

Aim #20: How did the principles of Human Rights come about and evolve?

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted by the General Assembly of the United Nations in 1948, the Universal Declaration states fundamental rights and freedoms to which all human beings are entitled.

You have the responsibility to respect the rights of others.

We are all born free and equal.

Everyone is entitled to these rights no matter your race, religion, sex, language, or nationality.

Everyone has the right to life, freedom, and safety.

No one can take away any of your rights.

<p>No one has the right to hold you in slavery.</p> 	<p>You have the right to seek asylum in another country if you are persecuted in your own.</p> 	<p>Every adult has the right to a job, a fair wage, and membership in a trade union.</p> 
<p>No one has the right to torture you.</p> 	<p>Everyone has the right to a nationality.</p> 	<p>You have the right to leisure and rest from work.</p> 
<p>You have a right to be recognized everywhere as a person before the law.</p> 	<p>All consenting adults have the right to marry and to raise a family.</p> 	<p>Everyone has the right to an adequate standard of living for themselves and their family.</p> 
<p>We are all equal before the law and are entitled to equal protection of the law.</p> 	<p>You have the right to own property.</p> 	<p>Everyone has the right to an education.</p> 
<p>You have the right to seek legal help if your rights are violated.</p> 	<p>Everyone has the right to belong to a religion.</p> 	<p>Everyone has the right to freely participate in the culture and scientific advancement of their community, and their intellectual property as artist or scientist should be protected.</p> 
<p>No one has the right to wrongly imprison you or force you to leave your country.</p> 	<p>You have the right to think and voice your opinions freely.</p> 	<p>We are all entitled to a social order in which we may enjoy these rights.</p> 
<p>You have a right to a fair, public trial.</p> 	<p>Everyone has the right to gather as a peaceful assembly.</p> 	<p>Everyone's rights and freedoms should be protected unless they obstruct the rights and freedoms of others.</p> 
<p>Everyone is innocent until proven guilty.</p> 	<p>You have the right to participate in the governance of your country, either directly or by helping to choose representatives in free and genuine elections.</p> 	<p>No State, group, or person can use this Declaration to deny the rights and freedoms of others.</p> 
<p>You have the right to privacy. No one can interfere with your reputation, family, home, or correspondence.</p> 	<p>You have the right to social security and are entitled to economic, social, and cultural help from your government.</p> 	
<p>You have the right to travel.</p> 		

This is a simplified version of the UDHR. For the complete text, visit www.un.org

Mini Lecture

- Throughout most of history, people had rights because of their wealth or their position in society or status as a citizen. Kings & nobles had more rights than commoners, men more than women. The idea that all people are born with basic right simply because they are humans is a modern one that emerged during the Enlightenment.
- Belief in universal human rights inspired revolutionaries in the U.S., France, & Latin America (for example, the Declaration of Independence- people are born with inalienable rights, life, liberty & happiness).
- During the 19th & 20th centuries, the belief in human rights shaped reform movements to end slavery, allow women to vote, and regulate child labor.
- The issue of human rights was important in the debates about colonization (imperialism). Defender of colonization argued that Europeans defended these rights in their colonies. For example, Britain supported laws that gave women more rights than was in traditional India. However, opponents disagreed- Gandhi & others asserted that colonization violated the right of people to self-government.
- By the 1940s, the idea that all people have basic rights was accepted widely enough that victorious powers in WWII were able to set up courts, called tribunals (**International Military Tribunal, IMT**), to punish people who had violated these fundamental human rights.
- Even before WWII was over, the Allies planned to prosecute those in Germany and Japan for committing atrocities in the war, arguing that those atrocities violated fundamental human rights.
- The **Nuremberg Trials** (followed the **Nuremberg Charter** for rules & procedures) charged high Nazi officials with crimes, regardless if the acts were not illegal in their countries.
- The IMT for the Far East, conducted by U.S. army, followed procedures in the **Tokyo Charter**. In the **Tokyo Trials**, 25 were indicted, and all convicted (2 short prison, 16 life in prison, 7 death sentences).
- Critics of the trials charged they were unfair because the Allies also committed punishable acts. For example, bombing of German cities by British and the atomic bombs on Nagasaki & Hiroshima- both killing hundreds of thousands of civilians. To critics, the trials did not mark a new era of concern for universal human rights, they just marked continuity with the past, when winners punished the losers of war.
- In response to the Holocaust, people around the world began paying closer attention to human rights violations & made defending them a global issue. Scholars wrote these rights in 1948 in the **United Nations Universal Declaration of Human Rights**-provided a set of principles for people fighting against human rights abuses. Many nations looked to this declaration as a guide for efforts to protect threatened groups.
- The Declaration was not legally binding, but it stated the principles that people could use to evaluate violations of human rights. For example. It has been cited as a way to pit pressure on abusive regimes.

Review Questions:

- Which 2 historical movements/events shaped modern human rights?
- What is the debate over colonization and human rights? Who do you agree with? Why?
- Why are the Nuremberg & Tokyo Trials important?

