



SHAPING A WORLD OF FREEDOMS

75 Years of Legacy and Impact of the
Universal Declaration of Human Rights

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Foreword

The seventy-five years of the Universal Declaration of Human Rights (UDHR) represent a continuous, unique, if also arduous, process to develop a set of norms and standards that underscored the universality and inalienability, interdependence, indivisibility and interrelatedness, and equality and non-discriminatory nature of human rights. The struggle to make human rights real in the lives of people and communities has compelled human rights advocates worldwide to raise awareness about them.

The chapters of this publication were written by authors passionate about human rights and have expertly analyzed the profound significance of the UDHR in various spheres and endeavors. This book is a valuable contribution, highlighting pressing concerns about fundamental freedoms, human security, and civil and political rights, including freedom of religion or belief. It also emphasizes the critical nature and urgency of the rights to development, health, economic and social justice, equality, and non-discrimination, among others.

Over the past 75 years, the mission to uphold universal human rights and freedoms has evolved into a delicate balancing act between noble ideals and challenging realities. Since its adoption in 1948, the Universal Declaration of Human Rights has been a pivotal document, profoundly impacting local and global legal, political, economic, cultural, religious, and social environments.

Guided by an orientation towards equality and dignity, nations worldwide have come together at the United Nations to protect and promote the fundamental principles of human rights and to provide support for inclusion, non-discrimination, and the protection of the rights of all people. However, reflecting on the Universal Declaration of Human Rights, we can recognize that our aspirations are still far from being realized.

Emerging challenges and ever-changing landscapes compel us to strengthen universal human rights and freedoms for future generations. Today, it is widely understood that governments are duty bearers with people as rights holders. To this delicate balance, civil society has advocated for robust implementation of human rights standards and seeking redress whenever and wherever human rights are violated.

We want to thank the authors who joined this initiative to meaningfully contribute to celebrating the UDHR and developing and promoting the concept of human rights. This project is a commitment to the current well-being of humanity and planetary existence, indeed a hope for the future of dignity and human rights.

Editors,
Liberato Bautista and Nelu Burcea

FREEDOMS OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF AT 75

Nazila Ghanee¹ and Michael Wiener²

I. Introduction

When the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in Paris on December 10, 1948, one of the fundamental freedoms it proclaimed in article 18 was the freedom of thought, conscience, religion or belief. During the UDHR's *travaux préparatoires* between 1946 and 1948, various views on the contours of article 18 and its potential tensions with other human rights were highlighted by diplomats and civil society representatives from different regions and religions, illustrating both its fundamental importance and controversial character.

Already in his 1941 Annual Message to Congress, U.S. President Franklin D. Roosevelt's Four Freedoms speech included the "freedom of every person to

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² **Dr. Michael Wiener** has been working since 2006 at the Office of the United Nations High Commissioner for Human Rights. Together with Heiner Bielefeldt he wrote the book *Religious Freedom Under Scrutiny* (University of Pennsylvania Press, 2020), which has been translated also into Bahasa Indonesia and German. In addition, he co-authored with Ibrahim Salama the book *Reconciling Religion and Human Rights: Faith in Multilateralism* (Edward Elgar Publishing, 2022). He has been a Visiting Fellow of Kellogg College at the University of Oxford since 2011. During his 2022 UN sabbatical leave, he was also a Senior Fellow in Residence at the Geneva Graduate Institute of International and Development Studies. The outcome of his sabbatical research is the book *A Missing Piece for Peace*, edited together with David Fernández Puyana (University for Peace, 2022). The views expressed in this chapter are those of the co-authors and do not necessarily reflect the views of the United Nations.

worship God in his own way everywhere in the world” (Roosevelt 1941). After the end of World War II and the formation of the United Nations in 1945, these four freedoms were also alluded to in the UDHR, whose preamble proclaimed “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” (A/RES/217(III), A). It is noteworthy that Franklin D. Roosevelt’s narrower reference to the “freedom to worship God”, which implies a monotheistic religion, was enlarged to “freedom of belief” in the preamble of the UDHR. This subtle, but important, clarification by the UN Commission on Human Rights was introduced under the leadership of Eleanor Roosevelt, the former U.S. first lady from 1933 to 1945. On December 10, 1948, the Cuban delegate Pérez Cisneros paid tribute to her persevering efforts, and he stressed that the UDHR marked “the advent of a world in which man, freed from fear and poverty, could enjoy freedom of speech, religion and opinion” (A/PV.181, 877), thus avoiding the term “belief” as adopted in the preamble.

The terminology and large scope of freedom of thought, conscience, religion or belief was subsequently explained by several human rights mechanisms. UN Special Rapporteur Arcot Krishnaswami, in his seminal study for the Sub-Commission on Prevention of Discrimination and Protection of Minorities, stressed that religion or belief include “in addition to various theistic creeds, such other beliefs as agnosticism, free thought, atheism and rationalism” (Krishnaswami 1960, 1). The UN Human Rights Committee built upon this in its 1993 general comment on article 18, articulating that “theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief” are protected (CCPR/C/21/Rev.1/Add.4, 2). The Beirut Declaration and its 18 commitments on “Faith for Rights” extended this to refer to “theistic, non-theistic, atheistic or other” believers (A/HRC/40/58, annex I, 10). In her report to the General Assembly, Special Rapporteur Asma Jahangir defined these terms as follows: “Theism is the belief in the existence of one supernatural being (monotheism) or several divinities (polytheism), whereas a non-theist is someone who does not accept a theistic understanding of deity. Atheism is the critique and denial of metaphysical beliefs in spiritual beings.” (Jahangir 2007, 67).

This chapter will trace the trajectory from the *travaux préparatoires* of the UDHR in the 1940s to the legally binding Covenants (adopted in 1966) and subsequent Declarations on the elimination of intolerance and discrimination based on religion or belief (1981), the rights of persons belonging to religious minorities (1992), the prohibition of incitement to religious hatred (2012) and the 18 commitments on “Faith for Rights” (2017). This historical overview will illustrate the gradual evolution of freedom of thought, conscience, religion or belief over the past 75 years, notably through hard law norms and soft law standards as well as the authoritative interpretation by UN treaty bodies and special procedures mandate-holders.

II. Drafting history of article 18 of the UDHR

The *travaux préparatoires* of the UDHR (Schabas 2013) reveal the fundamental importance of freedom of thought, conscience, religion or belief, but also diverging views on its substance, notably the right to change one's religion or belief. Just before the UDHR was adopted, the delegate from Iceland, Thor Thors, regarded it "as a preamble to a future world constitution" and he explicitly referred to everyone's freedom of thought, conscience and religion (A/PV.181, 878). Austregesilo de Athayde from Brazil stressed the UDHR's great moral authority as it "was the result of the intellectual and moral co-operation of a large number of nations" and it did not only reflect the particular point of view of one group of peoples or any particular political doctrine or philosophical system (A/PV.181, 878). Ernest Davies from the United Kingdom called the UDHR's preparation "a milestone on the road of human progress", highlighting that "[m]ore than 50 nations with differing systems of government and differing social structures, religions and philosophies had adopted by an overwhelming majority the articles" (A/PV.181, 882-883). The Belgian delegate, Count Carton de Wiart, stated that freedom of conscience and thought was "an essential article" (A/PV.181, 879).

Yet, a major point of discussion was the explicit mention – in the second part of article 18 – of the right to freedom to change one's religion or belief. The following snapshots of representatives of some countries illustrate some of the diverging views across and even within various regional blocks. During the debate in the Third Committee of the General Assembly, Jamil Baroodi (a Melkite Greek Catholic Church Christian who was born in Lebanon and represented Saudi Arabia for more than twenty years at the United Nations), had pointed out that "throughout history missionaries had often abused their rights by becoming the forerunners of a political intervention" (A/C.3/SR.127, 391). In a written amendment, Saudi Arabia suggested deleting the reference to the right to change one's religion (A/C.3/247/Rev.1), however, this amendment was rejected in the Third Committee by 22 votes to 12, with 8 abstentions, and in the subsequent vote by roll-call concerning the formulation "freedom to change his religion or belief" only 5 States voted against it, with 12 abstentions (A/C.3/SR.128, 405-406).

Explaining the rationale for retaining this formulation in order to protect the spiritual impulses and everyone's *forum internum*, the Lebanese delegate Karim Azkoul referred to an earlier statement by the Chinese representative Peng-chun Chang, noting that "the freedom of thought and of conscience ensured the integrity of inward beliefs and the possibility for each individual to determine his own destiny" (A/C.3/SR.127, 399). Eleanor Roosevelt reminded that the draft formulation of article 18 had been debated at length by the Commission on Human Rights, which had also consulted representatives of different religious organizations (A/C.3/SR.127, 392). Civil society representatives, notably the first

director of the Commission of the Churches on International Affairs Frederick Nolde, during informal meetings had stressed the importance of retaining the explicit reference to the freedom to change one's religion (Peiponen 2022, 74). Jamil Baroodi then asked whether the Lebanese representative had been authorized by the whole Muslim population in Lebanon to approve this formulation and he questioned the inclusivity of consultations with religious bodies by the Commission on Human Rights (A/C.3/SR.127, 404). Yet, in the plenary debate of the General Assembly, Sir Muhammad Zafrulla Khan, Pakistan's first Minister of Foreign Affairs who served concurrently as leader of Pakistan's delegation to the UN from 1947 to 1954, ardently defended everyone's freedom to convert and he stated that "[t]he Moslem religion was a missionary religion: it strove to persuade men to change their faith and alter their way of living, so as to follow the faith and way of living it preached, but it recognized the same right of conversion for other religions as for itself" (A/PV.182, 890).

The divergence of opinions was also reflected in the voting patterns at the various stages of the *travaux préparatoires*. The Commission on Human Rights approved the draft UDHR by 12 votes with 4 abstentions, while the Third Committee adopted the draft article on freedom of religion or belief with 38 votes in favour, 3 against and 3 abstentions, and the General Assembly's plenary had 45 votes in favour and 4 abstentions. The whole text of the UDHR was adopted by 48 votes in favour on December 10, 1948, with eight abstentions (Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, Yugoslavia). While these eight States did not explicitly give reasons for their abstention, at least in the case of Saudi Arabia it was linked to the right to change one's religion and – in view of Jamil Baroodi's previous statements – "his decision to abstain was probably based on considerations of Islamic/*Wahhabi* perspectives" (Alwasil 2010, 1075).

III. Contours of article 18 of the UDHR

Against this historical background, each of the four freedoms in article 18 of the UDHR – freedoms of thought, conscience, religion and belief – will be briefly outlined in turn. In addition, the conspicuous absence of any explicit reference in the UDHR to religious or belief minorities will be explained.

1. *Freedom of thought*

Freedom of thought has been enumerated first among the freedoms in article 18 of the UDHR. During the *travaux préparatoires*, the representative of the Union of Soviet Socialist Republics (USSR), Alexei P. Pavlov, stated that "[s]cience had a right to protection on the same terms as religion" and René Cassin from France agreed with retaining the reference to freedom of thought, which he argued "was the basis and the origin of all other rights" (E/CN.4/SR.60, 10). Just before the

adoption of the UDHR, the representative of the Netherlands, Jan Herman van Roijen, recalled the Dutch people's "great love of freedom in the field of thought, religion and politics" and that the Netherlands considered the individual's rights "to be sacred" and their recognition "the best safeguard of the physical and spiritual well-being of mankind" ([A/PV.180](#), 873).

In his thematic report on freedom of thought, Special Rapporteur Ahmed Shaheed poignantly noted that "[d]espite its proclaimed importance and absolute nature, the right's scope and content remain largely underdeveloped and poorly understood", receiving only "scant attention in jurisprudence, legislation and scholarship, international and otherwise" (Shaheed 2021, 4). This may to some extent be explained by the partly overlapping notions of freedom of thought under article 18 and freedom of opinion under article 19. During the elaboration of the respective articles of the International Covenant on Civil and Political Rights (ICCPR), delegations thus commented that the meaning of the words "thought" and "opinion" was very close and "not mutually exclusive but complementary to each other" ([A/2929](#), 146). Indeed, both freedoms pertain to the *forum internum*, i.e. the internal sphere which is absolutely protected and cannot be restricted by State or non-State actors. In addition, both freedoms cannot be made subject to lawful derogation in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed ([CCPR/C/21/Rev.1/Add.4](#), 1; [CCPR/C/GC/34](#), 5).

Ahmed Shaheed also reported that "religious and non-religious people alike may cherish freedom of thought as a vehicle for reason, the search for truth and individual agency" and in this context he quoted the Beirut Declaration on Faith for Rights, which stresses that "freedom of religion or belief does not exist without the freedom of thought and conscience which precede all freedoms for they are linked to human essence and his/her rights of choice and to freedom of religion or belief" (Shaheed 2021, 24; [A/HRC/40/58](#), annex I, 5).

2. Freedom of conscience

The second enumerated freedom – freedom of conscience – is also underexplored in international and regional jurisprudence and resolutions, with the notable exception of the right to conscientious objection to military service. Already in 1947, the non-governmental organizations War Resisters' International and Labour Pacifist Fellowship pleaded, albeit unsuccessfully, for including into the UDHR a specific provision that would grant the right to refuse military service in obedience to conscience ([E/CN.4/AC.1/6](#), 4; [E/CN.4/AC.1/6/Add.1](#), 1). In their related report to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Asbjørn Eide and Chama Mubanga-Chipoya defined conscience as "genuine ethical convictions, which may be of religious or humanist inspiration, and supported by a variety of sources, such as the Charter of the United Nations, declarations and resolutions of the United Nations itself or declarations of religious or secular

nongovernmental organizations” (Eide et al. 1983, 21). Since 1989, the Commission on Human Rights and subsequently the Human Rights Council have adopted a dozen resolutions by consensus, explicitly recognizing the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in articles 18 of the UDHR and of the ICCPR (Wiener 2022, 37).

While most case law at the global and regional levels relates to conscientious objection to military service, other substantive issues may also seriously conflict with one’s freedom of conscience. For example, conscientious objections have been invoked against paying taxes for military appropriations, against carrying out an abortion, against singing the national anthem at school ceremonies, or against the domestic duty for landowners to join a hunting association and tolerate the hunt of wild animals on their property (Salama et al. 2023, 65). In order to qualify which conscientious objections may warrant exemptions from lawful obligations, a combination of the following five criteria has therefore been suggested: (a) the gravity of the moral concern; (b) the individual’s conscience strictly vetoing any personal involvement; (c) the connectedness to an identity-shaping principled conviction; (d) the level of complicity in the requested involvement, and (e) the willingness to perform an alternative service (Bielefeldt et al. 2016, 294).

3. Freedom of religion

The majority of international cases under article 18 and related academic literature focusses on freedom of religion. At the domestic level, some constitutions or national laws refer to “religious freedom”, which implicitly sidelines agnostics, atheists, free thinkers and humanists who would not consider themselves as ‘religious’ believers. While the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief consistently uses the term “religion or belief”, its article 6 enumerates manifestations that seem to mainly focus on religious believers and their freedoms to worship, establish charitable institutions, use ritual materials, appoint leaders and celebrate religious holidays, among others. Yet the reports of the Special Rapporteur on freedom of religion or belief since 1986 and related jurisprudence by UN treaty bodies, illustrate the breadth and diversity of protected manifestations as taken up by international human rights mechanisms (Rapporteur’s Digest 2023).

With regard to the question of who the right-holder of freedom of religion is, former Special Rapporteur Asma Jahangir noted that “international human rights law protects primarily individuals in the exercise of their freedom of religion and not religions per se” (Jahangir 2006, 27). Her successor, Heiner Bielefeldt, stressed that freedom of religion “does not protect religious traditions per se, but instead facilitates the free search and development of faith-related identities of human beings, as individuals and in community with others” and he

warned that if States protected “the doctrinal and normative contents of one particular religion as such, this will almost inevitably lead to discrimination against adherents of other religions or beliefs, which would be unacceptable from a human rights perspective” (Bielefeldt 2013, 26). While believers and beliefs are inherently interlinked, human rights only indirectly relate to religions “by approaching them through the lens of human beings”, who are “the decisive right holders and the ones who hold, cherish, and develop their various religious and belief-related identities” (Bielefeldt et al. 2020, 26).

4. Freedom of belief

The fourth freedom mentioned in article 18 of the UDHR, albeit not in the opening part but only following the semicolon after “freedom of thought, conscience and religion”, is freedom of belief. The first Commission on Human Rights Special Rapporteur on religious intolerance, Angelo Vidal d’Almeida Ribeiro, noted that “the individual should be free not only to choose among different theistic creeds and to practise the one of his choice freely, but also to have the right to view life from a non-theistic perspective without facing disadvantages” (Ribeiro 1990, 113). The term “belief” includes agnosticism, atheism, freethinking and rationalism, as stressed by the second mandate-holder Abdelfattah Amor, who successfully argued in favour of changing the customary mandate title from “Special Rapporteur on religious intolerance” to the more inclusive formulation “Special Rapporteur on freedom of religion or belief” (Amor 1998, 105; E/CN.4/RES/2000/33, 11). His successor Asma Jahangir reported to the General Assembly about issues of concern raised by atheists and non-theists with regard to anti-blasphemy laws, education issues, equality legislation and official consultations held only with religious representatives (Jahangir 2007, 69).

In addition, the former Special Rapporteur on the rights of Indigenous Peoples flagged that a lack of awareness of indigenous rights had repeatedly created serious situations that damage the enjoyment of culture, spirituality and traditional knowledge of indigenous peoples (Anaya 2010, 28). Ahmed Shaheed recommended that States should establish “legal and policy frameworks that recognize the right of indigenous peoples to their beliefs and comprehensively promote and protect their rights, drawing specifically on the United Nations Declaration on the Rights of Indigenous Peoples, including freedom of religion or belief” as well as establish “collaborative, consultative mechanisms for indigenous peoples to effectively influence decision-making on issues that affect them, including developing holistic rights-based policies and matters affecting spiritual practices” (Shaheed 2022, 86).

The UN Human Rights Committee stressed that the application of article 18 is not limited to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions, and that members of newly established communities or religious

minorities are particularly targeted by discrimination and hostility (CCPR/C/21/Rev.1/Add.4, 2). Attention will now be given to the protection of religious or belief minorities.

5. Religious or belief minorities

An obvious – and deliberate – omission in the UDHR is the lack of references to the rights of minorities, including members of religious or belief minorities. One day before the Declaration’s adoption, the Soviet delegate Andrei Vyshinsky highlighted the absence of provisions guaranteeing the rights of national minorities, whereas previous drafts had assured to “ethnic or religious groups” the right to have their own schools and to develop their own culture (A/PV.180, 856). However, Ernest Davies from the United Kingdom criticized that the USSR’s suggested amendment was only concerned with national minorities and he pointed to ongoing work of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities as well as part C of resolution 217(III) which showed that the General Assembly “was not indifferent to the fate of minorities” (A/PV.181, 884). Though several minorities treaties had been adopted under the umbrella of the League of Nations since 1919, they had mainly imposed specific obligations on new nation States in Central and Eastern Europe, whereas the old-established States were not willing to grant similar minority protection in their own territories (Bielefeldt et al. 2023, 1). After the Second World War, the view prevailed at the United Nations that the UDHR should not specifically mention minorities in order “to make a dramatic break” from the protection of minorities under the League of Nations (de Varennes 2022, 30).

Moving to UN Security Council resolutions over the past 75 years, it can be observed that the frequency of references to minorities indicate a curved trajectory, similar to an inverted arc. At the outset, in April 1948, the Security Council recommended that “[t]he Government of India should ensure that the Government of the State [of Jammu and Kashmir] releases all political prisoners and take all possible steps so that [...] (c) Minorities in all parts of the State are accorded adequate protection” (resolution 47(1948)).

Yet, after the General Assembly omitted a specific minority provision from the UDHR in December 1948, the Security Council used the term “minority” for four decades merely in the negative context of racist minority rule. For example in the 1960s and 1970s, the Security Council called upon all States not to recognize the “illegal racist minority régime in Southern Rhodesia” (resolutions 216(1965), 328(1973), 386(1976), 403(1977), 411(1977)). In the 1980s, it referred to “insidious manoeuvres by the racist minority regime of South Africa further to entrench white minority rule and *apartheid*” (resolutions 554(1984), 560(1985), 577(1985)). In 1978, the General Assembly had already recognized – by consensus – selective conscientious objection in the *apartheid*

context by calling upon Member States to grant asylum or safe transit to another State “to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of *apartheid* through service in military or police forces” (General Assembly resolution 33/165).

In the 1990s, the effective protection of human rights and fundamental freedoms of ethnic minorities came into the Security Council’s focus after the break-up of the Socialist Federal Republic of Yugoslavia (resolution 757(1992)). In 1995, the Security Council mandated the United Nations Confidence Restoration Operation in Croatia to guarantee “the security and rights of all communities living in a particular area of the Republic of Croatia, irrespective of whether they constitute in this area a majority or minority” (resolutions 981(1995), 1120(1997), 1145(1997)). Subsequent resolutions since 2009 have also stressed the need for protecting minority groups in several countries and regions across the globe, notably in Burundi (resolutions 1959(2010), 2027(2011), 2090(2013), 2137(2014)), Iraq (resolutions 1883(2009), 1936(2010), 2001(2011), 2061(2012), 2110(2013), 2169(2014), 2233(2015), 2299(2016), 2367(2017), 2421(2018), 2470(2019), 2522(2020), 2576(2021), 2631(2022), 2682(2023)) and Myanmar (resolution 2669(2022)).

The Security Council also condemned all violations of applicable human rights and international humanitarian law in Libya against members of minority communities (resolution 2009(2011)), and stressed the importance of their full and effective participation in Afghanistan (resolutions 1974(2011), 1988(2011), 2041(2012), 2096(2013), 2145(2014), 2210(2015), 2274(2016), 2513(2020), 2543(2020), 2593(2021), 2596(2021), 2611(2021), 2615(2021), 2626(2022), 2665(2022), 2679(2023), 2681(2023)), Libya (resolutions 2016(2011), 2040(2012), 2095(2013), 2144(2014)) and Somalia (resolutions 2124(2013), 2182(2014), 2540(2020), 2592(2021), 2657(2022)). Furthermore, the Security Council strongly condemned terrorist acts of the “Islamic State of Iraq and the Levant” (ISIL) and forced displacement of members of minority groups (resolutions 2170(2014), 2331(2016), 2388(2017)), as well as the targeting of ethnic minorities perpetrated by armed groups, specifically the Lord’s Resistance Army in the Central African Republic (resolution 2088(2013)). These resolutions illustrate the increased minority focus applied over the past decade by the Security Council vis-à-vis human rights violations both by Governments and non-State armed groups, including in the name of religion. Thus, minority protection has gradually moved from the initial “invisibility” to “indivisibility”, in line with the affirmation in the Vienna Declaration and Programme of Action that all human rights are indivisible (A/CONF.157/23, I 5).

IV. International Covenants (1966)

This evolution has also been reflected in the adoption of legally binding human rights norms. The protection of religious minorities was included in article 27 of

the ICCPR, according to which persons belonging to ethnic, religious or linguistic minorities “shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” A similar provision, protecting the rights of children belonging to an ethnic, religious or linguistic minority (and also those of indigenous origin), was included in article 30 of the Convention on the Rights of the Child. The ICCPR also prohibits in article 20 any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, which is particularly relevant to protect religious or belief minorities.

While the initial idea after the adoption of the UDHR was the drafting of one legally binding Covenant on Human Rights, the General Assembly decided in 1952 to discuss two separate covenants, one containing civil and political rights (ICCPR), whereas the other international covenant focuses on economic, social and cultural rights (ICESCR). After almost two decades of negotiations, both covenants were adopted in 1966 and finally entered into force in 1976. It is interesting to note that they both prohibit discrimination based on religion (articles 2 of the ICESCR and ICCPR) and also provide for the liberty of parents and, when applicable, legal guardians “to ensure the religious and moral education of their children in conformity with their own convictions” (article 13(3) of the ICESCR and article 18(4) of the ICCPR). This almost identical wording in both covenants illustrates the overlapping of human rights and deemphasizes the political distinction between the categories of civil and political rights or economic, social and cultural rights. Again, the Vienna Declaration and Programme of Action stressed in 1993 that all human rights are universal, indivisible, interdependent and interrelated.

V. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

The contours of freedom of thought, conscience, religion and belief were further refined in soft law standards as elaborated by diplomats, UN experts and civil society organizations in the 1960s and 1970s. After more than 18 years of negotiations, the General Assembly in 1981 adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981 Declaration). Its preamble alludes to definitional elements by “[c]onsidering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life”. Article 2(2) also defines intolerance and discrimination based on religion or belief to mean “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”.

As already mentioned above, article 6 includes the following list of freedoms of thought, conscience, religion or belief: (a) 'To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes; (b) 'To establish and maintain appropriate charitable or humanitarian institutions; (c) 'To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief; (d) 'To write, issue and disseminate relevant publications in these areas; (e) 'To teach a religion or belief in places suitable for these purposes; (f) 'To solicit and receive voluntary financial and other contributions from individuals and institutions; (g) 'To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief; (h) 'To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief.

This non-exhaustive list has inspired at the regional and national levels the wording of the Concluding Document of the 1986 Vienna Meeting of the Conference on Security and Co-operation in Europe as well as the 2011 Constitution of South Sudan, a 2017 bill in Argentina and the mandate of the Australian Human Rights Commission to inquire into individual complaints on cases of religious discrimination (Bielefeldt et al. 2021, 5). However, neither the 1981 Declaration nor the UDHR contain any reference to protecting minority rights or prohibiting incitement to religious hatred. These lacunae were subsequently filled through two separate international human rights law standards, adopted in 1992 and 2012, respectively.

VI. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)

The 1992 Declaration is the only UN soft law instrument that is entirely devoted to minority rights, including of persons belonging to religious minorities. It adds clarity and calls for positive action by providing that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity" (article 1 (1)). To this end, States should take measures for creating favourable conditions to enable persons belonging to minorities "to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards" (article 4 (2)). They also have the right to participate effectively in cultural, religious, social, economic and public life (article 2 (2)).

The 1993 World Conference on Human Rights in Vienna reaffirmed the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the 1992 Declaration (A/CONF.157/23, I 19). Yet the Declaration made no reference to

incitement to religious hatred, even though the ICCPR had already included a related provision in its article 20(2), albeit without providing substantive guidance in this succinct article. In 1983, the Human Rights Committee in its short general comment no. 11 on the prohibition of propaganda for war and inciting national, racial or religious hatred did not add any clarity on the definition of key terms, whereas its general comment no. 34 on freedoms of opinion and expression outlined the relationship between articles 19 and 20, which are “compatible with and complement each other” (CCPR/C/GC/34, 50). Whenever a State party to the ICCPR restricts freedom of expression, including on the basis of article 20, it must also justify the prohibitions and their provisions in strict conformity with the limitations requirements under article 19(3) of the ICCPR, i.e. any restriction must be “provided by law and [be] necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals”. To this, general comment no. 34 has added the requirement that such restrictions be non-discriminatory. The limitation grounds of rights of others and public order may be particularly relevant for protecting members of religious or belief minorities.

VII. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2012)

Minorities and other vulnerable groups constitute the majority of victims of incitement to hatred, while members of minorities are also persecuted through the abuse of vague domestic legislation, jurisprudence and policies on hate speech, as flagged in the Rabat Plan of Action (A/HRC/22/17/Add.4, 11 and 28). This soft law standard was jointly elaborated by UN treaty bodies, special rapporteurs, civil society representatives and academics who were brought together by OHCHR through a consultative process over four years. It started with an expert seminar in Geneva in October 2008, which was followed by a side event during the Durban Review Conference in April 2009, four regional workshops in Vienna, Nairobi, Bangkok and Santiago de Chile in 2011, culminating in the adoption of the Rabat Plan of Action in October 2012. Member States were invited to participate in these workshops as observers and were encouraged to include experts from their capitals in the delegations. Despite this procedural background of State participation in this expert-led process, the General Assembly and Human Rights Council have referred to the Rabat Plan of Action in more than fifty thematic and country-specific resolutions. For example, the Human Rights Council noted with appreciation the conclusions and recommendations of the OHCHR expert workshops contained in the Rabat Plan of Action (resolution 52/6) and called for “their effective implementation by the international community in order to contribute to a more

conducive environment to countering the messages of extremist groups attempting to justify violence, including through ethnic or religious stigmatization and discrimination” (resolution [51/24](#)). In its resolution on the situation of human rights in Myanmar, the Human Rights Council called for necessary measures to be taken “to combat incitement to hatred and violence against ethnic, religious and other minorities, including the Rohingya, in accordance with the Rabat Plan of Action” (resolution [52/31](#)).

At the core of the Rabat Plan of Action is its six-part threshold test for defining incitement to hatred, discrimination and violence by taking into account, on a case-by-case basis, (1) the social and political context, (2) status of the speaker, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence ([A/HRC/22/17/Add.4](#), 29). With regard to religious (and political) leaders, the Rabat Plan of Action also stresses that they “should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; but they also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech. It should be made clear that violence can never be tolerated as a response to incitement to hatred” ([A/HRC/22/17/Add.4](#), 36). These three key responsibilities of religious leaders to counter hate speech became the nucleus for enlarging the focus on the human rights responsibilities of all faith-based actors, as outlined in the Beirut Declaration and its 18 commitments on “Faith for Rights”.

VIII. Beirut Declaration on “Faith for Rights” (2017)

The faith-based and civil society actors gathered at the OHCHR expert workshop in Beirut in March 2017 declared that faith and human rights should be mutually reinforcing spheres: “Individual and communal expression of religions or beliefs thrive and flourish in environments where human rights, based on the equal worth of all individuals, are protected. Similarly, human rights can benefit from deeply rooted ethical and spiritual foundations provided by religion or beliefs” ([A/HRC/40/58](#), annex I, 1). They stressed that the respective religious or belief convictions were “a source for the protection of the whole spectrum of inalienable human entitlements – from the preservation of the gift of life, the freedoms of thought, conscience, religion, belief, opinion and expression to the freedoms from want and fear, including from violence in all its forms” ([A/HRC/40/58](#), annex I, 2). Faith can, and regularly does, provide inspiration and direction, and enhances volition and persistence, in the promotion of the human rights of others. States continue to bear the primary responsibility – the obligation – for promoting and protecting all human rights for all, however, faith-based actors should also stand up for “shared humanity and equal dignity of each human being in all circumstances within our own

spheres of preaching, teaching, spiritual guidance and social engagement” ([A/HRC/40/58](#), annex I, 17).

Linked to the Beirut Declaration are 18 corresponding commitments on “Faith for Rights”, including the pledges to prevent the use of the notion of “State religion” to discriminate against any individual or group (commitment IV); to revisit religious interpretations that appear to perpetuate gender inequality and harmful stereotypes or even condone gender-based violence (commitment V); to stand up for the rights of all persons belonging to minorities (commitment VI); to publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility (commitment VII); not to instrumentalize religions, beliefs or their followers for electoral purposes or political gains (commitment X); to urge States to repeal any existing anti-blasphemy or anti-apostasy laws (commitment XI); to refine the curriculums, teaching materials and textbooks (commitment XII); and to engage with children and youth who are either victims of or vulnerable to incitement to violence in the name of religion (commitment XIII).

The Beirut Declaration has also been used as a soft law standard in a similar manner to the Rabat Plan of Action (Salama et al. 2022, 41) by UN treaty bodies in concluding observations, in individual communications by Special Rapporteurs, and in other mechanisms at the global and regional levels. The Forum on Minority Issues encouraged States, the United Nations, international and regional organizations as well as civil society to work closely in supporting the positive contributions of faith-based actors, including through promoting the Beirut Declaration and the #Faith4Rights toolkit ([A/HRC/49/81](#), 58). At the regional level, the Council of Europe’s explanatory memorandum on the recommendation of the Committee of Ministers to member States on combating hate speech commented that the UN “Faith for Rights” Framework and Toolkit is a useful tool with its peer-to-peer learning methodology (Council of Europe 2022, 184). In his 2023 report to the General Assembly on combating intolerance based on religion or belief, the Secretary-General noted that the Rabat Plan of Action as well as the “Faith for Rights” framework and toolkit provide clear guidance for countering hate speech while fully respecting freedom of opinion and expression ([A/78/241](#), 56).

In June 2023, the Security Council recognized the role of cultural and religious leaders in promoting tolerance and peaceful coexistence to support peace building efforts and sustaining peace (resolution [2686\(2023\)](#)). In July 2023, the Human Rights Council called upon States to adopt national laws, policies and law enforcement frameworks that address, prevent and prosecute acts and advocacy of religious hatred that constitute incitement to discrimination, hostility or violence, and to take immediate steps to ensure accountability (resolution [53/1](#)). Furthermore, the General Assembly welcomed all international, regional and national initiatives, as well as efforts by religious and other leaders to promote interreligious and intercultural dialogue (resolution [77/318](#)).

IX. Conclusions

Religious freedom was not invented 75 years ago, since “early antecedents of the core value of respecting the realm of conscience is reflected in ancient Indigenous cultures and in the Persian empire, and many other sources, religious or otherwise, throughout millennia and into more recent times” (Ghanea 2023, 9). However, freedom of thought, conscience, religion or belief was outlined in 1948 for the first time at the international level and with compelling succinctness in article 18 of the UDHR. The drafters of this provision – who drew from a wide range of religions and beliefs, cultures and civilizations from the North, South, East and West – admirably managed to formulate within one sentence the contours of this fundamental freedom.

Yet its brevity, with only 47 words in the English version, and the political context of the *travaux préparatoires* also revealed divergent views and some substantive gaps of the UDHR. As explained above, the General Assembly in 1948 omitted explicitly protecting religious or belief minorities, prohibiting incitement to religious hatred and addressing the human rights responsibilities of faith-based actors. Over the past 75 years, however, the understanding of these issues has evolved step-by-step, notably through the adoption of hard law norms and soft law standards as well as general comments by UN treaty bodies and specific recommendations by special rapporteurs. The International Covenant on Civil and Political Rights, 1981 Declaration, 1992 Declaration, Rabat Plan of Action and Beirut Declaration on “Faith for Rights” have gradually filled these gaps during the past decades.

The “Faith for Rights” framework has also inspired interdisciplinary research and action on questions related to faith and rights. As reported by the Secretary-General in 2023, peer-to-peer learning and awareness-raising may promote respect and understanding between individuals and communities across religions and beliefs, upholding the dignity of all (A/78/241, 60). Former High Commissioner for Human Rights, Michelle Bachelet, stressed that “[d]eeper exploration of the ethical and spiritual foundations provided by religions and beliefs can help to debunk the myth that human rights are solely Western values. On the contrary: the human rights agenda is rooted in cultures across the world.” (Bachelet 2019). Her successor, Volker Türk, stated that exchanges of lessons learned and promising practices should continue to be promoted, including with the support of the “Faith for Rights” framework (Türk 2023). The seventy-fifth anniversary of the UDHR is thus a good opportunity to take stock and identify areas where further support is needed (A/HRC/52/79, 58).

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HUMAN RIGHTS “DIPLOMACY”: OPTIMIZING DIPLOMACY AND ADVOCACY THROUGH PEER-LEARNING

Ibrahim Salama¹ and Michael Wiener²

I. Introduction

The *#Faith4Rights toolkit* includes the following real-life “example highlighted by Special Rapporteur Heiner Bielefeldt concerning a breakthrough in inter-faith communication reached by religious leaders in Cyprus: ‘On 18 October 2013, the Grand Mufti of Cyprus, Dr. Talip Atalay, crossed the green line and held service at Hala Sultan Mosque near Larnaca for the first time. This was possible due to an agreement reached with the Greek Orthodox Archbishop Chrysostomos II, who personally facilitated Dr. Atalay’s access to the areas controlled by the Government of the Republic of Cyprus. Two days earlier, Bishop Christoforos of Karpasia, who had been prevented for the previous 18 months from visiting

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the northern part of Cyprus and his diocese, was allowed to visit and worship at the monastery Apostolos Andreas on the Karpass peninsula in the north-east of Cyprus. ‘While the Cyprus conflict is not per se a religious conflict, all cooperation between the religious leaders had stopped when the bicomunal conflict between Greek Cypriots and Turkish Cypriots escalated fifty years ago,’ the UN Special Rapporteur added” (OHCHR 2023, 79).

This example, as flagged in a UN press release and discussed during peer-learning events among faith-based actors, finely illustrates the evolving concept of human rights *diplocacy*, which strategically combines “diplomacy” with “advocacy”. The neologism *diplocacy* describes constructive human rights engagement by and with State officials, UN independent experts, faith-based actors and other civil society representatives through quiet diplomacy, public advocacy and peer-learning, based on analysis of empirical evidence and pragmatic solutions (Salama/Wiener 2022, 297). The term *diplocacy* also alludes to a related feature, in the sense of *debloc-acy*, since it aims at deblocking impasse situations. These may be the result of protracted conflicts or of tensions among competing freedoms. Human rights blockages also result from the growing push-back against human rights universality, whether on socio-cultural, historical and populist grounds or for geopolitical reasons. In that sense, human rights *diplocacy* may also de-bloc centuries old religious alliances or inherited animosities. It requires safe space for discussions, genuinely listening to each other, sharing one’s own experiences, avoiding the repeat of mistakes and exploring together what works. In short, human rights *diplocacy* relies on three pillars: diplomacy, advocacy and peer-learning (Salama/Wiener 2023a, 88).

We will start by articulating the content of human rights *diplocacy* through its rationale, stakeholders’ institutional requirements and desired outcomes. Despite an intense political investment in its institution-building over decades, the current human rights architecture is fragmented, overlapping and under-resourced. These challenges reduce its impact on the ground. Moreover, traditional human rights advocacy is predominantly geared more towards condemning violations rather than addressing their root causes and solving the resulting human rights issues. Meanwhile, advocacy for additional human rights norms and standards continues. For example, the Human Rights Council has established several open-ended intergovernmental working groups to negotiate new draft legal instruments or to make recommendations on the effective implementation of existing standards.

In the Secretary-General’s *Call to Action for Human Rights*, António Guterres notes that his goal for the United Nations was “to promote a human rights vision that is transformative, that provides solutions and that speaks directly to each and every human being. To that end, we must broaden the base of support for human rights by reaching out to critics and engaging in conversations that reach deeply into society. The Universal Declaration and the human rights instruments that followed from it articulate a social contract between all human

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beings by which everyone can live to their fullest potential. Today we need to renew that bond” (Guterres 2020, 2).

As a result of the progressive weakening of their monitoring institutions, human rights narratives do not seem to reach all people and communities. The human rights movement deserves an honest introspective stock-taking of its lessons learned to reinvigorate itself, 75 years after the Universal Declaration of Human Rights was adopted and three decades of testing the consensus that was achieved in 1993 in the Vienna Declaration and Programme of Action. Yet, push-back against human rights is increasing in all parts of the world. Diplomatic ambiguities in negotiated resolutions do not facilitate genuine and sustainable solutions to the underlying issues. Thinking outside of the box is a challenge within the usual frame of large intergovernmental conferences.

The 75th anniversary of the Universal Declaration of Human Rights is a timely opportunity for critical reflection on how to achieve a paradigm shift from relying merely on the “power to embarrass and mobilize shame” to mastering the art of engaging broadly and optimizing convergences. The unfinished human rights business requires a new vision and corresponding innovative human rights *diplocacy*, based on lessons learned over the past decades of human rights work and using its full toolbox.

Against this background, the present book chapter seeks to link the hidden dots between diplomacy, advocacy and peer-learning in the field of human rights. We will focus on the intersectionality between freedom of religion or belief and other related human rights. However, our analysis of human rights *diplocacy* is equally applicable to all fundamental freedoms. Beyond theoretical analysis, we will elucidate this concept by zooming into three case studies where this strategic combination of diplomacy and advocacy has already been applied in practice, using peer-to-peer learning among faith-based actors and other stakeholders. The lessons learned from these case studies could inspire further improvement and new application of this methodology.

II. The need for human rights “diplocacy”

Underlying and necessitating the human rights *diplocacy* approach are the limits that intergovernmental avenues to advance human rights have reached in certain respects. Human rights negotiations have become more politicized than ever. Ideological divides are resurfacing and deepening around many topics, old and new. The right to development is a perfect example of a fundamental human right, specifically singled out in several declarations from the 1993 Vienna World Conference on Human Rights onwards. This right remains an object of controversy. Since its adoption by the General Assembly in 1986 ([resolution 41/128](#), annex), the Declaration on the Right to Development has been on the agenda of an open-ended intergovernmental working group (since 1998), a Special Rapporteur (since 2017), an expert mechanism (since 2020) and a

biennial panel of the Human Rights Council (since 2020). Previous mechanisms dedicated to addressing the right to development included two working groups of fifteen governmental experts (1981-1989 and 1993-1995), an intergovernmental group of ten experts (1996-1997), an independent expert of the Commission on Human Rights (1998-2003), and a high-level task force (2004-2010). However, decades of intergovernmental discussions have not led to a universally agreed definition of this fundamental human right, let alone its implementation.

The second premise, providing the rationale for human rights *diplocacy*, is the negative impact of traditional diplomatic ambiguities on clarity and implementation of human rights standards. Multilateralism turned to be the natural habitat of “constructive ambiguity”, which is wrongly attributed to diplomacy and yet remains one of its widespread practices. Lack of clarity is neither part nor a satisfactory outcome of diplomacy. Ambiguity is a recipe for conflict, whereas diplomacy seeks to prevent and manage conflicts through several methodologies aimed at finding common grounds. This goal requires utmost clarity. The so-called “constructive ambiguity” does not dig deeper into analyzing competing interests and finding an honest middle ground that is fair to all parties and faithful to applicable norms. It is also reflective of asymmetric international relations since “constructive ambiguity” serves the interests of the stronger parties in a diplomatic game designed to grant legitimacy to power politics.

