

**NANYANG
TECHNOLOGICAL
UNIVERSITY**
SINGAPORE

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



Learning Objectives

By the end of this lecture, you should be able to:

- Analyse the differences between moral rights and legal rights.
- Evaluate the relationship between human rights, moral rights, and legal rights.
- Appraise the significance of the Universal Declaration of Human Rights.
- Identify some important moments in the formation of the global human rights regime.



Outline

The following topics will be covered in this lecture:

- Right action vs. *a Right*
- Understanding Rights
- Moral Right, Legal Right, or Both?
- Various Aspects of Human Rights
- United Nations and Human Rights
- Human Rights Around the World
- Human Rights as Moral Rights

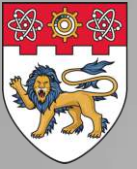
Discussion Question 1: Inalienable Rights

We will be examining the concept of a right. Rights are often said to be “inalienable”. The Preamble to the Universal Declaration of Human Rights states:

“...the equal and **inalienable rights** of all members of the human family is the foundation of freedom, justice and peace in the world.” ([UDHR](#))

What do you think it means to say that rights are inalienable? And are rights inalienable? The philosopher James Nickel suggests that rights are “very hard to lose,” but most are not strictly speaking inalienable. Do you agree? (see [Nickel 2019: §1](#))





NANYANG
TECHNOLOGICAL
UNIVERSITY
SINGAPORE

Topic 01: Right action vs. a Right

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



Which Actions are Morally Right?

We've been using the term “morally right” as an adjective that applies to actions.

- For example: “It is right to tell the truth”; “It is right to help a friend.”
- Actions that are not morally wrong are said to be “morally right” actions in a broad sense (Timmons 2020: 2).
- Morally required actions are said to be “morally right” actions in a narrow sense (Ibid.).

Concept of a *Right*

At this point, we will consider using the word “right” as a noun, to express the concept of a right. For example:

- “I have a right to life.”
- “You have a right to express yourself freely.”



Acknowledgements:

Slide 1 and 5: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images.

<https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

Slide 2: Jd-Photodesign (n.d.). Idee / Innovation / Kreativität [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/idee-innovation-kreativitat/202200437>

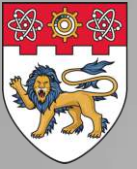
Slide 3: Momius (n.d.). Key topics [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/key-topics/167344594>

Slide 4: Sosiukin (n.d.). Just a lot of question marks on colored papers. vintage background [Photograph]. Adobe Stock Images. https://stock.adobe.com/sg/search/images?load_type=search&is_recent_search=&search_type=usertyped&k=questions&native_visual_search=&similar_content_id=&asset_id=334683814

Slide 4: Nickel, J., "Human Rights", The Stanford Encyclopedia of Philosophy (Summer 2019 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2019/entries/rights-human/>

Slide 6: Aldeca Productions (n.d.). Mano con bilancia, tribunale e giustizia [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/mano-con-bilancia-tribunale-e-giustizia/197380212>

Slide 7: Choat (n.d.). International human rights day concept: Silhouette birds flying and broken chains on blue sky background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/international-human-rights-day-concept-silhouette-birds-flying-and-broken-chains-on-blue-sky-background/288629551>



NANYANG
TECHNOLOGICAL
UNIVERSITY
SINGAPORE

Topic 02: Understanding Rights

CC0003 Ethics and Civics in a Multicultural World

Week 06:

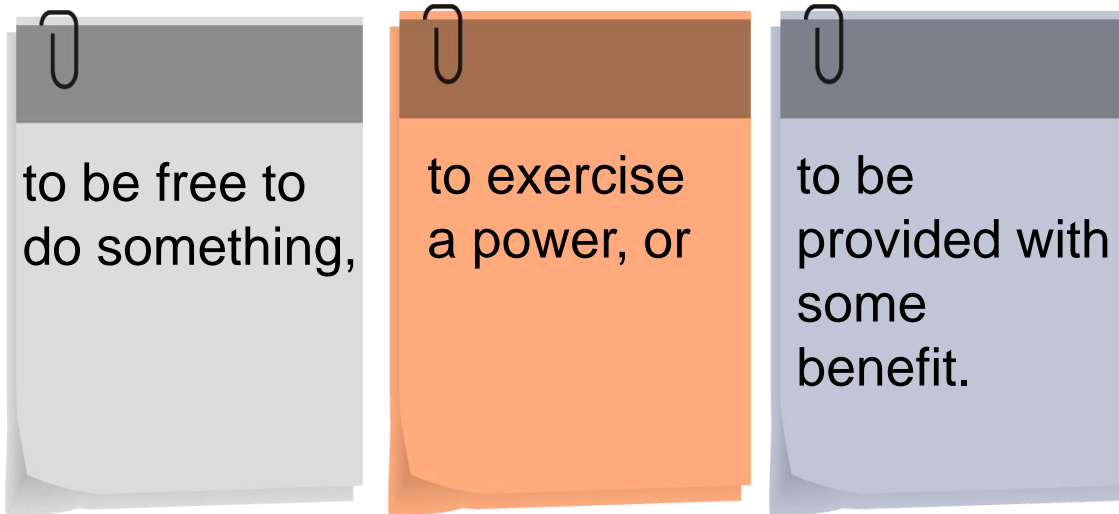
Human Rights Part 1

Assoc Prof Andres Carlos Luco



Rights as Entitlements

The concept of a right refers to an entitlement:



(Timmons 2020: 19)

Rights Imply Duties

When a person P has a right (an entitlement), others have **duties** (obligations) either to

refrain from interfering
with P's freedom, or

A

to refrain from interfering
with P's ability to
exercise a power, or

B

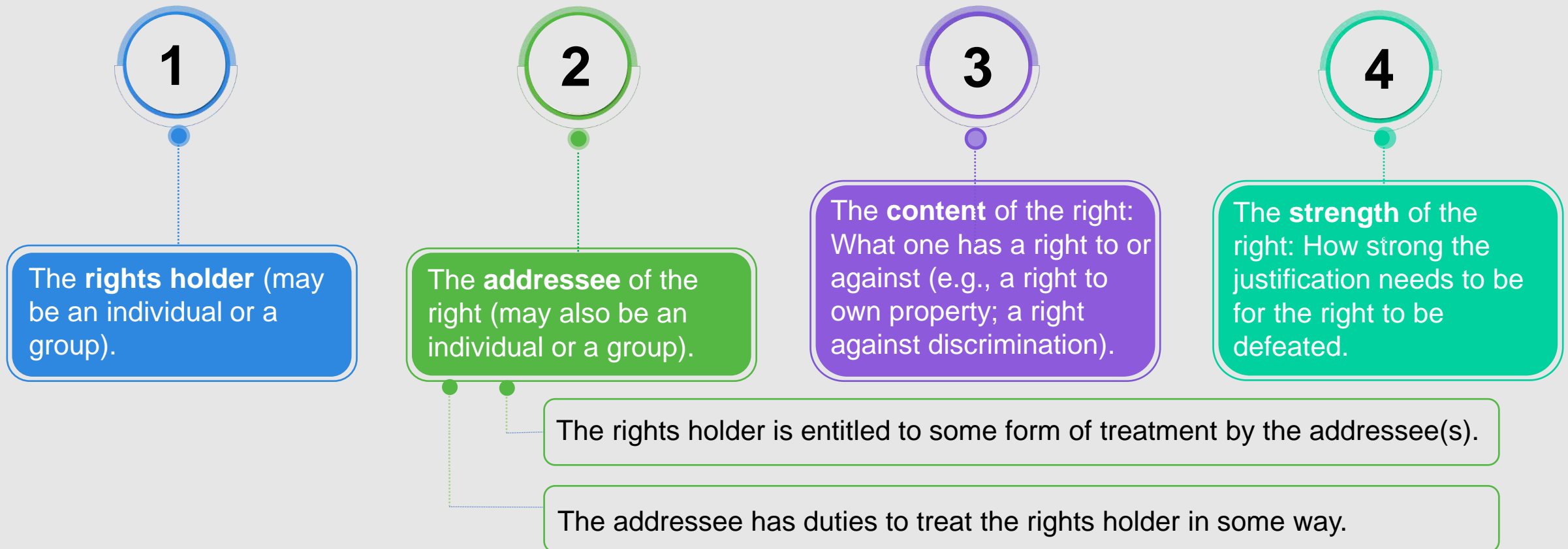
to provide P with some
benefit,

C

depending on the nature of the right in question
(Timmons 2020: 19).

Elements of a Right

A right has the following elements (Timmons 2020: 19-20):



Negative vs. Positive Rights

There are different types of rights (Timmons 2020: 20-21):

Negative right: a right to non-interference.

The addressee has a duty to *refrain* from interfering with some activity of the rights holder.

Example: A right to freedom of religion; a right against torture.




Positive right: a right to be provided with something by the addressee.

The addressee has a duty to provide the rights holder with something.

Example: A right to a fair trial.

Moral Rights vs. Legal Rights

Another distinction between types of rights is the distinction between moral and legal rights (Timmons 2020: 21). This distinction is particularly important to our discussion of human rights.



A **legal right** is a right that exists because of a legal statute or some other government action.

A **moral right** is a right that exists independently of any legal system or set of conventions.

Legal Rights

Legal rights are rights described in the laws of a legal jurisdiction—a territory in which a government has the power to create, interpret, and enforce laws.

- The “Fundamental Liberties” enumerated in Part IV of the [Constitution of Singapore](#) are legal rights, for persons in Singapore’s jurisdiction.
- The rights enumerated in the [International Covenant on Civil and Political Rights](#) are also legal rights, for persons in the jurisdictions of countries that ratified this international treaty.

Legal Rights Differ Across Jurisdictions

People in different jurisdictions may have different legal rights.

- Only three countries in the world include a legal right to bear arms in their constitutions—Guatemala, the US, and Mexico.
- More than half the countries in the world have a constitutional right to healthcare written into their constitutions (Singapore is not one of them).



Introduction of New Legal Rights

Also, new legal rights may be introduced in a jurisdiction over time.

↳ It wasn't until around the beginning of the 20th century that women won a legal right to vote in a growing number of countries around the world.

↳ In 1893, New Zealand was the first self-governing country to give women the legal right to vote in parliamentary elections.

