

Lesson 5

Human Rights

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Finding safe haven in Bangladesh

Hundreds of thousands of Rohingya have left their ethnic homeland of Rakhine State for the district of Cox's Bazar in Chittagong, Bangladesh.



“Burma: Military Commits Crimes Against Humanity”

- “Expulsions, Murder, Rape, Persecution of Rohingya”
- “Since August 25, 2017, when the armed group the Arakan Rohingya Salvation Army (ARSA) attacked about 30 police outposts in northern Rakhine State, Burmese security forces have carried out mass arson, killing, rape, and looting, destroying hundreds of villages and forcing more than 400,000 Rohingya to flee to neighboring Bangladesh.”
- Human Rights Watch
<https://www.hrw.org/news/2017/09/25/burma-military-commits-crimes-against-humanity>

The Universal Declaration of Human Rights (UDHR)

- UDHR is a declaration adopted by the United Nations General Assembly on 10 December 1948 in Paris, France.
- Article 14
 - Everyone has the right to seek and to enjoy in other countries asylum from persecution.

**“I am those
66 million girls
who are deprived
of education.”**

Malala Yousafzai

Nobel Lecture, 2014 Peace Prize



Nobelprize.org



The Nobel Peace Prize 2014

Malala Yousafzai

- “Many children in countries like Pakistan and India, as Kailash Satyarthi [another Nobel Peace Prize laureate in 2014] mentioned, many children, especially in India and Pakistan are deprived of their right to education because of social taboos, or they have been forced into child marriage or into child labour.”
- https://www.nobelprize.org/nobel_prizes/peace/laureates/2014/yousafzai-lecture_en.html

Some facts about education in Pakistan

1. Only 18% of Pakistani women have received 10 years or more of schooling.
2. According to UNESCO figures, primary school enrollment for **girls** stand at **60 per cent** as compared to **84 percent** for **boys**.
3. The secondary school enrollment rate stands at a lower rate of **32 percent for females** and **46 per cent males**.

https://en.wikipedia.org/wiki/Education_in_Pakistan

Universal Declaration of Human Rights (UDHR)

- Article 26
 - 1. Everyone has the right to education.
 - Education shall be free, at least in the elementary and fundamental stages.
 - Elementary education shall be compulsory.
 - Technical and professional education shall be made generally available and
 - higher education shall be equally accessible to all on the basis of merit.

Oil giant Chevron



Chevron are accused of destroying the fish-stocks of Nigeria through leaking toxic chemicals into the local fresh water lakes and rivers.



There's nothing to love about Chevron
FUELING DEATH in Nigeria.

“Two men were killed and two were wounded by shots fired by troops summoned by Chevron’s Nigerian subsidiary on the fourth day of a confrontation with more than 100 villagers. Jurors [are] assessing ...claims of assault, torture and wrongful death...”

(<http://justiceinnigeria.wordpress.com/page/2/>)

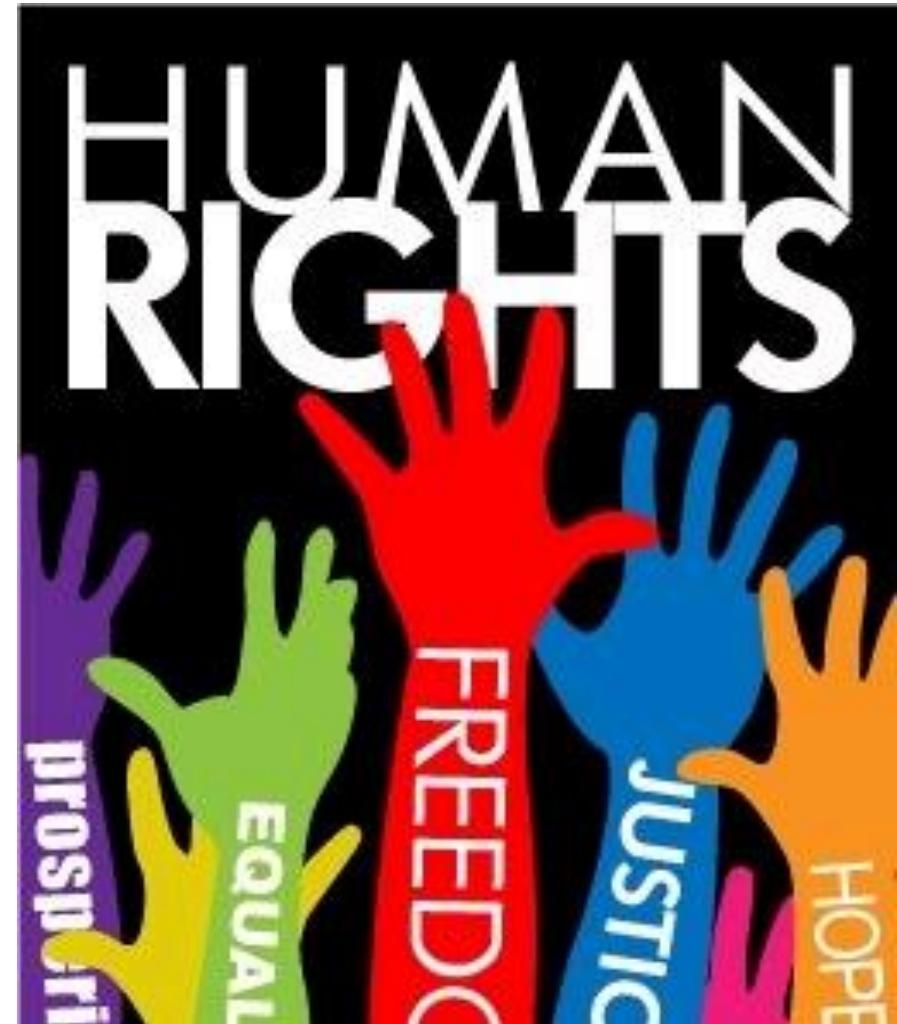
Universal Declaration of Human Rights

- Article 25
 - Everyone has
 - ① the right to a standard of living adequate for the health and well-being of himself and of his family, including **food, clothing, housing and medical care and necessary social services**, and
 - ② the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

What are human rights?

