

Introductory lecture: Introduction and Basic Concepts

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Some key concepts of human rights

On rights: What is a right?

Five-elements model of a right (any right, whether human right or not):

Elements core idea of a right explanations

- 1 *H* a *holder* of right (also labeled:
 bearer, possessor)
- 2 *is entitled to* type of right: *claim* or *freedom*
or authority or immunity
- 3 *G* a *good* (alternatively labeled:
advantage, benefit)
- 4 *against A* an *addressee* (the holder of the
correlative burden)
- 5 *in virtue of S* the *legal sources* or the *moral*
foundations of the right

Some key concepts of human rights, cont'd

What is a human right?

- Sources of human rights, internationally agreed upon principles; the UN Charter, UDHR, Conventions, General Comments
- Contents of human rights
- Declarations/ conventions
- Duties/ obligations
- Claim-holders/ Duty-bearers
- The human rights “ground model”: State/ Individual

What do we have human right to?

- A list of 40 human rights goods (or objectives)
(handout)

Key concepts of human rights

Different types of human rights instruments

- Conventions and declarations

On Monitoring and Supervision

- National and international

On Substance (or Content) and Process

- Catalogue as above, cf. material rights in treaties
- Immediate versus progressive realization of human rights
- Rights-based approach to development

Key concepts of human rights

1. Protection of human dignity (article 1 of the UDHR)
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

3. What does it mean that human rights are “universal”?
–universal standards and universalization as aspiration
–**interrelated, interdependent** and **indivisible** (UNDHR, World Conference for Human Rights in Vienna in 1993)?

4. What does it mean that human rights are legal standards?
 - Human rights as *claim-rights*
 - National/international legal institutions
 - Go beyond law?

5. Positive and negative dimensions of human rights

Key concepts of human rights

1. Normative requirements of human rights

- Non-discrimination - in all matters of public policy, incl. law
- Equality – equality of opportunity vs equality of result

2. Institutional requirements for human rights (governance)

- Transparency - in all public affairs (right to access to information etc.)
- Accountability: political, legal, administrative
- Respect for the rule of law
 - An independent judiciary
- Responsibility - on the part of each individual

3. Process and outcome

- Obligations of conduct and obligations of result

Human rights and the UN Charter of 1945:

UN Charter, Article 1

The purposes of the United Nations are:

- To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
- To develop **friendly relations** among nations based on respect for the principle of **equal rights and self-determination of peoples**, and to take other appropriate measures to strengthen universal peace; To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in **promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion**; and
- To be a center for harmonizing the actions of nations in the attainment of these common ends

United Nations Charter, Article 55

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- higher standards of living, full employment, and conditions of economic and social progress and development;
- solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- **universal respect for, and observance of, human rights and fundamental freedoms** for all without distinction as to race, sex, language, or religion

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55