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The Principles and Values of the UDHR

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Focus: Philosophical foundations and history of the Universal Declaration of Human Rights (UDHR)

Importance of recognizing our past and our elders - we are not the first people promoting HR.

- Foundation of Maoist school of moral philosophy in China – importance of duty, sacrifice, all-embracing respect for others, conception of universality (400 BC)
- In 300 BC, “humans are fundamentally good but goodness needs to be nurtured”.
- To relieve anxiety and eradicate strike, Chinese recognize the importance of individual rights - though we often think this concept developed after the Second World War.
- In Ancient Egypt: explicit notion of social justice.
- Early Sanskrit writings in India: notion of collective responsibility - no one should be allowed to suffer because of others.

Spiritual and religious traditions

- 300 BC in India: freedom of worship
- Other leaders focusing on justice and social equality promoted the idea that we all come from one tree: only one cast and that is humanity
- Islamic philosophers in 10th century

Natural law

- Greek philosophers: idea of equal respect of all citizens
- Marcus Cicero spoke of universal justice and law that guides everyone, and binds society together
- Rousseau in 1762: “man is born free and everywhere he is in chains”

Who’s missing from that history?

Participants:

- Gandhi
- Jesus Christ
- Aztecs, Incas and other indigenous populations – oral traditions
- African populations - cultivation of relationships between human beings, animals and plants
- Martin Luther King
- Bob Marley
- The many forgotten women

Documents and laws that have impacted the history of HR:

- Magna Carta

- Aztec code
- Iroquois constitution
- Emancipation proclamation in US, abolition of slavery
- Red Cross, Geneva Convention
- International labor convention
- 1920: women's right to vote in the US
- UDHR

Moral vision for our HR:

- HR set limits and requirements for our social action
- Someone treated like a human being becomes a human being
- Core fundamental principles: non-discrimination, responsibility, indivisibility, equality, liberty

Myths around HR:

- In US context, equation of civil rights and human rights
- Economic, social and cultural rights are not privileges; they are fundamental HR that must be respected (housing, food etc)
- Tendency to speak of HR when talking of other countries and not to consider HR problems at home
- Tendency to associate HR only with lawyers and the law, whereas it concerns everyone, even children

1948: Eleanor Roosevelt chaired the drafting committee of the UDHR – most translated document in the world

1997: 7-8% of US population knew that it existed; 83 % thought it should be promoted more

JEFF PLANTILLA, Asia-Pacific Human Rights Information Center (HURIGHTS), Osaka, Japan

Focus: Values and principles of the UDHR

Do we understand what HR are? Do we view them as conflicting with our national legislation?

Absence of clear statement defining what human rights are as a concept.

UDHR

-Provides an overall picture of what rights are; provides a list of rights that most people think are important

UDHR meant to educate everyone on HR; accessible to anyone

-Meant to secure universal and effective respect of HR

-Confusion – HR often equated with total freedom, which is a myth; ignores our many limitations and responsibilities

-HR are always part of a community, not disconnected from it

HR are not always individualistic; the existence of a community, family etc is implied in the very concept of HR;

There is an important balance between the individual and the community in the concept of HR.

- Important role played by the international community in the concept of HR

Approach/Technique: 1- Identifying key segments of our lives as well as the important issues related to them; 2- deriving the fundamental rights from these issues

Childhood:

Right to life, security, and to nationality

Adolescence:

Right to education; Freedom of expression, freedom of assembly

Adults:

Freedom of movement and residency; Freedom to marry; Right to property; Freedom to vote; Artistic and cultural rights and freedoms; Right to privacy; Right to social security; Rights of the elderly

By looking at what we value and what is important for us at different stages of our lives, we can thus extract the fundamental HR.

In cases of crisis, when our lives are explicitly threatened, some rights are even more stringent:

Right not to be enslaved,

Right not to be tortured,

Right not to be subjected to arbitrary arrest, detention or exile

Right of innocence

Right to asylum

The UDHR can be related to different stages of our lives but also to different people and different situations – we are not all suffering from the same problems.

Relating rights to values in understanding HR:

We value life, security, equality, fairness, restoration, creativity, diversity, participation (freedom of expression, vote etc), sense of community, solidarity (respect for rights of others), responsibility (e.g. right to vote), concern for the weak, for social justice.

These are intrinsic elements of our value system as human beings and they are directly tied to the fundamental rights of the UDHR.

There are always ways of linking our own cultures to a culture of HR.

HR culture has western influences but also native influences, and is also founded in the choices of native populations to respect and value HR.

Question and answer period

In response to a question on the rights of future generations, Jeff states that the rights of today's populations are necessarily connected with the rights of people in the future. Environmental rights, for instance, are specifically directed at the rights of future generations – not only in the abstract, but in a very concrete way.

Other debate: the unborn.

Note UDHR: “we are born free”, not “we are conceived free”

In response to a question on why the US has not ratified the Convention on the Rights of Children, Christy explains that, first of all, the US government and population are ignorant of many international laws and UN policies. The US senate furthermore needs to ratify treaties by two-thirds vote – more complicated political structure.

Finally, conservative groups against the convention of the rights of the child have been very vocal (saying that it goes against the family, allows children to sue their parents).

On whether nations that have suffered from slavery and colonialism should be given reparation, Jeff answers that yes, they should, but the question is what kind of reparation. Value, respect, memory or structural reparation? Financial reparation is very important as well, but how far you can go is a matter of economics.