“Human rights are **fundamental** rights which empower [i.e. give authority and power to] human beings to shape their lives with accordance to **liberty**, **equality** and respect for **human dignity**”

(NICE Education Manual, 2003)



Violation of human rights

- The Rohingya refugees
 - No liberty
 - Unequal to the people of other ethnic groups in Myanmar
 - They have no citizenship and nationality.
 - No dignity
 - No security
 - Being brutally treated
 - Homeless
 - Some being separated from their families

Violation of human rights

- Girls without education
 - No liberty
 - Social coercion and prohibition on girls' education
 - Unequal
 - Unlike the boys who are given more educational opportunities
 - No dignity
 - Unable to read and write
 - Unable to develop their personality
 - Unable to determine their own life

Violation of human rights

- Those people in Nigeria who suffered from the environmental hazards brought about by the oil giant
 - No liberty
 - To express their voice
 - Unequal to the multinational corporation
 - Chevron is protected by the government of Nigeria.
 - No dignity
 - Forced to live in poor natural and political environments that seriously affected their health and lives.
 - Insecure, no work

What is a right?

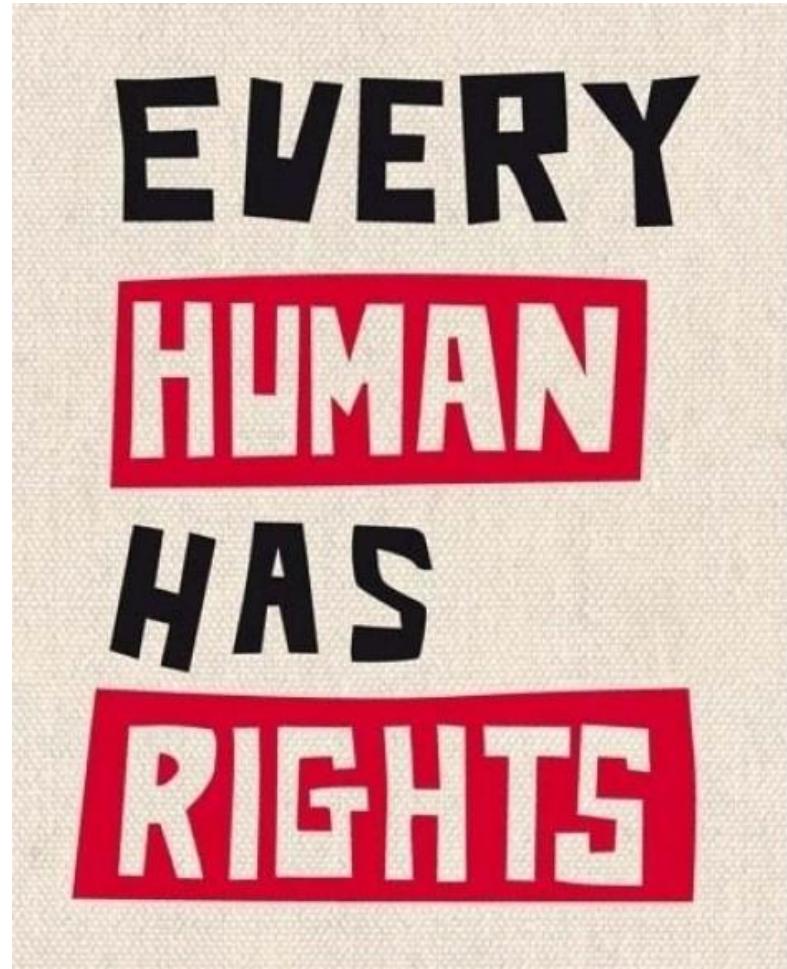
- Having a right → can have a strong and legitimate claim
 - 'claim' here = a **demand** or **request** for something considered one's due.
 - E.g. if I claim a right to freedom of speech, I am asserting my legitimate claim against anyone who would prevent me from speaking out.
- Having a right → someone has a duty or obligation to protect or respect that right
- Vice versa? I might have a duty to develop my talents even though no one has a right that I do so.

Central features of human rights

1. Universal

- They are meant for everyone, regardless of **race, religion, ethnicity, nationality, age, sex, political beliefs** (or any other kind of beliefs), intelligence, disability, sexual orientation or gender identity.
- Note: Race is associated with biology, while ethnicity with culture, tradition, practice, and custom.

