


TAKING ACTION FOR HUMAN RIGHTS IN THE TWENTY-FIRST CENTURY

original texts selected and compiled by **federico mayor**
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taking action for human rights in the twenty-first century



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for human

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'The fundamental issue - the only one that may prove decisive for the future - is that of creating the means (political, social and individual) to apply the principles and to turn human rights into a daily reality.'

FEDERICO MAYOR



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introduction

A question of will

What should we do if we want to effectively further the cause of human rights in the twenty-first century? The answer can be given in just three words: *defend*, *extend* and *apply* human rights. Each of these terms could doubtless be discussed at length – but let us go straight to the heart of the matter.

Taking effective action for the future of human rights means *defending* the principles on which they are based. We should remain faithful to both the spirit and the letter of the founding texts. That is the only way to safeguard personal freedom for all individuals and their freedom to develop in an autonomous way. This defence of human rights preserves each individual's potential for change, renewal and continual evolution in a spirit of respect for others.

The history of the twentieth century has shown us that it is perfectly possible for barbarity to rise up from the very heart of developed nations. Using the argument that races actually do exist and that human beings are inherently unequal, unimaginable massacres were perpetrated. UNESCO's Constitution, drawn up in 1945, states it explicitly: 'the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races'. UNESCO was chiefly founded to prevent this murderous ideology from ever surfacing again.

However, it is not only against racism that we should be defending the principles of human rights. In the course of the twentieth century, civil liberties have been violated in the name of

progress, revolution or a shining future for everyone. Each time people have thought they could 'overtake' human rights the result was a new form of slavery. The moment that people conceive of human rights as belonging to a particular epoch, region, social class or determined form of civilization, their universal significance is destroyed. Then the threat of enslavement reappears. This threat returns every time people become convinced that universal rights only reflect a particular, limited conception of the world and are likely to be abandoned in favour of more modern and suitable views.

That is why we must continue to defend these rights and the principles on which they are based. This goes for the future as well as the present. Let us not imagine – with the defeat of totalitarianism and the end of the period of world wars and the Cold War – that the battle has been won. Human rights in the world today are by no means embraced by everyone. They remain a nuisance – they will always be a nuisance – for a good number of regimes in power, systems of domination, profit-making enterprises and world-views. It is better not to allow oneself to be deceived by unanimous declarations and public shows of consensus. It is a never-ending battle. Freedoms can always be wiped out or buried. It is for these reasons that we should never allow anything to infringe human rights. There can be no question of compromise. Defending human rights means refusing to let them be diminished under the pretext that they are being modified or adapted. This is not to say that they should not be put in perspective according to each particular cultural and social context. Nor does it mean fearing the diversity implicit in universality – a multi-coloured diversity similar to that of the rainbow. Only silence and indifference are to be feared.

Those people who like to question that which unites us will be able to argue: 'You impose human rights, you refuse to adapt them and you accuse people of tyranny if they suggest even modifying them! When we are dealing with the complex relationship between human rights and today's world – a

multicultural world that is constantly evolving, and full of new dangers – can nothing be discussed? Can nothing ever be questioned? Is it out of the question to consider reformulating this or that right? People who talk in this way are at least right about one important point: defending human rights ought never to be a mechanical or rigid process. Preserving our attachment to the universal nature of human rights in its entirety should not mean that we turn them into a new, intangible and oppressive dogma.

Who really believes in such a danger? Who would contest in good faith that the freedom of worship, expression and movement, the right to respect for each individual's physical integrity, the right to education, and to work, rest and leisure could be dangerous, or even more 'harmful' than the absence of such rights? Those who level criticisms at human rights always suspect them, more or less, of being not truly universal. This notion of universality is often accused of being a product of Western ethnocentrism. Universal freedoms are seen as being tailored to European needs, but inappropriate to other cultures. These rights are regarded as only applicable to the epoch in which the West dominated the world.

I honestly do not believe this to be true. Having experienced several different cultures and having reflected at length about them and with them, I can only admire the loftiness of spirit evinced by the authors of the Universal Declaration of Human Rights of 1948. No, human rights cannot be reduced to a European ideology. They do not constitute a 'local' belief that is certainly generous, but which is only valid in a limited geographical area. Being founded on human reason, whose logic does not differ according to latitude or longitude, they are universal in the sense that they are an ideal that can be shared by everyone.

Everyone knows, of course, that the world is going through a period of great upheaval and is preparing itself for even greater upheavals. These changes will be even more substantial and rapid than those before. The world is becoming increasingly complex. The dangers grow at the same rate as power does. In this period of

fundamental transformation, whose pace is often bewildering, our thinking about human rights must evolve accordingly and will have to respond continually to new challenges. Let us not forget, however, that to find new and original solutions we need above all to remain faithful to – and never abandon – the principles of human rights. In order to come up with answers to questions which in the past did not present themselves we must draw on the founding principles – starting with freedom. Defending human rights means also *extending* them.

What does it mean to *extend* human rights? Are we to believe that ‘new rights’ suddenly appear? Do we think that they can be abruptly added, arbitrarily, to a list that has already been formulated? If this were the case it would be hard to understand how such rights could come into being. Would they be non-existent and suddenly the next day become inalienable? Or could they have existed all along but remained unrecognized and thus omitted from the list of rights? No. It is new historical circumstances that have led them to being discovered, recognized, developed and deepened. We must, then, draw new conclusions from these universal principles. They remained unknown because they could not be perceived in the context of past situations.

That was how, in the 1948 Declaration, the body of rights pertaining to work, health, education and cultural life were included. The expansion of the industrialized world, the improvement of health services and the development of education systems led to these new formulations, drawn up in accordance with the demands of human dignity and equality. Today, discoveries are being made in the field of genetics and biomedical technology giving us new possibilities that were inconceivable only a few years ago. These developments have led us to set out how respect for human rights must now extend further into new areas. That is why UNESCO took the initiative in drawing up and adopting in 1997 the Universal Declaration on the Human Genome and Human Rights, which constitutes the first text to be adopted in this field by the international community.

Bioethics is one of the areas that calls on us to take a responsible position. Several others also require fundamental decisions to be taken. They include the issues of environmental protection and natural resources, population control, new outbreaks of epidemics and the proliferation of genocides. In another register entirely we could add the issues of the globalization of information, the growing uniformity in lifestyles, the protection of privacy . . . The list is long! The key questions raised here demonstrate how vital it is to extend human rights as an ongoing process. This has already been the case on several occasions since 1948, notably with the rights that were dubbed 'third generation'. The extension of human rights must be accompanied on our part by deeper reflection.

As part of today's necessary transition from a culture of war to a culture of peace, from the logic of force to the force of logic, from coercion to dialogue, and from violence to tolerance, I have proposed that the human being's right to peace be recognized: peace, that necessary prerequisite, that premise without which there is no justice, freedom or education. I hope that this fundamental right will soon be unanimously accepted.

The fundamental issue – the only one that may prove decisive for the future – is that of creating the means (political, social and individual) to *apply* the principles and to turn human rights into a daily reality. The defence and extension of human rights are inseparable from their application. Let us imagine for a moment that everyone really were unanimously in support of the extension of human rights. If these convictions do not result in action nothing would change in the world. It is here that rights and duties are on common ground. Rights, conscience and behaviour are intimately related in every one of us. It is not, in my opinion, necessary to draw up a list of duties corresponding to one's rights. Who would decide what they were? Who would monitor our adherence to them? Human rights cannot remain good intentions or ideals that are never realized. They are not concepts designed to remain divorced from real life. Quite the

opposite! Everything must be done to reduce the gap that exists between the concept and its application.

What is actually happening in the real world? Men, women and children are being put in chains, stigmatized, humiliated and treated as commodities. In the abstract world human rights teach us that no human being may be turned into a thing, reduced to servitude, or be bought and sold like an object. The real world must therefore be transformed to be brought closer to that of abstract ideals. Human rights are probably an intrinsic part of each individual, independently of whether they are recognized, respected or put into practice. The gag preventing people from speaking does not diminish their right to free self-expression and it is on the basis of this right that one can work to untie the gag. It is clear, however, that this abstract notion of freedom has meaning only in so far as it becomes reality and is manifested in concrete action. That is why we need to act urgently to put human rights into practice and to work continually to ensure their integration into the lives and behaviour of everyone, in societies all over the world. These universal rights have no national or cultural bias. At a time when problems and solutions are becoming increasingly global in nature, each human being, from his unique standpoint, must be able to see the rights that constitute both the ethical fabric and framework of humanity being recognized and respected.

How can this be achieved? It is a question of will. Not any old will, but *political* will. Today, parliamentarians play a decisive role in the application of human rights. Human rights can only genuinely become an integral part of the lives of ordinary people on one condition: that the legislative, executive and legal authorities are truly committed to incorporating them into law. Individual initiatives, as well as the activities undertaken by a large number of associations, doubtless contribute greatly to the task of making human rights a reality. However, without the support of legislation, these initiatives will always encounter obstacles and there is always the danger that they will be reversed. It becomes, therefore, the responsibility of politicians and governments, of all

the elected and non-elected representatives of the people, to ensure that legislation is passed and decrees issued to make human rights part of everyone's daily life and this, it is worth repeating, in societies throughout the world.

For this to happen we need ideas, that is to say both the means to understand what needs to be done and concrete proposals. In order to move forward in the multifarious applications of human rights, we need constantly to come up with new proposals that pertain to specific sets of circumstances and the situation in which each country and each group of people finds itself.

It seemed to me to be in keeping with UNESCO's mandate to bring together a collection of ideas that might help us in our efforts to further the cause of human rights in the twenty-first century. That is why I asked very different kinds of people – winners of the Nobel Peace Prize, scientists, writers, heads of large non-governmental organizations (NGOs), artists, philosophers – to each write a short text putting forward an idea. These concrete proposals highlight essential aspects of the action that needs to be taken in support of human rights in the coming years. Above all, they are proposals that really can be implemented during the first years of the twenty-first century – provided that the political will to put them into practice exists.

In 1947, UNESCO asked a number of intellectuals to submit proposals for a new Declaration of Human Rights. Now, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, adopted in New York on 10 December 1948 by the United Nations General Assembly, I have decided to gather together suggestions from very different authors coming from different parts of the world. However, it would have been artificial to attempt to achieve a mathematical balance between the sexes, disciplines, regions of the world, nationalities and languages. In the pages that follow, each writer speaks only for himself or herself. No school of thought or official line can be discerned in this series of proposals. On the contrary, this

collection reveals a real diversity and freedom of tone that, in its way, marks a new departure for human rights.

In fact the half-century that has just gone by is only the beginning. The history of human rights has hardly started. We must not be content merely to celebrate a beginning – that is already old. First and foremost it is a matter of setting in motion the work that needs to be done over the coming years. It is a modest start in that this volume contains only thirty or so proposals, out of all those which ought to be published. But it is also an initiative to be truly proud of, since if the suggestions set forth in these pages were all put into action in the near future, we would surely see a less inhumane world.

I see this collective work as a host of ideas to be handed to the next generation. Our children can take them up, add to them, transform them and bring them to life by putting them into practice. We can give them the means to do this. It is a question of will.



ideas for education,
a fundamental right

Human rights education: a right and a responsibility

‘Every individual and every organ of society . . . shall strive by teaching and education to promote respect for these rights and freedoms . . .’

Preamble to the Universal Declaration of Human Rights

Every day the world’s media trumpet news about ‘human rights’, yet most people have only a vague, intuitive understanding of what those words mean. For example, a survey published in 1997 by Human Rights USA (a national coalition to educate about human rights) showed that 93 per cent of people in the United States could not describe the content of the Universal Declaration of Human Rights (UDHR). Yet human rights education is a human right, and human rights should be part of everyone’s basic education, as essential as reading, writing and arithmetic.

Based on a universal value system that affirms human dignity and equality, human rights education is necessary for democracy. As Betty Reardon says, in her *Educating for Human Dignity* (University of Pennsylvania, 1995), ‘the ultimate goal of this kind of education is the formation of responsible, committed and caring planetary citizens’ who have integrated these values into everyday life and acquired the skills to advocate for them.

Human rights education is also a responsibility – not just that of governments but also, as the Preamble to the Declaration exhorts, of ‘every individual and every organ of society’. But how do we meet this responsibility? Following are some practical

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seven practical
initiatives
for such
an education
are given here.

initiatives that ‘every individual and every organ of society’ can take to ‘promote respect for these rights and freedoms’ as we celebrate the fiftieth anniversary of the UDHR and move into the twenty-first century.

➔ **INITIATIVE 1:** Make information about human rights (especially the rights of the child) available, along with prenatal care and child-care courses for new parents. Print the Convention on the Rights of the Child (CRC) on the back of every birth certificate.

As Eleanor Roosevelt observed at the United Nations in 1958, unless human rights have meaning in ‘small places, close to home . . . they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the large world’. Most deeply held values begin in the family, ‘the natural and fundamental group unit of society’ (UDHR, Article 16.3), a fact that is no less true for the values of human rights. Human rights education begins at birth.

➔ **INITIATIVE 2:** Make knowledge of human rights a requirement for the licensing of new teachers and the re-certification and promotion of experienced teachers and all who work in the education system.

No one should be licensed to enter the teaching profession without a fundamental grounding in human rights, especially the Convention on the Rights of the Child. What a difference might be made in children’s lives if teachers consistently honoured their right to express opinions and obtain information consistent with their human dignity (see Article 28 of the CRC).

Veteran teachers present a particular challenge because human rights education involves not only new information, but also what may be new attitudes and classroom practices. Nevertheless, most teachers around the world share a genuine concern for children. This motivation and a systematic in-service training programme linked to re-certification or promotion can achieve a basic knowledge of human rights for all teachers.

Teachers do not work in isolation, however. To succeed, human rights education requires the endorsement and support of the whole education system: those who oversee continuing education, who license or certify teachers, who set curriculum standards and content, and those who evaluate students, teachers and schools. These officials are as unlikely as anyone else to have knowledge of human rights, and they too need to achieve 'human rights literacy'.

➔ **INITIATIVE 3:** Make human rights education available to rural and especially vulnerable groups.

Human rights education must not be limited to formal schooling. Many people never attend school. Many live far from any administrative centres. Yet they, as well as refugees, minorities, migrant workers, indigenous peoples, the disabled and the poor, are often among the most powerless and vulnerable to abuse. Such people have no less right – and far greater need – to know their rights.

Only by working in collaboration with these vulnerable groups can human rights educators develop programmes that accommodate their needs and situations. The techniques of popular education – music, street theatre, comic books, alternative media and itinerant story-tellers – can help to connect human rights to people's lived experience.

➔ **INITIATIVE 4:** Make human rights part of the professional preparation of doctors and nurses, lawyers and judges, social workers, journalists, police and military officials.

Some people urgently need to understand human rights because of the power they wield or the positions of responsibility and influence they hold, but even the elite of society seldom receive human rights education, formally or informally. Even human rights advocates usually acquire their knowledge and skills by self-teaching and direct experience. Human rights courses should be an established part of the curriculum in medical schools, law schools, universities and police and military academies.

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➔ **INITIATIVE 5:** When possible, establish collaboration for human rights education between government agencies and intergovernmental organizations (IGOs) and non-governmental organizations (NGOs).

Who will educate the lecturers in training institutions? Who will reach out to vulnerable populations? The preceding initiatives all call for skilful human rights educators. National and international organizations and intergovernmental organizations (IGOs) often have the human rights expertise to prepare such educators, but they may lack the resources and access to government institutions. When NGOs and governmental bodies work together, however, their complementary capacities and resources can create and implement far-reaching programmes, develop competent trainers and further the understanding of human rights among the whole population.

However, without honest intentions and political will on the part of governments, such collaboration is impossible. And even with sincere governmental support, pitfalls always exist. Human rights education must include advocacy for social change and critical analysis of social issues and government policies. Some officials may resist and resent human rights education: you cannot successfully train police officers who regard human rights as a threat to their authority. Furthermore, oppressed groups may regard government approaches with suspicion. Nevertheless, where collaboration is possible, its potential to promote human rights is enormous.

➔ **INITIATIVE 6:** Establish collaboration among NGOs for human rights education.

For too long groups advocating on particular issues, such as HIV-AIDS, the environment, homelessness, violence against women, prison reform and child labour, have worked in isolation and failed to recognize themselves as engaged in human rights work. Increasingly, however, such groups are using the human rights framework in their advocacy and recognizing human rights

education as part of their mandate. With human rights providing a shared value system, NGOs are forming coalitions among themselves for education, sharing materials and strategies, and greatly increasing their outreach potential. As educators they often can go where they might not be welcomed as advocates, for example into the business community, places of worship and schools.

➔ **INITIATIVE 7:** Require a sworn commitment to human rights from every candidate who registers for an election and include human rights education in the orientation of all new office-holders.

In a democracy no one can serve the interests of the people who does not understand and support human rights. People should require all election candidates, from the head of state to the local council member, to make such a public commitment. And no one should enter office who is not well-grounded in the human rights framework.

Like preventive medicine, the benefits of human rights education do not usually appear overnight, but the urgent need for it never ceases.

Whatever coalitions, strategies and programmes are developed should be carefully evaluated for their long-term viability. If initiatives will not be useful and sustainable in five or ten years' time, they are hardly worth undertaking.

The United Nations Decade for Human Rights Education (1995–2004) has brought new attention to the need for human rights education and the importance that 'every individual and every organ of society' meet its responsibility to promote human rights. Taking any one of these initiatives can contribute to the respect for human rights in a society. Even a portion of one initiative (for example an *optional* human rights course for only *some* teachers, lawyers or police) can make a difference. The imperative is to persist.

‘ In a democracy no one can serve the interests of the people who does not understand and support human rights. ’

To keep
the promises of
the new millennium,
one of our first
tasks should be to
rid the world of
illiteracy - this
will provide
a key for solving
many other
problems.

working to put an end to all forms of occupation

In the few months that remain of the twentieth century, let us recall not only the progress and development already achieved by humankind, but also the hopes of human beings, which continue to drive the wheel of progress and nourish human aspirations.

In a few months' time we shall witness the dawn of the twenty-first century, sustained by all our dreams and imbued with the will to overcome all the obstacles which humankind has failed to surmount in the past. Let us therefore affirm freedom and give free rein to initiative in order to dynamize and orient resources and production, and ensure democracy, freedom and participation in the management of the economic, political and intellectual affairs of all of humankind. Let the energies of scientists, writers, thinkers, craftworkers, youth, women, workers and children be released, and let there be an end to all forms of occupation, injustice, national supremacy, racial discrimination, and everything which tends to incite hatred and undermine the humanity of humankind.

The Palestinian people has been the victim of a most terrible and iniquitous catastrophe: it has been driven from its homeland and despoiled of its land; it has suffered hunger, poverty and dispersion; it has tasted the bitterness of occupation and military rule with all its oppressive regulations and practices, which include the wrecking of the economic infrastructure, the confiscation of land and the building of settlements, the closing of

schools and universities, and persistent and systematic attempts to induce illiteracy, promote ignorance and pursue policies aimed at imposing backwardness and annexation.

The poor countries, the countries of the so-called Third World, dream of national political, economic and intellectual liberation. These are at one and the same time the most backward and the most heavily populated countries, which have the greatest need for sustainable development. Helping these countries to advance and realize their full potential is tantamount to saving humankind and completing its liberation.

The world is today confronted with a number of common 'humanitarian challenges' that will require a consciously concerted global effort if they are to be met. These challenges include the population explosion, the environmental crisis and pollution, as well as political concerns, foremost among which is regional and global peace. One of the most fundamental questions is that of defining the principle of participation, which furthermore means that the general must not be used to eliminate, reject or ignore the particular. The peoples and countries of the Third World are subject to particular circumstances and developments requiring particular approaches and solutions rooted in their own reality; only thus will it be possible to engage in serious action and achieve an integrated humanitarian outlook with the forging of a common future history and the establishment of dialogue and good-neighbourliness between cultures.

In the course of the twentieth century, humankind has achieved much and realized many of its aspirations to enhance the role of humankind and improve its well-being. However, this century has also been marked by injustice, narrow horizons and discrimination. Indeed, we still perceive many features that not only do not advance humankind, but actually tend to increase backwardness and suffering. Therefore, one of the foremost tasks of our new world must surely be to put an end to the ineffectiveness of the mechanisms for the implementation of international agreements and resolutions. What good does it do

‘ Drafting a charter to eradicate illiteracy from the world during the first decade of the twenty-first century would be one of the best possible ways for humanity to inaugurate that century. ’

for the world to agree, through such international institutions as the United Nations and UNESCO, on specific resolutions in support of a people or a cause when a single country is able to reject those resolutions out of hand, and the rest of the world remains incapable of enforcing the resolutions that have been agreed upon?

It behoves us to rid the world of the legacy of inequity and narrow horizons that has afflicted the countries of the Third World. Does it not shame all humankind that lands and peoples remain under occupation at the dawn of the twenty-first century? Is it not shameful that the world should remain powerless to enforce its own resolutions and end this occupation? We call upon the world to cease this comedy of failing to abide by and implement its own resolutions and of applying variable criteria and standards to them. Before we cross the threshold of the twenty-first century, we must frame an international charter that binds states that are signatories to international agreements and instruments.

Is it not horrendous that enough landmines have now been sown worldwide to annihilate the whole of humanity, and that all of these mines lie in the ground of poor countries that cannot afford to devote the necessary resources and efforts to dispose of this stealthy form of death which claims the lives of thousands every year?

Is it not disgraceful that we are destroying the natural environment and increasing desertification, and that we are failing to frame agreements and conventions, which might halt this wastefulness, this abuse, this irresponsible exploitation?

Should we not think long and hard about helping the disabled and defending their rights in order to secure a better life for them? The drafting of agreements and conventions protecting the rights of the disabled and ensuring that they enjoy a better life is one of the most urgent tasks, from a humanitarian point of view, which we must address in the twenty-first century.

The world of the next century will, without a doubt, be the

world of the information and technology revolution, and this will afford groups and individuals full freedom of expression and freedom of access to information. People will therefore need to acquire the necessary skills to use and handle information technology and develop it further for an ever broadening range of purposes; this means that we must forge an internally and externally coherent national, humanitarian culture that goes hand in hand with human progress and ongoing cultural and historical developments.

But how can the poor countries of the Third World join in the march of the information and technology revolution while they continue to suffer from illiteracy rates that, in some countries, are as high as 90 per cent and more?

UNESCO estimates of the number of illiterates in the world are in the region of 900 million people, approximately 65 per cent of whom are women; furthermore, most of these illiterates live in the Third World, which means that they will be incapable of participating fully in twenty-first-century society. An end must be put to this catastrophe, which is increasing as the population of the Third World increases. Not only are illiterates unable to keep abreast of new developments; they have little understanding of their own destiny, environment and personal health.

Drafting a charter to eradicate illiteracy from the world during the first decade of the twenty-first century would be one of the best possible ways for humanity to inaugurate that century. The challenges of tomorrow's information age will prompt a change in ways of thinking and an opening up of minds and borders, the instrument of which will be the written word. The world will thus truly become one world in which all participate equally. 'Human history', as the British thinker H. G. Wells said, 'becomes more and more a race between education and catastrophe'.

We dream that the dawn of the coming century may shine forth as the ice covering the world recedes and human warmth spreads. We dream of a world of democracy, freedom, justice,

equality and good-neighbourliness, a world in which cultures are revived and cultural exchanges between nations are strengthened.

We Palestinians have been subjected to one of the most terrible injustices in history: our country was occupied and the vast majority of its inhabitants were turned into refugees. Our national rights were violated, our lands confiscated and our houses razed. However, world public opinion is now deeply convinced of the justice of our cause, and we look forward to the establishment of our own independent state with Jerusalem as its capital. We call upon all the noble and honourable people of the world to enable the Palestinian people to build its own national state, determine its own destiny and recover its rights.

solidarity and education

In the scale and ferocity of its social upheavals and the number of sacrifices suffered in its wars and revolutions the twentieth century has by far outstripped all previous centuries. But although humanity has endured the most painful ordeals, it has reached the end of the century with many outstanding achievements. Pride of place among these must undeniably go to the general recognition of human rights, reinforced by United Nations resolutions and by many other international documents. Moreover, this is not simply a pious hope and an abstract ideal. A wide range of civic rights and freedoms, embodied in substantially sophisticated forms, has become the property of hundreds of millions of people in economically developed countries with democratic political structures.