The foundational ambiguity of paragraph 5 of the Vienna Declaration and Programme of Action – with respect to the triangle of religion, culture and human rights – is of historical significance that still influences the human rights discourse in many controversial ways. Its formulation “national and regional particularities and various historical, cultural and religious backgrounds” is often understood as a synonym of relativism. Already at the inception of the modern human rights architecture and mechanisms, the Vienna Declaration and Programme of Action in 1993 reflected several confusing ambiguities. For example, what does “born in mind” mean, when its paragraph 5 states that “the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind”? What is the scope of the limitation clause, according to which “it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms”? This ambiguity resulted in stigmatizing various cultural and religious backgrounds. Cultural diversity became tainted as cultural relativism. There are numerous examples of this amalgamation that start sounding like early manifestations of the self-fulfilling prophecy of an assumed “clash of civilizations” (Huntington 1996). As to the possible remedies through human rights *diplocacy*, there is clearly a missing criterion that might differentiate between legitimate cultural particularities that should be born in mind, as opposed to cultural relativism.

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The lack of clarity of some key human rights notions emanates from the political background of the legal drafting processes. Under the pressing need for successful conclusion of increasingly difficult negotiations, relying on “agreed language” becomes the silver bullet of multilateral diplomacy. This simply means repeating what has already been approved, rather than progressively developing international agreements to meet new challenges. Resolutions are not necessarily akin to solutions. The resulting ambiguity of international outcomes is a permanent source of controversy. Even innocent misunderstandings of commonly used terms hinder progress and may provoke disagreement that ultimately sheds doubts on human rights universality.

Furthermore, human rights diplomacy itself still suffers misconceptions, both conceptually and in practice, because of the perceived contradiction between the strictly binding logic of human rights and the inherent flexibility of diplomacy. This misperception disappears if human rights diplomacy is identified with aiming to better understand the context of human rights situations and adapting the narrative to enhance the implementation of human rights law, rather than weakening it.

While the Vienna Declaration and Programme of Action proclaimed in 1993 that all human rights are indivisible, in practice some of them seem almost invisible. For example, the Vienna Declaration itself did not mention at all the terms “stateless persons”, “nationality” or “citizenship”. During the third cycle of the Universal Periodic Review (2017-2022), the percentage share of recommendations relevant to nationality and statelessness stood at 1.41% measured against the total volume of recommendations during that cycle (van Waas et al. 2023). Other specific human rights issues are also underrepresented; for instance, the former Special Rapporteur on freedom of religion or belief noted that not even two dozen recommendations, i.e. less than 0.05% out of the more than 52,000 recommendations made during the first two cycles of the Universal Periodic Review, addressed the need to reform anti-apostasy or anti-blaspemy laws (Shaheed 2017, 12).

Any theory of change should emanate from a deep understanding of human rights diplomacy’s landscape and dynamics as well as lessons learned from both success and failures. Our analysis builds on a collective reflection conducted more than a decade ago (Salama 2011). While the concept of human rights diplomacy itself remains unclear in its distinction from general diplomacy, human rights negotiations flourished during the era of expanding the core human rights conventions between 1965 and 2011, when all nine core human rights treaties and their nine optional protocols were negotiated and adopted by the General Assembly. Human rights diplomacy resulted in an expansion of standard setting and a proliferation of human rights mechanisms, some of whom with overlapping themes. This double feature – proliferation in overlapping mode – precisely reflected the weakness of human rights diplomacy as the multilateral landscape was influenced by advocacy from competing

constituencies that were selectively supported by different groups of States. In this sense, human rights diplomacy has increased human rights politics. The mantra of interrelatedness, interdependence and equal emphasis on all human rights often turned out as lip service.

The acceleration of standard-setting and institution-building in the field of human rights as well as the increase – in number and scope – of treaty bodies and special procedures, created a momentum that has raised expectations. Yet, there remain challenges such as missing synergy, regressing implementation, inefficiencies resulting from overlapping human rights mechanisms without harmonized working methods, increasing manifestations of non-cooperation of States with UN human rights mechanisms which have suffered persistent lack of sustainable adequate financial and human resources. In 2022, the Secretary-General's report on the status of the treaty body system concluded that the latter was “at risk of being eroded due to insufficient resources, chronic under-reporting and limited coherence” (A/77/279, 79).

The traditional approach of a predominant role for governments in human rights standard-setting and implementation is part of this problematic equation. The narrow window for civil society participation in UN deliberations, under the politicized scrutiny of granting or denying ECOSOC consultative status, is too restrictive. In addition, civil society organizations are also instrumentalized through an increasing phenomenon of “government-organized non-governmental organizations” (GONGOs), which seems like a tautology. Grassroots civil society actors are the nearest to realities on the ground and often the most independent in their category, but they usually get less attention.

Tensions among rights and competition between their constituencies, of governmental and non-governmental actors, could only rise with time. The practical need for deblocking such tensions is the rationale for human rights *diplocacy*. Its applications multiplied, out of necessity, in a sporadic manner, taking different shapes and shades. This highlights the need for a more intentional focus on this concept and practice, particularly at a time when human rights violations are increasing under the triple combined weight of totalitarianism, populism and relativism in different forms across the globe. The dichotomy of increased need for human rights *diplocacy* but little attention to its content and methodology can be explained by misperceptions surrounding its theory and practice as well as the political weight and historical predominance of advocacy as the main mode of engagement to promote and protect human rights that sidelined other means of achieving the same goals.

III. Defining human rights “diplocacy”

A bottom-up, result-oriented and culturally sensitive approach to the promotion of human rights, far from only lecturing duty bearers, is both missing, possible, and needed. Widening the space for independent experts and civil society is a

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prerequisite of strategic importance to involve larger segments of societies in finding creative solutions that are faithful to human rights norms but also sensitive to local cultures and realities.

Human rights *diplocacy* is an expert-based methodology of managing tensions among human rights, aiming to optimize their simultaneous implementation to the maximum and on equal footing, connecting the dots between human rights so that they become genuinely indivisible. This methodology requires anticipating controversial issues that result from tensions among competing human rights. It associates relevant stakeholders in the search for concrete solution to reconcile competing rights through rational interpretations. Human rights *diplocacy* has to be conducted in a completely depoliticized and non-ideological manner. This can be achieved by leveraging the expertise of UN independent human rights mechanisms in a problem-solving format, using soft law standards rather than negotiating new legally binding hard law norms. The element of anticipation plays a key role in human rights *diplocacy*. This is why the role of UN secretariat is crucial in this respect, because anticipation requires a panoramic view, institutional memory and impartiality.

Therefore, human rights *diplocacy* relies on three pillars: (1) a pro-active competent secretariat support; (2) a partnership with relevant academic hubs and specialized civil society actors; and (3) integrated engagement across the related human rights mechanisms.

1. Pro-active secretariat support

As it relies on anticipation, human rights diplocacy requires retrievable institutional memory and empirical evidence that supports regular analysis of human rights tensions and developments. In essence, these elements relate to the “missing chapter” of many studies on international organizations, i.e. the role of the secretariat of regional and international human rights mechanisms. The secretariat of a human rights mechanism is both a living institutional memory and a built-in advisory think tank to this mechanism. If memory is weak, there is the risk that knowledge gets lost, and decisions may be ineffective before even attempting to implement them. If secretariat advice is not solicited, expert bodies miss a precious opportunity for impact in the medium and long term, as the secretariat is usually more permanent than the membership of the mechanism it supports. The double challenge of secretariats of human rights mechanisms, to variable degrees, is that they are either untrained or under-resourced to fulfill their central role in identifying areas for human rights *diplocacy*. Therefore, it is key that the secretariat retains the institutional memory on the same subjects and creates synergy with all components of the human rights architecture.

2. Partnerships with civil society actors

The secretariat role is essential but it also requires partners. Partnerships are a second key pillar of human rights *diplocacy*. The specialized civil society actors, including academic hubs and research centers, combine two indispensable features: the substantive knowledge based on empirical evidence and the legitimacy of civil society voices. Freedom of religion or belief enjoys a particular landscape in terms of the necessary partnerships to ensure its progressive development in a coherent manner with other related human rights. This landscape includes a unique actor with two heads, i.e. religious institutions and non-state faith-based actors. One of the main reasons why freedom of religion or belief has the reputation of a complex – and even suspicious – human right, lies precisely in the limited engagement of faith-based actors in the human rights discourse at large. One of the key challenges on which UN practice has produced valuable knowledge is how to engage with religious communities and faith-based actors, including the need for guiding principles for related global public-private partnerships (Wiener 2012).

3. Integrated engagement across the human rights mechanisms

An integrated approach to all relevant human rights mechanisms is the third pillar of human rights *diplocacy*. Such an inclusive approach to some extent retroactively remedies the proliferation of overlapping human rights mechanisms. The case study below on the elaboration of the Rabat Plan of Action is particularly significant; this process of clarification of the intersectionality between the freedoms of religion, belief, opinion, expression and incitement to national, racial or religious hatred required collaboration between three special rapporteurs and two treaty bodies, whose competences overlapped on the subject matter. The multiplicity of actors in the human rights field is much higher compared to any other area on the multilateral agenda. This is obviously both an asset and a challenge since more actors lead to heightened competition which may multiply and harden blockages. This analysis lends itself to a tailored approach with a wider toolkit of methodologies than what traditional diplomacy has been designed to tackle. The United Nations human rights treaty bodies and special procedures are a natural catalyst to this rich diversity of the landscape of human rights work. Their integrated engagement is therefore a cornerstone of human rights *diplocacy*.

IV. Three case studies

The features of these three pillars will be illustrated through the following concrete examples: (1) the 2009 Durban Review Conference against racism; (2) the 2012 Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or

violence; and (3) the 2017 Beirut Declaration and its 18 commitments on “Faith for Rights”.

1. Durban Review Conference

The Durban Review Conference of 2009 is rich of lessons on human rights *diplocacy*, particularly with regard to the question of negative stereotyping of religions. Since 1999, the Commission on Human Rights and subsequently the General Assembly and Human Rights Council had adopted resolutions on combating “defamation of religions”. The initial draft, as submitted on behalf of the Organisation of the Islamic Conference (OIC, renamed since 2011 as Organisation of Islamic Cooperation) had been entitled “Defamation of Islam” and sought to call “upon the Special Rapporteur on religious intolerance to continue to devote attention to attacks against Islam and attempts to defame it” ([E/CN.4/1999/L.40](#), 5). The adopted resolutions enlarged the title to “Defamation of religions”, expressing “deep concern that Islam is frequently and wrongly associated with human rights violations and with terrorism” ([E/CN.4/RES/1999/82](#), 2). After two consensual adoptions in 1999 and 2000, the subsequent resolutions since April 2001 were adopted by vote and with gradually decreasing support. In 2009, in the General Assembly 80 States voted in favour, whereas 61 voted against and 42 abstained ([A/64/PV.65](#), 17).

Against the background of advocacy – mainly by OIC States – to adopt complementary standards that would prohibit and prevent the “defamation of religions”, the then High Commissioner Navanethem Pillay noted in February 2009: “I understand the underlying concerns behind the concept of defamation of religions and believe that the most appropriate approach to address them, from a human rights perspective and in the light of the Durban Review Conference, is through the legal concept of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It is up to lawmakers everywhere to discharge their responsibilities properly guided by articles 19 and 20 of the International Covenant and taking into account the general comments, recommendations and views of the Human Rights Committee. This framework offers strong protection for freedom of expression, while providing for appropriate restrictions, as necessary to protect the rights of others, particularly with respect to incitement to discrimination, hostility or violence. This balance between articles 19 and 20 should always be respected. I also believe that the expression of critical views on religious matters does not per se constitute incitement to religious hatred and each case should be assessed on its own circumstances and in accordance with international human rights law.” ([A/CONF.211/PC.4/5](#), 56)

The three pillars of human rights *diplocacy* were united in this case. A proactive secretariat had anticipated this tension among human rights and had proactively prepared an analytical report on the matter, projecting possible

solutions. Six months ahead of the Durban Review Conference, OHCHR had organized an expert seminar that included relevant UN independent experts and specialized civil society actors ([A/HRC/10/31/Add.3](#)). A partnership with the non-governmental organization ARTICLE 19 enriched this multi-stakeholder collaboration, including experts from the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, along with the Special Rapporteurs on racism, freedom of expression and freedom of religion or belief. The Outcome Document of the Durban Review Conference in April 2009 took note of this expert seminar and the High Commissioner's proposal to organize "a series of expert workshops to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, in order to assess the level of implementation of the prohibition on incitement, as stipulated in article 20 of the International Covenant on Civil and Political Rights" ([A/CONF.211/8](#), I 134).

2. Rabat Plan of Action

The High Commissioner's report to the Durban Review Conference suggested a time-bound process, which ultimately led to the Rabat Plan of Action. Instead of a top-down dictation, this bottom-up approach consisted of mapping the practice in States in all regions of the world. The three axes of this series of expert workshops were the legislative approaches to define hate speech, the case law and public policies aimed at countering hate speech. Each of these three axes were covered in advance through a consultant with expertise in each region. The four studies of these consultants provided the basis of an expert workshop in each region of the world to discuss and enrich the consultants' studies, respectively. Each regional workshop ended in a similar manner, noting the lessons learned from regional practices and identifying suggestions to fill the protection gaps and/or the paralyzing tensions between the competing requirements of protecting freedom of expression and prohibiting incitement to discrimination, hostility or violence.

Details matter. The clarification of the roles of States, experts and civil society actors was of utmost clarity during this exercise. States were invited to participate in two different manners. First, States were solicited to provide information on relevant laws, jurisprudence and policies at the national level. Secondly, States were invited to take part in the expert workshops, as observers. Instead of civil society listening to States the whole day and expressing themselves at the last hour, which is the practice at most intergovernmental meetings, it was the other way round. States listened to experts and then took the floor. In this exploratory exercise of human rights *diplocacy*, the voices of independent experts and civil society came first, while final decisions remain a State's sovereign right.

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Once the four regional expert workshops were concluded, OHCHR organized a wrap-up expert workshop in Rabat in October 2012. The objective of this expert discussion was to connect the dots and extract the lessons from the various regional experiences in a manner that provides solutions to the tensions between hate speech and free speech at the global level. The resulting Rabat Plan of Action was a practical, action-oriented soft-law instrument that addressed specific recommendations to a variety of stakeholders, including governments, parliaments, courts, national human rights institutions, non-governmental organizations, media as well as political and religious leaders.

The main added value of the Rabat Plan of Action has been its six-part threshold test to identify cases of incitement to discrimination, hostility or violence. This fruit of human rights *diplocacy* has proven its practical relevance as an emerging “soft law” standard (Salama/Wiener 2023b). For example, the UN Committee on the Elimination of Racial Discrimination cited the Rabat threshold test in its general recommendation on combating racist hate speech ([CERD/C/GC/35](#)) and the Human Rights Committee in its general comment on the right of peaceful assembly ([CCPR/C/GC/37](#)). The European Court of Human Rights referred to the Rabat Plan of Action in several judgments and the Committee of Ministers’ recommendation to member States on combating hate speech relies on these threshold criteria. They are also used by the national authorities for audio-visual communication in Côte d’Ivoire, Morocco and Tunisia. With regard to social media platforms, Meta indicated that it looks to authorities like the Rabat Plan of Action when making content moderation decisions on Facebook and Instagram, and its threshold test has also been applied in detail by the Oversight Board in several decisions (Salama/Wiener 2023b).

3. The “Faith for Rights” framework

The relationship between freedom of religion or belief and other human rights is a complex chapter of human rights law and a major source of tensions between rights. Even without factoring the political instrumentalization of religion by States, reconciling the freedom of religion or belief with other fundamental human rights is not an easy task. The tensions are predominantly manifested in three areas in their relationship with the freedom of religion or belief: freedom of expression, women’s rights and minority rights. To defuse these tensions, another effort of human rights *diplocacy* followed on the Rabat Plan of Action (2012) with comparative expert analysis that led to the adoption in 2017 of the Beirut Declaration and its 18 commitments on “Faith for Rights”. The relationship between these two frameworks underlines the long-term and cumulative impact of human rights *diplocacy*. In fact, the sub-section of the Rabat Plan of Action underlying the role and responsibilities of religious leaders in

combatting incitement to hatred ([A/HRC/22/17/Add.4](#), 36) provided the seeds of the 18 commitments on “Faith for Rights”.

The three ingredients of human rights *diplocacy* were equally applied in this case. A thorough preparation effort ensured that the drafters of the 18 commitments on “Faith for Rights” were a gender-balanced and geographically diverse mix of faith-based actors and human rights defenders working in the area of tensions and complementarity between freedom of religion or belief and other intersecting human rights. While this was not the first time that civil society actors initiated a process of elaborating guiding principles, it was certainly a first precedent of soft law standard-setting jointly undertaken by non-State faith-based actors and human rights experts from the UN special procedures and treaty body systems. Such a structured active role in the negotiations for specialized civil society actors is a key feature of human rights *diplocacy*.

Since 2020, the “Faith for Rights” framework has been developed into a peer-to-peer learning process. This enlarged the 18 commitments on “Faith for Rights” from a soft law standard to a peer-learning methodology. This is equally a shift from an exclusively legal approach to a dynamic implementation of the law in an adapted manner to various circumstances. Context matters. Realizing that the tensions between various human rights is a permanent and evolving phenomenon, OHCHR has been engaging with specialized academic hubs to develop the #Faith4Rights toolkit and to facilitate managing diversity and solving conflicts. Contextualizing the 18 commitments in various situations is a recognition of the fact that optimizing all relevant human rights requires adaptation and consideration on a case-by-case basis. Artistic expressions – such as music, improvisation, photos, videos, dance, street art, cartoons and calligraphies – play an important role for individual and communal flourishing through “Faith for Rights” (Salama/Wiener 2023c). The evolving nature of both challenges of intersectionality and innovative solutions to address them is a fact of social interaction that cannot be successfully engaged exclusively through legal approaches.

Knowledge is key for a sustainable well-tailored implementation of human rights in diverse contexts and environments. Civil society organizations and the United Nations have translated the “Faith for Rights” framework so far into a dozen languages. Since 2017, more than a hundred UN documents referred to it, for example when the Committee on the Elimination of Discrimination against Women considered the State party reports by Botswana, Costa Rica, The Gambia, Fiji, Niger and Nigeria. OHCHR and the European Commission organized a series of peer-to-peer learning events on using the #Faith4Rights toolkit in the context of the European Union Gender Action Plan III, which specifically calls upon mobilizing religious actors for gender equality in line with the “Faith for Rights” framework ([A/HRC/50/51](#), 25). The G20 Interfaith Forums in Buenos Aires and Tokyo also recommended “supporting religious leaders and faith-based actors in fulfilling their human rights responsibilities, as

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summarized in the Beirut Declaration and the 18 commitments of the ‘Faith for Rights’ program” (Bachelet 2021). Referring to the “Faith for Rights” framework in June 2023, High Commissioner Volker Türk suggested to “build networks and amplify voices that can cut through the hate” (Türk 2023a). He also stressed the importance of peer-to-peer learning to promote respect for pluralism and diversity in the field of religion or belief, noting that “[e]xchanges of lessons learned and promising practices should continue to be promoted, including with the support of our Faith for Rights Framework” (Türk 2023b).

V. Conclusions

Ensuring the implementation and progressive development of human rights law requires coherent jurisprudence that reflects the indivisibility and the equal emphasis on all human rights. This fundamental goal preconditions genuine human rights universality. In turn, such coherence is only achievable through reconciling competing – and at times conflicting – human rights. Such competition or conflict are exacerbated by the inherent dynamics of sheer advocacy by various constituencies which have different levels of political and financial powers. The inherent power politics at the heart of advocacy undermines the essence of human rights integrity and tarnishes its impartiality. Resolving this structural dilemma requires new thinking and methodologies.

The present conceptualization of human rights *diplocacy* puts the emphasis on the unoptimized role of independent human rights expertise within the UN human rights architecture. The efficiency of this role depends on the knowledge and skills of both the independent experts and the UN secretariat as well as on the clarity of their respective roles and responsibilities. Ideally, all these actors who are the key players of human rights *diplocacy* should act in full synergy. However, their task, in terms of decision-making and establishing necessary synergy, is complicated by the fact that their respective mandates are overlapping and fragmented. All components of the human rights architecture need to work together, like a clockwork, otherwise they may lose sight of each other and become “ships passing in the night” (Alston 2005).

Our submission is that the impact and future of the human rights system relies on the development of human rights *diplocacy* as a theory of change, for which we briefly outlined three case studies. It would be useful to draw lessons from these cases and replicate best practices beyond the specific context of freedom of religion or belief. In order to respond to the current geopolitical and socio-cultural turmoil affecting various human rights, the UN independent expert bodies and their respective secretariats should strategically engage with all duty bearers and rights holders. The most promising methodology for tackling this – admittedly colossal – task is to facilitate peer-to-peer learning with UN experts, specialized civil society representatives, diplomats, national human rights institutions and academics on a solid human rights ground of preparation.

Shaping a World of Freedoms: 75 Years of Legacy and Impact of the Universal Declaration of Human Rights

More than a mere dogma, law is a tool of social engineering among competing interests with equal legitimacy. “Deblocking” tensions among rights, without conceding to power politics, is permanent work in progress, an uphill struggle that requires pragmatic solutions to optimize all competing rights, rather than elevating rights above each other or using some rights to crush other rights. Another challenge is to de-bloc inherited alliances or animosities. The pragmatic rationale of human rights *diplocacy* is that it transcends sheer advocacy and damaging power politics into genuine peer-to-peer learning and joint action. This may create broader buy-in and constantly strengthen human rights universality in its deepest grassroots.

The Secretary-General’s *Call to Action for Human Rights* highlighted the overall purpose of having positive impact, which requires “being open to all available channels and opportunities to engage. There is a place for negotiations behind the scenes, a place for building and strengthening national capacities, a place for supporting different stakeholders, and a time when speaking out is essential” (Guterres 2020, 3).

Using this full toolbox of engagement is essential, not only part of it. It is unfortunately too often the case that human rights action is subsumed under the slogan of the “power to embarrass and mobilize shame”. Pressure matters, but it is neither the only nor always the best way forward to achieve positive change in human rights situations. In fact, sheer pressure may turn human rights advocacy into a political exercise. Instead, the evolving concept of human rights *diplocacy* may strategically link the hidden dots between diplomacy and advocacy through peer-learning.

Ultimately, this might also serve to reaffirm faith in human rights, because faith is a conviction that cannot be born of coercion. Already the preambles of the United Nations Charter and of the Universal Declaration of Human Rights reaffirmed “faith in fundamental human rights”, however, this should not be perceived as a done deal. Reaffirming faith in human rights is as needed now as it was in the 1940s, but for more complex reasons than 75 years ago when the Universal Declaration of Human Rights was adopted. *Diplocacy* through peer-learning is a fresh hope – both for human rights and multilateralism.

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HUMAN RIGHTS AND DISABILITY - A 75TH ANNIVERSARY PANORAMIC VIEW

Floyd Morris¹

Introduction

It is 75 years since the Universal Declaration of Human Rights (UDHR) was formulated (United Nations 1948). These rights were established to protect all citizens and to ensure that their dignity and humanity are preserved. The rights prescribed in the UDHR are universal, indivisible and inalienable. But whilst these rights were designed for all human beings, there are some individuals who have consistently seen their rights being violated over the past 75 years. Persons with disabilities are among the groups of individuals whose rights are consistently violated in society (Degener 2017; Economic Commission of Latin America and the Caribbean-ECLAC 2017; United Nations 2018; Morris 2022). The consistent violation of the fundamental rights and freedoms of persons with disabilities has contributed to these individuals being isolated from the mainstream of society and have resulted in low levels of education, high unemployment, poor health outcomes and deep negative social attitudes (World Health Organization-WHO 2011; ECLAC 2017; United Nations 2018).

In this chapter, this author gives a panoramic view of the situation of persons with disabilities in the context of human rights over the past seventy-five years. The fundamental question to be answered is: has there been a major global transformation of the lives of persons with disabilities through human right treaties? An examination is made of the Universal Declaration of Human Rights

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(UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of Persons with Disabilities (CRPD). The major models of disabilities are examined to highlight how they contribute to restrict or empower persons with disabilities in their society. Attention is then placed on the theoretical and methodological frameworks of the chapter. The chapter is concluded with an evaluation of some preeminent post-CRPD issues and how to get the fundamental rights and freedoms of all persons with disabilities to be respected in society in order to facilitate meaningful transformation.

International Human Rights Treaties

1948 constituted a watershed moment for earth's history. It signalled the bold and unequivocal declaration of a set of rights and freedoms that are universal, indivisible, inalienable and indispensable. The Universal Declaration of Human Rights (UDHR) was the first global treaty to delineate the rights and freedoms of all human beings. Article 2 of the UDHR opines: "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" (United Nations 1948: 1). This bold declaration includes persons with disabilities as it states "everyone".

Similarly, in 1966, the International Covenant on Civil and Political Rights (ICCPR) was established by the United Nations. Conflated with the UDHR, these documents formed what is now referenced as the "bill of rights." Article 2 of the ICCPR posits:

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted (United Nations 1966: 2).

Persons with disabilities are entitled to these rights in the ICCPR as well. However, these rights have not been enforced for persons with disabilities since their formation. This is why the Convention on the Rights of Persons with Disabilities (CRPD) was established in 2006.

The CRPD is a human rights treaty specific to persons with disabilities. It came about because various international treaties were not being enforced by States Parties on behalf of this marginalized group. The CRPD was thus established with the following purpose: “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity (United Nations 2006: 3). It is this treaty that is currently setting the international human rights agenda for persons with disabilities across the world.

Human Rights and Models of Disability

Over the past 75 years, different models have been formulated to evaluate and contextualize the situation of disability. We can think of the welfare model; the medical model; the social model; the bio-psycho-social model and the human rights model, as preeminent models that have been used in this evaluation and contextualization. All of these models have had profound implications for the fundamental rights and freedoms of persons with disabilities (Committee on the Rights of Persons with Disabilities 2018).

The Welfare Model

The welfare model is one of the oldest models to be found in the disability dialectics across the world. Its primary expression is that persons with disabilities have nothing meaningful to contribute to society and as such, these individuals have to depend on the State or social institutions for support (Gayle-Geddes 2015). Such antiquated perspective of persons with disabilities have contributed to the marginalization of these individuals and seen their fundamental rights, as ensconced in the UDHR and ICCPR, being consistently violated. For example, the welfare model is deeply practiced by individuals in the faith-based communities. Here, they view persons with disabilities as individuals to be pitied and cared for. Persons with disabilities are hardly allowed to participate in activities in these faith-based organizations and this is a fundamental violation of their right to freedom of expression. Once a person with disability is denied the

right to participate, excluded and is discriminated in their society, a human rights violation is committed (United Nations 2006).

The Medical Model

The medical model is another old model of disability. It posits the view that once the impairment that an individual has is cured then the individual will be able to function efficaciously in society. Emphasis is thus placed on the curing of the disease. No attention is placed on the other contextual factors that contribute to the lack of participation, inclusion and discrimination against a person with a disability (Oliver 1990; 2013). For example, emphasis is placed on curing the disease that contributes to a person with a physical disability using a wheel-chair. No consideration is given to the contextual factors of the stairs that have been built and create an inaccessible environment for the person with the disability to enter or exit a building. The Convention on the Rights of Persons with Disability (CRPD) frowns upon such a situation and makes accessibility a right for persons with disabilities (United Nations 2006).

The social Model of Disability

The social model of disability came about during the 1980s and Mike Oliver was responsible for its introduction and development. It is one of the more progressive models of disability as it stipulates that it is social organisms that contribute to a disability. Oliver opines that it is the various social, economic, environmental and attitudinal barriers that exist in social organisms which contribute to a disabling situation (Oliver 1990; 2013). These social factors, according to Oliver, restrict the participation, inclusion and facilitate the discrimination against persons with disabilities in society on a consistent basis. Invariably, the social model of disability recognises the human rights of persons with disabilities as it respects the right of these citizens to participate in the society on a consistent basis.

The social model of disability was used as one of the foundational arguments to anchor the development of the CRPD and this was adopted by the United Nations in December 2006. It is the first human rights treaty to be adopted by the United Nations in the new millennium (United Nations 2006).

The Human Rights Model

Emanating from the CRPD, the human rights model of disability is the current dominant lens through which persons with disabilities are assessed (Committee on the Rights of the CRPD 2018). The model posits that persons with disabilities are rights-holders and as such, subject to all the fundamental rights and freedoms ensconced in the diverse international human rights treaties (Committee on the Rights of the CRPD 2018). Article 5 of the CRPD delineates the human rights model for persons with disabilities and opines:

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention (United Nations 2006: 5).

Additionally, the Committee on the Rights of Persons with Disabilities in their General Comments on Article 5; gave some clarity to the human rights model of disability. The Committee opined:

The human rights model of disability recognizes that disability is a social construct and impairments must not be taken as a legitimate ground for the denial or restriction of human rights. It acknowledges that disability is one of several layers of identity. Hence, disability laws and policies must take the diversity of persons with disabilities into account. It also recognizes that human rights are interdependent, interrelated and indivisible (Committee on the Rights of the CRPD 2018: 2).

It is therefore unequivocal that persons with disabilities are rights-holders and as such, must enjoy the fundamental rights and freedoms prescribed under international law. Countries that have signed and ratified these treaties, including the CRPD are obligated to honour these provisions and protect persons with disabilities (Degener 2017).

Theoretical Framework

Recognizing that we are operating in the rights-based era and that there is the celebration of 75 years of existence of international human rights law, it is prudent for this chapter to be anchored within the theory of human rights and ableism. The theory of human rights stresses the universality, indivisibility, inalienability, inter-dependence and indispensability of all rights ascribed to human beings (Degener 2017). Every human being is subject to the fundamental rights and freedoms that are entrenched in human rights treaties such as the UDHR and the ICCPR. Notwithstanding the rights prescribed in these global treaties, persons with disabilities have not been able to enforce these rights due to profound stigma and negative attitudes in society towards these individuals. These attitudes and stigma have been shaped by a value system known as ableism. According to Campbell (2001) ableism is a set of network of beliefs,

processes and practices that produces a particular kind of self and body that is projected as the perfect and ideal and therefore fully human. This is regarded as the corporeal standard. Anything outside of this corporeal standard is seen as abnormal and classified as sub-human. These set of beliefs, processes and practices that formulate the ableist perspective has contributed to the isolation, marginalization and discrimination against persons with disabilities for centuries (Campbell 2001; 2013; 2021). The ableists perspectives have contributed to the restriction of the enforcement of the rights entrenched in treaties such as the UDHR, ICCPR and the CRPD.

The CRPD was established to conflate various rights specific to persons with disabilities (United Nations 2006). Some of these rights include but not limited to: the right to information and information communication technologies; the right to life; the right to justice; the right to education; the right to healthcare; the right to work and employment and the right to political participation. But these rights continue to be stymied by ableist actions in society that limit the participation, inclusion and non-discrimination against persons with disabilities. In this chapter, a panoramic view is given as to the current trajectory of some of these rights from the standpoint of persons with disabilities in order to determine if there has been a major transformation in the lives of persons with disabilities over the past 75 years.

Methodology

A qualitative approach through the use of documentary analysis is utilized for this chapter. Bowen (2009) defines documentary analysis as “a systematic procedure for reviewing or evaluating documents- both printed and electronic (computer-based and internet-transmitted) materials” (Bowen 2009: 2). Corbin and Strauss opines that in document analysis, data must be examined and interpreted in order to elicit meaning, gain understanding and develop empirical knowledge (Corbin and Strauss 2008).

In this chapter, the author drew on some preeminent international publications that are germane to the topic under discussion. Three major international treaties, that is, the Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of Persons with Disabilities (CRPD) were used as preeminent text to guide the arguments presented. These are binding international treaties that were established to protect the human rights of citizens, including persons with disabilities (Kirgis 1997). Importantly, it has been pointed out in the chapter that both the UDHR and the ICCPR include protection for persons with disabilities.

Additionally, the author used three major publications from prominent international institutions such as the United Nations and the World Health Organization, to present data that are applicable and relevant to this chapter.

These publications include: Disability and Development Report (2018); Global Report on Assistive Technology (2022) and Global Report on Health Equity for Persons with Disabilities (2022) (United Nations 2018; WHO and UNICEF 2022; WHO 2022). These three documents present comprehensive data on the latest situation on persons with disabilities across the world.

A thematic approach was adopted in the analysis. In this regard, attention is placed on some preeminent developmental indicators that can give us a luminous perspective as to where we are coming from with the disability movement, where we are today and what are the prospects for the future. Thus, education, work and employment, accessibility, healthcare and political participation received primary focus in this chapter. These areas are quintessential for the inclusion, participation and non-discrimination of persons with disabilities in society and give a perspicuous indication of progress or lack thereof, for persons with disabilities (Committee on the Rights of Persons with Disabilities 2018; Morris 2018; 2019). Most importantly, these rights are all entrenched in the UDHR, ICCPR and the CRPD.

Education

Education is the key to social transformation and empowerment (Mandela 1994). So quintessential is education to the development of human beings that various human rights treaties, including Article 26 of the Universal Declaration of Human Rights, have prescribed it as a fundamental right (United Nations 1948). This has been reaffirmed in Article 24 of the CRPD in a specific way for persons with disabilities (United Nations 2006).

Prior to 1981, the year that was declared by the United Nations as the International Year for the Disabled, the education of persons with disabilities were driven primarily from a welfare and medical model perspective. In this context, persons with disabilities who were seen as objects of charity were educated in special education institutions (Rieser 2008; Anderson 2014; Gayle-Geddes 2015; Gooden-Monteith 2019). These individuals were not allowed to interact with others in the mainstream education system as persons with disabilities were equated with inability to perform, along with other such ableists' rhetoric. Thus, there were special schools for the blind, deaf, persons with intellectual disability and other types of disabilities. Discrimination became 'habitualized' in accordance with the words of Berger and Luckmann (1966).

The post-1981 era triggered a more enlightened period for the education of persons with disabilities. During this era, the advocacy intensified for greater inclusion and participation of persons with disabilities in a more inclusive education space. Whilst there were persons with disabilities in some education institution in the pre-1981 era, these were intermittent and inconsistent. However, with the emergence of the social model of disability by Mike Oliver in

the early 1980s, new thoughts and actions began to emerge on the education of persons with disabilities.

The social model of disability which opines that it is social organisms that restrict the participation and inclusion of persons with impairments in society on an equal basis with others, advocates for the removal of barriers that contributes to the exclusion and isolation of persons with disabilities (Oliver 1990; 2013). Thus, education institutions must be inclusive and built with all the necessary facilities that would accommodate students with disabilities (Morris 2021B; 2020). Such an approach constituted a significant departure from the welfare and medical models of disability. It was more in line with the human rights of persons with disabilities as it recognizes that persons with disabilities do have a right to education and this is where social inclusion commences.

The social model of disability gave momentum to the disability rights movement in the 1980s and contributed to the formation of the Standard Rules (United Nations 1993). The Standard Rules expressly recognized the right to education of persons with disabilities. However, it was never a binding document and never received any serious treatment from States Parties. By 2000, the global community reaffirmed its commitment to the Education for All movement by adopting the Dakar Framework for Action (United Nations 2018). This framework outlined the intent and commitment to an inclusive education for persons with disabilities.

In 2006 however, the Convention on the Rights of Persons with Disabilities pellucidly stated the right of persons with disabilities to education (United Nations 2006). Article 24 of the CRPD opines:

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:
 - (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - (c) Enabling persons with disabilities to participate effectively in a free society (United Nations 2006: 12).

The advent of the CRPD has resulted in more persons with disabilities venturing in education institutions. The 2018 UN Report on Disability and Development has highlighted improvements in the area of education for persons with disabilities since the CRPD (United Nations 2018). However, significant work needs to be done to ensure that the approximately 1.3 billion of these individuals are able to exercise their full right to education. The UN 2018 report shows that on average, the primary completion rate for children without

disabilities is 73%, whereas the rate is 56% for children with disabilities. The average out of school rate for adolescents without disabilities is 18% and that for adolescents with disabilities is 26%. For individuals between the ages of 15-29, 87% of those without disabilities, versus 75% of those with disabilities have ever attended school (United Nations 2018: 75).

The over 185 countries that have signed and ratified the CRPD, must be reminded of their obligations to persons with disabilities under this global treaty. These include:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights (United Nations 2006: 5).

Recognizing these obligations, States Parties must ensure that they put in place the necessary legislative, programmatic and policy measures to ensure the human

rights of persons with disabilities in education institutions. Thus, teachers must be trained in how to relate with persons with disabilities; education institutions must be accessible to persons with disabilities; modern technological support for students with disabilities and inclusive curriculum for children with disabilities (Morris 2021; Gooden-Monteith 2019; Glodkowska et. Al. 2021; Anderson 2014; Rieser 2008). Once governments put in place these measures to ensure the rights of persons with disabilities are realized, then the future of these individuals will be significantly transformed.

Work and Employment

The right to work and employment was entrenched in the earliest human rights instruments: Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights (United Nations 1948; 1966). This right was designed for all, including persons with disabilities. However, the social construct of society, never allowed for these individuals to exercise this right. The deeply entrenched ableist values, as manifest in the charity and medical models of disability contributed immensely to the isolation and marginalization of these individuals. The charity model which perpetuates the antiquated view that persons with disabilities have nothing meaningful to contribute to society and as such, should depend on government, church and other social organizations for survival; have contributed to these individuals being excluded from the labour market. Simultaneously, the medical model of disability has reinforced the negative attitudes towards persons with impairments as its singular focus is on curing the disease that contributes to the impairment. No consideration is given to the various contextual factors that restrict the participation of persons with impairments in society on an equal basis with others (Oliver 1990). Resultantly, the vast majority of persons with disabilities have been excluded from the labour market (World Health Organization 2011; United Nations 2018).

The 1981 UN declaration as the International Year for the Disabled was another turning point for persons with disabilities in the context of work and employment. There was the recognition that persons with disabilities could indeed participate efficaciously in the workplace, once the necessary modifications are made to facilitate the particular needs of persons with disabilities. Again, the social model of disability, as adumbrated by Mike Oliver, contributed exponentially to the new thought and action of work and employment for persons with disabilities (Oliver 1990). There was a burgeoning recognition that if the various barriers of society are removed, then persons with disabilities could attend work and be as productive as others in society. Consequently, governments started to put in place some measures to promote the inclusion and participation of persons with disabilities in society. For example, tax incentives were being given to companies that employed persons

with disabilities. Notwithstanding, the right to work and employment for persons with disabilities was still being violated as the stigma and perception of these individuals were deeply entrenched in society. It is what Burger and Luckmann treats as the 'habitualization' of disability in society. The negative attitudes and stigma were transferred from generation to generation and thus became habitualized. For this to change, it requires radical legislative action.

The CRPD constituted that seismic shift and set the foundation for legislative change to entrench the human rights of persons with disabilities. The obligations, as articulated earlier in this chapter, mandate States Parties to put in place legislation to protect persons with disabilities against discrimination. Simultaneously, Article 27 reaffirms the right of persons with disabilities to work and employment. It states:

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (g) Employ persons with disabilities in the public sector;

- (b) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities (United Nations 2006: 15).

Subsequent to the coming into effect of the CRPD, there have been some improvements in the employment landscape for persons with disabilities. This has been precipitated by legislation that has been enacted by governments to protect persons with Disabilities from discrimination in the labour market. Over 100 countries have enacted legislation to protect persons with disabilities against discrimination and this includes work and employment (United Nations 2018).

The UN Disability and Development 2018 report highlights some of the challenges in the area of employment for persons with disabilities. These include access to workplace; access to assistive technology; access to public transportation; just and equitable remuneration and accessible training facilities (United Nations 2018). Significant more work needs to be done in order to radically transform the global labour market for persons with disabilities. It was highlighted in the report that across eight geographical regions of the world, the employment to population ratio (EPR) for persons with disabilities aged 15 years and older is 36% on average, whereas the EPR for persons without disabilities is 60% (United Nations 2018: 152). With such disparities in the employment of persons with disabilities across the world, one cannot be surprised that approximately 80% of these individuals are extremely poor (United Nations 2018; World Bank 2016).

The future prospects for the enforcement of the right to work and employment are significant. With the advent of modern assistive technologies, the prospects for the employment of persons with disabilities are tremendous. Modern assistive technologies for example, make it possible for persons with disabilities to be integrated in the labour market more efficiently (Morris 2021A). With modern technologies, remote work becomes a real possibility for persons with disabilities and constitutes the future for the employment of persons with disabilities (Morris 2021A).

As the CRPD becomes institutionalized across the world, antiquated labour standards such as sheltered workshops must be phased out. Sheltered workshops came out of the era of the charity and medical models of disability that saw the violation of the human rights of these marginalized individuals. In these sheltered workshops, persons with disabilities were paid salaries below the

minimum wage and constituted a mere exploitation of persons with disabilities. According to the General Comments of the Committee on the Rights of Persons with Disabilities on Article 27 (Work and Employment), sheltered workshops must be phased out. The General Comment (2022) states: “Expediently phase out segregated employment, including sheltered workshops, by adopting concrete action plans, with resources, timeframes and monitoring mechanisms that ensure the transition from segregated employment to the open labour market (Committee on the Rights of Persons with Disabilities 2022: 18). The ultimate aim is to have persons with disabilities exercising their right to work and employment in an open labour market that is fair and just to these individuals.

Accessibility

The CRPD was by and large shaped on the social model of disability. In this formation, it was understood that the participation and inclusion of persons with impairments in society were restricted by various social, economic, environmental and attitudinal barriers. Focus was therefore needed to be placed on measures to eliminate these barriers and create greater access to services and facilities for persons with disabilities. Accessibility thus became a fundamental right for persons with disabilities.

