Human Rights: A Brief Introduction

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I: Introduction

Human rights constitute a set of norms governing the treatment of individuals and groups by states and non-state actors on the basis of ethical principles regarding what society considers fundamental to a decent life. These norms are incorporated into national and international legal systems, which specify mechanisms and procedures to hold the duty-bearers accountable and provide redress for alleged victims of human rights violations.

After a brief discussion of the use of human rights in ethical, legal and advocacy discourse and some historical background of the concept of human rights, this essay will examine the tensions between human rights and state sovereignty, the challenges to the universality of human rights, the enumeration of rights recognized by the international community, and the means available to translate the high aspirations of human rights into practice.

II. Human rights in ethics, law and social activism

There are numerous theoretical debates surrounding the origins, scope and significance of human rights in political

science, moral philosophy, and jurisprudence. Roughly speaking, invoking the term "human rights" (which is often referred to as "human rights discourse" or "human rights talk") is based on moral reasoning (ethical discourse), socially sanctioned norms (legal/political discourse) or social mobilization (advocacy discourse). These three types of discourse are by no means alternative or sequential but are all used in different contexts, depending on who is invoking human rights discourse, to whom they are addressing their claims, and what they expect to gain by doing so. The three types of discourse are inter-related in the sense that public reasoning based on ethical arguments and social mobilization based on advocacy agendas influence legal norms, processes and institutions and thus all three modes of discourse contribute to human rights becoming part of social reality.

A. Human rights as ethical concerns

Human rights have in common an ethical concern for just treatment, built on empathy or altruism in human behavior and concepts of justice in philosophy. The philosopher and economist, Amartya Sen, considers that "Human rights can be seen as primarily ethical demands… Like other ethical claims that demand acceptance, there is an implicit presumption in making pronouncements on human rights that the underlying ethical claims will survive open and informed scrutiny."[1] In moral reasoning, the expression "human rights" is often not distinguished from the more general concept of "rights," although in law a "right" refers to any entitlement protected by law, the moral validity or legitimacy of which may be separate from its legal status as an entitlement. The moral basis of a right can draw on concepts such as natural law, social contract, justice as fairness, consequentialism and other theories of justice. In all these philosophical traditions, a right is conceived as an entitlement of individuals, either by virtue of being human or because they are members of a political community (citizens). In law, however, a right is any legally protected interest, whatever the social consequence of the enforcement of the right on the wellbeing of persons other than the right-holder (e.g., the property right of a landlord to evict a tenant, the right of a business to earn profits). To avoid confusion, it is helpful to use the term "human right" or its equivalent ("fundamental right," "basic freedom," "constitutional right") to refer to a higher-order right, authoritatively defined and carrying the expectation that it has a peremptory character and thus prevails over other (ordinary) rights and reflects the essential values of the society adopting it.

Ethical and religious precepts determine what one is willing to accept as properly a human right. Such precepts are typically invoked in the debates over current issues such as abortion, same-sex marriage, the death penalty, migration, much as they were around slavery and inequality based on class, gender or ethnicity in the past. Enlightenment philosophers derived the centrality of the individual from their theories of the state of nature. Social contractarians, especially Jean-Jacques Rousseau, predicated the authority of the state on its capacity to achieve the optimum enjoyment of natural rights, that is, of rights inherent in each individual irrespective of birth or status. He wrote in *Essay on the Origin on Inequality Among Men* that "it is plainly contrary to the law of nature…that the privileged few should gorge themselves with superfluities, while the starving multitude are in want of the bare necessities

[1] Amartya Sen, "Elements of a Theory of Human Rights," *Philosophy & Public Affairs,* vol. 32, No. 4 (2004), p. 320.

of life."[2] Equally important was the concept of the universalized individual ("the rights of Man"), reflected in the political thinking of Immanuel Kant, John Locke, Thomas Paine and the authors of the American Declaration of Independence (1776) and the French Declaration of the Rights of Man and the Citizen (1789). The Enlightenment represents for the West both the affirmation of the scientific method with the related faith of human progress and the formulation of the human rights, which define the freedom and equality on which the legitimacy of modern governments have henceforth been judged. Karl Marx and much of socialist thinking questioned the "bourgeois" character of a limited interpretation of individual human rights and stressed community interests and egalitarian values.

The ethical basis of human rights has been defined using concepts such as human flourishing, dignity, duties to family and society, natural rights, individual freedom, and social justice against exploitation based on sex, class or caste. All of these moral arguments for human rights are part of ethical discourse. The tension between political liberalism and democratic egalitarianism, between Locke and Rousseau, between liberty and equality, between civil and political rights and economic, social and cultural rights, have been part of the philosophical and political ambiguity of human rights since the beginning of the modern era.

Whether human rights discourse is essentially ethical and philosophical or rather essentially legal and political is a matter of dispute. Sen writes, "Even though human rights can, and often do, inspire legislation, this is a further fact, rather than an constitutive characteristic of human rights"[3], implying an inherent value of the concept of human rights, independent of what is established in law. Legal positivists would disagree and consider law to be constitutive rather than declarative of human rights.

B. Human rights as legal rights (positive law tradition)

"Legal positivists" regard human rights as resulting from a formal norm-creating process, by which we mean an authoritative formulation of the rules by which a society (national or international) is governed. While "natural rights" derive from natural order or divine origin, and are inalienable, immutable, and absolute, rights based on "positive law" are recognized through a political and legal process that results in a declaration, law, treaty, or other normative instrument. These may vary over time and be subject to derogations or limitations designed to optimize respect for human rights rather than impose an absolute standard. They become part of the social order when an authoritative body proclaims them, and they attain a higher degree of universality based on the participation of virtually every nation in the norm-creating process, a process that is law-based but that reflects compromise and historical shifts. Think of the moral and legal acceptability of slavery, torture, or sexual and racial discrimination over most of human history. The product of what has survived "open and informed scrutiny" (Sen's expression) is thus often found not in journals and seminars on ethics and normative theory but rather at the end of the political or legislative process leading to the adoption of laws and treaties relating to human rights, such as the relatively recent abolition of slavery, torture

[2] D.G.H. Cole translation, p. 117.