But that very first observation indicates what, in the first place, should be the target for our collective efforts in the coming century. Those who are fortunate enough to belong to what are known as the 'golden billion' have no right to forget those others on the globe, who remain in vast areas of hunger, poverty, ignorance and epidemic diseases. On our planet, as on a chessboard, the black squares of poverty are located right next door to the white squares of prosperity. And we should none of us rest until that time when 'inalienable rights' have become the property of the many from whom, alas, they are now effectively excluded.

What we must accept is not simply that caring for one's neighbour is a commandment in all social philosophies, both religious and lay: we are rapidly approaching the time when such caring will also become a matter of self-preservation. In an interrelated, interdependent, interpenetrated world it will be impossible to live on the top storey, leaving the inhabitants of the

in order to
strengthen
the application
of human rights,
each one of us
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conscious
of the fact
that we inhabit
the same planet
and belong to
the human race.

lower floors to their fate. Mass emigrations, the export of poverty, AIDS, drug addiction, terrorism – none of these can be guarded against unless measures are taken to reduce and abolish the gigantic gap that exists in the different levels and qualities of life; that is, in the final analysis, the totality of those factors generally accepted as measures of human rights.

I will venture to formulate the idea in this way. If we do not wish to see repeated in the twenty-first century – but on a disproportionately greater scale – the misfortunes that have been the lot of people in the twentieth century, we must ensure that *the concept of human solidarity becomes the cornerstone of politics and morality*. While preserving their absolute right to distinctiveness and remaining true to the national cultures, traditions and life structures they have developed, people everywhere in the world must recognize their own membership of the human race, together with the rights and the responsibilities that this confers.

If the world community adopts this formulation as an ‘agenda’ for the twenty-first century it will be necessary to fashion, agree upon and progressively implement a whole complex of key economic, political, social and cultural measures. We hope to formulate a number of proposals on this account within the framework of the research project entitled ‘The Twentieth Century – Century of Global Challenges and Responses’, which the Gorbachev Foundation is developing, in collaboration with many other social and scientific foundations in Russia and elsewhere in the world.

Meanwhile, in accordance with the theme of this book, I should like to set down two practical proposals that, it seems to me, it would be possible to put into effect in the relatively near future.

➡ It is beyond dispute that both human rights and the whole survival of humanity are dependent in the most decisive way on the protection of the environment. But this is impossible without a mature ecological awareness being prevalent everywhere. Education in this spirit is being conducted in various countries

with varying levels of intensity, dependent on prevailing ideas and, to a considerable extent, on what can be afforded. It would be a significant step forward to supplement these national efforts with international ones. What I have in mind is *the preparation and distribution – naturally, with the agreement of the states concerned – of a general basic teaching programme on the protection of nature.*

Similar initiatives have indeed already been undertaken several times, without great success. But the project would get off the ground if it were adopted by an authoritative organization such as UNESCO – possibly through a special resolution of its General Conference. The International Green Cross, of which I am the head, and other organizations concerned with ecology and the environment, would consider it an honour to take part in this noble initiative.

If it were possible to create an elementary ‘eco-programme’ of universal application and, using the mass media, to bring it to the consciousness of people in all corners of the planet – especially to the younger generation – this would be conducive not only to a more thoughtful and caring approach to the natural environment, but also to the spiritual rapprochement of peoples, the reinforcement of a sense of togetherness and the strengthening of active human solidarity.

➔ The other practical idea is of a similar kind. No less significant for man’s self-awareness than his attitude to nature is his attitude to history. A knowledge of his own people’s past constitutes that inner foundation, without which both the continuity of culture and, in the final analysis, the very progress of civilization, are unthinkable.

From time immemorial, however, written history has been the subject of every possible distortion, associated both with the disappearance of sources and, to an even greater degree, with this or that political bias. The conscious deformation of the canvas of history, in the interests of various mercenary aims, has been the source of many conflicts and calamities.

‘ While preserving their absolute right to distinctiveness and remaining true to the national cultures, traditions and life structures they have developed, people everywhere in the world must recognize their own membership of the human race, together with the rights and the responsibilities that this confers. ’

Has not the time come, I ask myself, to try to create yet another introductory course – with universal application – in world history and, in agreement with governments, to distribute it everywhere, for teaching in schools?

Of course, this is an extremely complex task. History, especially national history, touches on the destinies of states and the jealous attitude every people has towards it is fully understandable. There are a great many events that are interpreted differently, from various points of view, and are the subject of bitter polemics. In a word, there is no shortage of obstacles to the realization of this idea. But it seems to me that the time has come to take at least a first step in this direction, to compile a set of facts, without detailed treatment, except in those cases where an effective consensus already exists. The powerful technological apparatus humanity now has at its disposal would make it possible to bring to every young inhabitant of the earth an essential minimum of information about the origins of the human race, its development, the birth of the great civilizations and the principal episodes of economic, social and spiritual evolution.

It goes without saying that the appearance of such a teaching programme would signify a colossal progress towards the rapprochement of peoples and the strengthening of solidarity between them in the face of the challenges of the twenty-first century.

Human rights and human nature

We have understood for more than a century that all the species that now inhabit the planet represent the outcome of an evolution that, from a common beginning, has gradually differentiated them. Living organisms first appeared over 3 billion years ago; they developed gradually, becoming more complex due to a double process: random mutation, which continually produced new structures; and natural selection, which ensured their adaptation to the changing environment. But the discovery of a common genetic coding was the decisive argument: everything that lives on earth, from bacteria to primates, is part of a common family tree. We human beings are at the far end of one of the recent branches of this tree; we separated from our closest cousins, the chimpanzees, only 6 million years ago. Faced with such evidence the very status of the human race was turned on its head. Instead of being the end product of a specific act on the part of the Creator who then granted humans a special role, humanity is nothing more than a haphazard outcome of a mechanism which, operating at random, created primates incapable of living in trees who compensated for this by developing a more complex central nervous system. So, seeing that they have been brought back into line and defined as members of the animal species that share that history with all the other species, how can human beings sustain a better claim to the privilege of special rights?

We have known for some forty-five years, thanks to the discovery of DNA, that the boundary between inanimate objects and animate beings was more the result of an optical illusion than objective reality. What appeared 3 billion years ago was not 'life', but a molecule that happened to be endowed with the capacity to make a copy of itself – to reproduce. This capacity is due to its

what distinguishes
man from
other species
are not his genes.
The only thing
that makes
him human is the
path he takes
by virtue of his
education.
so why squander
our budgets
on other causes?

Our planet has become so small that the inevitable globalization ought first of all to be concerned with the right of every person to be educated. This process is at the root of our specificity; it ought, therefore, to be carried out systematically for the benefit of everyone, and its cost should be borne by everyone.

double-helix structure and the process is not particularly mysterious; it is the result of the same interactions between atoms as those which are at work in all other molecules. The word 'life', therefore, does not define a specific capacity possessed by certain objects; it simply translates our wonder at the powers these objects have: those of reproduction, of reaction, of struggle against the environment. But these powers are the result of an interaction of the same natural forces as those in a pebble. Like everything around us, we human beings are 'stardust'. On what then do we base our claim to be entitled to special rights?

It is not in what nature has given us that we can find the answer, but in what we have added to our nature. What has made our species different is the inherent capacity to bring about a metamorphosis in each member.

A caterpillar turns into a butterfly: this metamorphosis is the result of processes that are inscribed in its genetic inheritance. The colour of the butterfly's wings is determined from the moment of the caterpillar's conception. We are amazed, but these are simply the workings of rigorously organized mechanisms. The metamorphosis of a human being is of a completely different sort: conceived as an individual with pre-programmed characteristics, he becomes a person capable of conscious perception. This awareness, or capacity not only to be but to know that one is, this affirmation of the 'I', are not gifts of nature; there are no genes that teach us to say 'I'. They have another origin, which can only be traced to the 'others'. We must be fully part of a human community in order for our consciousness to emerge within us.

For this to take place, complex neuronal equipment is of course necessary, but it is not sufficient. The decisive contribution is that of the society in which we live. This is called education. Indeed, this involves bringing a child out of himself, so that, with the help of others, he can participate in the construction of the person he chooses to become. Nature has supplied the materials

that permit this transmutation, but it can only be achieved through what is passed on by society.

The primary purpose of all human communities is to enable each of its members to achieve this metamorphosis. Everything must be subordinated to this goal unless we are to return to a pre-human society. It does not seem that all the world's nations have at present really understood this quite obvious fact. Those, for example, who agree to sacrifice their education system for demands as derisory as the repayment of the national debt or the reduction of the budget deficit show that, for them, money comes before concern for human beings. This attitude is so clearly a return to barbarism that it ought to impose on other nations the duty to interfere.

➔ Our planet has become so small that the inevitable globalization ought first of all to be concerned with the right of every person to be educated. This process is at the root of our specificity; it ought, therefore, to be carried out systematically for the benefit of everyone, and its cost should be borne by everyone. So when will we see a planetary budget that will provide all communities with the resources necessary for putting in place their systems of education?

in an infinitely
expanding human
world, the new
technologies have
to ensure education
and learning.

How to safeguard human rights

When discussing human rights, it is really in terms of the past: how to set right today the wrongs of yesterday. In other words, the debate relates to people who exist, who are able to voice their opinions, with the privilege of voting by means of a slip of paper, and who own a gun to defend themselves. However, human rights should be the prerogative of the next generation too. In the event that these rights are not secured today, it will be very hard to make reforms tomorrow. Our legacy to unborn infants, with eyes still closed, and unable to speak for themselves, should on no account be a world eroded by pollution, from the ecological viewpoint, and overrun by deprivation, from the human viewpoint.

Thus, when dealing with human rights, we must take into account the rights of human beings, some unborn, some already born but lacking the capacity to fend for themselves or make personal choices. We must ask ourselves how best our generation can safeguard the human rights of the next generation, and take the right steps in time, before it is too late.

As technology replaces territories as our main source of wealth, we are moving from a world of territorial borders to a world of intellectual horizons. A border's advantage is that it is marked and it is possible to reach it on foot, on horseback or in a vehicle. Its disadvantage is that it is progressively losing its value. An economy that is based on science does not recognize borders. A missile-oriented strategy ignores them. And television, that travels freely, is uninhibited by STOP signs, and is unrestricted by Iron or Silk Curtains.

Instead of borders, we now have horizons. And the horizon, even though visible, is intangible: the closer you get to it,

the more remote it becomes. Indeed, nearly every scientific discovery generates a new scientific discovery, and we realize that the infinity of thought is as infinite as the universe itself.

Which human right should be safeguarded at any cost in this world of horizons? Beyond all doubt it is education. It is vital that we develop our ability to learn, to enable or to keep abreast of the many changes that are occurring, and will be occurring, in our lives. Studies are no longer to be limited to kindergartens, schools, or even universities. Today, education must start as far back as the foetus, while it is taking shape in its mother's womb – it is possible even then to prevent a number of defects from afflicting its well-being, and instil several sensitivities into the unformed human being – and continue in the home of its parents which, in fact, constitutes the child's very first school. It should be a matter of course for man to learn, and teach, to the last day of his life. We must all have the capacity to be our own teacher, and studying must become the core of our lives. If we truly aspire to a world that is more just, one that advocates equality and wishes to bestow equal rights without any discrimination, it must give education first priority the world over – in every nation, society and home. Privileged nations must reach out to help countries that are less fortunate than themselves. The affluent must grasp that money is a commodity that can be transferred from one place to the other; lack of knowledge, however, can cause a whole society to be the poorer for the lack of it, and this trend might prove to be irreversible.

With education in mind, and in the knowledge that a young person must be able to learn not only about the outside world, but about his own inner world as well – be equipped with the tools to cultivate his imagination, improve his memory, develop the secret assets of charisma, communication, diligence, solidarity – it is necessary to invest more and more means and resources in man; for today, man constitutes the roots of our existence and the source of our hope.

Telecommunication has the power to educate, not only to

‘ The right to learn is to be seen as the first of all the other rights of man. ’

entertain. In the human rights charter, the right to know, the right to learn, should be recognized today as a supreme right – serving as the key to the creation of a new world, and a new man – a genuine source of power in the fight for the true rights of man, both today's and tomorrow's.

These rights can naturally take a more practical shape: the creation of a new structure, in which the place of work also serves as the place of study, and vice versa. A framework in which studying becomes an integral part of work, as well as an essential component of the national investment.

Human resources should not be treated as capital market economies. Instead they should constitute one of the basic rights of man in today's world. The rights of the future generations should therefore be placed at the top of this generation's priorities, and it is our duty to take appropriate action in order to safeguard these rights. The right to learn is to be seen as the first of all the other rights of man.

The human rights encyclopedia

The history of humanity is usually considered as being a series of wars, assassinations, betrayals and crimes. The importance of an event is judged by the number of victims it produces or by how famous those victims are. Judging by television news and history textbooks, 100,000 anonymous people killed are roughly equivalent to the assassination of one head of state.

In organizing a *collective compilation of an Encyclopedia of Human Rights* we wish to go against this trend and bring together the best that humanity has produced since its beginnings (that which is most in keeping with the universal values on which human rights are based) concerning the organization of societies – without, of course, failing to denounce its major periods of regression.

Men are certainly able to destroy one another on a massive scale, but they also seem capable of improving their condition. Compared with the ordeals of the Middle Ages, the existence of a European Court of Human Rights, before which the rights of an individual may prevail over the powers of a state, constitutes a huge advance. But how many centuries of carnage has it taken to reach this point, and it still only concerns a limited portion of the world.

The aim of this programme is two-fold. First, it is to provide all those who feel it is urgent to promote a real education in civil liberties with the information and knowledge that will enable them to do so. Second, it is to provide everyone – in the face of the immense moral heritage that constitutes man's efforts to assert his dignity – the necessary courage and enthusiasm to continue and even accelerate this endeavour, thanks to new developments in communications.

presenting
the history
of humanity as
a struggle
for dignity, and
asking all those
who wish to
do so to write
an entry for
this encyclopedia,
is a practical
way of reinforcing
respect for
human rights.

In the contradictory age in which we live, an age both of fragmentation and restructuring, of economic globalization and of democratization, it seems to us that the moment has come to give everyone the opportunity, by means of this collective encyclopedia, to become aware of the fact that, in spite of its diversity – particularly its cultural diversity – humanity is united as one, and that this unity resides in the principles set out in the Universal Declaration of Human Rights of 1948, which represents, as Ren  Cassin said, ‘the first manifesto of ethics ever adopted by humanity’.

Two factors, however, undermine this unity: the persistent violation of human rights and the contemporary phenomenon of globalization. Let us not dwell on the tragedy of the former, which confronts us on a daily basis, while fuelling our anger to continue our struggle. But, contrary to appearances, the latter, globalization, does not act in favour of the unification of mankind either, in so far as it presupposes a world divided into producers and consumers, and a world market that is standardized – in other words, subjected.

We must, therefore, react and exercise our power as citizens as best we can, both to reduce the most abhorrent violations of human rights as well as to counter this apparently inexorable globalization with the human dimension it lacks, and to build a world capable of devoting itself to another ideal rather than a world of the consumed consumer. The aim of economic development is not economic development but the development of the individual, of *every* individual.

For, contrary to what the ideologies of days gone by would have us believe, humanity cannot in fact be ‘saved’ at one go, but only individual by individual. In other words, human society will only really be able to advance if each one of us advances, that is, if each becomes aware of his place and role in the world and attempts, as part of a collective enterprise, to identify and to express, in a specific context, the best of himself.

However, we each have our own language, our own particular concerns, our own way of approaching the issue of human

rights – in other words, the meaning of our life within a society – in the light of our particular identity and history. The purpose of the *Encyclopedia of Human Rights* is to give all those who agree to participate in its compilation the opportunity to express their opinion about the issue that most concerns them. The extreme diversity of the subjects proposed will open up the field for possible contributions as much as possible, both in time and in space. Contrary to common practice, we situate human rights at the very origins of civilization.

Even though we cannot really talk about ‘human rights’ before the seventeenth century (the American Bill of Rights) and the eighteenth century (the French Declaration of the Rights of Man and of the Citizen), this notion (which consists, as we see it, of a two-fold aspiration for justice and liberty) is as old as humanity itself: man only really becomes man when he becomes aware of what is wrong and attempts to put it right – most often by means of revolt. The universality of human rights springs from the universality of human suffering.

That is why we feel justified in speaking of human rights as beginning, for example, with the birth of writing – even though we may be accused of being anachronistic. Each of the concepts, subjects, organizations, ‘heroes’, events (microscopic or planetary) or works accepted in the encyclopedia (which is obviously not exhaustive), each of the 5,000 to 6,000 potential entries that we have drawn up, has been chosen because it has to do with this two-fold aspiration. The contributions we are sent must be written with this sole perspective in mind.

The entries in the *Encyclopedia of Human Rights*, of which an up-to-date list can be consulted on the Internet (<http://www.fond-int-dh.org>), will therefore be written by voluntary contributors of all nationalities, by high-school classes, universities, representatives of specialized bodies (governmental or non-governmental organizations, national or international institutions, associations, etc.), private individuals, or specialists in a particular field who wish to participate in this venture.

‘The universality of human rights springs from the universality of human suffering.’

For this project to work, it is necessary for everyone concerned to adhere to a single and constant set of rules:

- The participants (whether individuals or groups) may only make their final choice of subject after corresponding with the organizers and in agreement with them. In order to avoid too many repetitions, the individuals or groups wishing to take part should send us a list of about ten possible subjects, ranked in order of preference.
- The contributions must be based on solid research and, in the first instance, be written in French (the work will probably be subsequently published in English, Spanish and Russian); be in a spirit of complete intellectual honesty (texts which are purely ideological polemic will be systematically rejected); they must have an introduction and a conclusion, be accompanied by a bibliography comprising a minimum of six works (not including dictionaries, encyclopedias and general works of reference) and, if possible, give the references of iconographic sources (or others) since a later edition on CD-ROM is being planned.
- The articles themselves should contain no more than 8,000 characters (including spaces), i.e. a maximum of 100 lines, each line comprising 70 to 80 characters (about 4 pages in all).
- All the texts sent to us must be previously unpublished. They will become the exclusive property of the International Foundation of Human Rights, which reserves the right to publish them (or not) in part or in their entirety, or to modify them according to the general plan of the encyclopedia. Moreover the Foundation cannot return any unselected contribution to its author. The articles thus assembled should bear witness to the aspirations for justice and liberty that are part of all cultures and all civilizations, since they are born of the suffering that has brutalized, and which continues to brutalize, our history. In this way they will pay tribute to the choice made by humanity in adopting the Universal Declaration of Human Rights.

Ultimately, the only really important issue is how to bring about

respect for all human dignity; how to transform the abstract principles of universality into concrete principles of universal application; how to ensure that all the suffering that has been inflicted so far has not been in vain; and how to offer all peoples of the world the reassurance they need.

The text of the Charter of the United Nations begins: 'We, the peoples of the United Nations' – a formula that, because of the Cold War, could not be used again in 1948, as the opening phrase of the Universal Declaration of Human Rights. However, by a feat of intellectual genius, of which only great minds are capable, René Cassin managed at the last moment to change the title of the Declaration from 'International' to 'Universal'. It was a surreptitious but fundamental way of bringing 'people' back into the very title of a text from which some had tried to banish them.

Fifty years later, on the occasion of this anniversary, the time has come to give them back part of their lost voice in a concrete and universal way.

human rights
cannot be
implemented
without specific
programmes of
education,
initiated and
administered
by states, and
based on the
fundamental values
of peace and
solidarity.

An education for peace and solidarity

The twentieth century has been characterized by great progress in technological and scientific fields. Many of humanity's dreams have come true. However, this progress has not been possible in all areas, especially where the development of poor countries, inequality, discrimination and serious violations of human rights are concerned.

Despite the inequalities, human beings and the community of nations have managed to develop a certain awareness and codes of conduct (thanks to education and participation in national and international affairs), proclaiming human rights as fundamental for the life and development of all peoples. Fifty years after the proclamation of the Universal Declaration of Human Rights, it is essential to strengthen ties between human beings so that we can confirm the values of the life and dignity of individuals and peoples.

The learning process has been difficult and painful but also full of hope. There has been some progress but there is still a lot of work to do before people can take control of their own lives and history. Those who remain mere spectators are those who are most likely to suffer the consequences of violence and injustice.

Democracy as a social system is a possible solution but it has goals to attain and options to develop. It is not perfect but it can be perfected in order to obtain, through popular participation, rights and equality for all – which means a just and equitable distribution of resources such as education, health, housing, as well as work organized so that people can be free to be creative and to take advantage of the opportunities that life offers them. This also

implies that a way to end hunger, poverty, illiteracy, and political, religious, economic and racial inequalities must be found through social measures and civic awareness.

As we approach the third millennium, it is time to reassess and to explore further the notions of human rights and democracy as indivisible values. If human rights are violated, democracy is weakened and falls into the hands of authoritarian governments or dictatorships.

Education for peace and for human rights is a prerequisite for the development of social conscience and responsibility, the respect of others and a culture of solidarity. Primary and secondary schools, as well as universities, must develop study programmes that include education in human rights.

Today, our societies are overwhelmed by individualism and consumerism. We must change this tendency and encourage participation and solidarity with those who are most in need: the dispossessed, the poor and children in vulnerable social situations.

What we have the courage to sow today will bear fruit tomorrow. This implies that we learn to share what we have and to live in freedom with our brothers and sisters.

If one examines the present situation of human rights in the world and in our own countries, one can see that legal impunity is the rule, which means that our society is unable to defend itself. Although the field of international rights is rich in experience and legislation, it lacks the means to prevent offences and to sanction those responsible for violating human rights. That is why the United Nations, as well as non-governmental organizations working for human rights and democratic governments, should continue striving to establish a permanent international tribunal to judge crimes against humanity. Thus, we should:

- Urge governments to support this initiative, which will help to prevent and even avoid impunity.
- Support international organizations such as the United Nations, OAS, the Council of Europe, FAO and UNESCO, as well as regional organizations from all continents, to encourage them to

reinforce their legal and educational systems and to develop a working relationship between states for the purpose of the prevention and resolution of conflicts.

- Remove anti-personnel mines through the intervention of states, regional organizations and non-governmental organizations. There are thousands of these littering many of the world's regions, and continually claiming victims, especially children. Several countries have refused to accept a ban on these arms under the pretext that they help maintain security. This position is unacceptable and must be changed for the good of humanity.

‘ The third millennium must be a millennium of solidarity with those who need it most. ’

Hunger is a ‘silent bomb’ that kills more people than war, leaving irreversible consequences. The poor countries, already lacking resources to develop health and education, are quite powerless to counteract this calamity, and with no end in sight to their many ills tend to adopt a fatalistic attitude. This situation darkens the prospects for the twenty-first century.

Only clear political decisions, taken by rich countries with high-level technology, will enable us to tackle the problems that affect a large part of humanity. We need also to alter the relations between different countries by slowing down the arms race and by imposing limits on the dealers in death who sell arms to poor countries. The way to succeed is through industrial reconversion and the establishment of codes of conduct for multinational companies who dominate today's international markets and thus escape state control.

Let us hope that in the year 2000, the rich countries, in a rush of solidarity, will take the political decision to abolish the external debt that affects poor, independent countries. The third millennium must be a millennium of solidarity with those who need it most.

The funds comprising the external debt and its interest must be reinvested in various development programmes for education, health, technology, housing, work, the quality of life

and the preservation of the environment and natural resources.

We should reinforce the rights of people to self-determination and sovereignty. Human rights have no frontiers; they must be taught and respected by all, by governments as well as societies and individuals.

We should also protect the right of people to cultural identity. We are experiencing a phase of globalization that seriously affects cultural values and possibilities for development.

The United Nations has enlarged its human rights framework, which is a great step forward, both qualitatively and quantitatively. All rights, whether civil, political, economic, social or cultural, that is to say the rights of peoples, are inalienable, and to respect them is a guarantee of peace between individuals and peoples.

Throughout its long and fruitful struggle for a culture of peace UNESCO has shown that bastions of peace are first built in the minds of men. Meeting the challenge of new hope and new achievements in the third millennium depends on our determination to construct the present.

According to an old saying, you cannot sow with a closed fist. If we want to succeed, we must open up.

It is in this spirit that the Nobel Peace Prize winners, together with the Director-General of UNESCO, Federico Mayor, have launched an Appeal for the Children of the World, addressed to all the heads of member states of the United Nations. In this appeal, it is pointed out that, in many countries, thousands of children silently suffer the consequences of violence.

This violence takes many forms – it is present in the streets, in schools, in the family, in society. It can be physical, psychological, socio-economic, environmental or political. Too many children live in a ‘culture of violence’.

