

# TECHNOLOGY AND SOCIETY

LUCERNE UNIVERSITY  
OF  
APPLIED SCIENCES AND ARTS

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## Task 1

What are human rights?

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### **Abstract**

This report shows some personal comments on selected parts of the book “The Face of Human Rights” by Walter Käin, Lars Müller and Jidith Wyttenbach.

The comments intend to reflect the authors thoughts about the content of some selected paragraphs and passages of the book. Either as a general question about the topic discussed or fact mentioned or as an expression of agreement or disagreement on the statements made by the authors of the book.

## Contents

<b>1</b>	<b>The seven UN core human rights conventions</b>	<b>3</b>
<b>2</b>	<b>The three core regional human rights conventions</b>	<b>3</b>
<b>3</b>	<b>Civil and political rights</b>	<b>3</b>
3.1	Protection of liberty . . . . .	3
3.2	Freedoms . . . . .	3
3.3	Freedom of marriage . . . . .	4
<b>4</b>	<b>The decline of national sovereignty</b>	<b>4</b>
	<b>References</b>	<b>5</b>

## 1 The seven UN core human rights conventions

In their engagement for an universal equality of all human beings, isn't it contradictory to declare a *Convention on the Elimination of All Forms of Discrimination Against Women*? (Kälin, Müller, & Wyttenbach, 2004, p. 18)

The second article mentions the sex as an explicit attribute which is not used for differentiation in terms of human rights: "[...] 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." (Kälin et al., 2004, p. 14)

In the paragraph *Protection for People with Special Needs* the author describes the specific and explicit declaration for certain groups (the author actually uses the terminus *class of citizens*) as a necessity introduced by the lack of equality or insufficient equality. (Kälin et al., 2004, p. 29)

In the case of children or disabled people and similar, I can totally agree that these need specific declarations on their rights as human beings. But a differentiation on the level of human rights on adults introduced by their sex is a statement towards inequality per definition and should be avoided in my point of view. As long as there is a categorisation, there will always be a difference in some way, even if it's only in the language used e.g. by using different termini suggesting different conditions based on the sex. And as soon as a differentiation is possible, people will differentiate as they always did.

## 2 The three core regional human rights conventions

Similar to the previous section, the differentiation on human rights by geographical locations contradicts the aspired universal validity and integrity of human rights. So the question arises is if the specific declaration of the human rights is a concept that is fit for the future development of the human rights or if it's something we can consider as a necessary imperfection we have to take until a universal declaration will cover all human beings around the globe? (Kälin et al., 2004, p. 18)

## 3 Civil and political rights

### 3.1 Protection of liberty

The paragraph *Protection of liberty* declares the "Prohibition of imprisonment for debts". (Kälin et al., 2004, p. 20)

Isn't it a common practice among many nations to send people to prison for unbalanced debts to governmental institutions e.g. fines? (Haefely, 2010)

### 3.2 Freedoms

The paragraph *Freedoms* declares the "Prohibition of arbitrary or unlawful interference with one's privacy, family, home or correspondence". (Kälin et al., 2004, p. 20)

Are current developments towards permanent monitoring of all citizens without specific reason or suspicion, thus arbitrary surveillance, in contradiction with the human rights? In my point of view it is. Comparing an arbitrary communication technology (phone, mail) with a face-to-face conversation, the violation of one's privacy is obvious if we imagine someone coming constantly between the two conversation participants noting each and every word. Or if we imagine someone physically walking constantly with us, noting each and every step we make. Most of the time these topics are discussed in the scope of national levels withing the *protection of data privacy*. Since the massive interception of private data by governmental institutions is not only limited to national monitoring but global monitoring beyond national borders, will the human rights declaration give a chance for protection against such practices when national law does not apply or it simply fails (like in the NSA's surveillance affairs)? (Holland, 2014)

### 3.3 Freedom of marriage

The “Freedom of marriage” is quite interesting because in nowadays developments one could ask for a precise definition of this statement. (Kälin et al., 2004, p. 20)

Is the terminus *marriage* related to a general partnership or a legal marriage as declared in most countries. If so, is the legal refuse of same sex marriage violating the human rights or do they only declare the partnership as such?

## 4 The decline of national sovereignty

The author declares in this section, that the human rights have become part of the international law and implies consequences for individual states and their relations to one another. (Kälin et al., 2004, p. 19,21)

But the international courts seem to lose their acceptance dramatically if they interfere with national interests. A current example is the political movement in Switzerland which aims to declare some rearrangement in hierarchy of laws in such manner that the international law can be declared invalid by national law. (Anonymous, 2014)

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