[3] Sen, *supra*, note 1, p. 319

and discrimination based on race or sex.

The "International Bill of Human Rights" (consisting of the Universal Declaration of Human Rights [UDHR] of 1948, and two legally-binding treaties opened for signature in 1966, namely, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), along with the other human rights treaties of the United Nations (UN) and of regional organizations, constitute the primary sources and reference points for what properly belongs in the category of human rights. These legally recognized human rights are discussed below in Part IV.B.

C. Human rights as social claims

Before they are written into legal texts, human rights often emerge from claims of people suffering injustice and thus are based on moral sentiment, culturally determined by contextualized moral and religious belief systems. Revolt against tyranny is an ancient tradition. A modern precursor of social mobilization for human rights at the national level was the response to the unjust condemnation of Captain Dreyfus in 1894 as a spy for the Germans, which led Emile Zola to proclaim in his famous "*J'Accuse…!*", an impassioned call to action that led to the creation of the *Ligue française des droits de l'homme* in 1897, and numerous similar leagues, which became federated in 1922 into the International Federation of Leagues for the Rights of Man (now the International Federation for Human Rights), which spawned its counterpart in the US in 1942, the International League for the Rights of Man, now functioning in New York as the International League for Human Rights. Amnesty International (founded in 1961), the Moscow Human Rights Committee (founded in 1970), and Helsinki Watch (founded in 1978 and expanded into Human Rights Watch in 1988) were among the more effective non-governmental organizations (NGOs). Latin America, Africa and Asia saw the creation of an extraordinary array of human rights groups in the 1980s and 1990s, which have proliferated after the end of the Cold War.

These NGOs emerged as social movements catalyzed by outrage at the mistreatment of prisoners, the exploitation of workers, the exclusion of women, children, persons with disabilities, or as part of struggles against slavery, the caste system, colonialism, apartheid, or predatory globalization. Such movements for social change often invoke human rights as the basis of their advocacy. If the prevailing theories of moral philosophy or the extant codes of human rights do not address their concerns, their action is directed at changing the theory and the legal formulations. NGOs not only contributed to the drafting of the UDHR but also in bringing down Apartheid,[4] transforming the political and legal configuration of East-Central Europe[5] and restoring democracy in Latin America.[6] New norms emerged as a result of such social mobilization during the second half of the twentieth century regarding self-determination of peoples, prevention and punishment of torture, protection of vulnerable groups and, more recently, equal treatment of sexual minorities and protection of migrants.

The appeal to human rights in this advocacy discourse is no less legitimate than the legal and philosophical modes of discourse and is often the inspiration for the latter. Quoting Sen again, "The invoking of

[4] William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine,* pp. 7-8.

[5] *Id*., pp. 95-116.

[6] *Id*., pp. 229-247.

human rights tends to come mostly from those who are concerned with changing the world rather than interpreting it… The colossal appeal of the idea of human rights [has provided comfort to those suffering] intense oppression or great misery, without having to wait for the theoretical air to clear."[7]

Former British diplomat and law professor Philip Allott expressed the transformative potential of human rights when he found that there was, "room for optimism on two grounds. (1) The idea of human rights having been thought, it cannot be unthought. It will not be replaced, unless by some idea which contains and surpasses it. (2) There are tenacious individuals and non-statal societies whose activity on behalf of the idea of human rights is not part of international relations but is part of a new process of international reality-forming."[8] He adds, "The idea of human rights should intimidate governments or it is worth nothing. If the idea of human rights reassures governments, it is worse than nothing."[9] In sum, the force of social movements drawing inspiration from human rights not only enriches the concept of human rights but also contributes to altering international society.

III: Historical milestones

The historical context of human rights can be seen from a wide range of perspectives. At the risk of oversimplification, I will mention four approaches to the history of human rights.

The first approach traces the deeper origins to ancient religious and philosophical concepts of compassion, charity, justice, individual worth, and respect for all life found in Hinduism, Judaism, Buddhism, Confucianism, Christianity and Islam. Precursors of human rights declarations are found in the ancient codes of Hammurabi in Babylon (about 1772 BCE), the Charter of Cyrus the Great in Persia (about 535 BCE), edicts of Ashoka in India (about 250 BCE), and rules and traditions of pre-colonial Africa and pre-Columbian America.[10]

Others trace modern human rights to the emergence of natural law theories in Ancient Greece and Rome and Christian theology of the Middle Ages, culminating in the rebellions in the 17th and 18th century Europe, the philosophers of the Enlightenment and the Declarations that launched the French and American revolutions, combined with the 19th century abolitionist, workers' rights and women's suffrage movements.[11]

A third trend is to trace human rights to their enthronement in the United Nations Charter of 1945, in reaction to the Holocaust and drawing on President Roosevelt's Four Freedoms and the impact of the Universal Declaration of Human Rights of 1948 on subsequent national constitutions and foreign policy and international treaties and

[7] Sen, *supra*, note 1, p. 317.

[8] Philip Allott, *Eunomia: New Order for a New World,* Oxford University Press, 1990, p. 287.

[9] *Id.*

[10] Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era*, With a New Preface, New York: Norton and Co., 2008. See also Micheline Ishay (ed.), *The Human Rights Reader: Major Political Essays, Speeches, and Documents from Ancient Times to the Present*, Second Edition, New York: Routledge, 2007. Another interesting compilation may be found in Jeanne Hersch (ed.), *Birthright of Man*, UNESCO, 1969. The French edition was published in 1968. A second edition was published in 1985.

