



Human Rights

Chapter Summary

The next three chapters turn away from the “bucks and bullets” of hard power, towards newer issues related to soft power. First up is the topic of human rights. The contemporary human rights movement begins with, and was powerfully motivated by, the **Holocaust**. In response, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights (UDHR) in 1948, three years after the end of World War II. While the UDHR technically carries no legal weight, it is an influential and inspiring document that does have a certain level of moral authority. Finally, five justifications for acknowledging and respecting the human rights of others are examined: personal prudence, fairness, overwhelming social consensus, negative duty not to harm, and positive goal of a better world.

Over time, many human rights have become **codified** into law, becoming **legal rights**. For these rights to be fully **realized**, however, not only must individuals conform to them, but certain social institutions must also enforce their legality. Those social institutions most important to the realization of human rights are known as **the basic structure**, and include the political system, the economy, the law, the armed forces, the family, and social services. Violations of human rights do occur, but these can be either **intentional** or **unintentional**.

When it comes to international human rights, even though the UDHR has no legal weight, there are two global, multilateral human rights treaties that are legally binding on all signatory countries: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). These represent the first two generations of human rights, respectively. Most countries today have signed and ratified both treaties, and the debate has generally moved on to **third-generation rights**, a group lacking the internal coherence of earlier groups of rights, and which focus on cultural and environmental claims. Access to the Internet as a potential human right is also explored. Next, other global human rights treaties, the main global human rights institutions, and regional versions of these are examined in some detail, with the European human rights system presented as a case study. Lastly, other tools to protect human rights, the topic of indigenous rights, and the role of human rights non-governmental organizations (NGOs) are discussed.

The chapter concludes by delving into the issue of women’s human rights. Specific difficulties and discriminations faced by women from birth to old age are considered, including subjects like **sex tourism**, **female genital mutilation (FGM)**, and **honour killing**. Finally, the main areas of focus

for improving human rights for women are addressed: education, sex and reproduction, domestic work, workplace, and legal and political structures.

Key Concepts

Amnesty International: the oldest and best known of the international human rights non-governmental organizations (NGOs). Formed originally in 1961 to help lobby for the freedom of those jailed purely for their political beliefs, Amnesty International has since grown across the world, engaging in nearly all fields of human rights activism. (p. 324)

Apartheid: an era in South Africa's history in which white people were systematically separated from non-white people, and the latter group treated in a clearly inferior and discriminatory way. (p. 308)

Authoritarian: undemocratic governments, which can be military-ruled. (p. 315)

Civil society engagement: one of the new tools available to human rights activists in their continuing efforts to heighten human rights awareness and pressure countries into respecting human rights. (p. 321)

Codified: when something has been written into the law, and a concrete remedy (like a fine) exists for cases in which a violation has occurred. (p. 308)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): the second-most ratified rights treaty in the world; it addresses the human rights of women. (p. 327)

Elder abuse: disproportionately falls on women, as they tend to live longer than men. (p. 330)

Ethnic cleansing: when one ethnic group is driven from their home territory to make way for another group to come in and occupy that territory. (p. 321)

Female genital mutilation (FGM): this occurs when an adolescent girl's genitalia are surgically altered, without her consent, either to ensure her virginity or else to enhance her partner's pleasure and/or to diminish her own. (p. 329)

Feminization of poverty: trend where two-thirds of all poor adults are women. (p. 329)

Final solution: Hitler's ultimate plan for the Jewish population of Europe: mass extermination. (p. 303)

First-generation rights: also known as civil and political rights, these were the earliest rights ever to be claimed, dating to England in 1215 and the Magna Carta (the "Great Charter"). (p. 312)

Girl brides: when an adolescent or even pre-pubescent girl is paired off and married to a mature man; a practice not uncommon in many developing countries. (p. 329)

High Commissioner: the head of the High Council on Human Rights, like a secretary-general for human rights. Operates the Council on a daily basis, but can also travel to human rights “hot spots” to call the world’s attention to problems in need of immediate assistance. (p. 317)

High Council on Human Rights: formerly Commission, this is part of the United Nations General Assembly, and it is tasked with monitoring how member countries are fulfilling their commitments to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The Council also fields complaints from countries about other countries’ human rights records. (p. 317)

Holocaust: one of human history’s most appalling and atrocious acts of mass murder, which saw the complete violation and degradation of the human rights of approximately six million victims. It began in the 1930s and ended in 1945. (p. 303)

Honour killing: this occurs when an adolescent girl or woman is killed (usually beaten to death) by a male member of her family for some perceived failure of behaviour, usually relating in some way to sexual mores. (p. 329)

Human rights inflation: an ever-growing number of objects are being claimed as a matter of human right. (p. 313)

Human Rights Watch: another prominent international human rights non-governmental organization (NGO). Founded in 1978, Human Rights Watch focuses more on the political and legal side of human rights issues. (p. 324)

Indigenous: means “native,” “original,” “First Nations,” “Aboriginal,” and refers to the first people living on a territory that has since been “conquered,” colonized, and claimed by others. (p. 322)

Information Revolution: a term to suggest the dramatic and widespread transformative impact of advances in computer technology on everything from economic activity and communication to education and popular culture, especially in the Global North. The Information Revolution is closely tied to globalization. (p. 315)

Intentional violation: occurs when an institution can, but chooses not to, respect human rights. (p. 310)

Legal right: a right that has been codified into law. (p. 308)

Linkage: occurs when a government joins one issue to another in order to manipulate a situation in its favour. For example, this happens when China links access to its huge and lucrative domestic consumer market to silence on its bad human rights record. (p. 326)

Magna Carta: literally translates as the “Great Charter” and commonly agreed to be the world’s first rights document; written in England in 1215. (p. 312)