The winners of the Nobel Peace Prize also launched an appeal to the United Nations General Assembly to help overcome violence by declaring the first ten years of the new millennium ‘The Decade for a Culture of Peace and Non-violence’.

In order to attain these goals, we must make use of multiple agents. This means, as UNESCO has proposed, motivating people in different fields – teachers, popular leaders or governments – to insist on an ‘education for all’. Religious leaders should also be encouraged to spread a culture of peace in their places of worship.

On the eve of the third millennium, I consider education for peace and for human rights as vital to humanity, that is if we want individuals and peoples to build the history of years to come in an atmosphere of solidarity and non-violence.

recognizing the right to a philosophical education

While the theory of rights inherited by modern times bases human rights on equality between individuals and the freedom of action they possess as rational beings, contemporary philosophy has established that man is a being endowed with language who needs to exercise his judgement and to have the truth of this judgement acknowledged by his social partners in order to be recognized by them as a human being. Equality with others and freedom of action can no longer simply be considered as innate properties that are possessed a priori by everyone and that need to be protected in the same way as one protects one's right to possessions, by drawing up contracts which establish ownership of these possessions and which prevent others from appropriating them.

As a listener and interlocutor of others as well as of oneself, each person is obliged to make judgements about the objectivity of the conditions in which he lives and to act according to the truth of the judgements he succeeds in sharing with others. Thus his judgement of truth is based solely on this process and this sharing. This judgement has as much to do with his knowledge and the morality of his actions as it does with the objectivity of the desires that are universally recognized as human. It is not enough, therefore, to grant each person, by contract, the freedom to behave according to the outcome of these judgements; the means need to be created for each person to recognize their truth, if the freedom to act in accordance with the truth of these judgements is not to remain an empty notion.

we are not talking
here of teaching
philosophy as one
subject among many,
through the addition
of new courses on
the history of
ideas to existing
curricula. It
is more a question
of enabling each
person to exercise
his fundamental
right to form a
personal judgement
following a
public debate.

The right to make judgements about truth is the basis for all rights, for this use of the faculty of judgement is based solely on one's ability to objectivize objective conditions, on the truths it enables one to arrive at and on the act of sharing. This judgement is thus essentially philosophical in character. It makes a philosopher of everyone, with each person only achieving his humanity by making others recognize the truth, in the same way as he brought himself to recognize it. Public recognition of this right to form judgements goes hand in hand with the recognition of democracy as an objective condition of human life.

If this right is not to remain an empty notion, therefore, we should not be content simply to defend it, as one defends a piece of property by recognizing someone's right to have access to it, with the support of a purely defensive, contractual and negative concept of rights. On the contrary, we must promote the development of this faculty of judgement by granting each citizen that which enables him to become a full citizen of the world: *by granting him the right to a philosophical education*. The right and the duty to form judgements bestowed on each person through the experience of his roles as speaker and interlocutor – of himself and of others – is based on his nature as a being endowed with language. This right can only be respected by respecting and making others respect what results from the exercise of this faculty of judgement: by making others recognize that the truths that are expressed therein are as much truths of life as expressed truths.

Indeed, human beings are differentiated from other living creatures, such as animals, in that they are not imprisoned in a biological nature that rigidly conditions their perceptions, actions and emotional state and can be summed up by a list of characteristics. As beings that are paradoxically defined by what they lack and that are without the extra-specific hereditary conditioning known as 'instincts', human beings have to create their own perceptions, actions, thoughts and desires, and to recognize in them the conditions in which they live by getting others to share them through the medium of what we call their

'culture'. This positive freedom cannot be recognized in purely negative terms: as a belonging, which needs to be protected from the constraints that others might be tempted to place on it, in order to be able to attain one's desires. Positive freedom can only be recognized if one allows each person to experience the conditions of life that he judges to be his own through the exercise of this faculty of judgement, and thus to gain respect for the different conditions of life experienced in the variety of different cultures, by allowing him to become open to tolerance.

From this point of view, all education can be seen as philosophical in character, for it always includes the exercise of one's judgement and the mutual recognition of the people participating in the exchange of truths. Each person thus has the right to expect the political institutions mandated by the Constitution to provide for his education and to recognize his right to be given a philosophical education at the time when this faculty of judgement is being formed: at the end of one's secondary education and during the stage of intellectual and practical specialization at university. At this level, the more knowledge and practice are indissociable from the exercise of this judgement, the more the need for philosophical education as an accompaniment to academic specialization becomes manifest. The necessity for this is self-evident in the different branches of the social sciences, and in the study of political and economic theory, but it is also the case in the different disciplines concerned with the arts and literature, in other words, the 'humanities'.

Because the conditions of communal life are the very subject of political theory and the exercise of political power, the universal recognition of the right to a philosophical education should be accompanied by an institutional demand for access to the exercise of political power. Politicians who aspire to this power must prove that they have undergone this philosophical training and must provide evidence of the presence of this judgement in both the content and the implementation of the political programmes they advocate. Indeed, only politicians capable of

‘ The universal recognition of the right to a philosophical education should be accompanied by an institutional demand for access to the exercise of political power. ’

demonstrating the objectivity and truth of the judgements that they impose on their compatriots, on their own state and on the states with which they are in partnership are able to participate in the shaping of the international democracy that is demanded by the current globalization of economic and political relations.

Finally, it is important to note that the process of philosophical education cannot be limited simply to rehearsing widely held beliefs formed by an unthinking consensus and a purely competitive struggle between opposing interests, even though this process only takes place within the sphere of public opinion and the different public spaces it expresses. It seems, therefore, important and highly desirable that the different states ensure that a genuine philosophical debate takes place in the media between journalists, politicians and those who, either directly or indirectly, participate in the development of philosophical thinking. Only in this way may the experiments with the new truths demanded by the globalization of socio-economic relations and the elaboration and adoption of associated rights be seen to be objective and free states from their traditional protectionism.



ideas for human rights
in a changing world

The human body and human rights

The most visible and obvious sign of an individual's humanity is his body. The body of *Homo sapiens*, along with his face, is immediately recognizable as such. Without recourse to expert investigation it is not confused with that of any other species, nor with that of a robot, even an intelligent one. The humanity of the species, that is all of us, resides in the body of each individual, in its physiology and in its form in which social existence is also expressed.

➔ **This empirical definition of humanity may be used as a regulating principle in order to resolve the difficult ethical problems confronting biomedicine, both at the beginning and at the end of life.**

At what moment does an embryo become a human being, that is a living being whose humanity we can and must recognize? The fact that it is the biological product of other human beings is not sufficient since it shares this status with any other human cells or groups of cells. The potentiality to develop into a person, first a child and then an adult, is not sufficient either since that is all it is – potential. Furthermore, in its earliest stages of existence the embryo has a potential for animal development greater than that of developing into a human being: by virtue of specific manipulations (the transfer of the nucleus of the embryo of another species) it can also develop into a hybrid, that is a being that is part human and part animal. Yet, from the moment of birth, a human baby is immediately recognized as such from what its body and face look like. There is no need for an expert examination, genetic or other, in order to distinguish it from an animal of another species. Let us agree, then, to set as the threshold

How does
one recognize a
human being?
Is it not by the
shape of his body?
The ethical
and legal
consequences of
this definition
are more important
than it would
seem at first.

the period of gestation when the form of the embryo, of its body and face, becomes recognizable as human. This period was estimated by our forebears, who, in line with Aristotle, established it at around forty days.

In the same way, clinical death does not automatically entail loss of human rights since the corpse is still entitled to the respect and dignity all cultures accord, which is confirmed by the existence of funeral rites. This implies that during a period of loss of consciousness or when in a coma (be it long or short) that may precede death, the unconscious body is still recognized as a human body and as such remains the beneficiary of human rights.

The form of the human body as the distinctive sign of a person's humanity also prevents us from getting caught up in spiritualist or functionalist definitions, which assume as being hallmarks of humanity the moral conscience and the intellectual and emotional capacities of a free and responsible person – or someone with such potential. In fact, these definitions have often in the past led to the denial of the status of human being to unconscious or mentally impaired individuals, not to mention the justification they have provided for the practice of infanticide ritualized in some societies. The recognition that the human body is entitled to human rights allows us to maintain the necessary distinction between human rights and the rights of animals or of 'nature' in general, whatever degree of consciousness or 'life' one is ready to ascribe to this or that organism, or to this or that natural structure.

⇒ **The empirical definition of humanity provides a possible solution to the problem of moral and legal responsibility as we become better able to identify the biological and psycho-social factors at the root of human behaviour traditionally attributed to free will.**

The idea that the legal or moral subject is defined as a person responsible for his or her actions by virtue of his or her freedom – in the sense of free choice of action – is undermined as

we become more aware of the sociocultural factors that influence human behaviour. But the notion of responsibility can be dissociated from that of free will and still retain some meaning, even with a completely deterministic philosophical approach. The Kantian moral system founded on the idea of a suprasensitive realm of freedom should be replaced by a moral system inspired by the Stoics or Spinoza, in which the individual, though totally determined by his 'nature', is none the less held responsible for the acts he commits, without having 'really' chosen them – rather like the way in which we are responsible for the actions of our under-age children, even if we do not choose to perform these actions ourselves.

In this case, the legally responsible individual is defined as such as long as one can recognize him by his body, whatever one may think about the existence or non-existence of his free will. The degree of responsibility may possibly be adjusted according to the degree of intention accompanying the actions, but it cannot be wholly dependent on this.

This also implies that one recognizes a certain asymmetry between the notion of a right and that of an obligation. Recognizing the individual's rights obviously implies obligations towards him on the part of other individuals and society as a whole through the intermediary of its institutions. Placing emphasis on one's obligations raises the question of the role of the government that formulates these obligations, as not all governments are democratic. Which is why it is always better to work towards guaranteeing people's rights than defining their obligations.

Conversely, if everyone is responsible for what his or her body does, even unintentionally, and consequently if he or she is to account for the damage which may result, this obligation in no way removes or diminishes the right to the respect and dignity accorded to each human body, even when guilty, whatever degree of free will or intention one is prepared to recognize. Thus, to emphasize one's obligations towards others – determined in their acts yet responsible by virtue of their bodies and therefore having

‘ The recognition that the human body is entitled to human rights allows us to maintain the necessary distinction between human rights and the rights of animals or of “nature” in general . . . ’

obligations as well – rather than emphasizing one's rights, is another way of enhancing these rights as unconditional and dissociated from the presumed existence of one's free will. They are granted unconditionally to every human being immediately recognizable as such by his physical appearance.

Human rights and democratization

There are moments in the history of humanity that are characterized by greatness which, of course, is not sufficient to redeem all the atrocities that have tainted and continue to taint the pages of history that we write day after day, but which allow us to keep that flame of hope and optimism, without which the word 'future' would be meaningless, alive in our hearts.

The Universal Declaration of Human Rights of 1948 was one of those great moments. Proof enough that humanity remains, in its essence, capable of the worst, but also of the best.

Over the years, the international community has succeeded in setting up an elaborate, complex and dense mechanism to protect and promote human rights. Indeed, we should applaud the work undertaken by the United Nations General Assembly for almost half a century in establishing basic norms for human rights. Thanks to its unstinting efforts, those areas needing protection have become increasingly well-defined and the people concerned by these rights have been more clearly identified.

None the less, not a day goes by without our being confronted with news of war or famine, arbitrary arrests, torture, murder, population displacement or 'ethnic cleansing'. Not a day goes by without our hearing of attacks on our most fundamental liberties. Not a day goes by without our being reminded of racism and its crimes, intolerance and its excesses, underdevelopment and the damage it causes.

The stark reality of men, women and children suffering and dying is becoming ever more unbearable. This reality, that we are all essentially the same but that history continues to treat us as if we were different, creates political, economic, social and cultural differences between us that ring out like so many injustices.

for human rights
to respond
to the challenges
of our time,
three imperatives
must be taken
into consideration:
universality,
guarantees and
democratization.

boutros boutros-ghali

general secretary of the international organization of La francophonie/egypt

The sense of injustice, shared today by all the peoples and nations of the world, undeniably marks a step forward in human awareness. And the transition from the awareness of inequalities to the revolt against these inequalities has been possible only by virtue of the universal assertion of human rights. Ultimately, it is this notion that allows us to move from morality to law, and to impose a scale of values and legal norms on human activities.

We do not harbour any illusions, however. As it is the basis for judgement, this scale of norms and values is also an instrument of power. Certain states seek often, and by various means, to appropriate human rights for their own ends, to transform them into an instrument in the service of national political policy. Let us not deceive ourselves: some states are constantly trying to hijack and manipulate human rights. Human rights are, by definition, the expression of a power relationship.

This is why I remain convinced that we must always be more daring in our proposals and more steadfast in our principles, because meaning does not simply spring from projects but from their application. And if it is true that force without justice is tyranny, it is also true that justice without force remains impotent.

As we move into the twenty-first century, we must work unremittingly to satisfy at last the three essential imperatives of 'universality', 'guarantees' and 'democratization', as fully and completely as possible.

➔ THE IMPERATIVE OF UNIVERSALITY

Human rights are both absolute and exist in context: they are there to reaffirm the unchanging commandments and to give expression to a moment in the history of human awareness. But the fact that they will inevitably adapt themselves to the evolution of history should not detract from their essential nature: their universality.

The purpose of the United Nations General Assembly is, by virtue of its character and its composition, to give fullest expression to this idea of universality. Indeed, the United Nations has continued year after year to deepen and to broaden the idea of

universality itself. In particular, it has created, in the wake of collective rights, rights of solidarity – a conception of universality that presupposes concerted action by all those working in the social field, on both national and international levels.

Since the ratification of the Charter of the United Nations (from its first article onwards) on the right of peoples to self-determination, the General Assembly has set forth the ‘right to an environment’, the ‘right to proper nourishment’, the ‘right to peace’, the ‘right to joint ownership of the common heritage of humanity’, and, above all, the ‘right to development’.

This last right should make us realize precisely how modern the notion of universality really is. This notion of universality seems to me to be going in the right direction and must be pursued.

But we must also be very aware that even though ideological divisions and economic inequalities remain a reality in our world society, we cannot allow them to be an obstacle to the universal nature of human rights.

This is why, in the present context, what seems to me to be most pressing is less to define new rights than to urge all states to adopt the existing texts and to apply them effectively.

Let us open up dialogue with member states to identify those obstacles that hinder ratification and try to overcome them. At the same time, let us support the beneficial role that regional organizations can and ought to play in heightening member states’ awareness of this problem. For in this field, huge disparities exist, the implications of which are highly serious and must be remedied immediately.

➔ THE IMPERATIVE OF GUARANTEES

The imperative of universality will remain no more than a mantra if human rights do not also benefit from mechanisms and structures capable of ensuring their effectiveness, in both the domestic and international arenas.

We must leave false debates behind us, and reaffirm that it

‘ In the present context, what seems to me to be most pressing is less to define new rights than to urge all states to adopt the existing texts and to apply them effectively. ’

is not a question of considering human rights either from the point of view of absolute sovereignty or from that of political interference. By their very nature, human rights do away with the traditional distinction between national and international orders. They have created a new openness between different legal systems. They imply, in their essence, collaboration and co-ordination between states and international organizations.

In this context, the state remains, indeed, the best guarantor of human rights, and it is to the state that the international community must delegate the primary role of ensuring the protection of individuals.

However, it is up to the international organizations, whether global or regional, to step in when states prove themselves unworthy of this task, when they contravene fundamental principles of the Charter, and when, failing in their duty as protectors of individuals, they become their persecutors.

That in this case a legal and institutional apparatus should come into force is hardly surprising and I do not feel it undermines our modern conception of sovereignty. For when sovereignty becomes the ultimate argument used by authoritarian regimes in order to violate the dignity of men, women and children, that sovereignty has already been condemned by history.

It is therefore necessary to work to improve the methods and the mechanisms that guarantee human rights, in administrative as well as judicial and operational fields.

I think, in relation to this, that it is time to undertake, in the coming years, a simplification and rationalization of the whole system of human rights protection. It is a 'victim of its own success' and of the constant development it has undergone in recent years. There is a certain amount of overlapping and incoherence in the present system, which often makes it unclear and undermines its effectiveness.

It seems obvious that working towards consistency between the different conventions concerned with human rights should, at some point, be envisaged as a necessary corollary to the

rationalization of the monitoring bodies of the treaties. I feel we should reflect on the possibility of a comprehensive overhaul of the system of supervision of international treaties concerned with human rights. The simplification of procedures and a reduction of the number of monitoring bodies seems to me to be inevitable.

At the same time, I feel we should examine possible modifications to the work undertaken by and for the Human Rights Commission with the aim of rationalizing present systems, but also of making them more transparent to ensure greater democracy.

➤ THE IMPERATIVE OF DEMOCRATIZATION

Democratization is the last imperative to which we should subscribe, but without doubt the most important one.

As I see it, democratization cannot be dissociated from the protection of human rights because democracy is the political structure through which the rights of individuals can be most freely asserted. It is impossible to separate the struggle for human rights from the establishment of democratic regimes in nation-states and in world society.

That is why the United Nations, but also regional and non-governmental organizations, have a constant duty to aid those states that are in the process of moving towards democracy, which is always a difficult transition to make. This is how the links between democracy, development and human rights must be forged. For there cannot be lasting development without the promotion of democracy, and therefore without respect for human rights.

The industrialized countries have a duty towards states embarking on the process of democratization. Everyone has to understand that it is development aid that will foster democracy and human rights. Moreover, this in no way diminishes the pressing responsibility incumbent on all states, including developing nations, to promote democracy and human rights within their own countries.

‘ It is impossible to separate the struggle for human rights from the establishment of democratic regimes in nation-states and in world society. ’

An important step was taken in 1991 with the creation, by the United Nations General Assembly, of an Electoral Assistance Unit. A considerable effort has been made, the unit has steadily grown in size, but its limits must be recognized. The supervision and monitoring of elections is not a long-term guarantee of the transition to democracy nor of respect for human rights.

We must therefore go further. We must help states to change certain mentalities and persuade them to embark on a process of structural reform. The United Nations must be able to provide them with technical assistance enabling them to adapt institutions as necessary, to educate their citizens, to train officials and to elaborate regulatory systems designed to uphold democracy and the respect for human rights. In short, our aim is to put in place a vast, worldwide construction site of civic education.

But, above all (and this, I think, is the immediate challenge we have to address), we must institute, in the face of globalization, a genuine democratization of international relations. Democracy at state level will only have any real meaning if it is part of a world society that is also democratized, a world society that opposes the free choice of cultural and linguistic diversity to a fatalistic submission to uniformization in order to ward off the dangers of globalization that seriously threaten human rights.

The time has come for a new co-operation between global organizations, regional organizations and non-governmental organizations.

It is, in any case, in this spirit and in the position that has been entrusted to me, that I perceive the French-speaking community. It must, indeed, assert itself, alongside the other leading cultural and linguistic communities, as a political organization capable of working effectively, in its specific space, towards the democratization of international relations and the promotion of human rights, through the defence of its cultural and linguistic diversity without which the democratization of international relations is doomed to fail.

The French-speaking countries of the North and South

share a beautiful language that carries the notions of liberty, democracy and respect for the rule of the law. This language, in which the Declaration of the Rights of Man and of the Citizen of 1789 was written, clearly demonstrates that the surest means to attain the universal is to celebrate and safeguard the riches of the particular, and that the surest way of speaking the universal language of humanity is to give everyone the opportunity to express and to adopt these universal ideas through the vehicle of their own culture.

IN ASIA,
the universality
of human rights
has to be
demonstrated by
several means:
political,
religious and
transcultural.

Towards a coalition politics of human rights

The recognition of the universality of human rights today is the result of a long, tenuous, historical process of man's struggle to free himself from the conditions that threatened to degrade his dignity and significance. The historical tide of humankind towards self-liberation from injustice, oppression and intolerance cannot be ignored by any nation or any people. The rampant use of high-tech communication systems, accompanied by the global economy, has brought the entire world to recognize the ideals of human rights and fundamental freedoms as universal.

Yet, the present state of human rights in Asia is not as satisfactory as one might expect. There are some forces that resist change and engage in repression of those who attempt to bring about democratic reforms in society, and resort to different interpretations of democracy and human rights in defending their vested interests. However, these forces are countervailed by the establishment of coalition politics of various social groups with a deep sense of commitment to the promotion of human rights. These groups should be made the standard-bearers of the ideals of human rights.

What is here considered one of the most necessary conditions to be met at present is no doubt that of human rights education for those who participate in such coalition politics. They should be recruited from the middle and intellectual classes, for these social strata are, above all other social groups, in a position to

possess both the psychological sensitivity and the material affluence to be tolerant towards others.

➔ COALITION POLITICS FOR THE PROMOTION OF HUMAN RIGHTS

The revolution of productive forces, accompanied by the rapid progress in science and technology, economic growth and the globalization of national economies, have come to unite peoples of different cultures in thought – and lifestyle. Transcultural unification of different nationalities has indeed set in. In many parts of Asia, economic development has created a self-confident middle class with the material means to pursue individual freedom. The newly emerging middle classes and the increasingly assertive intellectuals in the region should be motivated to carry out the task of bridging the gap between the ideals of human rights and social reality. Their active participation in the political process is an essential precondition for the promotion of human rights in most Asian countries, where civic culture is yet to be developed.

As proposed at the International Congress on Education for Human Rights and Democracy in 1993 in Montreal, the state should commit itself to human rights education within governmental institutions. If this is not the case, it is most likely that civilian groups will step in and take the place of the government. In Asia, the middle and intellectual classes are expected to be the bearers of the values of human rights in their respective societies. It is up to them to take initiatives and assume the burden of educating their people. An alliance of professionals, office-workers, journalists and academics should exert influence on the government through a policy of radical pressure, and the burgeoning self-reliant middle class and the self-conscious intellectuals are ideally situated to do this.

➔ THE NOTION OF HUMAN RIGHTS IN THE MAJOR RELIGIOUS TRADITIONS

Despite cultural diversity, almost all societies in the East and the

West carry the complexity of culture that engenders an interest in man's inherent value. This is manifest in their religions. Religion is a mode of man's being in the universe. Historically, religion precedes philosophy. It is one of the most elementary manifestations of human spiritual life. It reveals man's relation to his own self, to his fellow men and to the universe. Certainly, there are numerous religious traditions alive today throughout Asia, and what is in operation at the core of these beliefs is the assertion of human significance. This common thread will be the basis on which a general text on the application of human rights can be developed.

In Buddhism, freedom and dignity come from man's struggle and ability to reach beyond his ego and his desires to the spiritual self from which he will have the capacity to act toward the universal good of the external world. The spirituality of man becomes the main factor for the notion of human rights.

In Islam, man is said to have inherent dignity by virtue of the fact that he is determined by the supreme Being to be the perfect creature. He is endowed with freedom of will. He is allowed to make decisions and mistakes. Islamic thought acknowledges rights to which man is entitled: life, health, happiness, property and so on.

Much Catholic and Protestant teaching begins with the idea that each man is created equal in the eyes of God regardless of his personal situation. In Christianity the essence of God is considered to be love. God created man after His image and conferred on him the duty to give His love to his fellow men. Christianity teaches that man should show solidarity for his fellow-beings, who are, like him, created by God after His image. The image of God in man is the true sign of his dignity and significance.

In Confucianism, man is taken as ultimate. There is no source of human principles other than man himself. Man finds norms of life and conduct in himself. In this sense Confucianism

It becomes vitally important to consolidate the transculturality of the notion of human rights and to develop it into a global ethics for human rights education and practice.

becomes a type of humanism. What is believed to give all human beings their humanity is called *jen*, which is the source of all human actions. *Jen* means benevolence and loving kindness. It is regarded by Confucius and Mencius to be love of man toward others.

Buddhism, Islam, Christianity and Confucianism thus consider man as their central concern upon which the concept of human rights is to be built. Despite the many differences found among them as distinct religions, all of them are non-violent, and each attempts to give moral teachings that grace man with a sense of meaningfulness and dignity.

➔ A TRANSCULTURAL ETHICS OF HUMAN RIGHTS

When the Universal Declaration of Human Rights was first formulated, many Asian and African nations were not represented. The suspicion of Eurocentrism regarding the concept of human rights was aroused on the part of non-Westerners. Now, the civil, political, economic and social rights stipulated in the Declaration are believed to be acknowledged by the entire international community. Hence, it becomes vitally important to consolidate the transculturality of the notion of human rights and to develop it into a global ethics for human rights education and practice.

