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# HUMAN RIGHTS

Cecep Hidayat  
Department of Political Science  
Faculty of Social and Political Sciences  
Universitas Indonesia





## **POINTS OF DISCUSSION**

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- The understanding of human rights.
- The generation of human rights.
- Non-Western conceptions.
- The international debate on human rights.



# DEFINITION OF HUMAN RIGHTS

Human rights are rights that belong to every human being, the inherent and inherently him/her because he/she is a human being.

This right is fundamental or human nature in the sense that its execution is absolutely necessary for humans to evolve according to their talents, aspirations, and dignity.

This right is considered to be universal, meaning that human beings without distinction based on nationality, race, religion, or gender.





# THREE GENERATIONS OF HUMAN RIGHTS

**The first generation  
of civil and political  
rights**

**The second  
generation of  
economic, social,  
and cultural rights.**

**The third generation  
of rights to peace  
and development.**



WHERE LAW ENDS THERE TYRANNY BEGINS

# THE FIRST GENERATION

THE CIVIL AND POLITICAL RIGHTS





Most Western democracies have reached the stage of the welfare state and human needs have largely been met.

The countries have met the various economic rights such as decent life, pensions, health care, and education.

The process of the welfare state in Western countries as something that happens to walk for granted, without referring to the formulation of human rights.

Overcoming economic problems through the provision of employment opportunities, housing, and education is considered more substantive than the fulfillment of political rights that are considered bourgeois and just procedural.

Instead the rights of a political nature in Western countries is the result of a long struggle against tyranny, and has succeeded in realizing democracy and lifestyles that are strong enough.

Political rights is more rooted in the traditions of Western society rather than economic rights.





# SECOND GENERATION

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Championed by Communist countries in the UN and supported by Third World countries.

Revolution of 1917 succeeded in establishing the state of the Tsar by the ideology of Marxism-Leninism.

In an effort to transform the Uni Sovyet from an agricultural country which is very poor farmers into industrial nations, gradually improved the standard of living successfully, even in the first stage, a large industrial building time too prioritized, the people suffered enough.

Therefore many Western countries, especially the United States, objected if human rights in the economic field overstated.

Even political rights are considered to interfere with efforts to consolidate the communism as a single ideology.



# MILESTONES OF HUMAN RIGHTS



## THE UNIVERSAL DECLARATION OF Human Rights

**PREAMBLE** 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.

**PREAMBLE** 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.

**PREAMBLE** it is essential if man is not to be compelled to live in a state of lawlessness, that he should be protected against tyranny and oppression.

**PREAMBLE** it is essential that the rule of law should be firmly established.

**PREAMBLE** it is essential that the rights and freedoms of man should be protected.

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**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 has the right to be recognized as an individual before the law.

**ARTICLE 3** Everyone has the right to life, liberty and security of person.

**ARTICLE 4** No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**ARTICLE 5** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**ARTICLE 6** Everyone has the right to be recognized everywhere as a person before the law.

**ARTICLE 7** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal treatment of the law.

**ARTICLE 8** Everyone has the right to an effective remedy by the competent national authorities for any violation of the fundamental rights and freedoms recognized by the constitution or by law.

**ARTICLE 9** No one shall be subjected to arbitrary arrest, detention or exile.

**ARTICLE 10** Everyone has the right to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**ARTICLE 11** Everyone has the right to be presumed innocent until proved guilty by a competent court of law.

**ARTICLE 12** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**ARTICLE 13** Everyone has the right to freedom of movement and residence within the borders of each country.

**ARTICLE 14** Everyone has the right to leave any country, including his own, and to return to his country.

**ARTICLE 15** Everyone has the right to a nationality.

**ARTICLE 16** Men and women of full age, without any limitation of race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

**ARTICLE 17** The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**ARTICLE 18** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, in private or public, to manifest his religion or belief in teaching, practice, worship and observance.

**ARTICLE 19** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without restriction and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**ARTICLE 20** Everyone has the right to freedom of peaceful assembly and association.

**ARTICLE 21** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

**ARTICLE 22** Everyone has the right to social security.

**ARTICLE 23** Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

**ARTICLE 24** Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**ARTICLE 25** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and other social services, and the right to security in the event of unemployment, old age, ill-health, disability, widowhood, orphanhood and other misfortune beyond his control.

