Day 2 – A SHORT HISTORY OF HUMAN RIGHTS

Directions: During the reading process, record text information on individual sticky notes by creating picture notes of relevant ideas and concepts.

The belief that everyone, by virtue of his or her humanity, is entitled to certain human rights is fairly new. Its roots, however, lie in earlier tradition and teachings of many cultures. It took the catalyst of World War II to propel human rights onto the global stage and into the global conscience. Throughout much of history, people acquired rights and responsibilities through their membership in a group—a family, indigenous nation, religion, class, community, or state. Most societies have had traditions similar to the “golden rule” of “Do unto others as you would have them do unto you.” The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Qur’an (Koran), and the Analects of Confucius are five of the oldest written sources that address questions of people’s duties, rights, and responsibilities. In addition, the Inca and Aztec codes of conduct and justice and an Iroquois Constitution were Native American sources that existed well before the eighteenth century. In fact, all societies, whether in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the health and welfare of their members.

STOP and record text information on individual sticky notes by drawing picture notes of key ideas.

PRECURSORS OF TWENTIETH CENTURY HUMAN RIGHTS DOCUMENTS

Documents asserting individual rights, such as the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizens (1789), and the United States Constitution and Bill of Rights (1791), are the written antecedents to many of today’s human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of color, and members of certain social, religious, economic, and political groups. Nevertheless, oppressed people throughout the world have drawn on the principles these documents express, to support revolutions that assert the right to self-determination or to protect individual rights. Contemporary international human rights law and the establishment of the United Nations (UN) have important historical antecedents. Efforts in the nineteenth century to prohibit the slave trade and to limit the horrors of war are prime examples. In 1919, countries established the International Labor Organization (ILO) to oversee treaties protecting workers with respect to their rights, including their health and safety. Concern over the protection of certain minority groups was raised by the League of Nations at the end of the First World War. However, this organization for international peace and cooperation, created by the victorious European allies, never achieved its goals. The League floundered because the United States refused to join and because the League failed to prevent Japan’s invasion of China and Manchuria (1931) and Italy’s attack on Ethiopia (1935). It finally died with the onset of World War II (1939).

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Magna Carta

Bill of Rights
THE BIRTH OF THE UNITED NATIONS
The idea of human rights emerged stronger after World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the defeated countries were punished for committing war crimes, “crimes against peace,” and “crimes against humanity.” Governments then committed themselves to establishing the United Nations, with the primary goal of bolstering international peace and preventing conflict. People wanted to ensure that never again would anyone be unjustly denied life, freedom, food, shelter, or nationality. The essence of these emerging human rights principles was captured in President Franklin Delano Roosevelt’s 1941 State of the Union Address when he spoke of a world founded on four essential freedoms: freedom of speech and religion and freedom from want and fear. The calls came from across the globe for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. These voices played a critical role in the establishment of the United Nations Charter in 1945—the initial document of the UN setting forth its goals, functions, and responsibilities.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
Member states of the United Nations pledged to promote respect for the human rights of all. To advance this goal, the UN established a Commission on Human Rights and charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter. The Commission, guided by Eleanor Roosevelt’s forceful leadership, captured the world’s attention. On December 10, 1948, the Universal Declaration of Human Rights (UDHR) was adopted by the fifty-six members of the United Nations. The vote was unanimous, although eight nations chose to abstain.

The UDHR, commonly referred to as the International Magna Carta, extended the revolution in international law ushered in by the United Nations Charter—namely, that how a government treats its own citizens was now a matter of legitimate international concern, and not simply a domestic issue. It claims that all rights are interdependent and indivisible.

Its preamble eloquently asserts that: “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

The influence of the UDHR has been substantial. Its principles have been incorporated into the constitutions of most of the more than 185 nations now in the UN. Although a declaration is not a legally binding document, the Universal Declaration has achieved the status of customary international law because people regard it “as a common standard of achievement for all people and all nations.”

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THE HUMAN RIGHTS COVENANTS
With the goal of establishing mechanisms for enforcing the UDHR, the UN Commission on Human Rights proceeded to draft two treaties in 1966: the International Covenant on Civil and Political Rights (ICCPR) and its optional Protocol, and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the Universal Declaration, they are commonly referred to as the International Bill of Human Rights. The ICCPR focuses on such issues as the right to life, freedom of speech, religion, and voting. The ICESCR focuses on such issues as food, education, health, and shelter. Both covenants trumpet the extension of rights to all persons and prohibit discrimination.
As of 2010, over 160 nations have ratified these covenants.