Every nation is a community of human beings who together develop their own culture. Although all peoples speak different tongues, have different faiths and different customs, their basic form of coexistence is invariably the same, irrespective of time and place.

Human beings love and hate one another, they work and play together. Through the medium of these social relationships they learn about the facts of life, adapt themselves well to their surroundings, and learn about how to survive in a hostile world. In the warm bosom of the family, love unites the mother and the child, whereas hatred prompts siblings to quarrel, and this leads to fights that often end in the separation of the beloved.

The family work together, and they also work with their neighbours. They till the soil and cultivate crops together. Together they build dams and temples, erect towns and cities. After a day's toil they play together, while humming melodies to whose rhythms they dance.

Love discloses to humans the meaning of unity and peace; hatred that of violence and destruction. Work shows them the magnitude of their potentialities; play the value of comradeship. Human beings relate to the outside world in terms of the meanings that they thus obtain through the coexistence of love, hate, work and play. In order to avoid self-destruction, humans choose love instead of hatred. Through work and play they learn how to collaborate, and realize that only co-operation can provide them with a living on the basis of which their potentialities and creativity can unfold. It is through these modes of coexistence that our practical reason grows mature and comes to possess the communicative competence needed to understand one another, and to found a transcultural ethics of human significance.

Abandonment and solidarity

It is a fact that we have no absolute certitude about the origin or destiny of man. And as we have become fully aware of this, this awareness has the bitter taste of disillusionment.

We feel bitter, because although this awareness liberates us, so to speak, from any deceptive – and dangerous – obligation towards the universality of individual duty, it does not free us from the essential, close ties of mutual respect, with regard to our fellow human beings or humanity as a species.

And yet such a void can lead us to a new experience and a new attitude of solidarity, based on that which is without basis, on the rational ‘baselessness’ of human existence. It is this experience that one of the perhaps most representative philosophies of our times has already successfully termed as a state of ‘abandonment’ of human existence in the world.

What Heidegger did not point out, however, is that people bring others into a world of their own making.

This radical fact, which young people can sense very well, presupposes there being an existential debt that is reproduced and sometimes accumulates from generation to generation. But, contrary to what people thought in more presumptuous times, the present generation does not in the least owe its existence or a debt of gratitude to the preceding generation. On the contrary, from an elementary ethical point of view, it is the ‘giving’ generation that is weakened if it does not give all the humanity of which it is capable: to give life and to love the life one gives; to physically care for this life; to ensure its health and dignity; to pass on the spiritual and cultural values that a society enjoys – all this is much more than a simple biological fact, it is what a society does in order to survive.

Acknowledging this should change the conception of rights

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and duties as being equal in importance. It is not a two-way, symmetrical relationship as such. It *only* becomes so with the full citizenship to which society leads its members and into which they are ‘initiated’. It is only then that an individual can fulfil his duty towards those who have recognized his full right to humanity since his birth.

In simple terms, my proposal is as follows: we are born with all the rights to humanity that society is capable of conceiving of and bringing about, and it is only fair that each individual should be able to demand them from society.

This implies at the very least the right to education (and not just to professional and technical training as is the case in Latin America) as well as access to good health services, for all the young people of the world.

building multicultural societies

A brief examination of the most appalling violations of human rights during our century will reveal that many of them – from the Nazi Holocaust to the current situations in Rwanda, Burundi, Iraq, Sri Lanka, Bosnia and Kosovo, to name but a few – have their origin in the hatred and prejudice born of intercommunal or interfaith conflict.

Accordingly, and together with the need to assure decent living conditions for all the people of the world, the greatest contribution that we may be able to make to human rights during the coming century might be to identify and propagate basic principles that will help communities in multicultural and multifaith societies to coexist on a basis of harmony and mutual respect.

Our own experience in South Africa – one of the world's most complex multicultural societies – has led us to identify the following basic principles that we believe can help to achieve this objective:

- We have found that the roots of racism, as well as those of prejudice and inter-group hostility usually lie in fear, ignorance and alienation.
- Prejudice and hostility often flow from situations where one group feels that its core cultural, economic and security interests are being threatened by another. While the threat persists, members of the threatened group are likely to regard all members of the threatening group not as individuals, but as racial, ethnic or class stereotypes.
- Prejudice often has its roots in sheer ignorance of the

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cultures and faiths of others and in the knee-jerk rejection of those who are seen to be linguistically, ethnically or religiously different.

- It also arises from situations where minorities feel alienated and excluded from the mainstream of national life.

Inter-group hostility can accordingly best be addressed by cutting to the roots of prejudice, ignorance, fear and alienation. Our efforts to address inter-group conflict should centre around the following points of departure:

- The reasonable cultural, economic, religious and security interests of all communities should be safeguarded. This must be done without introducing new forms of discrimination.

- All cultural and religious communities should be given maximum 'breathing space' to promote their identities and to preserve their languages, traditions and faiths. They should also be given the option, where practicable, of educating their children in the language of their choice.

- Constitutional provisions prohibiting discrimination in any form should be adopted and strictly enforced.

- A culture of tolerance, mutual respect and pride in diversity should be promoted through the media, the education system and social institutions.

- All cultural and religious communities should be welcomed and included in the institutions and identity of the broader society. Simple majoritarianism, where significant minorities can be excluded from the national identity and from the processes of government should be avoided.

- There should be a concerted effort to establish pride in, and commitment to, an inclusive, over-reaching national identity.

During the coming century, as populations become more mobile in our 'global village', the challenges of accommodating different cultures and faiths within increasingly multicultural states are

Inter-group hostility can accordingly best be addressed by cutting to the roots of prejudice, ignorance, fear and alienation.

likely to increase. By applying these principles, I believe that we will be able to meet these challenges and also help to remove one of the greatest causes for the violation of human rights throughout the world. In my view the international community should take active and practical steps to encourage the implementation of policies aimed at the promotion of such principles in multicultural societies.

what is the most
important point?
to be able to
analyse situations
with the purpose of
taking action.

A sine qua non for the effective implementation of human rights

The most valuable achievement of our century appears to be its bringing to the fore the idea of human rights: the concept that human beings, whatever their natural or accidental specificities might be, should be treated, and treat other human beings, in a way that protects human dignity.

To safeguard this treatment we have developed, and keep on developing, international instruments and mechanisms whose main articles are incorporated into the constitutions of the states of the world. Yet, at the turn of the century, unscrupulous murder, torture and social injustice prevail in many parts of our world. What is missing in our efforts?

Among various points that might be enumerated in this respect, I think, one of the most crucial is that of the lack of clear conceptual knowledge of human rights; yet another important point is that of the lack of knowledge concerning the question of how it is possible to implement human rights in different real conditions, provided that we possess knowledge of human rights.

Legislation and the application of laws, as well as education promising to lead to a broader protection of human rights, depend on such conceptual and methodological knowledge, without which the effectiveness of any proposed action is condemned to remain bound to coincidences.

Here I shall say only a few words on one main condition of any decision and action aiming at the implementation of a

human right, from which I shall draw the conclusion it bears for the education of human rights.

Any action aiming at the implementation of a human right in a given country at a given moment should depend on a correct evaluation of the situation in which we wish to implement it. This is an evaluation of the given situation in the light of the knowledge of the human right in question, which makes us see how that human right is violated and why.

This evaluation makes possible, for those who can do it, to find out what should be done for the implementation of that right in the existing conditions of the country, and to carry it out, provided that they possess the sincere will to implement it. By acting on the basis of such an evaluation we can also avoid damaging human rights in the name of human rights, as happens very often now.

This means that we should follow a different path in the education of human rights – different from the main ways followed at present on a worldwide scale.

The first stage in the education of human rights is that of training people to make correct evaluations of human situations in the light of a clear conceptual knowledge of human rights.¹ What are the objective conditions of the possibility of making a correct evaluation of a situation?

Put very briefly: a situation is not there, it does not stand before our eyes, like you and I. It becomes the special situation that it is only when it is set forth, when we name it. This seems to be the main reason why one and the same situation is often presented as several different ones.

Thus the first step in the effort to evaluate a situation is to put it forth. This amounts to becoming aware of the relationship between various simultaneous events that are the outcome of the situation, or its symptoms; i.e. it amounts to discovering, among their other different causes, the common cause of certain independent events that happen at that moment. A good example of this is the way in which Dr Rieux in Albert Camus's *The Plague*

1. For other ways of evaluation, which we see taking place but which do not lead to the knowledge of the value of the evaluated object, see my *İnsan ve Değerleri* [Man and Values], pp. 25–31, Ankara, 1982; and 'From Revolt to Philosophy', *Philosophers on Their Own Work*, Vol. 11, pp. 109–19, Berne, 1984.

‘ The application of ready-made precepts for the implementation of human rights often undermines human rights in the name of human rights. ’

connects various events that lead him to the diagnosis of the situation in Oran.

The second step in such an evaluation is to explain how the situation under consideration came about. This amounts to becoming aware of the way in which a number of other (earlier) simultaneous events were entangled around a human group and of the role that each of these independent events has played in the creation of the existing situation.

These two sets of events – those which are the causes of a situation and those which are its outcome – should not be confused in any attempt to evaluate a situation. Such confusion easily leads to a situation in which the application of ready-made precepts for the implementation of human rights often undermines human rights in the name of human rights.

Connecting this real, historical, unique situation with the knowledge of human rights constitutes another step in the correct evaluation of a situation. This connection, made after a correct explanation of the situation under consideration, not only helps us to become conscious of the consequences that the entanglement of events around a group bears for their life as human beings, but also makes it possible to find out what should or could be done in this concrete situation – and how – for the protection of human rights.²

The implementation of human rights depends on our capacity to make correct evaluations of situations and to find out what should be done for cutting successfully the knot created by the above-mentioned entanglement of independent events in which that situation consists, i.e. what should be done for the protection of human rights in the existing situation.

Therefore, the philosophical training in making correct evaluations of situations, events and other components of human reality, to be provided in different levels of education, appears to be a *sine qua non* for a sagacious implementation of the same principles of human rights in the different conditions existing in various parts of our world.

2. For a detailed analysis of the activity of the correct evaluation of a situation, see my *Etik* [Ethics], 2nd ed., pp. 82-91, Ankara, 1996.

In defence of the sacred

Life was not created, full-blown, for once and for ever. Only fundamentalists may believe this; yet it is gospel. Therefore, a new religion is needed, based on both perennial religious values and virtues, on the concepts of total unity, encompassing the interdependence of all parts – continuity, eternity, infinity – and the inevitability of constant change and adaptation to energy in motion, with its demand for ever new equilibriums between altering speeds, temperatures, directions, gravities, pressures, spaces. In short, a religion tuned to contemporary knowledge and experience.

The extraordinary phenomenon of life occurs when the balance of forces, temperatures, speeds, etc., achieve a high degree of permanence within a restricted range of extremes, compatible with the environmental requirements of living cells.

The human biped is by definition a religious animal. God has never rested (I doubt he took Sunday off), and as life has evolved from rich and slimy matter to an ever-growing choice of alternatives, based on memory of cause and effect, consciousness and imagination eventually spawned in man the key philosophic and religious questions of 'how?' and 'why?'

Now, the vanity of man is such that he must have, he must know, the answers. No self-respecting man can admit to any suspicion of ignorance, even if, from remote sources of the memory of species, fanciful imagery, he constructs a tale that is totally unprovable, even unlikely, even downright false.

These free interpretations of our inalienable philosophic and religious selves are the religions of our day, as of every past day. They all contain the same core of that need to understand, of that faith that there is a higher order, which we can only revere, respect,

In reaction
to the ever-
increasing
fragmentation
of our activities,
discourses
and beliefs,
it is crucial
for humanity
to re-establish
a sense of
the sacred and
the wholeness
of all aspects
of life.

worship, fear, flatter, sacrifice to, pray to and beg of; a power, like fire, a volcano, the sun; a mind, perhaps an old man, a king seated on his throne, someone like us, who knows, who has a purpose, whose servants we are, an all-knowing Deity, who surely knows 'how' and 'why'. If we could only win or curry His favour, we should be protected and spoiled forever, each in the paradise of our choice, as in those 'safe-havens' for the wealthy in Florida.

We, of course, already *know* how he created us, how we came to be – and perforce, every interpretation, every religion, every fascinating myth, is different. But none of us can explain who made God, because if He made us, surely we could not have made or invented Him.

Yet that is what happened. Every myth has served to reinforce the cultural, social and economic structure of its followers, of the believers. Every king had to be divinely appointed, ordained and anointed by the high priests, the vicars of God on earth, whether in the case of the sun-worshipping Aztecs, who believed that virgins' blood was essential to placate the setting sun – equally red – in order to ensure the sunrise next morning, or in that of any other king who, once made and chosen by his people, following some great conquest, invoked the gods to lend him their own total authority. Yet, where the institution exists, weathered and tamed, domesticated, as it were – and I am speaking of constitutional monarchy – it must be guarded lovingly, and fiercely, by the twin steeds of tradition and heredity.

But now, however beautiful, meaningful and truly symbolic are the religious myths of creation; however glorious are religions, works of music, architecture, sculpture, painting and literature; however true they appeared to their separate cultures in the past; and however much progress they have made in formulating ever more abstract models of worship, compatible with each other (monotheism, for instance), they have not yet formulated a belief that can now be accepted by, reconciled with, and reconciled to, all other religions.

In the evolving history of religion, it is perfectly clear that

we are evolving from the fixed and arbitrary to a more fluid truth, which recognizes the forever changing in the forever being, i.e. the unity of the whole, of the total sum of energy, of will, of purpose, remaining constant, whilst the myriad relationships of the parts are in constant flux.

I believe that every cell, every atom of organic and inorganic matter, is inhabited by, possessed of, eternity and infinity (the binding substance), which in the human being leads to infinite and eternal ambitions, visions, utopias and the powerful drives which occur when the infinite and the eternal are translated into material size and power, rather than into the creation embodied in art, in crafts, in thought, in social harmony, in education, in science, in the understanding and pursuit of beauty, knowledge and utility – in short, in creative living, which alone can justify life which men serve as an ideal of those infinite and eternal values implicit in every part of ourselves and in our environment.

It is really a matter of what we hold sacred. Do we wish to worship monsters? Are we in danger of worshipping 'success' or a temporal power, above our own lives and the life of others, who would lead us to war and butchery?

I am convinced that our new world demands newly spelt-out sacred values, a new religious concept, perfectly compatible with the principles of worship and prayer, but newly formulated to recognize our own being (and thus every other one as well) as sacred; our own responsibilities to each other and to our extended living environment, always acknowledging our humility in ignorance; our pride in our growing understanding and knowledge; our capacity to create a more just world; and our capacity to reject outdated reflexes, false ambitions, and perverted ideas and motives, from our civilization. We must cultivate both harmony and courage; we must retain divine intolerance against the intolerable, against the destruction of species, the degradation of air and water as of body and mind; we must protect holy crusades against racism, against every kind of superiority, expressed

Our new world demands newly spelt-out sacred values, a new religious concept.

in contempt and exploitation, whether of children, natives, communists, capitalists, Jews, Protestants, Catholics, the illiterate or any other groups. We must be tolerant to those who teach, protect and help.

This creed must form an inalienable part of our new religion, namely that the protector has the responsibility, the protected the right. The powerful, the teacher, the informed, the skilled, the surgeon, or, for that matter, the driver and the cook, have the responsibility, whilst the passenger, the guest, the patient, the sick, and the poor have the right – but these should also be trusted with responsibility.

A person's worth is not dependent on whether he or she is formally employed or unemployed. Every person is important and carries equal title to rights and responsibilities.

The rights include the right to lifelong education, shelter, food, dress, hobbies, specialities, music, theatre, sport, holidays, locomotion, free time – as long as he or she does no harm to themselves, family, neighbour or society. If they do, society must be protected, and the perpetrator helped.

The responsibilities would include the obligation to help, to serve, to teach, to learn and to work in reciprocity with others.

The freedom beyond these rights and responsibilities, if the individual so wishes, is to scale the ladder of achievement as high as possible, as freely, as imaginatively and as resourcefully as the talent and ambition of each one can take them.

This, then, is religion, economy, social order, creative living, arts, crafts and education, rolled into one – a single platform for thought and action.

Against indifference

At the end of this century, we speak of 'human rights' as if they were a modern, lay religion. They are sacred in the sense that *everything* that has to do with humanity and human beings is sacred, and therefore inviolable.

André Malraux understood this when he said in *Man's Estate* that a human being is worth nothing but nothing is worth as much as a human being. Arthur Koestler used these words as the epigraph to his great novel *Darkness at Noon*. As for me, I would say that all books about life are worth less than one individual life.

You might well ask: Which life? Which individual? The answer is: any one. God alone can judge His creatures in absolute terms. We do not have this power. In the eyes of God, all creatures have the same rights. Their lives all spring from one common mystery. Thus, the life of a scholar is no more precious than the life of someone unable to read or write. The future of an intellectual has the same value as that of a manual worker. So it follows that the latter's children could well give the human race reason to hope just as much as the grandchildren of the former might incite their contemporaries to renounce it by turning their back on it themselves.

Why did God create just one man – and just one woman – to mark the beginning of history? In the past, our ancient masters would have explained that it was to prevent their descendants from considering themselves superior: they all had, and will have, until the end of time, the same origins and the same ancestors: 'King and conquerer, philosopher and chief of a tribe or a nation, you must all remember that birds and animals have all come before you in the order of Creation. Thus how dare you claim any rights over

The twentieth century has been marked by assassinations, totalitarianism and terror. The fight against lies and oblivion is primarily a struggle against indifference.

your fellow humans to the point of humiliating them?' We all come from the same place and nature leads us all back to the same place. The two great mysteries – birth and death – are what all beings have in common. Only the journey between them is different.

And we have a responsibility to make that journey a more human one.

Let us now move from abstract notions to more practical considerations: fifty-five years after the most deadly war, how does today's world envisage the place of the individual in society?

Whilst we could feel rightly proud of the more than 2,000 committees, commissions, organizations and associations working for the defence of human rights in operation on this small planet, it is hardly a reason to boast, in so far as this impressive figure reflects as much what needs to be done as what has actually been achieved.

Can it honestly be said that racial discrimination, ethnic persecution, arbitrary arrests, social injustice, and the victimization of minorities have done anything but increase the amount of suffering, tears and bereavement on the earth?

Of course, with the disappearance of the two main totalitarian regimes that left their mark of calculated cruelty on our century, the future for freedom seems bright and certain in those very countries that, until recently, were tantamount to prisons.

The monuments of Auschwitz and Treblinka belong to the past. So do the gulags. So does apartheid: racism has given way to a real surge of enthusiasm for humanism in South Africa, just as in the former Soviet Union the political prisons have opened their gates and freed those brave men and women who in claiming their right to human freedom, in all its forms, dared defy regimes of terror.

These trends are irreversible. But does this mean that all is going well in our little planetary village? Certainly not. Since Thomas More published his book *Utopia* in 1516, we have known that Utopia does not exist.

If one word were to define and illustrate the fear we have of our contemporaries, it would be the word 'intolerance'. Intolerance expresses itself through the humiliation of others. It continues to threaten everything that our civilization has acquired over the last 5,000 years. The religious fanaticism of the Middle Ages was followed by political fanaticism. For a long time, totalitarian ideologies replaced faith in God. Now, of course, both have been defeated. But is humanity really freed of their influence? It is precisely because of this uncertainty that we must not abandon the struggle. As long as there are men and women who honour the human race through their actions or their life, the fight for essential human rights will go on.

What kind of rights are we specifically talking about? The right to freedom is as fundamental a right for each individual as for each group or collectivity. Human beings are defined by their freedom but also by the freedom of other humans. I am free not because others are not but because others are. In other words, as long as there is a man or a woman somewhere deprived of freedom, my own freedom is not complete.

Each human being must also have the right to dignity. To violate this right is to humiliate humanity itself. For the sages of ancient times, humiliation was a crime comparable to murder. Of course humiliation is not necessarily racially or ethnically motivated; it is often closely linked to economic issues. The rights of parents who cannot feed their children are infringed upon as much as those of a political prisoner.

Then, there is the right to an identity and the right to belong to a community. These cannot be taken away. Only God stands alone; human beings do not. To impose solitude and isolation on someone, to say he is inferior because of his political convictions, his colour, his origins, his creed, his troubles or his particular fate, is to deny that he is unique and to refuse to recognize the specific part he plays in the mysterious designs the Creator of the universe has conceived for us all.

Lastly, all men and all people have a right to remember the

Each human being must have the right to dignity. To violate this right is to humiliate humanity itself. For the sages of ancient times, humiliation was a crime comparable to murder.

past. Under dictatorships, this right is robbed by the political powers, who understand the importance of remembering and thus strive to master, manipulate and to imprison it. As George Orwell said: 'Whoever controls the present, controls the past; whoever controls the past, rules the future.' This is why, in the Soviet empire, encyclopedias were continually being rewritten, erasing yesterday's idols and replacing them with new gods. In Nazi Germany, the murderers of Jews also killed their memories. Thus they thought they were killing them twice. Defending memory is thus part of a noble struggle, which should incite men everywhere to defend the rights of those who are too weak to defend themselves.

In other words: human rights are inseparable from human duties. We can defend them by fighting against whatever may threaten them.

Against whom should we be fighting? Or rather, against what? Against lying, of course. Against racial and religious slander. Against political propaganda that incites hatred. Against attempts to consider another person as less significant and therefore deserving to be enslaved, persecuted and humiliated.

And we must fight against indifference. Indifference may help the persecutor, the oppressor, or the gaoler, but it never helps honour the human race, the victim.

In the course of this tormented century, men and women with a conscience have fought, first for the right to equality and then for the right to difference. But there is one right that must not be extended to anyone: the right to indifference.



ideas to uphold the rights
of the dispossessed

The most oppressed minority

One minority is more grievously oppressed in almost all Western countries than any other: the Gypsies. It is also the most despised: it receives hardly any sympathy from the majorities that surround it. It cannot even be said that it suffered less than the Jews during the unspeakable Nazi regime in Germany: it suffered then in exactly the same way. There was a Gypsy Holocaust of just the same nature as the Jewish Holocaust: a calculated attempt to exterminate both races by mass murder in the death camps. It is characteristic of the general indifference to the treatment of Gypsies that, while much is rightly said and done to commemorate the horror of the Jewish Holocaust, the Gypsy Holocaust is not commemorated, not remembered, scarcely ever mentioned. Compensation is rightly paid to Jews; no compensation is paid to Gypsies. This does not reflect only recent attitudes to the Gypsies. They have been present in Europe for many centuries, and in the New World for not a great deal shorter a time: and throughout their sojourn in the West they have been the victims of relentless and sustained persecution. Up to the end of the nineteenth century, they were literally enslaved in parts of eastern Europe. They are still the victims of gross discrimination, of violence and of hatred. They are not strangers or foreigners: they are members of a long-established minority, which, in music and in dance, has contributed to the national culture of more than one European country.

Until the nations of Europe and the Americas declare their intention of stamping out the ill-treatment of the Gypsies that occurs within their borders, they cannot sincerely claim a concern for the rights of all who live among them. If they declare such an intention, and put it into resolute action, they will show that

an international
accord to
ensure the human
rights of
gypsies would be
a guarantee
for every member
of this minority
in the country
that has signed
such an accord.

respect for human rights is really to be a principle that is going to guide their policies.

I propose that UNESCO sponsor an international accord specifically concerned to ensure the human rights of Gypsies: the accord should have the status of a treaty, binding in international law, whose signatories should pledge themselves to its implementation. It should cover all matters of concern to Gypsies. The principal such concerns are the following:

- In some countries Gypsies are still nomads; in others they are settled. In all those in which there are nomadic Gypsies there should be specific enforceable laws guaranteeing the provision of sites, with adequate amenities, where they and other travellers may stop and keep their caravans for however long they wish.

- In some eastern European countries Gypsies have lately been deprived of nationality. By this means, not only is the protection of the state withdrawn from them, but they are disenfranchised. In all countries where they live, whether settled or as travellers, Gypsies should have a right to nationality. They must have the right to enter their names on the electoral register; if they are nomadic, they should have the right to choose a constituency in which they wish to register. In some cases, nomadic Gypsies regularly cross frontiers, as from Greece into former Yugoslavia; in such cases, they should either be granted dual nationality (of both countries in which they are accustomed to spend a substantial part of each year), or at least guaranteed the right to cross without hindrance into the country of which they are not nationals.

- Gypsies are greatly concerned about the education of their children. Whether nomadic or settled, they should be entitled by law to proper arrangements guaranteeing that their children can attend school.