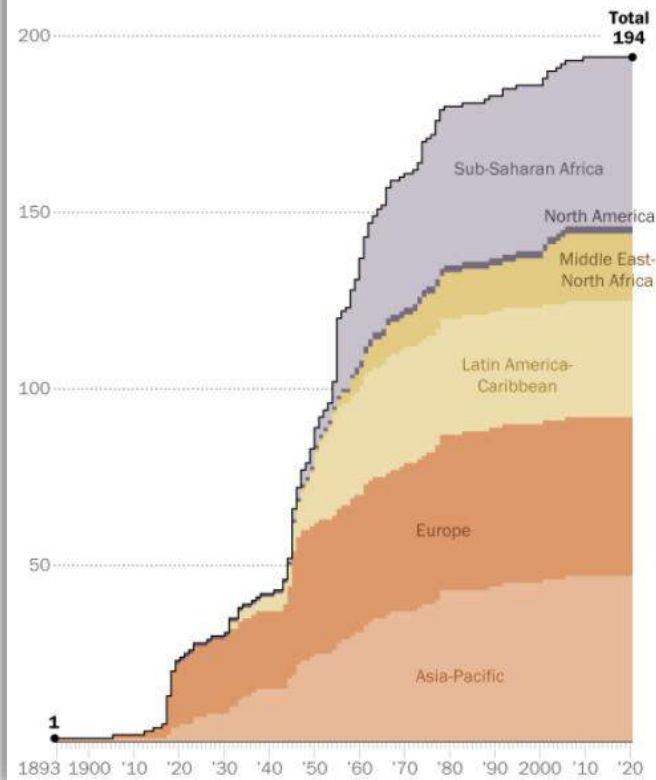


Women's Suffrage Around the World

Europe, Asia-Pacific regions were front-runners in women's suffrage

Europe, Asia-Pacific regions were front-runners in women's suffrage

Number of nations allowing women the right to vote in national elections, by year



Recap: Types of Morality

To understand the concept of a moral right, it helps to return to the distinction between conventional and critical morality:

- **Conventional morality:** A system of widely accepted rules and principles, created by and for human beings, that members of a culture or society accept and use to govern their own lives, and to assess the actions and the motivations of others. (Shafer-Landau 2019: 3)
- **Critical morality:** A system of rules and principles that people use to govern their own lives and to assess the actions/motivations of others, but that
 - does not have its origin in social agreements;
 - is untainted by mistaken beliefs, irrationality, or popular prejudices;
 - can serve as the true standard for determining when conventional morality has got it right and when it has fallen into error.

(Shafer-Landau 2019: 4)



Origin of Legal and Moral Rights

- Just as a critical morality doesn't originate from a social agreement, moral rights don't originate from any conventions or from any state actions.
- Legal rights are rights that originate from some legal statute or government action (e.g., being written into a state's constitution).
- We can think of moral rights as part of a critical morality—a system of rules and principles that is (or would be) free of flaws such as mistaken beliefs, bias, or irrationality.



Recap: Declaration of Sentiments and Resolution

From this perspective, a moral right may exist without being a legal right. As an example, we can revisit the 1848 [Declaration of Sentiments and Resolution](#) from the Seneca Falls Convention:

“The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her...”

“He has never permitted her to exercise her inalienable right to the elective franchise.”

“He has compelled her to submit to laws, in the formation of which she had no voice.”

“He has withheld from her rights which are given to the most ignorant and degraded men—both native and foreigner.”

“Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.”



Acknowledgements:

Slide 9: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

Slide 10 and 11: Timmons, M., 2020. Disputed Moral Issues. 5th ed. Oxford University Press, p. 19.

Slide 12: Timmons, M., 2020. Disputed Moral Issues. 5th ed. Oxford University Press, pp. 19 - 20.

Slide 13 and 14: Timmons, M., 2020. Disputed Moral Issues. 5th ed. Oxford University Press, pp. 20 - 21.

Slide 15: Niyazz (n.d.). National legal system conceptual series - Singapore [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/national-legal-system-conceptual-series-singapore/86212339>

Slide 16: Khongtham (n.d.). Green Earth day, Save the world and Global healthcare concept. Stethoscope wrapped around globe on blue background. [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/green-earth-day-save-the-world-and-global-healthcare-concept-stethoscope-wrapped-around-globe-on-blue-background/164073189>

Slide 17: Pixel-Shot (n.d.). Voting woman near ballot box on color background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/voting-woman-near-ballot-box-on-color-background/312797179>

Slide 18: Pew Research Center. 2020. Europe, Asia-Pacific regions were front-runners in women's suffrage. [online] Available at: https://www.pewresearch.org/fact-tank/2020/10/05/key-facts-about-womens-suffrage-around-the-world-a-century-after-u-s-ratified-19th-amendment/ft_20-09-14_womenvoting_1b/

Slide 19: Shafer-Landau, R., 2019. Living Ethics: An Introduction with Readings. Oxford University Press, pp. 3 - 4.

Slide 19: GoodIdeas (n.d.). Morality and human mind - pictured as word Morality inside a head to symbolize relation between Morality and the human psyche [3D illustration]. Adobe Stock Images. <https://stock.adobe.com/sg/images/morality-and-human-mind-pictured-as-word-morality-inside-a-head-to-symbolize-relation-between-morality-and-the-human-psyche-3d-illustration/318847868>

Slide 20: Gustavofraza (n.d.). Principles wooden sign with a highway on background [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/principles-wooden-sign-with-a-highway-on-background/68725270>

Slide 21: Teracreonte (n.d.). Icono plano simbolo feminismo con puño violeta y blanco [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/icono-plano-simbolo-feminismo-con-puno-violeta-y-blanco/137915167>



**NANYANG
TECHNOLOGICAL
UNIVERSITY**
SINGAPORE

Topic 03: Moral Right, Legal Right, or Both?

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



Compare and Contrast: Moral Rights and Legal Rights

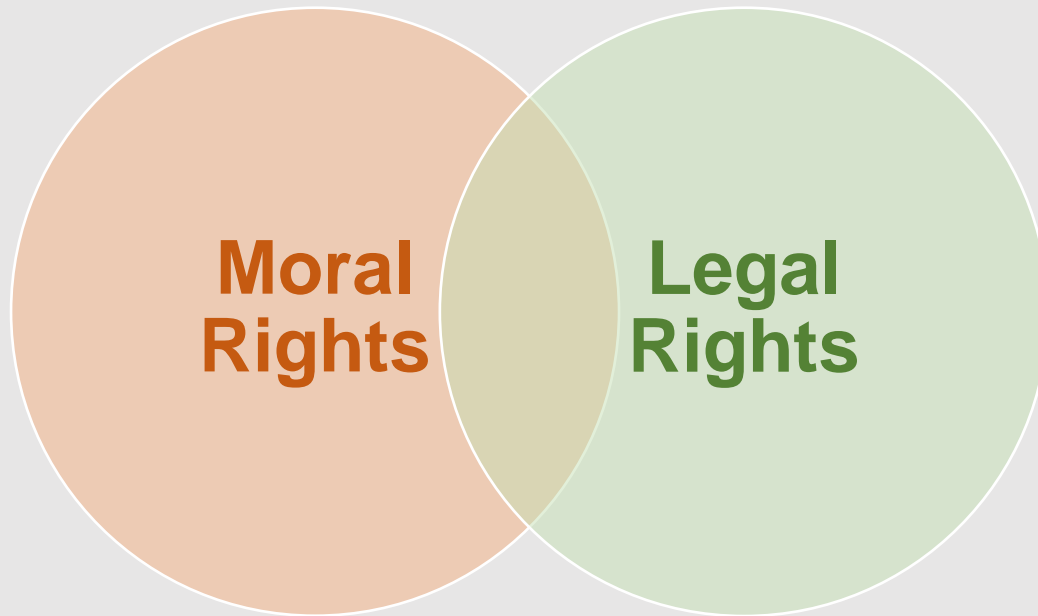


Moral Rights



Legal Rights

Moral Right, Legal Right, or Both?

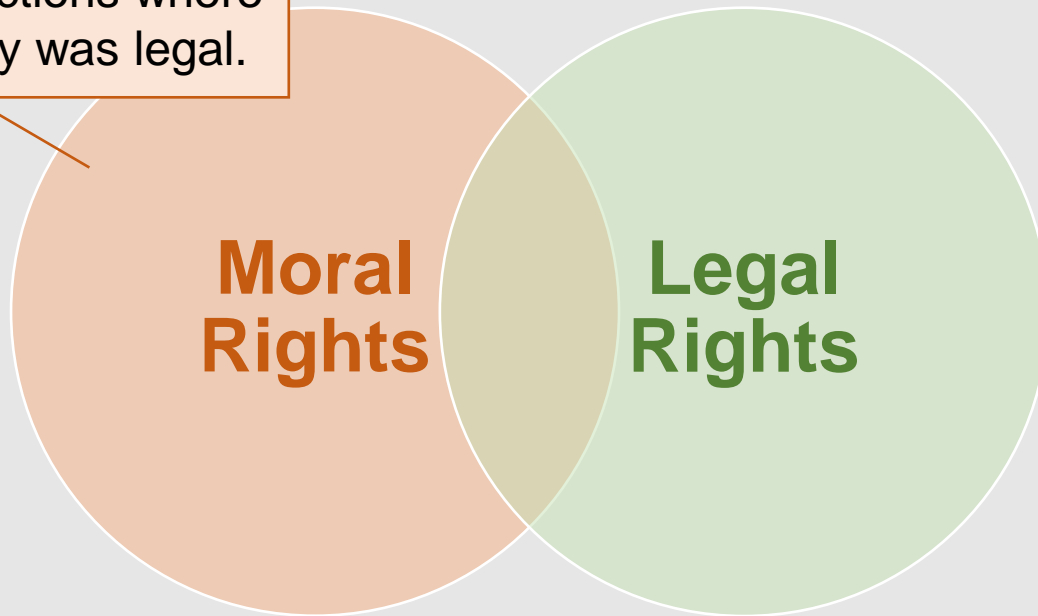


E.g. 1: Right not to be enslaved in jurisdictions where slavery was legal.



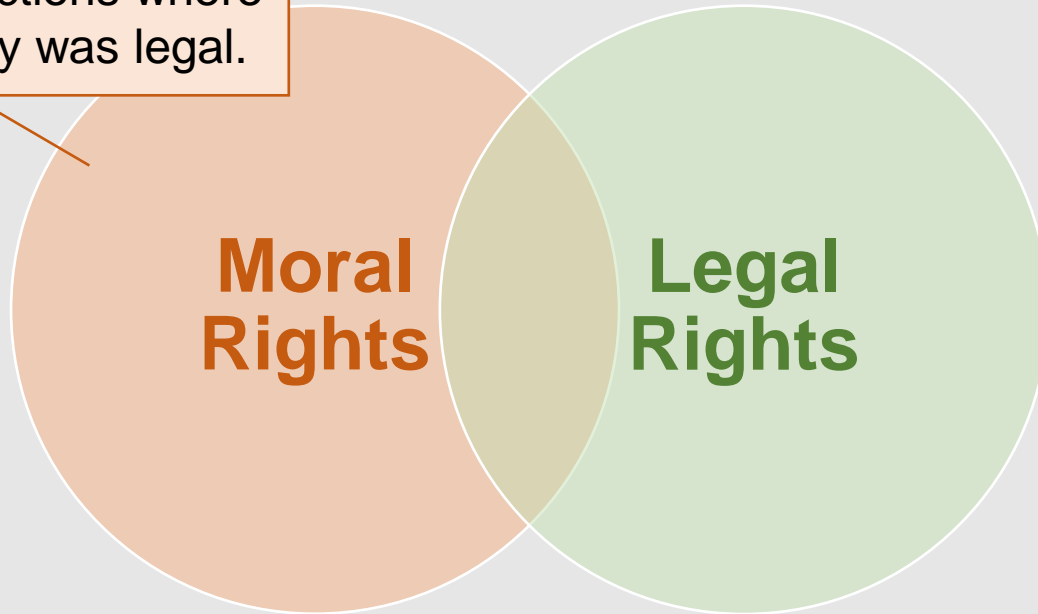
Moral Right, Legal Right, or Both?