In the pre-CRPD era, accessibility was a preeminent concern for persons with disabilities. Buildings were built without the necessary access features for persons with disabilities (Morris 2020). Public transportation was inaccessible to the vast majority of persons with disabilities across the world. Access to information and information communication technologies were out of the reach of the majority of persons with disabilities (World Health Organization 2011; 2022).

The CRPD laid the foundation for accessibility to become an entrenched feature of countries that signed and ratified this global treaty. This right has to be localized in countries for persons with disabilities. Consequently, some new concepts were institutionalized as it relates to accessibility in the treaty, for example, reasonable accommodation and universal design.

Reasonable accommodation is defined by the CRPD as: “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms” (United Nations 2006: 3). Simultaneously, the CRPD defines universal design as: “the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed” (United Nations 2006: 4). Reasonable arrangement relates to individuals and is said to be an ‘ex nunc’ duty by the

Committee on the Rights of Persons with Disabilities in their General Comments on Article 9 (Accessibility). This means that the moment a person with an impairment request the service, it must be provided to that individual (Committee on the Rights of Persons with Disabilities 2014: 8). Similarly, accessibility relates to groups and is regarded as an ‘ex ante’ duty. This means that States Parties have the duty to provide accessibility before the individual makes the request to use a place or service (Committee on the Rights of Persons with Disabilities 2014: 8).

Notwithstanding the CRPD and the guidelines set for accessibility by the Committee on the Rights of Persons with disabilities, persons with disabilities have been confronted with significant challenges in this area. The World Health Organization (WHO) and United Nations Children’s Fund (UNICEF) 2022 report on Assistive Technology highlighted some troubling situation where assistive technologies for persons with disabilities are concerned. The report posited that up to 80 per cent of persons with disabilities in developed countries have access to at least one assistive technology. Conversely, in developing countries, only between 3 and 10 per cent of persons with disabilities have access to assistive technology (WHO and UNICEF 2022). There is tremendous inequity with assistive technology for persons with disabilities in the developed and developing countries (WHO and UNICEF 2022). This points to a clear violation of the fundamental right of persons with disabilities to assistive technology as delineated in the CRPD. It states:

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, *inter alia*:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services (United Nations 2006: 8).

But access to assistive technologies for persons with disabilities, which are a foundational need for these individuals to participate in society on an equal basis with others; is being restricted by major factors such as cost. Assistive technologies are specialized equipment and devices that are used by persons with disabilities to improve their functionality in society. These equipment and devices are not mass produced and are therefore extremely expensive (Morris 2022; Kayange 2021). Most developed countries offer assistance to persons with

disabilities with assistive technologies and this explains why more persons with disabilities in these countries have greater access to these vital equipment and devices (WHO and UNICEF). One can therefore understand the significant inequality in access to assistive technologies for persons with disabilities in developed and developing countries.

Inaccessibility is an existential threat to the inclusion and participation of persons with disabilities in society on an equal basis with others (Morris 2020). For persons with disabilities to be meaningfully included in society, their human right to access of services and facilities must be realized. Consequently governments must ensure that all measures are put in place to allow these individuals to realize their fundamental rights and freedoms in the area of accessibility.

Health

The right to health is another right that has been prescribed for all citizens under varied international treaties over the past 75 years. The Universal Declaration on Human Rights for example; has healthcare as a right for all citizens and this includes persons with disabilities.

Issues relating to health and healthcare have been preeminent concern for persons with disabilities over the years. Most persons with disabilities have some form of impairment that is caused by a disease that requires consistent healthcare. But having an impairment that is caused by a disease is no reason for the person not to enjoy the fundamental rights and freedoms prescribed under varied international treaties. Unfortunately, this has been the reality for so many persons with disabilities even though the CRPD has reaffirmed this as a fundamental right for these individuals. Article 25 of the CRPD states: “States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation” (United Nations 2006: 14).

There are varied reasons for the continued violation of the right of persons with disabilities to healthcare, chief of which is the medical model that underpins the entire healthcare system. The medical model of disability has been the primary lens through which persons with disabilities are treated in healthcare across the world. It is anchored in the value system known as ableism (Campbell 2001; 2013; 2021).

Issues of access, affordability, trained professionals, and negative attitudes in the public and private health sectors continue to limit persons with disabilities to healthcare across the world (United Nations 2018; WHO 2020). The WHO (2020) postulated: “Despite article 25 of the Convention on the Rights of Persons with Disabilities (CRPD) reinforcing the rights of persons with

disabilities attaining the highest standard of healthcare without discrimination, many countries are falling below this expectation” (WHO, 2020). This has been exacerbated by the global COVID-19 pandemic and countries not collecting data on this community. The WHO argued that many countries fail to include persons with disabilities consistently in their response to control the pandemic. This they argued exposes them to three risks: “contracting COVID-19, developing severe symptoms from COVID-19 or dying from the disease, as well as having poorer health during and after the pandemic, whether or not they are infected with COVID-19” (WHO 2020).

For persons with disabilities to enjoy a decent life, access to healthcare is imperative. Access to healthcare includes but not limited to physical accessibility, access to public transportation, access to information and access to assistive medical devices and medication (Sabat, Richardson, Matrone, Umbarger and Weaver 2017).

Participation in Politics and Public Life

The right to vote is one of the most sacred rights for human beings. It is a right that was entrenched in the Universal Declaration on Human Rights in 1948 (United Nations 1948) and in the International Covenant on Civil and Political Rights (1966). Resultantly, this right is the cornerstone of democracies across the world.

Persons with disabilities have the right to vote, save and except for some jurisdictions that restrict persons with mental illness and intellectual disabilities, from participating in the political process. However, most persons with disabilities have the right to vote across the world (United Nations 2018). Persons with disabilities are seen primarily as individuals to vote in an election. These individuals are not seen as being able to meaningfully contribute to the decision-making process because of the stigma and negative attitude in society towards them.

The CRPD was designed to transform and eradicate these negative attitude and stigma towards persons with disabilities and this extends to the human right of political participation. Article 29 of the CRPD states:

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

- (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

- (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice... (United Nations 2006: 18).

The latest estimate on the world population of persons with disabilities was released by the WHO in December 2022 in its publication on Disability and Health. It estimates that the global population of persons with disabilities is now at 16 per cent or 1.3 billion individuals. This makes the population of persons with disabilities the largest minority group. It therefore has the potential to shift the balance of power in any jurisdiction, if persons with disabilities are organized properly on a political basis.

The future successes of the CRPD are strongly hinged on how persons with disabilities utilize their right to participation in politics and public life. If these individuals choose to organize themselves and demand that politicians pay attention to their needs on a consistent basis, then more of the provisions of the CRPD will be enforced. Conversely, if persons with disabilities continue to ignore the power that they have in their voting rights and numerical strength, the status quo will remain.

In concluding, the primary question of whether or not international treaties have contributed to the transformation of the lives of persons with disabilities over the past 75 years has been of primary concern in this chapter. Persons with disabilities constitute 16 per cent of the global population (WHO 2022). The data is showing that these individuals are being restricted in their participation in education institutions (United Nations 2018). Persons with disabilities have limited access to assistive technology that is quintessential for participation in society on an equal basis with others (WHO and UNICEF 2022). These individuals have limited access to healthcare and the negative attitudes and stigma are pervasive in healthcare, thus impacting on their right to this service (WHO 2022). Additionally, persons with disabilities are among the least employed in countries across the world (United Nations 2018). Persons with disabilities are also to be found among the poorest in the world (United Nations 2018 and World Bank 2016). All of these situations have contributed to persons with disabilities being the most marginalized group across the world and this is despite the fact that the major international treaties have provided rights that include these individuals. One cannot therefore claim that the varied human rights treaties have had a transformational effect on the lives of persons with disabilities to date. There might be some progress taking place. But we are not at

the stage that can claim that it is transformational. Significant work needs to be done by countries across the world, to implement the provisions of the varied international treaties that have been established for the protection of the human rights of all persons with disabilities.

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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS HANGS IN THE BALANCE: EVALUATING ITS LEGACY FROM ITS PAST ACHIEVEMENTS, CURRENT SETBACKS, AND FUTURE PROSPECTS

Rey Ty¹

Seventy-five years have passed since the United Nations adoption of the Universal Declaration of Human Rights. Hence, there is a need to deliberate critically on this seminal document. Consequently, this study answered the following queries: What are the success stories attributed to the UDHR? What are its weaknesses? What is the way forward? To perform this task, political economy was used as the tool of analysis.

Background of the Problem

As we celebrate the seventy-fifth anniversary (United Nations 2023) of the Universal Declaration of Human Rights (United Nations 1948), let us go back in current history to review its gains and failures, with a view to strengthen human rights hereinafter. There were several reasons for which the United Nations (U.N.) adopted the Universal Declaration of Human Rights (UDHR) in 1948. They included the following. One, throughout human history, monarchy, colonialism, and imperialism have plundered economies and subjugated indigenous populations all over the world. Spanish colonialism ruled from the 15th to the 19th centuries (15 C); Portuguese, 15-20C; Dutch, 17-20C; British, 17-20C; Belgian, 17-20C; French, 17-20C; German, 19-20C; Italian, 19-20C; Japanese, 19-20C; and, the U.S. from the 20C, during which millions upon millions of indigenous peoples in all conquered nations in all continents were killed. Two, World War II was the time during which ethnic cleansing, genocide, as well as other crimes against humanity were

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perpetrated. Three, atrocities were committed flagrantly on civilians and prisoners of war. Nazi Germany and Imperial Japan carpet bombed whole cities, such as Manila and Warsaw, causing untold devastation and human agony. Not to forget was the use of nuclear bombs concerning which Hiroshima and Nagasaki, and the people therein, were used to test the power of 15-kilotons of uranium bomb in “Little Boy” and 21 kilotons of plutonium in “Fat Man,” respectively (Zinn 2015). Four, the League of Nations which was established in the aftermath of World War I failed to encourage inter-state cooperation and to avert armed hostilities. Five, the situation was ripe to herald a new global establishment that will at the minimum minimize and at the maximum stop all these challenges in the recent past history. Five, many key figures from different continents sat down to draft a document that will serve as a common standard of achievement for all humankind. For all these reasons, the UDHR was a crossroads after which human rights started to become a concern all over the world.

Problem Statement

At the end of the Second World War, a problem arose, as there were no guidelines that would serve as compass for human, national, and international interactions heretofore. Thus, there was a gap in the state-level and inter-state level norms for ethical conduct of affairs. Consequently, this gap needs to be bridged. The United Nations was established in 1945, before which there had been no universally accepted normative principles to meet with the changing times during which new methods and means of warfare were used.

Research Gap

There are several deficiencies that must be put into place to protect nature, human lives, and historical and cultural artifacts we have created on a worldwide level, among which are the following. One, although there were some customary rules about the general conduct of affairs in different historical and social contexts, there was a dearth of universally accepted norms regarding the respect for and treatment of all human beings that cut across all civilizations. Two, there was a lack of recognition of the inherence of the dignity of each human being, regardless of economic, social, cultural, linguistic, or political differences. Since the Second World War just ended, there was a black hole in the goodwill and mutually beneficial relationship among countries. Four, there was no mechanism for the pro-active avoidance of conflict leading to large-scale carnage. Five, there was a need for a general foundation upon which subsequent legal treaties could be drafted, signed, and ratified or acceded to, with a view to implement and enforce these international conventions. Six, all such mechanisms, when put into effect, will aid in promoting justice and peace. Seven, an international framework was badly needed to unite the world, one to which all peoples and governments can agree, regardless of their domestic laws, local cultures, and ideological positions.

Research Questions

To bridge the deficiencies stated above, the following queries were raised in this article:

1. What are the principal gains of the Universal Declaration of Human Rights in the past seventy-five years?
2. What are the key challenges of the Universal Declaration of Human Rights in the past seventy-five years?
3. What are the tasks ahead for the reinvigorated call for the full respect of human rights in the next seventy-five years?

Aim of this Study

The sole aim of this article was to provide a thorough appraisal of the Universal Declaration of Human Rights in its existence in the past seventy-five years.

Purpose of the Study

The purpose of this research was to weigh in not only on the contributions, but also on the shortcomings of the Universal Declaration of Human Rights as well as to lay down the agenda of human rights for the next seventy-five years.

Justification of the Study

The UDHR is not just any other document in the pile of international documents. It is the parent of all the national, bilateral, multilateral, and global human rights principles and legal documents, of which there are over sixty instruments (United Nations 2023), for which reason it has a momentous historical worth, worldwide bearing, present-day significance. Additionally, thanks to the UDHR, human rights institutions, such as the Office of the High Commissioner for Human Rights, as well as regional and national human rights institutions and regional human rights instruments were established. Thus, this article is but one of the many efforts to survey the feats of the UDHR.

Contribution of the Study

This chapter contributed to the following with regard to the Universal Declaration of Human Rights. It provided the social and historical context before, during, and after which the document was declared. Herein not only are the headways acknowledged, but also the current difficulties laid down in plain sight.

Coverage of the Study

Scope. Some of the scope of this article included the following. One, this article provided a brief background of the context in history amidst which the UDHR arose. Two, it delved into the accomplishments of the UDHR. Three, it

enumerated the drawbacks of the declaration. Four, it charted the roadmaps for continuing progress. Five, from this paper were illustrations from different states and continents around the world.

Limitation. The limitations of this research were the following. One, as a short paper, not all aspects of the history of the UDHR was covered here. Two, while efforts were made to give examples from different countries and continents, they did not by any means claim to be representative, as the illustrations were few and far between.

Delimitation. As this paper focused only on the UDHR, it did not delve deeper into its offspring documents, which are legally binding on high contracting parties, such as treaties in general or international covenants, conventions, and protocols. These legal rules, as such, were outside the coverage of this study. See Figure 1 below.

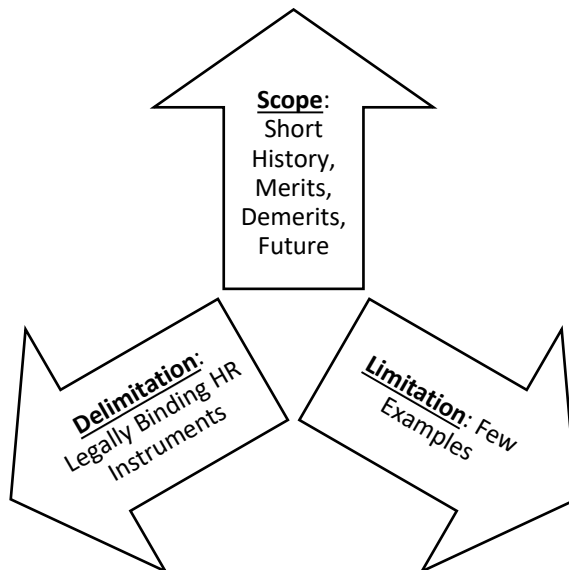


Figure 1: Coverage of the Study

Source: ©2023 Rey Ty

Definition of Terms

Conceptual Definition of Terms. The key terms of this paper were defined here conceptually. They include the following terms: civil rights, cultural rights, economic rights, human rights, political rights, social rights. Cultural rights refer to the identity of individuals and groups (UNESCO, 2017). Economic rights refer to the material condition and necessities of human survival, being, existence, and becoming. In general, human rights refer to the innate and universal dignity of each person. Political rights refer to taking part in politics (Mill, 2015). By social rights we refer to the well-being needs of individuals and groups in society (Sen, 2017).

Rights as such is a big word. There are countless contending conceptualizations of the notion of rights. Discussed here are the key concepts in a nutshell. **Constitutional rights** are usually laid down in the constitution of a country, which supersedes all laws contrary to the principles embedded in the law of the land (Madison 1999). **Individual rights** refer to the rights of each person, such as religious freedom and privacy. **Group rights** are enjoyed in communities with similar characteristics, such as indigenous people's rights, labor rights, and women's rights (Kymlicka 1992). **Legal rights** are those to which individuals are entitled based on the law, by reason of which they are legally binding and legally protected (Hart 1998). **Moral rights** are prerogatives on the basis of ethical values (Kant 2012, 2016). **Natural rights** exist on each person by virtue of us being homo sapiens (Locke 2020). **Positive rights** are those which governments must provide in order that we may enjoy them, such as provision of health care, roads, and schools (Hohfeld et al. 2010). **Negative rights** are those from which states must refrain, such as committing illegal arrests, enforced disappearances, and torture (Nozick, 2013). **Procedural rights** refer to due process, the presumption of innocence, and free legal counsel to those who cannot afford it (Rawls 2009). **Substantive rights** are the actual contents of rights, such as equality, non-discrimination, freedom from torture, unemployment benefits, authorship of one's own creative and technical work, and the like (Alexy 2021).

Operational Definition of Terms. To give you some examples, here are some specific indicators of the idea of rights. Illustrations of **civil rights** in the vocabulary of the UDHR include prohibition of slavery, political killing, and torture, to which they are referred as negative rights. **Cultural rights** include the preservation of one's identity, including artistic freedom, culture, language, and technology. **Economic rights** include access to material resources as well as to job opportunities. **Human rights** refer to core entitlements of all persons, such as the right to life. Political rights simply relate to the right to vote, to run for public office, and to be elected as an official representative of the citizens. **Political rights** are the elements of the minimalist definition of **democracy**. Examples of **social rights** are access to medical care, social welfare, social security, and housing for those who cannot afford to put a roof on top of their head.

Literature Review

In reviewing the seventy-five years of the existence of the Universal Declaration of Human Rights, I use political economy as my tool of analysis. Political economy is a theme of research in the social sciences. Political science considers political economy as such as housed in comparative politics (CP), while international political economy (IPE) is treated as a sub-area of the subfield of international relations (IR), international politics (IP), or world politics (WP). In very simple terms, political economy looks at society as a whole, where there is an interaction among several key elements, including among others, the economy, politics, and culture. The economy

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affects politics and culture, in the same way that politics and culture dialectically impact the economy. See Figure 2 below.

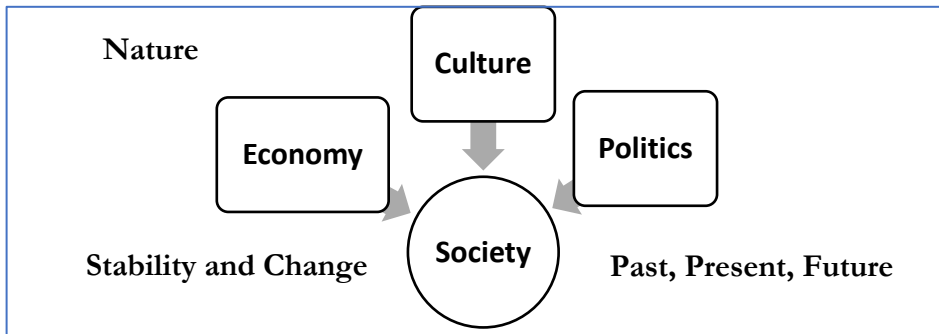


Figure 2: Political Economy as a Tool to Analyze the Universal
Declaration of Human Rights

Source: ©2023 Rey Ty

Politics, the economy, and culture comprise several elements. Formulating, funding, implementing, monitoring, supervising and evaluating policies are the functions of the government, therefore these actions are political by nature as such. Politics refer to the government of a state, governmental organizations, and intergovernmental organizations. Institutions such as the executive, legislature, and the judiciary make policies which affect the economy.

Specific institutions include the ministry or department of finance, foreign affairs, trade, and the like, which affect government policies on the economy as well as on culture. For this reason, politics has power over economic and cultural decision making. In public policy choice, through regulation or deregulation, governments can promote or hinder equality and equitable distribution of wealth. A contextualized study of political economy is situated historically and socially in time and space. In relation to the UDHR, governments by their actions can decide to make specific rights merely a dream or a reality.

Using the majoritarian democratic principle and the utilitarian mindset, will cultural minorities benefit from the political decision-making on economic matters? What is the impact of choosing an economic model of development over another on the integrity of nature, biodiversity, and climate change? To what extent has the government implement policies that favor investments in renewable or non-renewable sources of energy? What are the economic, political, and cultural factors that lead to income inequality? Does the government allocate the national budget funds more to social services and medical care than to the military and subsidies to corporations? In what ways do the government respond to the financial crisis: helping Wall Street or Main Street? How do corporations and lobbyists affect public policy decision-making? Such are questions posed in political economy. Clearly, nature, the economy, politics, and culture are closely intertwined.

Methodology

The research methodology espoused in this paper was presented in this section. This article adopted a materialist ontology according to which the best manner in which the case study of the UDHR can be assessed dialectically is not by the deductive abstract declaration only as such, but by the inductive actual use of UDHR in actual social practice. Armed with the liberatory paradigm, this article examined progress attributed to the UDHR as well as the woes to which governments are held accountable with a view for continuing the march to social progress. To achieve this, the time horizon is longitudinal, giving a balanced account by appraising the upsides and the downsides of the UDHR from 1948 to the present. Data collection was based on gathering facts and figures from contemporary history and current events. Data interpretation was represented in the development of a grounded theory, narrative text, and data visualization in the form tables and figures.

Findings

This section presented both the analysis and discussion of this paper.

Analysis

There are three sets of findings for this paper. The first responded to the first research question: What are the successes of the UDHR? The second answered the second research question: What are the pitfalls of the UDHR? The third answered the third research question: What is to be done?

Headways. Without blinking an eye, the UDHR was a pathbreaking document (United Nations 2023). It was truly ahead of its time. In general, the UDHR cast the essential ideals of human rights on a worldwide scale. As the parent of all human rights documents, it was the basis upon which ensuing conventions and protocols were adopted. We must, however, note that the Charter of the United Nations of 1945 had mentioned the keywords human rights as early as 1945, which was three years prior to the human rights declaration (United Nations, 1945). As the founding document of all human rights principles, the UDHR is often referenced in international-level and national-level legal briefs.

With the dissemination of public information about UDHR, people's consciousnesses regarding their rights was raised in different parts of the world. With knowledge came power that people recognize they have for which they struggle. The UDHR is an advocacy device with which people advocated for their entitlements vis-à-vis governments for promotion, respect, and enforcement.

While on the one hand democracy in essence is majority rule, human rights on the other hand offers protection for the minorities and for those who have less in life. There are minorities of all types, including those based upon color,

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culture, ethnicity, gender, income, linguistic differences, racial construction, religion, sex, and social status. Thanks to the UDHR, their rights are recognized as basic rights on the basis of non-discrimination and human equality. Henceforth, discrimination against minorities is forbidden. Springing forth from the UDHR, there were positive efforts to provide economic and social support to the poor and minorities.

Since 1948, many countries have decided for the inclusion of human rights provisions in their national constitutions and other legal documents. Henceforth, human rights formed part of the national frameworks for the protection of the rights of people. There have been many successful ways in which countries after countries were convinced informally to join the human rights train.

With the UDHR, there are common standards among nations in the world, which facilitate the cooperative relations among countries. Diplomatic representatives were clad with the same values in international fora, with which they are able to formulate and adopt multilateral legal standards of human rights with ease. In the event atrocities are inflicted upon the people, diplomats have a common vocabulary with which to discuss the problem with a view for the resolution of the infringements on human rights. The table below scrutinized each provision of the UDHR and offered examples of positive developments as a result of the adoption of the declaration. See Table 1 below.

Table 1: The Fulfilled Promises of the Universal Declaration of Human Rights

No.	Provisions	Gains
Intro	Philosophical basis	Inspirational for mass democratic movements globally
1	Supports dignity of human beings	Anti-apartheid, anti-racism
2	Equality and non-discrimination	Civil rights, women's rights, and other movements
3	Right to life, liberty, security	Prohibition of political killings and illegal detention
4	Freedom from slavery	Ending slavery
5	Freedom from torture	Torture is illegal, no exceptions
6	Right to recognition as a person	Birth certificate, nationality, citizenship
7	Equality before the law	No favoritism; justice is blind
8	Right to effective remedy	Court system
9	Freedom from arbitrary arrest	Due process; no arrest without proper justification
10	Right to fair trial	Explain oneself in a court of law
11	Presumption of innocence	Right to be heard
12	Privacy and family	Keep communications private
13	Freedom of movement	Travel freely across countries
14	Right to asylum	Seek refuge against persecution

The Universal Declaration of Human Rights Hangs in the Balance

15	Right to nationality	Recognition as a citizen with rights
16	Right to marriage and family	Marriage equality
17	Right to property	Private ownership of things
18	Freedom of thought, conscience, religion	Freedom to espouse any or no religion
19	Freedom of expression	Freely express one's opinions
20	Freedom of assembly	Demonstrations and rallies
21	Right to participate in government	This is democracy as defined
22	Right to social security	Social welfare
23	Right to work and fair pay	Workers' rights
24	Right to rest and leisure	Work hours and shorter work week
25	Right to adequate standard of living	Minimum decent wages
26	Right to education	Education for all
27	Right to participate in cultural life	Respect cultures and diversity
28	Right to a social and international order	The atmosphere in the world allows for the enjoyment of human rights
29	Responsibilities and limits	Social concord
30	Non-derogation	Cannot cherry pick

Source: ©2023 Rey Ty

Disappointments. While the UDHR doubtlessly has provided countless benefits to humankind, it likewise has countless limitations (Dag Hammarskjöld Foundation 2023), some of which are discussed below. As a legally non-binding document, the UDHR cannot be enforced. It is not true law, by its nature, it cannot impose sanctions or punishment for non-compliance. Moreover, while the overwhelming majority of the world's national governments have adopted this resolution of the United Nations on human rights, some have not and many others have deeply rooted reservations about the applicability of universal values which at times clash with local or national cultures. This is a case of universalism versus cultural relativism.

Many peoples still do not enjoy the right to self-determination and the right to equality and human dignity. Due to misogyny, men unjustly decide the reproductive health rights of women. African American suffer systemic racism in the criminal justice system, racial profiling, and mass incarceration (Alexander 2020).

Migrants and refugees suffer inhumane border practices and detention in inhumane conditions, including overcrowded facilities, many times separating children from their parents or guardians. Aside from facing human trafficking, they face health hazards and risk harsh conditions in the desert and at sea. They lack access to proper legal pathways and protection and access to asylum procedures, respectively. Authorities intentionally make crossing borders very difficult as a deterrent. Rescue efforts are derisory. In north America, people seeking refuge traverse desert land on foot in scorching temperature. Volunteer aid workers leave drinking water dotted everywhere in the desert, but security

forces intentionally remove them. Government officials in north America intentionally put razor wired barrels in river crossings, which cause injuries, suffering, and death. Immigration policies are restrictive with fenced walls and barriers that prevent safe passage. Traversing the Mediterranean Sea is perilous. Only civilian volunteers help those marooned at sea but are oftentimes stopped or arrested for various reasons. Many in transit die in their journey to the land of milk and honey. The risk of drowning and loss of human lives are a fact of life. Authorities turn a blind eye and make little or no attempt to rescue those in troubled waters.

As a result, armed conflicts still continue today, including the Ukraine crisis (Ty 2022c, 2022a, 2023c, 2023c, 2023b, 2023d, 2023e). While there are many people who are self-professed experts on human rights and peacebuilding, jet-setting, and troubleshooting around the whole, intractable conflicts remain. Think of indigenous peoples (Ty 2010, 2009), Palestine, the Kurds, Catalunya, Scotland, Puerto Rico, the Rohingya (Ty 2019), many nationalities inside Myanmar. These places have long-standing unresolved issues of self-determination and will not go away anytime soon. Palestine continues to suffer foreign occupation, non-stop annexation of its territories, displacement, controlled movement, and eviction from their own houses and lands. The Kurds are split in different countries and suffer suppression of their identity, denied recognition, and discrimination. In other cases, long-standing inequality and the resultant impoverishment lead to violent extremism among communities of different backgrounds (Ty 2021c).

Furthermore, while universal human rights are a comprehensive unity of economic, social, cultural, civil, and political rights, based on social and ideological differences, however, governments in different blocs and parts of the world prefer certain rights over other rights. Take for instance during the Cold War, the West prioritized individual civil and political rights, while the Soviet bloc then and the countries of the Third World gave preference to economic, social, and cultural rights. In addition, national governments selectively apply certain rights versus other rights. For example, white, blue-eyed refugees from European countries are given a pass to cross borders, while Black and Brown-skinned refugees are given a hard time. We have witnessed this on mainstream media time and again.

Regardless of continents, many governments have been repressing the rights of the people, violating human rights with impunity. At the United Nations, while there are several mechanisms for the promotion and protecting of human rights, human rights are respected more in rhetoric than in reality. international tribunals with legal teeth include the International Court of Justice (ICJ), the International Criminal Court (ICC), and other special international tribunals.

The ICJ does not have the police power or physical force to coerce national governments to abide by its legal opinions and decisions. Putting it

bluntly, it's all words. The International Criminal Tribunal for the former Yugoslavia (ICTY) prosecuted key persons for the Bosnia and Herzegovina Situation and the Kosovo Situation. The International Criminal Tribunal for Rwanda (ICTR) prosecuted a leader in Rwanda. The ICC prosecutes unevenly individuals who commit crimes. The ICC prosecuted cases involving key persons in the following countries: Uganda, Democratic Republic of the Congo, Central African Republic (CAR), Darfur, Sudan, Kenya, Libya, Ivory Coast, Mali, and Georgia. The Extraordinary Chambers in the Courts of Cambodia (ECCC) indicted several leaders in Cambodia, catching small fries.

Do you see a trend? All the prosecuted and indicted persons are from Asia, Africa, and Eastern Europe. Not one is from the Global North? Should the Global North always go scot-free? Are leaders in NATO countries not to be held accountable for interventions, wars, destruction, suffering, deaths, crimes against peace, war crimes, in Bosnia and Herzegovina, Kosovo, Afghanistan, Iraq, Libya, Mali, and Syria? Julian Assange is a whistle blower who revealed state wrongdoing but is instead punished for defending human rights. NATO members have been engaged in forever wars under the pretext of defending democracy and freedom. This is a question of equal treatment under international law.

Not to forget: the department of defense of the hegemon failed five audits, not being able to account for 61% of its assets, losing billions of dollars. The hegemon spends more money than the next ten countries combined. It prioritizes war efforts over taking care of poverty, worker's economic rights, homelessness, food security, and healthcare of its citizens as well as antiquated and collapsing infrastructures.

Moving forward seventy-five years, times have changed, so have problems, which take on a new countenance. One, the climate crisis puts nature back into the picture (Ty 2020) and the UDHR had nothing to offer about nature, as it focused purely on human beings. Two, indigenous peoples (Ty 2010, 2009) continue to suffer from all forms of discrimination and marginalization as well as loss of land and biodiversity. Nevertheless, we must admit that the United Nations has instituted the position of a special rapporteur on indigenous peoples now. Three, migrant workers, climate refugees, and economic migrants are a fact of life, affecting all continents today. Thus, specific rights for them require special protection. Fortunately, though, there is a convention for the rights of migrant workers and their families. Four, there are so many innovations: computers, supercomputers, smartphones, and artificial intelligence (A.I.). While pioneering in its own time, the UDHR understandably did not directly deal with the digital and technological revolution. We need new digital code of ethics that protect our digital rights and government responsibility. The elephant is in the room: A.I. is rapidly taking over jobs after jobs that human beings traditionally hold. For the sake of brevity, many more detriments are discussed in the table 2.

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Table 2: The Obstacles in the Universal Declaration of Human Rights

No.	Provisions	Existing Problems
Intro	Philosophical basis	Forever wars continue; Global North interventions in Global South; citizens fed up with illiberal authoritarian actions in democracies against the needs, demands, entitlements, and wishes of the people; see Gillet Jaunes in France
1	Supports dignity of human beings	Inadequate implementation mechanisms; impunity; no accountability; Genocide takes place; Minorities, migrant workers, and refugees are not treated with equal dignity; Driving away boats of migrants and refugees from Europe; discrimination against religious and cultural minorities
2	Equality and non-discrimination	Class, gender, and caste discrimination persevere in real life; systemic racism; minorities are in the margins of mainstream society; violation of self-determination of and inequality affecting Palestine, Kurds, different minority groups in Myanmar, and women (misogynism: men decide women's reproductive health rights)
3	Right to life, liberty, security	Nuclear weapons and nuclear war; death penalty; systematic violations in times of peace and armed conflict; lacking opportunities to redress grievances; political killings; entrapments by security forces
4	Freedom from slavery	Modern-day slavery continues; slave trade online; human trafficking in labor and sex work; bonded labor; forced labor; prison labor; teaching "slavery is good"
5	Freedom from torture	Black sites; Guantanamo; Abu Ghraib; "enhanced interrogation techniques;" water boarding, sleep deprivation, stress positions, psychological torture, "ok to use a little bit of it"
6	Right to recognition as a person	Political killing, with no recourse to representation before a tribunal; no or weak protection of minorities and the poor
7	Equality before the law	Limited redress for survivors; impunity; difficulty in gathering evidence; selective use of human rights rhetoric against non-allies and Global South
8	Right to effective remedy	Limited access; corruption; problems in prosecuting perpetrators in a different country
9	Freedom from arbitrary arrest	Prisoners of conscience and political prisoners; no access to legal services; weak protection for refugees and economic migrants; privately run prisons need prisoners for profit, for which some judges comply
10	Right to fair trial	Corruption, discrimination, and inequality exist
11	Presumption of innocence	Lack of access to justice; problems in post conflict situations
12	Privacy and family	Death of privacy; fighting terrorism as the alibi; surveillance capitalism; National Security Agency; Edward Snowden exposé; no one is exempted, an ally country surveilled Merkel
13	Freedom of movement	Easy for capital and capitalists; not for migrant workers and Global South citizens; impediments to migration; stateless people

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14	Right to asylum	Barriers to applying as asylees; asylees put in offshore detention centers; lack prospects for integration
15	Right to nationality	Discrimination against certain ethnicities; statelessness; in many countries, long-term residents cannot apply for citizenship
16	Right to marriage and family	Gender discrimination; child marriage; involuntary marriage; unequal property rights
17	Right to property	Involuntary displacements in favor of “development projects” or “climate change;” Dutch farmers
18	Freedom of thought, conscience, religion	Minority religions and their practices are discriminated, persecuted; or suppressed; Russian Orthodox church clergy expelled from their churches in Ukraine, verbally and physically abused, and some church properties ransacked and destroyed; blasphemy laws in some countries
19	Freedom of expression	Mainstream media, with interlocking directorate of corporate ownership or the national-security-state directives, are complicit in biased and selective reporting; censorship; shadow banning; content removal; deplatforming; algorithm bias; political censorship; automatic flagging; overtly government-imposed censorship; corporate censorship; content labeling; preemptive censorship; selective censorship; demonetization; “community reporting” by people for no other reason that they don’t like your posts
20	Freedom of assembly	Limits imposed on demonstrations; crackdown on dissent; police now wear military gears; pepper spray; disproportionate police use of violence; rubber or real bullets; brutality; killings
21	Right to participate in government	Minorities are disfranchised; exercise voting rights once every four or six years; the elected do not really represent the people who voted them to power; corporate lobby as legal corruption; result: socialism for the rich; capitalism for the poor; leaders make decisions against the citizens’ general will, such as Macron of France
22	Right to social security	Weak and decreasing social safety net, thanks to corporate profit interests; unequal access to assistance; in the country of the hegemon, medical care could cost an arm and a leg; something is very wrong about this
23	Right to work and fair pay	Exploitation; salaried workers are suffering; basic wages cannot support decent, humane life; poor working conditions; Wal-Mart employees have to seek public support for subsistence; overworked; underpaid; “essential workers” are paid a pittance, including during the pandemic; unpaid overtime work; discrimination; child labor; forced labor
24	Right to rest and leisure	Insufficient work-life balance; problems with paid leave practices;
25	Right to adequate standard of living	Because of low wages, many cannot enjoy a decent balanced lifestyle; poverty; joblessness; underemployed; rich-poor gap is widening

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26	Right to education	Education might be free, but poor families cannot afford to buy decent clothes and school supplies; their priority is income for subsistence; girls were banned from attending schools in Afghanistan; rich communities get better education, leaving everyone else behind
27	Right to participate in cultural life	Assimilation; disregard, marginalization, suppression, or erasure of cultures
28	Right to a social and international order	Perpetual war since the end of World War II; impunity; nuclear arms development; some major wars include Korean War, Vietnam War, Iran-Iraq War, Gulf War, Bosnia and Herzegovina Intervention; Afghanistan Intervention, Kosovo Intervention; Iraq War, Libya Intervention; Syrian War, Mali Intervention
29	Responsibilities and limits	Accountability is wanting; repression continues unabated; hate speech is normalized
30	Non-derogation	Ethnic conflicts in Myanmar are largely ignored, while swift war in the Ukraine crisis; Global South asks: is it the color of the skin, as western journalists and politicians in their emotional moments admit? Hypocrisy and inconsistency in the use of human rights; security given precedence over rights

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The Road Ahead. In this section, recommendations to make the promotion, observance, respect for human rights are laid down. Looking forward, many alternative futures are possible, which is the subject of other research (Ty, 2022b, 2023a). The UDHR remains as relevant today as seventy-five years ago. Though times have changed since 1948, the core ideas of the UDHR are still spot on. More public information efforts are needed to boost its popularity and education to promote understanding its core values. For this purpose, the global ideas of human rights will be understood at the local level, what Dr. Liberato Bautista calls as “glocality.” Information and communication technology appropriate to different social contexts could be utilized for this purpose.

In terms of substance, the quest for greater protection of more human rights is an unending one. To this end, there must be periodic review of the UDHR, say, every ten years or every twenty years, such as the World Conference on Human Rights, held at the United Nations in Vienna, Austria in 1993 and pre-events in the different regions of the world in preparation for the global gathering. Activists, scholars, and researchers attend the non-governmental sessions and offer inputs or recommendations to government representatives during the decennial or vigintennial World Conferences.

Surely, there is a greater respect for diversity, which is a positive development. The parent UDHR could give birth to new internationally legally binding treaties, which enumerate a code of ethics for the use of digital technology, smart phones, robotics, and artificial intelligence for the purpose of safety, security, and privacy. More and more sectors of society clamor for

recognition and rights, such as reproductive health rights and trans rights, which at times clash with other existing rights, such as children's rights and women's rights. For instance, there is a heated debate now if self-identified women who are biological women should compete with biological women in beauty contests and sports events considering the biological differences in naturally endowed sex organs and hormones. Another example relates to children as early as aged five to seven being taught about coitus and trans persons in full regalia performing in a classroom for toddlers as part of formal education. Instead of culture wars or the imposition of the supremacy of one cultural idea on the other, civil dialogues must be promoted to resolve differences to understand the logic behind each side. Interreligious and intercultural cooperation needs to continue and be normalized (Ty, 2017, 2021a, 2021b, 2012). More specific recommendations in reference to each article of the UDHR are laid down in the Table 3 below.

Table 3: What Is to be Done? Seventy-Five Years Ahead of Us

No.	Provisions	Specific Recommendations in Relation to the Existing Declaration
Intro	Philosophical basis	A comprehensive restructuring of the world order and the United Nations, not simply what Orwell wrote as "all animals are equal, but some animals are more equal than others"
1	Supports dignity of human beings	Popularize human rights in the formal, non-formal, and informal settings
2	Equality and non-discrimination	Respect self-determination of women, indigenous peoples, Palestine, Kurds, different nationalities in Myanmar; advance multiculturalism, diversity, and inclusion; strengthen and normalize intercultural and interreligious collaboration
3	Right to life, liberty, security	Monitor, report, recommendations, accountability, assistance to survivors and families of victims
4	Freedom from slavery	International monitoring; prosecute perpetrators; enforce laws against slavery; relief and rehabilitation for survivors; stop all forms of slavery now
5	Freedom from torture	Absolute prohibition 100%; torture by any other name is still torture; code of conduct; training; oversight
6	Right to recognition as a person	End death sentence; reinforce protection for weak communities and individuals
7	Equality before the law	Guarantee independence and not corrupt judges
8	Right to effective remedy	Assure access to mechanisms to redress grievances
9	Freedom from arbitrary arrest	Security forces must be trained to follow due process procedures and observe them and penalties for violations
10	Right to fair trial	Independence of judiciary is imperative
11	Presumption of innocence	Media must not take sides in political parties, spread rumors, and pre-judge cases

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12	Privacy and family	We have lost privacy; we must fight back to regain our privacy exhaustively; digital code of ethics for safety, security, and privacy; all communication must be encrypted automatically on all sides
13	Freedom of movement	Provide support for safe and legal avenues of stateless people, refugees, and migrant workers; humane treatment
14	Right to asylum	Simplify paperwork; provide support; guarantee fair and fast decisions on status
15	Right to nationality	Frontally deal with the issue of statelessness; change laws; put into effect a registration program, host countries to give citizenship to the stateless
16	Right to marriage and family	Make laws explicitly banning child marriage and forced marriage with consequences for violations
17	Right to property	Ensure all affected folks, such as family members, have equal rights to family property
18	Freedom of thought, conscience, religion	Interreligious conversations; mutual respect; agree to disagree; work together; support and defend each other when threatened or attacked; review and end misuse and abuse of blasphemy law against religious minorities
19	Freedom of expression	Release Julian Assange; promote, protect, and fight for press freedom
20	Freedom of assembly	Respect and safeguard the right to rally, demonstrate, and protest; security forces that use brute force must be held accountable
21	Right to participate in government	Democracy must not only consist of going to the polls in a few minutes once every so often; the voices of the people must be heard and followed; after all, representatives represent the people, not corporate interests and lobbyists; current model of democracy is an epic failure
22	Right to social security	Comprehensive social security must be expanded, not reduced to nothingness; address poverty, unemployment, lack of food, and homelessness
23	Right to work and fair pay	Reject the current practice of socialism for the rich but capitalism for the poor; workers must get decent and human wages fit for a balanced life and have humane working conditions, which includes bathroom breaks and temperature control
24	Right to rest and leisure	Workers must have paid holidays on holidays
25	Right to adequate standard of living	To have a work-life balance, workers must receive just wages; as we know it, socialism for the rich has reaped disaster on the lives of workers; food security must be guaranteed
26	Right to education	Equal access to education is necessary but not sufficient; the government must provide the necessities or the conditions that would allow families to send their children to school; poor families think of subsistence first

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27	Right to participate in cultural life	Respect cultural diversity; solve issues related to cultural exploitation and appropriation; give credit where credit is due
28	Right to a social and international order	Promote national and international understanding and goodwill; nuclear disarmament
29	Responsibilities and limits	Address human rights and violations of all countries with equal vigor, be they by the Global North or the Global South
30	Non-derogation	Armed conflicts are not an excuse to commit atrocities against human beings

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Discussion

After seventy-five years of the UDHR, we must address the problems with which we are still confronted today, despite the improvements in human life as a result of the adoption and recognition of our rights. In principle, all the aspirational principles of the UDHR are enforceable, but their enforceability depends largely upon the goodwill of the members states of the United Nations under any and all circumstances. As a popular adage goes: “It’s the economy, stupid.”

