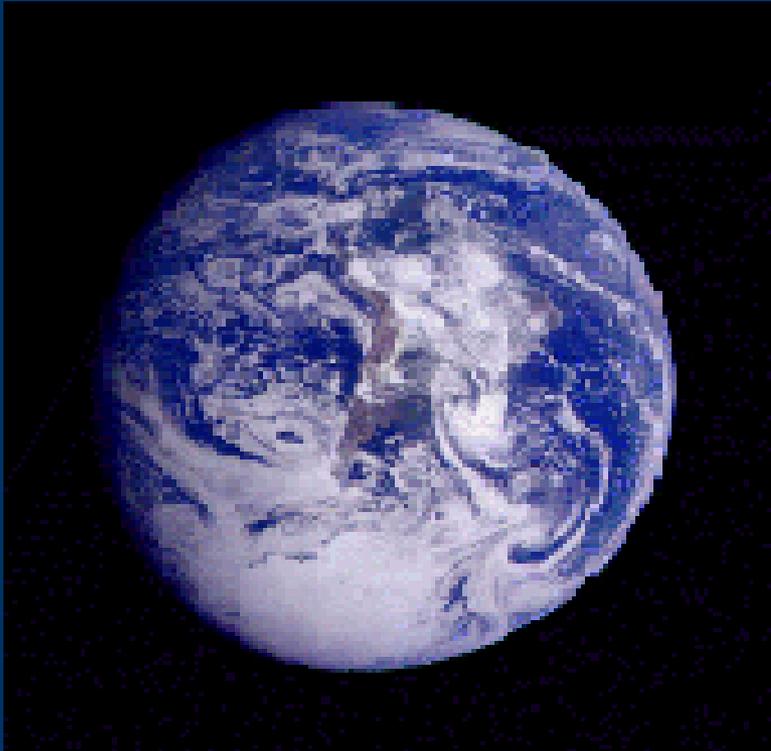


Building a Human Rights Community



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

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by

- Kristi Rudelius-Palmer,
- Co-Director
- The Human Rights Center

FRAMING HUMAN RIGHTS QUESTIONS



- ◆ 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

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- ◆ 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:



- ◆ The rights that someone has simply because he or she is a human being.
- ◆ Inalienable/ Universal
- ◆ Interconnected
- ◆ Indivisible
- ◆ Both Rights and Responsibilities

Precursors to 20th Century Human Rights Documents

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- ◆ 1750 B.C.E.
 - Code of Hammurabi, Babylonia
 - ◆ 1200 - 300 B.C.E.
 - Old Testament
 - ◆ 551 - 479 B.C.E.
 - Analects of Confucius
 - ◆ 40 - 100 C.E.
 - New Testament
 - ◆ 644 - 656 C.E.
 - Koran
 - ◆ 1215
 - Magna Carta, England
 - ◆ 1400
 - Code of Nezahualcoyotl, Aztec
 - ◆ 1648
 - Treaty of Westphalia, Europe
 - ◆ 1689
 - English Bill of Rights, England
 - ◆ 1776
 - Declaration of Independence, United States
 - ◆ 1787
 - United States Constitution
 - ◆ 1789
 - French Declaration on the Rights of Man and the Citizen, France 1791 -United States Bill of Rights

19th and 20th Century Human Rights Documents and Foundations



- ◆ 1863: Emancipation Proclamation, United States
- ◆ 1864 & 1949: Geneva Conventions, International Red Cross
- ◆ 1919: League of Nations Covenant, International Labor Organization (ILO) Created
- ◆ 1920: Women gain the right to vote in the U.S.
- ◆ 1926: Slavery Convention
- ◆ 1945: United Nations Charter, San Francisco
- ◆ 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)

UDHR History and Current Status



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



Human Rights Definitions



◆ Declaration

- Document stating agreed upon standards or principles, but which is not legally binding

◆ Covenant/Convention/ Treaty

- Legally binding agreement between states

◆ Ratification

- Formal process by which the legislative body of a state confirms a government's action in signing a treaty

◆ Reservation

- The exceptions that states parties make to a treaty (e.g., provisions within the treaty that the member does not accept)

From Declaration to Convention



Selected Human Rights Conventions



- ◆ Convention on the Prevention and Punishment of the Crime of Genocide, 1948
- ◆ 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 the Child, 1989**
- ◆ ***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

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- ◆ “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
 - ◆ Development of a US Plan of Action for Human Rights Education as a component of the UN Decade for Human Rights Education (1995-2004)

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

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- ◆ 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

www.woatusa.org/cerd/toc.html



- ◆ 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

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- ◆ 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.

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



1. University of Minnesota Human Rights Library –
<http://www.umn.edu/humanrts>
2. Human Rights Resource Center, U of MN –
<http://www.hrusa.org>
3. UN High Commissioner for Human Rights --
<http://www.unhchr.ch/>
4. ERASE: Pop Quiz 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>

Additional Resources

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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.thepeoplesinstitute.org/new_page_2.
 8. Human Rights Resource Center: Taking Your Human Rights Temperature of Your School --
<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>

The Human Rights Center



- ◆ N-120 Mondale Hall
- ◆ 612-626-0041
- ◆ www.umn.edu/humanrts
- ◆ www.hrusa.org