- Strict laws are necessary in all countries to protect Gypsies against violence and harassment: severe penalties should be imposed and enforced for infringement of those laws.

‘ If respect for human rights remains only partial it is, for that reason, precarious for all. ’

- Gypsies are usually subject to gross discrimination, often being refused admission to places of refreshment and particularly being denied employment. All countries should introduce legislation to prevent such discrimination, including a mechanism for complaints by victims of discrimination and for compensation when discrimination has been shown to have taken place.

A country's signing an accord guaranteeing such rights to Gypsies living within it will be a declaration of intent to respect the human rights of everyone living in that country, even the most despised and thoughtlessly mistreated. If the accord is fully implemented, it will be impossible for a state to fail to protect other minorities to an equal extent: the principles of just treatment for all and of respect for all will have been embodied in the very fabric of the state. Without such an accord, it may well happen that measures are taken to prevent discrimination against violence towards other, more recently arrived, minorities, while Gypsies continue to be treated as brutally as before. In such a case, respect for human rights will remain only partial, and for that reason precarious for all.

Are
human rights
compatible
with the
constraints
of the labour
market?

dignity and employment

Perhaps one of the key priorities for human rights activities should be the suppression of those measures currently being applied in the workplace that fly blatantly in the face of those rights – particularly those relating to workfare, which allow and encourage ‘compulsory employment’, which is actually prohibited by the Universal Declaration of Human Rights.

In certain countries, such as the United States and Canada, eligibility for welfare is conditional on the applicant accepting any kind of work, whatever it might entail, and whatever the wage offered – or in this case imposed – by a state, province, municipality, or even a private company. Given the degree of poverty caused by the absence of adequate social benefits, this means that under the pretext of integrating the jobless into society, employers are forcing them to accept ‘compulsory work’ in situations that can only be defined as a form of bondage, and which, at worst, could degenerate into slavery.

It is well-established ideological strategies that have led to such measures being justified and put into practice. These strategies include blurring the boundaries between ‘work’ – a fundamental human right – and ‘employment’. Others involve sacrificing employment by concealing or pretending to ignore the fact that this situation is not linked to some social crisis but to a change in the way society is organized. These strategies also consist in continuing to judge employment – and the unemployed – by nineteenth-century criteria. Moreover, the unemployed are all the more easily manipulated in that they can be made to feel guilty and misled into believing that full employment is the norm, soon to return, and that political leaders consider unemployment their priority. All this is notwithstanding the fact that when highly

profitable companies lay off large numbers of people, their rating on the stock markets goes up. Even their directors declare that their preferred management tool is lowering labour costs, in other words reducing the number of jobs and increasing redundancy. This shows that company balance sheets and company profits do not benefit society in general, nor do they automatically create jobs. In fact, it is often the other way round.

Even more serious is the fact that if we continue to assert that human dignity depends on whether or not one is employed, and if we instil in the unemployed feelings of shame and 'uselessness' as well as surreptitiously promoting the notion that an individual can be superfluous, by gradually getting public opinion to agree with the idea, we could be paving the way for the most terrible form of barbarity.

- Such situations should be tackled on a global scale so that the threats of relocation and the flight of capital do not prove dissuasive. We should also prohibit the outdated practice of workfare, reminiscent of the eighteenth-century workhouses, and reintroduce unconditional welfare, as well as setting up effective international employment protection legislation, especially tighter laws on redundancy. Measures should also include: taxing the profits of commercial speculation for the benefit of those who have been made redundant and have unwittingly been instrumental in their making; rejecting all the measures proposed by large international organizations relating to the reduction of welfare under the pretext that this 'incites' people who are looking for work to find non-existent jobs, while the real purpose is to 'incite' them to accept lower wages and other degrading proposals, generally taking advantage of their vulnerable situation; prohibiting the kinds of pay-scale already mentioned, and the scandalous working conditions which go to create the 'working poor'; lastly, we should make sure that in the twenty-first century, the choice will no longer be between being poor in work or being poor out of work.

“ Dignity does not depend on having a job or not, but, regardless of whether or not one has a job, on knowing how to give meaning to one’s life. ”

- There are other essential steps that will enable those mentioned above to be effective and put a stop to the spread of insidious ‘globalized’ propaganda. These include teaching children and adolescents, as part of the school curriculum, that dignity does not depend on having a job or not, but, regardless of whether or not one has a job, on knowing how to give meaning to one’s life. The young should be taught that an individual is never ‘redundant’ by definition, but useful and lawful, and that there is a difference between the concepts of ‘usefulness’ and ‘profitability’. Priority should be given to usefulness, for example, in the case of health and education budgets, since both are essential and do not have to make a profit. It should be made quite clear that the term ‘public deficit’ is a misnomer: on the contrary, it often corresponds to a ‘benefit’ for society.

- We should assert the fact that the unemployed should be entitled to full human rights. They are not ‘redundant’, but workers who are suffering from a violation of the Universal Declaration of Human Rights, and deprived of their right to work by an ‘economy’ that was not set up with the welfare of the population, but of markets, in mind – markets which are increasingly geared towards a speculative economy that is divorced from society. The rights of the unemployed and living conditions are closely linked to the rights of those in work, who themselves are constrained in many ways by the threat of redundancy. This is why we should make these rights our priority.

- We should also create means to monitor the large international organizations who claim to regulate (or deregulate!) the global economy, such as the OECD, the World Bank and the IMF. These organizations tend to introduce measures that are incompatible with the Universal Declaration of Human Rights. They should be made to include this Declaration in their mission statements or, even better, in their contract specifications, not as a set of theoretical principles but as a body of concrete objectives.

- Finally, we should set up an International Council to reflect pragmatically on the situation in the world today, taking into account both the disappearance of a society based on employment, and the arrival of a speculative, virtual economy with a lust for power and which, as we said before, is divorced from society. We should refuse to allow the demands of the balance sheet to have priority over the needs the individual, or human rights to be destroyed by financial diktats.

trapped by
 a rigid identity,
 some men forget
 that those
 they live closest
 to are also
 human beings.
 A practical
 proposal to bring
 such people
 out of this
 situation is
 presented here.

on domestic violence

Some years ago, while studying violence between Hindus and Muslims in India, I made an observation that, I am sure, has also been made by others. The observation was that even in the worst phases of a conflict, when murder, rape and arson are rampant, there are always a few who wear their identities as Hindus or Muslims lightly. These people are capable of acts of compassion and self-sacrifice, such as saving members of the other community from the fury of rampaging mobs, even at a considerable risk to their own safety. But there are others – the fanatics – whose behaviour, even in times of peace, is exclusively dictated by their identity as Hindus or Muslims. *Their* religious identity is an armour that is rarely taken off. Those people with rigid identities tend to stereotype members of another group, a stereotyping that involves their progressive devaluation. Extending to the point of depersonalization, such a devaluation of the Other makes violent acts easier. Tolerance, it seems, is a matter of flexible identities.

My proposal for the fostering of human rights in the area of domestic violence is based on the same fundamental premise: the violence of husbands towards wives and of fathers towards children is also a consequence of their rigid identities as a Male in the former case and a Parent in the latter case. Because of their thick boundaries of the mind, which hinders movement across categories, such men are encased in the armours of being males or fathers, armours they cannot easily take off. They may be living in close proximity to their wives and children yet their internal armour prevents them from knowing, at an emotional level, how women and children think, feel and experience the world.

The proposal is that all men convicted of domestic violence

have a programme built into their sentence that is designed to heighten their empathy and foster identification with their victims. In other words, the compulsory programme would strive to make their Male or Father identities more flexible, the boundaries of their minds thinner. In the same way that the sentence of a certain number of hours of community service in connection with certain types of crime is common in the United States and elsewhere, the perpetrators of domestic violence would be required to participate in so many hours of 'flexible identity' programmes.

The details of these programmes and the exact mix of audiovisual material, group discussions, projects and courses (such as one that would require abusive fathers to learn the language of their teenage children) will of course, have to be worked out carefully. Like good visual or written anthropological accounts that take their subjects out from the category of Stranger into that of Human Being, the objective of the materials used for this programme will be the loosening of Male and Father identities so that for these men, their wives, sons and daughters come out from Female and Child categories into that of the Human category, where both the abusers and the victims must ultimately meet. The programme will be geared to fostering the realization among abusive men that the particular identities that have been dictating their behaviour are not at all immutable but flexible and that, above all, we are all more human than anything else.

‘ We must make abusive men realize that the particular identities that have been dictating their behaviour are not at all immutable but flexible and that, above all, we are all more human than anything else. ’

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ill, the disabled,
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see that the
meaning of life
for modern man
must be redefined.

The Limits of Life

Although we are not able to fully understand what it means, the concept of 'life' has become such a unique and supreme value in the modern world that we tend to refer to it when invoking all the other 'values', while complaining that they are being eroded.

In other words, the notion of 'life' has undergone the same fate as that of 'humanity': nobody really knows what it means any more, yet we experience a vague 'consensual' feeling when the subject of 'crimes against humanity' crops up. Thus, we glimpse its meaning, but only negatively, when we perceive it as threatened by abortion, in the view of some, or more generally by illness and death, which are our common lot. In other words, 'life' remains a mystery to us.

Almighty science does not help us deal with this problem, since it has not yet resolved the riddle of the 'qualitative leaps' that transform 'inorganic matter' into 'living matter' and subsequently into 'mind matter'. Indeed, all this has become even more complicated because the process of globalization and technological progress, which seem to be the destiny of the twenty-first century, establishes performance and excellence as the new ideal, substituting the concept of 'ideal life' for simple 'life'. Modern, technologically advanced and progressive societies are only interested in a life that readily adapts itself to productivity, competition and success. Of course, Christian and post-Christian democracies as well as, to a lesser extent, other civilizations, have developed some margin for tolerance and some practical means to care for ordinary life, including illness, mental disorder and disability. However, the force of competitive behaviour is such that it renders tolerance increasingly more difficult to appeal to; there

are fewer resources allotted to health care; and the services are being privatized and becoming more and more bureaucratic. So-called 'useless citizens' are pushed aside and marginalized, as if they were an economic and moral burden that societies could do without, or even threatened with death by a more or less disguised form of eugenics, such as the mad projects to create genetically perfect foetuses, or the suppression of long-term invalids and old people.

The practical difficulty of 'assuming responsibility' for those who are ill and disabled and whose 'management' is becoming more and more complex and inefficient arises, however, from a much more basic problem. Human life had meaning when it was believed to be linked to 'eternal life' seen as a supreme good, regardless of how each religion expressed this. This hypothesis no longer holds good since, despite a return to the consolation of religions, growing secularization deprives men and women of the next century of this belief, and does not seem to attach any other value to 'real life' than that of being 'successful' here and now. Hence ill and disabled people are bound to be rejected and excluded and this is done at best with a degree of tolerance. The 'humanism' of such acts has indeed little to do with real humanism, the value of human life being so gravely depreciated.

Emancipated thinkers try to convince us that our wish or *desire* is the only thing that can give meaning to a private life devoid of any transcendental values. It would suffice for so-and-so to desire a certain kind of life for it to be justified and granted. But whoever wants an imperfect, ailing, mad or disabled existence? The question of desire merely hides the difficult position that the quest for the meaning of life has put us in: the ancient Romans used to term a non-ideal life 'quodlibet', that is, second rate.

However, looking at it from another stance, accepting and living with illness and disability could make us more aware of life, the notion of the *limits* of life, which would give us insight into what life is. Life has meaning not in that it is bound to the illusion of eternity (or because someone desires it for pleasure, reward,

achievement of a goal, or power), but because it makes us reflect on that which we lack which is impossible to attain, reminding us that the span of our existence is but a portion of nothingness. This is far from being a form of nihilism: our encounter with ill and disabled people who bear the marks of the *limits* that are a reflection of our own internal limitations, is perhaps the only way to combat the rejection to which they are subjected, even in the benign form of 'tolerance'; we must consider them simply as 'part of us'. Your disability is also mine since we are fragile human beings for the same biological and historical reasons. Your disability makes me face up to my own; I cannot see it without you.

I do not suggest that we put in doubt or prevent science from dealing with physical disability and illness. But despite the success of prenatal prognosis techniques, chemistry and surgery, there will always be 'accidents' which will make it necessary for us to live with ill or disabled people. But are we ready to accept this with dignity? Indeed, in the case of certain illnesses, especially mental illness but also some physical impairments, one has to confront not only everyday suffering but, above all, one has to experience the most cruel of bereavements, perhaps even an impossible one: the bereavement of an ideal. However much care is given to the suffering, they will never attain the ideal of normality, which, although a variable concept, as can be seen throughout the history of societies, fills us with the hope and the expectation of an optimal existence.

Over the past few years a certain number of psychoanalysts have managed to gain insight into what was until recently considered unanalysable, by accepting to work with so-called terminally ill patients and the severely disabled. Through unremitting observation and experimentation, these therapists have been able to isolate a fundamental human anxiety: What is the norm? In addition, they have given a sense of purpose to the most humble lives, as a result of which some of the patients' problems have been alleviated. It is very hard work, as it involves defining the limits so as not to create any unnecessary illusions and

persevering in what is perhaps the most human of human experiences: to recognize as human someone who is at the very border of what generally is deemed human, to relate to the modest and ordinary, and not to despair.

Indeed, this is what we can call hope. Of course, it could lead to abusive manipulations and cause other 'illnesses' and 'disabilities' which affect the mind, making the individual an easy prey to religious sects or seductive ideologies. Here, the work of the analyst is to sustain the other kind of belief or hope: that of possible rebirth for the ill or disabled person. For it is often the case that even if there is damage done to the body's physical systems, the simple act of acknowledging the patient's psyche can produce unexpected 'progress' and can even reduce certain organic deficiencies. The analyst triggers a psychic renewal of the patient and thus succeeds, through an atheistic compassion of a most radical kind, in introducing a form of humanism in which the value of life is not dependent on its bio-programmable performance, but in the meaning that the patient can continuously give it himself, aided by those close to him who become fully involved.

The right to a humble, ordinary, ill or handicapped meaning to life cannot be legislated for. Therefore, I am not proposing any 'practical measures'. This right develops by itself through the everyday inquiry into 'what life is', which is the responsibility of the family, the school and the media. It is truly a task for our times, since it is a question of deciding on the kind of world we want to live in. Do we want to give meaning to life or to adapt life to technological progress? In this sense, people who are ill and those who look after them are spearheading the cause of human dignity, which otherwise would not necessarily survive into the next millennium. You would like me to put forward a practical proposal? So be it: let us consider that people who are ill and disabled are like ourselves; they are not machines but explorers of the impossible. Now here is a very practical way of transforming metaphysics into solidarity.

“ Let us consider that people who are ill and disabled are like ourselves; they are not machines but explorers of the impossible. ”

In order to
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 and the
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Human rights and family rights

The Universal Declaration of Human Rights contains one assertion that might seem misplaced since it does not refer to the individual as such – the subject of these rights – but rather to an aspect of society, namely the family, which is considered to be the primary social structure. The assertion reads as follows: ‘The family is the natural and fundamental group unit of society and is entitled to be protected by society and the State’ (Article 16.3). These words serve – in particular by defining the family as ‘the natural and fundamental group unit of society’ – to underline the fact that the family is part of humanity’s most sacred primordial heritage, in such a way that if the family is threatened, so too is humanity. It follows then that for human rights to be genuinely protected and defended, family rights too must be respected, safeguarded and upheld. Jean Paul II was also to refer to this on 19 March 1994 when he wrote to the world heads of state concerning the International Conference on Population and Development, to take place in Cairo the following September. In his letter he expressed the wish that the International Year of the Family, being celebrated at the time, be ‘the privileged occasion for the family to receive from both society and the state the protection it ought to be guaranteed under the terms of the Universal Declaration. Not to do so would be tantamount to betraying the United Nations’ noblest ideals’.

This reference to the inviolable nature of the family in the context of human rights can be better understood if one considers the importance and central role played by the family both for the individual and for society. Above all, the family is important and central in relation to the individual: it is in the family, through procreation, that man is born and that society receives the gift of a

new person – fruit and symbol, in turn, of the total mutual giving between husband and wife; it is in the family that the individual, through his upbringing, grows as a person, from an intimate sense of self to communion with others and to the giving of oneself to others. The family is the first place where humanization occurs, where the individual – every individual – is recognized and loved for who they are. Second, the family is central and important in relation to society; it is the foundation of society, its primary and primordial unit; it has a unique role to perform in society that is sacrosanct and cannot be replaced; since within the family relations are founded on and guided by love, the family is a place of fundamental learning about social interaction; in the name of respect, justice, dialogue and love the family provides a model and stimulus for broader relations within the community. One can and should also emphasize in relation to this, and in accordance with the Vatican II Synod, that ‘the good of the individual and of human and Christian society is inextricably linked to happy married family life’ (*Gaudium et spes*, No. 47).

In other words, I would argue – quoting the Preamble to the Charter of the Rights of the Family published by the Holy See on 22 October 1983 – that ‘the rights of a human being, even if expressed as the rights of the individual, have a fundamental social dimension which is an essential, intrinsic part of the family’ and that ‘family and society, which are mutually linked by means of natural, essential ties, have complementary roles to play in protecting and furthering the good of humanity and of every individual’.

It follows from this that society, and therefore the states it forms, should be called on to recognize the social dimension of the family as being natural, intrinsic and primordial. Not to do this would be tantamount to having a ‘suicidal’ attitude towards society which might even lead to worse, to the ‘homicide’ of every individual, his dignity and rights. Because of this – and in line with the principle of subsidiarity – society and states should neither absorb, replace nor reduce the social dimension of the family;

rather they should feel responsible for the family, and should help and encourage it to shoulder its responsibilities for the good of individuals and society. As Jean Paul II writes in *Familiaris consortio*, 'the family and society certainly have complementary roles to play in protecting and furthering the good of each and every individual. But society and, more particularly, the state should recognize that the family is "a social structure that enjoys specific and primordial rights" (*Dignitatis humanae*, No. 5) and that they are therefore under strict obligation to apply the principle of subsidiarity when they interact with the family. Under this principle the state cannot and must not take away the duties performed by families independently or among themselves, but must positively encourage and foster families to take responsible initiatives as far as this is possible. Firm in the belief that the good of the family constitutes an essential and immutable value of civil society, the state authorities must do everything in their power to ensure that families receive all the economic, social, educational, political and cultural support they need to enable them to carry out all their responsibilities with humanity' (No. 45).

It is therefore a matter of urgency to recognize, safeguard and uphold the unique primordial rights of the family, of which we are all aware through our conscience and which are expressed in the values common to the whole of humanity. They are listed and defined in the Charter of the Rights of the Family, which I have already quoted, as follows: (1) the right of every individual to choose his way of life; (2) the right to enter into marriage freely, in other words, the right to a marriage contracted with the complete agreement of both parties duly expressed; (3) the right to responsible procreation; (4) the right/duty to respect and protect human life completely from the moment it is conceived; (5) the right to educate one's children in the school of one's choice with the type of education of one's choice; (6) the right to exist and to develop as a family, and that its unity and stability be guaranteed; (7) the right to religious freedom; (8) the right to carry out one's social and political responsibilities; (9) the right to be

able to count on an appropriate policy on the family from the state authorities; (10) the right to work schedules that do not destroy family life; (11) the right to decent housing; and (12) the right of immigrant families to be afforded the same protection as other families.

This certainly involves, *inter alia*, creating concrete channels and procedures capable of translating these rights into ever more precise and rigorous legislation, and even before that, making them a genuine point of reference in the drafting of laws and policies on the family. The fact that in describing these rights the Charter refers, in its list of sources and references, at least nine times to the Universal Declaration of Human Rights – and in addition to the Declaration on the Rights of the Child, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Duties, and the European Social Charter – may augur well for the universal recognition of family rights that would transcend religious, social, legal and cultural differences.

I would like, for my part, to highlight certain conditions which I see as essential prerequisites for the recognition, protection and upholding of family rights.

- First of all, a comprehensive and far-reaching programme of cultural action needs to be instituted as a matter of urgency, encompassing different 'customs' and therefore ways of life, and not only different ways of thinking. It is necessary – especially in a pluralist society such as ours – to support those shared mentalities and attitudes that may, with good reason and persuasive examples, convince people of the importance of family life. This would mean, for instance, moving towards an attitude which, encompassing the ethics of freedom and giving, would regard the family not as a generic relation but as something quite concrete and which by definition would require – at least in its objective – a pact between man and woman based on the free and mutual choice and the desire to form a creative relationship. What is at stake is the ability to truly conciliate social and ethical prerogatives

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and to reach a social consensus regarding a model of how the family should be.

- Continuing with the cultural dimension, I would argue that it is also essential to recognize, respect, safeguard, develop and uphold the identity of the family as a natural social unit founded on marriage. This is all the more necessary and urgent as in the present context the very idea of marriage is often questioned and distorted. It is therefore important to draw as clear a line as possible between the family proper and other forms of communal living – which may or may not be stable and spring from various motivations – that by definition do not deserve the name or the status of family, and to reserve for the family proper specific protection and preferential treatment in social and welfare programmes, in order to enable it to carry out its unique function.
- Furthermore, we must rediscover and strengthen individual awareness of civil society. In other words, we need to encourage and support the ‘responsibility’ of individuals, whether on their own or in groups, so that they ‘build’ society in all its various forms. However, it is important to avoid any naive or simplistic exaltation or ironic overestimation of this same civil society. It is certainly true that it is the only place in which values can be fostered. But that does not happen automatically. Even civil society is subject to negative influences that destroy its basic values. So we have to work at this level too, securing a ‘restoration of morality’ to cut through the present-day ethos. In this sense it is necessary and urgent to return to basic values; we cannot allow ‘values’ to be reduced merely to ‘preferences’, in the name of some false and supposed ‘secularism’; it is necessary and urgent to create room for the will and the means to conceive and plan a cultural and political model of what a good society and the common good might be. In this context – taking as our starting point a solid understanding of contemporary society together with a firm basis of shared moral values – we will also be able to determine a model for good family life and to initiate the profound cultural transformation which has just been mentioned.

- The next thing to do is to ensure the preservation of the unique social character of the family. This means positively recognizing that the family is the primary unit of society, the subject and source of inalienable rights and, as such, recognized as having a special status and as being entitled to civil rights and protection in accordance with the principle of subsidiarity. We need, consequently, to apply this principle with courage and vision to, for example, family problems, reproductive rights, to the organization of work and the balance between time spent at work and time spent with one's family, and to issues of education. All of this, moreover, calls for the attention and responsibility not only of society, of institutions and governments, but also of families themselves, who above all must be aware of their special role and undertake to fulfil it.
- Lastly and most importantly, we need to recognize that the family constitutes a kind of crossroads where the most diverse interpersonal relations may intersect, be assessed, established and grow. We must, in other words, go beyond a purely individualist conception of society and get used to considering the possible implications for the family of all problems relating to the individual or society. We need to forcefully and decisively reclaim and develop the unique and inviolable social dimension of the family as well as the dimension played by the family in all problems affecting the individual and society.

It follows then that the rights of the family and human rights go hand in hand because the two are inextricably and beneficially interlocked; this very fact will ensure a greater protection of individual human dignity and a fairer and better society.

humanitarian action
has now had the
benefit of several
decades of
experience. This
accumulated
experience has led
us to propose the
setting up of a new
international
regulating body.

vulnerable populations: a viable means of protection has still to be found

In the 1970s and 1980s, French doctors entered foreign territory without authorization to come to the aid of victims in need. Their incursions, which had no legal basis, were dictated solely by the moral prerogative of extreme emergency. What differentiated their actions from those of the volunteers of the International Committee of the Red Cross was the obligation they took upon themselves to talk about what they had seen and experienced. After thirty years of humanitarian action, our principles still move us to intervene in places where no one has given us a mandate in order to relieve suffering and bear witness to it.

The political and operational mobilization of civil society has been a success: lives have been saved, epidemics contained, populations 'renourished' and treated in accordance with the universal values of the right to life, dignity and physical integrity. Humanitarian action has contributed greatly to the advances in legal and political thinking, sometimes by proposing concepts supporting what it does, such as the right to interfere in a country's internal affairs, and sometimes by asserting itself as a political player on the international scene. Humanitarian aid workers are versatile and professional whilst not demanding extortionate fees. Their work is widely recognized and respected. Their expertise has raised them to institutional status, to the rank

of wise and political observers of international politics. They have been instrumental in the drawing up of international public law. These achievements crown the efforts and successes of men and women whose commitment is founded on universal principles of solidarity.