Under the current neoliberal political economy, the emphasis was on market forces, economic growth, and socialism for the elite. Deregulation and privatization gave corporations the free rein to run the economy, without due regard for the poor. Widening income inequality is a fact of life, with most of the wealth in the hands of a very small percentage of people. Think of the upper crust of Black Rock, Vanguard, State Street, Amazon, Facebook, Google, Twitter, and the like. The institutions of checks and balances do not work due to legal corruption in the form of lobbying and corporate interests being prioritized by all parties. We cannot underestimate the power of corporations which actually make policy decisions through legislators.

Neocolonialism continues to characterize the relationship between the Global North and the Global South. Africa is continent rich with natural resources but the national economies are poor. Why? Transnational corporations (TNCs) extract cheap cobalt from Congo and buys pricey smartphones from the Global North. Nigeria sells cheap crude oil and buys back expensive petroleum-based products from TNCs. Global South economies produce and sell raw cacao, coffee, cotton, indigo, and tea and buy back expensive branded coffee, “Belgian chocolate,” “Swiss chocolate,” “U.S. blue jeans,” and “English tea.” France imports gold and uranium from Niger. Uranium from Niger provides one third of the electricity needs of France. Yet, there is barely gold reserve and only eighteen percent of households have electricity in Niger. This practice is clearly extraction of surplus profit. However, when countries such as China process natural resources into consumer commodity products and become successful, they now are labeled as threats to the national security of countries of the Global North. Sadly, the basic principles laid down in Articles 1 and 2 of the Universal Declaration of Human Rights regarding full equality without

distinction of national origin, political or international status, among others, as promised, is not yet a reality.

In international trade, corporate globalization is the hegemonic model which calls for free trade, pure competition, and reduction or elimination of tariffs. The World Trade Organization (WTO) is supposedly the key institution around which disputes in trade relations are ironed out. However, when the hegemon feels threatened, tariffs and sanctions are unilaterally imposed and the rest of the world are called to stop importing from and trading with certain countries. Clearly, free trade, pure competition, and reduction of tariff move in one direction only. Domestically, the public sector is the source of innovation. The government funds research in academic and research institutions, sharing the innovations from which private corporations become the beneficiaries. In the event corporations fail, such as during the housing crisis in 2008, the taxpayers' money of citizens bails them out. They socialize their losses. When they succeed, they alone privatize and pocket the profits. They have the cake and eat it too. As history shows, trickle-down economics is a myth, as the gap between the rich and the poor keep widening. Trickle-up economics is a fact of life. This is socialism for the rich, who benefit from such arrangements over these seventy-five years. Corporations lobby for government intervention for the rich, leaving everyone else behind, badmouthing and scaremongering government intervention for the benefit of the middle class and the poor, such as economic rights including just compensation and the right to strike as well as social rights including social welfare and healthcare, as socialism. A rhetorical question is raised: Is what is good for capital good for the people?

Now we must return to the core principles of democracy, which is Article 21 of the UDHR. Democracy is otherwise called as political rights under the UDHR. Democracy does not only consist of running for public office or voting for one's preferred candidates. In this case, the winning candidates must represent the interest of the people to advance their economic, social, cultural, civil, and political rights. Democracy furthermore demands the active participation of citizens in running the affairs of the government. As the majority of the people belong to the working class, therefore, the human rights of the working class must come to the fore. Reduce inequality. Recognize the right of workers to unionize, demand representation, and call for just wages. Raise wages. Provide humane working conditions. Make lobbying illegal. The rich must pay their fair share in taxes, like everyone else. No more socialism for the rich. Historical evidence reveals that the trickle-down effect of subsidizing the rich was a lie all along. There is no way around this.

With respect to economic and social rights, prominent economists and other social scientists have provided recommendations to address the problem of gross inequality. They belong to diverse economic schools of thought: capitalist, social democratic, democratic socialist, socialist, and Marxist (Bregman 2017; Piketty 2017; Reich 2016; Rockhill 2017; Sanders 2020; Stiglitz 2012, 2020;

Zucman 2015). Some of their views of the causes of inequality and the calls for action are the following. Some of the divergent causes of inequality include the structure of capitalism itself, corporate greed, labor exploitation, wearing down of labor standards, failed government policy-decisions, lack of social mobility, unequal distribution of resources, and utter disregard for equality.

Some of the solutions to wealth inequality are the following. Tax the rich, the way we tax everyone else; specifically, progressive taxation for the moneyed class. Strengthen labor unions. Support a more equitable opportunity and wealth redistribution. Systemic change in the structure of the economy so that workers have a democratic say in the running of production. Workers have ownership of the means of production. Impossible? Think again. See what the famous Greek yoghurt brand Chobani did. The owner and founder of Chobani gave all of its two thousand fulltime workers ownership of the company (Davidson 2016). About ten percent of the company's shares were given to the workers (Buzzworthy, 2016). As the workers own the shares, they have the right to keep or sell their shares. Workers deserve to have a fair share in the harvest of their work, this basic principle is not based upon the goodness of the heart of capitalists. Offering a financial stake to workers is an emerging trend (Noguchi, 2016). What about CEO-worker pay gap? In another development, a CEO and founder of a company drastically reduced his own salary. Everyone in the company have the same salary (The Associated Press 2022). Instead of firing workers when the company had financial problems, the CEO sacrificed his own pay to keep all workers. Thereafter, the earnings of the company tripled after six years (Mastrangelo 2021). This case shows that the current trend of all CEOs having unfathomably high salaries is gross, inhumane, and unjust.

Address the gig economy, with provides zero safety nets, protection, or social security to the gig workers. Reform labor policies. Social scientists with divergent perspectives propose both similar and different solutions to their shared aim of the reduction of wealth inequality in society. See Figure 3 below, which was the inductive theory grounded on the data of this whole article.



Figure 3: 75 Years of the Universal Declaration of Human Rights and 75 Years Hereinafter

Source: ©2023 Rey Ty

Conclusion

This article responded to three research questions. What are the benefits we garnered from the UDHR? What are its shortcomings? What is to be done? In summary, the UDHR has both benefits and pitfalls. Nevertheless, the benefits that the UDHR offers outweigh its failures. It is still a beacon of hope for humanity. Subsequent legally binding conventions can be drafted to respond to the call of the times. An overall summary of the pluses and minuses of the UDHR is presented. See Table 4 below.

Table 4: A Balance Sheet: Milestones and Misses of the Universal Declaration of Human Rights

Milestones	Misses
1. Core Values	1. Non-Enforceability
2. Common Ethical Standards	2. Neocolonialism Continue to Cause Suffering
3. Universalism	3. Interventionism vs. Westphalian Sovereignty
4. Motivational Ideals	4. Relativistic Cultures vs. Western-Centrism
5. Terms of Reference	5. Non-Observance
6. Parent of over 60 Instruments	6. Selective Use of Human Rights
7. Parent of Human Rights Institutions	7. Computer and Digital Revolution
8. Awareness Building	8. Impact of Biodiversity Loss on Human Beings
9. Power to the People	9. Climate Crisis and Human Life
10. Mechanism for Promotion	10. Artificial Intelligence and Unemployment
11. Acknowledgement of Human Equality	11. Alienation
12. Defense for Non-Discrimination	12. Blind Eye to the Abuses of the Global North
13. Support for People in the Margins	13. Hypocrisy and Duplicity
14. Outline for Subsequent Law Making	14. Indigenous Peoples and Indigenous Peoples
15. Law Making at the International Level	15. Global North's Cold Shoulder for Refugees
16. Diplomatic Language	16. Rise of Neo-Nazism and Fascism Globally
17. Inspiration for National Laws	17. Perpetual War
18. Encouragement for the World	18. A.I. and Robotics: Wither Humans?

Source: ©2023 Rey Ty

Who Cares?

As a universal document, the UDHR has worldwide implications. It is still valid as a common standard of achievement. At the time during which it was adopted in 1948, no countries objected to its adoption, though we must admit there were abstentions. Nevertheless, the values cut across different economies, politics, cultures, and religion, due to which it is the tie that binds humanity.

So What?

The legacy of the UDHR remains ever so strong, especially with its pronouncement of human rights, recognizing the innate value and equality of

each and each person. Moreover, it serves to empower everyone to make claims vis-à-vis the state to promote, respect, and defend them, as human persons. But this begs the question in the age of technological and digital revolution: what about the rights of trans-humans, posthumans, sentient robots, and A.I.? Wither humans? These are the subjects for reflection henceforth.

Now What?

Celebrating the seventy-fifth anniversary of the UDHR (Office of the United Nations High Commissioner for Human Rights, 2023), let us renew our pledge to bolster our calls to safeguard and defend human rights as well as to respond to nascent pressures and menaces to our ever-expanding human rights.

There is dignity in work. When given a choice, we must prioritize reducing inequality to meritocracy (Sandel, 2021b). Preference must be given to the common good, not the economic ascent of a meritocratic few (Sandel, 2021a). The pandemic revealed who are the truly essential workers. They are the delivery workers, drivers, health workers, peasants, farm workers, retail store employees, take-away restaurant workers, and sanitation workers. All of them deserve much higher wages, as human society as we know it will not survive without them in an emergency situation. We need to put a cap on the salaries and benefits of CEOs and tax the companies they run a percentage parallel to or in proportion to the salary of the CEO.

Concluding Remarks

On this solemn occasion during which we commemorate the seventy-fifth birthday of the UDHR, let us give thanks to the bounty that it has brought forth to humanity since its inception. Its core values are as relevant today, as they were seventy-five years ago. Its legacy lives on, responding to pressing challenges. Let us reiterate our collective global human civilization and work here and now for a green, just, and peaceful today and tomorrow. For the benefit of future generations, we must collectively uphold, protect, and struggle for our human rights here and now, before they erode to nothingness. Start with the impact of climate change and A.I. on human rights, reclaiming our right to privacy, and putting back into the picture the right of workers, who compose the majority of the people on earth, all of whom are of diverse abilities, colors, sex, cultures, languages, and religions. Nature and people first, not profits.

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ADDRESSING GENDER-BASED VIOLENCE FOR EFFECTIVE EXERCISE OF WOMEN'S CITIZENSHIP RIGHTS IN AFRICA

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1. Introduction

The conceptions of citizenship that have emerged in many African countries have often not fully incorporated women and girls, whose citizenship rights have been contested or subject to delimitations based on cultural and/or religious norms and practices, centered around the control of their bodies and sexualities.

This article explores the link between women's bodies, their sexualities and the enjoyment of their rights, and the active disciplining that institutions; including families, communities, cultural and religious bodies, and the States, have been engaged in to produce the virtuous African female. The epidemic of violence against women and girls negates their fundamental human rights and their claim to full citizenship and protection within their States. The article also reviews the efforts to confront violations, including law reform and legislation, the African Union, and the UN, and suggests an agenda for effective exercise of women's citizenship rights.

2. The link between women's bodies, their sexualities, and the enjoyment of their rights

The link between women's bodies, their sexualities, and the enjoyment of their rights is a complex and multifaceted issue that intersects with various social, cultural, and political factors. According to Simone de Beauvoir- in her feminist existentialism- she maintained that there is gross irrationality in patriarchal equation of the female

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person with her body. This is because the equation of the function of sexuality with sociology apart from being erroneous, it also merely defines an aspect of a dual gender culture. Such ambiguous equivocation does not for instance, account for psychological differences as well as social complementary relationship between the two genders. Such equivocation makes the exercise of human freedom, choice, and responsibility of no effect, because it creates a deceptive and worrisome analysis of human existence (de Beauvoir 1947).

In the feminist classic 'The Second Sex' (1972), Simone de Beauvoir uses her analysis of the Data of Biology to explain the patriarchal mythical basis for women's alienation from the reality of social significant status. She explained that the biological deterministic depiction of women as womb, an ovary; is derogatory and non-developmental, because it reflects the patriarchal capricious dominance. Using patriarchal biological domination of the female person, de Beauvoir argued against masculine superiority as expressed in the very posture and process of copulation as an invasion of women's individuality and as an intrusive imposition of male power over the female. She stated that such imposition gives faulty credence to masculine development and autonomy, because it makes the male gender who in many cases is larger than the female, stronger, swifter, more adventurous. It also gives impetus to assume that the male person needs to lead a more independent life, and that his activities are to be more spontaneous, more masterful and more imperious. Consequently, this leads to the bad logic or deceptive logic that in mammalian societies, it is always the male person who rules, control or commands. Given this biological processing of dominance and command theory, the male person is thus permitted to express himself freely, while the woman experiences a more profound alienation. In the light of this biological ontology of gender role stratification, the economic, social, and psychological life of the female person became incorrectly stratified as predisposed to dependent status (de Beauvoir 1972). Simone de Beauvoir insisted on the deceptive and alienating thrust of patriarchal myths in the explication that patriarchy reflects:

"Simply what man decrees; thus, she is called 'the sex', by which is meant that she appears essentially to the male as a sexual being. For him she is sex - absolute sex, no less. She is defined and differentiated with reference to man and not he with reference to her; she is the incidental, the inessential as opposed to the essential. He is the Subject, he is the Absolute - she is the other" (de Beauvoir 1972, 23).

The first confrontation to incoherent pictures of patriarchal myths started with Wollstonecraft's attempt to vindicate the rights of women in 1792, and this continued with the liberal classic text by John Stuart Mill (1965) and Harriet Taylor Mill's (1970), as they both attempted to alleviate the diverse ways in which women are subjugated. Their respective reactionary campaign identifies freedom as an inherent aspect of human's being and implicitly identified patriarchal limitations and repression of women's inalienable rights and freedom, as illogical reasons for living in an inauthentic way.

The patriarchal conceptualization of the female person as the other has signification as an alienating device targeted to making her socially insignificant to important issues that affects human and social development. In corroboration with Simone de Beauvoir's hermeneutic idea of the notion of other as restrictive and subservient, Oyewunmi (1997) sees the problem of the other in relation to the colonial experience that tends to colonize and disintegrate the gender space. Bhaba (1996, 41) explains that conceptualization of the female, as an 'other' is a product of the play of power and the whimsical shifting of positions in gender relations.

Although development efforts have freed women for other roles, nonetheless the cultural pressure for women to become wives and mothers still prevents many talented women from pursuing careers other than those related to traditionally defined ones. Women suffer from unconscious gender bias which is when the mind automatically makes gender-based connections based on traditions, norms, values, society, or past experiences (Gul & Lynn 2021). Automatic links help people to make decisions, so they can quickly judge someone based on their gender and gender stereotypes.

Traditionally, an average girl in some African patriarchal cultures tended to learn from her mother's psychological inclination that cooking, cleaning, and caring for children was the behavior expected of her when she grew up. Despite the massive workload that women must endure, their chores are not attached any economic value. The problem of subjectivism as demonstrated by this social expectation subsists in that many girls and women's social achievement took a psychological decline, because families, society and culture expected them to prepare for a future of marriage and motherhood (BBC News 2016).

In situations of war and conflict, such as the genocide in Rwanda, the civil wars in Sierra Leone and Côte d'Ivoire, as well as the conflict in the Democratic Republic of Congo (DRC), women and girls are weakened because they are the first victims of violence and political instability, their bodies have become a war zone as unmentionable atrocities have been perpetrated against them. In these situations, women's bodies are used as a means of applying pressure, a means of retaliation, and even a means of blackmail among belligerents. Many cases of sexual violence occurring in that context are used to humiliate the enemy in addition to assuaging the combatants' sexual appetites. Across many African States, violence against women and girls negates their fundamental human rights and their claim to full citizenship and protection within their States. In many cases, this violence is a marker of inequality between groups, individuals, and genders or is based on constraints that are created, recognized, or tolerated by the culture.

3. Gender-based violence and women's citizenship in Africa: What are the issues?

'Gender-based violence' and 'violence against women' are two terms that are usually used interchangeably, as most violence against women is inflicted by

men. Violence against women is perhaps the most widespread and socially tolerated of human rights violations, cutting across borders, race, class, ethnicity, and religion. The United Nations (UN) General Assembly resolution 48/104 of 20 December 1993 defines Violence Against Women (VAW) as "Any act of gender-based violence that results in or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UN General Assembly 1993).

In comparison to this definition, the Protocol to the African Charter extends violence against women to conflict situations. History provides countless examples where women have been considered as 'the spoils of war'. For example, during the Rwandan genocide, women were specifically targeted because of their sex and the violence inflicted upon them was even more atrocious, as a result.

The world is battling with physical, psychological, economic, and political violence; in this regard, Africa is no exception. It affects women of all social classes and of all ages and may take any form ranging from routine insults to profound emotional humiliation, from slaps to battery, from obscene words to obscene gestures, from physical intimidation to marital rape. Although today we are better able to measure the physical and medical consequences of violence against women, the same cannot be said of its impact on women's personal dignity and their right to refuse violence in any form. Some women who are beaten or raped are still openly or tacitly asked: "What did you do to deserve such treatment?", as if the victims were in some way guilty of having provoked such behaviour towards them. Poor women lack information, education, and access to legal processes, resulting in a gap between 'paper' and 'actual' rights.

The Universal Declaration of Human Rights (UDHR) is a fundamental document that outlines the basic rights and freedoms to which all individuals are entitled, regardless of their race, religion, gender, or any other characteristic (UN General Assembly 1948). Addressing gender-based violence is crucial for the effective exercise of women's citizenship rights in Africa, as it directly impacts their ability to participate fully in society and enjoy their human rights. The UDHR emphasizes the principle of equality and prohibits discrimination based on various grounds, including gender. Eliminating gender-based violence is essential for ensuring that women have equal opportunities and treatment, enabling them to exercise their citizenship rights on an equal footing with men.

As for citizenship, it is about 'membership of a group or community that confers rights and responsibilities because of such membership. It is both a status, identity and a practice or process of relating to the social world through the exercise of rights/protections and the fulfillment of obligations (Meer and Sever 2004). Citizenship should be inclusive, incorporating the interests and needs of all citizens.

A gender perspective on citizenship begins with an assertion of the rights of all women and men to equal treatment. This needs to be enshrined in constitutions, laws, and legal processes. Applying equal standards to all citizens may be insufficient, however, if different groups of citizens face challenges and have distinct needs. Women and men may have distinct needs, and women of different ages, classes or ethnicities may also have varying needs that require specific attention. The focus on rights thus requires distinguishing between formal and substantive equality, highlighting outcomes for different groups of women, and tailoring rights construction to the needs of women who are most adversely affected by the lack of rights which the reforms target (Mukhopadhyay 2007). While rights determine access to resources and authority, to claim rights an individual needs to have access to resources, power, and knowledge. Unequal social relations result in some individuals and groups being more able to claim rights than others (Jones and Gaventa 2002).

Pereira argues that women's lived realities need to be understood to appreciate their relationship to the State which is multi layered and embodies the recognition of multiple identities for re- distributing the rights. For women, she contends what happens in the domestic arena is carried over to the public place. Thus, it is important to go beyond the public space when we refer to women's citizenship and rights and to address the interconnected character of women's lives and rights. Pereira argues as well that women's experiences of citizenship are structured by social inequalities in the socio-cultural, political, economic, and religious dimensions. Therefore, understanding the link of women's citizenship and rights requires addressing women's unequal access to economic, political, social, and cultural resources located in both public and private spheres (Pereira 2004).

Domesticating women in many African countries subordinates their citizenship, as women are less likely to participate in those activities that are associated with citizenship (e.g., participating in legislation and decision-making), hence they are relegated to second-class citizenship. Society, which perceives them as wives and mothers, persistently refuses to register them in a non-domestic space. Moreover, the labor that they perform in the domestic arena (e.g., mothering) is not inscribed into the construction of citizenship. The exclusion of many women from effective control over and access to resources means that many African countries has not achieved full citizenship for all, the concept of separate spheres renders citizenship in these countries to be a gendered citizenship.

Why is it necessary to bring women's citizenship into the debate that calls for an end to gender-based violence?

The justification is that given the un-acceptably high levels of gender- based violence in many African countries, the most affected group which is namely women and girls are denied full citizenship where exercising of their human rights and leading a full life based on freedom and equality becomes an empty

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promise. Violence, including domestic violence, deprives women of their ability to achieve their full potential by threatening their safety, freedom, and autonomy.

Gender-based violence is justified sometimes as a legitimate control over women, attempts to control women's bodies have spilled over into the public arena. In many African countries, there have been several instances of women being sexually and verbally assaulted in front of jeering crowds because they were said to be 'inappropriately' dressed. Such actions are often justified that women's actions and dress code is responsible for arousing or provoking men consequently attracting rape and beatings.

Pereira argues that women's right to dignity is often violated through practices that are justified in the name of culture where women and girls are expected to undergo harsh and degrading rites. For instance, child and forced marriages as well as female genital mutilations still characterize some African countries. All these forms of gender-based violence limit the full enjoyment of women's citizenship and fundamental human rights. By implication, because of subordinated status of women, their experience of citizenship is comparably secondary in comparison to that of men. Gender-based violence poses the biggest threat to women's right to life, realizing their fundamental freedoms, in their entirety (freedom of speech, association, movement), exercise of women's civil liberties, and most important their right to living life in dignity. In addition, the generalized tolerance of gender-based violence by the State and the communities and impunity to perpetrators constitutes one of the greatest challenges to women realizing full citizenship status. If women and girls are unable to exercise control over their minds, and bodies, and if they cannot claim rights to dignity in the way they are treated by men, they cannot claim full citizenship status (Pereira 2004).

Even though similarities in gender abuse may exist worldwide, the impact is however influenced by various other factors. Thus, the factor of race has been the case in South Africa, as was ethnicity during the Rwandan genocide, and the access to resources in Sierra Leone, Democratic Republic of Congo (DRC), and Côte d'Ivoire.

In Sierra Leone for example, during the armed conflict, the population experienced the most severe forms of violence (murder, rape, mutilated limbs, girls, teenagers, and adult women forced to become 'wives' for the rebels, children forced to become soldiers, etc.). The presence of the United Nations Mission in Sierra Leone (UNAMSIL) has helped the State establish relative peace with the signing of a fragile peace agreement and the progressive disarming of the 'rebel' troops. Domestic violence escalated during the long military crisis in Sierra Leone. This has been reported by all the accounts of the war provided by local associations, the police, and international and human rights organizations on that issue. The breakdown of the family and social fabric has meant the loss of many socio-cultural, moral, and religious guidelines that indicated 'proper' conduct and checked certain forms of abuse and violence. Many women suffered individual or collective sexual violence not only at the hands of rebels and army soldiers, but also members of their

own family. Women raped or forced to become sex slaves for the armed forces of either side, were also abused or rejected by their own families (Institut Louis Joinet-IFJD 2022).

Similarly, during the presidential and legislative elections, in Côte d'Ivoire, a series of violent outbreaks took place to which the mass grave of Yopougon bears witness. Among other forms of violence, these events were the theatre of gang rapes of women, which were blamed on the forces of law and order (CMI 2013). In the Democratic Republic of Congo (DRC), a humanitarian crisis has entangled the country and the entire region since 1998, a situation that has affected women negatively. Women in the conflict zones in eastern DRC were the target of sexual assault and rape by all the various armed forces and rebel factions embroiled in the war. The situation of women in eastern DRC, which was already difficult given the economic hardship and societal characteristics prevailing, has deteriorated drastically. Poverty has increased as women can no longer farm their land not only are they expected to feed their families and communities, but also soldiers and rebels alike (International Alert 2010).

Like their male counterparts, women were victims of violence during the Rwandan genocide. Women were however singled out and underwent unimaginable atrocities because gender-based violence was used as a prime weapon by the perpetrators. Women suffered sexual mutilation, rape, forced pregnancies, infection from the HIV/AIDS virus, abduction, and public humiliation, to name but a few. Rwanda has since used the experience during the genocide to address the violence against women. Post-genocide Rwanda has amended existing national laws and enacted new ones to provide better protection to women (ICRC 2010). Considering the Akayesu judgement (*The Judgment in The Prosecutor v/s Jean Paul Akayesu*, Case ICTR-96-4-T) delivered by the International Criminal Tribunal for Rwanda (ICTR) and advances it represents in international law, the world has witnessed the first ever conviction for genocide. It is also the first time an International Tribunal ruled that rape and other crimes of sexual violence constitute genocide. The case saw the conviction of an individual for rape; it also held rape to be a war crime as well as a crime against humanity.

In South Africa, women have been in the vanguard as far as the struggle to dismantle apartheid was concerned. They fought against the pass laws in the fifties and have been involved in the various defiance campaigns against racist laws. They were also closely linked with demands and fights for better working conditions on the shop floor. In their struggle against apartheid, some were imprisoned or forced into exile, others were freedom fighters, but countless of them continued their struggle for dignity and rights in their daily lives (SAHO n.d).

4. Regional and international efforts to confront grave violations

The idea of equality between men and women in some African countries should remain where it is supposed to be: in books, classrooms and other environments

where reality sometimes either goes on vacation or is overshadowed by self-interest especially from some men in powerful positions in these countries that adopt the strategy of 'Do as we say, not as we did', which amounts to nothing less than 'Kicking away the ladder of development from women'. The facts of rising inequality between men and women in these countries are as real and as visible as the sun on a sunny day.

There is no dispute that gender- based violence is a grave violation of human rights. Its impact ranges from immediate to long-term multiple physical and mental consequences including death. It negatively affects women's general well-being and prevents them from fully participating in society. Violence not only has negative consequences for women but also their families, the communities, and the countries at large. It has tremendous costs, from greater health care and legal expenses and losses in productivity, impacting national budgets and overall development.

Gender-based violence is the most prevalent and blatant denial of women's human rights, attacking in its very essence the principles of equality among all human beings. Although its manifestations are diverse, be it within the same country or across borders, it seeks to achieve the same aim, namely, to exert control over women and to maintain male domination. What is worrying though is the high level of impunity with which it is treated.

Gender-based violence is recognized as a global problem, occurring in various forms worldwide and affecting women of all ages, social classes, religious backgrounds, and ethnicities. This recognition primarily emerged at the international level within the context of the United Nations (UN) Decade for Women (1975-1985). The Third World Conference on Women convened in Nairobi in July 1985, culminated in the adoption of the Nairobi Forward-Looking Strategies for the Advancement of Women which, for the first time in the international arena, highlighted the way in which gender- based violence (including domestic violence, trafficking, involuntary prostitution, violence against women in detention and women in armed conflict) threatened the achievement of equality, development, and peace. Gender- based violence, at its core, is rooted in the social and economic subordination of women, and the assumed rights of men to control them. It reflects a deep-rooted 'gender hierarchy', which perpetuates inequality and power imbalances (Hudson et al. 2009).

Women's right to live a life free from violence is upheld by international instruments such as the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the 1993 UN Declaration on the Elimination of Violence against Women. The 1993 World Conference on Human Rights in Vienna recognized that gender- based violence was incompatible with the dignity and worth of the human person and reinforces women's subordination (UN General Assembly 1993b).

The Committee on the Elimination of Discrimination against Women, which monitors the implementation of the CEDAW (1979), considered in its general recommendation No. 19, at its 11th Session in 1992, that “gender- based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men” (General Recommendation No. 19 of CEDAW, UN Doc. A/47/38). The Committee commented that the definition of discrimination “includes gender- based violence that is violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty.” The Committee went on to say that gender- based violence may breach specific provisions of the CEDAW, even if the word violence is not expressly mentioned (Paragraph 6).

Following the adoption of the Declaration on the Elimination of Violence against Women by the UN General Assembly in December 1993, a Special Rapporteur on violence against women, its causes and consequences was appointed in 1994, entrusted with documenting and analyzing the scourge worldwide. The Beijing Platform for Action from the fourth UN World Conference on Women calls upon governments to take measures to prevent and eliminate gender- based violence. Further to the Beijing + 5 process the UN General Assembly, at a special session in 2000, reaffirmed its commitment to eradicate gender- based violence and made additional recommendations for the advancement of women.

The tremendous efforts to end gender- based violence include the ‘*UNiTE to End Violence against Women*’ campaign. This campaign draws its foundations from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979) adopted by the United Nations General Assembly in 1979 (www.un.org/womenwatch/daw/vaw/v-overview.htm). At the regional level, the African Union Commission has launched the African Women’s Decade (AWD) a road map that has put women at the centre of development. Africa UNiTE was launched in 2010 by the UN Secretary General and the African Union Commission. The campaign builds on the African Union’s (AU) policy commitments on ending violence against women and girls, within in the spirit of the Solemn Declaration on Gender Equality in Africa and the AU Protocol on Women’s Rights in Africa. The overall objective of the campaign is to address all forms of violence against women and girls in Africa through prevention, adequate response, policy development, implementation, and ending impunity. With the goal of reducing the prevalence of violence against women and girls, the Africa UNiTE campaign aims to create a favorable and supportive environment for governments, in partnership with civil society experts, to be able to fulfill existing policy commitments ([https://www.unwomen.org/sites/default/files/Headquarters/Media/Stories/en/PressReleaseAfricaUNiTE KilimanjaroClimbpdf.pdf](https://www.unwomen.org/sites/default/files/Headquarters/Media/Stories/en/PressReleaseAfricaUNiTE%20KilimanjaroClimbpdf.pdf)).

Advocacy to end gender- based violence has intensified at international, regional, and sub- regional levels. There is consensus on the link between ending gender- based violence and safeguarding the human rights of women. Despite widespread advocacy and actions by different stakeholders to end gender- based violence, its level and magnitude remains high in all its different forms which include but not limited to physical, psychological, and economic suffering endured by the victims.

5. Agenda for effective exercise of women's citizenship rights

Many scholars (Molyneux 2007; Mukhopadhyay and Meer 2004; Mamdani 1996) take us through the concept of gender justice which they argue implies full citizenship for women. The scholars offer gender justice as an alternative strategy due to the failure of gender equality and gender mainstreaming to effectively communicate and offer redress for the continuing gender- based prejudices from which women and girls suffer. They posit that gender justice approach is comparatively better able to link human rights and capabilities to political and economic arrangements to establish entitlements that are attached to citizenship and to address the underlying discrimination embedded in socio-legal systems. Conversely, gender justice provides redress for substantive inequality between men and women that result in women's subordination to men. The scholars further argue that through access to resources, and women's agency (ability to make choices) there are better chances of women being able to exercise their full citizenship rights. Most importantly gender justice can bring to the fore the centrality of accountability of the State, the family and other institutions to dispense justice and bring redress where a woman has been violated. Accountability is key to citizenship because the family, community, the State, and justice delivery institutions are structured to settle disputes, establish, and enforce legislation, prevent abuse of power, and protect victims of violence and punish the offenders.

Unless the gender discourse is re-politicized and gender justice (or lack of it) is addressed head on, there is no hope for women's full citizenship to be a reality. There is need to address the un- equal power relations embedded in all the facets of many African societies and acknowledge that many countries have not sufficiently used the global and regional instruments to challenge and remove gender discrimination. Most constitutional, legal and policy reforms have not yet addressed the inequalities and imbalances that characterize gender relations that in turn subjugate women's rights, safety, and security in the form of gender-based violence.

The State bears responsibility for affording the enjoyment of human rights for all, including women's human rights and their protection from violence. It can be held to be complicit should it fall short of providing protection from private actors who violate the human rights of its citizens. Therefore, the State is

under “due diligence” to give protection (CEDAW, Supplement No. 38, General Recommendation 19, Article 4). McFadden (2014) calls for women to re-claim the State by becoming citizens beyond the divides that were created by militarization and institutionalized violence, premised on an ideology and identity of masculinity that uses fear and coercion to control and suppress most citizens. She argues that citizenship must become much more than a liberal notion that declares inclusion but must continuously reiterate exclusion through disparities in terms of access to resources, knowledge, technologies, and other critical elements of human security. McFadden advise that it is crucial that civil society and feminist organizations need to focus more closely on understanding the State and in formulating the strategic agendas that will re-build and strengthen the relationships between the women and the State.

Some African countries still have women as legal minors because of constitutional restrictions that exempt culture from the anti-discrimination clauses. These are women lived experiences, where exclusion from being a full citizen is a norm rather than an exception. For meaningful change to take place, these countries need to upscale all efforts and strengthen the norms and standards which are based on the Universal Charter of human rights, CEDAW, Vienna Declaration, Beijing and Dakar Platforms of Actions, the African Women’s Protocol as well as the Solemn Declaration on Gender Equality in Africa to safeguard the human rights of women.

Embracing a gender justice approach will deepen our understanding of citizenship and its link with democracy, good governance and building societies that are peaceful, secure, dynamic, and progressive while affording dignity of existence to everyone.

To effectively address gender-based violence and promote women's citizenship rights in Africa, a comprehensive approach is necessary. This includes legislative reforms, awareness campaigns, capacity-building for law enforcement and judicial systems, provision of support services for survivors, and fostering a culture of gender equality and respect. Collaboration between governments, civil society organizations, international bodies, and communities is vital to create lasting change and ensure the effective exercise of women's citizenship rights in Africa. The following are set of actions that are required for reconciling ending gender-based violence, promoting gender justice, and assuring full citizenship status of women in Africa:

- Collect gender-disaggregated data and conduct research to identify and address gender disparities and gaps in the exercise of women's citizenship rights. Monitoring progress, evaluating policies, and implementing evidence-based interventions are crucial for tracking improvements, identifying challenges, and making informed decisions.
- Enhance women's economic opportunities and empowerment through measures such as promoting equal pay, providing access to credit and financial resources, supporting entrepreneurship, and offering vocational

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and skills training. Addressing gender gaps in employment, career advancement, and representation in decision-making positions is essential for women's economic empowerment and full citizenship.

- Ensure women's meaningful participation and representation in political and public life. Implement measures such as quotas, affirmative action, and electoral reforms to increase women's representation in decision-making bodies at all levels. Encourage political parties to promote women's leadership and create an enabling environment for women's participation in political processes.
- Implement comprehensive measures to prevent and address gender-based violence. This includes strengthening laws and their enforcement, establishing support services for survivors, providing safe shelters, promoting community awareness and engagement, and engaging men as allies in efforts to combat gender-based violence.
- Promote comprehensive and inclusive education that challenges gender stereotypes, promotes gender equality, and empowers women. Education should include awareness programs on women's rights, reproductive health, and gender-based violence. It should also focus on building critical thinking skills and promoting leadership and civic participation among girls and women.
- Prohibit all forms of cultural, administrative, and legal practices that constitute and perpetuate gender-based violence.
- Strengthen regional and international cooperation to share best practices, resources, and expertise in promoting women's citizenship rights. Collaborate with international organizations, NGOs, and civil society groups to support national efforts and advocate for gender equality and women's rights at the global level.

Building and nurturing women's full citizenship requires taking these urgent and stringent actions to address and put an end to gender-based violence. Implementing this agenda requires a comprehensive approach that involves the commitment and coordination of various stakeholders, including governments, civil society organizations, the private sector, and individuals. By addressing these key areas, societies can create an enabling environment for women to exercise their citizenship rights fully, participate in decision-making processes, and contribute to social, economic, and political development.

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ECONOMIC RIGHTS AND HUMAN DIGNITY

Lucile Sabas¹ and Syoum Negassi²

Henri Leclerc's famous declaration "Freedom and human dignity must be effective, and there is no point in saying that everyone must live free if they do not have the means to live", published in *Le Monde de l'Education* of July-August 2001 perfectly captures the link between human dignity and economic rights. While the emphasis is on human dignity in the context of celebrating 75 years of the Universal Declaration of Human Rights, it is necessary to evaluate the results obtained in respect of the economic rights of populations, and, more particularly, in developing countries. Through this analysis, we will attempt to answer the following questions: what progress have countries made in reducing poverty and respecting the economic rights of populations in developing countries, since their adherence to the Economic, Social and Cultural Pact of the United Nations? What strategies could extend the results regarding respect for people's economic and social rights? Lastly, how can we improve the system designed to encourage countries to respect the commitments they made when they signed the Economic and Social Pact, ensuring that the respect for economic rights would become a reality for about seven hundred million citizens worldwide? A review of statistical data and existing literature on the subject will allow us to answer these questions. Moreover, in this study we considered the adequacy between the macroeconomic and development policies put in place by certain countries of the sub-Saharan region to capture the effects of their factor endowments on the living standards of their populations. To do so, we conducted a regression analysis on panel data for four sub-Saharan African countries with high factor endowment, Nigeria, Gabon, the Democratic Republic of Congo, and Equatorial Guinea. The results revealed that oil price is correlated with GDP per capita and is statistically significant at 5% level of significance. However, oil exports do not seem to impact the standard of living of the populations.

Introduction

On the sidelines of the Universal Declaration of Human Rights, the International Pact of Economic and Social Rights (PESR) was signed and adopted on December 16, 1966, and came into force 10 years later January 3, 1976 (Nations-Unies: Collection des Traites 2023). The objective of the Pact was to encourage and intimate the signatory countries to develop a framework or conditions that would allow their populations to enjoy their economic, social, and cultural rights. The populations

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would benefit from continuous level economic development, promoting sufficient income for higher standard of living, guaranteeing the satisfaction of basic and minimum needs. Adherence to the Pact was also to guarantee access to sufficient and universal education, as well as access to adequate medical care. The goal was respect for human dignity. The need for such a pact arose from the United Nations' recognition that the Universal Declaration of Human Rights cannot be effective if citizens are unable to access their economic rights. As a result, the United Nations Economic and Social Council (ECOSOC) was given responsibility for implementing the recommendations of the Economic and Social Pact. The UNSEC, in performing these responsibilities, was to receive reports from the signatory countries and provide advice and support to successfully implement the agreements' requirements.

Thirty-five countries signed the initial document drafted in 1966, and other countries joined in the years that followed (Background to the Covenant Committee on Economic, Social and Cultural Rights 1966). To date, seventy-one countries are signatories, including many developing countries in sub-Saharan Africa. It is worth noting that today 171 countries are party to the covenant (UN General Assembly, 16 December 1966), including all other African countries, with exception of six states, Botswana, Comoros, Mozambique, Sahrawi Arab Democratic Republic, São Tomé and Príncipe, and South Sudan (Ssenyonjo 2017). As most of the African countries gained their independence shortly before signing the Pact or before its entry into effect, this pact was seen as a source of hope for the African continent, drawing the path that would allow the African populations to take control of their destiny. The African continent has an innumerable variety of natural and mineral resources, and agricultural products. It is also labor intensive. The lack of human capital, technological and technical capital, as well as financial resources could not constitute a blockage as far as during these last decades the world economy evolved gradually towards what is known today as the global economy, with perfect mobility of human, technological and financial capital. However, the data available and the social economic situation of most African countries show poor performances of the African economies. Such an outcome reveals that those who made the commitment by signing the Economic and Social Pact did not keep their promises. How can we explain these counter performances? Because of Africa's economic potential, its resource endowments, the resources made available by the global economy, and the existence of the pact's texts, why haven't the Pacts translated into positive spin-offs for the African population? What role could the Economic and Social Council of the United Nations play to obtain better results for the African continent? In what follows, we will analyze the economic progress of some selected developing countries from their accession to the PESC to the most recent data available and try to answer the three questions above. We will analyze the cases of the Democratic Republic of Congo, Gabon, Equatorial Guinea, and Nigeria because of their economic potential, due to their natural resources. We will first present an analysis of their achievement (section I). Then we will try to understand the relationship between the factor endowment of these countries and their economic outcomes (Section II). Regression

analysis on panel data will help to test the relationship between oil prices and oil exports on one side and the Gross Domestic Product (GDP) per capita on the other hand (Section III). We chose these variables due to their key roles in economic outcomes. They symbolize the factor endowment in the selected countries. All these countries rely heavily on oil exports as a major source of national income. An analysis of GDP per capita will allow us to understand how the Economic and Social Pact has impacted the populations' standard of living, through adequate management of the countries' major source of revenue. Section IV will analyze the possibility of improving the monitoring and support system to signatory countries. Lastly, we will conclude with some policy implications.

1. Poverty Reduction: A Critical Analysis of the Achievement

Prior research reveals the divergent trajectory recorded by sub-Saharan countries compared to the rest of the world. Ortiz-Ospina et al. (2023) in a study on the world GDP per capita growth from the 1980's to 2018, the period between the date ICESCR came into force and the Covid-19 period, notice that growth does not appear to be significant for the Sub-Saharan Africa. In four decades, the GDP per capital has not doubled. The authors found an increase of about 74.37% for the Sub-Saharan Africa compared to about 287.66% for East Asia and a triple growth for South and East Asia together, during the same period (We present Ortiz-Ospina et al.'s comparative chart of the world GDP per capita growth rate per region in the appendix. Their data comes from "Our World in Data"). Similarly, an analysis of World Bank data suggests analogous remarks. According to the World Bank (2018) report, "even though extreme poverty (defined as those living with \$1.90 a day or less) has decreased worldwide, sub-Sahara Africa remains the only region where poverty is rising. The World Bank forecasts that by 2030, almost 9 in 10 extremely poor people worldwide will live in sub-Sahara Africa (Khodaverdian 2022). We highlighted three major points.

