The Human Rights Framework

INTRAC
DANIDA WORKSHOP
JAN 2008
What is a Right?
A right is a claim that we are justified in making

- I have a right to the goods in my shopping basket if I have paid for them
- Citizens have a right to elect a president, if the constitution of their country guarantees it, and
- A child has a right to be taken to the zoo, if her parents have promised that they will take her.

These are all things that people can be entitled to expect, given the promises or guarantees that have been undertaken by another party.
Rights Exist at many levels

International
State
Institutions
Community
Family
Individual

International legal standards
Moral Standards
Human Rights are claims with a fundamental difference, in that they depend on no promises or guarantees by another party.

Someone's right to life is not dependent on someone else promising not to kill him or her: their life may be, but their right to life is not.

Their right to life is dependent on only one thing: that they are human.
The form of a right

- The **Holder** (a human being)
- The **Object** (the thing they have a right to)
- The **Obligated** (people or institutions)
- The **Justification** (the argument that has established it ... as to greater human dignity, development, societal development, to a peaceful society)
The Duty of the State

- **Respect rights**: State laws, policies, programmes and practices must not violate rights. States must avoid interfering with people’s pursuit of their rights.

- **Protect rights**: States must prevent violations by others, and must provide affordable, accessible redress, for example

- **Fulfil rights**: States must take positive actions to realise rights.
The International Bill of Human Rights

UNITED NATIONS CHARTER

UNIVERSAL DECLARATION OF HUMAN RIGHTS

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)
+ 2 Optional Protocols
- Individual Complaints
- Death Penalty
- Ratified by 144 States (Jan. 2000)

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)
Ratified by 142 States (Jan. 2000)
UNITED NATIONS CHARTER

UNIVERSAL DECLARATION OF HUMAN RIGHTS

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)
+ 2 Optional Protocols
- Individual Complaints
- Death Penalty
- Ratified by 144 States (Jan. 2000)

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR)
- Ratified by 142 States (Jan. 2000)

International Convention on the Elimination of All Forms of Racial Discrimination
- Ratified by 155 States

Convention on the Elimination of All Forms of Discrimination against Women
- Ratified by 165 States

Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- Ratified by 118 States

Convention on the Rights of the Child
- Ratified by 191 States