Building a Human Rights Community

Presentation with LL.M. Program for Foreign Lawyers and Humphrey Law and HR Fellows

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by

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- The Human Rights Center
What are “human rights” and how does this connect with my field of study and professional work?

Why do we need to participate and care about International Human Rights agreements? We have the US Bill of Rights and other National Laws.

For whom are these international standards created? The Haves or the Have-Nots.

Who was at the table to create these International Human Rights Principles?
Common U.S. Myths about Human Rights

- Human Rights = civil rights.
- Human Rights applies only in poor, foreign countries.
- Human Rights are only concerned with violations.
- Only lawyers can understand the significance of Human Rights.
- Human Rights are only individual, legal rights.
Human Rights Are:

- Inalienable/
  Universal
- Interconnected
- Indivisible
- Both Rights and
  Responsibilities

The rights that someone has simply because he or she is a human being.
<table>
<thead>
<tr>
<th>Year</th>
<th>Document/Event</th>
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</thead>
<tbody>
<tr>
<td>1750 B.C.E.</td>
<td>Code of Hammurabi, Babylonia</td>
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<td>1200 - 300 B.C.E.</td>
<td>Old Testament</td>
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<td>551 - 479 B.C.E.</td>
<td>Analects of Confucius</td>
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<td>40 - 100 C.E.</td>
<td>New Testament</td>
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<tr>
<td>644 - 656 C.E.</td>
<td>Koran</td>
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<tr>
<td>1215</td>
<td>Magna Carta, England</td>
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<tr>
<td>1400</td>
<td>Code of Nezahualcoyotl, Aztec</td>
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<tr>
<td>1648</td>
<td>Treaty of Westphalia, Europe</td>
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<td>1689</td>
<td>English Bill of Rights, England</td>
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<td>1776</td>
<td>Declaration of Independence, United States</td>
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<td>1787</td>
<td>United States Constitution</td>
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<td>1789</td>
<td>French Declaration of Rights of Man and the Citizen, France 1791</td>
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19th and 20th Century Human Rights Documents and Foundations

- 1863: Emancipation Proclamation, United States
- 1864 & 1949: Geneva Conventions, International Red Cross
- 1920: Women gain the right to vote in the U.S.
- 1926: Slavery Convention
- 1947: Mohandas Gandhi uses non-violent protests leading India to independence.
US History of Human Rights Movements
www.nchre.org

- Indigenous Rights Movement (1492-Present)
- Anti-Slavery Movement (1619-1865)
- Suffrage Movement (1848-1920)
- Trade Union Movement (1893-Present)
- Anti-Poverty Movement (1929-1940)
- Civil Rights Movement (1865-Present)
- War on Poverty (1963-1968)
- Women’s Movement (1965-Present)
US History of Human Rights Movements (cont.)

- Environmental Justice Movement (1979-Present)
- Disability Rights Movement (1977-Present)
- Lesbian, Gay, Bisexual, Transgender Rights Movement (1969-Present)
- Anti-War Movement (1968-1975 & 2002-Present)
- Human Rights Education Movement (1992-Present)
The Universal Declaration of Human Rights (UDHR) was drafted by the UN Commission on Human Rights chaired by, then first lady, Eleanor Roosevelt. The UDHR was adopted by the 56 member nations of the UN General Assembly on December 10, 1948.

December 10th is now celebrated around the world as International Human Rights Day. There are now 188 member states in the United Nations that, upon membership, agreed to educate their citizens about the principles of the UDHR. Most of these countries have incorporated the principles of the UDHR into their constitutions.
Five Primary Categories of Human Rights:

- Civil Rights
- Political Rights
- Economic Rights
- Social Rights
- Cultural Rights
International Bill of Human Rights

Universal Declaration of Human Rights (UDHR)
December 10, 1948

Int’l Covenant on Civil and Political Rights (ICCPR)
Adopted by UN General Assembly in 1966
Entered into Force in 1976

Optional Protocol to the ICCPR
(Member nations permit individuals or groups to report personal human rights violations to the UN Human Rights Committee)

Int’l Covenant on Economic, Social and Cultural Rights (ICESC)
Adopted by the UN General Assembly in 1966
Entered into Force in 1976
## Human Rights Definitions

<table>
<thead>
<tr>
<th>Declaration</th>
<th>Covenant/Convention/Treaty</th>
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<tr>
<td>- Document stating agreed upon standards or principles, but which is not legally binding</td>
<td>- Legally binding agreement between states</td>
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<thead>
<tr>
<th>Ratification</th>
<th>Reservation</th>
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<td>- Formal process by which the legislative body of a state confirms a government’s action in signing a treaty</td>
<td>- The exceptions that states parties make to a treaty (e.g., provisions within the treaty that the member does not accept)</td>
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From Declaration to Convention

**Declaration**
Working group drafts principles

**Convention**
Drafting process
Articles
Adopted by UN General Assembly

**Member States Ratify Convention**
Entered into force
Selected Human Rights Conventions

- Convention Relating to the Status of Refugees, 1951
- Slavery Convention of 1926, Amended by Protocol, 1953
- International Convention on the Elimination of all forms of Racial Discrimination, 1966
- *Convention on the Elimination of all Forms of Discrimination against Women, 1979
Selected Human Rights Conventions (cont.)

- Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, 1984


- *Convention on the Rights of Migrant Workers and the Members of their Families, 1990

* = Not ratified by US

Note: Date refers to the year the UN General Assembly adopted the convention; more than 25 Conventions have now entered into force.
What is the Human Right to Education?

- Everyone has the human right to education, training and information.
- Education should be directed to the full development of the human personality and the strengthening of human rights and fundamental freedoms.
Governments’ Obligations to Ensuring the Human Right to Education

- “Everyone has the right to education….Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” UDHR, Article 26

- “State parties undertake to prohibit and to eliminate racial discrimination...and to guarantee the right of everyone without distinction as to race, colour, or national or ethnic origin...in the enjoyment of...the right to education and training.” CERD, Article 5

The Human Rights at Issue

- Right to free and compulsory elementary education
- Right to readily available forms of secondary and higher education
- The right to freedom from discrimination in all areas and levels of education
- Equal access to continuing education and vocational training
US Ratification of the Convention on the Elimination of All Forms of Racial Discrimination (CERD)

- The Race Treaty entered into force in Jan. 4, 1969
- The US Ratified Race Treaty on Oct. 21, 1994
- The US submitted first report to United Nations CERD Monitoring Committee on September 11, 2000, five years overdue.
- Equality of Opportunity is a fundamental principal of the Race Treaty
The Elimination of Affirmative Action as a Violation

Recent rollbacks in affirmative action put the U.S. in clear violation of CERD Article 2(2).

This article requires that States Party “take...special concrete measures to ensure the adequate development and protection of certain racial groups...for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.”
What CERD recognizes:

- Equality is not achieved by merely preventing future discrimination.
- True equality requires special efforts to overcome consequences of past inequalities imposed on people and communities of color.
- Governments are required to take "special concrete measures" to reverse the effects of past bias.
Important Facts about Racial Injustice and Inequality in the US

Death Penalty – As of September 2000, 657 have been executed since 1976. Of those, 45% have been people of color and 36% African American and 7% Hispanic, 2% Native and Asian American. 3,682 inmates on death row. Of these individuals, 54% are racial minorities and 43% are African American.

Infant Mortality – African American and American Indian have the highest infant mortality rates. Between 1940 and 1980, African American infants died at more than two times the rate of white infants. American Indian infants died at 1.6 times.

Juvenile Incarceration – Bureau of Justice Statistics and US Dept of Justice reports that the number of people under 18, who are sentenced to adult state prisons more than double between 1985 and 1987 from 3400 to 7400. Two-thirds of these cases involved minority youth.
Important Facts about Racial Injustice and Inequality in the US
www.woatusa.org/cerd/toc.html

- **Homelessness** – In 1999, a study by the US Conference of Mayors estimated 50% of the homeless population was African American, 13% Latino, 4% Native American, 2% Asian American. Persons of Color make up 69% of the total homeless population.

- **Voting Rights** – An estimated 3.9 million voting adults (1 in every 50 adults) has lost the right to vote as a result of a felony conviction. 13% of US African American males have already been disenfranchised. An additional 423,710 individuals of whom 317,782 are persons of color, because they are residents of the District of Columbia.
Changing Community Statistics in Minnesota

- Nearly half (47%) of total growth in the 1990s was due to migration.
- With an increasing Foreign-born population, more cultures, languages, and national origins exist. For example, more than 60 languages are currently being spoken in Minneapolis Public Schools.
- 1 in 10 Minnesotans in 2000 lived in another state or nation in 1995.
- Recent migrants are younger, more racially diverse and better educated. For example, 51% of new community migrants have a college degree or more.
- Minnesota added more than ½ million people in the 1990s.

Stat’s provided by Tom Gillaspy, State Demographer, MN Planning
Migration has contributed to:

- Growth of minority populations-32% of migrants versus 12% of all Minnesotans
- School age and preschool population
- Foreign born-2/3’s did not live in Minnesota in 1995
- Growth of labor force-10% of employment in 2000
- College educated-51% have a college degree or more
Additional Resources

3. UN High Commissioner for Human Rights -- http://www.unhchr.ch/
4. ERASE: Pop Quick on Racism and Publication -- http://www.arc.org/erase/quiz.html
5. ERASE: Resource for Parents, Teachers & Students -- Historical Timeline of Public Education in the US http://www.arc.org/erase/timeline.html
6. People’s Decade for HRE: Human Rights and Education -- Governments Obligations/Governments Commitments
   http://www.pdhre.org/rights/education.html

7. Peoples Institute for Survival and Beyond: An Anti-Racist Bibliography

   http://www.hrusa.org/hrmaterials/temperature/default.shtm

9. National Network for Immigrant and Refugee Rights --
   http://www.nnirr.org/projects/border_color.html

10. World Organization Against Torture USA: Status of Compliance with Race Treaty (CERD) --
    http://www.woatusa.org/cerd/toc.html