First, over the period 1960-2020, the world economy experienced continuous growth in its GDP per capita with a tripling of GDP per capita, from less than \$4,000 in 1960 to almost \$12,000 in 2020, as shown in Chart 1. At the same time, the sub-Saharan countries have experienced varied and uneven growth in their GDP per capita (charts 2 to 5) which has oscillated between \$2,000 and \$3,500 (World Bank 2015). Artadi and Sala-i-Martin (2003) in their analysis of "The Economic Tragedy of The XXth Century" mentioned the dismal of the African countries' economic growth. We divided the 1960-2020 period into four sub-periods: 1) 1961-1965 recorded a brief period of growth, followed by a recession from 1965-1967. 2) From 1968 to 1974, the sub-Saharan economies experienced six years of continuous growth in their GDP per capita, followed by six years of unsteady growth from 1974 to 1980. 3) A strong decline marked the following fifteen years from 1980 to 1994, which ended with an extended period of growth lasting twenty years from 1994-2014. 4) Lastly, a new recession characterized the final sub-period from 2014 to 2020.

Economic Rights and Human Dignity

Chart 1: World's GDP/Capita (Constant 2015 US\$)

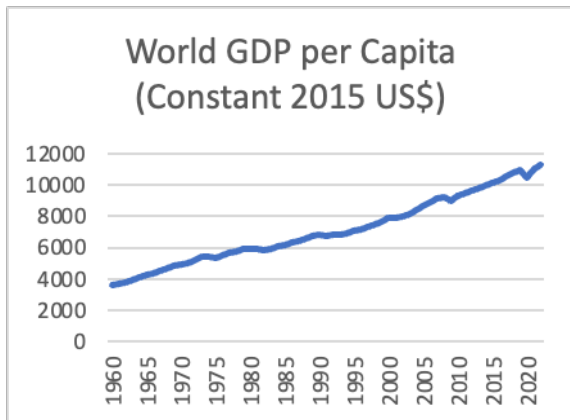
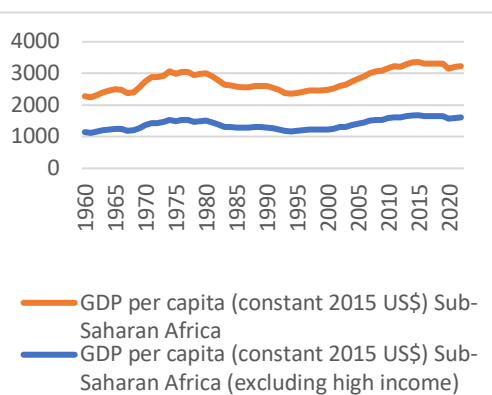


Chart 2: Sub-Sahara and Sub-Sahara LIC's GDP per Capita (Excl. High income) (Constant 2015 US\$)



According to the World Bank database. <https://data.worldbank.org/indicator/NY.GDP.PCAP.KD>

Chart 3: DRC's GDP/Capita (Constant 2015 US\$)

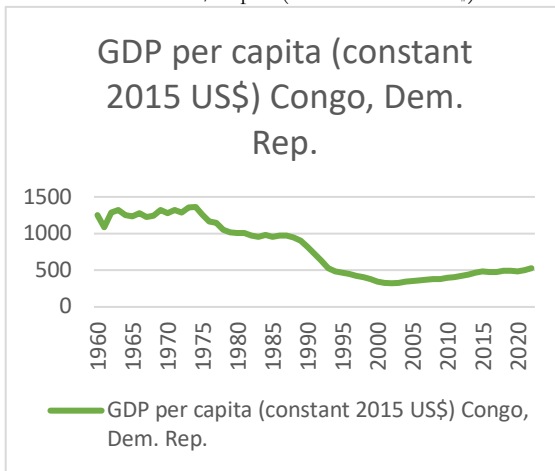
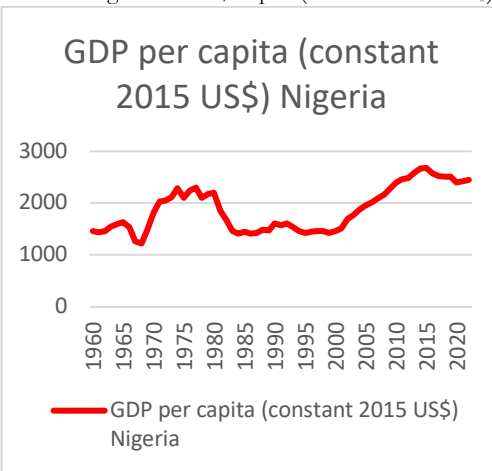


Chart 4: Nigeria's GDP/Capita (Constant 2015 US\$)



According to the World Bank database. <https://data.worldbank.org/indicator/NY.GDP.PCAP.KD>

Chart 5: Gabon's GDP/Capita (Constant 2015 US\$)

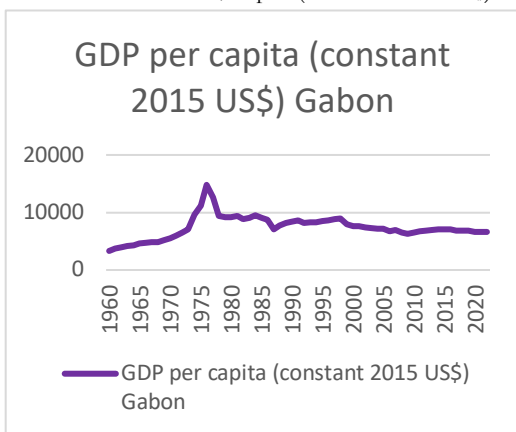
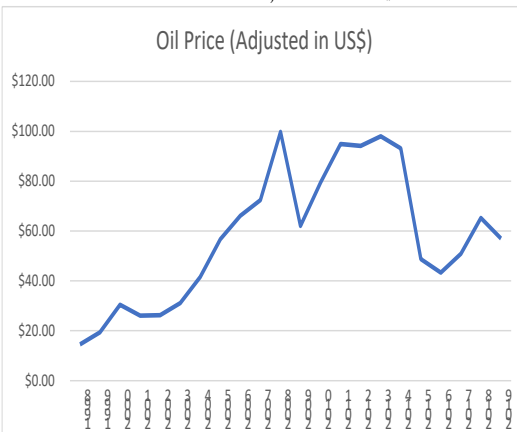


Chart 6: OPEC Oil Price Adjusted in US\$



According to the World Bank database. <https://data.worldbank.org/indicator/NY.GDP.PCAP.KD>

This trend in the evolution of per capita GDP in sub-Saharan Africa reveals a pattern with a succession of alternating periods of growth and recession. Overall, after fifty-four years of independence, per capita GDP for sub-Saharan Africa lower income countries remained between \$1,000 and less than \$2,000, and, between \$2,000 and \$3,500 for the higher income countries.

It begs the question why the continued growth in per capita GDP experienced by the global economy is not translating into stimulating spillovers to African economies? Global per capita GDP growth should generate an increase in demand from the global economy, including for primary agricultural and mineral products. These are the main African countries' exports. The argument of volatile prices of primary and mineral products is not always justified. The four African countries (Nigeria, DRC, Gabon, and Equatorial Guinea) selected for our analysis are all exporters of crude oil, whose price has multiplied by five between 1998 and 2012.

Second, per capita GDP growth in the Nigerian economy is in line with that of sub-Saharan countries. This scenario is consistent with the fact that Nigeria is Africa's leading economy, with a GDP of \$481 billion in 2016. However, the results achieved by Nigeria remain concerning in view of the existing potential. OBIYORI and al. (2019) raised this concern. According to these authors, "Nigeria is the world's seventh-largest oil exporter but also one of the poorest developing countries, characterized by inadequate internal capital formation arising from the vicious circle of low productive, low income and low savings." With over thirty-seven billion barrels of oil reserves (OPEC 2022a), Nigeria ranks 11th in terms of global oil reserves (AllAfrica 2022). Nevertheless, 47.8% of the population still lived below absolute poverty in 1985 (World Bank 2018). The situation has improved, with a steady reduction in the percentage of the population living below the absolute poverty line over the years to 30.9% of the population in 2018 (World Bank 2018). However, this figure is still high for an oil-producing and exporting country. It is well above the 9% of the world's population living below the extreme poverty line in 2018 (World Bank 2018). "Although relative poverty is on the decline in most countries, absolute poverty levels remain on the rise as population growth rates offset the fall in poverty rates" (Frankema and Waijenburg 2018). For most years, the data show that the Nigerian economy is dependent on oil. From 1970 to 2008 Nigeria's per capita GDP followed the same trend as OPEC oil prices. Ewubare and Uzoma (2021) found that the oil revenue coefficient was positive implying that one unit increase in oil revenue results to 0.42 units increase in GDP. Nevertheless, for Nigeria, between the years 2008 and 2015, the evolutions of these two variables remain discordant.

The third point highlighted relates to the evolutions of Gabon and Democratic Republic of Congo's economies. From 1994 to 2014, while the economies of sub-Saharan Africa as a whole, including the Nigerian economy, were experiencing continuous growth in their per capita GDP, the Congo and

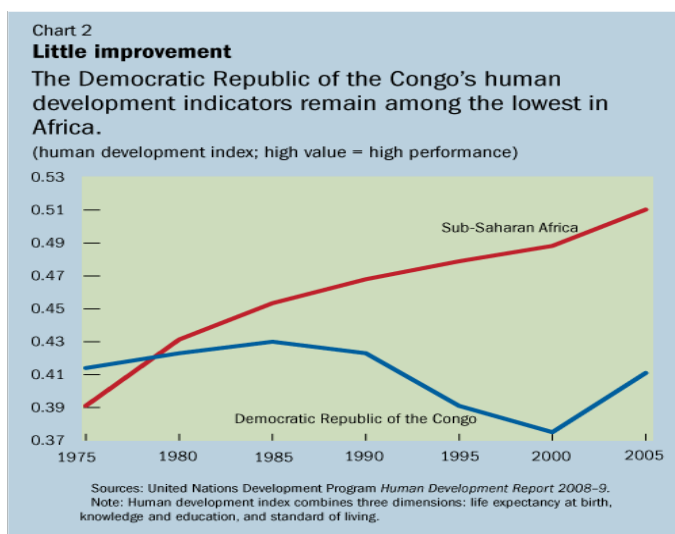
Gabon were going through a contradictory trend. Since the mid-seventies, these two economies have experienced a steady decline in their GDP per capita. From two thousand onwards, the Congo's economy recovered partially. Gabon's economy began to recover in 2009, only to start declining again in 2018. Although these two economies experienced a similar economic trajectory between the mid-1970s and the early 2000s, GDP per capita in the Democratic Republic of the Congo remained lower than in Gabon. Congo's GDP per capita fluctuated between just over \$1,362.3 and \$322.9 per year between 1974 and 2002, while Gabon's oscillated between \$14,801.3 (1976) and \$6,295.2 in 2002 (World Bank 2018).

Gabon, also an OPEC member, has two billion barrels of oil reserves, well below Nigeria's 37 billion barrels of oil reserves (OPEC 2022b). The country enjoys significant natural gas reserves; however, oil remains its main source of revenue. It must be noted that, during the years 1998 to 2008, while OPEC oil price underwent exponential growth of more than 7.5-fold increase, rising from \$14.42 to \$99.67, over the same period Gabon experienced a decrease in its per capita GDP. Similarly, over the period 1994 to 2014, while the sub-Saharan African countries increased their per capita GDP, Gabon had the opposite experience, a decrease in its per capita GDP. This scenario raises questions about the progress made by these countries since joining the Economic and Social Pact. Two thirds (2/3) of the population of Gabon lives below the poverty line. Such underperformance by a country whose main economic activity is oil exploitation raises concerns. According to information from OPEC (2022b), in addition to producing and exporting petroleum products, Gabon has a subsoil rich in other minerals, and exports timber, uranium and manganese. The impact of Gabon's accession to the Economic and Social Pact in January 1983 does not seem to have had a perceptible impact on GDP per capita.

The same concern exists regarding the Democratic Republic of Congo (DRC). The DRC is a country "endowed with exceptional natural resources, including minerals such as cobalt and copper, hydropower potential, significant arable land, immense biodiversity, and the world's second-largest rainforest" (World Bank 2023), making it one of the world richest subsoils. The DRC produces and exports refined copper (8.95 billion dollars), cobalt (\$4.44 billion), raw copper (\$779 million), copper ore (\$618 million) and crude oil (\$582 million) (Ojewale 2022a). In 2021, the Republic of Congo exported \$1.71 billion worth of crude oil, making it the 35th largest crude oil exporter in the world. Yet, crude oil was the second most exported product in the Republic of Congo (OEC World 2023). Its recorded oil reserves are 180 million barrels, far below the five billion barrels estimated. The DRC is also the fourth largest producer of diamonds in the world (Mining Technology 2023). In a report published by ENACT' (Ojewale 2022b) in 2022, experts estimate the DRC's rich subsoil of fifty distinct types of minerals to be worth \$24,000 billion (Ojewale 2022a). These minerals, in

addition to those mentioned above, are gold, zinc and coltan, which constitute a rare ore essential for the manufacture of today's advanced technologies such as cell phones, laptops (Ojewale 2022a). Along with China and Mali, the Democratic Republic of Congo is one of the few producers of this mineral from the fourth industrial revolution. Nevertheless, the country remains one of the poorest in the world with a GDP per capita of \$323 in 2000 and \$501 in 2021. Most people in DRC have not benefited from this wealth (World Bank 2023). Furthermore, according to United Nations data, displayed in Chart 6 below, the human development indicators of the Democratic Republic of Congo (DRC) remain among the lowest. Between 1979 and 2005, sub-Saharan countries enjoyed continuous improvement in their human development indicators. At the same time, the DRC experienced an opposite trajectory of these same indicators up to the year 2000.

Chart 6: Human Development Index (1975-2005)



How can the countries ensure that the commitments made when joining the CFSP materialize in improved conditions of living and human development for the sub-Saharan populations, especially considering that the sub-Saharan countries are richly endowed with natural resources? Can the abundant natural resources endowment be the base for continuous increases in income per capita? The following section will help us to understand the dynamism between factor endowment and the GDP per capita in sub-Saharan countries through the DRC, Equatorial Guinea, Gabon, and Nigeria cases.

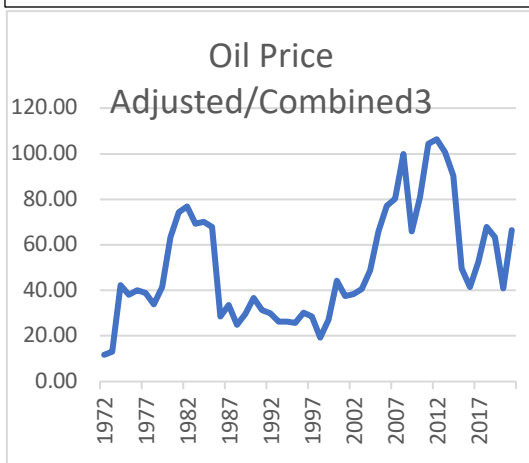
2. Factor Endowment and Economic Development: Some Challenges

According to the factor-endowment theory, a nation will export the product that uses a large amount of the relatively abundant resource, and it will import the product that in production uses the relatively scarce resource (Mcdonald n.d). Therefore, we expect that a country endowed with abundant factors of production would base its development strategy on this factor endowment. The country would specialize in the production and export of products that intensively use these abundant factors. Even though the theory was developed to explain the source of comparative advantage and the reasons why the countries trade among themselves, it can be used to analyze the GDP per capita outcome. A country that specializes in the exports of goods that use the factor in which it is abundantly endowed, would base its economic policy on these resources, which constitute its major source of revenue. Yet, DRC, Equatorial Guinea, Gabon, and Nigeria heavily rely on the export of their major natural resources. These natural resources represent the major source of national income and the economic development engine. However, one of the difficulties could be the availability of the other factors necessary for the exploitation of the abundant factors. Nevertheless, within the framework of the economies of the 21st century, characterized by economic globalization and trans-nationalization, the acquisition of complementary factors of production, the necessary technologies, the development of means of transport and the formation of human capital are available for countries that are deficient in those factors. Through bilateral and multilateral cooperation agreements these countries can acquire the necessary technologies and trained human capital, as well as other available resources with relatively lower financial means. Without international cooperation and globalization, countries would have to develop these necessary technologies through research and development, which requires a performant educational system that would train the human capital to the required level. The absence of international cooperation would also make necessary the use of technologies and techniques, and ensure the management of resources, to mention only these examples. Such a scenario would make it impossible to implement a development policy based on the exploitation of factor endowments in the context of low-income countries. Today's economic environment, strongly marked by globalization and the mobility of factors, particularly capital, makes these additional factors and resources available within the framework of bilateral and multilateral negotiations. However, this is not always the case. Often, when a developing country relies on international cooperation, this is to the disadvantage of the country and its population.

In view of the economic and social situation and respect for human rights in developing countries, it appears that almost four decades of existence of the PESC have not produced the expected improvements for the local populations. The analysis of the countries selected in the previous section, namely Gabon, Nigeria, and the Democratic Republic of Congo, reveals that the pact has not led

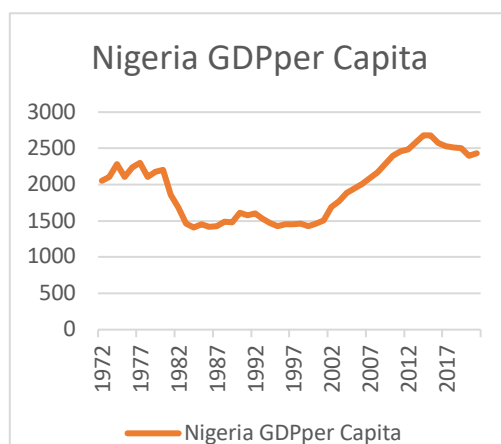
to a significant improvement in the standard of living of the populations. Due to their endowment in mineral resources characterized by a strong demand at the international level and a surge in crude oil prices between 1998 and 2012, those countries represent interesting case studies. The average annual price of crude oil rose from \$12.28 to \$109.45 over the period. Although the price fell by 35.32% between 2008 and 2009, this upward trend known in previous years was confirmed until 2021. This period was long enough for it to have resulted in the implementation of development policies, economic and social reforms, and diversification of the economy with a view to reducing the country's dependence on the export of few primary goods or minerals. But research has shown that relying on a few primary goods or minerals can jeopardize a country's economic stability and growth (Carbaugh 2019). Not only can the international price and demand of these goods be volatile, but demand and supply for these goods have a low price-elasticity. Behman (1979) and Carbaugh (2019) found that “for most commodities, price elasticities of demand and supply are estimated to be in the range of 0.2–0.5, suggesting that a 1 percent change in price results in only a 0.2 percent change in quantity”. This is true for oil prices. In the case of Gabon and the DRC, this increase in oil prices did not translate into a commensurate improvement in GDP per capita, as was the case for Nigeria. The GDP per capita trajectory and the oil price trajectory are similar for Nigeria indicating a spillover of oil revenues on social welfare. However, the expected diversification did not happen.

Chart 7: Oil Price Adjusted Based on Combined Indices of Exchange Rates and Inflation



https://asb.opec.org/data/ASB_Data.p

Chart 4: Nigeria GDP per Capita (Constant 2015 US\$)



<https://data.worldbank.org/indicator/NY.GDP.PCAP.KD>

Gabon's oil revenues constitute 60% of tax revenues. However, the increases in oil prices did not translate into an improvement in the living

conditions of the population over the period. In their report to the IMF, Olters et al. (2006) came to similar conclusions. They write that “after three decades of oil production, Gabon’s economy remains very vulnerable to the difficulties of international markets. The volatility of oil prices has led to successive periods of major public investment projects, often in vain, and serious economic crises, accompanied by a marked budgetary imbalance and domestic or external payment arrears which have accumulated. As a result, non-oil per capita growth was consistently negative during 1998–2003 and was only slightly positive in 2004–05 (Olters et al. 2006).”

Among the factors presented by Olters et al. (2006) that may explain the minimal impact of oil tax revenue inflows on improving the living conditions of the population, especially the most disadvantaged, we underline the following:

- 1) Inappropriate macroeconomic policies characterized on the one hand by oil subsidies which benefited the upper income bracket, but which nevertheless resulted in a high total budgetary cost, above 3% of non-oil GDP in 2005 (Olters et al. 2006).
- 2) The implementation of short-term macroeconomic and investment policies, due to the uncertainty of oil prices, and the failure of these policies have led to the evaporation of tax revenues.
- 3) The repayment of part of the public debt exacerbated the volatility of oil revenues.
- 4) Low returns on public investments. Moreover, despite their prohibitive costs, these investments did not gear towards poverty reduction. It is on these choices of the governmental authorities that our analysis focuses. The lack of attention paid to poverty reduction policies which is widespread in many developing countries.

The data reveal that the dichotomies between oil revenue inflows and GDP per capita growth did not play out only in the context of Gabon. Various countries in the Sub-Saharan zone experienced similar deficient performance. In what follows, we have tried to understand the dynamics of the relationship between oil revenues and the improvement of the living conditions of the populations. To do so, we performed a regression analysis on panel data, using the GDP per capita as the dependent variable and the price of oil as the main independent variable. We expect that an increase in the latter will translate into an improvement in the living conditions of the population and increase the GDP per capita. We also considered the oil export in real terms as a determinant of the GDP per capita. The latter gives an approximate estimate of the standard of living of the populations.

3. The Model

The following model allowed us to perform a regression analysis on the impact of oil price over the GDP per capita for a sample of four African countries, Equatorial Guinea, Gabon, Nigeria, and Republic Democratic of Congo. The

GDP per capita (*GDPC*) represents the dependent variable, while the price of oil (*OP*) and oil export (*OX**P*) characterize the independent variables.

We assume that an increase in oil price (*OP*) will have a positive effect on the countries' GDP per capita. Therefore, we expect the coefficients associated with the variable *OP* to be positive, $\beta_1 > 0$. An increase in the oil price should translate into an improvement in the population's standard of living. Oil export is a major source of revenue for the four countries selected. When the oil price increases, consequently national income increases, as well as the inflow of foreign currencies. Provided the implementation of adequate macroeconomic and financial policies over an extended period, the double effect (increase in national income and increase in the inflow of foreign currencies) can result in economic improvement, through the development of infrastructures, the improvement of the education and of health systems. These policies can have spillover effects, as far as the improvement of the health system and the education system contributes to building and improving human capital which in turn contributes to the growth in productivity. Economic history has shown a close relationship between productivity and wages. Therefore, after an adjustment time, we would expect an increase in the countries' GDP per capita and an enhancement in the standard of living across countries.

We also expect a positive relationship between an increase in oil export (*OX**P*) (given by the number of barrels exported per day) and the GDP per capita, thus $\beta_2 > 0$. The following model explains the relationship between the GDPs per capita (*GDPC*), oil price (*OP*) and oil exports (*OX**P*):

$$GDPC_{it} = a_{1i} + \beta_1 OP_{it} + \beta_2 OXP_{it} + \varepsilon_i \quad (1)$$

Equation (1) can be translated as follow, in equation (1'):

$$Y_{it} = a_{1i} + \beta_1 X_{1it} + \beta_2 X_{2it} + \varepsilon_i \quad (1')$$

Where Y_{it} represents the GDP per capita (*GDPC*) for each country over the time-period. X_1 represents the oil price (*OP*) and X_2 stands for the oil export (*OX**P*). For the set of countries used, we expect β_1 and β_2 to be > 0 .

Data Collection

Our analysis covers four Sub-Saharan African countries (Equatorial Guinea, Gabon, Nigeria, and Republic Democratic of Congo) which present a particular interest due to their endowment in natural resources, and especially oil. I analyzed the impact of oil prices and oil exports on the GDP per capita for the selected countries for the period between 1998 to 2019. Several reasons motivated the choice of this time limit. First, 1998 is the beginning of a period of continuous increase in oil prices. Second, this year (1998) is also the year where Equatorial Guinea started to export oil. Finally, the date ends in 2019 to avoid the effects of COVID19 on the economic outcomes.

The data for the GDP per capita comes from the World Bank database (2015), and is measured in constant 2015 US dollars. The oil price data and oil exports are from the CEIC database (2023). CEIC gathered data from the OPEC

database (2023). The oil price is in US dollars and is adjusted for inflation and exchange rate. The oil exports refer to crude oil and are measured in barrels per day. They are annual data, ending December of each year. Other variables like the percentage of the populations living with less than \$2.15 a day, the Human Development Index and the governments' expenditure could enrich the model, but the availability of the data represented a challenge. For example, for the percentage of the population living with less than \$2.15 a day, only two observations exist for Gabon and Democratic Republic of Congo, and only four for Nigeria. Regarding the governments' expenditure, although there are more data points available, they remain extremely limited, and the years of availability are disparate across countries. Due to these limitations, we could not expand our model. Likewise, some other countries were taken off the analysis due to the lack of data available.

Panel Data Analysis (with Random Effects)

The structure of our data set with various countries requires the use of panel analysis method. This method proved to be efficient in controlling for unobservable country-specific characteristics. In the context of our study, various unobservable characteristics do exist. For example, historical features and background that would impact the economic outcomes of the countries, the factorial dotation of the countries, their political stability, as well as their geographical environment, and the meteorological conditions, are just some of the factors among many that cannot be observed between the selected countries. These factors can affect economic outcomes for variables that change across the countries, but do not change over time. Therefore, it allows to take care of heterogeneity among that group. Likewise, the human resources available and the level of qualification in the various data sets will be taken care of.

Hausman test

We performed a Hausman test to determine between the fixed effects model and the random effects model. This allows to take account the heterogeneity issue (The heterogeneity issue [$\text{Cov}(\alpha_i, X_{it}) \neq 0$], indicates that α_i is correlated with one or more regressors of the data). The Hausman test follows a Chi-square distribution with $k-1$ degree of freedom. In the case of the fixed effects, we assume that the specific effects can be correlated with the explanatory variables of the model, and in the random effects case it is assumed that the specific effects are orthogonal to the explanatory variables of the model.

When the probability of this test is lower than the selected threshold, the fixed effects model is preferred. Otherwise, the random effects model would be the appropriate one what allows us to adopt the ECM method.

The assumptions are as follows:

H0: Presence of random effects

H1: Presence of fixed effects

The Hausman test gives the following results in table 1 below and confirms the validity of using the random effect method. The test output shows a $\chi^2(2) = 2.16$ with a probability of 0.339.

Table n°1: Results of the Hausman test

	Coefficients			
	(b) fe	(B) re	(b-B) Difference	sqrt (diag V_b-V_B) S.E.
X1	21.1193	22.62718	-1.507879	0.7432951
X2	2.653928	1.5772	1.076728	0.7322791

$$\chi^2(2) = (b-B)'[(V_b-V_B)^{-1}] (b-B)$$

$$= 2.16$$

$$\text{Prob}(\chi^2) = 0.3393$$

The probability of the Hausman test is greater than the threshold of 10%. Therefore, we cannot reject the null hypothesis of the presence of random effects. We must consequently favor the adoption of a random effects model and retain the GCM estimator.

In this model, a_{ti} in equation 1' is not considered as fixed. Instead, we assume that a_{ti} is a random variable with a mean value of a_t . Hence, the intercept value for each variable (country) can be given by the following equation (Gujarati and Porter 2009, 602) :

$$a_{ti} = a_t + \mu_i \quad (2)$$

The error term μ_i (Gujarati and Porter 2009, 602) includes the individual differences in the intercept values of each country.

μ_i represents a random error term with a mean value of zero and a variance of σ^2_ϵ .

Substituting equation (2) in equation (1'), we get the general form of the random effects model as follows:

$$Y_{it} = a_t + \beta_1 X_{1it} + \beta_2 X_{2it} + \mu_i + \varepsilon_{it} \quad (2')$$

$$Y_{it} = a_t + \beta_1 X_{1it} + \beta_2 X_{2it} + \omega_{it} \quad (3)$$

$$\omega_{it} = \mu_i + \varepsilon_{it} \quad (4)$$

ω_{it} is a composite of two error terms, ε_{it} the cross-section (or individual-specific) error component (an unobservable or latent variable), and μ_i the idiosyncratic term. μ_i varies over cross-section and over-time. We assume (Gujarati and Porter 2009, 602) that³,

$$\begin{aligned} \varepsilon_i &\sim N(0, \sigma^2_\mu) \\ \mu_i &\sim N(0, \sigma^2_\epsilon) \end{aligned} \quad (5)$$

³ The individual error components are not correlated with each other and are not correlated across both cross- section and time series units. μ_{it} is not correlated with any of the explanatory variables included in the model. A Hausman test was performed, and the results will be presented below showing that the error components model (ECM) is appropriate.

$$\begin{aligned} E(\mu_i \varepsilon_{it}) &= 0; & E(\varepsilon_{it} \varepsilon_{jt}) &= 0 & (i \neq j) \\ E(\varepsilon_{it} \varepsilon_{is}) &= E(\varepsilon_{jt} \varepsilon_{js}) = E(\varepsilon_{it} \varepsilon_{is}) = 0 & (i \neq j; t \neq s) \end{aligned}$$

The results

As already mentioned, the random effects model allowed us to control for variables that change over time but not across entities. “id” represents the entities or the cross-section series (countries) as we coded them in numbers. Year represents the time variable t (time series). Our panel data includes eighty-eight observations of four countries as entities. Each country has 22 year-observations collected from various sources (OPEC 2023; CEIC 2023; World Bank 2015) for the period 1998 to 2019.

Our research objective is to study the relationship between oil price and exports, over GDP per capita in sub-Saharan countries between 1998 and 2019. Period during which oil price has skyrocketed, experiencing significant and continuous increases. We limited our data sample to four countries and used only two independent variables due to the lack of available data.

The rationales behind using the random effect model are that,

- The variations across entities are random and uncorrelated with the independent variables.

The entities’ error term is not correlated with the independent variables which allows for time invariant variables to play a role as independent variables therefore we need to specify those individual characteristics that may or may not impact as independent variables.

Summary Statistics

Variables		Mean	Std.Dev.	Min	Max	Observations	
Y	Overall	4729.449	3987.161	322.44	14222.55	N =	88
	Between		4147.369	401.2618	9257.834	n =	4
	Within		1687.801	-1644.235	9692.165	T =	22
X1	Overall	57.73136	26.7621	14.42	99.67	N =	88
	Between		0	7.73136	57.73136	n =	4
	Within		26.7621	14.24	99.67	T =	22
X1	Overall	57.73136	26.7621	14.42	99.67	N =	88
	Between		0	57.73136	57.73136	n =	4
	Within		26.7621	14.24	99.67	T =	22
X2	Overall	689.782	823.9381	69.214	2464.12	N =	88
	Between		936.7224	177.5027	2094.023	n =	4
	Within		114.9919	300.8687	1059.889	T =	22

Random Effect Regression

Our random effect regression brings the following results:

Results for Random Effects

VARIABLES	Random Effect	Within	Between.	Overall
Cons	2333.21**** (2464.58)			
Oil price	22.63** (6.61)			
Oil exports	1.57**** (1.36)			
Observation	88			
R-squared		0.18	0.2	0.07
Number of idcode	4			

Observation per group: min = 22, avg = 22, max = 22 (the data is strongly balanced)

Standard errors in parenthesis; Wald $\chi^2(2) = 16.73$; Prob(χ^2_2) = 0.0002; **** not significant, ***p<0.01, **p<0.05, *p<0.1

Results Analysis: Contrasting and Unpredictable Correlation

The Prob $\chi^2(2) < 0.05$ indicates ⁴ that the model is well specified⁵. Although the selected variables impact the GDP per capita, the only independent variable that has a significant impact on GDP per capita for the selected countries is the oil price. Oil price is statistically significant at 5% level of significance, with a probability lower than 0.05. It has a correct positive sign pointing out that an increase in oil price would positively affect the GDP per capita. This figure is economically significant due to $\beta_1 = 22.62$. This indicates that when the oil price changes by one unit over time, the annual GDP per capita changes by \$22.62. For countries like DRC, Gabon, Nigeria, and Equatorial Guinea that enjoy low income per capita, such a change could be considered economically significant. The oil price increased from 14.42 dollars to 99.67 dollars between 1998 and 2008; remained high between 2009 and 2014 then decreased to 65.23 dollars in 2019. This is an average annual growth of 10.12% over the period of 1998 to 2019. In the meantime, the GDP per capita experienced an average annual growth rate of 2.07% for the four selected countries, way below the 10.12% of oil price growth. The GDP per capita annual growth rate was respectively 1.04% for DRC, 5.76% for Equatorial Guinea, -1.18% for Gabon and 2.66% for

⁴ [Prob $\chi^2(2) = 0.0002 < 0.05$]

⁵ It is worth noting that the R-squared is low (R2 = 0.072).

Nigeria. As mentioned in the section II above, DRC and Gabon experienced the lowest results over the period.

Although our model is well specified with a probability of $\chi^2(2)$ lower than 0.05, and a Wald $\chi^2(2) = 16.73$, only the oil price plays a significant role on the GDP per capita for the selected sub-Saharan countries. The coefficient of the oil exports, although showing the correct sign, does not appear to be relevant to predict changes in GDP per capita for the sample of countries. This result corroborates the analysis made by Olters et al. (2006) regarding Gabon's economy. Massive public investment projects motivated by the increases in oil price have not translated into economic growth and development. Instead, those projects have proven inefficient and were accompanied by "serious economic crises, noticeable budgetary imbalance and domestic or external payment arrears" (Olters et al. 2006). Similar observations are made regarding Nigerian economy. "Nigeria discovered oil in 1950. The economy's dependence on oil has been on an increasing path ever since. Government revenues rose from 10% of GDP in the 1960s to 30% in 1980s on the back of higher oil production and prices and oil exports from 5% to 24%. In the last decade, these shares have averaged at 10% and 16%, respectively. This is not indicative of higher diversification as the share of oil in total fiscal and export revenues remained at 47% and 84% in 2019, respectively" (Khanna 2022). Therefore, the absence of correlation between oil exports and GDP per capita improvement demonstrated in our regression translates a structural imbalance reality in the sub-Sahara Africa region. In addition, the insignificant R^2 reinforces this finding and substantiates the facts that various other factors play a role in GDP per capita changes. These factors may relate to areas other than the economic sphere. Ssenyonjo (2017) highlights the factors limiting the realization of the economic, social, and cultural rights in Africa including non-compliance with domestic court rulings in favor of ESC rights, political authoritarianism, elevated levels of corruption, poverty, armed conflicts, limited engagement of NGOs and civil society and lack of respect for the rule of law (Ssenyonjo 2017). This emphasis depicts a common reality for the sub-Sahara Africa countries and raises numerous questions about not only the responsibility of the local governments, but also the responsibility of the international community, including the United Nations. One example of the responsibility of the international community in the Sub-Sahara Africa's situation can be found through the following statement made by Attiya Waris. According to Attiya Waris, UN Independent Expert on foreign debt, other international financial obligations, and human rights, "Africa receives around \$100 billion in aid a year from the rest of the world. But every year, it loses 160 billion because of the tax evasion of multinationals". If multinationals paid their taxes up to what they owe, Africa would be self-sufficient and would not need to go into debt or resort to external aid. In the abstract of their publication, "Bringing the Billions Back...", Froberg and Attiya (2012) underline the following: "Every year between US\$ 850-1000 billion disappears without a trace

from developing countries, ending up in tax havens or rich countries. The main part of this is driven by multinational companies seeking to evade tax where they operate and has been called “the ugliest chapter in global economic affairs since slavery.” The sum that leaves developing countries each year as unreported financial outflows, referred to as illicit capital flight, amounts to ten times the annual global aid flows, and twice the debt service developing countries pay each year. For each dollar that goes to the developing world in aid, almost US\$10 comes back to developed countries through illicit means. This money, if properly registered and taxed in the country of origin, could of course contribute to considerable development, and make a major difference in the fight to combat poverty” (Froberg and Attiya 2012).

The following section will try to give some directions toward improving multilateral cooperation in order to prepare an environment promoting a better future for sub-Saharan Africa, where human rights will be combined with economic rights, and where populations will be able to realize their human potential while enjoying the benefits of the rich subsoils with which their countries are endowed.

4. Strategies for a Better Respect of Economic Rights

The issue raised above sends us back to the mission of the Economic and Social Council (ESC). With a view to monitoring and verifying the application of the articles of the ESCC (Economic, Social and Cultural Covenant), the ESC was responsible for implementing the Covenant and ensuring that the provisions adopted would be respected by the signatory States. Within the ESC, an Economic Rights Committee (ERC) was created to cover this mission entrusted to the Economic and Social Council. Among the roles assumed by the ERC is the control “of the reports made periodically by the States on the implementation of the rights enshrined in the Covenant. The first report must be drawn up within one year after the entry into force of the Convention, the following should, according to the rule, be submitted on a five-year basis” (CESCR 2022). A first observation can be made regarding the operating principle of the committee: reports are submitted every 5 years. This suggests slowness and heaviness in the monitoring and verification work. Five years of reports can give rise to voluminous documents whose analysis requires a considerable time. In addition, seventy-one countries are signatories to the covenant. It may turn out that between the time of receiving the reports, their verification, and the search for normality (request for information on non-compliant states, search for solutions, implementation of these solutions when possible), the elapsed time could generate inefficiency, inertia, and irreparable damages.

Nevertheless, it should be emphasized that the Economic and Social Council has a complaint system that can be used by any individual, group of individuals or institution feeling victims of non-respect of their economic, social, and cultural rights and who cannot access justice in their country's courts for these violations. Depending on the complaint and the information provided, this procedure may give rise to an intervention within 24 hours of receipt of the

complaint (UN General Assembly 1966). However, the time required may be extended if the information provided is not sufficient and depending on the case complexity. Despite the existence of these mechanisms, it is worth highlighting the lack of means available to local populations to have access to them. Most often the local populations are unaware of its existence, let alone using it. According to Holmes (n.d.), more than 25,000 people worldwide die of hunger every day. Were these 25,000 individuals aware of the existence of these texts which were intended to protect them against the irreparable? To have known about it, would it have been enough? How could they have made them prevail? How to ensure that the populations of developing countries can have access to these texts and ensure that they can benefit from them. Impacted by poverty, ignorance of their rights and the absence of voice and representativeness, the populations of sub-Sahara African countries have no possibility of defense and access to these procedures put in place by the Committee of Economic Rights. Those are thousands of individuals who remain without recourse, while the provisions to protect them exist. In addition, “their country must first become a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by ratifying or acceding to it” (UN General Assembly 1966). This constraint constitutes a source of limitation for populations in the possibilities of exercising their rights.

Furthermore, in the texts of the United Nations Economic, Social and Cultural Covenant, we can read the following:

1. All people have the right to self-determination. By virtue of this right, they freely determine their political status and freely pursue their economic, social, and cultural development.

2. To achieve their ends, all peoples may freely dispose of their natural wealth and resources, without prejudice to the obligations arising from international economic cooperation, based on the principle of mutual benefit, and from international law. In no case may a people be deprived of their own means of subsistence.

One of the commission's agendas could be focusing on organizing independent commissions that would promote the respect of the rights of the populations. This would make necessary the adoption of new regulations. Part of these regulations should include international laws to stop the sub-Saharan countries' dispossession of their wealth but more specifically in DRC. The awareness that is rising in most African countries today could facilitate the adoption of these regulations that would effectively protect the individuals. In that respect the United Nations should be more intentional in acting in favor of protecting the populations' rights when the local governments fail to do so.

On the one hand, there is the problem of national sovereignty. No economic program from the United Nations can be implemented without the

support of local governments. Thus, to what extent are Articles 1.2, 4 and 5.2⁶ of the Economic and Social Covenant are applied in developing countries? To what extent could the United Nations, through its agencies, advocate for these populations, without violating the sovereignty of states?

Among the economic and social rights that this Covenant aims to guarantee are the right to social security, the right to an adequate standard of living the right to be free from death and the right to enjoy quality health care and education. For the sub-Sahara African populations, we are far away from these goals that remain as dreams for millions of them, after almost five decades of the covenant.

Conclusion

The covenant on economic, social, and cultural rights came into force in 1976. Forty-seven years, covering two generations, is a sufficiently extended period for transformation through the adoption of appropriate development policies. The context of African countries could be even more advantageous since these countries can benefit from the spin-offs of technological progress in which they have not invested. In the field of energy with clean electricity, and energy storage, in the field of transport, infrastructures (road, port and airport, railroad), and artificial intelligence, Africa does not have to invest in research and development to take advantage of these technologies which for the most part can be imported. This represents an enormous advantage, which could help the continent to get out of the underdevelopment trap to begin a process of take-off, then mass consumption that would improve of the populations' living conditions.

The road to the achievement of these goals and the enjoyment of these rights for millions of individuals in the countries of Sub-Saharan Africa is still long. An example is the dispossession of the DRC's populations of its national wealth and natural resources under the eyes of the international community. Mechanisms that are less general, more specific and adapted to specific situations must be envisaged so that people, in an individual way, feel the impact of these recommendations made by the Economic, Social and Cultural Pact. One of the key issues that should require prompt and earnest consideration by the United Nations is the taxation policies and practices of multinational corporations in African countries, particularly those with

⁶ Section 1.2. To achieve their ends, all peoples may freely dispose of their natural wealth and resources, without prejudice to the obligations arising from international economic cooperation, based on the principle of mutual benefit, and from international law. In no case may a people be deprived of its own means of subsistence.

