INTRODUCTION TO HUMAN RIGHTS PRINCIPLES AND ADVOCACY

Background material for workshops presented by the International Gay and Lesbian Human Rights Commission at the Amnesty International Global Rights conference Sydney Gay Games - October 2002
INTRODUCTION TO HUMAN RIGHTS

A. PRINCIPLES OF HUMAN RIGHTS

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

Preamble to the Universal Declaration of Human Rights (UDHR).

SUMMARY:

The essence of human rights is the recognition of the dignity and worth of the person.

The essence of human rights is the recognition of the dignity and worth of the person. It is the implementation of the value of human dignity in the law to ensure that human rights are enjoyed.

1. Respect human rights: no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

2. Protect human rights: every person is entitled to a social and political status free from discrimination.

3. Fulfill human rights: everyone is entitled to a social and political status free from discrimination.

B. LEVELS OF HUMAN RIGHTS ACCOUNTABILITY

Human rights mechanisms allow governments to raise concern about human rights abuses for which other states are responsible.

- State-State
- Individual-State
- Group/Community-State
- Within and Between Groups

C. GOVERNMENT ACCOUNTABILITY

HISTORY OF HUMAN RIGHTS: FOUR GENERATIONS

In most cases it is the states, not individual persons, that are responsible for human rights abuses. Governments have a duty to respect, protect, and fulfill human rights.

1. To respect human rights: not to violate them directly.

2. To protect human rights: prevent violations by non-state actors and provide redress.

3. To fulfill human rights: take all appropriate measures to promote a right and create an environment conducive to enjoyment and fulfillment of rights.

We tend to think most naturally of the first function—respect human rights—but, in cases where we cannot actively document violations by governments, it is possible to show that they fail to meet their obligations by...
It is important to recognize that, in principle, these rights were conferred to men who possessed property (middle class and nobility); all women and poor men would have to wait centuries before obtaining these rights.

First Generation Rights

- Protect individuals from the arbitrary exercise of power by the State.
- Give all men the right to participate in political life.
- Eliminate the privileges of blood, and all persons become equal before the law.

Human Rights Committee

The Human Rights Committee is a body of the United Nations that monitors the implementation of human rights treaties. It is responsible for investigating complaints of human rights violations and making recommendations to governments. The Committee has the power to request information from states and to recommend measures for the prevention of human rights violations. It also has the power to hold public hearings and to issue reports on its findings.

International Human Rights Mechanisms Can Work for You

The International Human Rights Mechanisms are a set of tools that can be used to advance human rights protections, including:

- The United Nations
- The Human Rights Committee
- The Commission on the Status of Women
- The Committee on the Rights of the Child
- The Committee on Economic, Social and Cultural Rights
- The Committee on the Elimination of Racial Discrimination
- The Committee on the Rights of Persons with Disabilities
- The Committee on the Elimination of All Forms of Discrimination Against Women
- The Committee on the Rights of the Child

Since the adoption of the UDHR, more than twenty multilateral human rights treaties have been concluded.

Each treaty, besides recognizing certain rights, establishes international mechanisms to evaluate how those countries that ratify a treaty comply in respecting those rights. Within the United Nations, the Economic and Social Council provides more detailed information on how specific treaties can be used to advance rights on the basis of sexual orientation and gender identity.


For more comprehensive information about how the United Nations works, and how activists can use its systems to advance human rights protections, see the IGLHRC guide "Making the Mountain Move: An Activist’s Guide to How International Human Rights Mechanisms Can Work for You".
Since these categories of rights place limits on State power––with the result that individuals can be left alone to happiness and prosperity––civil and political rights are often called "negative" rights. Civil rights ... include freedom of expression, freedom of association and assembly, and the right to vote in free and genuine elections.

Second Generation Rights: Rights of Equality (Economic, Social, and Cultural Rights)
The end of the 1700s saw the beginning of the Industrial Revolution and the formation of a new social class, the "proletariat," which worked in factories, often in inhuman conditions of exploitation. Socialist ... and cultural welfare of persons, were incorporated into the constitutions of certain countries in the 20th century.

Economic, social, and cultural rights are often called "positive" or "distributive" rights, as they suggest a progressive response by the State to ensure the provision of basic goods and services, such as housing, clothing, food, education, or social security. ... and affiliate with unions, the right to strike, the right to social security, the right to health, the right to education.

