly and association; and the right to take part in the government of one's country and to equal access to public service in one's country.

Art. 22 introduces economic, social and cultural rights, i.e. the rights to which everyone is entitled "as a member of society" and characterises them as indispensable for human dignity and the free development of personality. These rights are to be realized "through national effort and international cooperation" though the extent of which depends on the resources of each State. The economic, social and cultural rights recognized in articles 22 to 27 include the right to social security; the right to work; the right to equal pay for equal work; the right to rest and leisure; the right to a standard of living adequate for health and well-being; the right to education; and the right to participate in the cultural life of the community.

The concluding articles, articles 28 to 30, recognize that everyone is entitled to a social and international order in which the human rights and fundamental freedoms set forth in the Declaration may be fully realized, and stress the duties and responsibilities which each individual owes to his community.

### **HR & BUSINESS**

In its UNDHR proclamation, the United Nations' General Assembly states that "every individual and every organ of society...shall strive by teaching and education to promote respect for those rights and freedoms". If originally the responsibility for promoting human rights was seen to be chiefly with states, in the past decade, this statement has been interpreted to mean that all members of society, and in particular corporate entities, have an implicit obligation to promote human rights in their sphere of influence. Among the chief promoters of this view is the human rights advocacy group, Amnesty International (AI), which has elaborated a guide on this issue entitled Human Rights Code for Companies. The key message is that companies should cooperate in creating an environment where human rights are understood and respected. It further suggests that in cases where companies work in a country where there is a high level of human rights violations, they should find innovative ways of addressing specific abuses. In AI's words: "a clear indication of concern for human rights and willingness to initiate discussions with those in authority and with business partners are essential". The AI Code provides specific examples of what companies should do in specific circumstances.