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Human Rights - A vision unfulfilled Presentation by Amnesty International at the panel discussion "For the implementation of all human rights" World Social Forum, Porto Alegre, Brazil 24/01/03 Ignacio Saiz, Deputy Director - Americas Regional Program

Throughout history, there have been many visions of "other possible worlds". Of all these visions, human rights has perhaps been one of the most powerful and long-lasting. The Universal Declaration of Human Rights - probably one of the most visionary legacies of the 20th century - proclaims that "the highest aspiration of mankind is a world in which all human beings enjoy freedom of speech and belief, freedom from fear and freedom from want." It affirms that everyone - without distinction based on race or class or gender - is entitled to these rights and freedoms, simply by virtue of being human. What a radically different world this would be if it was organized in accordance with these revolutionary principles!

The vision of the Declaration seems as relevant today as it was when drafted in 1948 as a solemn commitment never to allow another Holocaust. Yet more than fifty years on, we are very far from seeing that vision realized. As the international community marked the 50th anniversary of the UDHR, the full truth about another holocaust - the genocide in Rwanda - was only just beginning to emerge. Today, torture is still widespread in more than 120 countries and thousands of people are still imprisoned each year solely because of who they are or what they believe. A billion people are forced to survive on less than a dollar a day and every ten seconds a child dies due to lack of access to clean water.

These stark statistics reveal the extent to which human rights have remained a set of paper promises. My fellow panel members can speak much more authoritatively of the human cost of this failure in specific situations around the globe. The question I would like to address is: what is preventing the full realization of the vision that the UDHR seemed to promise? And what can we do to overcome these obstacles?

The concept of human rights has in some ways become a victim of its own success. The mainstreaming of human rights is part of the problem. For the discourse has in recent times been co-opted by governments, many of which have set up complex human rights bureaucracies to service an equally bureaucratic international system. These official human rights commissions are more often a smoke screen than a force for structural change. If human rights feature more prominently on the political agenda of most governments, they are usually invoked selectively and propagandistically in order to discredit the domestic opposition or - as we are seeing now in the case of Iraq - as justification for military action against other states. More recently, the language of human rights has also been appropriated by other power brokers, in particular multinational corporations for whom shiny human rights policies are now an essential part of the marketing strategy.

Political co-option has contributed to a narrow and impoverished conception of human rights. The discourse of human rights has become devalued, losing its transformative value, its radical potential to bring about another world.

One of the biggest barriers to full implementation is the divide that still exists between civil

and political rights on the one hand and economic, social and cultural rights on the other. The Berlin Wall erected between the two sets of rights during the Cold War is far from totally dismantled: just look at the current resistance of many UN member states to the adoption of a complaints mechanism to assess violations of the International Covenant on Economic, Social and Cultural Rights.

Another barrier is that of gender. For all their emphasis on the equal rights of men and women, human rights standards have tended to be interpreted and applied in a way that marginalizes and ignores women's experiences. While torture by state officials has rightly come to be recognized as a crime of concern to the international community as a whole, a woman subjected to the intimate terror of domestic violence is still likely to have her complaint shrugged off as a private matter beyond the scope of the law and human rights. Human rights have tended in practice to be men's rights, concealing the systematic violence aimed at women in the home and in the community behind a veil of impunity.

Despite their claim to universal applicability, human rights are often still stopped at the borders of "culture". When a woman is stoned for adultery or a person is imprisoned for being gay, these abuses are defended in the name of local cultural or religious values. It is in the arena of gender and sexuality that the universality of all human rights will have to be most vigorously defended, in the face of the fundamentalist backlash being waged by those opposed to any change to the traditional social and family order.

In an era of economic globalization, it is all the more urgent to address the human rights responsibilities of actors other than states. Although human rights standards and mechanisms are traditionally aimed at states, corporations and financial institutions must be held legally as well as morally accountable for the human rights impact of their operations and decisions. Barriers to the free flow of capital have been quicker to fall than the barriers to the free flow of people, and the rights of refugees and migrants seeking a better life in the rich zones of the world are under attack as never before.

