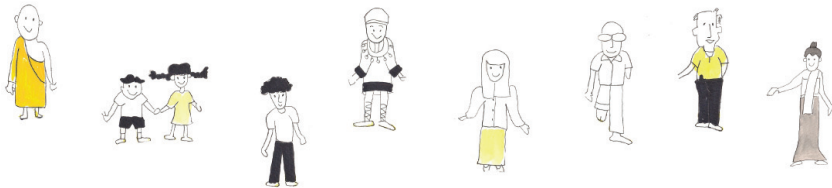


Human Rights

Human rights for
human dignity







What are human rights?

What are human rights?

Human rights are a concept derived from beliefs, philosophy, religious creeds, ethical and moral codes and cultures. They are based on the belief that all humans are born with the intrinsic right to life as all religions prohibit the killing of human beings. In addition, the concept has been influenced by Western culture and beliefs about the natural rights accorded to any human being. It is justifiable for a human being to try to protect one's life or to have freedom to think and believe. And despite our differences, all human beings are equally entitled to human dignity.



After World War II, the concept of human rights has become widely accepted and acknowledged around the world. The international community recognized the atrocities committed in the name of war and genocide and other deprivations against women, children and older persons by their fellow human beings. As a result of the war, international human rights law started to evolve, set forth in principles, agreements, systems and mechanisms to promote human rights. These have been universally accepted as a means for the protection of human rights of all people in the world. The idea of equal rights and dignity among all human beings is now well enshrined in various international human rights principles and laws as well as domestic laws including the constitutions of various countries which prescribe human rights.



Universal Declaration of Human Rights (UDHR)

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On 10 December 1948, the U.N. General Assembly and its member states adopted and put into force the Universal Declaration of Human Rights (UDHR) as a major instrument to uphold human rights in the international arena. Though not recognized an international treaty, the UDHR is regarded as one of the most important international human rights customary laws and countries feel obliged to respect the human rights principles set forth in the Declaration. The Declaration is also an important premise on which other international human rights treaties and laws have been developed, including the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). In addition, the Declaration inspired the drafting of human rights principles in the constitution and domestic law in many countries.



The human rights referred to in the UDHR can be divided into two major aspects: (1) civil and political rights, which include the right to life, personal freedom and security, freedom from slavery and torture, equality before the law, the right to political participation, the right to freedom of thought, religion and expression etc., and (2) economic, social and cultural rights which include the right to work, the right to education, the right to food, the right to access to public health services etc.



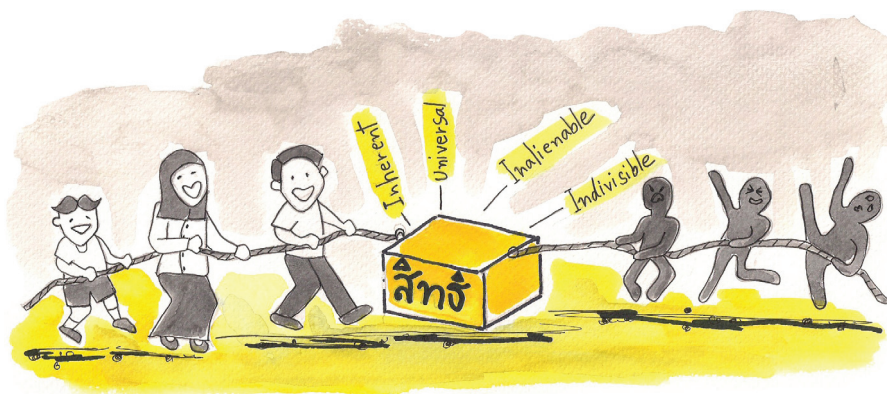
Unique aspects of the human rights

prescribed in the UDHR include;

Unique aspects of the human rights prescribed in the UDHR include;

1. They are inherent to all human beings. It is believed that every human being is born with human rights and such rights shall not be subject to buying, selling or inheritance.
- 2 Rights are universal. Rights are accorded to all human beings regardless of their race, gender, religion, or social or political background. Everyone is born free and is equal in one's rights and dignity.
3. Such rights cannot be denied and are inalienable. No one can be deprived of her/his human rights. Though a nation's laws may fail to recognize human rights and rights violation may be perpetrated in the country, its people are still entitled to human rights.
4. Rights are indivisible. The human rights recognized in UDHR are composed of two major categories: civil and political rights; and economic, social and cultural rights. Both categories of rights are indivisible. Both have to be respected, protected and fulfilled to ensure that every human being is able to live with dignity.