E.g. 1: Right not to be enslaved in jurisdictions where slavery was legal.



Moral Right, Legal Right, or Both?

E.g. 1: Right not to be enslaved in jurisdictions where slavery was legal.



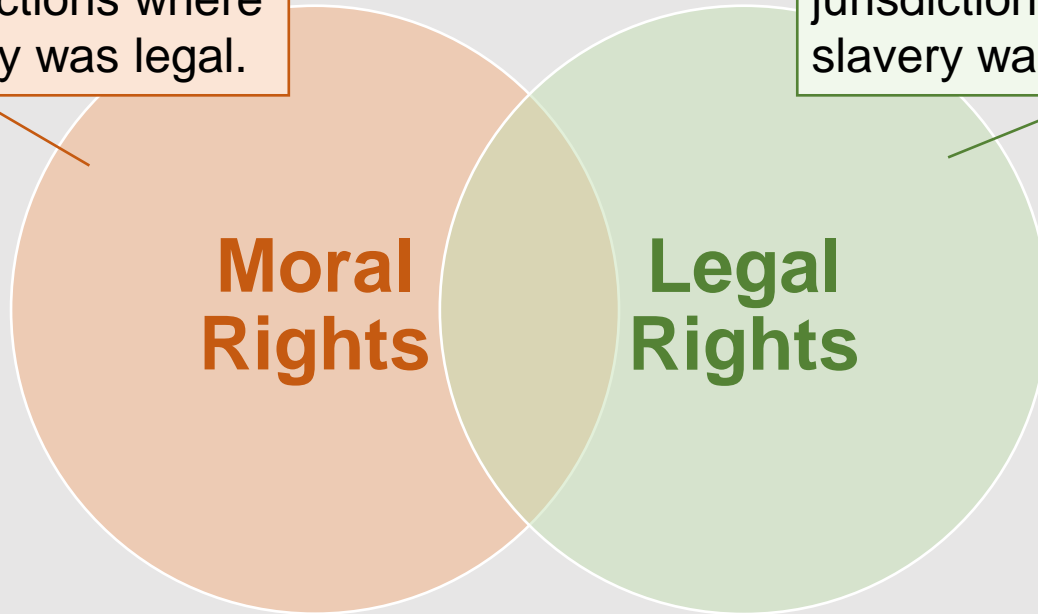
E.g. 2: Right to own slaves in many jurisdictions where slavery was legal.



Moral Right, Legal Right, or Both?

E.g. 1: Right not to be enslaved in jurisdictions where slavery was legal.

E.g. 2: Right to own slaves in many jurisdictions where slavery was legal.

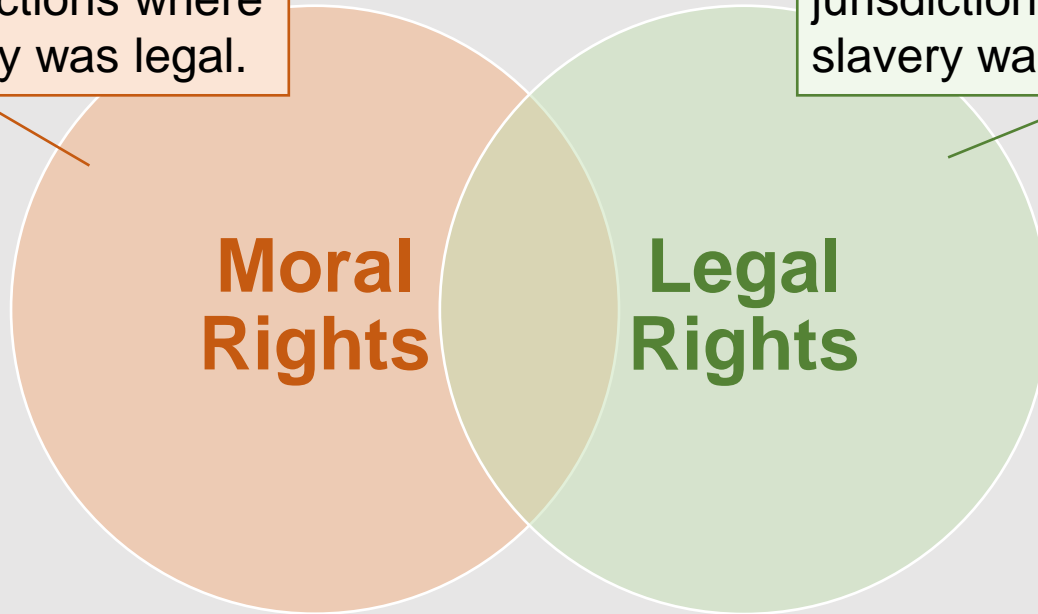


Moral Right, Legal Right, or Both?

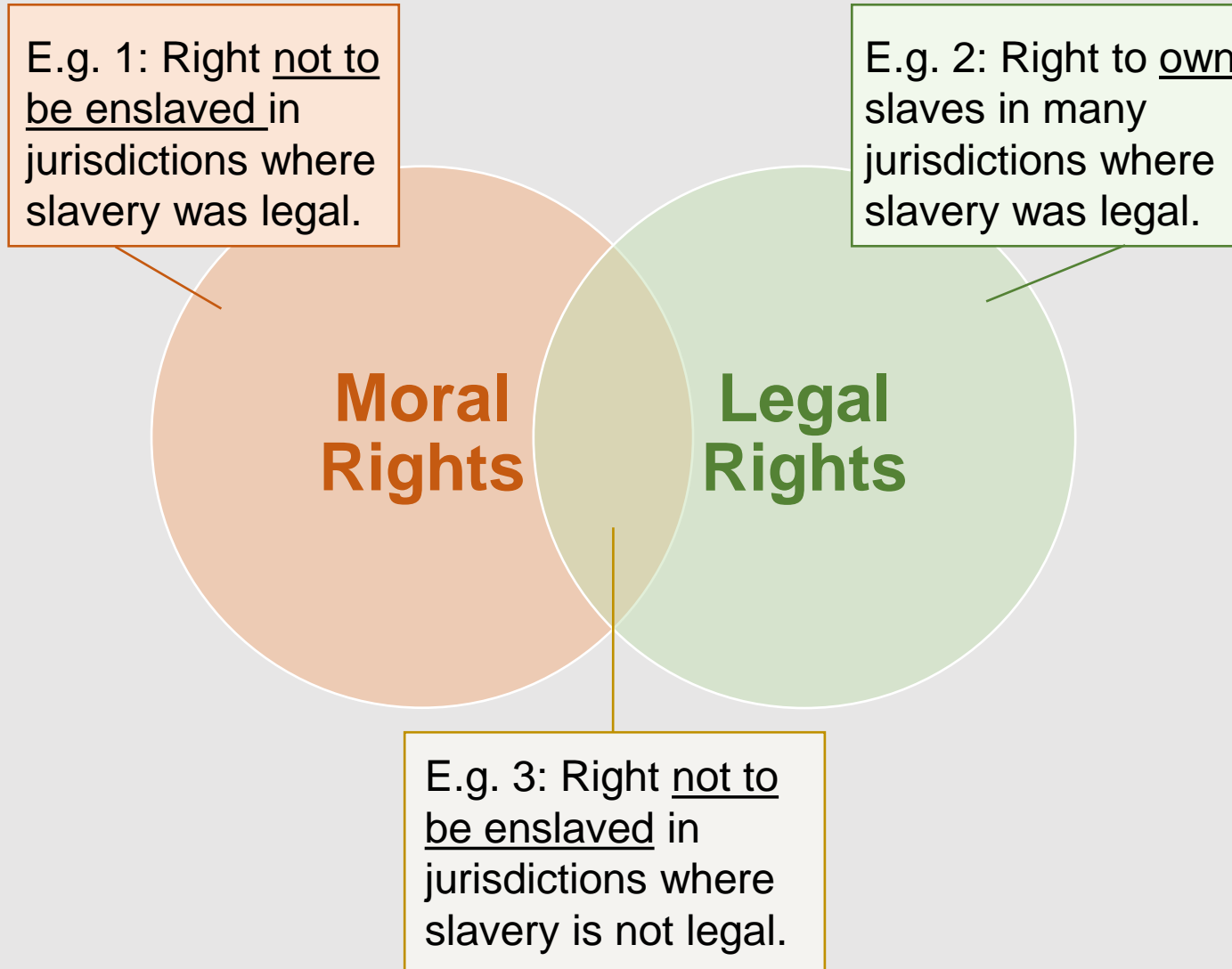
E.g. 1: Right not to be enslaved in jurisdictions where slavery was legal.

E.g. 2: Right to own slaves in many jurisdictions where slavery was legal.

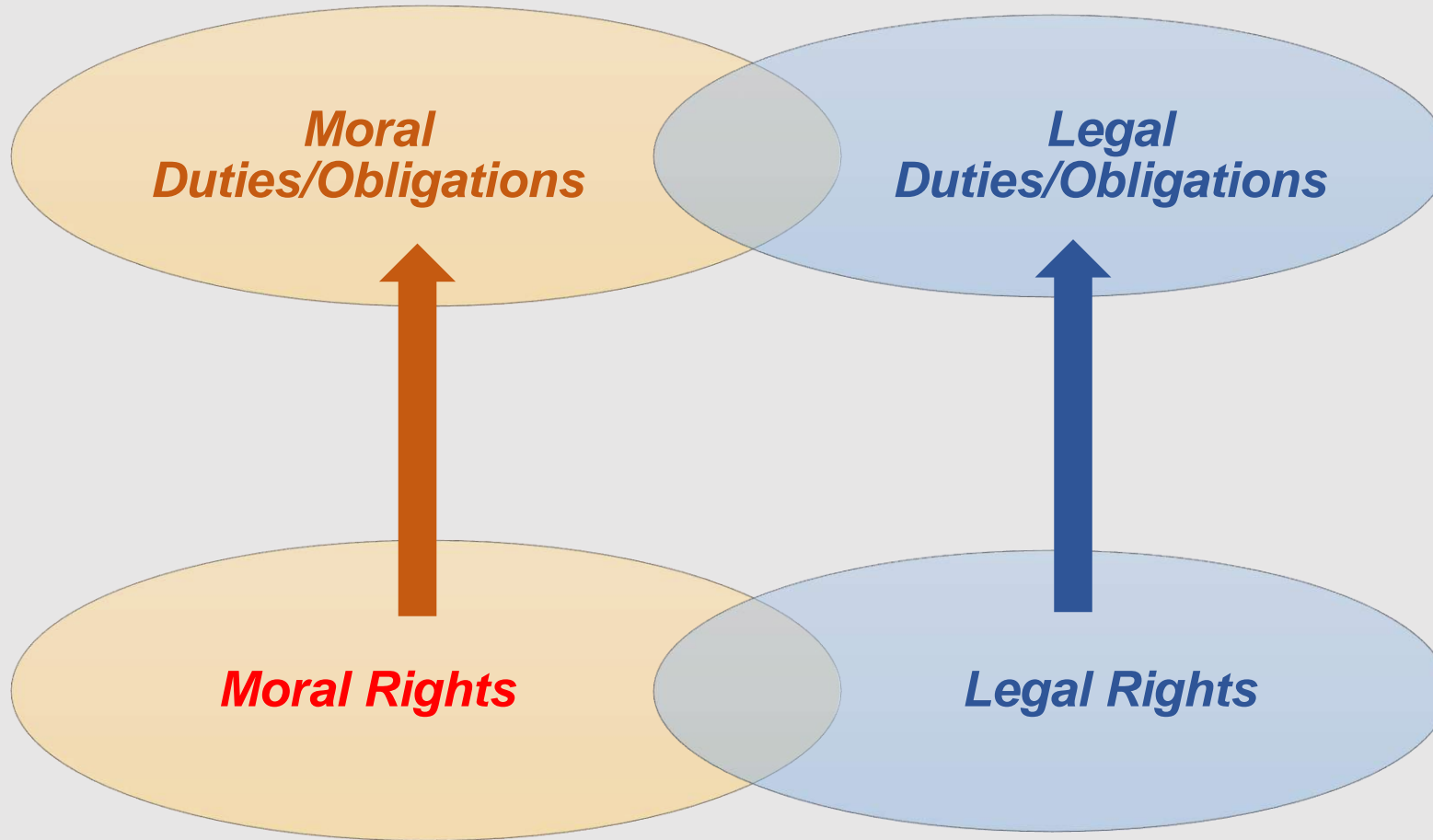
E.g. 3: Right not to be enslaved in jurisdictions where slavery is not legal.



