

Definition of Human Rights?

- Human rights are the basic rights and freedoms to which all humans are entitled.
- You have human rights simply because you are human.
- From a legal standpoint, Human rights define relationships between individuals themselves, and between them and power structures, especially the State.

- Legally speaking, human rights can be defined as the sum of individual and collective rights recognized by sovereign States and enshrined in their constitutions and in international law.

Why Human Rights Education?

Human rights education is the teaching and learning of human rights principles and values as contained in the Universal Declaration of Human Rights (UDHR) and other human rights instruments.

The teaching of human rights in schools and universities aims to:

- **Instills human rights values** and knowledge in young people.
- Teaches about the **history and current structures of the international human rights system**, treaties and declarations;
- **Creates awareness and fosters concern about human rights violations** and the effects those violations have on people's lives, from denial of free speech, to homelessness, to the oppression of women;
- **Promotes understanding and practice of human rights values** including respect for human dignity, non-violent conflict resolution, tolerance and multiculturalism.

- **Encourages action in response to human rights violations** internationally and in local communities.
- Finally, human rights education stimulates and engages learners, **helps them relate emotionally and intellectually to course material**, and helps them make connections between their own lives and events happening elsewhere.

Knowledge and skills to be gained from human rights education include:

- Critical thinking, analysing credibility and authenticity of cause-effect relationships, formulating analysis and asking questions;
- Viewing an issue from multiple perspectives and identifying bias in your own and other's opinions; and;
- Research and data collection, use of statistics, reporting and monitoring techniques, and measuring human rights violations.

Where do human rights come from?

'Human rights are inscribed in the hearts of people, they were there long before lawmakers drafted their first proclamations.'

Mary Robinson, former UN High Commissioner for Human Rights.

- Human rights are not a recent invention
 - Human rights in Islam
 - Human rights in the contemporary history
- “International Bill of Human Rights”**

Rights enshrined in the Universal Declaration of Human Rights (UDHR)

In 30 articles the UDHR protects the following rights:

- 1. Every person is born free and equal in dignity and rights.
- 2. Every person has human rights regardless of race, sex, language, belief or religion.
- 3. Every person has the right to life, liberty and security.
- 4. Slavery and the slave trade are prohibited.
- 5. No person shall be subjected to torture.
- 6. Every person has the right to recognition as a person before the law.
- 7. All persons are entitled to equal protection before the law.
- 8. Every person is entitled to the aid of law when not treated fairly.
- 9. No person shall be subjected to arbitrary detention.
- 10. Every person is entitled to an impartial hearing.

- 11. Every person shall be considered innocent until proven guilty.
- 12. Every person has the right to protection of his or her privacy.
- 13. Every person has the right to travel freely within a country and to leave and return to his or her country.
- 14. Every person has the right to asylum from persecution.
- 15. Every person has the right to a nationality.
- 16. All adults have the right to marry of their own free will and to found a family.
- 17. Every person has the right to own property.
- 18. Every person has the right to freedom of religion.
- 19. Every person has the right to freedom of opinion and expression.
- 20. Every person has the right to freedom of personal assembly and association.

- 21. Every person has the right to take part in the government of his or her country.
- 22. Every person has economic, social and cultural rights.
- 23. Every person has the right to work, to just pay, and to form and join unions.
- 24. Every person has the right to rest and leisure.
- 25. Every person has the right to an adequate standard of living.
- 26. Every person has the right to an education.
- 27. Every person has the right to participate in cultural activities and benefit from scientific advancement.
- 28. Every person is entitled to a social order in which these human rights can be realized.
- 29. Every person has duties to the democratic society according to the law.
- 30. No person can take away these rights and freedoms.

Core Human Rights Treaties

- The International Convention on the Elimination of All Forms of **Racial Discrimination** (CERD; adoption in 1965; entry into force in 1969);
- The Convention on the Elimination of All Forms of **Discrimination against Women** (CEDAW; adoption in 1979; entry into force in 1981);
- The Convention against **Torture** and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT; adoption in 1984; entry into force in 1987);
- The Convention on the Rights of the **Child** (CRC; adoption in 1989; entry into force in 1990);
- The International Convention on the Protection of the Rights of All **Migrant Workers** and Members of Their Families (known as the Migrant Workers Convention, or CMW; adoption in 1990; entry into force in 2003).