➔ HUMANITARIANISM – A GREAT IDEA

The humanitarian idea, from Henri Dunand onwards, is a direct descendant of the Universal Declaration of Human Rights because both bear a common message that transcends national boundaries. They are both founded on the premise that man has fundamental rights, whatever the ethnic, national, religious or linguistic community he belongs to. Previously, that was all impartiality used to mean: refusing to consider issues of citizenship, or politics, to focus entirely on the victim, whatever side he was on, whatever his allegiance, and to see nothing but his suffering and his human dignity.

The rationale of neutrality was shattered by the attitude of the International Red Cross when confronted with the Nazi concentration camps. To unquestioningly agree to go on camp visits orchestrated by the perpetrators of the Holocaust was tantamount to complicity with them. That is why, since the crisis in Biafra, humanitarian organizations no longer speak of neutrality, but rather of impartiality. The obligation to bear witness, to denounce the perpetrators, has become an integral part of humanitarian action.

➔ THIRTY YEARS OF EXPERIENCE

The number of refugees in the world is ever increasing, and has risen from 8 million to 15 million in ten years – not counting the millions of people displaced within their own countries. These migrations are not linked to conventional wars, but to the proliferation of armed conflicts, for the most part internal. At the present time, more than a hundred such conflicts have been identified.

The end of the Cold War has left these conflicts, in the words of Boutros Boutros-Ghali, 'orphaned'. No longer able to position themselves with reference to a world problem, they have become confined to being local struggles strongly linked to regional geostrategic conditions. Some of the armed movements involved have grassroots support drawn from migrants from rural areas who end up living on the outskirts of cities. What is striking is that none of these movements has a political agenda – they call simply for the overthrow of existing powers. They are largely financed through commercial activity, often trading in illicit products such as drugs, ivory, listed antiques, etc. They frequently set up links with mafia groups in order to facilitate this trade.

These conflicts are tending to produce areas of lawlessness. Being less and less international in nature, they involve a variety of players and bring together elements that, from the outside, are difficult to differentiate: national armies, opposition movements organized in military groupings and militia and populist movements may all be mixed up in the same conflict. Added to the problems caused by this multiplicity of players is the question of external involvement in the shape of financing from abroad, arms supplies, military training, the provision of safe havens for military bases or covert or overt military intervention. The juxtaposition of different parties in the conflict, the variety of means employed and the diversity of objectives and strategies make these conflicts difficult to assess in the eyes of the law.

The position occupied by the state in these new configurations leads to a paradoxical state of affairs: either the state tends to disappear and increasingly loses the monopoly on violence, or, conversely, it becomes responsible for producing violence. In the most extreme cases, the state may have broken down completely. Since the end of the Cold War, certain states have experienced a process of internal collapse, itself engendering violence. Where the notion of national sovereignty is challenged by groups with ethnic or territorial claims, humanitarian law is no longer considered as relevant. In situations such as those in Liberia

or Somalia, where all trace of a state has disappeared and where nothing remains but warring factions, clans and militias, international law has no value since these groups do not consider themselves to be representatives of a state, or bound by any protocol they may have signed, as they dispute the state's very existence.

The other extreme is the situation in which it is the state itself that is the source of violence. This configuration is no better a guarantee of the application of measures to protect populations provided for in international humanitarian law. The campaign of 'ethnic cleansing' in Bosnia and Herzegovina and the genocide perpetrated in Rwanda are examples of this. When it is the state that is commanding and orchestrating violence, then the state becomes the main obstacle standing in the way of international humanitarian law. Whether the state exists, has become just another minor player among others, or has disappeared completely, the non-application of law makes it impossible to get through to civilian populations. The need to protect these civilian populations as well as providing adequate means to do so, are rarely a central part of decisions aimed at instituting this protection.

➔ THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

It is becoming increasingly problematic to gain access to victims to the extent that obstacles are encountered on a daily basis. And when it is possible to get through, it often turns out to be a terrible trap. Acting as veritable bait, aid can attract and ensnare groups that were in the process of fleeing. Because it is a visible source of wealth, aid may be exploited by some groups to serve the ends of their predatory strategies. As merchandise that can be turned into cash, diverted or 'instrumentalized' it reinforces connections and allegiances.

In conflicts where the goal is to exterminate a specific population or populations, the presence of non-governmental

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organizations (NGOs), their desire to provide aid and their demands to be allowed access to the most vulnerable are in contradiction with the objectives of the conflict. NGOs are free to have access to populations as long as this means that these populations can be displaced or reorganized, but they are prevented from carrying out their mandate if there is nothing to be gained by the warring parties, who, in every case perpetrate warlike and murderous acts against the populations concerned. This hinders the work of the NGOs and places them and their personnel in jeopardy. The proliferation of players in the conflict contributes to a deterioration in security, and the fact that NGOs are under private (non-governmental) control only exacerbates this phenomenon.

The NGOs can and must provide a certain number of answers to the questions posed by this new situation. Visibility on the ground, the logistical complexity of some interventions and our ability to adapt ourselves to unpredictable and unstable environments are all vital considerations that must be taken into account regarding our work. Similarly, our ability to produce, alongside the medical analysis, a ‘socio-political’ analysis of the situation will enable us to propose operational guidelines. If we combine this analytical expertise with improved consultation and co-ordination, we will also improve management of the security of the teams on the ground and give greater weight to our demands for access to be granted.

➔ HUMANITARIANISM AS A RECOGNIZED RIGHT

Since the creation of the United Nations, the settlement of conflicts has been the province of mechanisms that favour resolution by peaceful means. Created at a time when international conflicts predominated, these mechanisms exclude all interference in the internal affairs of the states concerned. However, in the light of the evolution in the configuration of conflicts, their use has evolved in its turn. Nowadays, the United Nations Security Council takes measures to deal with ‘strictly internal affairs’. When

able to argue that a given conflict may threaten international order, the Security Council may decide to implement peace-keeping operations, in agreement with the states concerned (Chapter VI of the Charter of the United Nations), or to implement coercive operations (Chapter VII of the Charter).

The United Nations interventions in Bosnia, Rwanda and Somalia were based on a broad interpretation by the Security Council of the notion of a 'threat to peace', which authorized humanitarian intervention. The interventions approved with reference to Chapter VII have in most cases a mandate that is designated as being humanitarian. The establishment of humanitarian corridors, the protection of aid convoys and the security of humanitarian personnel were issues at the heart of the major interventions undertaken during the last ten years, whether in Kurdistan, Somalia, Rwanda or Bosnia.

International humanitarian law does exist – as a branch of international public law – even if it is sometimes inadequate. In its widest interpretation, it covers a corpus of some fifty treaties that emanate from what are commonly known as the Law of Geneva, the Law of The Hague and the Law of New York. Strictly speaking, international humanitarian law is limited to the Geneva Conventions of 1949 and its protocols that were added in 1977. It aims to deal with humanitarian issues resulting from armed conflicts, international or otherwise. It aims therefore to protect people and property that might be endangered by these conflicts.

➔ A LAW WITH LIMITS

However, international humanitarian law is a victim of the weaknesses of the system of law from which it springs. It is difficult to make the authority of its norms (treaties, conventions, United Nations resolutions) universally recognized and accepted. The absence of a central legislator and the fact that the bodies who draw up the norms are also the people for whom they are intended can be an obstacle to the universal application of the rules decreed. This is also true of the absence of an 'international central

administration', in the same way that there is a state administration to keep internal order, which would allow the decreed norms to be accompanied by coercive power. Conceived by and for states, international law was elaborated in accordance with the paradigms that arose out of the Second World War. It does not take account of individuals and new players, such as the intergovernmental organizations and the NGOs. Since it was conceived in order to govern 'inter-state' situations, international humanitarian law is no longer applicable to modern situations of conflict where violence is no longer the monopoly of the state.

It is therefore difficult for laws to substantiate humanitarian action. The problem is not in itself legal, as the corpus of international law has a wide and relatively comprehensive field of application; the difficulty arises rather from the application, not to say applicability, of this corpus. International humanitarian law suffers from the lack of willingness on the part of states to see its politics applied. In short, the absence of a judicial system with general and binding authority, coupled with the absence of a clear vision of the situation enabling the identification of the law applicable in each case and above all the responsibilities of the states concerned, means that violations of international law often go unpunished.

The most difficult obstacle to overcome is the concept of the sovereignty of the state, on which international law is constructed. By definition, this sovereignty is protected by law. Thus, the obstacle can be the law itself: the right to sovereignty authorizes, indeed legitimizes, states in the non-application of international public law. Moreover, international law is rarely preventive. Often it offers no more than a legal answer to a particular case. While this failing is overcome by the existence of precedents in domestic law, the workings and failings of international tribunals do not allow this to take place in the international arena.

With regard to the right to interference, it was a stroke of genius to have placed the suffering individual at the centre of

political decision-making. Unfortunately, the concept was to be turned against those who conceived it by politicians. Where humanitarians believed they were generating political morality, they only contributed to the growth of cynicism. In situations of natural disaster or where humanitarian aid can serve the interests of a state, assistance is authorized, or even supported. If it is in opposition to the state's interest, the right of interference is null and void. The recent events in the Congo and former Zaire illustrate the two sides of the same cynicism.

The resolutions of the General Assembly have no binding force and have reaffirmed the principle of the sovereignty of the state. As for the resolutions of the Security Council, which are binding in character, the scope of their norms has been greatly reduced by the context in which they were approved. The resolution relating to Iraq was adopted in the context of that country's defeat, and that concerning Somalia in the context of a non-existent state. As for the others, low expectations have often been enough to limit their scope. Many jurists have considered these resolutions as a series of relaxations of the rule of sovereignty and its corollary: non-interference in the internal affairs of a state. The notion that the right of interference would sanction the intervention of NGOs and international organizations on a state's territory for humanitarian purposes, but without the latter's agreement, remains however a doctrine that is difficult to accept.

An analysis of the mandates and means at the disposal of multinational forces shows that a discrepancy frequently exists between them and the prevailing situation on the ground. Confronted with situations where movements and alliances behave in the most unpredictable ways, the international forces' way of working and the weight of their mandate prevents them from being wholly effective. Even if numerous lives have been saved by these interventions, their success rate in strictly humanitarian terms leaves something to be desired. Aid organizations' access to victims has always remained dependent on the goodwill of the warring parties, whether in Bosnia, Somalia or Iraqi Kurdistan. In

Bosnia, UNPROFOR never forced through the passage of aid convoys when the safe havens were being blockaded. In Kurdistan the air exclusion zones have not prevented bomb attacks by the Turkish and Iranian armies from taking place. Because the delimiting of air exclusion zones is a politically motivated decision, it has a profound inequitable dimension beneath the guise of a humanitarian operation. Chechenia and many other 'forgotten' conflicts demonstrate this: when decisions are being taken, the vulnerability and suffering of populations are only of secondary importance. Regions that fall outside the area of influence of the main states involved in taking the decision are of no interest at all. Similarly, when a situation is deemed too strategically sensitive humanitarian action can end up being blocked completely by politicians.

➔ A SYSTEM OF SANCTIONS

An embargo is a sanction whose weight is mainly felt by civilian populations. Whatever adjustments are made regarding basic necessities, its short- and long-term consequences on health and nutrition are severe. From a political point of view, the effects produced tend to be the opposite of those anticipated. Either the nation closes ranks around its political leaders who use nationalist rhetoric in order to 'demonize' the outside world, or the existing situation of chaos is reinforced by the country's isolation and separation.

The evolution of international criminal justice corresponds to acceptance on the part of the international community of responsibility with regard to the protection of populations. In the case of the two criminal tribunals for the former Yugoslavia and Rwanda, the international community has equipped itself with the instruments with the authority to judge individuals responsible for serious violations of international humanitarian law and human rights.

These principles have been recognized as permanent by means of the Permanent and Universal International Criminal

Court, created in Rome on 18 July 1998. It is impossible to heal without justice – otherwise the victim will be awaiting symbolic reparation which the doctor will find himself unable to fully provide. That is why, in our capacity as Médecins du Monde, and for the diabolical logic of impunity to be broken, we campaigned as forcefully as we could to bring this Court into being. To ensure that the next century does not begin like the preceding one, that is, with genocide, each and every crime must be denounced and the culprits identified and punished.

➔ TOWARDS A POLITICAL MORALITY

The emergence of the notion of individual responsibility in the international arena is a major advance. However, it complicates the issue of state responsibility in several different ways. First of all, the degree of state co-operation with regard to the pursuit and arrest of presumed culprits affects the successful working of the international criminal justice system. The examples of Rwanda and the former Yugoslavia have already demonstrated how laborious and how hampered by political blockages this co-operation can prove to be. Furthermore, individual responsibility must not be allowed to reduce state responsibility when it comes to the protection of populations. The state is the primary guarantor of the protection of the lives of the people on its territory. So it follows that if a state refuses external aid to help fulfil this obligation, it should take on the responsibility itself and should be accountable for it before the international community. When a state disintegrates and disappears, other states are called upon to shoulder that responsibility. In ratifying the Geneva Conventions the states that are party to them have undertaken to respect them and ensure that they are respected by others.

The vulnerability of the individual in a crisis situation must today be the most important consideration in political decision-making. It is not a question of humanitarian morality, nor of making public decision-making more emotive, but rather of political morality. For too long politicians have used humanitarian

“ The vulnerability of the individual in a crisis situation must today be the primary consideration in political decision-making. ”

action as part of a broader strategy whose criteria have had nothing to do with vulnerability. For too long politicians have confined humanitarian work to the realm of the voluntary sector.

It is not a question here of discounting humanitarian action by the state on the grounds that it is often faltering, partisan and can prove to be incompatible with non-governmental humanitarian efforts. It is a question of refusing to send away either side. Politics should not be simply reduced to cynical action and decision-making, nor should morality be the prerogative of citizens alone. Political morality must consider the right to life as the most fundamental human right. It must accept that humanitarian assistance is a fundamental means of respecting this right, and that the decision to intervene for humanitarian motives can be made objectively. In our capacity as Médecins du Monde, we are convinced that the introduction of morality into politics will ensure a greater involvement and better co-operation among the participants, and the renewal and application of the law in support of the right to life, the fundamental human right.

➔ CONCRETE PROPOSALS

This is why Médecins du Monde is proposing to the international community the creation of an International Humanitarian Bureau (IHB). As we see it, the IHB would be a forum where the member states of the United Nations, the international humanitarian bodies created by these states and civil society would all have equal status. It would be organized into non-governmental humanitarian structures recognized as such by the United Nations Economic and Social Council, and would respect the balance between different regions of the world.

In this way, the IHB's initial mandate could be to prioritize the promotion of policies and measures that would prevent humanitarian crises, so that the necessity and nature of humanitarian intervention, using objective criteria regarding the vulnerability of civil populations, could be determined and decided upon.

The IHB would also have the task of informing participants about the situation of specific humanitarian crises and how they are evolving. It would also organize systems and principles of co-ordination in conjunction with conventional humanitarian operations conducted under Chapter VI of the Charter of the United Nations.

It also would be able to propose systems and principles of co-ordination to the Security Council for operations conducted under Chapter VII of the Charter, and to make proposals to United Nations member states regarding necessary improvements to international humanitarian law and the strengthening of the rights of suffering populations.

Furthermore, the IHB would have the role of monitoring adherence to international humanitarian law according to the procedures of the Commission for the Establishment of Facts envisaged in the Geneva Conventions, by the submission to the Prosecutor of the International Criminal Court of any violation of international humanitarian law, and by informing the Security Council and the General Assembly of the United Nations.

Civil society will then have to organize itself without fail. The IHB would thus be able to draw up and put in place a code of ethics for humanitarian organizations, as well as a code of practice and norms for aid workers and humanitarian actions; this role cannot be envisaged without first educating public opinion about humanitarian issues.

It is increasingly difficult to gain access to civilian populations. A century of darkness and despair is coming to a close. Genocide has followed genocide and crimes against humanity have proliferated while states have remained indifferent or – what comes to the same thing – have made their insignificant gestures. However, hopeful signs have appeared with the creation of international criminal tribunals and of an International Criminal Court. These instruments are meant to act as deterrents, but they tend in fact to limit damage that has already been done.

The time has come to put in place an international mechanism by means of which civil society can have its say about the diagnosis of crises and the measures to be taken to confront them, without being immediately used as an instrument by states.

Fifty years after the proclamation of the Universal Declaration of Human Rights it is time to remember that the first human right is the right to life, and this right is presently under threat for a good part of humanity.

FOR a universal declaration of the rights of native peoples

We, the native peoples of the world, have for centuries been demanding recognition and respect for our rights. And yet it was only about thirty years ago that talks began on the need for a United Nations declaration on the rights of native peoples.

The discussions on the content of the declaration, which went on for many years, required the determination and hard work of many experts who, with wisdom and talent, were able to collect and to express the hopes and the demands of native peoples for the first time in history.

In 1982, the United Nations created a Committee on Native Peoples within the framework of a Sub-Committee for the Prevention of Discrimination and the Protection of Minorities, which is part of the United Nations Commission on Human Rights.

The fact that this committee is part of the United Nations means that an important step has been taken by this international organization in the struggle against the grave injustices inflicted upon native peoples.

Since its inception, the committee's main task has been to pay particular attention to the development of international norms on the rights of native peoples (paragraph 2 of its mandate), giving rise to much discussion and leading to a draft declaration.

The committee began its work by drafting and adopting an international declaration that clarified the criteria, thereby rendering these rights easier to apply in practice. During this

The existing
project for
the declaration
should be
approved and
adopted by
the united nations
as soon as
possible.

process, the United Nations quite rightly encouraged representatives of native peoples to participate directly; consequently, many native people from all over the world attended the numerous sessions of the committee.

The project of the United Nations declaration on the rights of native peoples is the outcome of the combined effort of many individuals and organizations whose purpose is to give native peoples a legal international instrument to enable them to apply the rights effectively.

This project is especially important to the history of native peoples because it takes into account some of their attitudes to various historical problems and because many of their demands are included.

I am convinced that the recognition, the respect and the application of the rights of native peoples goes much further than just agreeing on a declaration such as this one.

However, it seems to me indispensable to have it approved as it is in its present form, as proposed by the committee – as a synthesis of long days of discussions and negotiations – so that we, the native peoples, can start to have a better perspective on our future.

It is therefore regrettable that the United Nations Commission on Human Rights has not progressed any further in the adoption of this declaration – and which it has had in its possession for four years – given its importance for native peoples. For this reason, and for the declaration on the rights of native peoples to be adopted as soon as possible, I would like to make the following proposals:

- That the draft declaration proposed by the committee be adopted by the United Nations Commission on Human Rights without its content being diluted.
- That the commission accelerate the procedure for this declaration to be approved as soon as possible, thus enabling it to be submitted to higher instances of the United Nations, then promptly transmitted by the fastest means to the General

‘ We must defend the civil, political, economic, social and cultural rights as well as the collective rights – historical and specific – of all the age-old, native peoples of the world. ’

Assembly of the United Nations for approval so that it can be proclaimed before the end of this century and this millennium.

- That in the corresponding resolution, the General Assembly, the supreme organ of the United Nations, recognize that this declaration – approved and proclaimed before the beginning of the year 2000 – must become an international convention before the end of the International Decade of Native Peoples of the World in 2004.

Thus this declaration will become a more efficient means of action as much for the defence of civil, political, economic, social and cultural rights as well as for the collective rights – historical and specific – of all the age-old, native peoples of the world.

without effective
implementation
of children's
rights worldwide,
human rights will
just remain fine
words.

Human rights and the rights of the child

The Convention on the Rights of the Child (CRC) was adopted by the General Assembly of the United Nations on 20 November 1989 and entered into force on 2 September 1990. As of January 1998, the CRC had been ratified or acceded to by 191 countries with only two countries left to become states parties to the treaty, namely Somalia and the United States. The virtual universal status of the CRC constitutes a common framework for developing an agenda for children and serves as a common reference against which progress made can be assessed and results compared. In 1998 when the international community commemorates the fiftieth anniversary of the Universal Declaration of Human Rights and conducts a five-year review of the implementation of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, the unprecedented achievement of the CRC should figure prominently in setting the goals for human rights activities in the millennium.

The CRC introduced a new ethical attitude towards children and its worldwide acceptance represents a major breakthrough for significantly improving the situation of children. Under the CRC, children are no longer envisaged as mere recipients of services and charity, or as passive beneficiaries of protective measures. Rather they are recognized as subjects of rights who should increasingly become actors in the design, implementation and monitoring of policies addressed to them. Therefore, children's rights need to be respected and promoted and the views of children need to be taken into account. Moreover,

respect for children's rights, including the right to participate, cannot be perceived simply as a favour or kindness to children, but rather as a responsibility that the whole of society is obliged to honour. This implies that conditions for children to exercise and enjoy their human rights must be created and ensured.

As members of the human family, children have inalienable human rights and freedoms. They are entitled to develop their personality, abilities and talents to their fullest potential, to benefit from special protection and assistance, to participate in decisions affecting their lives, to be informed about their rights in an accessible and active manner.

The CRC sets out a comprehensive charter of the human rights of the child, comprising civil and political rights and economic, social and cultural rights, which are interrelated and indivisible, and all of which are important and essential to the harmonious development of the child. As a binding instrument, states parties to the CRC undertake a special responsibility and commitment before the international community, the national civil society, and before children themselves, to be actively and effectively engaged in the promotion and protection of children's rights.

The universality of the CRC gives the United Nations a golden opportunity to make the human rights of children the cornerstone of its work for the next millennium. Universality calls on the international community to support the effective implementation of the CRC in all countries of the world, having due regard to the poorest nations and meeting the conditions for all individuals to enjoy human rights without discrimination of any kind. It is therefore important for all relevant United Nations organs to regularly review and monitor the situation of children and to assess the impact of their policies on children.

The World Conference on Human Rights recognized that the human rights of children constitute a priority within the United Nations system. It recommended that United Nations bodies and Specialized Agencies periodically assess the impact of

their strategies and policies on the enjoyment of human rights and made a call for the situation and human rights of children to be regularly reviewed and monitored by all in accordance with their respective mandates.

The strong commitment by the United Nations Children's Fund (UNICEF) to human rights is expressed in its mission statement, adopted by its Executive Board in early 1996. This provides that UNICEF is 'guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children'. It further reaffirms that human rights apply to all children in all countries without discrimination of any form and underlines the importance of UNICEF's work to promote the equal rights of women and girls and their participation in the political, social and economic development of their communities. In addition, it stresses the need for the international co-operation and co-ordination of efforts that are sustainable for the survival, protection and development of children.

There are other compelling reasons for placing children's rights at the centre of the development agenda. It is most noteworthy that children's rights have been repeatedly recognized as a common field for action in the major United Nations conferences during the last decade. Every such conference has affirmed that children are the most accurate measure of development and that investing in children and women is a moral imperative of our times. In fact, in all areas of United Nations intervention there are opportunities to turn to the CRC as a guide and as an important reference. Promoting respect for the human rights of children can be an effective vehicle for assisting states in the achievement of their national development priorities, while at the same time respecting the Secretary-General's call, in his 'Programme for Reform', for the integration of human rights into all principal United Nations activities and programmes.

The promotion of children's rights and fundamental freedoms goes hand in hand with the strengthening of

international peace and security. In this regard, supporting the implementation of the recommendations of the expert on children in armed conflict, Graca Machal, is a major priority for the future. Several specific actions deserve to be highlighted: the work of the Special Representative for Children in Armed Conflict, Olara Otunnu; the international efforts to set the age for recruitment into the armed forces at 18 and to put a stop to the practice of involving children in hostilities under any circumstances; and efforts to cease the use, stockpiling, production and transfer of anti-personnel landmines, including the ratification of the convention for a global ban on landmines adopted in Ottawa, Canada, on 4 December 1997.

Looking towards the future and into the twenty-first century, the right to education on the basis of equal opportunity is another area for action that deserves special attention. All children, boys as well as girls, rich as well as poor, living in urban areas or in rural areas, disabled, belonging to indigenous or minority communities, or any other children within the jurisdiction of a state party to the CRC should effectively and equally enjoy this fundamental right. To this end, international co-operation should be promoted and it should particularly aim not only at the elimination of ignorance and illiteracy, but also at creating awareness and a deeper understanding about the values of the CRC, promoting policies and strategies designed to ensure active participation of children in school, as well as eradicating disciplinary methods that are detrimental to the human dignity of the child.

