

The UN, Human Rights and Liberty

Achievements, Failures and Prospects for the future

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Introduction

Thanks to Mina and Rob for inviting me to speak today on an important and timely topic '*The UN, Human Rights and Liberty: Achievements, Failures and Prospects for the future.*' It's a privilege to be among dedicated peace and human rights activists. You are thinkers and change makers, the driving force for social change in our world.

The UN, human rights and liberty are interconnected and indivisible. It is true to say that without the UN, there would be no human rights and without the Universal Declaration of Human Rights (UDHR) there would be no freedom, equality and civil liberties.

Before I am going to map the fascinating journey of human rights, what it has achieved, what are the future challenges, what can we do to promote human rights and conclude with an upbeat note?

Peace is unstable where citizens are denied international standards of human rights, gender and racial equality, the right to speech freely or worship as they please, choose their leaders, and assemble without fear. Two examples come to mind of recent human rights violations. The election in Iran, where freedoms and democratic rights are continually denied to its citizens by its dictatorial leaders. Another case is the ban for constructing minarets in Switzerland. Of course, we know the appalling human rights records in countries like Sudan, Iran Afghanistan and the detention centres of Guantanamo Bay and Abu Grahیب. Human right violations occur in developed and developing countries alike on a daily basis throughout the world. A bit later in my talk, I will outline what we measures we can take for the protection of human rights.

What has been achieved in last 60 years and how

Before we discuss the other HR issues, let me start by saying how unique the UDHR document is - a milestone achievement of the United Nations. The UDHR is the foundation of international human rights law, the first universal statement on the basic principles of inalienable human rights, and a common standard of achievement for all peoples and all nations. As the UDHR passed its 61st birthday, it is timely to emphasize the living document's enduring relevance, its universality, and that it has everything to do with all of us. Today, the UDHR is more relevant than ever.

The UDHR reminds us that in a world still reeling from the horrors of the Second World War, the Declaration was the first global statement of what we now take for granted - the inherent dignity and equality of all human beings.

The extraordinary vision and determination of the drafters produced a document that for the first time set out universal human rights for all people in an individual context. Now available in more than 360 languages, the Declaration is the most translated document in the world - a testament to its universal nature and reach. It has inspired the constitutions of many newly independent states and many new democracies. It has become a yardstick by which we measure respect for what we know, or should know, as right and wrong.

We can outline achievements in five areas which are as follows:

- Rights proclaimed in UDHR have become law which binds all governments.
- These rights are universal - protect everyone without discrimination on race, religion, sex, age. Children, women, refugees, migrants.
- Extreme violations of human rights are also crimes under international law – genocide, torture, crimes against humanity, which can be prosecuted in national courts, or – now – by the International Criminal Court.

- When states act outside the country, they may also be bound by human rights law – British soldiers violated HRs of Iraqi (Baha Mousa) held in military detention centre.
- Governments are equally bound to protect economic, social and cultural rights, as well as civil and political rights.
- The emergence of a diverse and vibrant human rights movement. Today, local human rights groups exist in nearly every country. They use a range of tactics to address everything from repression to the arbitrary denial of housing, education, and healthcare. Their concerns, in turn, are projected globally by international groups such as Human Rights Watch and Amnesty International.

The journey was made through the institutions of the UN which are High Commissioner, Treaty monitoring bodies and Special rapporteurs & experts. We can take two examples: protection from torture and the Responsibility to Protect doctrine.

Protection from Torture

A history lesson, tracing the journey from the abstraction of Article 5 UDHR (No-one shall be subjected to torture, or to cruel or inhuman and degrading treatment and punishment.) to General Pinochet's dramatic arrest in London over ten years ago.

When Amnesty International started its campaign against torture 35 years ago it found that torture was a violation of UDHR, but there was no international law to back it up and torture was often not an offence in national law. Torture also was found in democratic societies, not only dictatorships.

Civil society's campaign to make international law effective to protect against torture had some success where governments worked within the UN. The 1984 Convention Against Torture (CAT): made torture a criminal offence; where state doesn't prosecute, others should; train police, doctors, prison officers, etc; don't send anyone to a country where s/he faces torture. UN Human rights Commission: Special Rapporteur – acts on individual complaints, visit countries, report on where torture was happening.

In 1998, when Pinochet was arrested under Convention Against Torture, it was a historic moment when international human rights law came of age, in Chile - The unthinkable: European Convention for the Prevention of Torture, and now Operational Protocol for the Convention Against Torture – visits/unannounced visits to torture centres, shows effectiveness of civil society, research, monitoring, law and its enforcement. But since 2001, the protection from torture remains under challenge, in name of war on terror like the images of Abu Ghraib.