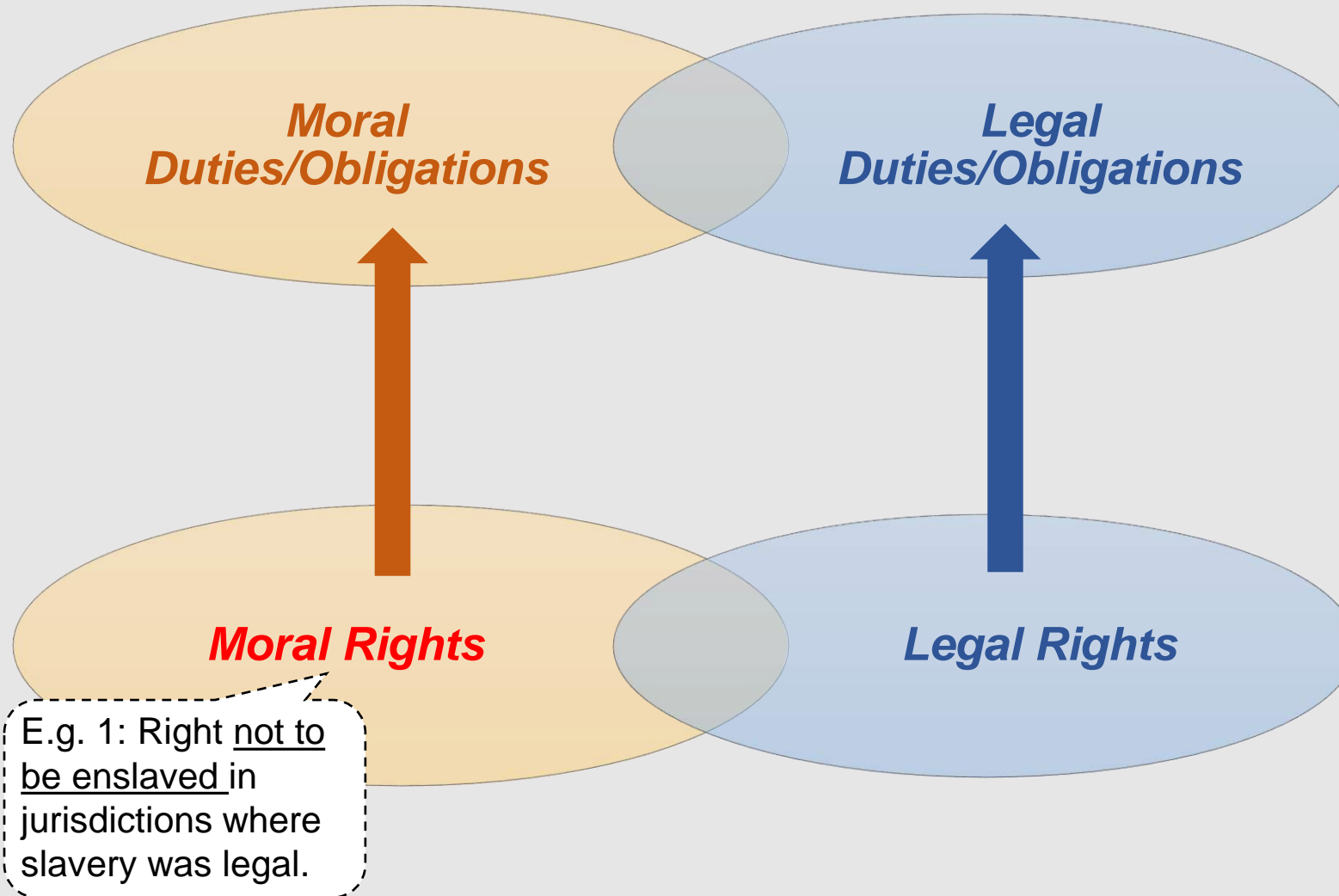
Moral Right, Legal Right, or Both?



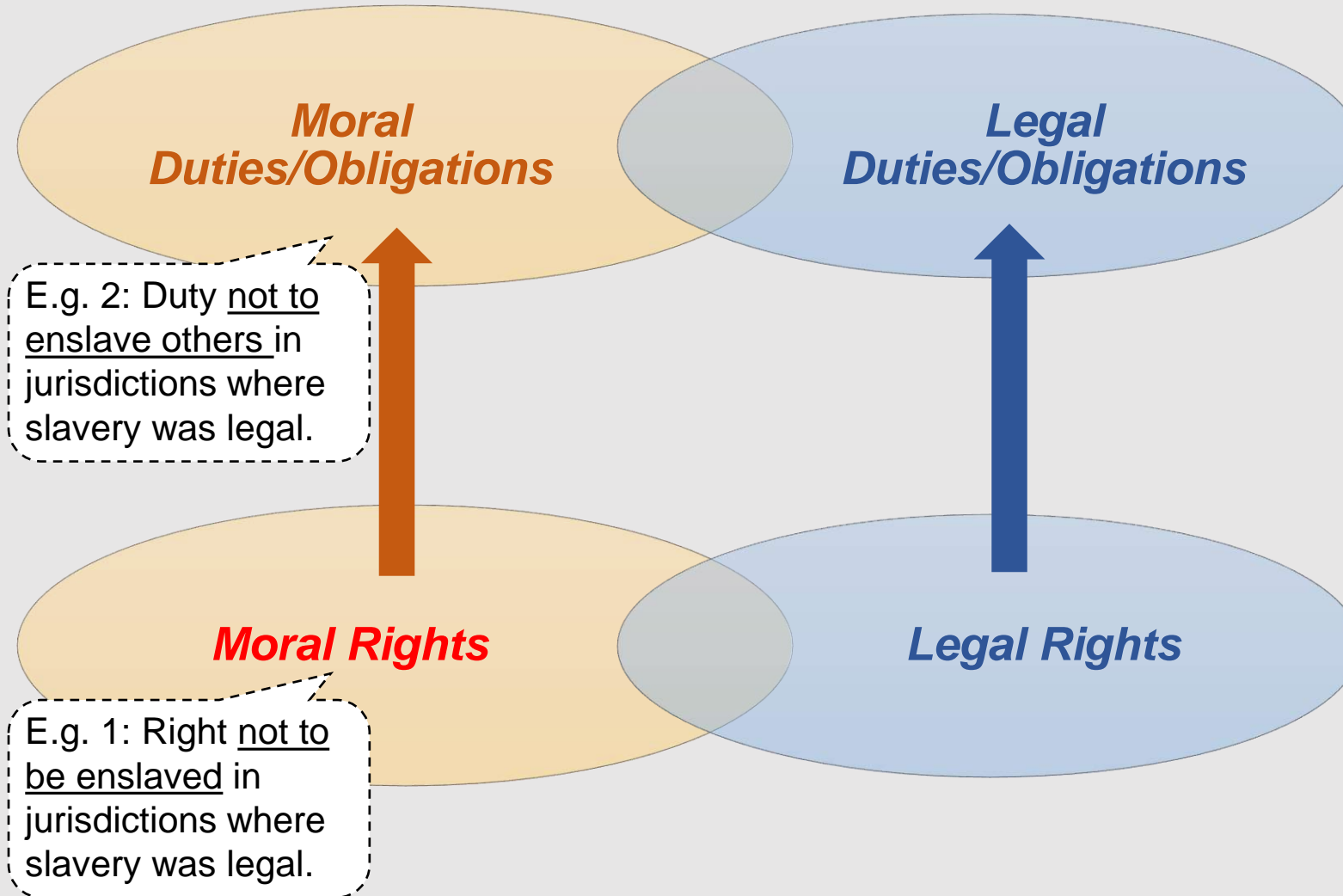
Moral Right, Legal Right, or Both?



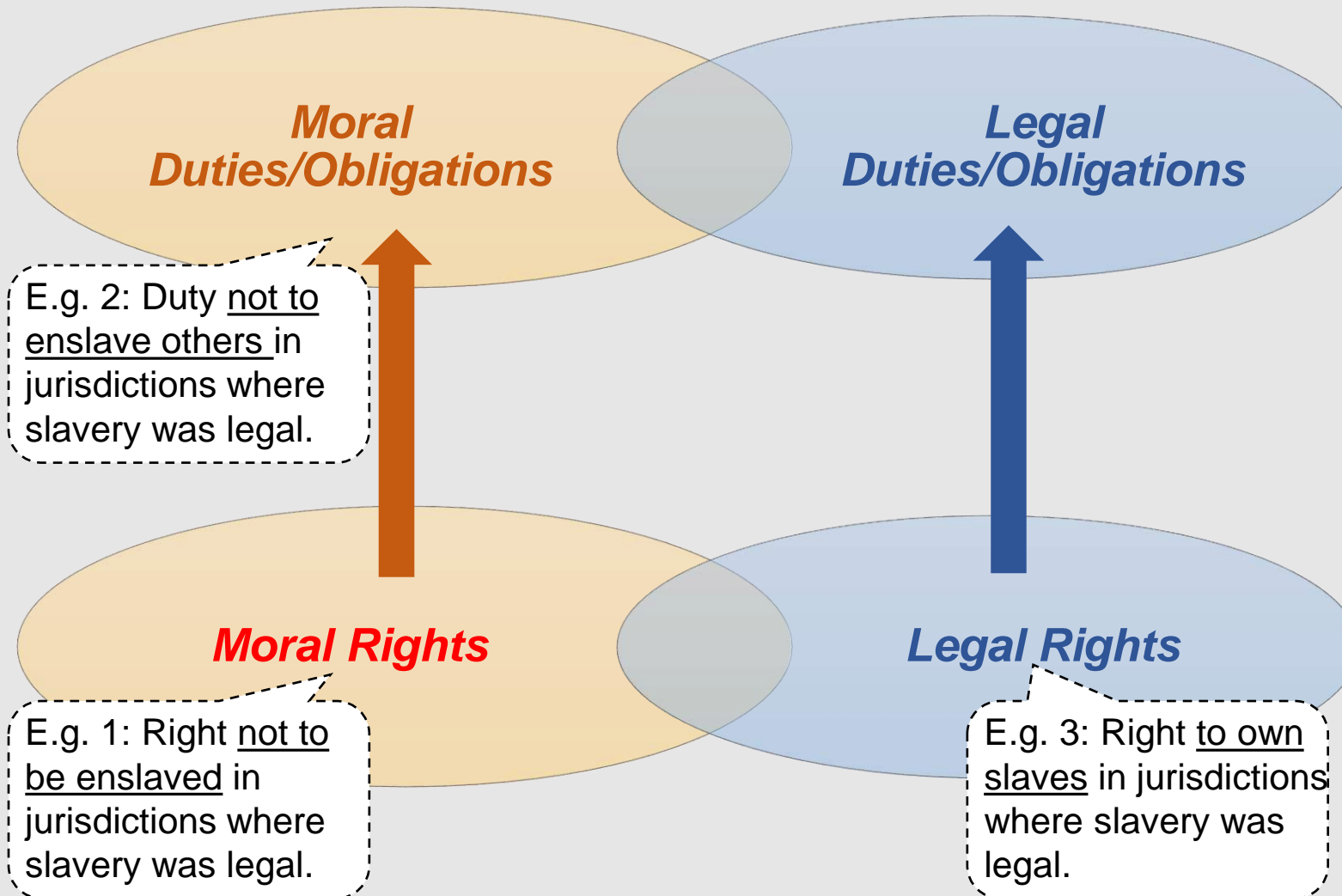
Moral Right, Legal Right, or Both?