[11] Lynn Hunt, *Inventing Human Rights: A History*, New York: W. W. Norton & Company, 2007.

declarations.[12]

A fourth view is the very recent revisionist history that considers human rights as peripheral in the aftermath of World War II and only significant as a utopian ideal and movement beginning in the 1970s as an alternative to the prevailing ideological climate.[13]

Much scholarship, especially in Europe and North America, dates modern human rights theory and practice from the Enlightenment and the transformative influence of the French and American Revolutions of the 18th century and liberation of subjugated people from slavery and colonial domination in the 19th and 20th centuries. Lynn Hunt, in an essay on "The Revolutionary Origins of Human Rights," affirms that:

> Most debates about rights originated in the eighteenth century, and nowhere were discussions of them more explicit, more divisive, or more influential than in revolutionary France in the 1790s. The answers given then to most fundamental questions about rights remained relevant throughout the nineteenth and twentieth centuries. The framers of the UN declaration of 1948 closely followed the model established by the French Declaration of the Rights of Man and Citizen of 1789, while substituting "human" for the more ambiguous "Man" throughout.[14]

Commenting on the French Revolution's break with the past, Jürgen Habermas wrote that this "revolutionary consciousness gave birth to a new mentality, which was shaped by a new time consciousness, a new concept of political practice, and a new notion of legitimization."[15] Although it took more than a century after the French Revolution for this new mentality to include women and people subjected to slavery, the awareness that the "rights of man" should extend to all human beings was forcefully argued in the same period by Mary Wollstonecreaft's *A Vindication of the Rights of Woman* [16] and by the Society for the Abolition of the Slave Trade, founded in 1783. The valuation of every individual through natural rights was a break with the earlier determination of rights and duties on the basis of hierarchy and status. Concepts of human progress and human rights advanced in the 19th century, when capitalism and the industrial revolution transformed the global economy and generated immense wealth at the expense of colonized peoples and oppressed workers. Human rights advanced but mainly for propertied males in Western societies. Since the 19th century, the human rights of former colonialized peoples, women,

[12] Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, Philadelphia: University of Pennsylvania Press, 1998; Hersch Lauterpacht, *International Law and Human Rights*, with an introduction by Isidore Silver. New York: Garland, 1950 (reprint 1973).

[13] Samuel Moyn, *The Last Utopia: Human Rights in History*, Cambridge MA: Belknap Press of Harvard University Press, 2012; Aryeh Neier, *The International Human Rights Movement: A History*, Princeton, NY,: Princeton University Press 2012.

[14] Lynn Hunt, ed., *The French Revolution and Human Rights. A Brief Documentary History*, Boston, New York: Bedord Boods of St. Martin's Press, 1996, p. 3. See also Stephen P. Marks, "From the 'Single Confused Page' to the 'Decalogue for Six Billion Persons': The Roots of the Universal Declaration of Human Rights in the French Revolution," *Human Rights Quarterly,* vol. 20, No. 3, August 1998, pp. 459-514.

[15] Jürgen Habermas, *Between Facts and Norms. A Contribution to a Discourse Theory of Law and Democracy*, The MIT Press, Cambridge, MA, 1996, p. 467.

[16] Mary Wollstonecreaft, *A Vindication of the Rights of Woman*, (1792)

excluded minorities, and workers has advanced but the gap remains between the theory of human rights belonging to all, regardless of race, sex, language, religion, political or other opinion, national or social origin, caste, property, birth or other status, and the reality of inequality and discrimination.

The Second World War was the defining event for the internationalization of human rights. In 1940, H.G. Wells wrote *The Rights of Man or What are We Fighting For*?; Roosevelt announced the "four freedoms" (freedoms of speech and worship and freedoms from want and fear) in his 1941 State of the Union address; the UN Charter established in 1945 an obligation of all members to respect and observe human rights and created a permanent commission to promote their realization; the trial of Nazi doctors defined principles of bioethics that were codified in the Nuremberg Code in 1946; and the Nuremberg Trials, in 1945–46, of 24 of the most important captured leaders of Nazi Germany, established individual criminal responsibility for mass human rights violations. Each of these events connected with World War II has had major repercussions for human rights today. In the War's immediate aftermath, bedrock human rights texts were adopted: the Genocide Convention and the Universal Declaration of Human Rights in 1948, the Geneva Conventions in 1949 on the protection of victims of armed conflict, followed in 1966 by the International Covenants on Human Rights and scores of UN and regional human rights texts on issues such as torture, the rights of the child, minorities, discrimination against women, and disability rights, along with the creation of investigative and accountability procedures at the intergovernmental level. Individual criminal responsibility for mass violations of human rights re-emerged—after the hiatus of the Cold War—in the ad hoc tribunals on Rwanda and former Yugoslavia and finally in the International Criminal Court.

IV: Tensions and controversies about human rights today

To understand how human rights are part of the global agenda, we need to ask (A) why states even accept the idea of human rights obligations when they are supposed to be sovereign and therefore do what they want within their territory. Then we will explore (B) what is the current list of human rights generally accepted, before asking (C) whether they correspond to the basic values of all societies or are imposed from the outside for ideological reasons. Finally, we will examine (D) how they are transformed from word to deed, from aspiration to practice.

A. Why do sovereign states accept human rights obligations?

The principle of state sovereignty means that neither another state nor an international organization can intervene in a state's action to adopt, interpret and enforce its laws within its jurisdiction. Does this principle of non-intervention in domestic affairs of states mean that they are free to violate human rights? Along with the principle of non-intervention, upon joining the United Nations, states have pledged themselves "to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55,"[17] which include the promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."[18]

[17] Article 56 of the UN Charter.