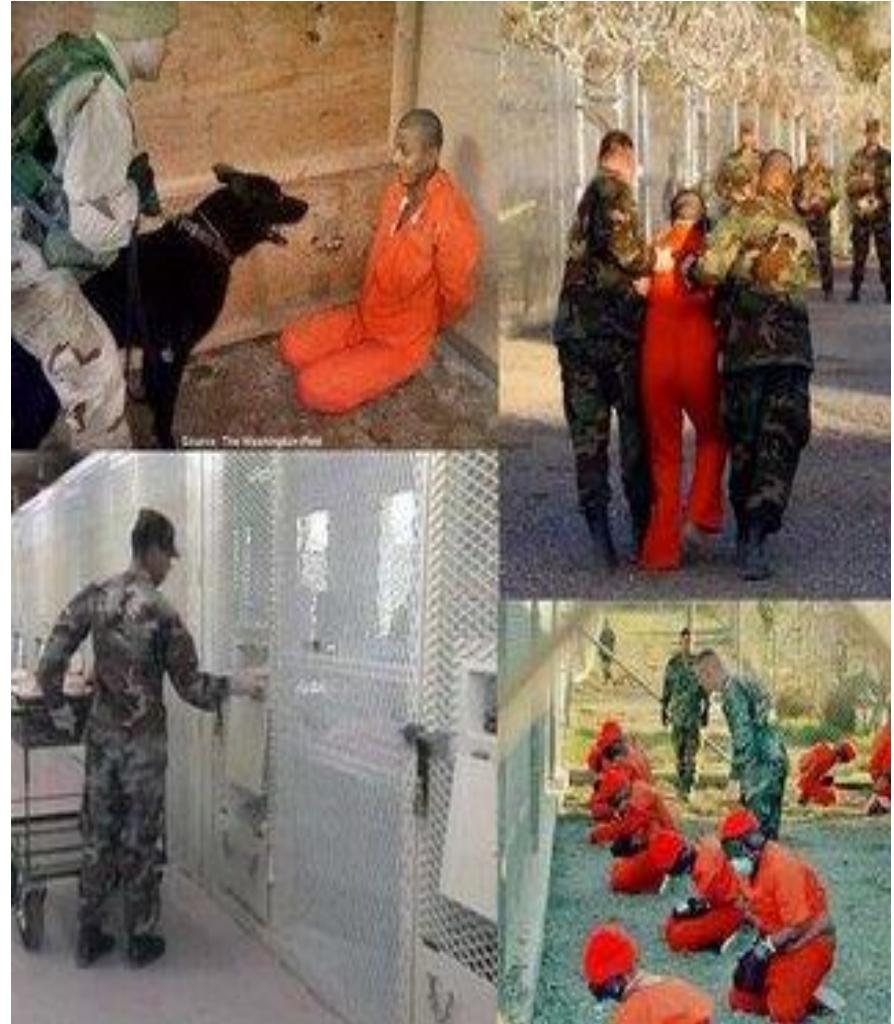
i.e.: We **ALL** have them.



Central features of human rights

2. Unconditional

- We have these rights unconditionally. We are owed them by the very nature of our humanity, no matter what.
- Even terrorists or criminals should have equal rights (e.g., not to be tortured)!