In addition, the UDHR spells out major guiding principles including the principle of equality and the principle of non-discrimination. In other words, everyone is entitled to the same rights and freedoms regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.





Practical guidelines from human rights principles

Practical guidelines from human rights principles

Although every human being is in theory born with equal human rights, in reality such rights can be subject to deprivation or violation as we all are citizens governed by state powers. Each state holds different governance concepts and the implementation of economic, social and cultural policies may have infringed on the rights of certain groups of people. For example, some governments prohibit any dissenting opinions among their people. In such a case, the right to freedom of expression is impeded. Other governments implement economic development which has led to evictions of communities with no proper compensation for the affected communities. In such a case, the government is also regarded as having violated its people's human rights. Some governments fail to look after certain groups of their population including those belonging to minority racial and ethnic groups. Some ethnic minorities have been neglected and subject to various rights violation including forced labour. Non-state actors can also be involved in violations of human rights including private companies who illegally claiming rights over the farmland and houses of local villagers in order to turn them into tourist attractions or industrial complexes. Some corporations fail to provide fair wages to their employees, or simply fire pregnant women. Domestic violence is also counted as a human rights violation.

Acts violating human rights are criminalized in countries with safeguard laws. For example, domestic law in many countries sets minimum wages; any workers paid less than this can bring a case to court. In some countries, religious or traditional practices are found to have infringed human rights, such as the painful and sometimes fatal genital mutilation of girls. Such issues are highly sensitive, and a lot of understanding is needed to create change.





In order to realize the principles of human rights, someone must bear the duty of respecting, protecting and fulfilling rights and the major duty bearers are states. Therefore, rights holders are able to demand that the state respect, protect, and fulfil their rights; at the same time, each rights holder is obliged to not violate the rights of others.



Duties of the state
to realize the principles
of human rights

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Respect

implies that all laws, policies or initiatives of the state and their enforcement by governmental officials shall not give rise to human rights violations, directly or indirectly. For example, the state shall not pass a law that restricts the right to freedom of religion, and shall not implement any policy which commercializes basic services, including public health and education, as a result of which access to such services is impeded for low income or vulnerable groups in society.

Protect

implies that the state shall develop laws, policies or measures to prevent any group or individual from violating the human rights of others.

For example, measures should ensure employers' compliance with labour laws, or laws and mechanisms should be developed to protect women and children against domestic or other violence.



Fullfill

implies that the state shall pass laws or implement policies to ensure the realization of every human right. For example, the state shall develop policies and set aside funds to ensure that everyone receives free basic education.



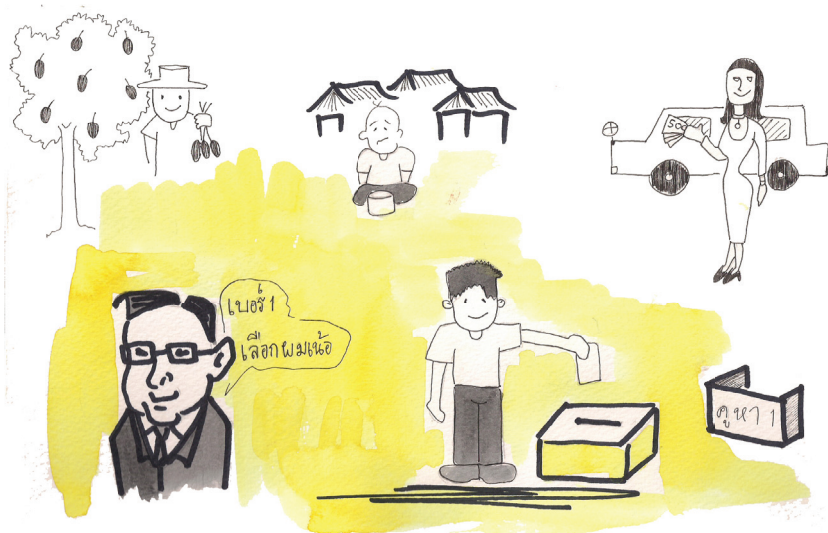


Economic, social and
cultural rights and
human dignity

Economic, social and cultural rights and human dignity

The UDHR encompasses two categories of rights which shall be respected, protected and fulfilled by the governments around the world. The split between the two categories can be traced back to the Cold War period during which certain countries, influenced by socialism and communism and led by the former Soviet Union and China, emphasized economic, social and cultural rights, whereas other countries, inspired by liberalism and led by United States of America and Western Europe, gave more importance to civil and political rights.