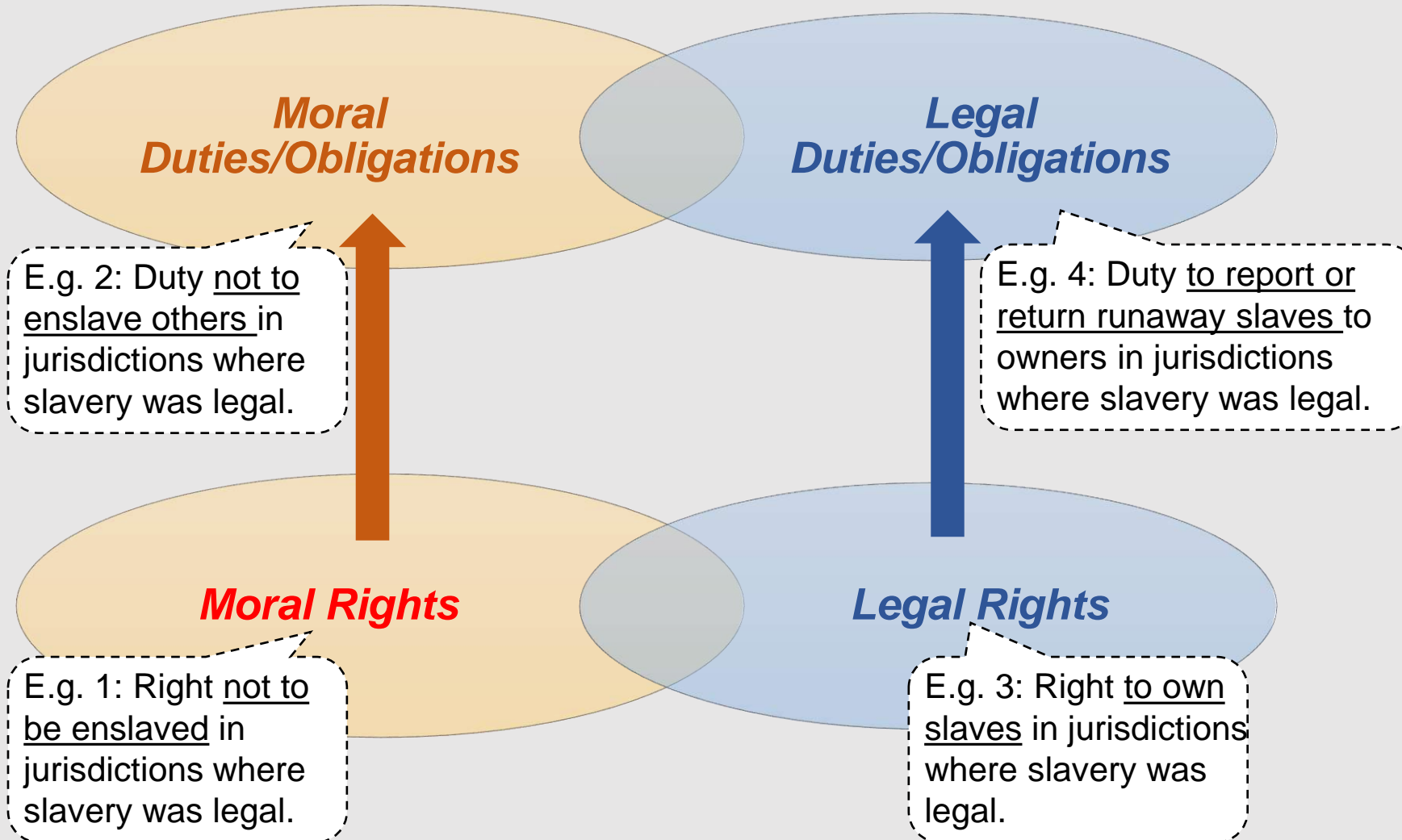
Moral Right, Legal Right, or Both?



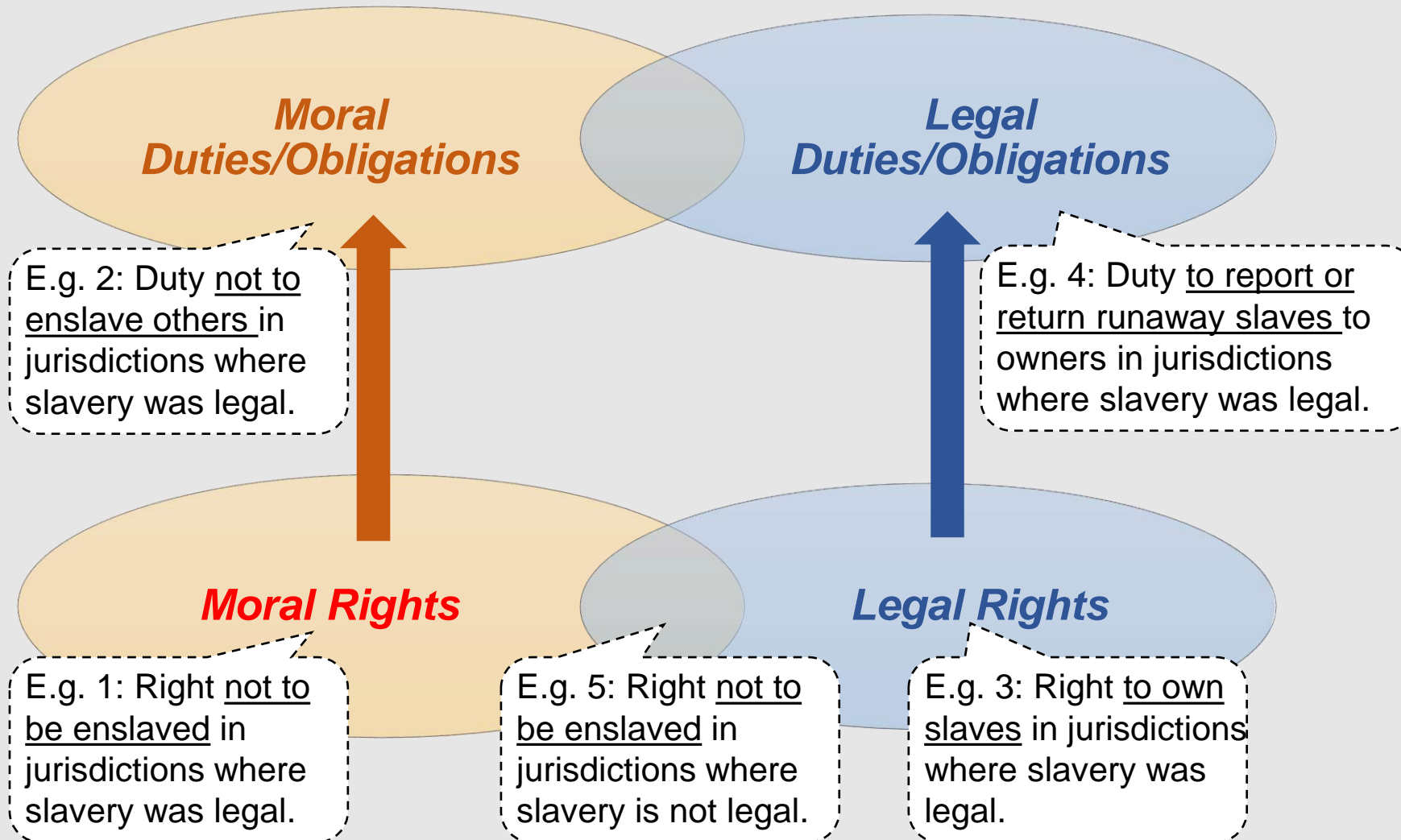
Moral Right, Legal Right, or Both?