**ARTICLE 26** Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally accessible and higher education shall be open to all on the basis of merit.

**ARTICLE 27** Everyone has the right to take part in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

**ARTICLE 28** Everyone has the right to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**ARTICLE 29** Everyone has duties to the community in which alone the free and full development of his personality is possible.

**ARTICLE 30** Nothing shall be interpreted as authorizing any State, group or individual to engage in any activity aimed at the destruction of any of the rights and freedoms set forth in this Declaration, or at any other activity aimed at curtailing the enjoyment of any of these rights and freedoms.

**ARTICLE 31** No one shall be subjected to arbitrary arrest, detention or exile.

**ARTICLE 32** This Declaration shall be promulgated and published in all languages.

**ARTICLE 33** This Declaration shall be translated into all languages.

**ARTICLE 34** This Declaration shall be disseminated widely, in particular by the educational system.

**ARTICLE 35** The Commission on Human Rights shall submit reports to the General Assembly of the United Nations on the progress made towards the realization of the rights and freedoms set forth in this Declaration, and shall make such recommendations as it may deem appropriate.

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1946

- The United Nations established the Commission on Human Rights as an attempt to formulate the basic rights that are recognized worldwide as the universal standard of human behavior.

1948

- The commission produced the Universal Declaration of Human Rights as a compromise of Western countries and Eastern countries despite political rights are more dominant.

1966

- The UN General Assembly approved the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights. All three along with the Universal Declaration referred to as the International Bill of Human Rights.

1976

- The two covenants are enforced

February  
1993

- 118 countries have ratified the treaty of economic and 115 countries ratified the treaty of politics.





# THIRD GENERATION

RIGHTS TO PEACE AND DEVELOPMENT

Influenced by the interests of **Third World** countries.

**The rights are set forth in several declarations:**

Declaration on the Right of People to Peace in 1984.

Declaration on the Right to Development in 1986.

Western countries is less tolerance to the desire of Third World countries to maintain the heritage value of their ancestors.

**Cultural Relativism**, namely the idea that human rights must be viewed in the context of the culture of each country, as this can lead to differences in the implementation of human rights.



# NON-WESTERN CONCEPTIONS (1)

Bangkok Declaration is the result of the UN Regional Meeting for Asia (April 1993) which was held ahead of the UN World Conference on Human Rights in Vienna. Bangkok Declaration was successfully formulating conceptions of non-Western:

1. **Universality:** Human rights are universal, applicable to all human of all races, religions, ethnic groups, social standing, and so on.
2. **Indivisibility and Interdependence:** Human rights must not be divided or sorted out in its entirety. All rights associated (interrelated) and depend on each other.
3. **Non-Selectivity and Objectivity;** Not allowed to choose among several categories of human rights and assume that one category is more important than others. In assessing the situation in some countries, do not use a double standard.



# NON-WESTERN CONCEPTIONS (2)

4. **Right to Development;** The right to development is a fundamental right.
5. **Non-Conditionality;** Implementation of human rights should not be a requirement (conditionality) for development aid (development assistance).
6. **National and Regional Particularities:** The specificity of national, regional history, culture, and religion are things to consider.
7. **Right to Self-Determination;** Right is been used to fight colonialism thus emerged many newly independent countries. Rights it should not be used to undermine the territorial integrity, national sovereignty and political independence of the country.



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# SHORT BIO



Cecep Hidayat is a lecturer of Political Science at the Universitas Indonesia. He is also a researcher at the Universitas Indonesia. Prior to joining the Universitas Indonesia, he has been conducting some research towards Indonesian politics as well as politics in Southeast Asian countries, until now. Cecep Hidayat holds a Sarjana degree (equivalent with Bachelor degree)/B.Sc in Political Science from the Universitas Indonesia, Indonesia, as well as dual degree in IMRI (International Masters in Regional Integration) from the Asia-Europe Institute of Universiti Malaya, Kuala Lumpur, Malaysia and Centro Internacional Carlos V of Universidad Autonoma de Madrid, Spain.