In the past, all national and international human rights agencies have prioritized giving encouragement to governments around the world to respect and promote the people's civil and political rights, turning economic, social and cultural rights into second class rights. At present, there is an emerging awareness about the problems of impoverishment, starvation, social and economic injustices and disparities among population groups around the world.



The problems can be partly attributed to an inability or a lack of interest among governments to act in compliance with the principles of human rights and the implementation of national and global economic policies following neoliberalism, which has had ramifications for the livelihood of various groups of people including agricultural and non-agricultural workers, and vulnerable groups having to rely on state services. Their lack of access to basic guarantees and services necessary for their survival can be construed as a violation of their economic, social and cultural rights as well as their human dignity, which should be protected by the government of each and every country.



What do economic,
social and cultural rights
encompass?

What do economic, social and cultural rights encompass?

UDHR and ICESCR spell out the economic, social and cultural rights that should be accorded to every human being as follows:

- **The right to work**

Without work, one cannot earn income to buy goods necessary for one's survival. Therefore the right to work should be interpreted as the right of everyone to have work to do which the state must provide. In addition, the right to work should also include the right to be employed without discrimination, the right to work without being forced to do so or without being denied remuneration.





The right to fair wages, the right to equal pay for equal work, the right to work in a healthy working environment with sanitation, the right to not be fired when pregnant, and the right to be treated equally in employment. In addition, workers are also entitled to the right to form and to join trade unions.

- **The right to an adequate standard of living**

As a member in society, everyone is entitled to a standard of living adequate for the health and well-being of her/himself and of her/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 in circumstances beyond her/his control.



The right to social security should in particular be accorded to the most vulnerable groups in society, and the state has to ensure that everyone has access to the most fundamental items and services which make it possible for them live with dignity.

- **The right to food**

“Everyone has the right to adequate and proper food.”

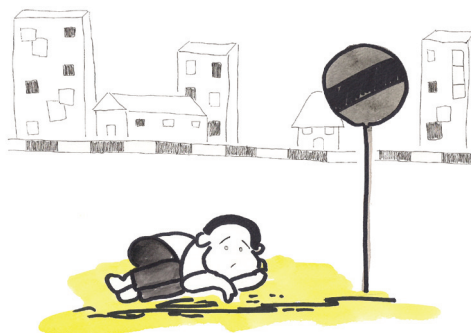
Though food supplies are produced sufficiently to feed people the world over, there are still hundreds of millions of people in the world who are left to starve. Factors contributing to the problem include policies and their implementation by both state and non-state actors. In order to ensure the right to food among its people, the government must take into account the following principles:

Availability of food implies that people must have access to land and are able to utilize natural resources to produce food. The government is tasked to ensure that food production and distribution systems function effectively. In addition, the government of each country has to respect and refrain from violating the right to food of people in other countries by avoiding any policy which may impede the food production and distribution of people in another country. For example, the implementation of trade liberalization may lead to dumping of cheap imported food, making it impossible for local producers to compete and bringing about a collapse of the agricultural system in that country.



Access to food implies the ability of the people to purchase food. For low income earners, subsidies should be made available to help them buy food. Access to food is also related to physical factors; people living in remote rural areas may have limited access to certain necessary foods, or people with disability, older persons or the most vulnerable groups of people may not be able to help themselves to access food. This should therefore be supported. In addition, during the natural disasters which compromise people's access to food, the government must take special measures to ensure that people have access to adequate food supplies.

Acceptability of food implies that food should be made available in proper quantity and quality. The food available should be clean, safe and culturally acceptable.



- **The right to housing**

Everyone should be entitled to housing, particularly the poor and vulnerable groups. Everyone has the right to live in a secure house and access to secure land tenure. They should be protected from any form of eviction, harassment or threats. In addition, their residential areas should be equipped with a proper infrastructure including access to clean and safe drinking water, health services and power.

- **The right to education**

The right to education should include the right for everyone to have access to at least the elementary stage of education free of charge. The right to free secondary education, technical education and higher education should be gradually provided for by the state. In addition, the right to education should encompass the right of students to study human rights and for them to have their human rights respected, protected and fulfilled while they are students in the educational institutions or system. For example, students shall not be subject to improper punishment and should be able to participate and express his or her opinions in making any decision which affects them. Another major issue under the right to education is the right for parents to choose the kind of education for their children which is appropriate for their culture, beliefs and religion.

