

Definition of human rights

According to the Office of High Commission for Human Rights (OHCHR), *Human rights are inherent to all human beings, whatever our race, nationality, place of residence, sex, ethnic origins, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are **universal, inherent, inalienable**.*

- Magna Carta 1215 recognised the principle that everyone, even the king was subject to the law.

Developing recognition of human rights

Abolition of slavery

- Slavery has existed since ancient times: the Roman Empire was built off the back of slavery
- In 1887 the Society for the Abolition of Slavery was formed and they campaigned for the abolition of slavery throughout the British Empire. Of the opinion that slavery was against the teachings of Christianity.
- In 1862 Abraham Lincoln issued his 'Emancipation Proclamation' in which all slaves in states still in rebellion would be free.
- In twentieth century slavery still existed in pockets around the world. Treatment of Australian and US forces by the Japanese as slaves was seen to be one of the most barbaric acts in history and it's seen as a key driving force for the formation of the UN and the Declaration of Human Rights
- *UDHR article 4: "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."*
- Australia based Walk Free Foundation is a non-legal response to the 30 million people living as forced labourers, forced prostitutes, child soldiers, child brides in forced marriages and as pieces of property.

Trade unionism and labour rights

- A trade union is an organisation formed by workers that may campaign on broader social and political issues such as global warming or political conflicts.
- Emerged as a result of the Industrial Revolution in response to appalling conditions. Workers wished to address the imbalance of power between the employer and employee by combining to form unions.
- Union movement in Australia led to the formation of the Labor Party in 19th century who believe *"Workers have fundamental democratic rights to representation in the workplace, to freedom of association, to collectively bargain, and to organise and be represented by their union."*
- *UDHR article 23 section: 1,2,3,4 and article 24 and ICCPR protects this right*

- ACTU is now peak body representing unions in this country.

Universal suffrage

- Universal suffrage is the right for every adult citizen to vote in an election.
- Right to vote was originally confined to males who satisfied the requirement of owning land.
- Women did not receive the vote until 1902 for the Federal parliament.
- Suffragette movement at the end of 19th century non-legal response to try and gain suffrage for women.
- In the US women received the vote in 1920 but suffrage was still not universal as black americans were prevented by groups such as the Ku Klux Klan.
- In 1994 universal suffrage was introduced to include all adults of all races. The right to vote is included in the UDHR article 21
- The UN has taken a major role in ensuring suffrage in many nations. As a member state, Australia is called on to supply a system of voting that ensures universal justice: The Australian Electoral Commission (AEC).

Universal education

- The right to an education is a fundamental right.
- Enshrined in articles 13 and 14 of the ICESCR
- Education was only available to the aristocracy
- The gradual widening of suffrage during the 1960s and 70s helped to achieve universal suffrage because it became recognised that people needed to be educated in order to vote
- In france and germany, government started to fund schools
- In 1844, the NSW Legislative Council conducted an inquiry into education and found that only 50% of the children aged between 4 and 14 received an education
- 130 million children aged between 6 and 11 are denied a basic education even though the right to an education is set out in the International Covenant on Economic, Social and Cultural Rights of the Child and in the UDHR art 26
- Australian colonial governments gradually established secular schools, which were free and compulsory unless a child was enrolled in a church school.
- The Public Instruction Act 1880 NSW made education in NSW free, secular and compulsory.
- Today, governments provide preschool education, compulsory schooling from kindergarten to their 17th birthday and senior secondary education for years 11 and 12.

Self-determination

- According to the UN, self determination is: the right of people to determine how they will be governed, or their political status, based on territory.

- In order to avoid nations disintegrating into tiny ethnic enclaves, the process of self-determination aims to allow minority groups the right to have some control over their land, while still being part of the broader nation.
- This is a collective right and can not be claimed by an individual.
- Article 1 (2) of the UN Charter calls for respect for the principle of self-determination and is further strengthened by art 15 of the UDHR.
- ICSEC includes self determination under art 1 (1)
- Involves the right of colonised people to establish their independence. Many African and Asian countries achieved independence in the 1960s by invoking this right

Environmental rights

- Environmental law protects the right of future generations to enjoy the same level of environmental quality as the present generation. This is referred to as **intergenerational equality**.
- The Kyoto Protocol 1998 and the Rio declaration (1992) were important international environmental agreements that moved the world towards a sustainable future.
- However, if only some countries sign up to these treaties then their effectiveness is limited because worldwide environmental problems will still occur
- Paris Agreement 2016
- Nevertheless, environmental advocates may soon be taking up these issues in the courtroom because legal action can heighten public awareness of issues and place pressure on governments to act.
- *Aus V Japan in the ICJ for whaling in Australian waters*

Peace rights

- The right of people to have their government maintain peace and eliminate war
- In ancient times there was no recognition of a right to peace. Countries acted in their own interests and international order was determined by the self interest of countries.
- The development of new and deadly weapons created so much destruction that by the 19th century there was a considerable incentive to find peaceful solutions to conflict.
- Rules for waging war were developed through international conferences that became the forerunners of the UN.
- The charter of the UN (1945) identified peace as one of its main aims.
- The only time the UN has actually waged war was on the Korean peninsula from 1950 to 1953. Under the charter, the security council of the UN could act where it determined there was a threat to peace or an act of aggression; measures including military force could be used.
- Charter also permits military force in self-defense. 'War on terror' was justified by these terms.
- In 1984 a non-binding resolution of the UN general assembly asserted the right of peoples to peace.