

Handout D: Interpretation of Human Rights

Key Human Rights Terms:

- **Asian values:** a concept introduced by several state leaders in Asia in the 1990s that human rights are culturally relative, and that the definition of human rights that Western countries use is not compatible with the culture and traditions of Eastern (Asian) countries; they stated, for example, that 'Easterners' appreciate order and harmony, whereas 'Westerners' were more concerned with personal freedoms. Critics say that Asia is too culturally and politically diverse to have a unified set of common values and that the notion of Asian values was established to allow governments in East Asia to commit human rights abuses.
- **European Instrument for Democracy and Human Rights (EIDHR):** launched by the European Union in 2006, the EIDHR supports and promotes democracy and respect for human rights in non-EU countries, with a budget for 2007-2013 of €1.1 billion; this money is used to support NGOs and civil society in other countries in areas such as elections monitoring, supporting actions to end the death penalty and torture, and establishing human rights dialogue with other countries.
- **Non-Governmental Organization (NGO):** organizations, independent of the government and usually non-profit, which aim to affect public policy in a specific area across national borders, such as the NGO Greenpeace and the environment, Amnesty International and human rights, and others.
- **Sovereignty:** the notion that the state has the ultimate power and control over the people and property within a defined geographic area (state boundaries), free from interference from other states.
- **Universal Declaration of Human Rights (UDHR):** document adopted in 1948 by the United Nations as a response to the atrocities of Nazi Germany in World War II which proclaims equality for all peoples and outlines inalienable civil, political, economic, and societal rights.

Human rights overview:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

-United Nations Office of the High Commissioner for Human Rights

With the creation of the United Nations Universal Declaration of Human Rights (UDHR) in 1948, the notion of a universal set of inalienable rights and norms was introduced on a global scale. The Czech jurist Karel Vasak's theory of three generational human rights can be used to order and explore these rights protected within the UDHR. Vasak contends that there are three types, or 'generations' of human rights, those being civil-political rights, socio-economic rights, and collective-developmental rights, of

which it is the first two types which are enshrined in international law and are the main focus of human rights dialogues globally.

Civil-political rights are rights which both restrict the power of the state in relation to the individual, such as the right to freedom from torture, discrimination, and the right to equality before the law, and also rights which allow the individual to participate in civil and political society, such as the right to freedom of thought, conscience, assembly, expression, religion, movement, and the press. These rights are enshrined in the UDHR from Articles 3 to 21.

Socio-economic rights are the rights of the individual to have social needs, such as the right to education, health care, food and water, and adequate shelter, and economic needs, such as the right to work, fair wages, and adequate living standards, met by the state. These rights are protected in the UDHR from Articles 22 to 27.

Finally, collective-developmental rights are rights which go further than the previous two categories and encompass a wide range of rights, such as the right to self-determination for ethnic or religious minorities, to participation in one's cultural heritage, and to a clean environment. Collective-developmental rights are much more contentious than the previously two categories of rights and are not enshrined in the UDHR; these rights are in fact hardly present in international law due to their more interpretative nature and difficulty in creating a binding legal basis for adoption into international law.

Skeptics and critics

A major issue of contention with the UDHR and the notion of universal human rights is that they are primarily Western values being imposed upon non-Western states and cultures. Some skeptics state that the UDHR embodies Western liberal values which are not compatible with some other value systems in the world, such as communitarian systems where the community is more important than the individual. By proclaiming the rights of the individual to be universal, the cultural and ideological systems which have been present for thousands of years in some cases are ignored and Western notions of universality (some refer to this as 'Western imperialism') are imposed.

Interpretation of human rights in China

The Chinese government has used the notion of 'Asian values' and 'human rights with Chinese characteristics' to justify certain actions and policies which are seemingly in violation with the UDHR and other international human rights conventions and declarations. 'Asian values' was a concept used in the 1990s by several authoritative governments in Asia to justify human rights issues and variations by stressing that human rights are not universal and rather must be interpreted on a regional, historical, and cultural basis, creating a collective 'East' in which human rights are different than the 'West.' This notion has since generally fallen out of favour but can be comparable to the notion of 'human rights with Chinese characteristics' in China.

The community takes precedence over the individual in China, with the institution of family being of utmost importance. Individual rights, such as the right to free speech, expression, and assembly are generally considered less important than both collective rights and socio-economic rights, both by the state and the majority of Chinese citizens;

within the EU and Canada, civil-political rights are considered to be fundamental human rights and are protected as such. Human rights are seen by the Chinese state as an internal issue, one that it alone should have the power over, not external forces or the international community. Stability and security are widely viewed as vastly more important than political-civil rights, human rights concerns in general, and desire for more democratic governance. As long as the basic socio-economic needs of the Chinese citizen are being met and China continues to grow and prosper economically, there seems to be little desire for human rights reform from within China, although the pressure from outside of China remains strong.

Questions:

1. Do you agree with Vasak's classification of the three generations of rights? Which fundamental right listed above (freedom of expression, freedom of religion, right to education, etc.) do you feel is most important to you and why?
2. In your opinion, should human rights be considered universal, applied evenly across all peoples, or regional, defined differently depending on the culture, history, and religion of a people?

Sources:

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