The following are highlights of UNICEF activities in the twenty-first century to promote awareness on, and understanding of, the Convention on the Rights of the Child:

➔ ADVOCACY AND AWARENESS CAMPAIGNS

In the light of Article 42 of the Convention, UNICEF has promoted advocacy and awareness campaigns on children's rights and will continue to do so in the future, thus contributing to the

‘ The promotion of children's rights and fundamental freedoms goes hand in hand with the strengthening of international peace and security. ’

creation of a culture that respects the fundamental rights and freedoms of children. In this regard, the following activities are noteworthy:

- information campaigns and publications on the Convention, in accessible and attractive formats, for children and the public at large;
- translations of the Convention, to include national, local and minority languages;
- the organization of elections on children's rights in close co-operation with schools, the national electoral system, NGOs and other actors of civil society.

➔ EDUCATIONAL AND CULTURAL ACTIVITIES

In close co-operation with national authorities, institutions and actors of civil society, promote an education system designed to: (a) develop the child's personality, talents and mental and physical activities to their fullest potential through a curriculum that relates to the daily life of students and which is relevant to the child's future; (b) promote respect for human rights using the Convention as a meaningful illustration for children; (c) promote a culture of tolerance, mutual understanding and respect for diversity. Other actions should also aim to:

- support educational activities using the Convention as a framework for teachers in collaboration with parents and communities;
- support 'child-friendly schools' which aim to respect the child's individuality, human dignity and fundamental rights, and where the focus is based on the child's perspective on schooling;
- support schools which are safe places for children for their physical and emotional integrity;
- promote schools which regard children as learning subjects rather than as objects of teaching.

➔ **PROMOTION OF THE EFFECTIVE
IMPLEMENTATION OF THE CONVENTION**

- Make the reporting system under the Convention widely known in order to increase awareness of children's rights at the national level, to foster its clear inclusion in the political and social agenda and the development of a national strategy on children, as well as to ensure the effective monitoring of their situation;
- continue to facilitate and organize information and training activities for government officials, NGOs and other relevant national actors;
- continue to promote consultations between concerned governmental departments, national institutions on human and children's rights, as well as NGOs, on the implementation process and on common areas of concern and intervention;
- continue to promote the participation of the relevant actors of civil society, including children, in the formulation of policies in areas pertinent to the realization of children's rights.



ideas to
extend human rights

for a world ethics committee

In a text written in 1972, René Cassin, Nobel Peace Prize winner, emphasized 'the immense role played by science in the conception, content, development and implementation of human rights'. He acknowledged that the practical inventions produced through human industry, from the wheel, paper, printed alphabetic characters and the compass, through to computers, as well as the development of rational medicine, from the time of Ancient Greece to today's biotechnology, have directly contributed to lightening man's burden. At the same time, with the Renaissance, the aspiration to free examination of conscience (notably that of faith) went hand in hand with freedom of expression, intrinsic to creative thinking in science. The development of science brought about, albeit indirectly, the gradual recognition of human rights: the right to life (and more particularly to health and reproduction), to information, to the communication of ideas, to the free movement of human beings. From this point of view, the recent Universal Declaration on the Human Genome and Human Rights (1997), confirms that 'freedom of research, which is necessary for the progress of knowledge, is part of freedom of thought' (Article 12(b)).

The same declaration stipulates, just as firmly, that research should never prevail over the 'respect for human rights, fundamental freedoms and human dignity of individuals or, where applicable, of groups of people' (Article 10). Furthermore, its applications 'shall seek to offer relief from suffering and improve the health of individuals and humankind as a whole' (Article 12(b)).

Are these conditions respected today? Will they be so tomorrow? Each day, the arms race exploits further the progress of

humanity
will be unable
to go on much
longer without the
institution of
certain universal
laws, particularly
in the field of
the life sciences.
Is it possible
to conceive of
an ethics common
to the whole
of humanity?
How might this
be achieved?

the physical sciences and mathematics, as well as the progress of chemistry and biology. Throughout the world, the temptation to carry out research on human subjects, to the detriment of the most deprived populations – for whom the very notion of informed consent is often emptied of meaning – is immense. With more than a billion people lacking any access to health services or to basic education, we are a long way from the equal distribution of the benefits brought about by research and its biological and medical application in the world.

The reasons for this are obvious. The application and distribution of products concerned by research are subject to forces whose prime goal is neither the alleviation of suffering nor ‘the health of individuals and humankind as a whole’. The forces that govern the redistribution of profits made through science are those of world economic competition, of a market in which financial success is of greater importance than any ethical consideration. Worse still, every existing weakness in national protection systems, every difference in cultural and religious traditions is unscrupulously exploited to carry out in one place what cannot be done in another. It is a matter of urgency to set up international authorities to elaborate a new global social contract concerning the ethics of life- and health-related sciences and their applications. Is this possible?

One factor crucial for the success of this proposal that must be given serious consideration is the universality of both scientific knowledge and communication. The treatment for AIDS should be equally efficient in New York and Tokyo as in Kinshasa, and everyone should be able to find out about the treatment by consulting the appropriate information networks. There should be minimal ambiguity concerning the scientific or technical data used to inform the ethical debate.

A factor which might lead to the failure of global ethics, and which is used as a weighty argument by its opponents, is the existence of cultural differences and their conflicting moral, philosophical and religious doctrines. These doctrines are, it seems,

incompatible – be it from one part of the globe to another, or as is more and more frequently the case, within the same country. The differences are on such a scale that to think of defending a universal ethics based on one code of absolute ethical truths – whether of divine origin or ‘decreed by nature’ – would mean taking the risk of exposing humanity to the dangers of blind and intolerant authoritarianism. The quest for universality in ethics would, for many, dangerously encourage fundamentalism.

The opposite attitude of our ‘post-modern’ thinkers who speak of a generalized ethical relativism that considers moral values as being of strictly historical and cultural origin, is no longer satisfactory. It sterilizes all intercultural dialogue. Can one consider as equivalent those contingent ‘conventions’ (which vary from one culture to another) and what may be termed as ‘common ethical obligations’, which any person, if attentive, can discern either in the case of individual judgements or in the recommendations of culturally distinct independent authorities? Relativist standardization, under the guise of mutual respect, renders all attempts to attain a global ethical agreement null and void.

A third possibility takes its inspiration from the findings of cognitive neuroscience. It is an irrefutable fact that all humans possess a brain whose functional architectural principles are common to all the different representatives of the species, that is to say the human species. Man is not a monkey, even if he descends from monkeys. He possesses particular traits which signal his humanitas: the ‘innate’ aptitude for reason and the ability to create and to communicate his knowledge and desires to others, the ability to feel ‘moral’ emotions of sympathy, the inhibition of violence, but also ‘epigenetic’ culturally influenced tendencies, and tendencies to stock individual memories, such as ‘social’ memories and their recall. This point of view suggests a constructive approach in a multicultural world context.

The differences in social conventions would be to a certain degree analogous to language differences. Intercultural dialogue

It is a matter of urgency to set up international authorities to elaborate a new global social contract concerning the ethics of life- and health-related sciences and their applications.

would therefore gradually develop, with a preliminary approach equivalent to 'translation' which would take into account differences in history, geographical situation and philosophical and religious traditions. As a result, a positive ethical debate could be created – an 'ideal speech situation' as Habermas puts it – in which those concerned would express themselves 'in terms acceptable to each participant on condition that all the others accept them also'. These conditions would be such that a 'balance of reasons' – the words are borrowed from Rawls – would develop in an open and pluralistic manner, on condition that the authorities, the institutions, created by the body politic, in which the balance of reasons evolves, are themselves pluralistic. 'Consensus by cross-checking' will contribute to revealing a 'common moral basis', indispensable not only for the survival of humanity, but also for a more harmonious relationship between the individual and society.

The debate will concern concrete ethical problems brought to light by very precise advances in scientific research, without being encumbered by paradigms or a priori morals, but by allowing the humanity of each person to freely express itself. The debate will be contradictory, often very heated, always long. Blockages will be frequent. It will be often the 'invention' of a 'third way' that will propose the solution acceptable to the greatest number, directed towards a provisional normative agreement, as stipulated by Descartes, but one which is capable of dealing with a concrete situation. This accord will be neither the result of a minimal consensus nor of a unanimous agreement on what constitutes the lesser of two evils. It will go one step further towards the expression of a *humanitas* which might otherwise be obscured by the diversity of social or religious conventions. On the contrary, the existence of 'epigenetic' differences related to cultural pluralism will contribute to the 'generator of diversity' which will be used to produce the acceptable 'norm'. This mode of functioning describes, in fact, the working practice of the national Ethics Committees already in existence in the world. Even though it might be pluralistic in its composition, it is only with great

difficulty that a national committee avoids the political and economic pressures that inevitably come to bear on its members. This could be caused, for example, by the difference in regulations existing in certain countries between research financed by state funds and research receiving private funding.

➔ To establish a World Bioethics Committee under the aegis of the United Nations, the most respected international authority in the world today, does not seem utopian, particularly if it were done in co-operation with the Human Rights Commission. In 1947, the Nuremberg Code became the first corpus of international rules linking medical ethics to human rights. It was followed by a number of worldwide declarations such as the most recent one on the Human Genome and Human Rights proposed by the International Bioethics Committee of UNESCO (from which the United States is absent) and adopted by the UNESCO General Conference in 1997. But none of these declarations is binding where international law is concerned. Perhaps it would be a good thing for a Bioethics Committee of this type in the United Nations, even if it maintained a consultative role, to be able to issue recommendations and advise, which in turn might give rise to legal measures on a global scale. There is scope for agreement on ethical obligations which appear difficult to question, whatever culture, philosophy or religion a person may belong to, such as (this list is not exhaustive) the informed consent of any person volunteering himself or herself for research, the respect of fundamental personal rights and the dignity of individuals (or groups), the availability of the benefits of science to all human beings in order to relieve their suffering and improve their health. To do so requires, in the words of Spinoza, a Conviction, marked by an attitude of autonomy and generosity, which ordains that a free man always desires for his neighbour the good that he desires for himself. It falls upon us to spread this conviction throughout the world.

Human rights
should also be part
of city life.
In each capital
of the world, a
public square
could display
works of art and
the text of
the declaration
inscribed in
different
languages.

A square for human rights all over the world

What exactly is the proposal? Is it to create a place¹ for human rights all over the world? Or is it to create Human Rights Squares all over the world? The answer is: both.

The first concerns the universality of human rights as a requirement for every human culture, thereby endowing it with a *transcultural* quality. It is the role of an in-depth educational programme – that is to say school, essentially – to secure in people's minds a sense of the universal as an ethical prerogative that goes beyond specific cultural values and which all cultures *recognize* or deem to be the very basis of the terms of reference they employ, in so far as it is a question of culture at all.

The second proposal is practical and concerns the physical manifestation of this universality in everyone's daily environment. Let us call it *creating a 'square' for human rights*, in the urban sense. Let us take examples of what we can already find in the world today. Everywhere, probably in every capital in the world, one can find an Independence Square or a Square commemorating a specific date regarded as a milestone in the history of the country in question. The proposal here is to place at the service of the cause of the true universality of human rights a similar symbolic force, that of the Square, to which an avenue, a road, or a path of the same name would lead.

In practical terms, the symbol's strength would come from art. Such a project would thus provide an opportunity to use art – and sculpture in particular – to further the cause of human rights.

1. Note that in the (original) French text, the word *place* means both a 'place' and a 'square' (in a town).

Let us therefore imagine that under the aegis of UNESCO each nation decides to create a Human Rights Square. Each country would see to it that its best talents in the visual arts give creative form to the project so that the Square would become a place for everyone to come and see.

It will probably be necessary to launch an appeal or competition for entries. UNESCO could then give the organizers its intellectual and moral backing, and draw up a list of common universal specifications for the artists.

Let us go on imagining: the common element would be an inscription on the monument of the Universal Declaration of Human Rights in the different languages of UNESCO and in the different national languages of the country concerned.

One would then have the possibility of creating a *Book of Human Rights Squares*, a catalogue, or, better still, a museum, but a living one, full of beautiful works of art and true commitments to the ideal of the human being, to be visited both in reality and virtually, of course.

A Human Rights Square is a place of celebration but also of protest or warning signals – of appeals to international opinion.

One could imagine that the digitalized equivalent of the Square of a specific country could also be the computer icon under which all potential complaints and protests against the country could be lodged, in the name of human rights.

Indeed, one could imagine that the different models of the Square submitted to the competition might be digitalized before the works are actually completed, so that the Human Rights Squares would already be flourishing everywhere at the dawn of the new millennium.

In concrete terms, it seems to me that the first phase of digitalization could be programmed for the year 2004, which marks the end of the United Nations Decade for Education in Human Rights. And by starting with the virtual we will have been realistic and achieved our goal.

‘ A Human Rights Square is a place of celebration but also of protest or warning signals – of appeals to international opinion. ’

Have dissident
 voices
 always existed
 in traditional
 African societies,
 heralding a
 reflection
 on human rights?
 or is this just
 another product
 of colonialism?
 Asking such
 questions should
 bring about a
 fruitful debate.

brainstorming - or how to create awareness of human rights

If we wish to bring about change in a society there is no point in depreciating its customs and practices in the name of a supposedly superior civilization, nor to take on the role of a lesson-giver. Instead, we need to identify the forces for change already existing in the society to give them a voice and our full support. It has proved all too easy to take up a moralistic standpoint. This method has not proved successful anywhere. One of the reasons for this is that the people at whom these sermons are levelled are also capable of identifying and judging the hypocrisy of holier-than-thou speeches of this kind. So-called 'barbarians' know that their 'civilizers' are not much better than themselves; they know exactly what to think of a 'civilizing mission' which so readily allows all forms of abduction and plundering.

In the more or less recent past, all the cultures of the world have sustained practices that are now condemned by the collective moral conscience. What seemed acceptable in the past does not seem so today. For instance, someone in Europe at the end of this century who takes it into his head to sing the praises of the Inquisition would appear very odd in the eyes of the average European; the same would go for someone who decided to justify Nazism and the gas chambers, both of which were regarded however as legitimate by tens of millions of fanatical and ideologically conditioned people only fifty years ago.

It took a bloody civil war in North America to bring an end to slavery. The war was followed by a long struggle, with countless

incidents, to give black people – descendants of former slaves – the same civil rights as other citizens. This is something that staggers Americans nowadays, for whom the notion of equality and human rights has become so familiar.

Yet, in spite of such progress, we know that in both the United States and in Europe the fight is not over. The recent rise in neo-Nazism has been enough to show that the danger of regression has not disappeared. Similarly, the appalling economic situation of most black people in the United States and the recurrence of residual racism show how far there still is to go.

It is vital to keep in mind these past revolutions in moral consciousness, so as to relativize the indignant condemnation expressed by certain authors of anthropological writings in reaction to various anachronistic practices that have been observed in 'other' cultures. It is crucial to recall the struggles still going on in the West for greater justice and equity if we are to realize that nowhere in the world – and not more in the technologically advanced countries than in economically weaker societies – has the wager for human values really been won.

No society is monolithic. Anyone who is under this mistaken impression needs to learn to look at society differently and be sensitive to its subtleties, needs to be aware of the variety of competing paradigms that are temporarily marginalized and exist alongside the dominant paradigms of a culture, and even more, needs to accept that there are many different ways of relating to the dominant paradigms. Everywhere, in all cultures, the forces of progress bearing the values of the future stand in opposition to more reactionary forces, which are often in a more dominant position. Once this hypothesis has been stated, we need to set to work to discover what lies hidden and marginal, the drowned-out voices of dissidents suffocated by the clamour of official morality.

So we can no longer make passing reference to the practice of human sacrifice in some pre-colonial African kingdom or other, or to the custom which consists in burying the wives and servants of a dead king alive to serve him in the afterlife. We can no longer

simply note that some of the victims were volunteers and considered it an honour to have been chosen, any more than we can simply interpret these practices 'philosophically' by arguing, as has been done without an eyebrow being raised, for a 'continuistic' vision of life and death, supposedly a characteristic of African religion, spirituality and thought. We need to explore further, to examine these cultures more deeply, in order to bring to light the individual acts of refusal, the suppressed protests which, had they only been given the necessary support, could have overthrown the whole system.

This is not easy to do. In societies without a tradition of recording things in writing like those of sub-Saharan Africa, the traces of such protests are scarcely to be found. The historian's task is therefore a complex one. Nonetheless, in the absence of written sources, other sources can be consulted: the oral tradition is one of these, but not the only one. The most important thing in any case is for the question to be raised, to search in the past for that which previously no one had ever thought of searching for: dissident voices heralding the new awareness of human rights expressed by the present generations of Africans. This research is necessary because without it we will have no other choice than to put the genesis of this new awareness entirely down to colonization and the process of Westernization that it initiated. This would necessarily mean substantiating the myth of black people's passivity in history, one of the myths that, as Joseph Ki-Zerbo rightly says, stands in the way of any real understanding of African history. Moreover, one would not be explaining anything at all since it is hard to see how such a profound and lasting ethical transformation could merely be the result of external influences, how colonial powers on their own could have set such a transformation in motion had it not fallen on fertile ground there; all the more so since the social practice of this power was contradictory to its 'civilizing' discourse.

The question is as follows: Given the plural nature of every society and the remarkable ability of cultures to accommodate

and/or take on new values, what, in general, are the factors that accelerate or hinder such developments? Moreover, what means can be used to optimize these developments without harming a culture's identity, and ensuring that the new values are internalized rather than experienced as being of foreign origin?

I do not wish to enter into the classic debate, which I consider still too general, about the relationship between economic structure and ideological superstructure. It is certainly not difficult to trace the ethics and values of slavery back to their economic origins, or conversely, to recognize the economic circumstances that made the anti-slavery movement possible. What is at stake in the present debate is much more specific. Within a given economic system and taking account of the limitations of this system, how can we create the greatest measure of justice and equity? How can we achieve as much as possible in the shortest possible time? How can we change people's attitudes? How can we urge a society to abandon the old values and reactionary practices when they have identified with them for so long as part of their culture?

In answer to these questions, I would like to suggest that human rights principles are present in some form everywhere and in all cultures, and that the best way of cultivating them is to give them a voice by encouraging the free development of a pluralist debate about these principles in each culture. Brainstorming, whose heuristic value we are fond of recognizing as being efficient in other fields, can also become an excellent method of collective research in the ethical field under certain conditions. In this way, the free confrontation of everyone's necessarily limited standpoint can allow one to move from a closed moral position to an open one, or more precisely, from the silent juxtaposition of individual moral positions to a process of universalization, without recourse to violence. The aim of this would be – if only in an asymptotic and provisional way – to purposely draw up a series of rational principles that are valid for everyone and transcend cultural differences.

“ The free confrontation of everyone's necessarily limited visions can in this way allow people, without recourse to violence, to move from a closed moral position to an open one. ”

If human rights is to concern all human beings, and not just those in the west, a radical change of thinking is needed.

A radical revision of human rights: the need for rethinking in a universal perspective

The Universal Declaration of Human Rights needs, like most United Nations documents, a fundamental rethinking, not only because it is rooted in the 'parochial' thinking of the West about such matters, but also because it was born of the Second World War and embodies the 'victors' view of the world and tries to 'freeze' it primarily in their favour.

The doctrine of 'natural rights' and the even more fundamental one of 'natural law', from which it is derived, is no longer accepted by most thinkers, who deny the validity of any thinking in terms of 'essences' which lie at the very foundation of thinking about human rights in the Western tradition. Thinking about human rights cannot be done in isolation from other values and ideals that men pursue, and has to be done in a far more integral manner than the usual analytical mode of thought permits, unless consciously taken care of.

The usurpation of the role of the United Nations by the United States in this regard should not be allowed to continue as it has until now. The role of minimizing the violation of 'human rights' or the attempt to persuade the member states regarding

their observance belongs strictly to the United Nations alone and not to any particular member state, however important or powerful it may be. The same is true with the 'selective' intervention concerning the violation of human rights in certain countries only, while the same or similar violations by others are either totally ignored or underplayed or excused on one pretext or another. This provides a justification to those who allege that some Western nations use 'human rights' in pursuit of their own political purposes and not because they really value them.

The history of the way human rights have been sought to be applied during the last fifty years shows not only that it can be manipulated as a political weapon by states to serve their own interests, but also that the choice of the areas in which it is applied is highly selective in character. The extensive violation of the right to privacy by the mass media has, for example, not been touched at all. Similarly, the case of powerful pharmaceutical industries who 'freely' dump drugs banned in many Western countries in the so-called 'Third World' without protest from anybody. Or the advertising industry, which in the name of the 'right to choose' exercises the 'right to deceive' people. The dumping of nuclear waste by nations and the sale by armament industries of slightly obsolescent weapons to individuals, groups and nations, thereby encouraging terrorism and local wars and endangering the 'basic right to live' of hundreds of thousands of people, are not even mentioned by anybody. The instances are legion, the cases well documented. But few care or 'dare' to accuse the 'powerful', who determine what shall be talked about and what ignored, or forgotten.

There are other deeper dimensions to the problem which need to be discussed. The issue of human rights is not only conceived in terms of isolated individuals, but lays emphasis on that which is 'legally enforceable'. Such an approach achieves the opposite of what it seeks by ignoring the fact that social functioning of human rights is made possible by unconscious attitudes in one's personality which makes one think in terms of

What is needed is a radical rethinking on the issue, beyond the framework of Western thought and practices, in which it has been done until now, and without using the issue of human rights as a weapon in the political battle between nations.

others and not of oneself. One begins to think of oneself as a bearer of legal rights against others, enforceable by recourse to law, thus inducing in the other a counter-attitude which tries to think of all legally permissible means to evade the realization of the other's rights. The law of evidence, which is heavily weighed against the victim, and the complex legal structure as it has evolved in the West helps in this, particularly through the modalities it has developed in its adaptation to the sociocultural conditions of non-Western countries, into which it was implanted after their subjection by some Western nation or another.

Law, of course, is a necessary component of every society and coercive enforcement is a necessary part of it. But if this element becomes a dominant aspect of the system, it is a sure sign of sociocultural decay rather than of development in that society. In most cases, it is a sign of decline in moral responsibility and the sense of obligatoriness towards the other, which is the heart of the matter, as the real preservation of 'human rights' resides there.

There can be little doubt that during the last few decades awareness regarding human rights has grown substantially and that it has spread to areas of human concern which had been neglected by all civilizations until now. But it would be well to remember in this context that even in the West advances in these areas have been very recent and that it is not uniform in all countries. Moreover, the effective realization of human rights in these countries has been a slow process and has been made possible by far-reaching changes in their social, political and economic structures. In countries where these structures have not evolved or have not taken firm roots, the observance of human rights in the form it has taken in the West and in the fields where it is practised there today, is neither feasible nor possible. Nor are the Western forms the only forms in which these rights can be realized by mankind. Ultimately it is the 'other'-centric consciousness which alone can ensure the observance of human rights

and not the 'self'-centred thinking which characterizes all discussions about human rights in recent times. What is needed is a radical rethinking on the issue, beyond the framework of Western thought and practices, in which it has been done until now, and without using the issue of human rights as a weapon in the political battle between nations. It is time that United Nations institutions truly become representative of mankind and not remain the appendage of the West as they have been until now.

How can one
protect
the freedom of
expression
of dissident
intellectuals?
What about
publishing, every
day, in a major
newspaper, a list
of murdered,
tortured, missing
and imprisoned
dissidents?

Tyrants *do* care about public opinion

This text will be confined to the treatment of political dissidents and writers critical of their governments.

The main problem is that some regimes use terror and torture as a deliberate means of keeping power, and cannot be shamed into better behaviour. Nothing is more ludicrous than when more democratic regimes criticize from some high moral ground and all the people who know the facts, mostly those who live inside the criticized countries, have to marvel and, often, laugh. There is particularly nothing to be gained by shouting across the world 'You are a cruel oppressor!' when cruelty and the deliberate use of suffering is woven into the economic fabric: for instance, the use of prison labour in the Soviet Union where millions died building railways, nuclear installations, mines and so on, and now in China where a good part of economic production goes on in prisons and labour camps.

The trouble is that criticism of a regime will seldom go on for longer than a week, and then everyone forgets. We were told that most of the tea we drink comes from Chinese labour camps where conditions are horrific, and we were shocked – for a week or so – and go on drinking the tea.

An example of partial information is the case of Ken Saro Wiwa, in Nigeria. In fact the media campaign did go on longer and was better orchestrated than most, but who knew then, or remembers now, about the people who were hanged with him, and, later, the as many as eleven (or more?) who were being ill-treated in prison to the point that some died.