The Guantanamo Bay detention camp

Central features of human rights

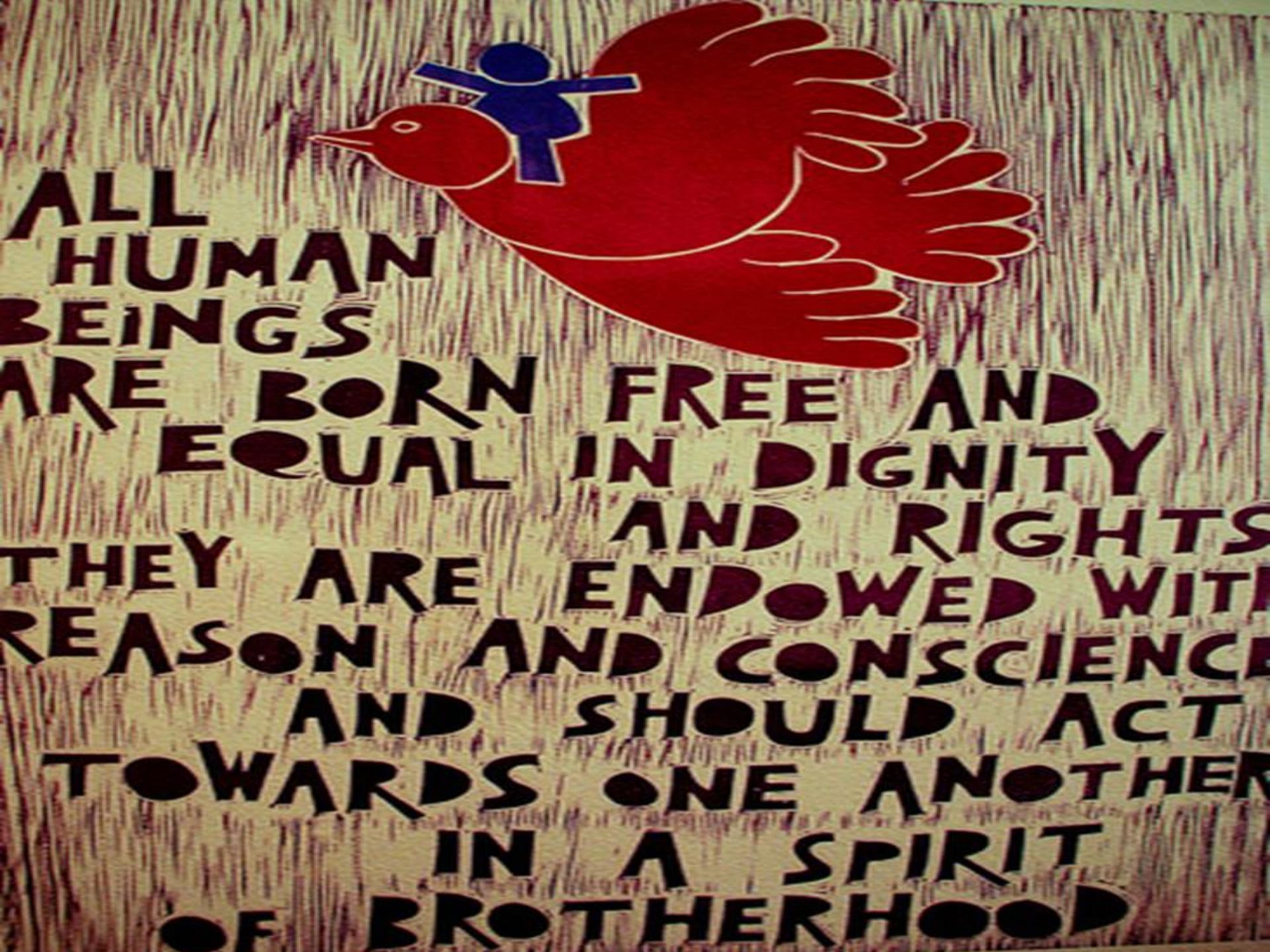
3. Inalienable

- E.g. Right to life, right to liberty, and right to security, etc.
- They are **inherent rights** that
 - must not be taken away
 - cannot be annulled or restrained by human laws
 - must not be overridden by any other interests (e.g. national security, economic growth, etc.).

Central features of human rights

4. Interdependent

- Examples
 - i. the right to bodily integrity (including freedom of movement)
the right to freedom of assembly
 - ii. the right to education
the right to a fair trial
 - iii. the right to political participation
the right to food



ALL HUMAN BEINGS ARE BORN FREE AND EQUAL IN DIGNITY AND RIGHTS THEY ARE ENPOWERED WITH REASON AND CONSCIENCE AND SHOULD ACT TOWARDS ONE ANOTHER IN A SPIRIT OF BROTHERHOOD

Where do Human Rights come from?

Universal Declaration of Human Rights

- Drafted & adopted in 1948 in response to the horrors of WW2
- Article 1 : "*All human beings are born free & equal in dignity & rights...*"
 - Preamble refers to the: "*equal & inalienable rights of all members of the human family*" &
 - *the "equal rights of men & women"*
- Attempts to provide a **universal framework** for all societies regarding the basic rights of a human.

Drafting of the Universal Declaration of Human Rights – 1948, UN



UDHR lays down the fundamental rights:

- To which every person is entitled (i.e. to have rights)
- Which all national governments should strive to protect (i.e. have duties to protect the individuals' rights)

Note: Although UDHR is an authoritative document, it has no legally binding force.

International human rights treaties

- 1966
 - International Covenant on Civil and Political Rights and
 - International Covenant on Economic, Social and Cultural Rights
- More international laws on human rights
 - https://en.wikipedia.org/wiki/International_human_rights_law#International_Bill_of_Human_Rights
- Note: Gradually there have been more and more **treaties, covenants or conventions** on human rights together with **international courts or councils** in different parts of the world – these international laws have **binding force** – setting the obligations for governments to follow.

Philosophical views of Human Rights

We can see why we ought to have Human Rights, and how they have been argued as right through:

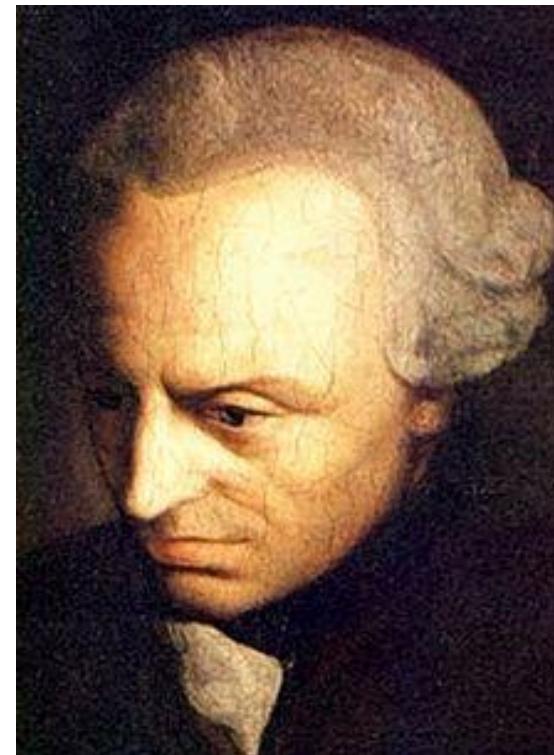
1. Deontology
(Kantian ethics)
2. Utilitarianism



Justification of Human Rights: Deontology (Kantian ethics)

Respect humanity!!

- UDHR – Article 1
 - "... [Humans] are endowed with **reason** and **conscience** and should act towards one another in a spirit of Brotherhood"
- Categorical imperative (2nd formulation):
 - **Treat persons as ends in themselves.**