[18] Article 55 of the UN Charter. Article 1(3) of the

State sovereignty is therefore balanced with legitimate concern of the international community about human rights in all countries. How that balance is interpreted varies according to theories of international relations. For those of the *realist* school (a theory that focuses on governments as autonomous and sovereign actors in international affairs, pursuing their national interests through the projection of economic, military and political power, without constraints of any superior authority or global government), only weak countries are under any constraint to allow international scrutiny of their human rights performance. For the *liberal internationalist*, global institutions and values, like human rights, matter more, although the international system is still based on state sovereignty. Theories of *functionalism* attach importance to gradual political federation, beginning with economic and social cooperation, especially through regional organizations. As these networks of interdependence grow, sovereign authority shifts to international institutions. Under the *constructivist* theory of international relations, ideas, such as human rights, define international structure, which in turn defines the interests and identities of states. Thus, social norms like human rights, rather than national security, can shape and progressively change foreign policy. In sum, as Richard Falk and others argue, absolute sovereignty has given way to the conception of "responsible sovereignty," according to which sovereignty is conditional upon the state's demonstrable adherence to minimum human rights standards and capacity to protect its citizens.[19]

These realist, liberal internationalist, functionalist, and constructivist theories run along a continuum from *state-centric* approaches at one end (where national interests prevail over any appeal to universal human rights), to *cosmopolitanism* at the other end (where identity with and support for equal rights for all people should hold state sovereignty in check). In practice, states have accepted obligations to respect and promote human rights under the UN Charter and various human rights treaties, whatever their motivations, and, as a result, a regime has emerged in which human rights have progressively become part of the accepted standards of state behavior, functioning effectively in some areas and less so in others.

In order to understand this phenomenon, it is useful to examine the current set of recognized human rights standards.

B. How do we know which rights are recognized as human rights?

While it is legitimate to draw on philosophical arguments or activist agendas to claim any global social issue as a human right, it is also useful to identify which rights are officially recognized as such. The most reliable source of the core content of international human rights is found in the International Bill of Human Rights, which enumerates approximately fifty normative propositions on which additional human rights documents have built. Scores of regional and UN treaties have expanded the scope of recognized human rights, including in specialized areas such as protection of victims of armed conflict, workers, refugees and displaced persons, and persons with

Charter also includes "international co-operation…in promoting and encouraging respect for human rights" among the purposes of the UN.

[19] Richard A. Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World,* New York: Routledge, 2001, p. 69.

disabilities.

The International Bill of Human Rights enumerates five group rights, twenty-four civil and political rights (CPR), and fourteen economic, social and cultural rights (ESCR). It also sets out seven principles that explain how the rights should be applied and interpreted.

The *group rights* listed in the International Bill of Human Rights include two rights of peoples (self-determination and permanent sovereignty over natural resources) and three rights of ethnic, religious and linguistic minorities (namely, the rights to enjoy one's own culture, to practice one's own religion, and to use one's language).

The *civil and political rights* include five relating to physical integrity (rights to life; freedom from torture; freedom from slavery; freedom from arbitrary arrest or detention; and the right to humane treatment under detention). Five other rights relate to the individual's autonomy of thought and action (namely, freedom of movement and residence; prohibition of expulsion of aliens; freedom of thought, conscience and religious belief; freedom of expression; and the right to privacy). Another four rights concern the administration of justice (non-imprisonment for debt; fair trial—for which 16 additional rights are enumerated—; the right to personhood under the law; and the right to equality before the law). Six other civil & political rights relate to participation in civil society (freedom of assembly; freedom of association; the right to marry and found a family; rights of children; the right to practice a religion; and—as an exception to free speech—the prohibition of war propaganda and hate speech constituting incitement). The final sub-set of these rights is the four relating to political participation (namely, the right to hold public office; to vote in free elections; to be elected to office; and to equal access to public service).

The *economic, social and cultural rights* reaffirmed in the International Bill of Human Rights include four workers' rights (the right to gain a living by work freely chosen and accepted; the right to just and favorable conditions of work; the right to form and join trade unions; and the right to strike). Four others concern social protection (social security; assistance to the family, mothers and children; adequate standard of living, including food, clothing and housing; and the highest attainable level of physical and mental health). The remaining rights are the six concerning education and culture (the right to education directed towards the full development of the human personality; free and compulsory primary education; availability of other levels of education; participation in cultural life; protection of moral and material rights of creators and transmitters of culture, and the right to enjoy the benefits of scientific progress).

These rights are summarized in Table 1 below:

Table 1: List of human rights

Group Rights

1. Right to self-determination
2. Permanent sovereignty over natural resources
3. Right to enjoy one's culture
4. Right to practice one's religion
5. Right to speak one's language

Civil and Political Rights (CPR)

1. Right to life
2. Freedom from torture
3. Freedom from slavery
4. Freedom from arbitrary arrest/detention
5. Right to humane treatment in detention
6. Freedom of movement and residence
7. Prohibition of expulsion of aliens
8. Freedom of thought, conscience, and religious belief
9. Freedom of expression
10. Right to privacy
11. Non-imprisonment for debt
12. Fair trial (sub-divided into 16 enumerated rights)
13. Right to personhood under the law
14. Equality before the law
15. Freedom of assembly
16. Freedom of association
17. Right to marry and found a family
18. Rights of children
19. Right to practice a religion
20. Prohibition of war propaganda and hate speech constituting incitement
21. Right to hold office
22. Right to vote in free elections
23. Right to be elected to office
24. Equal access to public service

Finally, the seven *principles of application and interpretation* include the principles of (1) progressive realization of ESCR (states must take meaningful measures towards full realization of these rights); (2) immediate implementation of CPR (states have duties to respect and ensure respect for these rights); (3) non-discrimination applied to all rights; (4) an effective remedy for violation of CPR; and (5) equality of rights between men and women. The International Bill also specifies that (6) human rights may be subject to limitations and derogations and that (7) the rights in the Covenants may not be used as a pretext for lowering an existing standard if there is a higher one under national law.