Enduring Issue: Human Rights



The U.N. Promotes Universal Human Rights under the Universal Declaration of Human Rights

The Charter and trials that brought people to justice for committing atrocities contributed to the development of the UN Universal Declaration of Human Rights.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,
Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,
Whereas it is essential to promote the development of friendly relations between nations,
Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,
Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,
Now, therefore,
The General Assembly,
Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Following the preamble, Articles 1 and 2 expressed the basic human rights all should expect to be granted in broad terms:

Article 1

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.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

The following 20 articles fell into 2 categories. People have a right to basic actions or conditions:

- life, liberty, security
 - recognition as a person before the law
 - equal protection before the law, without discrimination
 - a presumption of innocence until guilt is proven
 - freedom of movement and the right to leave a country
 - the ability to marry without limitations due to race, nationality, or religion
 - freedom of thought, conscience, and religion
 - freedom of opinion and expression
 - peaceful assembly and expression
 - the ability to work and choose one's own employment
 - equal pay for equal work and the right to join unions
 - access to education
 - full participation in the cultural life of one's community
 - a social and international order in which the rights and freedoms of the declaration can be fully realized
- In addition, no one should be subjected to a certain actions or conditions that were particularly harmful:
- Slavery or servitude
 - torture or cruel, inhuman, or degrading treatment
 - arbitrary arrest, detention, or exile
 - arbitrary interference with one's privacy, family, home, or correspondence
 - deprivation of one's nationality or the right to change one's nationality
 - unjustified loss of property

What is the United Nations Declaration of Human Rights? Why was the United Nations Declaration of Human Rights written?

Directions: Read the excerpt below and respond to the questions.

The United Nations (UN) is an **intergovernmental organization** to promote international **cooperation** established in 1945 after World War II in order to prevent another such conflict. The UN replaced the League of Nations, an organization that also attempted to promote cooperation among nations after World War I. In 1948, the UN General Assembly drafted [wrote] the UN Universal Declaration of Human Rights. The UN Universal Declaration of Human Rights is important because it defines the meaning of "fundamental freedoms" and "human rights" and declares that these rights should be universally protected. While the UN Declaration defines human rights, it is not a treaty, which means it is not legally binding. Nations can choose to protect or not protect the human rights listed in the document.



Eleanor Roosevelt and United Nations Universal Declaration of Human Rights in Spanish text.

1. What major events and atrocities of World War II may have prompted nations to consider guidelines for protecting human rights?
2. What is the difference between a declaration and a treaty?

Directions: Watch this [Ted-Ed video, "What are the universal human rights?"](#) explaining the UN Universal Declaration of Human Rights. Then, respond to the questions below.

Human rights are rights **inherent** (natural or fundamental) to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally **entitled** to our human rights without discrimination.

1. Who wrote the UN Universal Declaration of Human Rights?
2. What are some examples of human rights described in the UN Universal Declaration of Human Rights?
3. Pause the video at 2:33. The video asks, "If these human rights principles are so well-developed in the UN Universal Declaration of Human Rights, then why are human rights abused and ignored time and time again all over the world?" Make a prediction: Why might there still be human rights abuses even though we have the UN Universal Declaration of Human Rights?
4. The video lists two reasons why we continue to see human rights abuses. Fill in the blanks below:
It is difficult to _____ these rights.
It is difficult to _____ transgressors (someone who violates a law or moral code).
5. The main bodies within the UN in charge of protecting human rights mostly monitor (watch to see if human rights are being violated) and investigate (study the impacts and extent) of violations. What can't the main bodies in the UN do?
6. The video explains "not all human rights instruments are powerless (3:53)." What are examples of organizations that can enforce laws or hear cases?

What were the Tokyo Trials? Why were these trials organized?

Directions: Read the excerpt below and respond to the questions.

International Military Tribunal for the Far East (IMTFE)

The lesser-known International Military Tribunal for the Far East (IMTFE) was created in Tokyo, Japan. The IMTFE presided over a series of trials of senior Japanese political and military leaders "to try and punish Far Eastern war criminals." The **IMTFE** is also called the **Tokyo Trials**. These trials were held between May 1946 and November 1948.

In January 1946, the U.S. Army General Douglas MacArthur issued a special proclamation that established the IMTFE. Like the Nuremberg Charter, it laid out the composition, jurisdiction, and functions of the tribunal. MacArthur appointed judges to the IMTFE from: Australia, Canada, China, France, India, the Netherlands, Philippines, the Soviet Union, the United Kingdom, and the United States. Each of these countries also had a prosecution team.

As with the Nuremberg Trials, the Tokyo Trials had jurisdiction to try individuals for Crimes Against Peace, War Crimes, and Crimes Against Humanity, and the definitions were the same as those from the Nuremberg Charter. The Tokyo trials had jurisdiction over crimes that occurred over a greater period of time, from the 1931 Japanese invasion of Manchuria to Japan's 1945 surrender.

The IMTFE presided over the prosecution of nine senior Japanese political leaders and eighteen military leaders. A Japanese scholar also was indicted, but charges against him were dropped during the trial because he was declared unfit due to mental illness. Japanese Emperor Hirohito and other members of the imperial family were not indicted. In fact, the Allied powers permitted Hirohito to retain his position on the throne, albeit with lesser status. The Tokyo Trials found all remaining defendants guilty and sentenced them to punishments ranging from death to seven years' imprisonment; two defendants died during the trial.



1. Who was tried during the Tokyo Trials? Why?
2. What was the punishment for those found guilty during the Tokyo Trials?
3. Explain why the Tokyo Trials were organized and the effects of those trials.
4. What impact did these trials have on the UN Universal Declaration of Human Rights?