The prisoner abuse at Guantanamo Bay, Bagram Air base in Afghanistan and of Rendition to countries notorious for practicing torture, including the horrific images from Abu Ghraib where gross violation of human rights activity have taken place. The only solution to this grave problem is closing all the detention sites, launching a comprehensive inquiry into how authorised torture took place, and giving a fair trial and hearing to the prisoners who have been victims of torture, beatings, rape and subject to gruesome acts performed in the name of gathering information.

Responsibility to Protect

Another new, bold doctrine based on human rights was achieved at the World Summit 2000 leaders meeting in New York. The doctrine developed in of light of situations, where states were unable or unwilling to protect human life and integrity where genocide, crimes against humanity, ethnic cleansing was taking place. In the event of lawlessness, in a

particular state, that state's responsibility then shifts to the UN members/the international community. As in Kosovo, under the evolving concept of the Responsibility to Protect.

But this doctrine has been misused to justify humanitarian intervention for political ends – e.g. by President Bush - to justify the Iraq war. So it is seen by northern states as means of protecting human rights, but distrusted by southern states as a political weapon, which justifies intervention for political reasons.

This distrust is a reason why the Human Right Council gave such lukewarm support to a report on Darfur entitled 'the Duty to Protect'. The title of the report suggested to some African states that it using human rights violations as a rationale for invasion.

What are the future challenges?

- How can we prevent security measures undermining human rights – erosion of civil liberties under war on terror, reduced protection against torture; targeting some ethnic communities?
- How to exert intense diplomatic pressure so that countries that are in violation of human rights acknowledge and change abusive practices.
- How to ensure the development of the technological means of control/surveillance does not violate human rights safeguards.
- How to ensure that populations in situations like Darfur are protected, but that the decisions are taken to protect human rights and not advance the political interests of some states.
- How can we create just and inclusive societies for refugees – and migrants – who move because of human rights problems at home?
- A major challenge is to see that trafficking, sexual exploitation and violence against children and women does not remain a major violation of human rights.
- To protect vulnerable countries, cities and populations from climate change
- To claim peace and security as a human right
- To ensure that health and human rights violations do not continue.
- To protect science, bio ethics, nanotechnology and stem cells and not used as human rights violations
- To ensure the rights of vulnerable groups, those of a different sexual orientation, rights against discrimination and persons with disabilities
- To rectify human rights abuses by UN peacekeepers and officials
- Ensure people have the right to food, water, shelter, education and a job as a basic human right. It is an affront to humanity that the 2 billion people, the poorest, live on \$1-2 a day, are denied all their basic human rights and opportunities to contribute to society.

What can we do to promote human rights?

- Have a human rights debate in your school, university and wider community to build better human rights.
- Ask your local council, mayor/councillors, MPs, MEPs to endorse the universality of fundamental rights and freedom.
- Write to your local and international press/media about the abuses of human rights in Israel/Palestine, Darfur and other parts of the world.

- Protect civil liberties and strike a balance between liberty and security
- Have meetings about human rights and its relation to environmental responsibility, world without violence, fostering democratic values, eliminating social injustices.
- Highlight and showcase poor human rights record of countries - developed and developing.
- Make people aware of their rights, especially the Convention on the Rights of the Child.
- Promote and demand equitable development for protecting the rights of the minorities and marginalised.
- Join with local grassroots peace and justice organisations and hold meetings to promote human rights and highlight violations of human rights abuses.
- Protect Human Rights Defenders and whistleblowers. The importance of civil society shown by steps taken by governments to silence activists like as in China. We need to protect those who promote human rights – to protect the protectors. Governments took 20 years to negotiate and agree a declaration setting out rights of human rights defenders. These include the right of everyone:
 - to promote and protect human rights.
 - meet, complain about official acts, observe trials.
 - be protected against violence, threats, retaliation.
 - promote Human Rights Council and experts who take up cases, visit countries, report violations. These cases are a role call of individual courage.

Conclusion

The state of human rights under the UN system is not something which anyone who cares about these matters can currently regard with any degree of satisfaction.

As the prevalence of abuse in today's world painfully attests, human rights violations continue. It means that governments may pay a high price for abuse — their reputation, their finances, their freedom and even the control of their territory. They may calculate that the benefits of violating human rights still outweigh these costs. But as the costs rise, so does the likelihood that governments will resist the temptation to abuse. That revised calculation, a consequence of pressure from the human rights movement, is the most powerful legacy of the declaration.

Challenges still lie ahead, despite many accomplishments in the field of human rights. Many in the international community understand that human rights, democracy and development are intertwined. Unless human rights are respected, the maintenance of international peace and security and the promotion of economic and social development cannot be achieved. The world is still plagued with incidents of ethnic hatred and acts of genocide. People are still victims of xenophobic attitudes, are subjected to discrimination because of religion or gender and suffer from exclusion. Around the world, millions of people are still denied food, shelter, access to medical care, education and work, and too many live in extreme poverty. Their inherent humanity and dignity are not recognised.