Economic, Social, and Cultural Rights (ESCR)

1. Right to gain a living by work freely chosen and accepted
2. Right to just and favorable work conditions
3. Right to form and join trade unions
4. Right to strike
5. Social security
6. Assistance to the family, mothers, and children
7. Adequate standard of living (including food, clothing, and housing)
8. Right to the highest attainable standard of physical and mental health
9. Right to education towards the full development of human personality
10. Free and compulsory primary education
11. Availability of other levels of education
12. Participation in cultural life
13. Protection of moral and material rights of creators and transmitters of culture
14. Right to enjoy the benefits of scientific progress

In addition to the traditional grouping of human rights in the two major *categories of human rights* (CPR and ESCR), a third category of "solidarity rights" or "third generation rights" is sometimes invoked, including the rights to development, to a clean environment, and to humanitarian assistance). The reasons for separating CPR from ESCR have been questioned.[20] For example, it is often claimed that CPR are absolute and immutable, whereas ESCR are relative and responsive to changing conditions. However, all rights are

[20] See Stephen P, Marks, "The Past and Future of the Separation of Human Rights into Categories," *Maryland Journal of International Law*, vol. 24 (2009), pp. 208-241.

proclaimed on the expectation that they will be of lasting value but in fact all have emerged when social pressures have been strong enough to challenge power relations and expand the list. Consider, for example, that torture was an accepted means of obtaining a confession, that slavery was widely practiced and accepted for centuries, and that women were treated as chattel in many societies and only received political rights in the last century. Thus, these CPR have not been permanent features of society. It is also argued that CPR are to be implemented by states immediately, may be enforced through judicial remedies, and are relatively cost-free since they merely require the state to leave people alone (so-called "negative rights"), whereas ESCR should be implemented progressively, in accordance with available resources, since they require state expenditure (so-called "positive rights") and are not suitable for lawsuits ("non-justiciable"). In many circumstances this is true; however, many ESCR have been made "justiciable" (that is, people can sue the state if they consider that the right has not been respected), and many CPR are not achieved merely passively but require a considerable investment of time and resources (for example, to train law enforcement officials or establish an independent judiciary).

Another reason they are often considered different in nature concerns denunciation of violations, which is often considered appropriate for CPR but should be avoided for ESCR in favor of a more cooperative approach to urge governments to do all they should to realize these rights. However, many situations arise where an accusatory approach for dealing with CPR is counter-productive and where it is appropriate to refer to violations of ESCR.

So these two categories—which the UN regards as inter-related and equally important—are not watertight and reasons for considering them inherently different may be challenged. In practice, the context dictates the most effective use of resources, institutions, and approaches more than the nature of the theoretical category of rights.

C. Are human rights the same for everyone?

The claim that human rights are universal holds that they are the same for everyone because they are inherent in human beings by virtue of all people being human, and that human rights therefore derive from nature (hence the term "natural rights"). The UDHR refers to "the inherent dignity and … equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world." The American Declaration of Independence proclaims that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights" and the French Declaration of 1789 refers to the "natural, unalienable, and sacred rights of man."

Another basis for saying that human rights are universal is to rely on their formal adoption by virtually all countries that have endorsed the UDHR or have ratified human rights treaties. Cultural relativists claim that human rights are based on values that are determined culturally and vary from one society to another, rather than being universal.[21] There are several variants of this position. One is the so-called "Asian values" argument, according to which human rights

[21] See Terence Turner and Carole Nagengast (eds.), *Journal of Anthropological Research,* vol. 53, No. 3 (special issue on human rights) (Autumn 1997).

is a Western idea, which is at odds with the way in which leaders in Asian societies provide for the needs of their people without making the individual supreme, prioritizing instead the value of societal harmony and the good of the collective.[22] A related view holds that the concept of human rights is a tool of Western imperialism used to disguise political, economic and military ambitions of Western nations against those in the developing world.[23] A third is the "clash of civilizations" argument that only the liberal West, among the roughly seven civilizations in the world, is capable of realizing human rights since the other civilizations lack sufficient sense of the individual and the rule of law.[24] This issue of compatibility of human rights with diverse belief systems and religions has special geopolitical repercussions in relation to Islam, for example, on which views are divided[25] and has been of considerable interest since the "Arab Spring" of 2011, in which both Islamic and human rights values motivated peoples across the Middle East and North Africa to overthrow deeply entrenched dictatorships, with very mixed results, and the emergence of extremist terrorist organizations claiming to act according to their interpretation of Islam.[26]

The World Conference on Human Rights (Vienna, June 1993) addressed the general question of balancing universal and cultural claims with this compromise language:

> All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and

[22] See, for example, Bilahari Kim Hee P.S. Kausikan, "An East Asian Approach to Human Rights," *The Buffalo Journal of International Law*. Vol. 2, pp. 263-283 (1995); Sharon K. Hom, "Re-Positioning Human Rights Discourse on "Asian" Perspectives," *The Buffalo Journal of International Law*, vol. 3, pp. 209-233 (1996); Kim Dae Jung, "Is culture destiny? The myth of Asia's anti-democratic values," *Foreign Affairs,* vol. 73, pp. 189-194 (November/December 1994); Arvind Sharma, *Are Human Rights Western? A Contribution to the Dialogue of Civilizations*, New York: Oxford University Press, 2006, Conclusion, pp. 254-269; Makau Mutua, "Savages, Victims and Saviours: The Metaphor of Human Rights." *Harvard International Law Journal* 42, pp. 201-245 (Winter 2001).