In the course of fulfilling its obligations on the right to education, the government should take into account the following principles:

Sufficient schools and facilities must be made available, including any supplies needed for teaching and learning, and proper training to teaching staff and others in order to meet demand and make possible equal access for all

Access to education implies that no discrimination can be made in the enrolment of students based on gender, race, immigration status, religion or ethnicity. In addition, schools should be physically located at an appropriate distance from the community to make it convenient for students to commute to school. Distance education services should be made available for remote communities. In terms of economics, the state should enable everyone to have access to education by gradually expanding free educational services.

Acceptability means that the curriculum and teaching methods should be acceptable to both parents and students.

Adaptability means that the kind of education should be flexible enough to respond to or to prepare the students to cope with changes in society and teaching and learning should match students' interests in a diversity of social and cultural contexts.

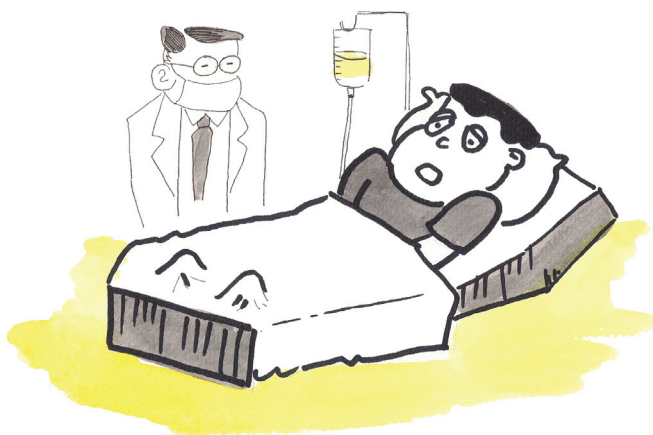


- **The right to health**

The right to health means the right for everyone to both physical and mental well-being and a good quality of life. It is dependent on access to health services and supplies and information which make possible a safe and healthy life. The right to health also encompasses the right of everyone to participate in making any decision related to their physical and mental well-being. The state has the following obligations:

The state must ensure that adequate public health facilities are ready to provide for services, medical personnel should receive standard training, and necessary medicines are available for treatment

Everyone should be entitled to medical and public health services without discrimination with consideration given to convenient access the users' economic status. For example, public health posts should be located close to the community and everyone should be entitled to receive the best available medical and public health services regardless of income or purchasing power. In addition, every one has the right to proper health information.



The provision of medical and public health services should be made in consideration of local culture, traditions and regulations including gender differences.

Health personnel, medical equipment and supplies in public health facilities should be of good quality, safe and clean.



• Cultural rights

Culture is related to one's livelihood, religion, housing, food, employment, education, health care, resource utilization and relationships in the community and culture. Cultural rights therefore enable everyone to participate in and conduct one's cultural life, provided that the exercise of such rights does not infringe on the rights of others. Cultural rights also encompass the right of a person to benefit from scientific advancement and the protection of scientific, literary or artistic works invented by the person; the government is obliged to conserve, develop and publicize this culture.



The state's obligations
to fulfil economic, social and
cultural rights include;

The state's obligations to fulfil economic, social and cultural rights include;

- Under international law, every government must realize economic, social and cultural rights by establishing concrete goals, laws and policies, allocating funding, and raising public and social awareness and a judicial process to ensure that its people can enjoy all rights. Despite limited financial resources, governments are still obliged to effect progressive realization of these goals. Failure to do so, or taking measures or acting in any way that may compromise economic, social and cultural rights previously enjoyed by its people is tantamount to government violation of these rights.
- The state is obliged to prioritize its actions to achieve these goals and the most necessary steps must be implemented; these include ensuring that everyone has access to free compulsory education and guarantees that teaching and learning shall not promote racial discrimination or any bias or discrimination against those having different beliefs or way of life.

- The state is obliged to not discriminate in law, policy or practice in such a manner that it may directly or indirectly restrict changes for a particular group people to exercise their rights. Such discriminatory practice is also considered a human rights violation.
- The state is obliged to look after the most vulnerable groups in society who face difficulty and restrictions in accessing their rights. Therefore, the state has to give priority to these groups.





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