

HUMAN RIGHTS



“All human beings are born free and equal in dignity and rights.”

Universal Declaration of Human Rights (Art. 1)

What are Human Rights?

Human rights are a person’s most basic rights, such as life, liberty, and security. Whatever our nationality, place of residence, sex, ethnic origin, colour, religion, language, or any other status, we are all equally entitled to our human rights without discrimination. These rights are inalienable (no one can ever take them away from us), interdependent (they all work together; the enjoyment of one human right often depends on the ability to freely exercise other human rights), and indivisible (there is no hierarchy of rights: we cannot be entitled to some of them and denied others).

When groups are denied their rights, they can neither contribute to, nor benefit from, social and economic progress. This perpetuates exclusion and often results in conflict, putting progress at risk. Among the groups most commonly excluded are the poor, the elderly, women, children, persons living with disabilities and illnesses such as HIV/AIDS, ethnic minorities, and refugees.

What is the Universal Declaration of Human Rights (UDHR)?



John Humphrey

The first international agreement on human rights, the [Universal Declaration of Human Rights](#), was adopted by the UN General Assembly on December 10, 1948, in the wake of the horrors of World War II. For the first time in history, the international community agreed that gross violations of human rights would not be tolerated. It was a monumental decision. Human rights were finally acknowledged as a global concern. The UDHR’s first draft was prepared by the Canadian law professor John Peters Humphrey. It is comprised of a Preamble and 30 Articles that list our basic human rights. These articles cover five different categories of human rights:

1. Political Rights: such as the right to vote and to participate in government
2. Civil Rights: such as the right to freedom of opinion and expression
3. Economic Rights: such as the right to fair wages and safe working conditions
4. Social Rights: such as the right to food, shelter, education and health care
5. Cultural Rights: such as the right to speak one’s native language

What is the International Bill of Human Rights?

The International Bill of Human Rights consists of three key documents: the UDHR, the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) that entered into force on January 3, 1976, and the [International Covenant on Civil and Political Rights](#) (ICCPR) that entered into force on March 23, 1976, and its two Optional Protocols. Whereas the UDHR is a statement of principles, the two covenants are legally binding agreements. This means that countries that have signed and ratified the covenants are legally responsible for upholding the rights and freedoms defined in them. To date, the ICESCR has been ratified by 160 States and the ICCPR by 165 States. The First Optional Protocol to the ICCPR establishes an individual complaints mechanism, enabling the UN Human Rights Committee to receive and consider communications from individuals claiming to be victims of civil and/or political rights violations. The Second Optional Protocol to the ICCPR aims to abolish the death penalty.

Ensuring Human Rights Implementation



Over the years, the principles of the UDHR have been further elaborated and given greater legal force through international human rights treaties and bodies. In addition to the ICESCR and ICCPR, there are seven other core [international human rights treaties](#) that address such issues as torture, the elimination of discrimination against women, the rights of children, migrant workers’ rights, forced disappearances, racial discrimination and the rights of persons with disabilities. Each of these treaties has a committee of experts to monitor implementation of the treaty provisions by its State parties. Some of the treaties are supplemented by Optional Protocols dealing with specific concerns. State parties (governments that

have ratified these treaties) are required to implement these universal standards in their own countries, and submit periodic reports, which are reviewed by UN treaty bodies. In addition to the core human rights treaties, there are many other universal instruments relating to human rights, such as declarations, principles, guidelines, standard rules and recommendations (such as the Vienna Declaration, Declaration on the Rights of Indigenous Peoples), which have no binding legal effect but provide a strong moral force and guide for conduct.

Human Rights Monitoring Mechanisms

The UN also monitors member states' human rights compliance through the UN Human Rights Council (formerly the UN Commission on Human Rights) and other human rights mechanisms, including the Office of the High Commissioner for Human Rights (OHCHR) and treaty bodies that receive complaints (e.g. Human Rights Committee and the Committee on the Elimination of Discrimination against Women (CEDAW)). The UN's special rapporteurs (independent experts/investigators) and working groups investigate disappearances, arbitrary executions and detentions, religious intolerance, human rights violations and racism.

In addition to the UN system, a substantial number of human rights mechanisms have been established at the regional level to monitor and assist in the realization of international human rights norms. These include the Organization of American States and its monitoring bodies (Inter-American Commission on Human Rights and the Inter-American Court), the Council of Europe, the African Union and African Commission for Human and Peoples' Rights.

The UDHR has inspired governments around the world to create national laws and institutions to promote, protect and fulfill human rights. Thousands of non-governmental human rights organizations have also been established to measure government human rights performance and to ensure human rights become a reality on the ground.

Human Rights Protection in Canada

Many countries have incorporated the human rights standards of the UDHR into their laws. Canada's Charter of Rights and Freedoms outlaws discrimination in employment and in the delivery of goods and services based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, pardoned conviction, disability and sexual orientation. The Charter works in conjunction with other bodies of law, such as the most important human rights legislation at the federal level, the Canadian Human Rights Act, which came into force in 1978. Each province has its own human rights law, usually called a Code or an Act, that covers organizations not included under federal legislation (schools, retail stores, restaurants, factories). Canada also has human rights commissions at the federal and provincial levels to investigate complaints of human rights violations, provide legal channels to hear complaints and attempt to find solutions.

Investing in Human Rights

Alas, governments do not always practice what they promise. The gap between the rich and the poor continues to widen and international trade policies are trumping human rights policies. People around the world continue to be massacred, summarily executed, arbitrarily detained, tortured or discriminated against because they belong to certain ethnic, social or religious groups. Horrendous conflicts continue the world over—such as in Afghanistan, Colombia, Democratic Republic of Congo, the Middle East, Somalia, Sri Lanka, Sudan. The success of our attempts to maintain world order, peace and justice lies in the way in which we deal with human rights. Only leadership, political will, and a strong commitment by all concerned, especially governments, can ensure effective implementation of and universal respect for human rights.

Resources

Office of the United Nations High Commissioner for Human Rights, www.ohchr.org

For status of ratification, see the UN Database of Treaty Bodies, [UN Database of Treaty Bodies](http://www.unhcr.org/refugees/databases/treaty-bodies.html)

United Nations Association in Canada, www.unac.org

State of the World's Human Rights, Amnesty International, <http://thereport.amnesty.org/en/introduction>

Human Rights Watch World Report, <http://www.hrw.org/world-report-2010>



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