[23] See, for example, Jean Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War*, Monthly Review Press, 2007, pp. 35-90; Makau Mutua, *Human Rights: A Political and Cultural Critique* Philadelphia, PA: University of Pennsylvania Press (Pennsylvania Studies in Human Rights), 2002, Chapter 2: "Human Rights as an Ideology," pp. 39-70.

[24] See Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York: Simon & Schuster, 1996.

[25] See, for example, Abdullahi An-Naim (2004) "'The Best of Times' and 'The Worst of Times': Human Agency and Human Rights in Islamic Societies," *Muslim World Journal of Human Rights*, vol. 1: issue 1, Article 5. Available at: http://www.bepress.com/mwjhr/vol1/iss1/art5; Bat Ye'or, "Jihad and Human Rights Today. An active ideology incompatible with universal standards of freedom and equality," *National Review Online*, July 1, 2002. Available at http://www.nationalreview.com/comment/comment-yeor070102.asp]; Mohamed Berween, "International Bills of Human Rights; An Islamic Critique," *International Journal of Human Rights*, Vol. 7:4 October 2004, pp. 129 –142;

[26] In its resolution 30/10 of 1 October 2015, the Human Rights Council reaffirmed "that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization." (para. 4)

> various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.[27]

This statement nevertheless captures an important feature of human rights today, namely, that they are universal but must be realized in the context of the prevailing values of each society. To understand fully the challenge such contextualization represents we need to examine the means and methods through which universally accepted human rights are put into practice.

D. How are human rights put into practice?

Human rights are traditionally studied in a global context through (1) the *norm-creating processes,* which result in global human rights standards and (2) the *norm-enforcement processes,* which seek to translate laudable goals into tangible practices. In addition, there are (3) continuing and new *challenges* to the effectiveness of this normative regime.

1. The norm-creating process

The norm-creating process refers to authoritative decision-making that results in the formal acknowledgement of specific rights and obligations in a given society and clarifies what is expected to realize the rights in practice. The typical norm-creating process in international human rights regarding a social issue begins with expression of concern by a delegate at a meeting of a political body and lobbying for co-sponsors to a resolution, which is eventually adopted by that body. Once the issue is on the agenda, a political body may then commission a study, eventually leading to drafting a declaration, and then a convention, which has to be ratified and enter into force and is possibly followed by the adoption of an optional protocol providing for complaints procedures.

All the major human rights issues, such as torture, women's rights, racial discrimination, disappearances, rights of children and of persons with disabilities, went through these phases, lasting from ten to thirty years or more. This is how the body of human rights norms has expanded considerably from the International Bill of Human Rights to the current array of several hundred global and regional treaties. Following a related process, war crimes, genocide and crimes against humanity, have been addressed by other treaties calling for criminal prosecutions of perpetrators.

The process can be summarized in Table 2:

Table 2: Norm-creating process

Lobbying for a resolution by NGOs and a limited number of government delegations
Adoption of a resolution calling for a study
Completion of a study
Adoption of a resolution calling for a declaration
Drafting and adoption of a declaration
Adoption of a resolution calling for a convention
Drafting and adoption of a convention
Ratification and entry into force of the convention
Setting up of treaty-monitoring body which issues interpretations of obligations
Resolution calling for an optional protocol (OP) allowing for complaints
Drafting and adoption of an OP
Ratification and entry into force of the OP
Treaty body passing judgment on complaints

[27] United Nations, *World Conference on Human Rights. The Vienna Declaration and Programme of Action. June 1993,* para. 5.

2. The norm-enforcing process

Defining human rights is not enough; measures must be taken to ensure that they are *respected*, *promoted* and *fulfilled*. In the domestic legal system, law is binding and the courts and the police use force to compel compliance. In the international human rights regime, law is not treated in quite the same way. The term "enforcement," for example, refers to coerced compliance, which is rare, while most efforts focus on "implementation", that is, as wide range of supervision, monitoring and general efforts to make duty-holders accountable. Implementation is further subdivided into *promotion* (i.e., preventive measures that seek to ensure respect for human rights in the future) and *protection* (i.e., responses to violations that have occurred in the past or are ongoing). The means and methods of implementation may be summarized in three forms of promotion and five forms of protection.

Promotion of human rights is achieved through developing awareness, standard-setting and interpretation, and creation of national institutions. *Awareness of human rights* is a precondition to acting on them and is advanced though dissemination of knowledge (e.g., publications, information campaigns) and human rights education at all levels. Second is *standard-setting*, the drafting of human rights texts, in which the UN Commission on Human Rights, established in 1946, played a central role until it was replaced in 2006 by the Human Rights Council. Numerous other bodies in the UN system, such as the Commission on the Status of Women, and UN Specialized Agencies (such as the International Labour Organization and UNESCO), as well as the regional organizations (Council of Europe, Organization of American States, African Union, League of Arab States, Association of Southeast Asian Nations) adopt and monitor other international human rights texts. The third preventive or promotional means of implementation is *national institution building*, which includes improvements in the judiciary and law enforcement institutions and the creation of specialized bodies such as national commissions for human rights and offices of an ombudsman.