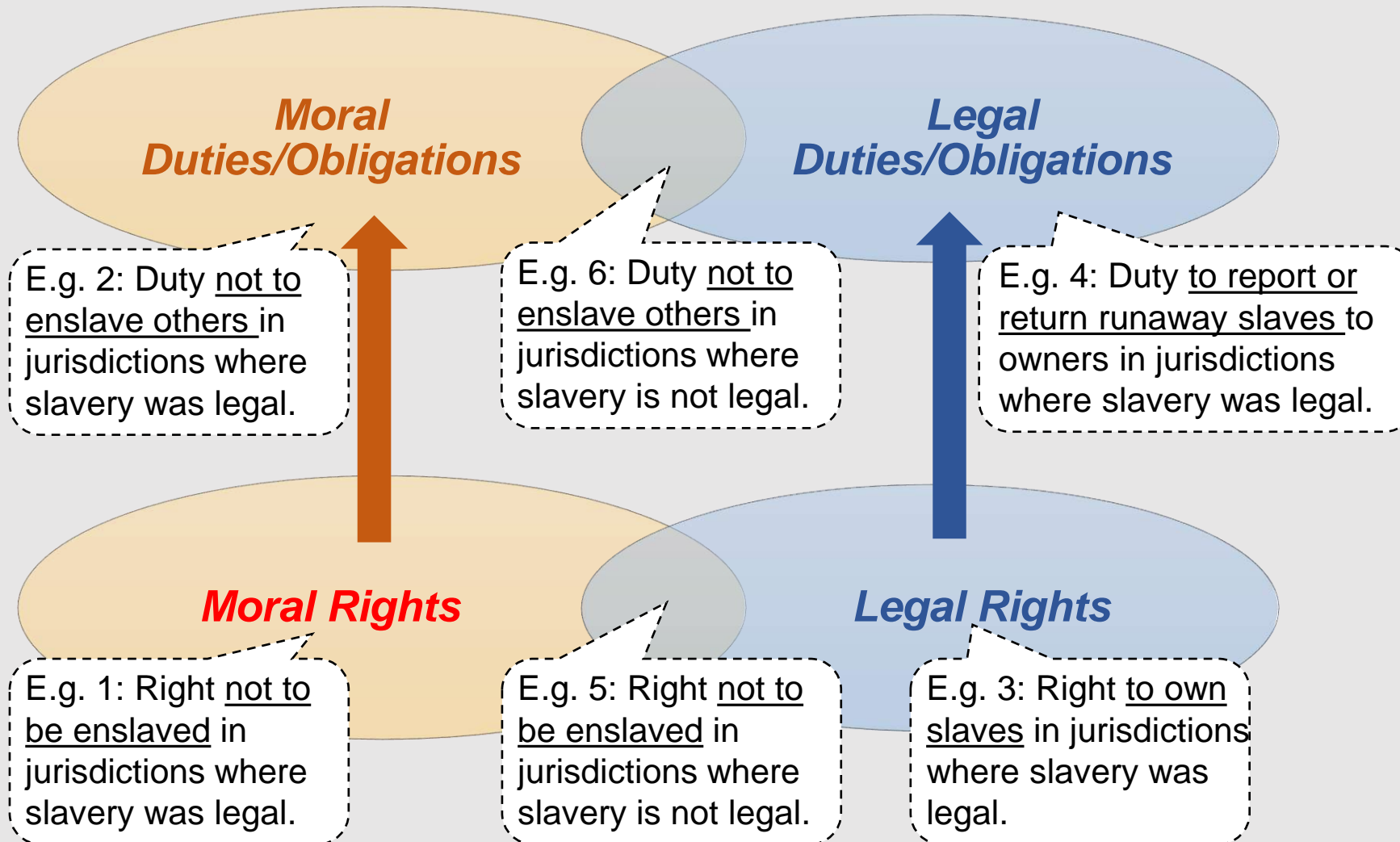
Moral Right, Legal Right, or Both?



Moral Right, Legal Right, or Both?



Moral Right, Legal Right, or Both?



Are All Legal Actions Right?

The fact that something is legal doesn't make it right.

- Some laws allow actions that are irrational, discriminatory, unfair, and harmful. These actions wouldn't be permitted in a critical morality.
- You shouldn't do things that are irrational, discriminatory, unfair, and harmful.



Acknowledgements:

Slide 24: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

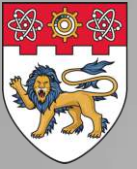
Slide 25: Jaykoppelman (n.d.). Right and wrong arrows decisions concept [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/right-and-wrong-arrows-decisions-concept/225613429>

Slide 25: Monster Ztudio (n.d.). Law and Justice, Legality concept, Judge Gavel on a wood table with background space for your text [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/law-and-justice-legality-concept-judge-gavel-on-a-wood-table-with-background-space-for-your-text/258916633>

Slide 25, 27 and 29: Berkmann, D. (n.d.). Glühbirne mit Fragezeichen Zeichnung Skizze [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/gluhbirne-mit-fragezeichen-zeichnung-skizze/265312833>

Slide 32 - 37: Berkmann, D. (n.d.). Glühbirne mit Fragezeichen Zeichnung Skizze [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/gluhbirne-mit-fragezeichen-zeichnung-skizze/265312833>

Slide 38: Zendograph (n.d.). Man pressing on balance scale [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/man-pressing-on-balance-scale/204081524>



**NANYANG
TECHNOLOGICAL
UNIVERSITY**
SINGAPORE

Topic 04: Various Aspects of Human Rights

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



Human Beings Have Human Rights

Human rights are “rights we have simply because we exist as human beings” ([UN Human Rights](#)).

- It is uncontroversial that at least some human rights are currently also legal rights in many jurisdictions around the world.
- Many people believe that human rights are moral rights. This is because they are supposed to be rights people have due to being human, and not due to any law or government action.

Human Rights as Legal Rights

“**Legal human rights**” are human rights recognised in a body of law.

- Some legal human rights were recognised in international treaties at a few points in history prior to the 20th century (Donnelly & Whelan 2020: 3).
- Legal human rights became much more widely recognised during the 20th century, after the end of World War II and the founding of the United Nations (Ibid.).



International Human Rights Treaties

In their chapter, “Human Rights in Global Politics”, Jack Donnelly and Daniel J. Whelan describe the evolution of **legal** human rights in international law since the 20th century.

- Many legal human rights are codified in international human rights treaties, such as the ICCPR, the ICESCR, the CEDAW, and many others.
- These treaties, together with the United Nations Charter, form the core of the global human rights regime.



Acknowledgements:

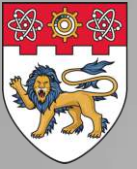
Slide 40: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

Slide 41: Jenny on the moon (n.d.). Silhouettes of people with posters, bullhorns. Expression of political, social, personal position. Revolution, demonstration, protest concept. [Vector flat illustration]. Adobe Stock Images. <https://stock.adobe.com/sg/images/silhouettes-of-people-with-posters-bullhorns-expression-of-political-social-personal-position-revolution-demonstration-protest-concept-vector-flat-illustration/383262947>

Slide 42: Md3d (n.d.). Human Rights [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/human-rights/157329893>

Slide 42 and 43: Donnelly, J., & Whelan, D.J. 2020. International Human Rights (6th ed.). Routledge, p. 3.

Slide 43: Mmustafabozdemir (n.d.). World and human rights volunteers [Vector illustration]. Adobe Stock Images. <https://stock.adobe.com/sg/images/world-and-human-rights-volunteers-vector-illustration/178455602>



**NANYANG
TECHNOLOGICAL
UNIVERSITY**
SINGAPORE

Topic 05: United Nations and Human Rights

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



Human Rights After the Holocaust

- The atrocities of the Holocaust and the subsequent Nuremberg war crimes trials prompted calls for the international protection of fundamental rights (Donnelly & Whelan 2020: 5).
- Human rights were incorporated into the Charter of the United Nations (UN) in 1945.



The United Nations Charter: Preamble (1945)

“WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

“to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

“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 establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

“to promote social progress and better standards of life in larger freedom...”

([United Nations Charter](#))



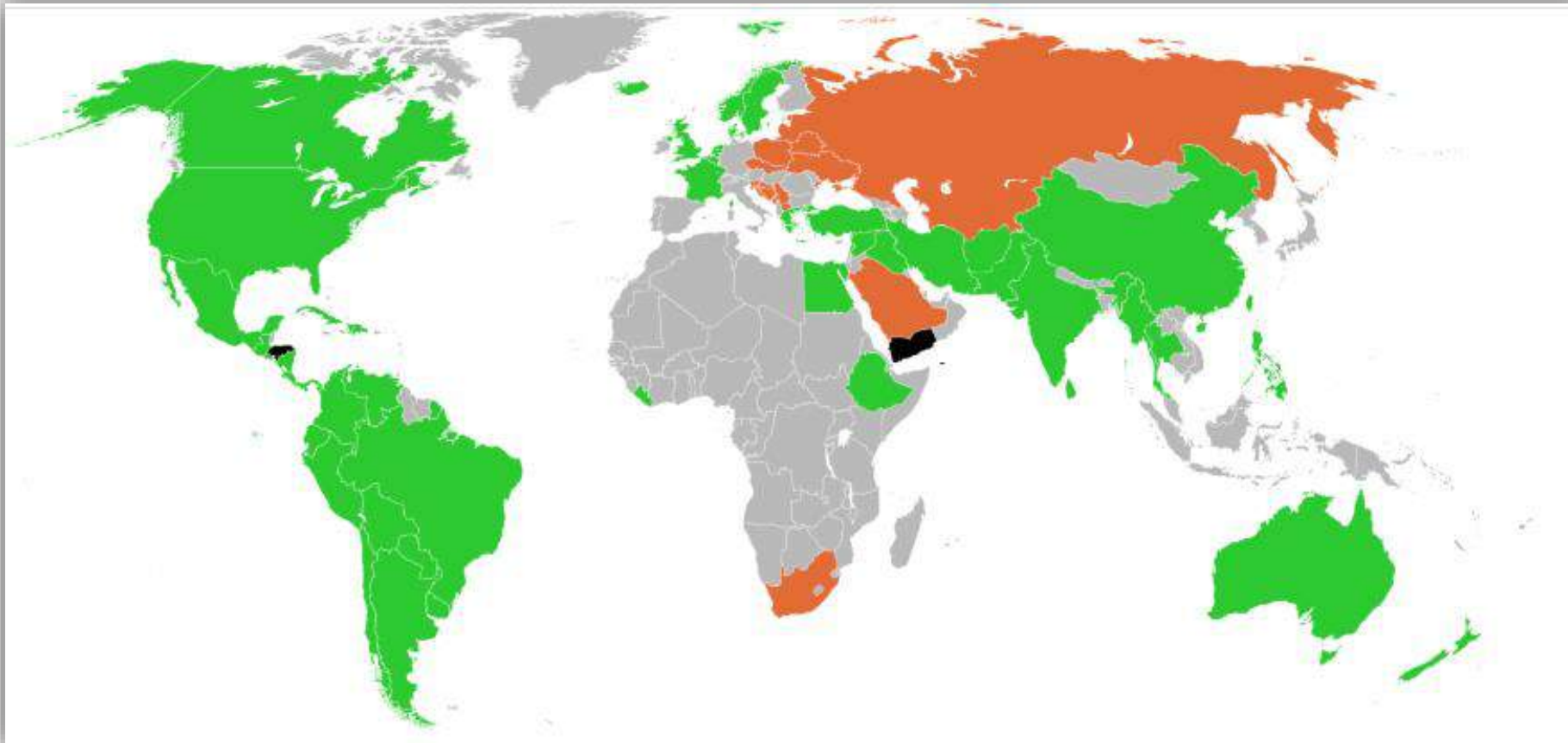
Universal Declaration of Human Rights (UDHR)

- In 1946, the United Nations established the Commission on Human Rights. The Commission's first task was to write an "international bill of rights."
- As part of this bill, the Commission drafted a declaration of principles which became the [Universal Declaration of Human Rights \(UDHR\)](#).
- Members of the Human Rights commission who drafted the UDHR included John Humphrey (Canada), René Cassin (France), Peng-chun Chang (China), Charles Malik (Lebanon), Hernán Santa Cruz (Chile), and Eleanor Roosevelt (USA).



Adoption of the UDHR (1948)

The UDHR was adopted by the United Nations General Assembly on 10 December 1948.



Green countries:
Voted for adoption of UDHR

Orange countries:
Abstained from voting

Black countries:
Neither voted nor abstained

Grey countries:
Not members of the UN at the time

Preamble of the UDHR

“The General Assembly [of the United Nations],

“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 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.”