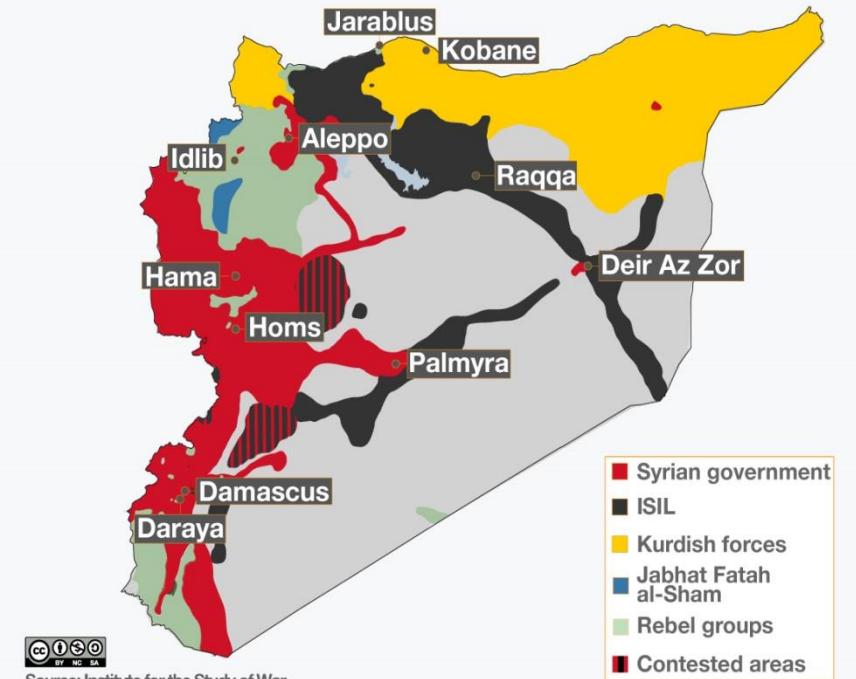


Justification of Human Rights: Utilitarianism

1. Stops Civil War

- UDHR Preamble:
 - "Whereas it is essential, if man is not to be compelled to have recourse, as last resort, to rebellion against tyranny and oppression, that human rights should be protected by rule of law"

Syria: Who controls what



If human rights are not protected, then the consequences will be ...

Justification of Human Rights: Utilitarianism

2. Stops International War

- UDHR Preamble:
- “Whereas it is essential to develop friendly relations between nations.”



Do you know your Human Rights?

- There are 30 Articles on the Universal Declaration of Human Rights, listing a large number of rights.
- Conceptually, we can split them into 2 kinds:
 1. Political and Civil Human Rights
 2. Economic, Social and Cultural Human Rights



Political and Civil Human Rights

1. Bodily Integrity
 - Personal autonomy and self-determination over one's body
 2. Legal fairness
 3. Freedom of thought, speech, assembly and association.
 4. Political Participation
-
- Note:
 1. 'Civil rights' are the rights of citizens to political and social freedom and equality.
 2. PCHR are in general '**negative**' rights, i.e., no interference from the government.
 3. These rights are to be **respected**.



Bodily Integrity -- Life

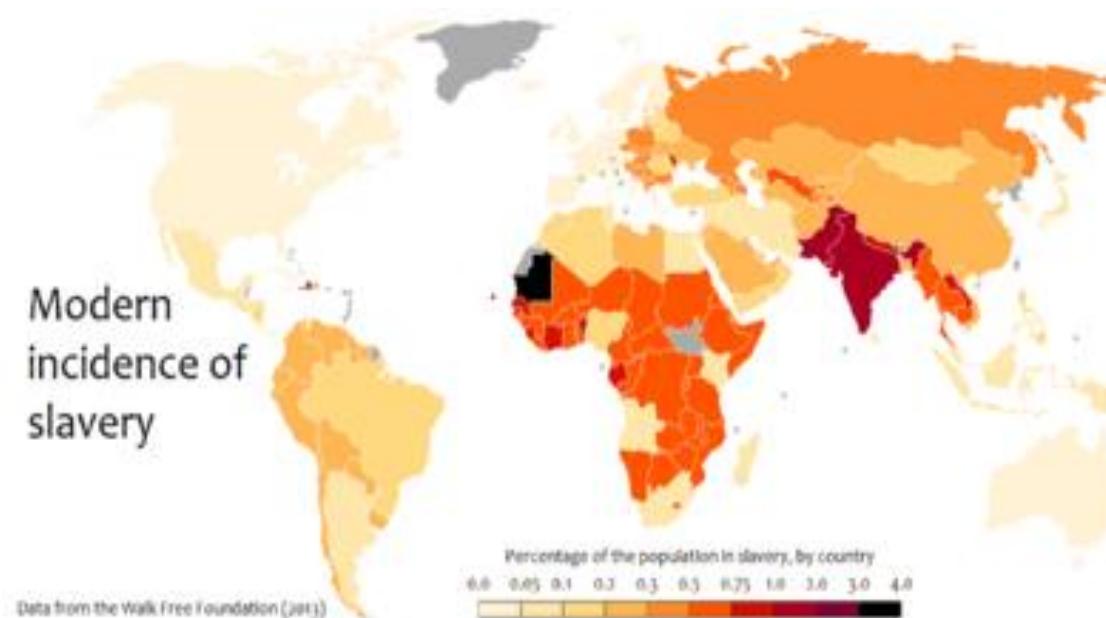
- Article 3:
 - “Everyone has the right to LIFE, LIBERTY and SECURITY of person”
- Many argue that capital punishment violates this core human right.



Bodily Integrity -- Slavery

■ Article 4

- “No one shall be held in slavery or servitude, slavery and the slave trade are to be prohibited in all their forms.”



Human Trafficking and the sex trade



30 million women are trafficked and used as sex slaves across the world.

Bodily Integrity – No Torture

- Article 5
 - “No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.”



United States Army reservist Lynndie England was convicted of torture and prisoner abuse at Abu Ghraib In Baghdad, Iraq, in 2005

Bodily Integrity – Asylum

■ Article 14

- “Everyone has the right to seek and enjoy in other countries asylum from persecution.”