Article 4: The States parties to this Covenant recognize that, in the enjoyment of the rights guaranteed by the State in accordance with this Covenant, the State may subject these rights only to the limitations established by law, to the only extent compatible with the nature of those rights and exclusively with a view to promoting the general well-being in a democratic society.

Section 5.2. No restriction or derogation from the fundamental human rights recognized or in force in any country by virtue of laws, conventions, regulations, or customs may be admitted, on the pretext that this Covenant does not recognize them or recognizes them, to a lesser degree.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

vast mineral and mining resources. As already mentioned above, according to Attiya Waris, “Africa receives around \$100 billion in aid a year from the rest of the world. But every year, it loses 160 billion because of the tax evasion of multinationals”. If multinationals paid their taxes up to what they owe, Africa would be self-sufficient and would not need to go into debt.

In the United Nations document it is possible to read that the Covenant on Economic and Social Rights as well as the Covenant on Civil and Political Rights constitute pillars of the rights enshrined in the Universal Declaration of Human Rights. All these texts comprising the covenant of economic, social, and cultural rights, the law of the international covenant on civil and political rights and the universal declaration of human rights together constitute the international charter of human rights and dignity. Therefore, the international covenant on economic, social, and cultural rights is an integral part of the international bill of human rights and completes the universal declaration of human rights as far as it details the economic aspirations of the populations in relation to their rights.

The progress made in developing countries, particularly in sub-Saharan African countries as a result of the United Nations’ Sustainable Development Goals program remains mixed. Some countries are performing better. For others, there is still a long way to go. Mollah (2020) analysis Bangladesh’s constitutional barriers and denial towards judicial enforcement of Economic, Social and Cultural rights. He notices that despite the ratification of PESCR, about two decades ago, the government of Bangladesh is silent on the Optional protocol to the PESCR Mollah (2020).

The question then arises as to how to help these countries get out of their economic slump and finally embrace the air of development where the population can enjoy the benefits of a healthy and prosperous economy, emerging from their abundant factor endowment? In his article “The Influence of the International Covenant on Economic, Social and Cultural Rights in Africa” Ssenyonjo (2017) notes the inconsistent practice among African countries and the increasing trend towards more constitutional protection of many ESC rights either as justiciable human rights or at least as 'directive principles' of State policy. He highlights the factors limiting the realization of the economic, social, and cultural rights in Africa including non-compliance with domestic court rulings in favor of ESC rights, political authoritarianism, important levels of corruption, armed conflicts, limited engagement of NGOs and civil society and lack of respect for the rule of law (Ssenyonjo 2017). This reality points out the challenges the international community, and more specifically the United Nations, will face to help these countries emerge from the abyss of underdevelopment. Their factor endowment could create the comparative advantage that would enable them experiment economic outcomes that would favor their convergence toward developed countries’ GDP per capita and exit from unjustified underdevelopment. Living below the poverty line is not

inevitable. It is imperative to find ways for the abundant factor endowment to be translated into high national wealth for the populations' benefits.

Would it therefore be possible to move away from the beaten track where traditional macroeconomic analysis is the key and the analytical tools for understanding the realities of developing countries? The developing countries' situation requires a more global and multidisciplinary approach that would include questions of human rights, international law, political, diplomacy, sovereignty, and social inequality issues. Mainstream economic orthodoxy has proven insufficient to capture all the contours of the realities of developing Sub-Saharan countries. After 30 years of inconclusive attempts, don't we need to rethink the theoretical framework within which we analyze the realities of developing countries, in particular those of sub-Saharan countries? This will probably be the challenge for the international community for decades to come.

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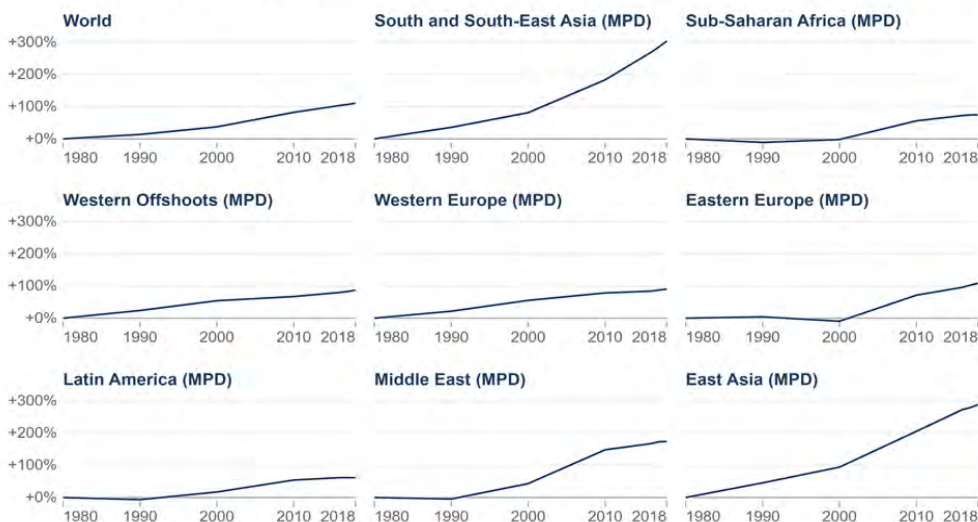
Shaping a World of Freedoms: 75 Years of Legacy and Impact of the Universal Declaration of Human Rights

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Appendices

Change in GDP per capita, 1980 to 2018

This data is adjusted for inflation and for differences in the cost of living between countries.



Source: Maddison Project Database 2020 (Bolt and van Zanden, 2020)

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Note: This data is expressed in international-\$¹ at 2011 prices.

1. International dollars: International dollars are a hypothetical currency that is used to make meaningful comparisons of monetary indicators of living standards. Figures expressed in international dollars are adjusted for inflation within countries over time, and for differences in the cost of living between countries. The goal of such adjustments is to provide a unit whose purchasing power is held fixed over time and across countries, such that one international dollar can buy the same quantity and quality of goods and services no matter where or when it is spent. Read more in our article: What are Purchasing Power Parity adjustments and why do we need them?

HUMAN RIGHTS ONLINE: TOWARDS A NEW GENERATION OF HUMAN RIGHTS IN THE VIRTUAL WORLD

Julia M. Puaschunder¹

Human rights guide interactions based on moral standards of human behavior. Despite the universal and inalienable character of human rights and their protection by national and international law, surprisingly human rights have just recently begun to be addressed in relation to digitalization. Three potential developments of human rights are envisioned in the artificial intelligence age: (1) Attention may shift from human rights protecting against surveillance by national governments towards human rights-backed regulation against the interference of big data reaping online entities for surveillance and generating insights. Privacy protection – like enacted in the General Data Protection Regulation and the Right to Delete and implicitly in the Digital Millennium Copyright Act – may leverage into an inalienable human right to protect humans in the digital millennium from privacy infringements online. (2) With freedom of expression pitted against hate speech control in online social media platforms, future applications of human rights to online contexts should balance liberty with protection. Online virtual spaces should be scanned for upholding dignity in the virtual world featuring anonymous actors. A well-balanced virtual space should offer freedom of expression, yet also promote respectfully-protected human dignity. Worker rights could inspire the relation of social online media platform providers with their customers and users. For instance, the unionization of online users of virtual spaces could protect human rights when spending time and effort to share information and communicate, which

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generates big data for online market platform, social online media and search engine providers. (3) With a heightened degree of anonymity possible in virtual spaces, human rights online should focus on quality assurance when it comes to the credibility and accuracy of online content. Online bots, fake accounts and news but also Search Engine De-optimization (SEDO) developments in the digital millennium infringing on the right to know and access to accurate information that can also cause social upheaval, legal and democratic instability as well as financial turmoil. Governance, governments and industry providers are meant to safeguard online virtual environments. With the International Law Commission monitoring the use of social online media for establishing customary law and legal practice guidelines, a new generation of human rights online should address the role of accuracy and democratization of social media platforms. This chapter captures emerging challenges humanity faces in the coming decades regarding the worldwide-ongoing digitalization. In the future, human rights obligations of governments and monopolistic internet firms but also individual virtual market actors may ennoble online spaces to flourish a new generation of human rights advancement in the digital age.

Introduction

Human rights are based on moral standards of human behavior that guide interactions. Protected by national and international law, every human being is entitled to these inalienable, universal and egalitarian fundamental rights that are inherent in all human beings regardless of age, origin, location, language, religion, ethnicity, or any other status, such as economic wealth.

Ever since the inception of the Universal Declaration of Human Rights 75 years ago, human rights were attributed to all human beings in order to alleviate inequalities through universal inclusiveness. Stemming from respect for human dignity and based on the rule of law, human rights get practiced in the wake of natural behavioral laws and due to empathy. In the social compound human rights help establish societies of trust, decency and dignity.

Human rights grew in phases. Origins for human rights are found in secular, Asian and monotheistic traditions. Developed from ancient codes of conduct, natural law and enlightenment philosophy, human rights advanced in different generations throughout modern societies. Historically, three generations of human rights cover civil and political; economic, social and cultural rights; as well as collective rights for communities, populations, societies or nations. The legacy of early liberalism and the Age of Enlightenment propelled the liberal vision of human rights in relation to democracy and the state. The socialist contribution in the industrial age defined human rights in the context of being productive for society. The right to self-determination in the imperial age advanced human rights in the modern state and democracy. Human rights in the era of globalization and populism drew attention to labor

conditions, international development and environmental justice. An expansion throughout the world in the age of liberalization addressed security rights, humanitarian interventions and global governance. The refugee crisis developed human rights for immigrants and human trafficking control. In the aftermath of a global pandemic, the most recent advancements now comprise human rights in relation to governmental mass surveillance, Artificial Intelligence (AI) use and social media and search engine use as well as big data-generated crowd control via social media in the advent of digitalization in the virtual world.

Despite the universal and inalienable character of human rights, surprisingly human rights have just recently begun to be addressed in relation to digitalization. On the brink of the age of Artificial Intelligence-enhanced search machines, robotics and big data insights, the time has come to apply human rights to online contexts. Three potential developments of human rights are envisioned in the artificial age:

(1) With the shrinking governmental control of online information exchange and data brokerage platforms, human rights will become essential for guiding online virtual communication spaces. Attention may shift from human rights protecting against surveillance from national governments towards human rights-backed regulation against the interference of big data-reaping online entities as the internet has shifted surveillance opportunities in the digital space. Big data-generating corporations – such as Google, Bing, Amazon, Facebook, Twitter, etc. – account for a new cadre of surveillance machineries that benefit from international usage portfolios online and the computational powers of the digital age. Privacy protection – like enacted in the General Data Protection Regulation (GDPR) and the Right to Delete and implicitly the Digital Millennium Copyright Act (DMCA) – may leverage into an inalienable human right to protect humans in the digital age from privacy infringements of big data generating corporations and public entities (European Commission; United States 105th Congress, 1998). Human rights could establish a right to online privacy – as enacted in the U.S. *Digital Millennium Copyright Act* (DMCA) that allows for erasing unlawful use of private intellectual property right or the European Union *General Data Protection Regulation* (GDPR) that guides the use of data online since May 2018 for European citizens and has influenced international online market standards (Copyright.gov U.S. Copyright Office; gdpr.eu; European Commission; United States 105th Congress 1998). The Brussels effect describes the de facto application of European Union law in setting international internet standards in the global world wide web (Bradford 2020).

(2) With freedom of expression being pitted against hate speech control in online social media platforms, human rights could serve as a calibrating anchor of decency in a general climate of online freedom that is monitored for socio-economic impacts and users' emotional well-being. In the future, human rights may oblige governments and corporations operating online to find the proper balance between freedom of expression and the protection of human dignity in quality information exchange. Future applications of human rights to online

contexts should imbue the concept of dignity into virtual worlds featuring anonymous actors. Human rights could help well-balance virtual spaces that offer rights to speak freely but with respect bestowing human grace and dignity to virtual users.

(3) With a heightened degree of anonymity possible in virtual spaces, human rights online should focus on quality assurance when it comes to the credibility and accuracy of online content. Online bots, fake accounts but also Search Engine De-optimization (SEDO) are the newest developments in the digital millennium infringing on the right to know and access to accurate information. Social online media have been shown to interfere with democracy by curbing voter participation and causing social upheaval, diplomatic disturbance and financial turmoil. In light of the shrinking relevance of governmentally-controlled journalism and media outlets, quality assurance of information exchange in online marketplaces and online crowd control of internet corporations, such as social online media, could be enacted via human rights online. With the International Law Commission monitoring the use of social online media for establishing customary law and legal practice guidelines, a new generation of human rights online should address the role of accuracy and democratization of social media platforms. In the particular case of searchplace discrimination, which describes search engine de-optimization strategies to curb competition online, a Right to Reply as granted by the *American Convention on Human Rights* Article 14 Right to Reply could be extended with a particular focus on the virtual space. An Online Right to Reply could oblige online media platform providers to help correct misinformation and reputation damage online (American Convention on Human Rights 1969).

In the future, human rights obligations of governments and monopolistic internet firms but also individual virtual market actors may ennoble online spaces to flourish a new generation of human advancement in the digital age. With the rising attention to digital inequality in the artificial age, the time has come to address the role of human rights for virtual consumers and online participants.

This article addresses a speculative prospect of the rise of human rights in online virtual contexts. This chapter presents human rights advocacy online, combining scholarly understanding with active policy proposal endeavors to uphold human rights in the virtual space. Artificial intelligence ethics and digital inequality awareness will prosper the idea to have certain inalienable rights online that work towards accuracy, decency and dignity in the online space.

The following paper starts with a description of the history and advent of human rights. The paper then draws attention to rising concern over artificial intelligence ethics and digital inequality in the virtual world. Three future trend developments of human rights online are speculatively outlined: (1) The protection of online agents in terms of their privacy and freedom from unjustified surveillance; (2) Calibrated balance between freedom of expression and hate speech control in transparent online communication; (3) Credibility and

accuracy of online content with particular attention to searchplace discrimination. The discussion proposes policy recommendations but also stresses the societal need for future research on human rights online.

Human rights

Historical advent

Human rights are inherent to all human beings. Every human is entitled to human rights, regardless of race, sex, nationality, ethnicity, language, religion, or any other status (United Nations 2023). Human rights are universal in their applicability everywhere at every time and egalitarian in granting the same rights to everyone. The universal character of human rights has been accepted as fundamental law practiced all over the world. “Human rights embrace the whole spectrum of standards that every person should expect as a minimum entitlement in any decent society, and they include rights in every realm of life, civil, political, social and cultural – from social security to health, from education to sexual orientation rights” (Amnesty International 1998).

Human rights sprung out of the wish for equality and developed over centuries to counter discrimination, injustice and ethical concerns in various historical traditions (Ishay 2023). The earliest beginnings of human fundamental, inalienable rights are already noticed in secular traditions, ancient Asian and African religions as well as monotheistic religions (Ishay 2023). Babylon, Ancient Greece and the Roman Empire had first attempts to create universal laws to guide human interaction. The *Code of Hammurabi* (around 1750 BC) of the kingdom of Babylonia marks the first liberty and justice codifications of the right to property and work regulation (Code of Hammurabi; Ishay 2023). The Persian empire had a notion of tolerance of different religious beliefs (Ishay 2023). Humane values were also at the core of ancient Greek philosophy (e.g., Socrates, Plato, Aristotle, Stoics) and Roman law, which inspire philosophers and statesmen until today. Upholding human values during war was propagated in ancient traditions like Aristotle’s *Politics* and Plato’s *Republic*. Socrates and Plato also form early property rights. Early notions of natural law moral compasses that are inherent in every human being tie back to the ancient Roman *De Legibus* (52 BC) of Cicero. Religious natural laws are conveyed in Christianity (e.g., Thomas Aquinas, Hugo Grotius).

Ancient Asian religions and traditions hold traces of values of human rights in respectfulness, tolerance and humane treatment of citizens and enemies. Some notions of property ownership and protection of labor rights are already mentioned in ancient texts. Confucius and Mencius in ancient China as well as Kautilya, Ashoka and Manu in ancient India are seen as precursors of human rights traditions in the wish to establish peaceful and just societies (Ishay 2008, 2023). Buddhism and Hinduism hold elements of social order, just stability and collective tranquility close to human rights. In Africa, the *Manden Charter*

proclaimed in Kurukan Fuga established war customs advocating to not humiliate enemies (Ishay 2023).

Religious notions of natural laws inherent in everyone that guide actions based on conscientiousness but also early liberalism (e.g., Locke, Hobbes) and the age of Enlightenment prepared the moral, ethical and philosophical argumentation for modern human rights codifications (Ishay 2023).

Religious roots of human rights values can also be found in religious writings of the Ten Commandments of the Hebrew Bible, The New Testament and the Quran. Islam, Judaism and Christianity offer universal guidance on moral standards that are also reflected in human rights (Ishay 2008, 2023). Values of inclusion and ethical conduct that relate to human rights blossomed in the Renaissance.

The birth of human rights in their contemporary understanding is often attributed to the *Magna Carta* (1215) and *The Habeas Corpus Act* (1679). The *Magna Carta* (1215) but also evolutionary codifications around the world account for documents promoting the idea of inalienable rights to every human being regardless of her or his race and social standing. The liberal vision of human rights includes the early beginnings in the liberal tradition of John Milton, John Lock (1689) and Voltaire (1783) arguing for freedom from governmental oppressions (Ishay 2023). In later times, important documents include the *Resolution against Colonialism* of 1904 and the *Slavery Convention*, which was adopted in 1926 and entered into force in 1927, as well as the *Declaration on the Granting of Independence to Colonial Countries and Peoples* of 1960.

Philosophical roots of human values close to human rights are found in Immanuel Kant's (1783/1993) categorical imperative, which advocates for actions as a universal maxim – one should only act in such a way that behavior can be actively done and passively experienced be justified. John Rawls' (1971) idea of evaluating every situation behind a veil of ignorance without consideration if individually gaining or losing from ethical predicaments but only considering the problem for its overall implications for everyone ties to the universal and inalienable character of human rights.

Revolutions brought forward first legal documentations of human rights, such as *The English Bill of Rights* (1689), *The United States Declaration of Independence* (1776), *The French Declaration of the Rights of Man and Citizen* (1789) and the *United States Bill of Rights* (1791). *The United States Declaration of Independence* (1776) constituted self-evident unalienable rights to life, liberty and the pursuit of happiness in the wish for constituting tranquility, property rights, safety and happiness. *The French Declaration of the Rights of Man and Citizen* (1789) addressed natural and imprescriptible rights of Liberty, Property, Safety and Resistance to Oppression. *The French Declaration of the Rights of Man and Citizen* (1789) also laid out the role of the rule of law to establish values in society for the sake of collective peace, tranquility, happiness and stability.

Economic foundations of ethics of redistribution for the sake of stability and acceptance of collective decisions are found in Nicholas Kaldor's compensation criteria, which are similar to human rights in the notion that common values should be agreed upon by everyone as well as outlining injustices can make society more efficient if being alleviated by compensation-mechanisms (Hicks 1939; Kaldor 1939; Posner 2007).

Modern human rights developments as universal standards of justice emerged out of humanistic thoughts of the Renaissance and Protestant Reformation as well as the Age of Enlightenment. Freedom of religion and freedom of expression were early notions that inspired the human rights. John Milton argued against censorship. John Locke (1689) advocated for the separation of religion and state. Voltaire (1783) became renowned for his *Treatise on Tolerance*. Rights to life and personal security were argued for by Thomas Hobbes, Cesare Beccaria and Montesquieu. Greek and Roman natural law but also Aquinas inspired Hugo Grotius advocacy for decency during wartime in "*The Law of War and Peace*" in 1625. Jean-Jacques Rousseau and Maximilien de Robespierre argued for property right protection in the wake of the "*French Declaration of the Rights of Man and Citizen*" (1789). "*The Rights of Man*" by Thomas Paine (1791) outlined basic freedoms in relation to governmental democracy.

Historic contestations of human rights values revolve around the universality character not being inclusive to certain groups. For instance, passive citizenship rights, gender, religion, native status, property and wealth differences have persisted throughout history. Critique of the legal neglect of native populations was voiced as early as the 16th century in Bartolomé de Las Casas "*In Defense of the Indians*" (1548). In the French 1790 script "*Declaration of the Rights of Women and the Female Citizen*," Olympe de Gouges addresses concern for women's rights in the French "*Declaration of the Rights of Man and the Citizen*" of 1789 and the different treatment female experienced under law as passive citizens being deprived of full property rights. Gouges' (1790) work inspired the British Mary Wollstonecraft's "*Vindication of the Rights of Women*" of 1792. Maximilien de Robespierre regards full inclusion of those without property in citizenship rights already in the late 18th century. Similar movements existed advocating for full rights of Jewish population groups around the same time. Contestation of slavery – already noted in Adam Smith's "*Wealth of Nations*" (1776) – led to the United States civil war from 1861 to 1865.

The formation of capitalism and free markets became vital in private property protection. 20th century human rights advancements include socialist perspectives in free trade and protection of human values during war (Ishay 2023). Notable codifications include *The Factory Act* of 1802, *The Factories Bill* (1833) and the *Factories Act*, also known as the *Ten Hour Act* of 1847.

Generations of Human Rights

The advent of modern human rights is structured in three generations of human rights, which feature five controversies. The first generation concerns civil and political rights to protect the individual from freedom infringements, oftentimes from institutions, the state and laws of the state, especially in regard to cruel treatment and unjust punishment. First-generation human rights cover civil and political rights (e.g., right to live and political participation). As religious movements and the Renaissance progressed, freedom of thought and expression, the freedom of conscience, worship, speech, assembly, association and the press were added.

Second-generation human rights are housed in economic, social and cultural rights (e.g., right to subsistence). The second generation of human rights concerns the economic and social rights addition in the wake of industrialization of the 19th century. The right to property, liberty and the pursuit of happiness were fundamental rights added to the original catalog, followed by the addition of rights to education and work as human rights. Social security improvements were propelled in the rights to medical and dietetic services in some countries, also stressing right to maintenance and protection during infancy, old age retirement, sickness and other forms of incapacity, as well as involuntary unemployment (Ishay 2023). Rights of mind followed in the right to inquiry, expression and communication.

The nineteenth century saw a discussion of rights to information by the citizens for a proper execution of the state and political functions. Third-generation human rights are considered as solidarity rights (e.g., the right to peace, the right to a clean environment); as well as collective rights for communities, populations, societies or nations. The enforcement in direct legal compulsion appears to get weaker with every generation as does the international political recognition.

Human rights during capitalism developed from focus on citizenship rights, institutions to rights in the changing relation of human to productivity in capitalism (Marshall 1950). Civil rights were rooted in enlightenment, toleration and liberal freedoms. Political concern voting rights and privileges of all citizens. Social rights are grounded in rights to education and fair participation in a productive welfare state of the growing working class in the industrialized world. Human emancipation and the rights of children, women and marginalized communities became essential parts of human rights declarations. Thematic adjustments over time stressed dignity with religious roots; civil liberty in light of the Enlightenment period; economic and political equality through socialist and labor movements' advent in the wake of the industrial revolution as well as fraternity with cultural rights in light of anti-imperialist sentiments in the 19th-century Europe and the 20th-century colonialism critique (Ishay 2023). Other

notable developments include the *Geneva Convention Relative to the Treatment of Prisoners of War*, which was adopted in 1949 and entered into force in 1951.

The first controversy around human rights discusses the origins of human rights from religion and ancient secular traditions. The second controversy challenges the European influence on human rights, connected to the third controversy over the socialist human rights propagated by Stalinism and influenced by Maoism. The fourth controversy stresses self-determination in imperialism, igniting conflicts between opposed groups fighting for sovereignty based on the right to a homeland over the same territories. The fifth controversy addresses the influence of globalization on multifaceted economic and cultural forms (Ishay 2023). This chapter argues for a new generation of human rights sprung out of a sixth controversy over digitalization influencing human lives.

Modern Human Rights Declarations

The 20th century became renowned for the struggle from rights to self-determination with the fading of the imperial age around the world, which also inspired respective human rights developments. Former U.S. President Woodrow Wilson proclaimed to Congress the right of ethnic groups to national self-determination in 1918. Rights to self-determination were codified in the *United Nations International Covenant on Civil and Political Rights* (1966) and the *United Nations International Covenant on Economic, Social and Cultural Rights* (1966). Later developments include the *International Convention on the Elimination of All Forms of Racial Discrimination* adopted in 1965 and entering into force in 1969.

After witnessing soldiers during the Battle of Solferino in 1859, Henry Dunant called for the creation of the International Committee of the Red Cross (ICRC). The first drafts of the *Geneva Conventions* in 1864 laid the foundations of international humanitarian law, which was later further developed in light of the World Wars and came to life in a document in 1949 (International Committee of the Red Cross). The League of Nations and subsequent United Nations established the inalienable character of human rights since the *Covenant of the League of Nations* in 1919 and the *International Labour Organization Charter* of 1919.

In 1947, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) assisted the Human Rights Commission drafting committee with a questionnaire to study the Chinese, Islamic, Hindu, American and European traditions and examine the intellectual bases of modern bill of rights on their legal perspectives in relation to human rights (Ishay 2008, 2023). Traditional contributions were complemented with secular tradition viewpoints, Asian and African religions and traditions, and the monotheistic tradition input (Ishay 2008, 2023). The formulation of human rights was considered as an essential element in the constitutional structure of the United Nations advocating for a common understanding of these universal laws despite any difference between nations, traditions or cultures.

Shaping a World of Freedoms: 75 Years of Legacy and Impact of the
Universal Declaration of Human Rights

The United Nations codified a catalog of human rights starting with the *United Nations Universal Declaration of Human Rights* in 1948, which was aimed at becoming an international ‘Magna Carta,’ comparable to the proclamation of the *Declaration of the Rights of Man* by the French in 1789 as well as the adoption of the *Bill of Rights* by the United States (Roosevelt, 1948 in Ishay, 2023). The United Nations *Universal Declaration of Human Rights* (1948) encapsulates five pillars of human rights with attention to security, civil-political rights, socio-economic rights and cultural rights.

The *United Nations Universal Declaration of Human Rights* (1948) recognizes “the inherent dignity” and equality of “inalienable rights of all members of the human family” as “the foundation of freedom, justice and peace in the world” (Preamble). “Human rights should be protected by the rule of law” (Preamble). The document targets at the “development of friendly relations between nations” (Preamble). The Declaration should reaffirm the “faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women” in order to “promote social progress and better standards of life in larger freedom” (Preamble). The General Assembly proclaimed the *Universal Declaration of Human Rights* (1948) as “a common standard of achievement for all peoples and all nations” and advocates “to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance” (Preamble).

The Declaration codified that “All human beings are born free and equal in dignity and rights” (Article 1). “Everyone is entitled to all the rights and freedoms” set out in the Declaration, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion” (Article 2). “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” (Article 2).

“Everyone has the right to life, liberty and security of person” (Article 3). The Declaration states that “all are equal before the law” and “entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination” (Article 7). “No one shall be subjected to arbitrary interference with his” or her “privacy, family, home or correspondence, nor to attacks upon his” or her “honor and reputation. Everyone has the right to the protection of the law against such interference or attacks” (Article 12).

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (Article 19). Article 20 constitutes that “Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.” Article 22 declares “Everyone, as a member of society, has the

right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his” or her “dignity and the free development of personality.”

“Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment” (Article 23). “Everyone, without any discrimination, has the right to equal pay for equal work” (Article 23). “Everyone who works has the right to just and favorable remuneration insuring for himself” or herself “and his” or her “family and existence worthy of human dignity, and supplemented, if necessary by other means of social protection.” (Article 23). “Everyone has the right to form and to join trade unions for the protection of his” or her “interest.” (Article 23).

Article 26 constitutes that “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” “It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for maintenance of peace.”

According to the Declaration, “everyone has duties to the community in which alone the free and full development of his” or her “personality is possible” (Article 29). “In the exercise of rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

The Declaration is meant to include the pillars of dignity, liberty, equality, and fraternity (Ishay 2023). With having been translated in more than 500 languages, the Universal Declaration of Human Rights accounts for the most translated document in the world. The Universal Declaration of Human Rights asserts human rights as the “foundation of freedom, justice and peace in the world.” Spearheaded human rights attention in times of war and during crime scenes, the declaration codifies a universal right to life (di Beccaria 1764; Hobbes 1652 in Ishay 2023). Anti-war advocacy was strengthened in the *Convention on the Prevention and Punishment of Genocide*, which was adopted in 1948 and entered into force in 1951.

The Council of Europe issued the *Convention for the Protection of Human Rights and Fundamental Freedoms*, which was adopted 1950 and entered into force in 1953, to codify fundamental freedoms. Article 10 constitutes freedom of expression in “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” “The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of

national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.” Article 11 constates that “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his” or her “interest.”

The *European Social Charter* in the context of the implementation of the *EU Charter of Human Rights* was adopted in 1961 and entered into force in 1965 (European Parliament 1961). Libertarian roots inspired the *International Covenant on Civil and Political Rights*, which were adopted in 1966 and entered into force in 1976, and addressed dignity in the political status of citizens as well as their economic, social and cultural development. International economic cooperation, based on the principle of mutual benefit and international law, were codified in the *International Covenant on Civil and Political Rights*.

International law and global governance adopted the concept of human rights in international conflicts and global challenges. Notable developments include the *Geneva Convention Relative to the Treatment of Prisoners of War* and those who have taken part in hostilities, which was inspired by anti-war sentiments and adopted in 1949, entering into force in 1950. The *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* was adopted in 1984 and entered into force in 1987. “For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him” or her “or a third person information or a confession, punishing him” or her “for an act he” or she “or a third person has committed or is suspected of having committed, or intimidating or coercing him” or her “or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity” (Article 1). Eradication of torture is proposed by a “code of dignity” addressing the “moral and humane” nature of “people” (Ishay 2023, 402). Torture is also mentioned as a crime against humanity in Article 7 of the *Rome Statute of the International Criminal Court* (1998). All these rights to protect against degrading treatment are at the core of the recognition and respect as a person.

Rights of freedom of speech, conscience, religion, and association protect personal autonomy, which recognizes social and cultural dimensions of personal development. Equal respect entails rights to political participation and the freedom of speech, press, assembly, and association (Ishay 2023). Equality also lies at the heart of the protection of discrimination in equal access to a fair share of resources and opportunities (Ishay 2023). Degrading inequalities in markets and economic welfare are meant to be alleviated by universal human rights protections. Human rights promise to work towards correcting unjustifiable

market inequalities and assuring a minimum share of resources through the implementation of social and economic rights, also inspiring implementing regulations (Ishay 2023). Demands of equal concern and respect for dignity are meant to complement rights to economic participation. Security is sought to stem from equal opportunities to flourish and strong communities based on dignity and respect.

International human rights law lays the foundations for obligations of governments to promote and protect human rights and fundamental freedoms to all individuals. Although the United Nations advocates for equal weight to the different types of human rights, international nuances have existed ever since. Western cultures have a history of giving priority to civil and political rights. During the Cold War era, the socialist contribution in the industrial age raised attention to the need for economic balance, educational access and social rights. Former Soviet bloc countries and Asian countries have tended to prioritize economic, social and cultural rights, such as the right to work, education, health and housing. Relatedly, the *United Nations International Covenant on Economic, Social and Cultural Rights* was adopted in 1966 and came into force in 1976.

The United States Organization of American States issued the *American Convention on Human Rights*, which was adopted in 1969 and entered into force in 1978. *The American Convention on Human Rights* features protection of the Right to Privacy (Article 11), Freedom of Thought and Expression (Article 13) but also a Right to Reply (Article 14). *The American Convention on Human Rights* Article 14 Right to Reply states that “Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the Right to Reply or to make a correction using the same communications outlet, under such conditions as the law may establish. The correction or reply shall not in any case remit other legal liabilities that may have been incurred. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and Television Company, shall have a person responsible who is not protected by immunities or special privileges.” Article 26 of the *American Convention on Human Rights* concerns progressive development in “The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.”

Women were addressed in the *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*, which was adopted in 1979 and entered into force in 1981. Children became the focus of human rights protection in the *United Nations Convention on the Rights of the Child*, which was adopted in 1989 and entered into force in 1990.

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The age of globalization influenced human rights. Social human rights were debated in regards to free trade equalities, just war and the balancing role of international organizations in the global arena. Buddhist and North American traditions drew attention to self-determination with respect for human rights in the imperial age (Ishay 2023). Notable regional developments include the *Charter of Fundamental Rights of the European Union* of 2000 and the *Association of Southeast Asian Nations (ASEAN) Human Rights Declaration* of 2012. The *Arab Charter on Human Rights* was adopted in 2004.

Most recent decades saw an advent of labor and developmental human rights attention. In the age of globalization, Amnesty International promoted labor rights inclusion in human rights in 1998. Amnesty International raises awareness for decent workplace conditions around the world and backs union solidarity movements (Amnesty International 1998; Ruggie 2020). Amartya Kumar Sen (1999) advocated for civil, political and social human rights as a prerequisite for economic development. John Ruggie contributed to the *UN Guiding Principles on Business and Human Rights*, which were endorsed by the United Nations Human Rights Council in 2011 and provided a basis for advocacy for states, businesses, and the civil society to support human rights in the economic context. The principles are meant to foster social norms that influence markets and government practices implicitly.

The International Labour Organization addressed human rights focus in the *Indigenous and Tribal Peoples Convention*, which was adopted in 1989 and entered into force in 1991; followed by the *United Nations Declaration on the Rights of Indigenous Peoples* of 2007; followed by the Organization of the American States *American Declaration on the Rights of Indigenous People* of 2016. Human Rights in the Islam became subject to scrutiny in 1990 in *The Cairo Declaration of Human Rights in Islam*. The African Union issued an *African Charter on the Rights and Welfare of the Child*, which was adopted in 1990 and entered into force in 1999.

The world wide web and digitalization become subject to debate of human rights scholars around the turn of the millennium (Friedman and Ramonet 1999). The *United Nations Convention on the Rights of the Child*, which was adopted in 1989 and entered into force in 1990 holds in Article 17 “State Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources especially those aimed at the promotion of his or her social, spiritual and moral wellbeing and physical and mental health.”

Newest developments include attention to war crimes, terrorism but also international law Responsibility to Protect mandates (United Nations Office on Genocide Prevention and The Responsibility to Protect). The human rights of refugees and immigrants – as protected under the *Geneva Conventions* and the *Convention relating to the Status of Refugees* of 1951 as well as the *United Nations Protocol Relating to the Status of Refugees* of 1966 – were fortified in the *United Nations International Convention on the Protection of the Rights of All Migrant Workers and*

Members of Their Families, which was adopted in 1990 and entered into force in 2003. The *Geneva Convention* and migrant human rights have been discussed to be extended for climate refugees (Ferreira 2018; Fruttaldo 2017).

First, the *Rio Declaration on Environment and Development* of 1992 set the stage for sustainable development. Climate change then heightened awareness of the need for international law to address global warming-induced injustices within societies, between countries but also over time in terms of overlapping generations (Puaschunder 2020b; United Nations High Commissioner for Refugees). A proposed extension of the political asylum covered under the *Geneva Convention* for those who have been forced to leave due to environmental degradation has been discussed for the last couple of years in light of sinking small nation island states due to global warming (Ferreira 2018; Fruttaldo 2017). Environmental human rights concern was mentioned in the *United Nations Millennium Declaration* of 2000, followed by the *United Nations 2030 Agenda for Sustainable Development* of 2015 (United Nations Department of Economic and Social Affairs 2015; United Nations Department of Economic and Social Affairs Sustainable Development; United Nations Sustainable Development Goals). The United Nations Conferences of the Parties (COP) protocol involves the *United Nations Glasgow Climate Pact of 2021* (United Nations Climate Change).

Extensions and sophistications of anti-war codifications focused on landmines in *The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, which was adopted in 1997 and entered into force in 1999. The Office of the United Nations High Commissioner for Human Rights issued a *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, which was adopted in 2000 and entered into force in 2003. The *International Convention for the Protection of all People from Enforced Disappearance* was adopted in 2007 and entered into force in 2010. Migration became subject to human rights attention in the *United Nations Global Compact for Safe, Orderly and Regular Migration* in 2018.

Biomedicine was addressed in the *Convention in Human Rights and Biomedicine*, which was adopted in 1997 and entered into force in 1999; followed by the *World Medical Association Helsinki Declaration* of 2013 (Council of Europe, 1997; World Medical Association). Disability was recently advocated to be leveraged into human rights protection foremost in the *United Nations Convention on the Rights of Persons with Disabilities*, which was adopted in 2006 and entered into force in 2003 (Mégret 2008; Powell, Shapiro and Stein 2016). Transgender rights became noticed as human rights in the *United Nations Resolutions on sexual orientation, gender identity and sex characteristics* in 2019.

The ‘Responsibility to Protect’ is an obligation recognized by the United Nations in 2005 (United Nations 2009). All member states thereby have a responsibility to “use appropriate diplomatic, humanitarian and other peaceful means...to help protect populations from genocide, war, crimes, ethnic cleansing and crimes against humanity.” (Ishay 2023, 416).

Human rights monitoring was instituted in 1998 in the International Criminal Court (ICC), which developed out of anti-war sentiments as early as during the 19th century and principles of self-determination as well as equal rights movements. *The Rome Statute* of the International Criminal Court (1998) affirmed the intent of prosecution of international crimes of genocide, war, crimes against humanity and international aggression nationally and internationally (UN General Assembly 2010). The ICC is linked to the International Criminal Justice (ICJ) system. Future developments called for are economic foundations of international human rights (Ishay 2008).

Human rights infringement sanctions are ruled by the International Court of Justice of the United Nations and the International Criminal Court on the international level. The European Court of Human Rights of the Council of Europe in Strasbourg can also be accessed by individuals to claim human rights protection primarily against states. The Human Rights Council of the United Nations is a fairly newly established governing body of the UN since 2016 in addition to the United Nations High Commissioner for Human Rights, who oversees attention to human rights around the world. Novel sanction mechanism extensions add economic sanctions to legal compulsion and conventional prosecution authorities,

The future of human rights is addressing the winners and losers of globalization. Environmental degradation in light of climate change calls for human rights protection of climate-induced migration and climate refugees to be protected by the Geneva Convention (Ferreira 2018; Fruttaldo 2017). Sexual and gender individualism are areas for human rights extensions in the 21st century. The universalism of human rights has been questioned for being biased by Western imperial values, which demands inclusion of indigenous cultures and openness to other beliefs, e.g., such as multicultural spiritualism and natural religions. Human rights attention is most vibrantly felt to pay attention to online virtual space in light of digitalization encroaching society deeper and deeper (Bachelet 2019; Feenberg 2019; Risse 2018; Zuboff 2019a, b).

Digitalization disruption ethics

Digitalization has revolutionized the world in the last century. In today's world, Artificial Intelligence (AI) is encroaching our contemporary society and global economy. The impact of AI, robotics, big data, online social media and search engines entering our workforce and our daily lives is increasing. Questions of the explicit and implicit role of computers and communication technologies on humankind have leveraged into unprecedented momentum with the current roll out of AI as an everyday tool to support human decision making (Ishay 2023). The creation of online algorithms is compared to a novel type of evolution, which challenges existing legal frameworks, prevailing ethical notions and societal conduct.

With the advent of digitalization in all aspects of our daily lives, ethical questions arise for the state of democracy and social order within society. Critical ethical boundaries emerge in our future artificial world. For instance, with 24/7 working robots that can live eternally, ethical questions arise whether robots, algorithms and AI should be granted citizenship and legally be considered as quasi-human beings – a technocratic and legal trend that has already started (British Council). How to balance robots living forever in light of overpopulation and finite resources? How do we switch quasi-human intelligence off when misbehaving or if AI life has become a burden that cannot be borne by society? In light of robots already having gained citizenship and being attributed as quasi-human legally (British Council), should AI and robots be granted full citizen rights – such as voting rights? With AI entering our workforce without having feelings, should we reap the economic benefits of AI but also have a democracy with a diversified populace including robots? Should humans create algorithms that resemble human decision making (e.g., with emotions and fallibilities) or strive for rational artificiality in creating completely rational AI? Would feelingless AI be vulnerable or will the computational power and energetic capacities of robots outperform humankind? Given the humane fallibility and biases, would a rational AI agent make better democratic choices? Should AI therefore be used as a tool for remote governance in corrupt industries or places of the world as for being insusceptible to bribery and fraud, or does the installment of algorithms in enhancing democratic leadership positions imbue dangers to humankind? And does digitalization impose an implicit social class division for society? How should we organize the human-led evolution of AI production and the blend of a human-AI enhanced workforce? And is there a way to democratize the revenues generated from social online media exchange of information, for instance, through remunerating social media online users with some kind of ‘salary’ for their time spent on social media providing content that can be materialized by the social online media provider? Should online consumers be seen as quasi-workers when sharing information in social online media platforms that allows deriving big data insights and therefore privacy, security and dignity be protected in the unionization of online ‘worker-users’?

The first introduction of AI ethical dilemmas in relation to human rights is already prospected in Mathias Risse’s (2018) “Human Rights and Artificial Intelligence: An Urgently Needed Agenda,” calling for more attention on the impact of “artificial intelligence within the human rights community.” The concept of AI with its potential superiority to human beings and the wide-ranging use of AI in smartphones, laptops, drones, self-operating vehicles and robots are outlined (Risse 2018). AI’s reliance on big data and the generation of data from human input are stressed (Risse 2018). The absence of AI conscientiousness is depicted as a threat (Risse 2018). The rising role of social online media in society, as well as the novel way to advertise online, are viewed

as critical developments that require close monitoring for ethical infringements and societal implications (Risse 2018).