Personally dedicated to the task of preparing the UDHR, Mrs. Eleanor Roosevelt, who chaired the Human Rights Commission in its first years, asked, "Where, after all, do universal human rights begin? In small places, close to home -- so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

The United Nations has a major responsibility to protect all our Human Rights. The Universal Declaration of Human Rights stated 61 years ago that '*a world in which human beings shall enjoy freedom of speech and belief is the highest aspiration of the common people.*' The UDHR is universal and indivisible and is the rich Heritage of all the peoples of the world. It is the Magna Carta for humankind, and in every generation, in every place, we are called to uphold and protect our rights, and the rights of others. When Governments abuse these rights (or armed revolutionary groups) we must stand up to protect them. This will be a daily and ongoing task. For example when the UK Government deported a Dutch MP Geert Wilders denying him freedom of speech, when Israel denies Mordechai Vanunu, the Israeli Nuclear whistleblower freedom of speech and movement, when the Iranian government has put on trial in Iran, peaceful leaders of the Bahai religion and imprisons Iranian women for campaigning for basic human rights, then we as members of the Human Community, must speak for the 'silenced' and support the United Nations and all freedom loving people to work for a peaceful, nonviolent world based on human rights and freedom. The future of human rights lies in our hands. We must all act when human rights are violated. States as well as individuals must take responsibility for the realisation and effective protection of human rights. It is generally recognised that number one enemy against all reforms and progress in human rights is indifference.

In the words of the UN Secretary-General, Ban Ki Moon, the Declaration of UDHR remains as relevant today as it did on the day it was adopted. But the fundamental freedoms enshrined in it are still not a reality for everyone. Too often, governments lack the political will to implement international norms they have willingly accepted.

This 61st anniversary year is an occasion to build up that will. It is a chance to ensure that these rights are a living reality - that they are known, understood and enjoyed by everyone, everywhere, especially those who most need their human rights protected, otherwise it will remain a hollow promise.

Thank you for listening.

Notes

The following publications were consulted and excerpts have been taken from them during the writing of this article:

- 1) The universal declaration of human rights: A living document
<http://www.un.org/events/humanrights/udhr60/declaration.shtml>
- 2) The Universal Declaration of Human Rights: A Magna Carta for all humanity
<http://www.unhchr.ch/udhr/miscinfo/carta.htm>
- 3) The UN Secretary-General's (Ban Ki Moon) message on Human Rights Day 2007
www.un.org
- 4) Talk given by Geoffrey Robertson, QC, to the AGM of Action for UN Renewal, 23rd Feb 2008
HUMAN RIGHTS 1948–2008 - PROMOTION AND PROTECTION
www.action-for-un-renewal.org.uk
- 5) Speech by Stefanie Grant, 9th Feb 2008
Human Rights 1948 – 2008: Promotion and Protection
www.networkforpeace.org.uk
- 6) Talk by Vijay Mehta at House of Lords, 19th June 2006
'Peace belongs to us all! Establishing peace through teaching peace'
www.vmpeace.org
- 7) Speech by Lord Hannay of Chiswick, Friends House Euston, London 9th September 2008
'Who rules the world? Global challenges and the role of the UN in peacekeeping, human rights and international law'
- 8) Guardian, 'The Price of Rights,' 10 December 2008

The full version of this speech can be downloaded from:

- VM Centre for Peace www.vmpeace.org
- Action for UN Renewal www.action-for-un-renewal.org.uk

Vijay Mehta is president of VM Centre for Peace www.vmpeace.org , Founding Trustee of Fortune Forum Charity www.fortuneforum.org, Chair of Action for UN Renewal www.action-for-un-renewal.org.uk and co-Chair of World Disarmament Campaign. He is an author, a champion for truth and global activist for peace, development, human rights and environment. Some of his notable books are The Fortune Forum Summit: For a Sustainable Future, Arms No More, and The United Nations and Its Future in the 21st Century. His latest book is on Global Warming and is called 'Climate Change IQ,' which is available to download free of charge in electronic form from the website www.climatechange365.co.uk.

Fortune Forum charity (www.fortuneforum.org) convenes global leaders, celebrity activists, philanthropists, influential entrepreneurs and media moguls to collectively make a difference. Fortune Forum has held three summits in London since 2006. The summits have attracted a worldwide audience of 1.3 billion people (one fifth of humanity) including print and media coverage. Previous keynote speakers include Bill Clinton, former US President and Al Gore, former US vice-President, and recipient of the Nobel Peace Prize 2007.

Vijay Mehta has appeared in various TV programmes including BBC World, Press TV, Ajtak-24 hour Indian news channel, and Think Peace documentary, Canada, among others. His work has been regularly featured in the respected international press including The Sunday Times, the Independent, Observer, Irish Times, and Guardian newspapers. His life is devoted to the service of peace, humanity and our planet.