Political refugees fled from Syria

Legal Fairness

Articles 6, 7, 8, 9, 10, 11

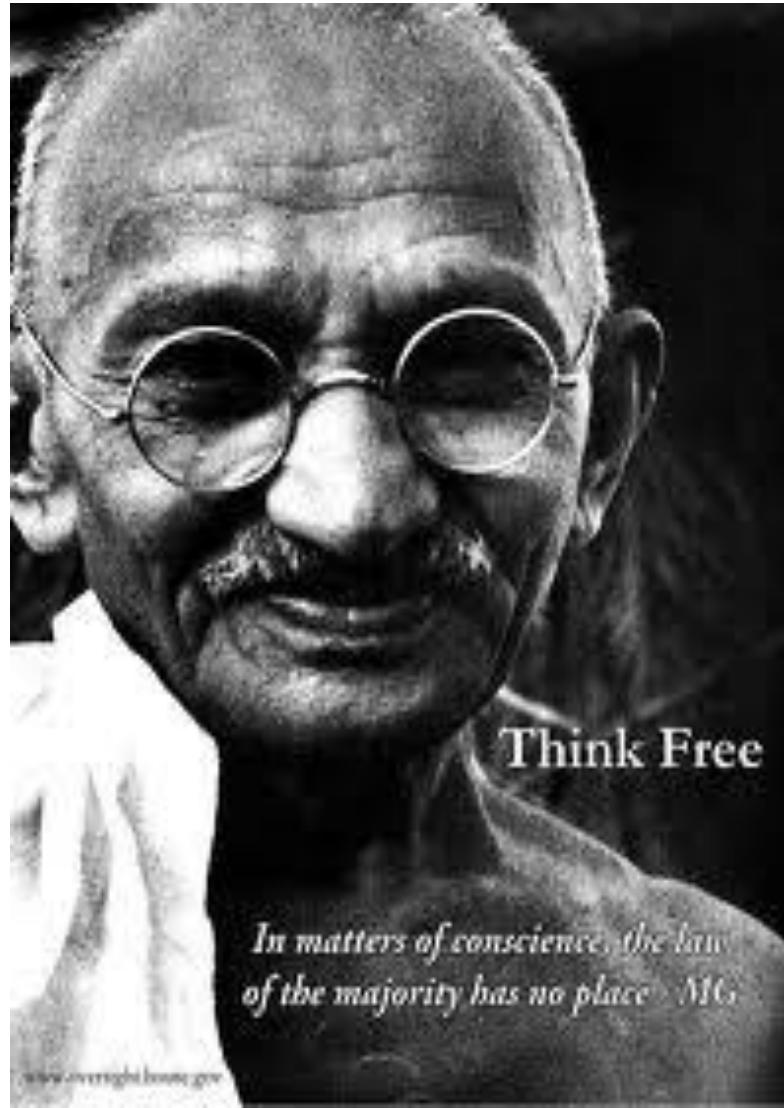
- Recognition by the law as a person before the law
- Equality before the law
- Access to the law
- No arbitrary arrest or detention
- Innocent until proven guilty
- Right to a fair, independent and public trial
- Only guilty if the crime was against the law at the time



Freedom of Thought

■ Article 18

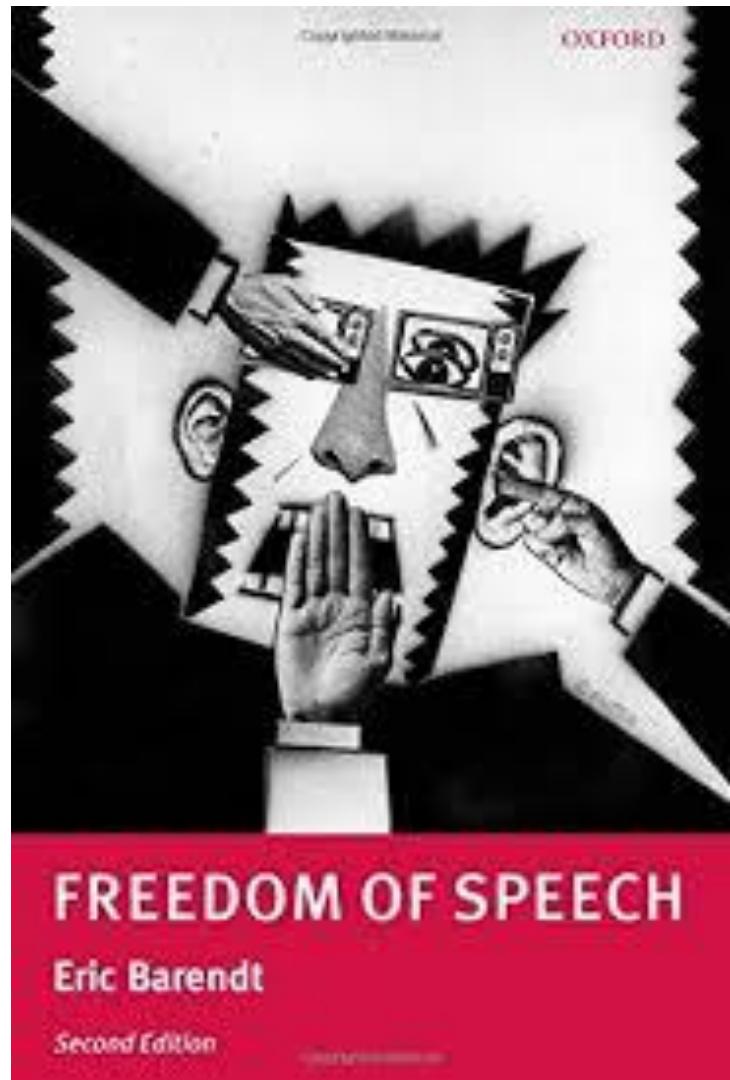
- “Everyone has the right to freedom of thought, conscience and religion... and in public or private manifest his religion or belief in teaching, practice, worship and observance.”
- Note: An individual need not follow the majority's ways of life.