Contemporary digitalization studies question the role of AI, big data, robotics and search engines in human lives. Investigating legal frameworks in relation to digitalization but also the socio-economic dynamics of modern advancements – such as AI, robotics, big data, online social media and online search engine ‘searchplaces’ enhanced by Chat-GPT – is targeted at aiding a successful introduction of novel technologies into the workforce and society. As behavioral and evolutionary economists argue digitalization will bevalue humanness and improve the value of human-imbued unique features, the question arises what is it that makes humans humane in the artificial age, as humanness is highlighted as key to future success in the age of AI and automated control. The answers to these questions hold novel insights on future success factors for human resource management but also invaluable contributions for the successful introduction of AI and digital humanities in modern democracies and societies.

From the legal aspects, there is a trend noticeable of a new online evolution and creation of law with the help of digitalization, foremost with AI, big data insights online and online social media. The influence of social online media in the creation of law, especially customary law, is currently debated by the United Nations International Law Commission. The role of digital communication – especially in social online media forums – thereby becomes scrutinized for its novel function of creating customary law and diplomacy practice. As first governments (e.g., Venezuela, Estonia) are already using ChatGPT for scanning the legal literature and customary law practice, critical pressing questions emerge already today. For example, does digital *opinio iuris* exist through voicing legal opinions online, for instance in social online media? Will bottom-up ideas about ‘what is right’ or online natural laws influence the content of law? Will online law generation trends revolutionize traditional *opinio iuris* creation? Will ChatGPT use change key legal actors and law authorities – such as juries and tribunals? Will there be country practice differences in the integration of online display of law-making in crowd communication?

Both on economic terms and in the legal account of online communication, digitalization has made the world more transparent, easier accessible and faster. Transparency raises opportunities to engage and coordinate large online crowds beyond national borders. In diplomacy, transparent online social media tools have become noticed, e.g., in Facebook crowd formation during the Arab Spring but also in Twitter communication inciting ideas that get picked up quickly and align country standpoints. The traditional concept of science diplomacy integrating the forces of academic exchange in conventional diplomacy is currently also enriched by technological advancements (Puaschunder forthcoming a). Digitalization has opened up and enriched traditional diplomacy gateways that traditionally happened between

closed doors via controllable actors. Transparent online communication in social media forums that occurs directly in front of the eyes of others can now elicit new whistle-blowing opportunities, crowd formation but also country group dynamics that are hard to control by any public or private entity.

The digital age has also increased the speed of communication dramatically in the course of online communication. Google's algorithm not only ranks the display of search results based on the speed by which the pages behind the search results load, favoring fast-loading pages in top display positions, which implicitly incentivizes to have brief and clean pages. Google search result snippets also get shorter and shorter in describing page contents. Online markets exhibit a shortness evolution in information sharing shifting from WordPress blogs to Tumblr microblogs and in Facebook posts to Twitter's shorter messages. We currently also witness a shortening of video messages from YouTube to TikTok to Reel. The speed of communication and the way to communicate with emojis may hold vast implications for markets and society. Market distortions and consumer sentiments may inflame faster and on a more international level than ever before in the age of instant communication and international real-time e-blasting mass communication tools. In linguistic and sociology research, chats and emojis have already been argued to change the creativity and verbal expression capabilities of the upcoming youth forever.

Economic accounts attribute the introduction of digitalization, AI, big data insights and social online media as a major market disruption (Mok and Zinkula 2023). In general, digitalization is viewed to lead to a massive reduction of online market entry, coordination and communication costs. Digitalization also perpetuates an internationalization of communication as online exchange and online social forums are populated across national borders, which further complicates regulation and necessitates a globally shared understanding of online values to curb harmful activities and set international standards for virtual worlds. The economics 'meme share' debate has shown that groups of investors meeting online can move prices faster and influence markets in more global and efficient ways than previously outlined in George Soros' reflexivity theory and ever before (Puaschunder 2019b).

In finance, the advent of online cryptocurrencies has steered the question of whether bottom-up financialization online and decentralized finance should be legal around the world and if cryptocurrencies fail, how far governments should be obliged to cover bail-outs? Different country approaches exist to cryptocurrencies (Atlantic Council), with full legality in most Western world, partially banned in some other countries in the developing world, and generally banned in some strongly-governed territories (Atlantic Council). In countries accounting for over 50% of the world's GDP, cryptocurrencies are fully legal (Atlantic Council). Countries around the world are currently exploring options to integrate regulation, taxation and e-currencies in their economies (George, Boyle and Kvilhaug, 2023). The marriage of cryptocurrencies and social online media

remuneration schemes is currently evolving, e.g., in BitClout, which pays for social online media interaction with cryptocurrencies in an attempt to democratize social online media platform gains.

In relation to finance, one can also see the negative spiraling effect of social online market communication bringing down prices and spooking investors. Social online media may make communication channels more effective, international and quick but this may also create online markets that are more socially volatile and susceptible to market manipulation (Lee 2021). Social online media has been criticized for entertaining behavioral echo chambers that may peg more social sentiments to price formation than previous forms of slower and more controllable communication ways (Puaschunder 2021). In today's self-reinforcing online information silos, economic bubbles form and burst as we have recently seen in the Silicon Valley Bank collapse. Online finance communication is also less regulated than traditional media releases and therefore susceptible to manipulation. Strategic use of keywords to prime search engine results for negative contents of actually positive news and vice versa to reinforce certain market behavior strategically has been noticed to happen online in finance circles already. Clickfarms, bots and fake accounts as well as the use of algorithmic distortion in the erasure of information by internet higher administrators with AJAX extensions that have gone on the blackhat strategy side, are hardly mentioned but currently state-of-the-art practiced strategies to push down competitors in online virtual marketplaces and online searchplaces, like Google, Bing, etc. (Puaschunder 2022b). In all of this, financial market regulation is missing providing clear guidelines and incentives that foster an efficient, safe and fair market environment online. In the wake of social volatility being noticed to stem out of social coordination in online virtual spaces, the question arises how to govern the internet in an internationally-homogenous way in the acknowledgement of certain inalienable human rights? The universal understanding of human rights and their grounding in natural laws of what is right, just and fair may help in setting a strong foundation for regulation of these novel digitalization developments.

Another evolving area of concern is that digital technology is data use of our online behavior. Today big data is not only often used to politicize, influence and monitor the population internationally. Like architecture being crafted by human beings but then re-influencing how human beings behave and feel in the presence of their architecture; data is being formed by all of us online, but in reverse shapes the way we all go about life and feel about our world. And data can even be turned against the populace. In addition, online communication patterns in social media platforms have seen the predicament between free speech and incitement of violence in hate speech. Upsetting and aggravating content was found to steer crowds on online social media platforms to react and spend more time on the platform. Platform providers are therefore somehow implicitly incentivized to allow certain negative contents that tend to

engage and lead to more reactions than positive and uplifting content, which directly infringes on the decency, dignity and well-being mandates of online ecosystems. In all these pressing areas of concern, human rights could offer a multitude of solaces in already established standards of accuracy, dignity and decency.

Overall, manifold developments are currently preparing the stage for closer monitoring of human rights in relation to digitalization. For instance, digitalization's economic, legal and societal impact is currently scrutinized from an ethical perspective and a normative standpoint. The legal, economic and regulatory status of digitalization is vibrantly developing in jurisdictions and economies worldwide. The current legal status of robots being referred to as quasi-human is discussed in its society's implications for the general populace and democracy. Another major area of concern is rising digital inequality, which has increased in multifaceted ways, yet is still hardly captured by academic discourse or practitioner focus.

Digital inequality

The history of digital efforts starting from the first mechanical operators has led to today's most recent advancements – for instance, in the marriage of finance and digital currencies, social media activity remuneration, lawmaking in online platforms and the financing of space exploration with cryptocurrencies. Literature and data about digitalization is emerging that outlines that the digitalization disruption is exponentially growing qualitatively and quantitatively with time, especially in the last decade and that trend has even accelerated in the wake of the global COVID-19 pandemic. COVID-19 has led to a market transition for digitalization innovations and market advancements in all domains of human life and modern markets (Puaschunder 2022c).

Within the next five years, the digitalization disruption is prospected to continuously grow exponentially with 5G being rolled out in major economies of the world and AI enhancement entering the workforce. Digitalization encroaching all aspects of human lives at record speed, industry mechanisms that can revolutionize the way humans live but also regulation leaping behind market dynamics are all features of digitalization that demand for also highlighting the gains and losses implied in this innovation. Outlining who the winners and losers of an artificial age are is aimed at offsetting weakened segments for economic transition costs and alleviating societal downfalls.

Inequality is one of the most significantly pressing concerns of our times. While inequality has many obvious but also more implicit origins, forms and layers within society, around the globe and over time that have gained widespread attention; digital inequality has hardly been discussed to this date. Digital inequality addresses the emergence and historical evolvement of inequality in digital innovations. While the standard economic innovation

literature assumes the constant improvement of digitalization being available to the coming generations and evidence exists of digitalized nations being perceived as less corrupt in cross-country comparison studies; there is also the heterodox case of a connection of innovation and inequality awareness backed by empirical evidence – for instance, before the rise of the internet in the 1990s, there was no correlation noticeable between Gross Domestic Product and life satisfaction (Puaschunder 2022e). But with the opening of the internet window to the world during the 1990s, a comparatively lower GDP started becoming noticed more broadly by the general population and therefore also being associated with unhappiness, which may also have triggered a migration wave to follow in the subsequent decades. A historical disparate impact of contemporary digitalization pressures is also noticed in the aftermath of the 2008 World Financial Recession and the post-COVID-19 economy. The role of the internet in raising mass awareness instantaneously, mobilizing e-social pressure beyond national borders and governmental crowd control but also the negative aspects of online cancel cultures and the loss of classic media control in the age of digitalization are additional potential contemporary areas of social pressures and by-products of inequalities in virtual spaces.

While digitalization and inequality are predominant features of our times, hardly any information exists on the inequality inherent in digitalization and the systemic investigation of inequity underlying any innovative digital change. With the exponential use of digitalization for law, economics and all parts of societal conduct, the demand for investigating digital inequalities from behavior economics, macroeconomic, comparative and law & economics perspectives has reached unprecedented momentum. In the attempt to capture the advantages but also potential downfalls of our contemporary digitalization disruption, the cost-benefit analysis of digitalization for society must include a disparate impact analysis that highlights the winners and losers of digitalization. Innovation but also inequality alleviation in the wake of digitalization impose human rights extension potential with the highest societal value for this generation and the following.

As digitalization grows deeper into society, blatant novel inequalities arise from who has access to digitalization and the internet around the world. A predicament between equal access to information versus exclusion for the sake of security arises in the digital age for lawmaking. In the use of digital tools for lawmaking, digital communication imposes important questions on the inequalities in access to digitalization and – in the case of absence from digital information – therefore also an erosion of democratic opinion forming of the general populace.

Not only access to digitalization raises inequality concerns in the 21st century, but also the kind of use –active (creating online content) versus passive (consuming online content) – may imply inequalities, as digital leadership embodies the active use of digitalization in shaping digital worlds and creating

virtual spaces in technology production. Mastering online worlds not only empowers in the creation of a new world. The 5G revolution with its feature to orchestrate online tools and make them work for humans will heighten an inequality gap to those without 5G but also those in society, who cannot afford or are not trained or versed to efficiently handle 5G and digitalization tools to rent out for personal gains and be more productive. A similar argument may be made with regard to the hardware requirements for AI in terms of Graphics Processing Units (GPUs). Thereby intergenerational aspects need to be concerned as digitalization and active creation of internet content appears to be a prerogative of the young and tech-savvy.

In regards to big data creation, inequality arises if powerful institutions and nation-states are better able to shape virtual environments and infuse their ideologies into these virtual worlds. Big data gains also offer to reap exponential network gains for global data holders as the value of one more information bit rises unproportionally in terms of creative usage opportunities. All these novel forms of digital inequality and contemporary ethical questions around digitalization demand for considering an extension of human rights to the virtual space.

In the contemporary reports and different efforts to capture digitalization's impact on society, there is only limited attention to the role of inequality in digitalization and the ethics of digitalization. Modern AI accounts in the age of digitalization appear to lack a clear focus on the downsides of digitalization in creating and exacerbating inequality. No clear analysis exists of the societal downfalls of innovation if access is restricted in terms of digitalization, despite the evidence that controlling the internet serves as a common political means in authoritarian regimes. Attention to the legal and societal implications of missing access to digitalization in certain nations or societal groups could be established via human rights inequality watch. Human rights online could leverage a similar discussion like the access to affordable medicine debate of the 1990s triggered by the World Trade Organization (WTO) and World Bank Group leading to The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, which regulated to leave aside market rational to protect vulnerable populations (World Trade Organization).

An analytic framework to dissect inequality in digitalization should comprise qualitative and quantitative parameters in order to guide a monitoring and evaluation agenda so that the digitalization disruption can be delivered in an ethical and inclusive way. Behavioral Law & Economics rational but also disparate impact analyses could outline potential digital inequality alleviation strategies – such as in education, skills development, institutional adjustment and favorable societal norms changing capacities. A comparative analysis of some of the most dominant digitalization hubs in Asia, Europe and North America could help gain a global outlook but also feature the most future-oriented vision. Most recent developments in 5G, cryptocurrencies, the democratization of

information, social online media revenue repatriation, ChatGPT use in the online creation of law as well as digital space exploration should be addressed in order to find the right incentives for ethical market conduct around these innovations. Capturing the most recent developments in digitalization should also pay tribute to potential hidden inequalities. Societal divisions in access to digitalization but also global disparities in digitalization progress and political control of internet services are obvious inequalities on the surface. Below the obvious inequality, digital competition also exists in the age of online search engines' 'searchplace' dominance.

In the international arena, data deficits between continents and countries should be captured for the sake of repatriating value to its origin. At the forefront of digital innovations, online law creation and the role of ChatGPT in legal judging should be thematized. In the international context, one could ask if AI becomes an information-gathering tool, will it be internationally biased and give misleading or culturally-inappropriate answers to someone in a developing country or a vulnerable population representative? Could algorithmic biases be interpreted as online hegemony of AI and IT hubs around the world, which revive the criticized Washington consensus? Or do data deficits incept a new form of 'data colonialism,' also when considering online storage of information in 'clouds' abroad?

Studying the most novel digitalization revolution trends concerning digital inequalities has many cases – for instance, in capturing digitalization in the medical field, cryptocurrencies in the financial world but also access to education and social justice pledges arising worldwide. Gains and losses of digitalization have direct implications for global healthcare, economics academics, and policymakers around the globe. Understanding the inequality inherent in digitalization may help professionals derive direct leadership and followership imperatives for integrating digitalization in the modern workspace in a productive and fair way. The public and private sector applications of digital inequality alleviation strategies can range from innovation management, digital leadership, global online governance, law & economics of digital markets as well as technology advancement. Unique features of the study of online inequality should also address the industry-driven character – often leading to a critique of public regulatory agencies leaping behind – as well as young people playing a crucial role in the adoption of new digital innovations and media outlets. In addition, the ever-increasing speed by which new technologies get rolled out, as product life cycles online appear to be faster than the shelf lives of traditional physical goods, should be scrutinized as well for its implications on human lives regarding sustainability, cognitive overload and mental hygiene.

A comparative Behavioral Law & Economics approach could help understand the most contemporary trends in digitalization around the world with particular attention to inequality. Empirically-driven evidence could aid in making the case for rising digitalization encroaching our societies around the

globe. Bringing digitalization and inequality together in empirical evidence, theoretical advancements and vivid real-world relevant examples promises to hold invaluable insights on how to overcome deficiencies. Shedding light on digital currencies' inherent system dynamics that may create hidden inequalities may lead the way to a real democratization of online services. Elucidating the lost taxation revenue from tangible and intangible online transactions and social media content provision will help reclaim economic revenues for society in respective redistribution and remuneration strategies for social media online users' opportunity costs.

Evidence of digitalized data inequality could be collected with attention to global governance institutions' role in monitoring and evaluating the concerted efforts to deliver a fair digitalized world. Outlining international nuances of digital inequality but also daring a future outlook on the digitalization workplace revolution, may hold key insights for international trade and global development.

As a historic landmark in innovation evolution, capturing digital inequality promises widespread management directives in the eye of global digitalization. Studying digital inequality is timely and offers a historically-valuable trace of how important decisions were made during our contemporary economic digitalization transition. Leveraging human rights online as a remedy to alleviate digital inequality could potentially set the world on an ethical trajectory in introducing society to digitalization. An innovative connection between digitalization and inequality may set society on a path to debrief about digitalization but also economics to reflect on innovation-driven growth's negative externalities.

All the mentioned efforts should lead to attempts to alleviate the impacts of inequality in law, economics and politics. Solutions to combat digital inequality could be grounded in regulation with particular attention to the Brussels effect and the effect of taxation to curb harmful behavior and create the fiscal space to offset losses incurred due to digital inequality. The need for targeted internet oversight agencies but also favorable behavioral social norms imbued in digitalization ethics could round up a future-oriented, interdisciplinary and wide-reaching acknowledgement of human rights online. Practitioners may also learn from the first monitoring and evaluation planned of the current digitalization pegged to social, economic and environmental causes. Vivid case studies can help prepare students as future leaders on digitalization challenges. Future industry human rights online developments could thereby extend the contemporary understanding of human rights in open-source projects that bestow rights to fair access to the internet, a positive evolution of online innovations as well as dignifying digitalization moments upon everyone.

Human rights online

The overarching goal of ingraining ethics and socially-responsible code-of-conduct in online virtual worlds throughout the world through all layers of the

multiple stakeholders involved will require a universal understanding and international global governance. Building on the renowned concept and communication channels human rights offer, human rights could serve as a guiding beacon to set general standards and nurture positive norms around digitalization. Human rights online could enact that a virtual world is formed from our day-to-day online use and tracked-data trail while upholding standard and commonly agreed-upon ethics of dignity and non-discrimination in inclusion. Thereby the benefits of digitalization should be reaped, while the downsides should be minimized and eradicated through generating positive social norms and shared common values around ethical online standards. Marrying the ideas of digitalization and human rights also offers the prospect of successfully employing AI for human rights advocacy, if being used in a universal, efficient and ethical way.

Human rights in the virtual world could foster transparency, fairness, accountability and oversight in the constantly-changing common project of creating online virtual worlds together. Human rights protection in the online world also has the large-scale outreach and wide-reaching impetus that an international endeavor – such as the internet and digitalization – needs in order to be changed effectively. Embracing all stakeholders will be important to ensure oversight, accountability and responsibility to enact human rights in the virtual world. Looking back on a grand history of improving the living conditions around the world ever since, human rights offer support to cultures, states, businesses, international organizations, academic circles, media outlets, and civil society groups for their international recognition and universal understanding that has grown over the past 75 years successfully. Thanks to the United Nations Universal Declaration of Human Rights, a commonly-acknowledged standard could be immediately been built on and embrace the multiple layers of society to understand the concept of universal aspirational goals of accuracy, decency and dignity in our all day-to-day interactions online.

As for the actual implementation of human rights online, despite the universal and inalienable character of human rights, surprisingly human rights have just recently begun to be addressed in relation to digitalization (Bachelet 2019; Feenberg 2019; Ishay 2023; Puaschunder 2022d; Zuboff 2019a, b). On the global level, the United Nations agencies and regional organizations descriptively report internationally-varying current guidelines, ethics codes, and action statements regarding the digitalization disruption. The UN is the leading authority on sustainable development, which is targeted by the 2015-incepted Sustainable Development Goals. Strikingly, none of these global goals directly addresses digitalization and the benefits efficient market transitions can hold for economically-empowered development. Information and Communication Technology (ICT) is mentioned in a rather backward-looking, descriptive way catching up on the state-of-the-art after the industry development. Visionary aspirational goals, like human rights conventions but also the Sustainable

Development Goals embody, could ignite a critically-needed, forward-looking and practitioner-relevant innovation discourse on digitalization.

Challenges of employing novel technologies for fostering the United Nations Sustainable Development Goals (SDGs) arise as the relation between technology and sustainability is not a straightforward one (Puaschunder forthcoming a, b). One may think of advancements like decentralized energy grids that promise to save energy consumption and storage costs. But thereby one must also counterweight the energy consumption of cryptocurrencies as well as the energy needed to store data in clouds (Puaschunder forthcoming b). The use of online crowdsourcing via cryptocurrencies in space exploration is another topic of ethical concern less discussed, despite the facts that space exploration and commercialized space travel have some unnoticed ethical boundaries, e.g., inequality and international law concerns who flies to outer space under what national flag may arise; carbon footprint of space travel; human health concerns in the erosion of the immune system in outer space and likely infertility during space travel; space travel debris; risk of contagion of unknown space content, etc. (Puaschunder forthcoming b).

To address digitalization, the United Nations opened a Centre on Artificial Intelligence and Robotics within the UN system in The Hague, The Netherlands, in 2017. In 2017 the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) created a joint technical committee to develop IT standards for business and AI consumer applications. Labor unions have also defined critical principles for ethical AI. The OECD hosted a Council on Artificial Intelligence in the first half of 2019 to set international AI standards on a global level. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has launched a global dialogue on the ethics of AI due to its complexity and impact on society and humanity. The International Telecommunication Union worked with more than 25 UN agencies to stage the 'AI for Good' Global Summit. The United States Library of Congress has comparative e-content and reports on the use of AI around the world in various domains, for instance, healthcare, currency and data management. The United States White House currently has a Blueprint of an AI Bill of Rights advancing industry regulation for safe and effective systems, algorithmic discrimination protection, data privacy, notice and explanation, human alternatives, consideration and fallback (United States White House).

First concrete academic ideas evolve to mandatorily feed human rights values into algorithms of digital machinery (Risse 2018). Another idea is to program self-destruction mechanisms if AI gets harmful advocating for a revision of suicide laws and defining virtues of killing of quasi-human AI-generated individuals, such as robots (Puaschunder 2018). The concern of systemic biases in big data and algorithmic decision making but also the threat of strategic searchplace discrimination in search engines are additional challenges

driving the wish to ingrain human rights in AI, big data analytics and search engines for the advancement of humankind (Puaschunder 2022b).

Industry attempts that prepared the stage for human rights in the online world developed out of online open-source access via the internet ever since the beginning of the internet (WordPress 2023a, b). Web developers, such as WordPress, which currently hosts around 37% of the internet, drove open-source software platforms. Innovative examples are free blogspace online for everyone, creative commons projects and the openverse – online open-source search engines for open content, such as music and pictures. An inalienable right for everyone to craft the internet in a positive way for the community is laid out in the online ‘*Bill of Rights*’ philosophy under the General Public License (WordPress 2023b). Creative commons online are driven by the wish to make the virtual world work for the people by the people. Supporting the idea of democratizing publishing and the freedoms that come with open source were based on the freedoms of redistribution of information (WordPress 2023a).

In the education sector, open access to the Internet was praised as a panacea. Online Information and Communication Technologies (ICT) and Massive Open Online Courses (MOOCs) concepts that transport quality education into every corner of the world via the internet were believed to become the transformative societal change international development has wished for ever since. Demand for access to online education but also healthcare in prevention skyrocketed during the COVID-19 outbreak lock-down phase (Puaschunder 2022c).

While there is an overall complexity and broad-based nature of the influence of digitalization on humankind, society and the economy noticeable, which demands for a universal concept like human rights to address the multifold impetus of digitalization; currently three pressing areas of concern are detected that demand for concrete human rights online attention, which could herald a new generation of human rights in the digital millennium:

(1) Attention may shift from human rights protecting against surveillance from national governments towards regulation against the interference of private entities that reap insights from big data.

(2) With freedom of expression being pitted against hate speech control in contemporary online social media platforms, human rights could serve as an anchor of stability, decency and dignity while upholding a general climate of online freedom.

(3) With a heightened degree of anonymity possible in virtual spaces, human rights online should focus on quality assurance when it comes to the credibility and accuracy of online content.

These potential human rights areas of the future will be discussed in the following in detail. As a first proactive start to use human rights to combat ethical downfalls of digitalization, the following part also reviews the *United Nations Universal Declaration of Human Rights* and the *United Nations Guiding*

Principles on Business and Human Rights contents for applicability to alleviate the mentioned emerging problems of innovations surrounding digitalization.

From governmental surveillance protection to big data reaping online privacy protection

Online platforms have become essential for international communication without red tape. Internet activities are hallmarks of modern free markets. Yet in international communication and mass discourse online, a difficult balancing act between access to online platforms, privacy and free speech versus hate speech has emerged (Puaschunder 2022d). While digitalization offers unprecedented opportunities to engage internationally and derive insights from big data to advance humankind, the United Nations General Assembly and the Human Rights Council have recently raised awareness for the pace of digital developments in light of potential threats to privacy and security. In addition, market innovators, such as Bill Gates and Elon Musk have drawn attention to potential risks stemming from digitalization calling for a moratorium on AI advancements and taxation to alleviate digital inequality.

The COVID-19 digitalization shock exacerbated instant communication, global interconnectivity and computational power globally (Harari 2020; Puaschunder 2022c). The COVID-19 pandemic triggered many governments to use their online surveillance and big data crowd monitoring capacities in the hope to detect outbreak patterns, control resources and curb disease contamination of their populace during the pandemic. But in the wake of crisis combatment and emergency states during the pandemic, also a trend of “totalitarian surveillance” online has become noticed as the Coronavirus pandemic empowered governments in crisis with advanced information tracking opportunities. Today’s digital surveillance comprises many tools – for instance, smartphone data, face recognition, biometric healthcare – that are tracking for various goals. Social media appearances are currently scanned for visa admission and border control but also in some countries for alcohol consumption and political opinion. Career networking online is tracked for taxation accuracy backtesting. Internet online communication is analyzed for detecting collective moods to derive market movements of people (Harari 2020; Puaschunder 2022c). Social credit scoring, partially derived from online activities, gets pegged to social governmental services in different parts of the world creating novel opportunities but also risks and inequalities that have never existed before.

In the aftermath of the COVID-19 pandemic that perpetuated online information exchange and widened governmental digital tracking during states of public emergency, so-called ‘surveillance capitalism’ concerns have risen (Zuboff 2019a, b). Surveillance capitalism speaks about the role of data-reaping corporations to gather information about the individual and the collective (Zuboff 2019a, b). While classic surveillance was a prerogative of nation-states, nowadays big data gathering entities – such as Google, Facebook, Amazon, and Twitter – have leveraged into a novel, most powerful information gathering

machineries that top the largest corporations by revenues and oftentimes collaborate with governments on data surveillance for security and protection purposes. The term ‘surveillance capitalism’ describes the shift of governmental actors to the online corporate world leading in the collection and use of big data derived from online consumers and digital platform users. Online platform providers nowadays have become big data-reaping entities that generate substantial revenue from behavioral insights derived from tracking online behavior (Puaschunder 2022a). The gained big data insights can be sold for commercial purposes and materialize in targeted classified advertisements online (Puaschunder 2020a). These revenues are oftentimes generated tax-free and for most parts of the internet without consent. Online crowd control but also the monetization of the individual action are both concerns in surveillance capitalism, which warrant human rights attention to the new phenomenon.

Regulation efforts curb the big data reaping without consent, foremost in the European legislations, such as the General Data Protection Regulation (GDPR), but also slowly in the United States, most recently in court decisions to limit big data insights generation for targeted classified advertisement (Bradford 2020; European Commission; U.S. Office of Public Affairs of the United States Department of Justice 2023). The regulation and enforcement, however, remain on a rather continental level and are currently far from being a universal understanding and general mode of practice, far from the general acceptance that human rights values that have been established and practiced over centuries in all cultures of the world.

Systemic big data hegemony – in a disproportionate reaping of big data gains in some IT hubs of the world – is currently also addressed on an international level. For instance, the European Parliament has noticed a big data deficit with the United States, where big data mining companies are often housed and not curbed in their activities, potentially for the sake of intelligence and network effect gains. Data-sharing agreements have been negotiated but the Court of Justice of the European Union has a history of invalidating data sharing based on privacy concerns, which could be backed by human rights attention.

The third-party effect of fundamental rights on corporate entities – based on the German concept of *Drittwirkung der Grundrechte* – could evolve to grant individuals more rights towards corporations that infringe on their human rights. The European Court of Human Rights has moved towards acknowledging individuals’ rights against corporate entity interference in human rights-protected areas. Governments can thereby be held accountable if failing to prevent human rights violations, through judicial or law enforcement, even if the violation comes from a private, non-state actor. Indirect *Drittwirkung* thereby protects values and principles surrounding constitutional fundamental rights in a private law case (Clapham 1993). Direct *Drittwirkung* implies that the rights can be directly applied against private bodies by the court (Clapham 1993). A new generation of Human Rights Online could strengthen the concept of third-party

effects of fundamental rights and extend human rights infringement sanctions to be ruled by the International Court of Justice of the United Nations, the International Criminal Court and the European Court of Human Rights of the Council of Europe against corporations and online platform providers. States but also individuals could be empowered by human rights in the virtual space to claim protection and reparations against human rights infringements in virtual worlds.

Monopolistic hegemonies of certain big players in the big data industry – such as Google, Facebook and Twitter – are potentially not regulated since the big data reaping companies' voluntary users usually do not pay a price for participating in search engines and social online media. Monopoly protection revolves around high price mark-ups that unfairly disadvantage consumers – conditions that do not directly apply to big data-mining corporations online gaining useful data from voluntary users of their platforms, who do not pay a monetary direct price for using online services such as Google, Bing, Amazon, etc. The price that is implicitly 'paid' to those big data corporations, however, consists of opportunity costs of all the time spent online, privacy infringements, data commercialization as well as risks of data misuse. Cloud storage abroad, for instance, raises the most novel problems of consumer protection. If data is stored abroad, data leaks that are hard to detect can raise questions of liability and responsibility. For instance, if bank accounts get hacked resulting in a data leak online, national governments may not want to bail out corporations, especially if they are abroad holding data storage clouds. At the same time, consumers face difficulties to regress lost funds from data cloud storage providers abroad. The developing world has already coined the term of a new form of 'data colonialism' in light of IT headquarters but also cloud storage services often not being housed on their soil addressing the problem of losing control over data gains and national protection mechanisms.

Consumers are also disadvantaged by big data-reaping corporations if losing control over the time they spend online feeding information into online platforms. The losses are opportunity costs of being productive on other accounts. Unnoticed hooking strategies – such as infusing social online media news feeds with contents that aggravate, which was found to trigger people's emotions and reactions – are additional negative externalities of compulsive online consumption that is destructive on a socio-psychological level as well.

When using online virtual spaces, human consumers also face a constant predicament between utility in information exchange and dignity in privacy protection (Puaschunder 2019a). The more people are under constraints and the better the information and the more useful the expected information exchange is perceived, the less consumers tend to care about their privacy. The service useability of online platforms in user-friendliness, as well as the problem-solving capacities of information retrieved online, are key determinants if people care about privacy online. People under duress or in pain, however, should in

particular be protected. For instance, in the case of seeking health information online under conditions of unwellness or pain should become a focus of attention, especially in the aftermath of a global pandemic that drew people to online resources during overflowing urgent care centers.

Because private actors are becoming crucial online communication and social-influencing information gatekeepers and guardians of privacy, freedom of speech but also decency; the question is how human rights can apply to private parties and shape industry standards. With the shrinking governmental control of online information exchange and data brokerage platforms, human rights will become essential for guiding online virtual communication spaces. Attention may shift from human rights protecting against surveillance from national governments towards regulation against the interference of big data insights reaping online entities. Privacy protection – as enacted in the General Data Protection Regulation in Europe and the European Court-backed Right to Delete – may leverage into an inalienable human right to protect humans in the digital millennium (European Commission; Mayer-Schönberger 2009).

Europe appears to be at the legal forefront of codifying regulation in the virtual space. The term “Brussels effect” coins the dominance of European Union regulation shaping the form of the internet around the world (Bradford 2020). In the United States, the regulation of the internet is technically the most advanced, if considering WordPress being housed in the U.S. and controlling the technical architecture platform for around 37% of the internet. In addition, internet security firms – such as Akamai – hold the keys for enabling online functions and guiding online traffic for efficiency. The actual legislative regulation of the internet is controlled by the Federal Trade Commission (FTC) and the Federal Communication Commission (FCC) in the United States – both agencies focusing on consumers’ experience with internet providers under the overarching frame of productive industry development.

Stability, decency and human dignity in social online media contexts

Rising online information flows in the digital age and widening dependence on online information for our everyday decision making may induce unknown threats to democracy, social volatility in markets, and yet hardly captured socio-psychological mass effects. The January 6, 2021 storm on the U.S. Capitol incited on social online media, social online volatility that partially triggered the Silicon Valley Bank default and subsequent Credit Suisse to be merged with UBS in Switzerland as well as detected trends in socio-psychological correlates of online cyberbullying on social online media platforms all demand for scrutiny of the internet in terms of upholding human rights standards of democracy, market stability and a decent life grounded in humane dignity for all.

The crucial role of fast-paced uncensored social online platforms in inciting conflict should become subject to scrutiny in the digital millennium. The digital age featuring less coordination cost of crowd formation and a

lowered threshold for online criticism due to online anonymity should also be addressed from a human rights angle – e.g., a coordinated group might start to attack someone who said something they did not like, which enables coordinated ‘shitstorms,’ which then can be used strategically, e.g., in competitively up-playing negative information online by competitors (Puaschunder 2022b). Human rights could thereby help balance freedom of speech versus dignity in social online media communication platforms.

Building economic choice architectures online that can also perpetuate human biases should be screened for the stability of online markets. Counter a narrow technical focus on economic fundamentals and mathematical formalizations in classic economics to explain the mechanisms causing economic turmoil, socio-psychological and behavioral group aspects of collective over- and underreaction in markets were recently attributed to social online group behavior. Research on the dichotomy between the democratization of information exchange online versus manipulation of online content could now acknowledge that human beings’ communication and interaction online results in socially constructed volatility that echoes in economic correlates. Social online volatility adds to quantitative financial volatility any social media aspects that influence and shape economic markets. Social volatility can be related to creating fat-tail phenomena that wear down the financial robustness of economic systems (Lee 2021). Social online media fetishizing breaking news waves of concurrently-presented similar information (e.g., via online tools such as Buzzfeed or strategically updating news pieces with AI to have newer dates for a search-engine favorable ‘news’ character of older news) not only misses people out on diversification potential of information. The strategic reposting of similar information content to stay ‘in the news’ of online content providers can also create dangerous echo chambers of alternative realities that may incite economic volatility and political turmoil.

In light of the mass psychological underpinnings of business cycles based on information flows, the role of accuracy in creating social online volatility that influences economic markets should be thematized with particular attention to digital communication. Online disinformation flows may lead to systemic global economic risks. Future advancements in human rights may focus on the impact of disinformation online on democratic sentiments and how collective moods instigated on social online media platforms may influence the economy.

Social online media studies promise to explain how an external shock can be fueled by social media communication and online interaction. Social online volatility theory thereby offers a most innovative way to explain how online social media platforms can create financial turmoil and what information represented in social online media creates economic ups and downs. Grasping the socio-psychological interpretation of how an external shock echoes in economic fundamentals can serve as a way to generate market stabilizer means. Understanding how social media forms economic outcomes explains how

market outcomes can be shaped by strategic communication on new media technologies. Unraveling online communication influences on market expectations could reveal information contents that either cause social volatility bleeding into economic downturns or serve as crowd control stabilizers.

Social online media platform providers are incentivized to share aggravating content, which lets users stay longer on information exchange platforms and engage deeper in conversations. Not only the opportunity costs for the social online platform users but also the socio-psychological impetus on the mental health of users in toxic online platforms is to be viewed with a critical eye. Social online media's unbridled role in setting potentially favorable or unfavorable anchors should be thematized from the perspective of human rights mandates to protect human dignity, security and health (Puaschunder 2020a). With freedom of expression being pitted against hate speech control in online social media platforms, human rights could serve as a calibrating anchor of decency in a general climate of online freedom of speech. Social media online communication should therefore also be screened for human health implications as well as the sustainability of online systems (Puaschunder 2020a).

As communication and social affiliation are central human functional capabilities in the engagement with others through social interaction, human rights should help maintain this essential feature in online virtual worlds. Human rights help negative market dynamics online to spiral into unfair outcomes while upholding freedoms of assembly and decency in political speech and democratic conduct. Having favorable social bases nurturing self-respect and being treated as a dignified being whose worth is equal to that of others even if dissenting in view entails the provision of nondiscrimination as protected by human rights (Ishay 2023).

On the international account, access to digitalization varies. While the world has become flat and access to information democratized in the digital age, digital leadership has – at the same time – also become unequally tilted towards IT-spearheading territories of the world. Digitalization hubs leading the world imposes new hierarchies and power dynamics in the digital age if considering the dominance of digitalization in powerful governance and professions, such as law, IT, fintech, etc. The digital elite may communicate differently in today's online-dominated world. In a new online dependency theory, online hubs that dominate the internet creation may impose a new hegemony over the world when infusing the internet with ideologies and making it difficult for dissidents that their opinion is heard, e.g., when it comes to cancel cultures, or disparately excluding those who are not online as well as in strategic searchplace manipulation. In this light for societies to remain democratic, people have to advocate for equally granted online access. Building on the open-source sentiments, there is already the idea of online access as a common good (IFLA 2023). The internet understood as a universal human right implies mandates for non-excludability, non-rivalry and the right to equal access to digitalization goods

and virtual opportunities in the active and passive use of online content creation (IFLA 2023).

Another related central human functional capability is control over one's environment in the political and material sense (Ishay, 2023). Political human rights allow equal and effective participation in political choices by granting equal rights of political participation, free speech and freedom of association (Ishay 2023). Material control over one's environment enables one to hold property in land and movable goods, "having the right to seek employment on an equal basis" as well as "entering into meaningful relationships of mutual recognition with other workers" (Ishay 2023, 528). In the future, human rights online may oblige governments and corporations operating with digitalization to find fair access to the common project internet and a proper balance between freedom of expression and the protection of human dignity in quality information exchange.

Future applications of human rights to online contexts should imbue the concept of dignity into virtual worlds in order to find a well-balanced virtual space offering rights to speak freedom and respectfully-protected human grace. Recommendations on how to protect stable online systems that promote democracy and resilient economic systems by avoiding emergent risks of online communication will help build the fundamental architecture of future human rights-compliant virtual markets and healthy sustainable online worlds. Policy implications should stress how negative communication can be counterweighted in order to alleviate the building of collective moods bleeding into disastrous mass movements causing democratic and economic turmoil in financial markets with negative implications for societies' weakest segments.

The human right to accurate online information

The digital millennium leveraged the World Wide Web into a powerful information source (Puaschunder 2022a, b). Internet search engine 'searchplaces' on Google, Bing, Yahoo, etc. guide human everyday decisions (Puaschunder 2022b). The strategic placement of information in online search engine results has become increasingly important in political and corporate settings (Puaschunder 2022b). Virtual competition derails in negative search engine de-optimization and unethical strategic searchplace manipulation that deflects democratic acts, such as voting, or degrades the perception of a search term by pushing out competitors' quality content from search engine results (Puaschunder 2022b).

While the role of propaganda in radio and television broadcasts has been widely studied, the new communication form of social online media e-blasting information for political contexts is yet to be determined (United Nations 2009). The 2016 U.S. Presidential election underlined the growing importance of online virtual spaces for democratic elections. The most recent campaign judo technique during the 2023 Czech Political campaign, which used a troll wall that automatically deletes hate speech to curb the negative effects of internet

manipulation in social online platforms, outlined an innovative way to ward off internet manipulation for the sake of accurate quality information flow about candidates in democratic elections (Lentsch 2023).

Human rights applied as quality control of internet activities could enable an external international oversight of online activities. Curbing internet activities, for instance, has been used by authoritarian regimes under the pretext to control hate speech and fight hate crimes. Internet control by authoritarian regimes has been linked to political action and has strategically been used as a means of disciplining the populace, cutting off dissenting views and slowing down regime-opposing crowd formation (Ackermann 2020; Lentsch 2023). Measuring the speed of the internet during elections has indicated governmental manipulation by curbing technological use in dissident voting cycles as a new form of online manipulation to influence elections (Ackermann 2020). Around the world, authoritarian governments are employing internet shut- or slowdowns as a strategic election manipulation, while using generated big data against people (Ackermann 2020). In the Arab, Asian and Russian worlds, internet shutdowns have become a common and rising tool to stifle legitimate debate, dissent and protests (Ishay 2023). Online fake news campaigns to discourage voters strategically (e.g., by fake weather emergency warnings to discourage people from driving to vote), denounce opponents and regime dissidents have become state-of-the-art tools to manipulate elections and enact crowd control – e.g., in the U.S. election, Czech Presidential election, UK's Brexit referendum and polls in Brazil and Kenya (Lentsch 2023). The Chinese government controls online access and display of particular contents. Internet manipulation has also been mentioned to play a role in corrupt governmental funding distribution in former Eastern European countries. Using digitalization to enact the so-called 'social credit score' is another form of governmental surveillance that raises concerns over human rights and privacy violations. Information about the individual performance for the collective good is thereby used to rank peoples' access to common pool resources.

Systemic algorithmic biases that lead to misrepresentations or inadequate search results that do not democratically represent all gender types, races, ages, religions, etc. could also become subject to scrutiny if human rights online establish universal rights online and therefore also implicitly their fair representation. When it comes to systemic biases against minorities, for instance, that underrepresent certain races, a digital social justice movement could help advocate for a fair representation and correction of algorithmic biases.

Harm can also be perpetuated online by individuals in competitive industry settings. Online bots, fake accounts but also Search Engine De-optimization (SEDO) are the newest developments in the digital millennium infringing on the right to know and access to accurate information that can also cause social upheaval and financial turmoil. Algorithm biases but also strategic manipulation occur, for instance, in up-playing negative reviews of competitors and/or falsely

flagging the value content of competitors. To this day, this kind of searchplace discrimination is legal due to a regulatory vacuum and shadow market for SEO and SEDO (Search-engine Deoptimization).