The *protection* of human rights involves a complex web of national and international mechanisms to monitor, judge, urge, denounce, and coerce states, as well as to provide relief to victims. *Monitoring compliance* with international standards is carried out through the reporting and complaints procedures of the UN treaty bodies and regional human rights commissions and courts. States are required to submit reports and the monitoring body—often guided by information provided by NGOs—which examines progress and problems with a view to guiding the reporting country to do better. The Human Rights Council also carries out a Universal Periodic Review (UPR) of all countries, regardless of treaty ratification. Several optional procedures allow individuals and groups (and sometimes other states) to petition these bodies for a determination of violations. The quasi-judicial bodies (such as the Human Rights Committee or the African Commission on Human and Peoples' Rights) utilize various forms of fact-finding and investigation and issue their views so that governments can take action to live up to their human rights obligations.

"Special procedures" refer to UN working groups, independent experts and special rapporteurs or representatives mandated to study countries or issues, including taking on cases of alleged violations, going on mission to countries and

institutions, and to report back on their findings and request redress from governments. The "thematic" rapporteurs are specifically mandated to study issues such as forced disappearances, summary executions, torture, toxic waste, and the rights to health, adequate food and housing. As of 2015 there were some 41 "thematic mandates". In addition, there were 14 "country mandates" covering Belarus, Cambodia, Central African Republic, Côte d'Ivoire, Democratic People's Republic of Korea, Eritrea, Haiti, Islamic Republic of Iran, Mali, Myanmar, Palestinian Territories, Somalia, Sudan and Syrian Arab Republic.

The second means of protection is *adjudication* of cases by fully empowered courts, the main international ones being the International Court of Justice (which can only decide cases between states that agree to submit their dispute to the Court), the International Criminal Court (which can try individuals for genocide, crimes against humanity, war crimes and the crime of aggression), as well as the regional courts, namely, the European Court of Human Rights (open to persons within the 47 member states of the Council of Europe); the Inter-American Court of Human Rights (open to the 25 states parties—23 active parties—to the American Convention on Human Rights); and the African Court of Justice and Human Rights (open to the African Commission on Human and Peoples' Rights, individuals and accredited NGOs from those of the 54 African Union members that have ratified the protocol establishing the Court, numbering 30 in 2016).

Political supervision refers to the acts of influential bodies made up of representatives of states, including resolutions judging the policies and practices of states. The UN Human Rights Council, the UN General Assembly, the Committee of Ministers of the Council of Europe, the Assembly of the Organization of American States, all have adopted politically significant resolutions denouncing governments for violations of human rights and demanding that they redress the situation and often that they provide compensation to the victims. Parliamentary Commissions and National Human Rights Commissions, as well as local and international NGOs, also follow-up their investigations with firmly worded and politically significant demands for change. This form of sanction may appear toothless since it is not backed up with coercive force; nevertheless, in practice many governments take quite seriously the pronouncements of such bodies and go to considerable lengths to avoid such political "naming and shaming," including by improving their human rights performance.

The seventh means of responding to human rights violations is through *humanitarian relief or assistance*. Provision of food, blankets, tents, medical services, sanitary assistance, and other forms of aid save lives and improve health of persons forcibly displaced, often as a result of large-scale human rights violations. Refugees and internally displaced persons come under the protection of the UN High Commissioner for Refugees (UNHCR), which deploys massive amounts of aid, along with the International Committee of the Red Cross, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the United Nations Development Programme (UNDP), the UN Office for the Coordination of Humanitarian Affairs (OCHA) and other agencies, as well as major NGOs like Oxfam, Care, and the International Rescue Committee.

Finally, the use of *coercion* is available only to the UN Security Council, which can use its powers under Chapter VII of the UN Charter to impose sanctions, cut off communications, create ad hoc criminal tribunals, and authorize the use of force by member states or deploy UN troops to put an end to a threat to international peace and security, which it has on occasion interpreted to include human rights violations. Human rights considerations were part of the use of Chapter VII in Cambodia, Haiti, Somalia, Bosnia, Iraq and other locations.[28] This forceful means of protecting human rights is complex and can have harmful health consequences, as has been the case with sanctions imposed on Haiti and Iraq in the 1990s. If used properly, Chapter VII action can be the basis for implementing the "Responsibility to Protect", a doctrine adopted at a 2005 UN Summit that reaffirms the international community's role to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity when a national government fails to do so.[29] The responsibility to protect (R2P) was explicitly referred to in Security Council Resolutions concerning the Great Lakes region, Sudan, Libya, Côte d'Ivoire, Yemen, Mali, South Sudan, Central African Republic, and Syria,[30] but only in Darfur[31] and Libya[32] was it used to authorize enforcement action. The way R2P was applied in Libya explains in part the reluctance to use it for enforcement action in the civil war in Syria.[33]

These eight means and methods of implementation are summarized in Table 3 below.

3. Continuing and new challenges to human rights realization

The adoption of norms and the implementation of accountability procedures are not enough to eliminate the deeper causes of human rights deprivation. The most salient challenges to the effectiveness of human rights at the global level relate to the reliance on the state to take responsibility for correcting its ways; structural issues of the global economy favoring the maximization of profits in ways over which human rights machinery has little or no control or impact; and cultural conditions based on patriarchy, class, caste and ethnicity, which only change slowly over time as power relations and mentalities change. In all these arenas, human rights are highly political: to the extent that they are

[28] See Bertrand G. Ramcharan, *The Security Council and the Protection of Human Rights,* Martinus Nijhoff, 2002; Bardo Fassbender, *Securing Human Rights: Achievements and Challenges of the UN Security Council*, Published to Oxford Scholarship Online: January 2012, publication date: 2011, available at: http://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199641499.001.0001/acprof-9780199641499 (DOI:10.1093/acprof:oso/9780199641499.001.0001).

[29] The doctrine was affirmed by the UN General Assembly in paragraphs 138 and 139 of the *2005 World Summit Outcome Document* and reaffirmed in its resolution A/RES/63/308 of September 2009.