Freedom of Speech

■ Article 19

- “Everyone has the right to freedom of opinion and expression ...”



Freedom of assembly and association

- Article 20
 - “Everyone has the right to freedom of peaceful assembly and association”
- Presently in Fiji, under the **Public Emergency decree** in 2009, the state has the power to ban any and all assembly of peoples.
- ‘5:04 pm on 24 November 2016 Fiji agency says no to human rights march ...
 - It says the Roads Authority described the march as unnecessary, causing traffic disruptions and an inconvenience to the people of Fiji.’
- <http://www.radionz.co.nz/international/pacific-news/318840/fiji-agency-says-no-to-human-rights-march>

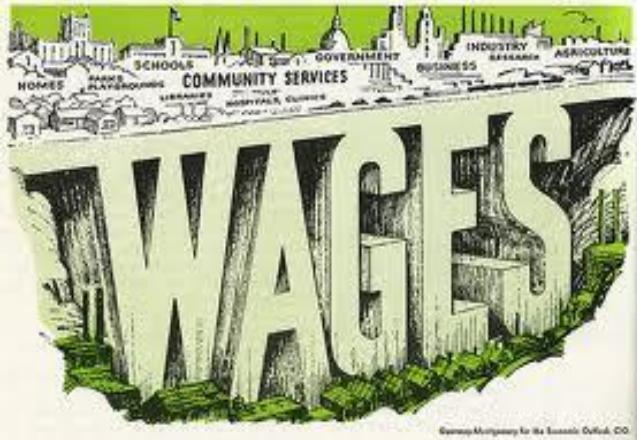
Political Participation

Article 15 – “Everyone has the **right to a nationality.**”

Article 21 – (3) “The **will of the people** shall be the basis of the authority of government; this will shall be expressed in periodic and genuine **elections** which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

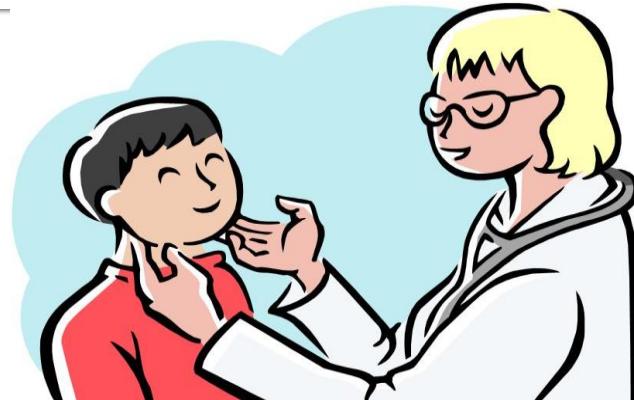


Do you know your human rights? Economic, Social and Cultural



1. Work
2. Health and Well-being
3. Education
4. Cultural life

Note: These rights are in general 'positive' rights (that the government has obligation to give, to fulfil (not only to respect)).



Do you know your human rights? Economic, Social and Cultural

WORK - Articles 23 and 24

- A right to work, to choose one's employment and have favourable conditions of work
- A right to equal pay for equal work
- A right to just and favourable pay to ensure a life of dignity
- A right to form and to join trade unions
- A right to a (paid!) holiday

Health and Well being

- Article 25
 - “Everyone has the right to a standard of living adequate for health and well-being of himself and his family, including **food, clothing, housing, medical care and necessary social services**, and the right to **security** in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood...”

The right to food

■ In India

- “In 2011, the National Food Security Bill, 2011, popularly known as Right to Food Bill was proposed.
- In 2013, National Food Security Act, 2013 was passed by the Indian Parliament.
 - The Act guarantees subsidised food to 50% of the urban population and 75% of the rural population.”



https://en.wikipedia.org/wiki/Right_to_food_by_country

Education

- Article 26
 - “Everyone has the right to education.”
 - Elementary education shall be free.
 - Elementary education shall be compulsory.
 - Higher education shall be accessible on the basis of merit.
- It indicates one important purpose of education, among others:
 - “It shall promote understanding, tolerance and friendship amongst all nations, racial or religious groups...”



Collective rights

- “Collective rights are held by a group, rather than any one individual.
 - The right to speak one’s native language and educate children in that language; the right to cultural preservation
 - Environmental rights to clean air, water, and land
 - The right to national self-determination
 - The right to development
 - The right to autonomous self-government for minority groups
 - ...”

