

HOW SUCCESSFULLY ARE HUMAN RIGHTS BEING RECOGNISED ACROSS AUSTRALIA AND THE GLOBE?

WHAT ARE RIGHTS?

1. Increased attention to human rights

- the gradual expansion of a person's legal status: from slave to free person to empowered person (in respect to own government)
- this revolution is seen in the improved status of women, people of colour, indigenous peoples, and people with disabilities
- governments are increasingly accountable to international organisations, NGOs and the media for their policies which have human rights implications

2. Characteristics of "human rights"

- they belong to the individual automatically as a result of being human
- they are individual – except for the collective right of self-determination of a people
- they give the individual some protection from their government (often civil and political rights) or they place obligations on a government expressly to assist an individual (often economic, social and cultural rights)
- the rights have evolved over the centuries (hence the different "historic constitutional documents"); recent ones include the right to a healthy environment and there is now interest in a "right to peace"

THE EVOLUTION OF THE RECOGNITION OF HUMAN RIGHTS

3. The "natural law" doctrine

- the belief (especially before 1648) that all people in Europe (including rulers) were governed by God (through the Roman Catholic Pope in Rome)
- therefore, rulers did not have complete control in their own territory
- all Europeans lived broadly under the same legal principles (derived from the natural law eg protection from murder)
- the doctrine was eroded by the 1648 Westphalian system state sovereignty: each ruler made their own laws and could ignore foreign views (eg Hitler's treatment of the Jews 1933-1939)

4. The protection of human rights and world order

- since Hitler and World War II (1935-45), there have been a revulsion against automatic support for State sovereignty and the 1648 Westphalian System
- the United Nations (1945) was given a role in the international protection of human rights
- there can be no return to the "natural law" doctrine because of the varieties of religious views (or none, as in communism)
- but there is an exception that national rulers will follow human rights principles
- therefore there is now a convergence of values worldwide (such as on the rights of women) so that human rights are becoming "universal" by growing together eg role of NGOs and the media in spreading ideas about human rights

WHAT ARE THE BARRIERS TO PROGRESS?

5. State Sovereignty

- basic principle of the Westphalian System
- States do not like international interference in their internal affairs
- no State can be forced into accepting any human rights treaty (or any other treaty)
- no State in default of its human rights obligations can be forced into honouring its obligations
- States are often slow in submitting their required periodic reports to UN human rights bodies
- States do not necessarily tell the truth: the periodic reports may be more for public relations purposes rather than an honest assessment of what has been happening
- most citizens also resent international interference (though some domestic human rights NGOs may welcome it eg 1992 Toonen case against Australia (Tasmania))

6. Human Rights are Not Necessarily a Priority for Governments

- generational change from the 1940s: the horror of failure to deal with Hitler has faded away; indeed many people have forgotten him!
- human rights issues are often used as a tool in political campaigns eg to criticise the human rights records of opponents and overlook human rights records of one's allies (a policy of selective indignation)
- there is little consistency in governmental policy eg Africa will soon export more oil to the US than Saudi Arabia: therefore the US may reduce its (limited) drive for human rights reform in Africa in the interest of protecting its supply of oil

7. There are Differences of Interpretation over Human Rights

- western governments dominated world affairs in 1945 and so there was a "greater moral clarity" (ie agreement) on human rights; the world is now more pluralistic
- western governments focus more on civil and political rights
- old communist governments and now Asian governments are more focussed on economic growth
- some conservative religions disapprove of high levels of personal freedom
- there is a continuing – and genuine – difference of opinion within Australia over whether there should be a Bill of Rights

8. The Individual May Not be Aware of Their Rights

- Australia is an exception of a country whose citizens get such a grounding in human rights education; the education may not be as good as some would like but it is much better than in most other countries
- most governments do not educate their citizens in their own human rights
- governments fear that citizens educated in human rights will become more difficult to control (which was the intention of the human rights pioneers)
- even in a country which places a high priority on human rights, citizens may become bored with human rights and take them for granted

9. The United Nations Has Limited Resources

- UN hindered by State sovereignty; it is not a “world government”
- “5 per cent” of the budget goes to the international protection of human rights: probably not an accurate figure because of the way that human rights issues are also on the agenda of other UN bodies – but the UN does have a small budget: far smaller than the NSW State Government
- governments are reluctant to increase it and in fact staff levels have been falling

10. Limited External Security

- international human rights NGOs (though important) are still small – and they have no guaranteed future (because of government dislike of their role at the UN)
- fickle media attention to human rights: they take up some issues and ignore most others eg Darfur in the Sudan gets media coverage because George Clooney has taken up the issue: “CNN Effect”
- limited domestic media market for reports in international human rights issues; most consumers are more interested in sport and celebrities
- “compassion fatigue”: people are tired of hearing about human rights violations

LOOKING TO THE FUTURE

11. Potential Areas of Action

- we should not be too pessimistic – look at the amount of progress made since 1945
- note the way that the protection of human rights has constantly evolved and will continue to do so
- role of alternate media sources and rise of Web 2.0 (Web 1.0 as “reading” via web pages and Web 2.0 is “writing” eg via social media: the ordinary person can monitor human rights violations via a mobile phone)
- improve technology is helping people with a disability to have greater participation in society eg “bionic eye”
- new ways of NGO campaigning – young people have their own ways of doing things differently
- empowering individuals: eg Georgia Sadler: Californian nurse and the right to health