The "war on terror" is perhaps the most pervasive threat to the very concept of human rights, now presented as a luxury which states cannot afford if they are to defend public security. Hundreds of people have been detained for over a year without charge or trial at the US base in Guantanamo, Cuba -- just one of many examples of how fighting terror is seen as a licence to operate outside any framework of international law.

Lesser known victims of the war on terrorism have included Colombian trade unionist Julio Galeano, shot dead by paramilitaries who accused him of terrorism after protesting against electricity privatisation in Cali; Filipino human rights activist Benjaline Hernandez, killed while investigating army killings of civilians in Mindanao; and two Chechen women, Aset and Milana, abducted by Russian forces as they attended a friend's wedding and never seen again. It seems increasingly certain that the next chapter of the war on terror will be a military attack on Iraq. Once again, the human rights record of one country is used as a pretext to advance the political and economic interests of other states. But the consequences that the intervention itself could have for the lives, safety and security of the Iraqi people has been sorely missing from the debate.

Can a vision of human rights put forward more than fifty years ago really be effective against the new threats posed by economic globalization and militarization? The response of many human rights campaigners has been to counter globalization by "globalizing human rights". But what does it mean to globalize human rights?

I would propose that human rights will only be globalized if we dismantle the "protectionist" barriers that have prevented their full implementation: the barrier between civil and political rights and economic, social and cultural rights; between the "rights of man" and women's rights; the barriers of state sovereignty and culture when these are misused to deny the common humanity and dignity of every human being. One way in which Amnesty hopes to contribute to the dismantling of these barriers is through a campaign on violence against women to be launched in 2004, which will focus on "bringing human rights home" by applying them in the sphere of the family and community.

Globalizing human rights also means globalizing accountability. International human rights treaties are toothless without effective mechanisms to enforce them and to bring perpetrators to justice. One major step forward in the globalization of justice is the recent establishment of a new permanent International Criminal Court. When it becomes operational later this year it will begin to investigate and prosecute people accused of the worst crimes under international law - genocide, crimes against humanity and war crimes - committed in the territory of any state party or by a national of any state party.

However, we still face some serious challenges. Few of the 87 states which have ratified the Court's Statute have enacted the domestic legislation necessary for its implementation. The USA has intensified its efforts to undermine the Court. Not only has it repudiated its signature of the ICC Statute, since August 2002 it has launched a concerted effort to coerce states which have ratified the Statute to sign bilateral agreements ensuring impunity for US forces, under threat of having US military aid withheld. We hope you will join us in taking action after today's event by adding your name to the thousands of signatures we are gathering in a petition against these impunity agreements.

Globalizing human rights also means finding new ways of mobilizing transnational solidarity. In that sense, Amnesty International, as a global movement of more than a million people, aims to be an agent of globalization, mobilizing activism across borders through world-wide networks and multinational coalitions, and seeking new connections with other movements working for social justice. A vital element of this work is to support the work of human rights defenders across the globe and to help protect the space they need to carry out their work without fear for their safety. Many activists are at particular risk because they are not even recognized as human rights defenders - for example, those working to protect the environment. Others, such as those promoting sexual and reproductive rights, are facing a fundamentalist backlash.

If the human rights vision of the Universal Declaration still has relevance to today's challenges, it is because it is not a static vision, but a constantly evolving one. It cannot be reduced to a collection of texts or ten-point programmes, but is a loose and adaptable set of principles which have inspired social movements in many different contexts and which have in turn been re-shaped by those movements. This Forum is a wonderful opportunity to re-dynamize the concept of human rights, at a moment in history when it risks being devalued and marginalized. If we can unlock their radical transformative potential, human rights can provide us with some of the tools and strategies we so urgently need to bring about that other world which we all dare to believe is possible.