Let us take Iran. Some believe the cruelty ended when the Ayatollah Khomeini died, or at least that it was modified. The regime has been trying to improve its 'image' and many think that things are better – or they pretend to believe it, for economic reasons. The British Government, for instance, wants to trade with Iran, in spite of promises to conduct an 'ethical' foreign policy, and claims that political oppression is a thing of the past. Yet reports from the United Nations and Amnesty International are clear enough.

In 1997, when the earthquake occurred in the Meshed region, the religious authorities in Tehran forbade the Red Cross to help and were using the chaos to get rid of as many people as they could – most people in that area are Sunnis and hated by the ruling Shias. The government did not help the victims – 'infidels'. Some who protested about this were beaten, imprisoned or hanged. Again, women and children were killed. The women were first raped because of the 'religious' rule: you may not kill a virgin. Wives of 'infidels' are regularly whipped in front of their children, then imprisoned. Their children are tortured and imprisoned. Such a regime cannot be appealed to on the grounds of human compassion.

How many people know that it is not only Salman Rushdie who was – and still is – threatened by death, but that dozens of writers and intellectuals have been murdered? Even now the great cranes on Tehran's building sites regularly carry the corpses of hanged 'infidels'. I have seen an illicitly shot film of public beatings and stonings (1997).

Who knows about the writers and dissidents killed in Algeria? Or those that were killed in Egypt? Or those – some still unknown – who 'disappeared' in Argentina. Unfortunately the list of culpable regimes could fill this page, and more.

My suggestion is that publicity should be organized not with the aim of appealing to non-existent consciences, but to brand the regimes in question so that it would be difficult for condoning governments to trade with and support them even

to the extent – in some cases – of supplying arms and means of torture.

Ordinary people do care about the tortures, the cruelties, the oppression, but they feel helpless. Most citizens feel a long way from the centres of power. “Nothing changes when we protest”, they certainly think. But if the protests are very visible, very loud, and kept up, then perhaps things may change.

Lists of murdered, tortured, missing or imprisoned people should be made, the names of the dead should not be forgotten. One place where this could easily be done is on the Internet. But not everyone uses the Internet. The most effective vehicle could perhaps be a major newspaper, one in every country, which would agree to keep a space *in every issue* for the lists, continually updated, so that criminal regimes cannot, as they do now, rely on outcries and protests dying down, the victims forgotten. Who was it who said that the tyrant’s greatest ally was the short memory of the people? Now that was someone who understood the problem. Certain newspaper proprietors might protest if a regime they favour, or which supports them, is being criticized, but another newspaper – a competitor – might be prepared to print what the first doesn’t want to. Or there may be pressure from governments linked to the guilty regime (for instance the British Government and Shell, in the case of Ken Saro Wiwa and the Ngoni people). Television and radio should be used, but this probably would be difficult, unless some rich person or organization would buy advertising space and use it for publishing atrocities.

In every democratic country there are admirable organizations concerned with this problem of the bad treatment of intellectuals, dissidents, writers, ‘infidels’. In Britain they are the Index on Censorship and PEN International. But the people who read their publications are a concerned minority. United Nations and UNESCO material could be, should be, used, but again, the general public does not read them. We need a wider appeal.

Ordinary people do care about the tortures, the cruelties, the oppression, but they feel helpless. Most citizens feel a long way from the centres of power. ‘Nothing changes when we protest’, they certainly think. But if the protests are very visible, very loud, and kept up, then perhaps things may change. Signatures could be

collected – millions. Books of signatures could be publicly displayed, sent to the regimes in question, and kept in view in supermarkets and public places.

Reading diaries, memoirs and autobiographies, written from inside oppressive regimes, it emerges that tyrants *do* care about public opinion – not because their consciences are functioning, but for political reasons. A telling quote from Goebbels' recently published diaries states that Hitler was considering making peace with Stalin towards the end of the war but that it was not possible to make peace with the democracies 'who have public opinion to consider'. Public opinion could be the key.

Language as a human right

Language,
which constructs
our representation
of the world,
is not just a tool.
Instead of reducing
it to a means of
communication that
can be replaced
by any other, we
should rediscover
in it the very
basis of our
individual
and collective
existence.

By human rights I mean the set of legal standards – intimately and indissolubly connected to the ethical principles on which they are founded – whose application guarantees human beings an inalienable respect for their dignity as individuals both in their private lives and as members of society.

Since an individual is a member of a community, to which he belongs by virtue of the dynamic ties that connect him to the particular *ethos* which characterizes the community in question, his individual behaviour represents the living expression of a concept of *we*, at which point he loses his status as a *separate and isolated self*. From this point of view, human rights represent the legal norms of a community, whose constraining effect is founded on the tacit (although active and ever-present) existence of a common and shared *ethos*.

In such a context, the language or idiom, in its primordial form, acts as a framework and a receptacle for the beliefs, customs and ideas that constitute the first and most obvious basis for a community's conception of the world in which it lives. The specific values which constitute the *ethos* of a community are expressed and communicated in, by and through language.

It follows from this that the right to speak and write – that is, to express oneself and to communicate with others in one's own language or idiom – is one of the most basic and immutable human rights that each individual should be able to possess, exercise and defend as an active member of the community.

Limiting, prohibiting or suspending an individual's right to learn in his own language at school, in the environment in which he was born – a prohibition which one can witness, not without some amazement, in some areas of the civilized world – is to

diminish and violate that person's dignity and to overtly engage in a linguistic genocide that is both indefensible and anachronistic.

It is through the medium of language and its ethological meanderings that education and culture are acquired. It is on this basis that an individual's conception of man and the world is constructed through his attitude to freedom, religious beliefs, moral values, scientific knowledge (with its limits and possibilities) as the means to satisfy his thirst for power or to get closer to his fellow beings.

From this point of view, it is starting with language that the most important and essential human rights emerge, take root and flourish, as guiding values that create, affirm and protect the dignity of the human being.

In a century like the one that is coming, which is threatened by an ill-understood process of 'globalization', dominated by 'ethological homogenization', and characterized by the total domination of modern technologies and modes of communication, it is necessary and urgent to reconsider language, in all its idiomatic manifestations, as an impregnable stronghold for the defence of human rights. The future of humanity is at stake in this battle, the fate of the mind as an expression of freedom in jeopardy.

‘ It is starting with language that the most important and essential human rights emerge, take root and flourish. ’

each
 person's right
 to culture
 is fundamental.
 For this to be
 truly put into
 practice, artists
 should go out
 and meet those
 who are socially
 or geographically
 far from the
 active, urban
 centres.

Groups of musicians all over the world . . .

When I lived in the Soviet Union before 1974, on three different trips I visited various villages and towns in Siberia. Four people (including myself) always took part in these visits: a bayan-player (or accordionist), who accompanied me as I played short pieces by Handel, Schumann, Tchaikovsky and other composers; a singer, who was also accompanied by the accordionist (the singers were from the Bolshoi); and a narrator who led the concerts and also read poems from Russian classical literature. The concert ended with a performance by a trio including the singer, the accordionist and the cello. One of these trips was on a boat on the great Siberian river Yenisei, from Krasnoïarsk to Dickson Island (beyond the Arctic Circle). We stopped in small towns and gave free concerts. In some places, when our boat arrived after sunset, we gave concerts during the night. This was the case in the village of Kazantsevo, not far from a town called Karaoul. The village had only thirty-three inhabitants. They shouted so loudly that we simply had to stop. It was the only concert in my life that started at 2 o'clock in the morning. Half of our public had never seen live performers before – they had only listened to the radio.

These tours gave me some of the most lasting impressions of my life. After I left the Soviet Union, with my great friend, the conductor of genius Seiji Ozawa, we twice created a small orchestra made up of fourteen students from the Tokyo Conservatory (Toho), took an open lorry that we used as a

makeshift stage and a bus to drive us and visited Japanese villages. First Ozawa would talk to people about classical music and then we would start the concert. Usually, it took place in the central square of the village, but sometimes in schools and temples.

Today, Ozawa and I are planning a tour of Siberia. We shall take seven Russian and seven Japanese students to play in the orchestra. My experience tells me that such small groups, made up of five to fifteen students with the participation of one or two recognized musicians, could cover the planet with such cultural/educational activities. There might be no need for that in large cities with their own musical life, but every country has small places where such events would be met with enthusiasm. Such small groups could be formed with musicians of different nationalities, which could strengthen the friendship between young artists and give them the opportunity to see countries that they do not know.

The beauty of music unites people in trust and love, and it would be very useful for young musicians at the beginning of their career to see first-hand the life of ordinary people, so that they can stand back from the elitist musical milieu in which they are educated. This idea comes from my experience both as a teacher and a performer.

“ The beauty of music unites people in trust and love, and it would be very useful for young musicians at the beginning of their career to see first-hand the life of ordinary people, so that they can stand back from the elitist milieu of musical intelligentsia in which they are educated. ”

Living together in dignity

to ensure that
human rights
are used neither
as pretext nor
alibi, we need to
redefine the
sense of their
universality
and find ways to
put this
universality into
daily practice
in widely differing
cultures.

Half a century after the adoption of the Universal Declaration of Human Rights, man's life, dignity and integrity remain under threat. There are not only wars, acts of racial violence, torture, fanaticism and expulsions, but also hunger, poverty, inequality in the distribution of wealth and in access to science and technology, as well as political, cultural and economic hegemony and domination. This motivates us to redouble our efforts to participate in the implementation of the Declaration's fundamental principles and in the unconditional application of these rights. We need to work hard to ensure that the beginning of the next century is truly an age of hospitality and peace coexisting in the shared harmony that arises not only from justice, reason and love, but also from understanding between fellow men – a humanism based on the sharing of experience.

I consider otherness as being the basis for all human action. That is why cultivating altruism and fostering a feeling of love for humanity, in a world destabilized by acts of barbarity, is a way of creating a new context for people to live in harmony. This presupposes a reaffirmation of human rights and their implementation in structures that are truly just, effective, equitable and founded on universal principles that respect plurality and difference.

Therefore, it seems to me that if we work to give substance to the proposals for a better application of human rights in the world society of the twenty-first century we must briefly examine the problems raised by the practical aspect of the implementation of these rights, including how to prevent their violation.

Since the adoption of the Universal Declaration of Human

Rights in the immediate aftermath of the Second World War, huge efforts have been undertaken to defend man's dignity, freedom and rights. However, acts of barbarity are still perpetrated in many parts of the world – in Africa, former Yugoslavia, Asia and so on. Terms that we thought had been completely forgotten, such as 'ethnic cleansing', have been revived at the end of the twentieth century to justify crimes that recall the century's darkest period. Now, more than ever before, the role of national and international organizations is to develop a philosophy of peaceful coexistence in dignity and happiness.

There have certainly been efforts made on the part of the international community to make accessible to all the rules and principles of human rights through the media and education, but it is clear that most citizens of nearly every country in the world are unaware of these principles and rules. In order to remedy this we must turn to human rights education and specific training. Education is the most powerful means of preventing human rights abuse. The specific training of officials working to ensure that human rights are observed in accordance with the international norms that apply in this field (heads of security forces, civil servants, administrators of justice, etc.) can be of help in the upholding of these rights.

One of the principles of the Declaration is universality. But it so happens that this principle is not always applied. Some people go so far as to set it in opposition to religious beliefs or cultural attitudes. Obviously, the point is not to question the principle of universality. Our cultures and religions often, if not always, give us a sense of belonging to a community of human beings. That is why using the argument of cultural diversity or religious difference in order to deny the application of human rights is just a pretext. Of course, we must be wary, for universalism can be linked to hegemony. But if we carefully consider different cultural styles and make a sincere attempt to respect them, it is possible to put an end to this kind of argument. Thus the notion of universality could be expressed through a *non-reductionist vision of the world*; through

communication channels that respect cultural differences and modes of expression of mankind; through an intercultural approach devoid of intellectual dogma or totalitarian sentiment; and through aspiration for this ideal of 'eternal peace'. In this sense, the concept of universalism should no longer be used to render man's mode of existence uniform, and the Declaration should be 'universal in its scope', to use the terms of the philosopher John Rawls. The important thing is to ensure that the rights are generally accepted and applied and that the different interpretations of the Declaration do not undermine either its principles or its applicability.

This leads us to reflect on the difficulties involved in reconciling man's collective and individual rights, that is, in reconciling economic, social and cultural rights with man's fundamental liberties. Indeed, the former are often emphasized to mask violations of the latter. The past ideological conflict between East and West showed how dangerous a tactic it can be to privilege the rights of 'groups' so as to minimize the rights of 'individuals'. In some countries, this sort of camouflage is the norm: governments play up the cause of women's rights or children's rights, or even the right to economic development, to conceal violations of the most basic human rights. The indivisibility of human rights must be the recognized norm, since the Declaration's very purpose is to free man from tyranny, barbarity and violence as well as from destitution and hunger. And yet, in some countries of the world, mainly those that are underdeveloped and undernourished, the application of these indivisible rights creates problems since destitution, whether it takes the form of unemployment, disease, malnutrition or extreme poverty, exists on a huge scale. That is why the demands for democracy, citizenship and public liberties must go hand in hand with the right to economic and social development – a right that the international community must uphold in order to reaffirm man's sense of worth wherever he lives.

One of the roles of the state is to ensure the full application

of these rights. In our opinion, the state is the most effective guarantor of political rights, fundamental liberties and economic, social and cultural rights. This is best achieved through a system of separation of the three powers (an independent and impartial judiciary, a truly pluralist legislature and an executive power working in harmony with the decisions of the other two); by the efficient organization of bodies to monitor the executive; and by the establishment of structures and institutions to combat all forms of discrimination in all areas. However, the state as a guarantor of rights remains an ideal. The state is, above all, an apparatus that manipulates violence (sometimes legally and institutionally through the police force and the army, but at other times illegally and unjustifiably); the state also manipulates ideology. That is why the actions of the state and of governments must be judged from the standpoint of the Declaration of Human Rights by the NGOs. One can generally measure a state's adherence to the principles of human rights by the amount of freedom granted to its NGOs involved in the field of human rights in their day-to-day activities.

We must not lose sight of the fact that the state is not always the sole repository of power. Therefore, we should emphasize protection of rights against abuses committed by groups other than political abuses, for instance economic, media, technological, scientific and even religious ones. Nor is the state the sole body invested with power: medical doctors, psychiatrists and prison officials may take part in abusive practices of surveillance and disciplinary monitoring of society. That is why particular attention must be paid to those institutions that have long been left free to carry out activities that may violate man's dignity. And in this sense, ethical values must play a fundamental role in the fight against the new powers that can threaten man's liberty and dignity. Is not man's very existence endangered by recent scientific discoveries and new technologies? If not properly controlled, genetic manipulation, the Internet and the new methods developed by the media can threaten the most basic right

‘ A democratic society with its laws and structures makes social coexistence possible in that each individual is able to express criticism and make suggestions, to question and to argue, and to be free in his choices and lifestyle, thus escaping the constraining forces of the institutions of integration and exclusion. ’

of the individual, that of privacy, that is, the right of each individual to a space to himself away from the community and society as a whole. Privacy can help the individual to avoid manipulation. We know that the other facet of political totalitarianism is discipline, the individual is 'standardized', monitored, subjected and reduced to the role of an instrument. That is why the liberty of the individual can be secured first and foremost by allotting each individual a space within society, and it is this privacy which gives meaning to his life.

Coexistence, which is not the same as standardization, is an acceptable state only if the individual's will for self-determination is respected through measures that truly reflect his rights. Privacy, the individual's own space within the community, and the ability to question, help protect the individual-turned-citizen from becoming completely and irreversibly absorbed by society. A democratic society with its laws and structures makes social coexistence possible in that each individual is able to express criticism and make suggestions, to question and to argue, and to be free in his choices and lifestyle, thus escaping the constraining forces of the institutions of integration and exclusion.

The determining role of the civil society in relativizing and upholding human rights has often been stressed. However, we can never pay enough attention to the efforts that need to be undertaken to disseminate – by means of education, the media and cultural activities – a culture of human rights throughout civil society. This culture obviously has its origin in legal and political culture, but it also needs to be stimulated by the philosophical ideas and artistic activities that can provide citizens with an education in freedom.

These national mechanisms of human rights protection, though necessary and indispensable, are not sufficient. We live today in a world where different forms of intolerance ('ethnic cleansing', xenophobia, racism, fanaticism and chauvinism) have become the slogans of political parties in many countries. A genuine culture of respect for otherness must be disseminated by

the national and international human rights organizations. An ethic of hospitality must replace ideologies that foster hostility towards foreigners. To this end, and as an example, the right of every individual to free movement around the world should be asserted by demanding the abolition of visas, permits and exit taxes, and by preventing states from withdrawing travel documents from their citizens.

Does the need for respect for otherness and for solidarity between men give international organizations the right of intervention in countries where the principles of human rights are clearly being flouted? In our opinion, we must, over the coming years, develop international mechanisms of intervention and found them on principles that are sound and acceptable to all, for example: (a) to intervene for one sole reason: the violation of human rights; (b) to intervene on an equal basis, without using a policy of 'different laws for different countries' which sooner or later weakens the very principle of intervention; (c) to punish only the people guilty of and responsible for the crimes and never to punish a whole people with a war or other economic sanctions under the pretext of 'harbouring' a criminal, even if the latter is in the highest political position, as this makes the intervention system ineffective and violates the very principles it is supposed to be defending and upholding.

Thus our proposals are quite in line with the philosophy of living together in dignity and harmony. We can sum them up in these key points:

- Reaffirm the universality and indivisibility of all human rights excepting the notion of political hegemony.
- Support education and training to promote the ideals of the Declaration and disseminate a culture of human rights through the media and intellectual activity.
- By all possible means, encourage the NGOs which, in the midst of adversity and suffering, protect these rights and help to promote them.
- Encourage states and civil societies to adopt democracy and

political pluralism, but without copying any specific model, as it is the most effective means of developing human rights.

- Oblige rich countries to assist in developing poor ones. This obligation should have the same constraining character as that of the instruments of intervention used in countries where there are violations of human rights, in accordance with the principle of the indivisibility of human rights.
- Liberate people from the tyranny of borders by guaranteeing them the right to free movement, in order to help them acquire knowledge and learn about science and technology. Suppress visas, therefore, which hamper the movement of people and which mainly concern people from poor and dominated countries; suppress exit taxes and permits; and issue passports to everyone who asks for one, unconditionally.
- Protect minorities and give them the right to flourish culturally, politically and socially.
- Provide for equality between the sexes at all levels of society, since any violation of this principle constitutes a violation of all human rights according to the above-mentioned principle of indivisibility.
- Protect individual lives and each individual's integrity from abuse of the new scientific and technological discoveries by the establishment of an International Bioethics Committee.
- Institute an international body under the aegis of the United Nations to intervene in an effective, fair and equitable manner wherever human rights violations and crimes against humanity are being perpetrated.

AS a reminder . . .

fifty ideas for human rights in the twenty-first century

- Abolish visas, which hinder the free *movement* of people (Fathi Triki, p. 165)
- Assert the full human rights of the *unemployed* (Viviane Forrester, p. 98)
- Compile an Encyclopedia of Human Rights, which would set out the *history of the struggle for dignity* and be written by anyone who seriously wishes to take part in this venture (Javier Pérez de Cuéllar and Marc Agi, p. 39)
- Consider *language* as the basic element of human rights (Ernesto Mayz Valenilla, p. 156)
- Consider the form of the human body as the principal criterion for the recognition of a human being and use this criterion to resolve certain problems in *biomedical ethics* relating to the beginning and the end of life (Henri Atlan, p. 57)
- Create a *Human Rights Square* in all the world's capital cities, as well as through the international networks of communication (Souleymane Bachir Diagne, p. 142)
- Create a specific programme for people convicted of *domestic violence* designed to help them become more flexible (Sudhir Kakar, p. 100)
- Create an International *Humanitarian* Bureau to anticipate crises and take decisions regarding humanitarian intervention (Médecins du Monde, p. 122)

- Create new structures in which the *workplace* is also a place of study (Shimon Peres, p. 38)
- Defend the rights of *disabled people* (Yasser Arafat, p. 26)
- Defend the rights of the *family*, the basis for the individual and for society (Cardinal Carlo Maria Martini, p. 108)
- Demand, for every member of the *next generation*, the guarantee of all their rights, especially those of education and health care (Humberto Giannini Iñiguez, p. 74)
- Develop co-operation between states for the *prevention and resolution of conflicts* (Adolfo Pérez Esquivel, p. 46)
- Draw up an international accord for the respect of the rights of *Gypsies* (Michael Dummett, p. 94)
- Draw up an international charter on the abolition of *illiteracy* (Yasser Arafat, p. 26)
- Elaborate a course in *world history* for children all over the world, and distribute it by all possible means (Mikhail Gorbachev, p. 32)
- Enable small groups of *musicians* to perform in remote villages (Mstislav Rostropovich, p. 159)
- Ensure that human rights are part of the *training* of doctors, nurses, lawyers and judges, social workers, journalists, police and military officials (Amnesty International, p. 21)
- Ensure the adoption of the United Nations declaration on the *rights of native peoples* (Rigoberta Menchú Tum, p. 126)
- Establish a *global budget to fund national education systems* all over the world (Albert Jacquard, p. 35)
- Establish *co-operation between NGOs* for human rights education (Amnesty International, p. 22)
- Establish co-operation for *human rights education* between government agencies and intergovernmental and non-governmental organizations (Amnesty International, p. 22)

- Establish or maintain the unconditionality of *social welfare*
(Viviane Forrester, p. 97)
- Grant absolute priority to the *right to learn*
(Shimon Peres, p. 38)
- Increase public awareness on the *rights of the child*
(UNICEF, p. 132)
- Intensify efforts to increase knowledge of the Convention
on the *Rights of the Child* (UNICEF, p. 133)
- Involve different communities and faiths in the construction of
a national identity in *multi-cultural states*
(Frederik de Klerk, p. 76)
- Make human rights education available to *rural* and especially
vulnerable groups (Amnesty International, p. 21)
- Make information about human rights, especially the
rights of the child, available along with prenatal care
(Amnesty International, p. 20)
- Make knowledge of human rights a requirement for the
licensing of *new teachers* (Amnesty International, p. 20)
- Never acknowledge the right to *indifference*
(Elie Wiesel, p. 88)
- Normalize the idea of *lifelong education*
(Shimon Peres, p. 37)
- Organize a *free exchange of ideas* for all those who wish
to participate (Paulin Hountondji, p. 147)
- Prepare and distribute a general basic teaching programme
on the *protection of nature* (Mikhail Gorbachev, p. 31)
- Print the *Convention on the Rights of the Child*
on the back of every birth certificate
(Amnesty International, p. 20)
- Publish in a major newspaper every day and in every country,
the list of *dissidents who have been murdered*, tortured,
abducted and imprisoned (Doris Lessing, p. 152)
- *Rationalize* the different existing international conventions
pertaining to human rights
(Boutros Boutros-Ghali, p. 65)

- Recognize the right of everyone to a *philosophical education* (Jacques Poulain, p. 49)
- Redefine the meaning of life using the experience of those who live on its limits: the terminally ill, *the disabled* and people with mental health problems (Julia Kristeva, p. 105)
- *Rediscover a sense of the sacred* and the fundamental unity of all aspects of life (Yehudi Menuhin, p. 83)
- Reinforce the *transcultural* aspects of the notion of human rights (In-Suk Cha, p. 71)
- Remove *anti-personnel mines* (Adolfo Pérez Esquivel, p. 46)
- Require a *sworn commitment* to human rights of every candidate who registers for an election (Amnesty International, p. 23)
- *Rethink human rights* in order to make them less Western (Daya Krishna, p. 148)
- Set up a binding international tool for those states that have signed *international conventions* (Yasser Arafat, p. 26)
- Set up a vast, world construction site for *civic education* (Boutros Boutros-Ghali, p. 66)
- Set up a *World Ethics Committee* in order to establish international codes of conduct, especially concerning the life sciences (Jean-Pierre Changeux, p. 141)
- Strengthen the effectiveness of the *International Criminal Court* (Adolfo Pérez Esquivel, p. 45)
- Train people to analyse the *specific nature of each situation* in the light of human rights (Ioanna Kuçuradi, p. 79)
- Understand that each generation is responsible for the world in which the *next generation* will exercise its rights (Humberto Giannini Iñiguez, p. 73)

text of the universal declaration of HUMAN RIGHTS

adopted by the United Nations on 10 December 1948

preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

article 3

Everyone has the right to life, liberty and security of person.

article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

article 6

Everyone has the right to recognition everywhere as a person before the law.

article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

article 9

No one shall be subjected to arbitrary arrest, detention or exile.

article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.