Articles of the 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.”
Article 2	Right against discrimination.
Articles 3-15, 19-21	Civil and political rights, including rights to life, liberty, personal security, and political participation.
Articles 16-18, 22-27	Economic, social, and cultural rights, including rights to an adequate standard of living, social security, work, rest and leisure, family, education, and participation in the cultural life of a community.
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	Everyone has duties to the community; rights and freedoms subject only to limitations, as determined by law, for the purpose of securing the rights and freedoms of others, and “of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

Significance of the UDHR

The Universal Declaration of Human Rights (UDHR) is not itself an international law. Nevertheless, it is the world's most authoritative statement of the meaning of "human rights".

It is the inspiration for a large number of international human rights treaties. These treaties become laws in the countries that ratify or accede to them.

It is the most translated document in history, with 522 official translations (Donnelly & Whelan 2020: 7).

It is cited in various nations' constitutions, including Burundi, Cambodia, Benin, Argentina, Cabo Verde, and Ethiopia.

Case Studies



Preamble of the 2005 Constitution of Burundi

Proclaiming our attachment to the respect for fundamental rights of the human person which result from the Universal Declaration of Human Rights of 10 December 1948, International Covenants on Human Rights of 16 December 1966 and the African Charter of Human and Peoples' Rights of 18 June 1981.

Article 31 of the 1993 Constitution of Cambodia

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's rights and children's rights.

Acknowledgements:

Slide 45: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

Slide 46: Donnelly, J., & Whelan, D.J. 2020. International Human Rights (6th ed.). Routledge, p. 5.

Slide 46: The Holocaust. (2021, August 11). *In Wikipedia*. https://en.wikipedia.org/wiki/The_Holocaust

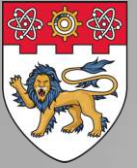
Slide 47: United Nations Charter, Preamble.

Slide 47: Neso (n.d.). United Nations Flag [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/united-nations-flag/5429910>

Slide 48 - 51: Universal Declaration of Human Rights. (2021, July 21). *In Wikipedia*. https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights

Slide 53: BillionPhotos.com (n.d.). Judge hammer and documents on room background, bokeh background [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/judge-hammer-and-documents-on-room-background-bokeh-background/226885582>

Slide 53: 2018. Human rights and constitution making. Geneva: New York. URL: https://www.ohchr.org/Documents/Publications/ConstitutionMaking_EN.pdf



**NANYANG
TECHNOLOGICAL
UNIVERSITY**
SINGAPORE

Topic 06: Human Rights Around the World

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



International Human Rights Treaties

- In 1952, the United Nations General Assembly directed the Human Rights Commission to draft two treaties, or Covenants, that would give international legal force to human rights.
- In December 1966, after years of wrangling, the United Nations General Assembly simultaneously adopted two International Human Right Covenants:
 - The International Covenant on Civil and Political Rights (ICCPR)
 - The International Covenant on Economic, Social, and Cultural Rights (ICESCR)

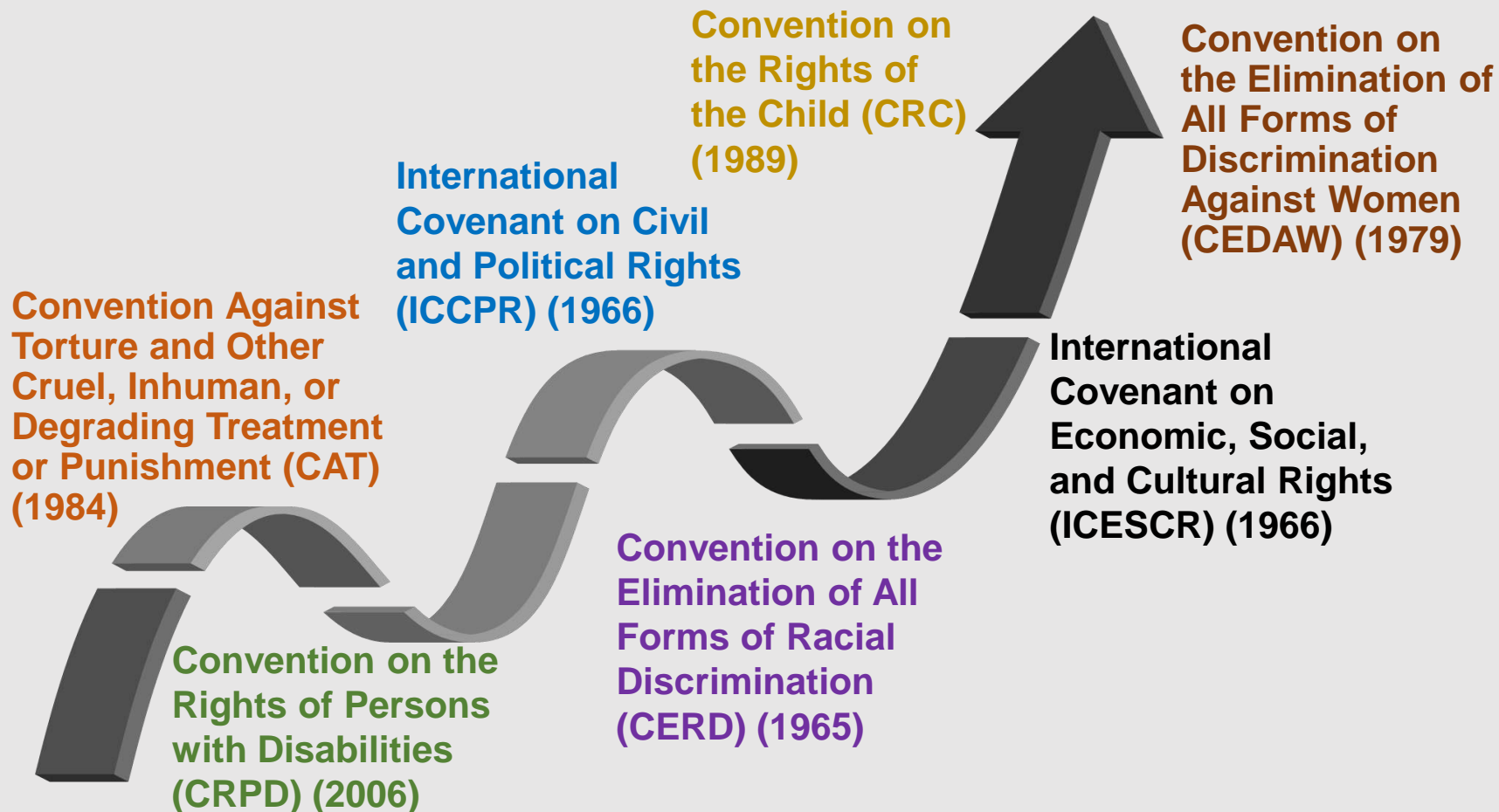


International Bill of Rights

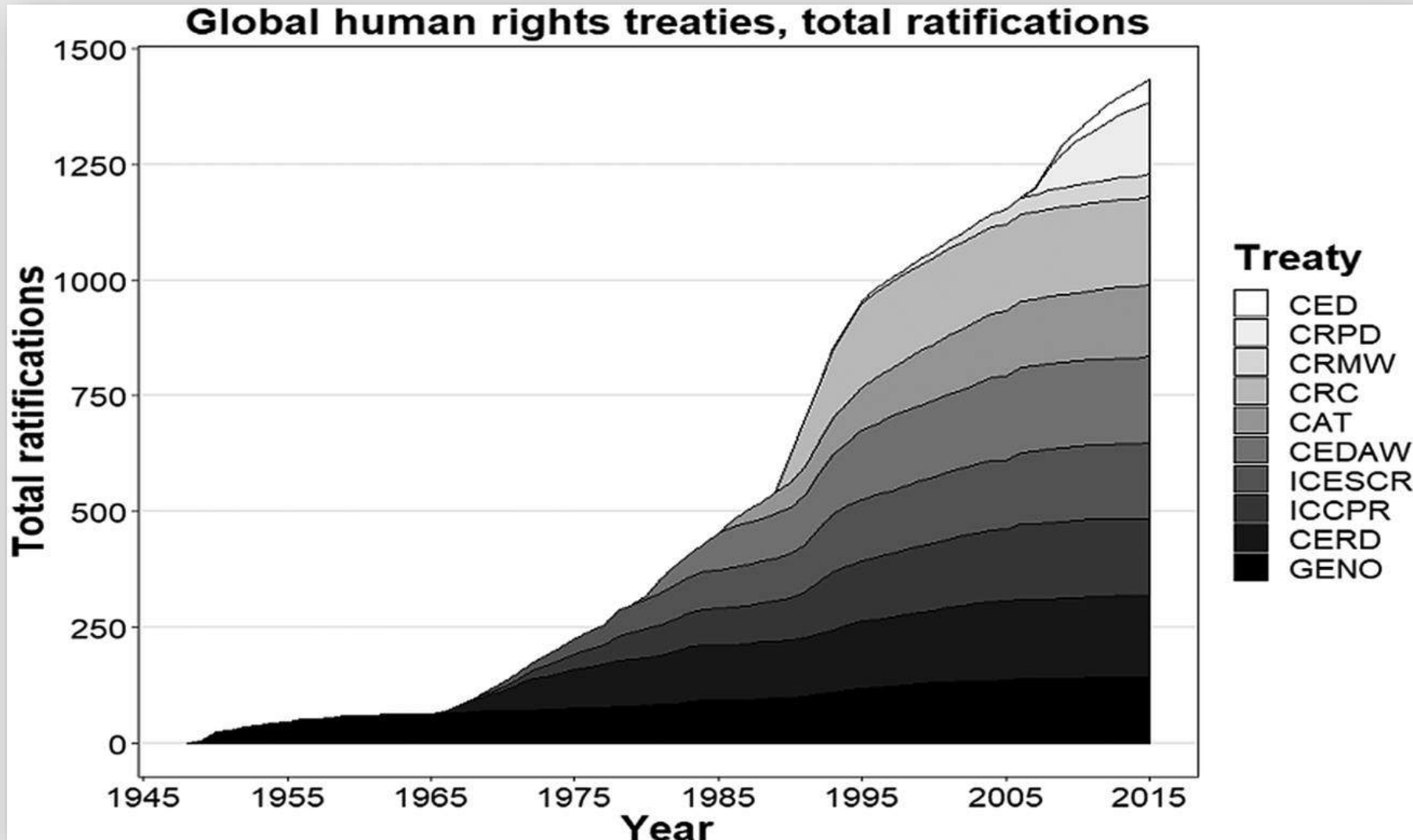


7 Core Human Rights Treaties

Today there are over a hundred international human rights treaties. But the following seven are taken to be the core of international human rights law (Donnelly & Whelan 2020: 18):



Growing Ratifications of Human Rights Treaties



Implementation of Legal Human Rights

- Thanks to the International Bill of Rights and the growth of international human rights treaties, legal human rights are now widespread.
- However, there are challenges to the actual *implementation* of legal human rights.
 - Not all countries choose to ratify human rights treaties.
 - Even if a country ratifies a human rights treaty, it can still fail to fulfill the duties that correspond to the legal human rights specified by the treaty.