Most favoured nation (MFN): a trading status bestowed by the United States on other countries, sometimes as an incentive for other countries to improve their human rights records. (p. 319)

Nomadic: peoples who are not firmly settled, and traverse wide territory that may now be part of several countries. (p. 324)

Partiality: principle that is concerned only with the human rights of a particular group of people, or a particular nation. (p. 304)

Political proclamation: grand, popular statement of intent and principle, made by the United Nations General Assembly, that technically carries no legal weight. The Universal Declaration of Human Rights (UDHR) is an example of this. (p. 306)

Realized: literally “made real.” (p. 308)

Right to democracy: one of the most interesting and important of the third-generation rights. It is claimed especially in the Global South, where authoritarian regimes are viewed as a major obstacle to economic growth and improved quality of life. (p. 313)

Rights-violating regimes: governments that use the cover of war with external powers to step up their campaign of internal rights violation. (p. 303)

Second-generation rights: also known as socio-economic and cultural rights; these began to be claimed during the Industrial Revolution, starting around 1750. (p. 312)

Sex tourism: an industry based on arranging for men from the developed world to travel to the developing world to pay for sex, mainly with young girls. (p. 329)

Sex trafficking: the business of bringing women from the developing world into the developed world for sexual services or prostitution. (p. 329)

The basic structure: a phrase coined to refer to the social institutions most important to the realization of human rights. These include the political system, the economy, the law, the armed forces, the family, and social services. (p. 309)

Third-generation rights: most recent generation of rights claims, these lack the internal coherence of first- and second-generation rights. They tend to feature cultural and environmental claims. (p. 313)

Trophy law: a law that has been written and passed but it does not get enforced and does not reflect the reality on the ground; it has been created essentially for show. (p. 308)

Unintentional violation: occurs when an institution wants to, but cannot, respect the human rights of its citizens, such as when it lacks the resources to satisfy the people’s rights. (p. 311)

Universality: principle that is concerned with the human rights of everyone, everywhere. (p. 304)

Wage gap: the difference between what men and women earn in wages. (p. 329)

Study Questions

Scroll to the end for answers.

1. What are the five main reasons/justifications for acknowledging and respecting the human rights of others?
2. What social institutions are considered the most important to the realization of human rights and comprise the basic structure?
3. What are the three generations of human rights?
4. What are the five main areas of focus for improving human rights for women?

Weblinks

Case study: Rohingya situation (articles and videos)

<https://www.vox.com/world/2017/9/18/16312054/rohingya-muslims-myanmar-refugees-violence>
(Vox article)

<https://www.vox.com/world/2017/9/29/16385626/rohingya-muslims-humanitarian-crisis>
(Vox article; good five minutes video at the end)

<https://www.vox.com/world/2017/10/30/16554544/myanmar-rohingya-ethnic-cleansing-suu-kyi>
(Vox article)

- The current crisis facing the Rohingya population in Burma/Myanmar is an excellent case study to examine issues of human rights in practice; all three articles are by Vox, and together, they provide excellent background and key discussion points regarding the crisis (including the US response or more appropriately, the lack of response)

Coalition for the International Criminal Court (ICC)

<http://www.coalitionfortheicc.org/>

- The world's largest civil society partnership advancing international justice and advocating on behalf of the ICC

Freedom House

<https://freedomhouse.org/>

- US-based human rights NGO, similar in stature to Amnesty International and Human Rights Watch; conducts research and advocacy on democracy, political freedom, and human rights; publishes an annual Freedom in the World Report, that assesses each country's degree of political freedoms and civil liberties

Further Readings

Lauren, Paul Gordon. 2011. *The Evolution of International Human Rights: Visions Seen*. Philadelphia, PA: University of Pennsylvania Press.

- The author, a well-known and respected scholar, tackles the dramatic transformation of a world full of human rights abuses to one where the global community of today is concerned with human rights for “all peoples and all nations.” In particular, the author helps explain the relationships between individual cases and the broader human rights issues.

Forsythe, David P. 2012. *Human Rights in International Relations*. Cambridge, United Kingdom: Cambridge University Press.

- A good book that provides an overview of the place of human rights in international politics today; human rights standards are explored at the global, regional, and national levels and a number of case studies are presented in order to apply theoretical concepts in practice.

Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

- A detailed and well-researched study about how networks of activists operate in international politics, especially on issues like human rights, where transnational activism has had significant impacts over the past 20 years.

Tarrow, Sidney G. 2011. *Power in Movement: Social Movements and Contentious Politics, 3rd Edition*. Cambridge, United Kingdom: Cambridge University Press.

- A classic work that surveys the history and role of modern social movements and their influence on politics, society, and international relations, in the context of contentious politics. The author is a well-respected political scientist, and is one of the leading experts on the study of social movements.

Answers to Study Questions

1. The five reasons for acknowledging and respecting human rights are personal prudence, fairness, overwhelming social consensus, negative duty not to harm, and positive goal of a better world. (pp. 306–307)
2. The basic structure includes mode of economic organization, mode of political organization, mode of legal organization, mode of deploying the armed forces, mode of delivering basic social services, mode of family association permitted and encouraged. (pp. 309–310)
3. First-generation rights are also called civil and political rights, focusing on matters like right to life or security, right to freedom, and right to hold private property. Second-generation rights are also called socio-economic and cultural rights and they focus on things like the right to basic education, the right to basic health care, and the right to material subsistence. Third-generation rights are the most recent claims; they tend to be less internally coherent than earlier generations and focus on cultural and environmental features, like the right to clean air and water. (pp. 312–313)
4. The areas of focus for improving human rights for women are education, sex and reproduction, domestic work, workplace, and legal and political structures. (pp. 330–331)