Basic Human Rights Principles

- Human rights are universal
- Human rights are inalienable
- Human rights are indivisible and interdependent
- The principle of non-discrimination

HUMAN RIGHTS ARE UNIVERSAL

“Human rights are foreign to no culture and native to all nations; they are universal.”

Kofi A. Annan, Secretary-General of the United Nations,

- Human rights are universal because they are **based on every human being's dignity**, irrespective of race, colour, sex, ethnic or social origin, religion, language, nationality, age, sexual orientation, disability or any other distinguishing characteristic. Since they are **accepted by all States and peoples**, they apply equally and indiscriminately to every person and are the same for everyone everywhere.

HUMAN RIGHTS ARE INALIENABLE

- Human rights are inalienable insofar as no person may be divested of his or her human rights except under clearly defined legal circumstances.
- For instance, a person's right to liberty may be restricted if he or she is found guilty of a crime by a court of law.

HUMAN RIGHTS ARE INDIVISIBLE AND INTERDEPENDENT

- Human rights are indivisible and interdependent. Because each human right entails and depends on other human rights, violating one such right affects the exercise of other human rights.
- For example, the right to life presupposes respect for the right to food and to an adequate standard of living. The right to be elected to public office implies access to basic education.
- Accordingly, civil and political rights and economic, social and cultural rights are **complementary** and equally essential to the dignity and integrity of every person. Respect for all rights is a prerequisite to sustainable peace and development.

THE PRINCIPLE OF NON-DISCRIMINATION

- Some of the worst human rights violations have resulted from discrimination against specific groups.
- The right to equality and the principle of non-discrimination, explicitly set out in international and regional human rights treaties, are therefore central to human rights.
- The right to **equality** obliges States to ensure observance of human rights without discrimination on any grounds, including sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, membership of a national minority, property, birth, age, disability, sexual orientation and social or other status.

Difference in Fact may Justify Difference in Law

- Factual or legal distinctions based on **reasonable and objective criteria** may be justifiable.
- Human rights instruments specifically designed to protect the rights of groups with special needs, such as women, aliens, stateless persons, refugees, displaced persons, minorities, indigenous peoples, children, persons with disabilities, migrant workers and detainees.
- *Temporary special measures such as women quota* to specific jobs, political decision-making bodies or university education

Human rights and State sovereignty

- In the past, when human rights were still regarded as a country's internal affair, other States and the international community were prevented from interfering, even in the most serious cases of human rights violations, such as genocide.
- Today, human rights promotion and protection are considered a legitimate concern and responsibility of the international community.
- The intervention is however regulated by the ***principle of proportionality***, a principle according to which any action taken by an authority pursuant to the concept of universality must not go beyond what is necessary to achieve compliance with human rights.

STATE OBLIGATIONS ARISE FROM HUMAN RIGHTS

By becoming parties to international human rights treaties, states incur three broad obligations:-

- The obligation to respect
- The obligation to protect
- The obligation to fulfil

The Obligation to Respect

- It means that the State is obliged to **refrain** from interfering.
- It entails the prohibition of certain acts by Governments that may undermine the enjoyment of rights.

The Obligation to Protect

- It requires States to protect individuals against abuses by non-State actors.
- States enjoy a broad margin of appreciation with respect to this obligation.

The Obligation to Fulfil

- States are required to take positive action to ensure that human rights can be exercised

The Obligation to Provide Domestic Remedies

- The very notion of rights entails, in addition to a substantive claim, the possibility to have recourse to a national — judicial, administrative, legislative or other — authority in the event that a right is violated.

The Right to Recourse to a Supranational Court

- The right to have recourse to an international human rights court once all avenues of seeking redress at the domestic level are exhausted.
- The European Court of Human Rights

MAY GOVERNMENTS RESTRICT HUMAN RIGHTS?

- States are allowed a *margin of appreciation* in relation to their obligations to respect, protect and fulfil most human rights.
- By virtue of reservations, derogation and limitation clauses, and the principle of progressive realization, governments enjoy fairly broad powers to implement human rights in accordance with their national interests.