UN Monitoring Mechanisms

The United Nations has developed a set of mechanisms to protect legal human rights around the world:

The United Nations Human Rights Council

Human rights treaty monitoring bodies

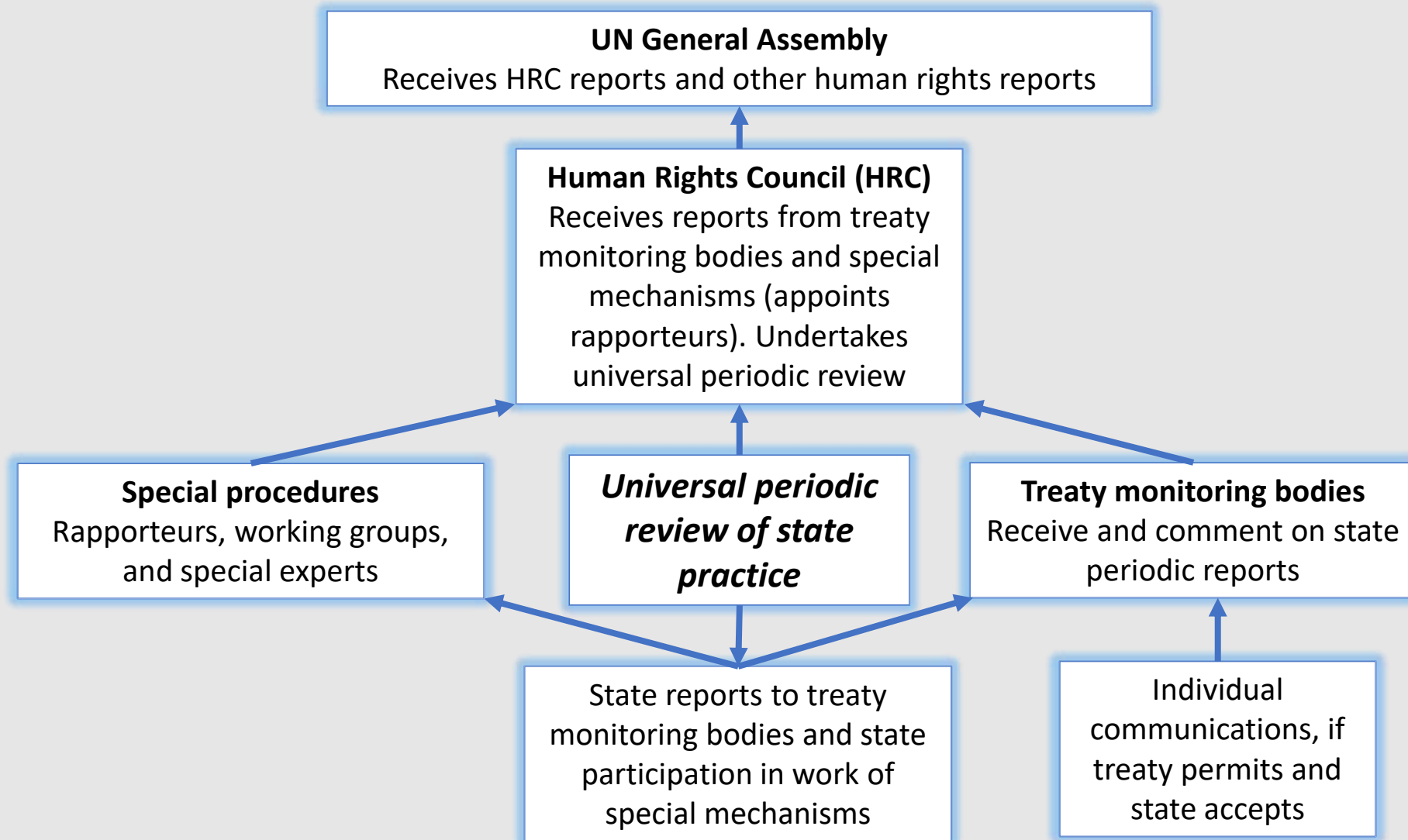
International Criminal Court; specialised tribunals appointed by the United Nations Security Council

The Special Procedures: independent experts

(United Nations [OHCHR](#))



The UN Human Rights Monitoring System



Acknowledgements:

Slide 55: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

Slide 56: BillionPhotos.com (n.d.). Judge hammer and documents on room background, bokeh background [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/judge-hammer-and-documents-on-room-background-bokeh-background/226885582>

Slide 57: Jenny on the moon (n.d.). Silhouettes of people with posters, bullhorns. Expression of political, social, personal position. Revolution, demonstration, protest concept. [Vector flat illustration]. Adobe Stock Images. <https://stock.adobe.com/sg/images/silhouettes-of-people-with-posters-bullhorns-expression-of-political-social-personal-position-revolution-demonstration-protest-concept-vector-flat-illustration/383262947>

Slide 61: Neso (n.d.). United Nations Flag [Photograph]. Adobe Stock <https://stock.adobe.com/sg/images/united-nations-flag/5429910>

Slide 56 and 57: Donnelly, J., & Whelan, D.J. 2020. International Human Rights (6th ed.). Routledge.

Slide 58: Donnelly, J., & Whelan, D.J. 2020. International Human Rights (6th ed.). Routledge, p. 18.

Slide 59: Sandholtz, W., 2020. Human rights courts and global constitutionalism: Coordination through judicial dialogue. Global Constitutionalism, pp.1-26.

Slide 60: Donnelly, J., & Whelan, D.J. 2020. International Human Rights (6th ed.). Routledge.

Slide 60 and 62: Rhona K.M. Smith. 2013. "Human Rights in International Law" in Human Rights: Politics and Practice, 2nd edition, edited by Michael Goodhart. Oxford University Press.



NANYANG
TECHNOLOGICAL
UNIVERSITY
SINGAPORE

Topic 07: Human Rights as Moral Rights

CC0003 Ethics and Civics in a Multicultural World

Week 06:

Human Rights Part 1

Assoc Prof Andres Carlos Luco



Human Rights as Moral Rights

- So far, our discussion of human rights has focused on their status as legal rights.
- However, human rights are also widely believed to be moral rights.
- By looking at the history of the global human rights regime, we can find reasons to think that human rights are moral rights.



Lessons From the Holocaust

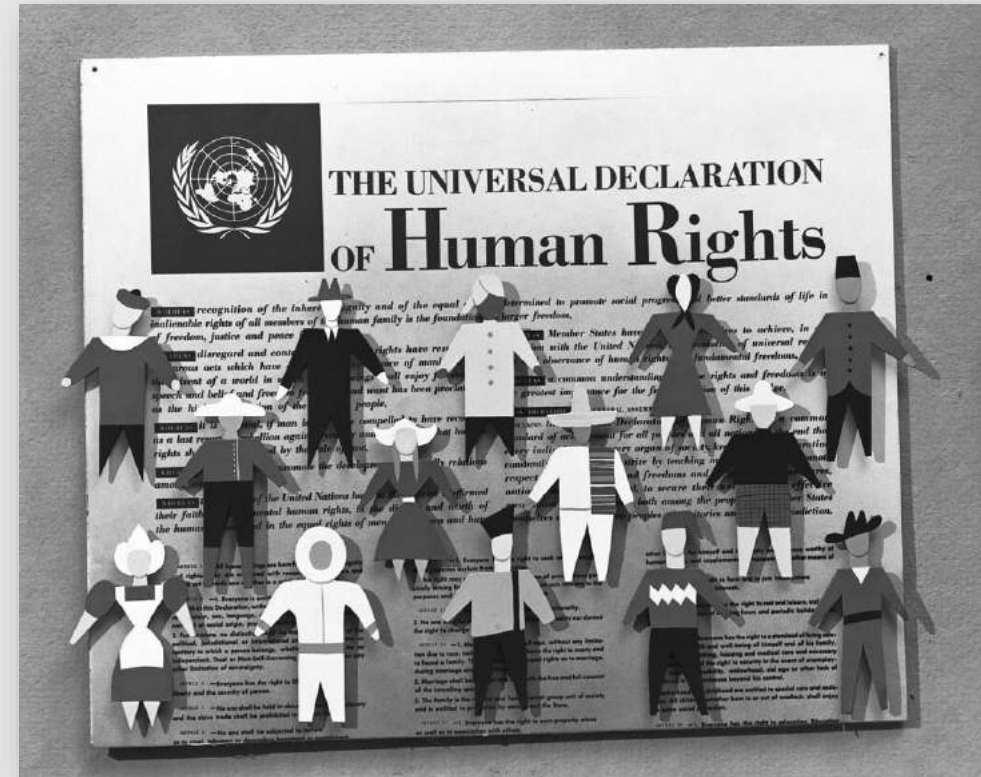
- Technically, the victims of the Holocaust did not have legal rights against being imprisoned and murdered in the concentration camps.
 - The German judicial system did not have jurisdiction over the concentration camp system (Bayzler 2016, USHMM).
- Yet it seems clear that the Holocaust victims' rights were violated. They were moral rights to life, liberty, and security (see Article 3 of the UDHR).



The UDHR as a Statement of Moral Rights

As noted previously, the Universal Declaration of Human Rights (UDHR) is not a law all by itself. By itself, it does not enact any legal rights.

- Still, Article 29 of the UDHR states: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” ([UDHR](#)).
- The UDHR doesn’t describe legal rights that already existed by the time it was adopted. Instead, it asserts a number of moral rights, and proclaims that these rights should be respected in all nations.



Discussion Questions

Question 2: Can you think of something that is or once was a legal right in some jurisdictions, but shouldn't be considered a moral right? Can you think of something that is a moral right, but isn't a legal right in some jurisdictions?

Question 3: Article 24 of the Universal Declaration of Human Rights states: “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” ([UDHR](#)). Do you agree that there is a human right to paid holidays? Why or why not?



Discussion Questions (cont.)

Question 4: Singapore is not a party to several prominent human rights treaties, including the ICCPR, the ICESCR, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW). Should Singapore ratify these treaties?

For a list of human rights treaties that Singapore has and has not ratified, go to the UN Treaty Body Database:
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=157&Lang=EN

You can answer this question with respect to a different country if you wish. At the same site linked above, you can search the human rights treaties that other countries have ratified.



Acknowledgements:

Slide 64: Freshidea (n.d.). Multicultural Diverse Society [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/multicultural-diverse-society/383166703>

Slide 65: Sulit.photos (n.d.). Cupped hands holding a white heart in white background. Charity, pure love, compassion and kindness concept. Top view. [Photograph]. Adobe Stock Images. <https://stock.adobe.com/sg/images/cupped-hands-holding-a-white-heart-in-white-background-charity-pure-love-compassion-and-kindness-concept-top-view/355103398>

Slide 66: Buchenwald concentration camp. (2021, July 21). *In Wikipedia*. https://en.wikipedia.org/wiki/Buchenwald_concentration_camp

Slide 67: United Nations Photo. n.d. Universal Declaration of Human Rights. <https://search.creativecommons.org/photos/d7b51f08-e947-4f9a-b36a-8aee24502037>

Slide 68 and 69: Sosiukin (n.d.). Just a lot of question marks on colored papers. vintage background [Photograph]. Adobe Stock Images. https://stock.adobe.com/sg/search/images?load_type=search&is_recent_search=&search_type=usertyped&k=questions&native_visual_search=&similar_content_id=&asset_id=334683814

No part of this video shall be filmed, recorded, downloaded, reproduced, distributed, republished or transmitted in any form or by any means without written approval from the University.