[30] For references to Responsibility to Protect (RtoP or R2P) in Security Council Resolutions, see http://www.responsibilitytoprotect.org/index.php/component/content/article/136-latest-news/5221--references-to-the-responsibility-to-protect-in-security-council-resolutions (accessed 25 Apr 2014).

[31] Security Council Resolution 1706 of 31 August 2006.

[32] Security Council Resolution 1970 of 26 February 2011, and Security Council Resolution 1973 of 17 March 2011.

[33] See Spencer Zifcak, "The Responsibility to Protect after Libya and Syria," *Melbourne Journal of International Law*, vol. 13, (2012), pp. 2-35.

truly relevant to people's lives they challenge the state, the political economy and cultural traditions. At the same time, they offer a normative framework for individuals and collectivities to organize for change, so that state legitimacy is measured by human rights performance, the political economy is freed from gross economic disparities and social inequities, and cultural identity is preserved and cherished in ways that are consistent with prevailing values of individual autonomy and freedom. Appeals to human rights in bringing about such change is usually supported, at least rhetorically, by the community of nations and, in progressively more meaningful and effective ways, by networks of solidarity that have profoundly changed societies in the past. That is how practices such as slavery, apartheid, colonialism, and exclusions of all sorts have been largely eliminated. Similarly, environmental degradation, poverty, terrorism, non-representative government, discrimination based on sexual orientation and an expanding array of other challenges in the 21st century will continue to test the value of human rights as a normative and institutional guide to policy and practice.

Table 3: Means and methods of human rights implementation

Means of implementation	Examples
Promotion	
1. Developing awareness	Circulation of publications, media coverage, human rights education.
2. Standard-setting and inter-pretation	Adoption of declarations and conventions by UN Human Rights Council, regional bodies; general comments by treaty bodies, interpretation by tribunals.
3. Institution building	Judiciary and law enforcement, national commissions and ombudsman offices.
Protection	
4. Monitoring compliance with international standards	Reporting procedures, complaints procedures, fact-finding and investigation, special procedures, universal periodic review (UPR).
5. Adjudication	Quasi-judicial procedures by treaty bodies, judgments by international and regional tribunals.
6. Political supervision	Resolutions judging state policy and practice by international bodies; "naming and shaming" by

	Human Rights Council, UN General Assembly; demarches, public and private statements by states and senior officials.
7. Humanitarian action	Assistance to refugees and internally displaced persons in humanitarian emergencies; repatriation and resettlement.
8. Coercive action	UN Security Council sanctions, creation of criminal tribunals, and use of force under the doctrine of "Responsibility to Protect" people from genocide, war crimes, ethnic cleansing and crimes against humanity.

V: Conclusion

We started by asking whether human rights have to be considered only in legal terms and saw that there are at least three modes of discourse concerning human rights: legal, philosophical and advocacy. All three overlap, although historically people have risen up against injustices for millennia and made respect for dignity integral to ethical and religious thinking, whereas the enumeration of codes of universal human rights has a much shorter history, dating primarily from the 18th century and especially from the inaugural moment of the UDHR in making human rights an explicit feature of the post World War II international legal order. We have examined what "universal" means in a world of conflicting ideologies, religions, beliefs and values and reviewed the content of the normative propositions accepted as belonging to this category of "universal human rights," while sounding a cautionary note about taking their separation into two major categories too literally. Finally, we examined the processes by which human rights norms are recognized and put into practice and referred to several challenges facing the 21st century.

In the coming decades, we can expect gaps to be filled in the institutional machinery of Africa and Asia, and in making ESCR genuinely equal in importance to CPR, as well as in the clarification of human rights standards in such areas as sexual orientation and advances in science and technology, while refining the means and methods of human rights promotion and protection. The essential value of human rights thinking and action, however, is unlikely to change: it has served and will continue to serve as a gauge of the legitimacy of government, a guide to setting the priorities for human progress, and a basis for consensus over what values can be shared across diverse ideologies and cultures.

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Selected websites

A. Official UN sites:

1. Office of the High Commissioner for Human Rights (UN): http://www.ohchr.org/english/

2. World Health Organization: http://www.who.int/hhr/en/

3. World Bank: http://web.worldbank.org/WBSITE/EXTERNAL/EXTSITETOOLS/0,,contentMDK:20749693~pagePK:98400~piPK:98424~theSitePK:95474,00.html

4. UNDP: http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights.html

5. UNESCO: http://www.unesco.org/new/en/social-and-human-sciences/themes/human-rights-based-approach

B. Sources of human rights information:

1. University of Minnesota human rights library (includes links to UN, other organizations, training and education, and centers for rehabilitation of torture survivors): http://www1.umn.edu/humanrts/

2. International Service for Human Rights: http://www.ishr.ch/

3. Business and Human Rights: http://www.business-humanrights.org/

4. Equipo Nizkor: http://www.derechos.org/

5. New Tactics in Human Rights: http://www.newtactics.org/

6. Human Rights Internet (HRI): http://www.hri.ca/

7. UPR Info: http://www.upr-info.org/en

C. Non-Governmental Organizations

1. Amnesty International: http://www.amnesty.org/

2. The Center for Economic and Social Rights (CESR): http://cesr.org/

3. Human Rights First: http://www.humanrightsfirst.org/

4. Human Rights Watch: http://www.hrw.org/

5. International Commission of Jurists: http://www.icj.org/

6. International Federation for Human Rights (FIDH): http://www.fidh.org/

7. Peoples Movement for Human Rights Learning: http://www.pdhre.org/

Universal Declaration of Human Rights

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed in Paris, France, the Universal Declaration of Human Rights. It defines the aspirations of the international community to be guided by its 30 articles in national and international policy. This is the full text of the Declaration:

PREAMBLE

Whereas 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,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

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

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(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.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social

protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has 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 the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

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.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.