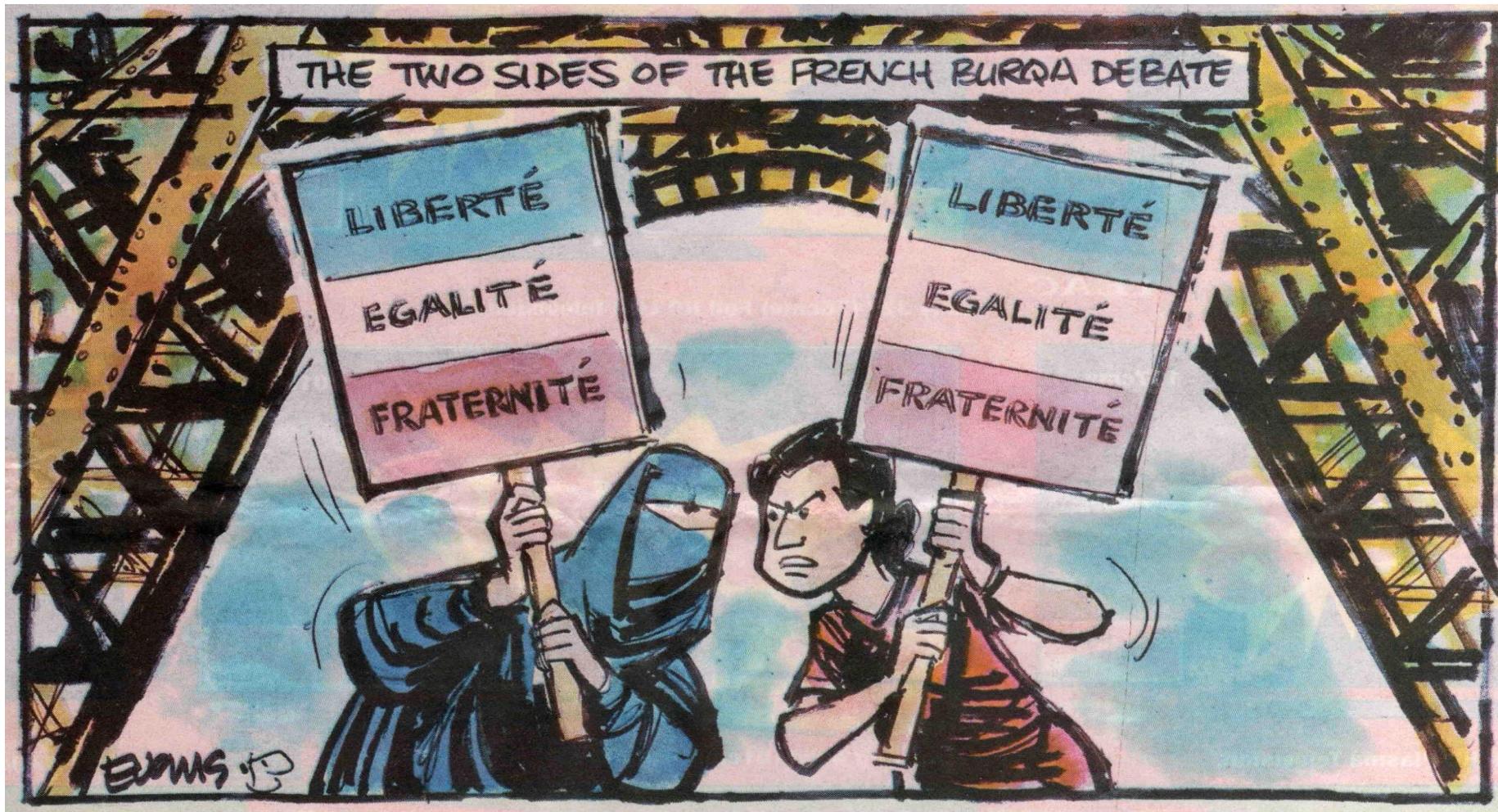
<https://www.quora.com/What-are-collective-rights>

Questions:

1. What happens when one Human Right clashes with another?

2. Do Human Rights put too much emphasis on the individual?

When human rights clash!





When Human Rights clash!

- The burqas and niqabs have been banned in France since 2010 as it is seen as an insult to women's dignity.
- The Burqa covers Muslim women from top to toe, and is often equated with men's domination over women, denying them access to wider society and forcing them to remain hidden.
- It denies Muslim women their human right to participate in civil society as equal citizens.



Human Rights may clash!

- However, some Muslim women feel that their religious and traditional identity is not respected.
- They do not want a Western, modern, liberal woman's identity. They argue their human right to religion is being violated.

The result in this case

- “In 2014, the European Court of Human Rights upheld the French ban on burqa, accepting the argument of the French government that the law was based on ‘a certain idea of living together’”.

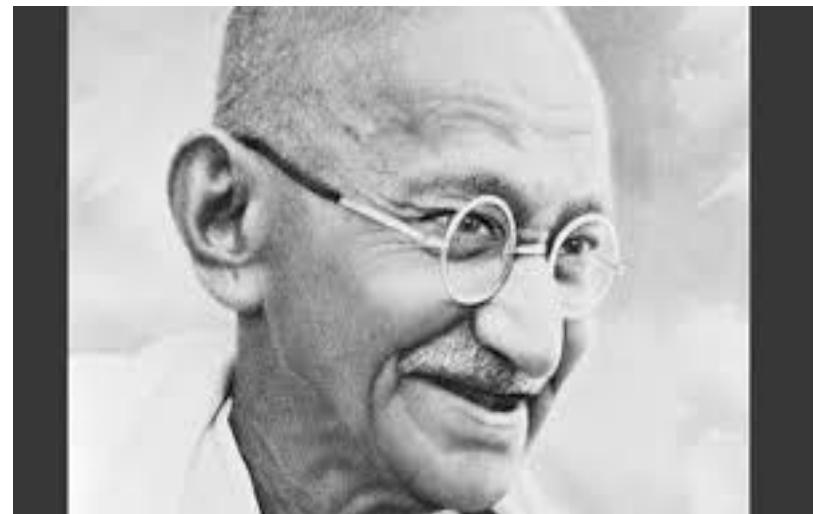
<https://en.wikipedia.org/wiki/Burqa#France>

Don't forget our duties!

■ Art.29

- “Everyone has **duties to the community** in which alone the free and full development of his personality is possible”

Gandhi: “I learnt from my illiterate but wise mother that all rights to be deserved came from duty well done. Thus, **the very right to live accrues to us when we do the duty of citizenship to the world.**”



Mohandas Gandhi

Don't forget other species and our planet Earth!

- Protecting humans is of course very important, but does it invite us to undervalue the non-human?