Third Generation Rights: Rights of the People (Group or Solidarity Rights)
During the 1960s, the countries of Africa, Asia, and Latin America––many of these still colonies of Europe or the United States, others already freed––began to gather and to articulate their rights as people or groups. ... countries wanted to defend the right to peace, self-determination, and the right to enjoy a healthy environment.

Group or solidarity rights (gathered in the Declaration of the Rights of People in Algiers, 1976) include: the right of existence of peoples; the right of the peoples freely to manage their natural resources; the right to progress in economic, social, and cultural development; the right of women; the right to participation in the international community; the right to development; and the right to development within a comprehensive strategy aimed at achieving complete self-determination.

Since the fall of the Iron Curtain, there has been growing recognition that all rights are interdependent: it is impossible to enjoy some of others are lacking (for example, if a person does not have one's basic economic, social, and cultural needs, one may have to sell her vote for food or may be so focused on survival that voting is not a priority in her hierarchy of needs).

Rights Included in the International Bill of Rights

The rights indicated in italics are considered absolute or "non-derogable" (ICCPR, Article 4).

CIVIL AND POLITICAL RIGHTS

Self-determination

Equality and non-discrimination

Life and liberty

Freedom from torture and cruel, inhuman, or degrading treatment or punishment

Freedom from slavery or involuntary servitude

Liberty and security of person

Freedom from discrimination

Equal enjoyment of rights by men and women

Freedom of thought, conscience, and religion

Freedom of opinion and expression

Right of peaceful assembly and association

Right to a fair trial

Protection from expulsion or extradition

Free movement of goods, persons, services, and capital within the community

Responsibility of States for international crimes

ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Self-determination

Freedom from discrimination

Equal enjoyment of rights by men and women

Right to work

Right to just and favorable working conditions

Freedom to form trade unions

Social security

Protection and assistance for the family, mothers, children, and young persons

An adequate standard of living

Protection against racial, nationality, or religious discrimination

These rights are considered absolute or "non-derogable," as they are considered indispensable for the enjoyment of other human rights. They are also considered rights of "positive" or "distributive" nature, as they imply the provision of certain goods and services by the State to ensure the well-being of individuals and groups.
Humane and dignified conditions of confinement (for those deprived of liberty)

Freedom from imprisonment for failure to fulfill a contractual obligation

Freedom of movement

Equal treatment before the law

Freedom from retroactive criminal prosecution

Recognition as a person before the law

Freedom from arbitrary or unlawful interference with privacy

Freedom of thought, conscience, and religion

Freedom of opinion, expression, and information

Peaceful assembly

Freedom of association

Protection of the family

Freedom to marry and found a family

Protection of the family

Freedom of association

Freedom to participate in public life, vote, and stand for election in free and fair elections

Equal protection of the law

Freedom to enjoy or use one's own culture, religion, and language (for ethnic, religious, or linguistic minorities)

The highest attainable standard of physical and mental health

Share in cultural life and enjoy the benefits of scientific progress

Economic, social, and cultural rights

Civil and political rights

HUMAN RIGHTS PRINCIPLES AND ADVOCACY

Human rights are evolving to fulfill the initial promise of universality expressed in the Universal Declaration of Human Rights. These protections expand to embrace the most vulnerable groups. Human rights are evolving to fulfill the initial promise of universality expressed in the Universal Declaration of Human Rights. Women, indigenous peoples, disabled persons, human rights defenders, and other groups have produced their own statements and articulations of their rights, while the most vulnerable groups have produced their own statements and articulations of their rights.

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INTERNATIONAL GAY & LESBIAN HUMAN RIGHTS COMMISSION

2. HUMAN RIGHTS ADVOCACY

A. HUMAN RIGHTS AS A TOOL FOR ADVOCACY

The experiences of human rights movements around the world suggest that human rights can best serve as an effective advocacy tool under these conditions:

1. A human rights activist or group learns about an incident or pattern of violations.
2. These individuals or groups use this information to make a claim that their governments should respect, protect, or fulfill human rights.
3. The governments involved are responsive to political pressure or embarrassment.