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SUBSEQUENT HUMAN RIGHTS DOCUMENTS
In addition to the covenants in the International Bill of Human Rights, the United Nations has adopted more than twenty principal treaties further elaborating human rights. These include conventions to prevent and prohibit specific abuses like torture and genocide, and to protect especially vulnerable populations, such as refugees (Convention Relating to the Status of Refugees, 1950), women (Convention on the Elimination of All Forms of Discrimination against Women, 1979), and children (Convention on the Rights of the Child, 1989).

In Europe, the Americas, and Africa, regional documents for the protection and promotion of human rights extend the International Bill of Human Rights. For example, African states have created their own Charter of Human and People’s Rights (1981), and Muslim states have created the Cairo Declaration on Human Rights in Islam (1990). The dramatic changes in Eastern Europe, Africa, and Latin America in the last twenty years have powerfully demonstrated a surge in demand for respect of human rights. Popular movements in China, Korea, and other Asian nations reveal a similar commitment to these principles.

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THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS
Globally the champions of human rights have most often been citizens, not government officials. In particular, non-governmental organizations (NGOs) have played an important role in focusing the international community on human rights issues. For example, NGO activities surrounding the 1995 United Nations Fourth World Conference on Women in Beijing, China, drew unprecedented attention to serious violations of the human rights of women. NGOs such as Amnesty International, Anti-Slavery International, the International Commission of Jurists, the International Working Group on Indigenous Affairs, Human Rights Watch, The Robert F. Kennedy Center for Justice and Human Rights, Physicians for Human Rights, Human Rights First, the Laogai Research Foundation, the Taiwanese Association for Human Rights, and the Foundation for Human Rights monitor the actions of governments and pressure them to act according to human rights principles.
Government officials who understand the human rights framework can also effect far-reaching change for freedom. Many world leaders, such as Abraham Lincoln, Ellen Johnson-Sirleaf, Michelle Bachelet Jeria, and Jimmy Carter, have taken strong stands for human rights. In other countries, leaders like Nelson Mandela, Mahatma Gandhi, Dag Hammarskjöld, Graça Machel, Wangari Maathai, and Vaclav Havel have brought about great changes under the banner of human rights.

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THE EVOLUTION OF HUMAN RIGHTS LAW
Since 1948, the UDHR has served as the foundation for twenty major human rights conventions. Many human rights conventions have entered into force; some are still in the process of ratification. Others, such as a convention on the rights of indigenous peoples and a convention on environmental rights, are presently being drafted. As the needs of certain groups of people are recognized and defined, and as world events point to the need for awareness and action on specific human rights issues, international human rights law continually evolves in response. The ultimate goal is to protect and promote the basic human rights of every person, everywhere.

Although much progress has been made in the protection of human rights worldwide, the disturbing reality is that people who have killed, tortured, and raped on a massive scale are still likely to escape punishment. After years of intense preparation, governments met in 1998 in Rome, Italy, to adopt the statute establishing a permanent International Criminal Court (ICC). In 2002, sixty states ratified the Rome Statute to officially implement the Court’s function to prosecute the gravest global crimes. As of 2009, the Statue has been ratified by 109 states. The ICC is a permanent judicial tribunal with a global jurisdiction to try individuals for the worst crimes in the world—genocide, crimes against humanity, and war crimes.

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MODERN HUMAN RIGHTS MOVEMENT
The adoption of the UDHR in 1948 is thought to be the beginning of the modern human rights movement. The modern human rights movement has seen profound social changes: the women’s rights movement gained more equality for women, such as the right to vote. The anti-apartheid movements in South Africa and across the world demonstrated the significance of “transnational activism,” which contributed to the creation of democratic governance based on self-determination and equality.

Human rights is an idea whose time has come. The Universal Declaration of Human Rights is a call to freedom and justice for people throughout the world. Every day, governments that violate the rights of their citizens are challenged and called to task. Every day, human beings worldwide mobilize and confront injustice and inhumanity. Like drops of water falling on a rock, they wear down the forces of oppression and move the world closer to achieving the principles expressed in the Universal Declaration of Human Rights.

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