B. STRATEGIES FOR HUMAN RIGHTS ADVOCACY

1. DOCUMENTATION OF HUMAN RIGHTS VIOLATIONS

No matter what kind of activist work you choose to do, it is fundamental to document the human rights violations that you want to denounce. What kind of things can we consider 'documentation'?

- Interviews with affected persons, including victims and eyewitnesses (transcripts, audio tapes, or video)
- Interviews with those who violate human rights (government officials, police, doctors, etc.)
- Official documents: police reports, autopsies, judicial verdicts, medical reports, etc.
- Photos or videos that show violations

Media reports can also be helpful, but these tend to be the least reliable and require additional corroboration; they do not serve, in and of themselves, as documentation to present to governments or the United Nations.

It is very important to preserve documentation and always keep several copies, in case the original is lost, damaged, stolen, etc.

[For more detailed tips about documenting human rights violations, see below.]

Once obtaining documentation, we suggest carrying out the steps that follow (to better understand these, it may be most useful to consider these in terms of a concrete problem or issue that you are facing).

2. INVESTIGATING THE PROBLEM AND EXPLAINING SOLUTIONS

It is important to consider the following questions:

- What is the protected right that is being violated?
- How is it being violated?
- How is it possible to prove the violation? Do we have documented cases that would serve this end?
- Who is violating the right? Does the State have direct or indirect responsibility in relation to this violation?
- Is the right in question clearly defined in the national Constitution? In human rights treaties?
- Are the national laws consistent with, or adapted to, international standards of human rights?
- Does the public understand that this is a matter of human rights violations? Does it tolerate the abuse, or does it not know that it is happening?
- Has recourse been taken in the national courts? Is it possible to do so?
- What possibilities are there to get a satisfactory solution at the national level?
- What international mechanisms can be used to address this problem? Is there direct access to these or not?

For each possibility, keep in mind the advantages and disadvantages of using it, as well as the resources that will be needed (people, time, financial resources, etc.):

- Are there ways to address the problem that do not require the resources of hiring an attorney?
- Can we address the problem by appealing to the international community?
- Can we address the problem by appealing to the national government?
- Can we address the problem by appealing to international human rights bodies?

3. ESTABLISHING OBJECTIVES AND DEMANDS

- What is possible to achieve in addressing this problem?
- Is it a matter of developing a better public understanding of the issue or of addressing the problem?
- Is it a matter of developing a better understanding of the issue or of addressing the problem?

4. DESIGNING A STRATEGY

- Now that we know our objectives and demands, is our strategy going to be based on legal actions? If so, what steps do we need to take? Who will do it?
- Is it necessary to investigate more? To document more? Who will do it?
- Does our strategy involve reform of a given law? Must we draft or edit a government bill? Where would we present it?
- How are we going to educate the public about the issue, the legal action or the problem?
5. EVALUATING THE CAMPAIGN

It is advisable to evaluate the campaign not only after it concludes but also while it is being

• How much progress have we made toward our goals?
• How much of the information that we receive and distribute is accurate?
• Are the responsible parties doing their job?
• How well are we maintaining the campaign?
• Are we being successful in achieving our objectives?
• Are we continuing to include new information in our campaign?
• How are the different organizations working together?
• Are we making progress toward our goals?

6. DEVELOPING RESOURCES

• How much will the campaign cost?
• Are there people who can collaborate for free in specific areas, who are not part of the group that is organizing the campaign?
• Do we have the material and human resources that we need?
• Are there resources we do not have and need to gather before beginning?
• If we need money, how can we obtain it?
• Do we need to change our approach to the campaign?
• Will we use our resources to achieve our goals?
• Will we continue our efforts to make our case?
• Will we continue our efforts to spread our message?
• Will we continue to reach out to those who oppose us?
• Will we continue to fight for our cause?
• Will we continue to work for our rights?

7. EVALUATING THE CAMPAIGN

The information in the campaign is valuable. How can we obtain their

• How is the information about the campaign being obtained?
• How is the information about the campaign being distributed?
• How is the information about the campaign being used?
• How is the information about the campaign being revised?
• How is the information about the campaign being updated?
• How is the information about the campaign being evaluated?
• How is the information about the campaign being reviewed?
• How is the information about the campaign being assessed?
• How is the information about the campaign being communicated?
• How is the information about the campaign being followed?