The rising amount of negative, unrelated, spamming or harmful contents in search engine results that can be strategically up-played by click-farms has exacerbated the call for self-curating online appearances in searchplace results. ChatGPT has hit the pulse of our times in the democratization of information flow coupled with the demand for self-determination in online displays. In light of the negative implications of searchplace discrimination – such as cyberbullying, systemic racism replicated by algorithms and online inequalities, to name a few – behavioral economics and responsible competition leadership are calling for creating inclusive digital worlds (Puaschunder 2022b). Direct implications and actions could include defining search engine results as an extended workplace, hence the term ‘searchplace’ is used when search engines turn to market-competitive settings. If searchplaces become acknowledged as extended workspaces, anti-discrimination laws could help hold searchplace providers accountable if their algorithm misrepresents a person under scrutiny, e.g., for a career decision, market product or competitive promotion. Competitors harming the searchplace appearance could thereby be classified as a ‘work accident’ and insurance could help in covering losses incurred, e.g., if someone’s career or market appearance has taken a toll due to searchplace discrimination.

United Nations High Commissioner for Human Rights Michelle Bachelet also recognized the “dark side” of technology in “threats, intimidation, and cyberbullying” that can “lead to real-world targeting, harassment, violence and murder, even to alleged genocide and ethnic cleansing” (Bachelet in Ishay 2023, 552). For instance, the violence in Myanmar, as well as incitement of violence during the January 6 storm on the United States Capitol Hill, are examples of the internet having played a role in forming crowds that get out of control and turning against democratic values. The problem with curbing cyberbullying and strategic manipulation of the internet lies in the under-regulation of virtual market spaces but also in the strategic misuse of internet regulatory control. Females and minorities appear to be more vulnerable to being cyberbullying victims and targets of internet harassment (Ishay 2023).

In light of the shrinking relevance of governmentally-controlled media channels and traditional printed journalism and a rising variety of international social online media outlets, quality assurance of information exchange in online marketplaces and online crowd control of internet corporations, such as social online media, could be enacted via human rights online. With a heightened degree of anonymity possible in virtual spaces, human rights online should focus on quality assurance when it comes to the credibility and accuracy of online content. Control of accuracy for contemporary democratic actions online,

privacy protection but also a Right to Reply to data about oneself online have become essential demands around the world (Lentsch 2023).

Defining human rights online would be the first step in reclaiming credibility space in the online virtual world as it could empower internet users to have more of a say in their online portrayal. Future advancements in human rights online should draw attention to self-determined internet creation to correct the abuse of algorithmic loopholes and curb paid search engine de-optimization services that push down competitors. Legal advancements, regulatory oversight, economic incentives, technical support and industry rescue funds work towards quality content and against unethical competition (Puaschunder 2022b). Human rights online could breed favorable ethics of online inclusion in searchplaces. The international and universal character of human rights online would aid interdisciplinary dialogue building on cross-cultural searchplace ethics among public and private actors. As concrete human rights applications, a right to online privacy could be enacted via the more European-housed Right to Delete which grants consumers the right to request that businesses delete personal information online. Online privacy is also enforceable by individuals' requests to internet corporations when using the U.S. Digital Millennium Copyright Act (DMCA) which allows for erasing unlawful use of private intellectual property rights. Further extensions could also be advancements of the European Union General Data Protection Regulation (GDPR) that guides the use of data online including privacy protection.

Searchplace discrimination could be framed as violence causing mental health problems (Puaschunder 2022b). Anti-torture codifications should include mental health implications of misinformation and defamation online. Future debates in the realm of human rights online could set standards on when speech becomes violence. In the aftermath of the COVID-19 pandemic, healthcare attention may also include online virtual spaces' sustainability and impact on human health. Mental health concerns have been raised in regards to cyberbullying and children already. The United States Texas and Florida are considering laws to ban social media for children and certain apps at universities in order to maintain focus on classroom activities and uphold mental health standards among their pupils and students (Gonzalez 2023; Jones 2022). When strengthening ties between human rights and mental health, documents like the World Health Organization's *Human Rights to Health Declaration* of 2017 should be revised to embrace mental health in the online space (Office of the United Nations High Commissioner for Human Rights; World Health Organization). Human rights for ecowellness and sustainability of the online virtual world could be extended in the Sustainable Development Goals framework making the case for upholding mental health in sustainable online cultures (United Nations Department of Economic and Social Affairs 2015).

Remedies against misinformation and disinformation implications could rely on the Right to Reply as a remedy, which should also be extended to online

virtual social media platforms (American Convention on Human Rights 1969). In the particular case of searchplace discrimination, an Online Right to Reply as inspired by the *American Convention on Human Rights* Article 14 Right to Reply could enable searchplace discriminated to reply to the online distortion of their persona and implicitly oblige social online media platform providers to notice the manipulation, which would help in correcting reputation damage online. A human right of an Online Right to Reply would also inform users about internet hygiene to check on the accuracy of their internet representation. Internet users who detect a distorted internet appearance should be given the rights to erase unnecessary information and should be able to reply to online content display to the displayers of the information, hence the search engine searchplace platform providers, such as Google, Bing, Yahoo, Yandex, etc. Quality control of keywords should be granted by the envisioned Online Right to Reply as keywords can be used by Search Engine Dis-optimizers in a harmful way to push down the content of competitors by pegging keywords to wrong or unfortunate content. Human rights online empowering users with an Online Right to Reply would likely also trigger the necessary technical implementations to require internet platform providers to give easier communication gateways to internet higher administrators with AJAX extension privileges that can help correct searchplace distortions effectively. The surprising success of AI innovations of search engines, such as ChatGPT, ChatGPT-4, Bard, etc., is partially attributed to the urgent need and customer dissatisfaction with the current state of Google search result display that does not allow enough interactive curating, response to misinformation and easy reply correction opportunities. Google's newest innovation in offering a 'Results about you' search engine result curating tool speaks about the innovative edge search engines can gain from granting consumers Online Rights to Reply.

Future developments of AI-enhanced search engines should be framed around ethics of decency and reliability in accurate information. Human-AI algorithm compatibility and cyber-checks-and-balances to tackle searchplace discrimination are expected to become key advancements in behavioral e-ethics and competition leadership of the future, which should be ennobled by human rights online (Puaschunder 2022b).

Discussion

The Universal Declaration of Human Rights has become a hallmark of democracy in recognizing universal and legislative standards supporting freedom, protection and dignity around the world. As the most translated document in the world, the Universal Declaration of Human Rights has influenced legal, political and societal spheres around the globe. As a cornerstone of human development and beacon of hope for all humans to thrive, the Universal Declaration of Human Rights stands for a common body of codified recognition of core values of humanity throughout the

world and over time. The Universal Declaration of Human Rights has advanced human dignity, fundamental freedoms, security, civil and political rights, religious beliefs, law, human development, access to health, humanitarian aid, economic, social and cultural aspects of life, social justice, equality, non-discrimination and prosperity. After a track record of breeding just and peaceful societies in the last 75 years of the existence of the Universal Declaration of Human Rights, the time has come to address the most novel developments around digitalization and human rights. Emerging challenges and fast-paced change around the world in the eye of digitalization impacting societies encourage to strengthen universal human freedoms and mandates to interact with each other with dignity in the virtual space.

Digitalization has led to a democratization of hallmarks of democracy and society. The world has become flat in access to information and prosperity. At the same time, digitalization – like any other innovation – imbues inequalities in some having better access to opportunities enabled by digitalization and profiting more from digital advancements than others. In the eye of the global character of digitalization and the rapid industry development of digital worlds but also the rising impetus digital innovations have on our all lives, the online universe nowadays pressingly needs to be evaluated from a human rights perspective. In a history of protecting the world from rising negative influences vigilantly and ennobling the pulse of times with dignity ever since the existence of natural laws of humanity, heralding a new generation of human rights could now serve the masses thoughtfully to reap the benefits but also curb negative consequences of digital innovations. For the first time in human history, digitalization and the internet have provided a space that is completely human-made and has no direct attachment to the natural environment. People can delve into another reality in virtual surroundings. It now remains on us to create this reality better than the real world.

Given the grand legacy of 75 years of the Universal Declaration of Human Rights, besides outstanding achievements and major accomplishments, it is also noticeable that human rights are challenged by the harsh realities of the real world. In virtual spaces that can be determined completely by human beings, another world is possible guided by human rights imbuing equality and dignity in online realities if human rights online become an internationally-agreed-upon norm and overarching guideline to govern the common project of the internet. Promoting core principles of human rights could contribute to inclusion, non-discrimination and protection of freedom in virtual spaces. Emerging challenges and ever-changing online landscapes should encourage us to strengthen the malleability of virtual realities with guiding posts of universal, eternal human rights for this generation and the coming. Human rights online would also flourish virtual freedoms innovation needs to thrive at its fullest. Human rights online would also imbue respect for ennobling dignity in online worlds humans cherish in the core of their existence to sustain.

In the future digitalization should be studied as a global market disruption that requires multidisciplinary analyses of a wide range of stakeholders. The online creation of customary law pushes us to find new methods of sensing legal trends

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online. Science use of ChatGPT – e.g., in replacing expert interviews and big data scraping – requires attention to humanness and marking credible humane work, e.g., with patents or trademarks outlining pure-human genuity and work. On solid human rights online formation, moral imperatives and professional codes of conduct could guide the rise of digitalization encroaching our contemporary society (Nature 2023).

Problems faced on the way to acknowledge human rights online is the changing nature of technological innovations. The rules of the game online get updated constantly and already incredibly fast. The speed by which digitalization solutions are changing is even fastening. The international character of the internet and the increasing speed of online change make regulation more dependent on malleable and fickle components. The regulatory environment keeps changing and developing as we go along with digital innovations, which are driven by the private sector. Problems of prosecution in cryptocurrencies' misuse tell a story about the leaping behind legislation to curb fast-growing online phenomena. But also in the case of online fake news, even collecting evidence is hard, not to mention the lack of judiciary internet agencies that could settle internet disputes. In all this, human rights online could evolve in a new generation of a more flexible nature. At the same time, the universality of human rights and their eternal character of humane-imbued values could bestow everlasting credentials to fast-paced online changes and constantly-adapting internet trends.

The internet remains the ultimate multi-stakeholder phenomenon of our times without borders in a relative regulatory vacuum. Governments have less control over traditionally well-regulated and controlled media channels than ever before in a multitude of communication gateways that are 'governed' by private sector actors. Global governance institutions appear to descriptively leap behind private sector industry developments when it comes to capturing digitalization. Incentives for national governments are low to curb internet developments – mainly around the world due to lack of technical capabilities and out of free market preferences, network effects and big data insights gains. Cartels and monopolies are tolerated as governments may not want to lose intelligence and therefore the governmental incentive to break big data-reaping monopoly companies remains limited. To protect consumers and vulnerable users on the international level, human rights appear to have a powerful, international and meaningful impetus to hold back negative consequences in the age of digitalization.

On the international level, the question arises of how far governments should control virtual spaces. Internet control is related to authoritarian regimes. Digitalization is significantly negatively correlated with corruption perception (Puaschunder 2022d). Digitalization therefore appears to come from places in the world that are less corrupt and could also bring public services to people in corrupt areas – for example in quality education and e-healthcare in territories of the world that lack sufficient public funding for education and general healthcare (Puaschunder 2022d). The 'Responsibility to Protect' could be explored to be

extended in the online context to curb harmful internet distortion and outcomes (United Nations 2009). Future research avenues may also address implicit biases of algorithms besides the strategic manipulation in searchplace discrimination.

Future questions arise if regulated, who should be in charge of internet regulation to guideline a phenomenon that consists of actors around the world? In addition, internet crime is rising exponentially, which outlines the urgency to act on regulating harmful online developments (Akamai 2023). National interests still prevail in the global digital world, as visible in the European Union Parliament's big data revenue deficit. National interests are also believed to be a driver in the U.S. government market protection to ban TikTok in higher education and demand U.S. Congress hearings of the TikTok leadership (Fung 2023).

To pay tribute to the eternal role human rights embody, human rights online could also embrace future generations in bevaluing the most future-oriented digitalization trends. As such the contested relation between digitalization and sustainability should be reflected upon, especially when it comes to the carbon footprint of data cloud storage and big data computations (Leal et al., 2022; Puaschunder forthcoming b). Digitalization can be outlined as the remedy but also a burden in regard to the SDGs, preparing for a critical reflection on potential digitalization inequality alleviation strategies (Puaschunder forthcoming b). Digitalization in the medical sector could be seen as a panacea to supporting COVID-19 prevention but also in integrating COVID Long Haulers back into the economy. Digital exploration of extraterrestrial territories should be covered when raising attention to digital ethics (Puaschunder forthcoming b).

Policy implications demand for a concerted interdisciplinary approach to help understand the most contemporary trends in digitalization around the world embracing variegated stakeholders. As such, digitalization is a topic for the young, given the demographics of social online consumption and media use. If human rights become subject to scrutiny in the digital world, will this lead to the rejuvenation of the concept of human rights? Future understanding and support of human rights online should be prepared in teaching online ethics in today's universities and schools. Educating future leaders early on from a young age would help the societal debate on the role of the internet in society. Getting accustomed to the internet as a tool for raising awareness, mobilizing e-social pressure and crowd control but also being vigilant about the negative aspects of online cancel-cultures and the loss of classic media control in the age of digitalization, should become key insights and skills for future public and private sector leaders. Building human-machine compatibility but also a sense of digital ethics and being versed in human rights online promise to leverage our future digital world to uphold universally-meaningful innovations and dignity for everyone everywhere in our future virtual world to come.

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EXPLORING THE INTERSECTION OF FAITH AND UNIVERSAL FREEDOMS: EVANGELICAL CHRISTIANS AND HUMAN RIGHTS

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Evangelical Christians have had a complex relationship with human rights. On one hand, the Universal Declaration of Human Rights (UN General Assembly 1948) reflects Christian principles. On the other hand, human rights mechanisms have been used to support policies that are abhorrent to evangelical Christians' beliefs and identity. The 75th anniversary of the Universal Declaration is a good time to evaluate its impact for Evangelicals. Not only do Evangelicals have a complex relationship with human rights, but they also are bifurcated on their perspective on the United Nations. An article published in 1959 in *Christianity Today*, the leading American evangelical magazine, sets out the dichotomy well, "One group is frankly and outspokenly antagonistic" (Reid 1959, 10). This group sees the United Nations as heading towards world government and potentially the source of the Anti-Christ mentioned in the Bible as part of the end-times. The book and movie series *Left Behind* depicts this well. (LaHaye and Jenkins 1995)² At the other end of the spectrum are those who support the UN's goals – peace and assistance for the poor – as consistent with Christian principles.

Who are evangelical Christians?

The estimated 2.2 billion Christians around the world are generally divided into Catholic, Orthodox and Protestant. Evangelicals are in the Protestant category but have several distinctives: they believe in a personal relationship with God; they have a high regard for the Bible that guides their daily lives; they have a conviction that salvation is only received through faith in Jesus Christ; they want to share the good news of this salvation; and they seek to serve the poor and the vulnerable. The World Evangelical Alliance (WEA), the global organization

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² Tim LaHaye and Jerry B. Jenkins published the book series starting in 1995 with Tyndale House Publishers. The movie series started in 2014 produced by Cloud Ten Pictures.

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representing Evangelicals, estimates that there are more than 600 million evangelicals worldwide (World Evangelical Alliance n.d.).

The WEA was founded in 1846 in London, England to provide an international unified platform for Evangelicals. (Ewing 2022) From its inception, it engaged in advocacy against slavery and for religious freedom. As early as 1852, the WEA sent a delegation to the Turkish Sultan to plead for the Armenians. (Sauer 2009, 75) Over its 176 years, the WEA has grown to have national alliances in over 140 countries. In 1992, it formed a Religious Liberty Commission led by Johan Candelin, the WEA Global Ambassador for Religious Freedom. The WEA applied for ECOSOC status, granted in 1997, so that it could speak at the then Commission on Human Rights in Geneva. When the Commission was transformed into the Human Rights Council in 2006, the WEA began to see the need for a permanent office at the UN in Geneva. This was not established until 2012 by Michael Mutzner, who was with the Swiss Evangelical Alliance at the time. By 2023, the WEA had offices at the UN in Geneva, New York and Bonn. Both the Geneva and New York offices address human rights, with a particular focus on religious freedom.

The WEA held a World Assembly in 2008, which was the 60th anniversary of the Universal Declaration. The delegates took that opportunity to pass a Resolution on Religious Freedom and Solidarity with the Persecuted Church, which specifically affirms the Universal Declaration. (Johnson 2017, s. 3) The resolution concludes, “We especially urge the United Nations and the UN Human Rights Council to stand against any attempt to lower or dilute the right to change one’s religion as affirmed in article 18 of the Universal Declaration of Human Rights.” (Johnson 2017, s. 14) This was a response to the 13 Islamic countries which continue to have the death penalty for apostasy.³

The UN headquarters in New York and Geneva address specific United Nations treaties with enforcement mechanisms. The Universal Declaration is not a treaty and does not have an enforcement mechanism, although it is widely considered to be customary international law. (Humphrey 1979, 21-37; Sohn 1982, 17; Schabas 2021) So, did it become irrelevant once treaties codifying international human rights norms were adopted: namely, the International Covenant on Civil and Political Rights (ICCPR) (UN General Assembly 1966a) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN General Assembly 1966b), not to mention specific treaties on the rights of women and the rights of children? Not at all. The Universal Declaration continues to have several important functions. The first is that it is universal. It sets the standard for human rights even for countries that have not ratified human rights treaties, or indeed, that are not even members of the

³ Afghanistan, Brunei, Iran, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirates, and Yemen currently have the death penalty for apostasy.

United Nations. The second is that it is comprehensive as it includes a wide variety of rights. Third, it is hortatory, urging nations to strive for higher standards of public conduct. Fourth, it is the foundation for all UN human rights treaties, and for many regional and national human rights documents as well. Fifth, it is aspirational in tone and tenor as well as in effect.

Universal

The universality of the Universal Declaration makes its provisions applicable worldwide. The rights guaranteed by the Universal Declaration are considered to apply to every government and the rights are non-derogable. Because it is considered customary international law, it even applies to governments that have not acceded to specific human rights treaties. Some countries have acceded to human rights treaties but put limits. The human rights guaranteed in the Universal Declaration apply in all countries, everywhere, all the time.

Why is this important? It is usually the countries that have the worst human rights record that do not accede to human rights treaties. Countries such as Saudi Arabia and the United Arab Emirates, for example, have not acceded to the ICCPR or the ICESCR that have been concluded on the basis of rights contained in the Universal Declaration. (UN Office of the High Commissioner for Human Rights n.d.) These countries both have strict Islamic governments that restrict religious freedom, freedom of expression and equality for women, violating Articles 18, 19 and 7 of the Universal Declaration, respectively.

During the Cold War, the countries included in the Soviet Bloc severely restricted many rights guaranteed in the Universal Declaration. Freedom of speech was curtailed, violating Article 19. Anyone voicing dissent faced sanctions including re-education in gulags. Freedom of movement was controlled both inside and outside the country, violating Article 13. Citizens were effectively imprisoned in their own countries. Soviet Bloc countries also suppressed religious freedom and freedom of expression, banning church services, thereby violating Article 18.

North Korea continues to suppress a wide variety of human rights. Following the Korean War, North Korea was closely aligned with the Soviet Union, so it is not surprising that the state violates freedom of expression, freedom of religion and freedom of assembly, Articles 19, 18 and 20, respectively. North Korea is the most closed country in the world. Like the Soviet Union before it, North Korea does not allow its citizens to leave the country and to do so is considered treason.

For all these countries, and others like them, the Universal Declaration is the universal standard for human rights. Our post World War II world was reconstructed on the notion that culture, ideology and government structures do not give permission to a state to derogate from the rights in the Universal Declaration. There has been criticism that the Universal Declaration has a

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Western bias and reflects a Eurocentric perspective of human rights. However, as Michael Ignatieff, a leading human rights expert says, “Yet the human rights instruments created after 1945 were not a triumphant expression of European imperial self-confidence but a war-weary generation’s reflection on European nihilism and its consequences.” (Ignatieff 2001, 4) It was a response to the Holocaust, a horrific genocide perpetrated by a European government. It was intended to give oppressed individuals “...the civic courage to stand up when the state ordered them to do wrong.” (Ignatieff 2001, 5)

There is another situation where the universality of the Universal Declaration applies. In some Commonwealth countries, including the United Kingdom, Australia, Canada and New Zealand, international treaties do not become part of domestic law until enacted by legislation. However, because customary international law is considered to be part of domestic law, to the extent that it is not contrary to national laws, the Universal Declaration is therefore part of the domestic law of these countries even though international treaties that the countries have acceded to are not (see *R. v. Hape* 2007).

The universal nature of the Universal Declaration is important to evangelical Christians for several reasons. The most important of these is that Evangelicals believe the Biblical narrative of Creation, found in the book of Genesis in the Bible, is universal. In the creation narrative, God creates the world and everything in it. Finally, God creates humans in his image. Thus, all humans bear the image of God, the *imago dei*, and have inherent dignity no matter their sex, race, economic circumstances, age, disability or religion. Evangelicals therefore resonate deeply with the concept of universal, non-derogable human rights as it upholds the human dignity of all persons.

The second reason that Evangelicals support the universality of the Universal Declaration is that Article 18 strongly upholds freedom of religion. A foundational belief for evangelical Christians is that every person must have the opportunity to choose to follow Jesus as Lord. This is stated clearly in Rom. 10:9, “If you openly declare that Jesus is Lord and believe in your heart that God raised him from the dead, you will be saved.” It is this promise of eternal salvation that motivates Evangelicals to share the gospel of Jesus and encourage people to follow him. The right to make that decision is vital to Evangelicals.

Comprehensive

The Universal Declaration safeguards a wide variety of human rights, including both those in the category of civil and political rights and those in the category of economic, social and cultural rights. As Jeremy Gunn posits, “The first draft was designed to identify the widest possible scope of potential rights, going far beyond not only those rights traditionally related to political liberties and freedom of expression that were familiar to Americans in their Bill of Rights, but

to include the ‘economic and social rights’ of medical care, employment, leisure, and housing.” (Gunn 2010, 196)

Indeed, it is the wide span of human rights that gives the Universal Declaration its credibility. All states should find some rights listed that they are already mastering. Remarks by H.E. Wang Yi, State Councilor and Foreign Minister of the People’s Republic of China, at the Human Rights Council in 2021 are indicative of the Chinese government’s approach to human rights as he focuses on the progress China has made on economic rights. Regarding human rights, he says, “Among them, the rights to subsistence and development are the basic human rights of paramount importance.” (Yi 2021) At the other end of the spectrum, the US gives high value and constitutional protection to civil and political rights while refusing to recognize the right to a minimum standard of living as articulated in Article 25.

The comprehensive list of rights in the Universal Declaration allows all states to applaud their success in protecting and promoting certain rights. Conversely, all states can be subject to critique as no state fully meets all the rights guaranteed. Evangelical Christians can and do fully support the so-called first-generation rights found in Articles 3 through 23 of the Universal Declaration. (Johnson 2008, 80). They are less comfortable with the second-generation rights listed in Articles 24 and 25 as they see these as they consider them “characteristics of a humane society” (Johnson 2008, 81) rather than legitimate rights. The current Secretary General of the WEA has encouraged evangelical Christians to be informed and involved in promoting a wide variety of human rights in their own countries and internationally. (Schirmacher 2017) So while the WEA may not advocate for all the rights enumerated in the Universal Declaration, it supports and advocates for many of them.

Hortatory

The Universal Declaration has a hortatory function that can be used both positively and negatively. We often refer to this as “carrots” and “sticks”. In a positive sense, governments can be called on to take the moral high road in guaranteeing rights to their citizens. In a negative sense, governments can be “named and shamed” for failing to guarantee these rights.

Given that we live in a very globalized world, evangelical Christians have been able to advance many human rights in a variety of ways. First, Christians can call upon their own governments to respect human rights. The WEA has national alliances in over 140 countries and encourages them to engage in advocacy as far as possible in their contexts, and to rely on the Universal Declaration as a foundation. This allows them to raise concerns about issues such as the right to life, religious freedom, the right to family life, freedom of association, freedom of expression, the right to peaceful assembly, equality for

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men and women, the right to education, the right to asylum and the prohibition on slavery.

Christians have also formed many human rights organizations that work in several countries or globally to promote human rights based on the Universal Declaration. This includes organizations such as Open Doors and the International Institute for Religious Freedom, that engage in research on the extent of religious persecution. It also includes organizations such as Alliance Defending Freedom that engages in legal advocacy when a state violates religious freedom of its citizens.

Other Christian organizations, such as humanitarian aid organizations, can rely on the hortatory function of the Universal Declaration to raise rights such as the right to education (Article 26), the right to work (Article 23) and the right to an adequate standard of living (Article 25) to encourage governments to allow them to establish schools and support entrepreneurs. Providing these services is a benefit to states and also allows them to live up to international standards.

Christian groups also advocate to their own governments to encourage them to apply pressure on other governments that are violating the rights protected in the Universal Declaration. Several governments have established specific mechanisms to address religious freedom as a response. This includes the US, Italy, Europe and the UK. Each of these religious freedom ambassadors or envoys, as they are variously titled, can address concerns to other countries calling on them to uphold the guarantees in the Universal Declaration. The Universal Declaration, Articles 28 and 29, make note of the importance of a global order upholding human rights and the responsibilities we all share to promote human rights in our communities.

Foundational

The Universal Declaration is foundational to the global understanding and legal recognition of human rights around the world. It is both the foundation for enforceable UN human rights treaties, regional treaties and for many national human rights documents, both legislative and constitutional. As Jeremy Gunn contends, “The UDHR is the centerpiece of the modern human rights movement and has been the single most influential document in shaping the language of human rights instruments both internationally and within states.” (Gunn 2010, 197) The United Nations estimates that the Universal Declaration has been the foundation for at least 80 other human rights documents around the world. (United Nations n.d.)

The two comprehensive human rights treaties of the United Nations, the ICCPR and the ICESCR, develop the rights enshrined in the Universal Declaration. “They set forth everyday rights such as the right to life, equality before the law, freedom of expression, the rights to work, social security and education.” (United Nations n.d.c) These two conventions came into force in

1976 as they took many years to draft and be ratified by the requisite number of nations. Together with the Universal Declaration, these are often referred to as the “International Bill of Rights.”

What the ICCPR and the ICESCR add, among other things, to the Universal Declaration is enforcement mechanisms. The Human Rights Committee monitors implementation of the ICCPR and the Committee on Economic, Social and Cultural Rights monitors implementation of the ICESCR. These committees are comprised of experts who hold regular reviews of countries to monitor compliance. The Human Rights Committee also has a mechanism for individuals in ratifying countries to submit particular cases for consideration by the committee.

There are eight additional UN treaties on specific issues, each with its own committee to monitor implementation. These all build on rights initially articulated in the Universal Declaration. The monitoring committees are based in both Geneva and New York. While the Universal Declaration has value in its generality and universality, the additional treaties and their monitoring mechanisms ensure that human rights has a high profile on an ongoing basis at the UN. The Charter-based Human Rights Council, and its attendant Universal Periodic Review has tended to overshadow some of the treaty-based monitoring mechanisms. In particular, the Human Rights Council (HRC) has procedures for NGO participation, particularly in the ability to make 2-minute statements directly to the HRC. However, all committee meetings are opportunities for NGO engagement by way of having parallel, side or fringe events, sometimes in cooperation with member states.

Evangelical Christian organizations have sponsored or co-sponsored events on religious freedom, humanitarian assistance, peace and security, human trafficking and the rights of women both at the UN in Geneva and in New York. They have co-sponsored events with member states, with other Christian organizations and with non-Christian, faith-based organizations. So, evangelical Christian organizations are well aware of UN mechanisms and participate in them. In addition to global treaties, the Universal Declaration has been the foundation for regional human rights treaties in Europe, Africa and the Americas. These treaties require the states that accede to the treaty to recognize and respect certain human rights guarantees. Each of these also has an enforcement mechanism. This grants people living in countries that have acceded to their regional treaty additional ways to pursue justice for rights violations.

Many countries have adopted Bills of Rights to guarantee the rights protected in the Universal Declaration. My own country of Canada, for example, adopted a Bill of Rights (Canada 1960) in 1960, following the lead of the Universal Declaration. Even though the Bill of Rights was not part of the Constitution, it was quasi-constitutional, and all legislation was required to conform to its human rights guarantees. This led to the adoption of a constitutional Charter of Rights (United Kingdom 1982) in 1982. The Charter includes an implementation clause that allows

anyone who feels that their rights have been violated to apply for a remedy to a court of competent jurisdiction. This has given people in Canada significant additional tools to enforce government respect for human rights.

Some countries, like South Africa, not only adopted a Bill of Rights, (South Africa 1996, ch. 2) but also established a Constitutional Court to enforce these rights. South Africa adopted this Bill of Rights as part of the constitution after apartheid ended. The Bill of Rights along with the new court induced a legal transformation of the apartheid system.

Unfortunately, some countries have adopted constitutional guarantees respecting human rights but no enforcement mechanism. The Soviet Union, for example, had excellent constitutional guarantees of religious freedom while sanctioning anyone practicing their religious faith. The Constitution (Fundamental Law) of the Union of Soviet Socialist Republics (USSR 1977, ch. 7) guaranteed all the rights set out in the Universal Declaration. Articles 57 and 58 appear to give citizens access to the courts if their rights are violated. However, Articles 59 to 65 make it clear that the primary duty of all citizens is to uphold the values of the state and to defend it. In practice, these latter provisions far outweigh any possibility that a citizen could get a remedy from Soviet courts in the event of a violation of enumerated rights.

The constitution of China similarly guarantees religious freedom while sending members of religious minorities such as Uighur Muslims to re-education camps. The Constitution of the People's Republic of China, Chapter II, sets out the rights and duties of all citizens. Freedom of association is protected, as is freedom of religion. Unfortunately, the enforcement mechanism is not to an independent court but rather to the Standing Committee of the National People's Congress. This is not a neutral body exercising a judicial review function but rather, an organ of the state. (Ahu 2009-2010)

The many treaties and bills of rights around the world do not guarantee that states will respect the human rights that they purport to protect. But many of them provide people whose rights have been violated with mechanisms to enforce those rights. Bills of rights, constitutional courts, human rights tribunals, regional human rights courts and the UN treaties and treaty-bodies together create a multi-layered system of protection and enforcement of human rights.

Aspirational

The General Assembly stated that the Universal Declaration was intended to be "a common standard of achievement." The Preamble says that human freedom is "the highest aspiration of the common people." Therefore, in addition to setting out a minimum standard, the Universal Declaration has provided an aspirational standard. It is not only meant for individual states to strive towards, but for the global community as well.

The Universal Declaration in 1948 was a paradigm shift in the global order. Prior to that time, international law specifically and almost exclusively focused only on state actors. But with the Universal Declaration, “For the first time, individuals – regardless of race, creed, gender, age, or any other status – were granted rights that they could use to challenge unjust state law or oppressive customary practice.” (Ignatieff 2001, 5) The idea of individuals being empowered to challenge their oppressive states paves the way for real people to argue for concrete remedies for state action in the name of international human rights. The Universal Declaration gives the foundation to do so.

Ignatieff posits that the very states that contributed to the drafting of the Universal Declaration were, at that time, failing to live up to the international norms they were creating. Apparently, “They thought that the Universal Declaration would remain a pious set of clichés more practiced in the breach than in the observance” (Ignatieff 2001, 6). Rather than being simply a moral statement, however, the Universal Declaration began a rights revolution. Individuals were indeed empowered to urge their states and their regions to enact meaningful human rights guarantees.

We know that no state in the world has arrived at perfect compliance with the human rights standards articulated in the Universal Declaration! Indeed, the aspiration expressed in Article 28, that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized” has not been met. We live in a world with wars, food insecurity, lack of basic resources and uneven economic development. Many states are not even close to the position of providing everyone an adequate standard of living (Article 25). Many of the rights are those that were given flesh in the Millennium Development Goals, (United Nations n.d.a) and now the Sustainable Development Goals. (United Nations n.d.b) These Goals mobilized the global community to assist states to achieve these goals, and in the process, meet standards set out in the Universal Declaration.

Evangelical Christians around the world aspire to live in states that promote and protect rights and freedoms of their people. They are actively engaged worldwide in providing healthcare, education, community development and humanitarian assistance to the world’s most vulnerable. The WEA has advocacy offices at the United Nations in New York and Geneva to promote human rights and well-being. The WEA supports the fulfillment of the SDGs.

Conclusions

The Universal Declaration serves important roles in guaranteeing human rights protection around the world. It was the first global articulation of human rights. Sufficient state practice and support has elevated its provisions to become customary international law. It is therefore widely recognized as *the* statement on the scope of human rights around the world. The universal nature of the

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Universal Declaration allows the international community, citizens and civil society to reference it when calling on nations to fulfill human rights obligations.

Many nations laud themselves for their human rights record. As the Universal Declaration is seen as the standard, it can be used to encourage states to live up to the standard. It can also be used to shame states that violate, and routinely violate the rights guaranteed.

As the standard, the Universal Declaration has been used as the minimum requirement when states adopt a bill of rights. States may decide to protect more than the rights guaranteed in the Universal Declaration, but it is difficult to protect less. Western countries tend to focus on civil and political rights and may be weaker on the protection for the rights to work, leisure and a minimum standard of living. Other countries, such as China, tend to focus on economic, social and cultural rights and may be weaker on the rights to vote and participate in politics.

Evangelical Christians look to the Universal Declaration as the minimum standard for protection for religious freedom. This is a very high value to Evangelicals. They also value other standards for human rights and work along with others towards meeting the Sustainable Development Goals. Evangelicals provide humanitarian assistance, community development, education, and peace and reconciliation, all aspiring towards “a social and international order” as articulated in Article 28 is realized.

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WOMEN'S RIGHTS AND ACHIEVING GENDER EQUALITY: TIME TO TAKE A DIFFERENT PATH¹

Helga Konrad²

Over the past 75 years, we have seen significant progress in realizing human rights: we have witnessed the end of colonialism and the advancement of social justice. We have witnessed the dismantling of apartheid and combating discrimination, including racism, sexism and homophobia. We can see these days increasing acceptance and understanding of the LGBTIQ+ community – and last but not least, the recognition of women's rights as human rights. But we know, of course, that many, too many people around the world continue to suffer from human rights abuses, including discrimination, violence and exploitation – and therefore, we will have to continue to advocate for the protection and promotion of these rights for all – a commitment that is clearly expressed in CoNGO's³ slogan: Defining The Present, Shaping The Future, Making The Change Now.

¹ Keynote speech delivered at the First Global Commemorative Celebration of the 75th Anniversary of CoNGO (Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations) held at the United Nations Vienna International Center, in Vienna, Austria on 28 April 2023.

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³ CoNGO refers to the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations, an international NGO in general consultative status with the UN.

No other political, social or cultural issue of comparable magnitude is as fundamentally questioned as the discrimination of women. “The equal participation of women is the paradigm shift we need,” said UN Secretary-General Antonio Guterres at the most recent UN conference on the Status of Women. “Women's equal participation is the game changer we need,” he stressed. The demand for equality between women and men is as old as the first proclamations of human rights in the Age of Enlightenment. There was, for instance, Olympe de Gouges, who pointed out that the French Declaration of Human Rights of 1789 concept was dominated only by male thoughts and interests. As an alternative, she wrote the “Declaration des droits de la femme et de la citoyenne,” by which she demanded equal rights of women regarding liberty, property, security, the right to residence against suppression and the right to participate in the creation of law.⁴

Women, however, remained excluded from the creation of law, the studies of jurisprudence, and the performance of the legal professions at least until the 20th century. At the time when women were finally entitled to participate in political decision-making, the structure and content of the law and judicial process were already highly developed. Therefore, it is unsurprising that an evident lack of equal opportunities for women in performing their rights still exists today.

Although formal equal rights for women and men as a matter of principle seem to be beyond dispute nowadays, their application may – because the lives and social conditions of women and men are different – lead to disparities in society, e.g., with regards to the unequal distribution of paid and unpaid work, share of income or benefits within social security systems. Therefore, even formal equal rights – with a view to substantial equality in society – have to be examined and – if needed – be amended.

Through the years, women have progressed in various areas: We have witnessed some women presidents, prime ministers, Nobel Prize winners, parliamentarians, community leaders, CEOs, etc. But serious challenges persist – cultural attitudes that debase women, gender violence, limited access to qualitative healthcare, and laws that favor men – to name a few.

Irrespective of national and international laws and instruments adopted decades ago, which outline internationally accepted, binding standards regarding the rights of women applicable to all women in all societies and all spheres of life, even though many laws and instruments have been developed and created at national levels (and despite some undeniable progress), women are still exposed to manifold discrimination in almost all fields of activity in their daily lives.

⁴ See: Anna Sporrer, Grundrechte für Frauen im internationalen Kontext, Vereinte Nationen, Europarat, Europäische Gemeinschaften, in Mesner/Steger-Mauerhofer (Hg.), *Der Tod der Olympe de Gouges – 200 Jahre Kampf um Gleichberechtigung und Grundrechte*, Wien 1994, S 79ff.

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The enlightenment of our modern societies about the all-dimensionality of inequality and unequal treatment between women and men has not yet progressed as far as would be desirable. Women are disadvantaged in the social and economic spheres. The labor market is still divided into a women's labor market, which is frequently characterized by stagnation and marginalization, and a men's labor market, which is dynamic and where pay is higher. Women are passed over and disadvantaged, irrespective of their education, professional training, their performance and their commitment.

Too many women worldwide are refused the right to self-determination about their bodies. Genital mutilation is still the rule in many countries on our globe. Women are still burned, killed in disputes over dowries or forced into marriage. Female fetuses are forcefully aborted, and women are outcasts because they have borne girls. Women are exposed to sexist forms of violating their dignity and their right to physical and mental integrity, such as torture, sexual abuse, and rape (often as part of war strategies), not the least trafficking in women and girls.

Women and girls have to suffer structural violence, often facing significant economic barriers, including limited or no access to credit. There are still substantial income gaps between women and men. Women are underrepresented in political leadership positions, and their voices are often excluded from decision-making processes. Women's access to healthcare is often limited by so-called cultural and socioeconomic factors, as well as gender-based discrimination. Gender stereotyping perpetuates harmful norms and limits opportunities for women and girls.

In many countries, including our Western democracies, violations of women's rights and discrimination is more often the rule than the exception, until today. Women's rights are frequently not recognized as human rights. The numerous infringements of women's rights in the private sphere are not even perceived as violations of human rights. The so-called 'family' violence, male violence against women (and often children) — the worst form of discrimination — will inevitably come up in any critical argument about gender relationships.

Even if we agree that not all men are wielding their power over women, that not all men are perpetrators, and that not all women are directly exposed to sexist or structural forms of violence and discrimination, the fact is that the massive violation of women's rights and widespread discrimination of women in all spheres of life does have an impact on all men and all women. This means that it is not about individual destinies. Discrimination is always collective and has a strong structural component. Denying these structures only reproduces them.

We do not need significant sociological studies to conclude that the structures of our prevailing gender relationship, namely asymmetry, hierarchy, polarization and power, have not been thoroughly shaken by national or international laws and conventions, including the Universal Declaration for

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Human Rights of 1948. The fundamental ideas behind human rights and women's rights, namely, freedom from poverty and violence, equal working and living conditions, self-determination and responsible participation in all society, are the benefits women worldwide are still waiting for and have not yet been translated into practice, at least not for women.

This indicates that the road to an egalitarian gender relationship is littered with obstacles, conflicting interests and contrasting circumstances and that we are not yet living in “gender democracies.” The responses to this ultimately undemocratic situation must consist of a clear and serious commitment of all relevant stakeholders and decision-makers to changes in the societal structure in the interest of gender equality.

Economic recession and tight labor markets are often used as a pretext to favor and sanction the attempts to halt or at least to break the process of achieving equality for and ending discrimination against women. Again and again, women feel, with varying degrees of intensity, that the achievements of women's policies are still not secure nor safeguarded and that we cannot satisfy ourselves with the hard-won progress that has been made to date.

We must also be aware of and recognize the introduction of the term “gender mainstreaming” which means that women's policies are infused into the existing systems of gender injustice and violence that exist and continue to be present in the gender relationship, and that the profound grievances endured by many women are being marginalized and hidden, just as the political nature of discrimination which is based on gender. Just as structural inequalities cannot be eliminated through mentoring and coaching (how to style or color yourself), so can “gender mainstreaming” not replace a sustainable, broad-based approach to achieving gender equality.

The equitable sharing of family work between women and men, the expansion and further development of female employment so that women can live independently, and the ending of violence against women have for many decades formed the central feminist consensus of women's policies. We cannot ignore or avoid this integrated consensus if we want to move towards natural, “de facto” gender equality.

“The desire for harmony is the arch enemy of rational cognition processes,” stated the German feminist Frigga Haug. I fully agree with her in this regard. I want to encourage all of us to undertake both a creative and, at times, argumentative, discomfiting discussion and analysis of the prevailing conditions and policies designed to eliminate gender as a factor determining people's chances in life.

In this context, the 75th anniversary of CoNGO may also be understood as a call for concerted action against and resistance to the entrenched, patriarchal structures by systematically (and ruthlessly) dismantling the opponents' tactics – in the EU and around the world.

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“If we want to change the existing conditions, then the common understanding of equality, freedom and justice must be constantly revisited and rethought. Otherwise, we will reproduce gender inequalities and conditions for violence at another level.” (Erna Appelt)

The motto of CoNGO, 'Defining the Present, Shaping the Future, Making the Change Now' is a powerful call to action that highlights the importance of our collective responsibility for the present and future state of our world and the willingness of NGOs to play a crucial role in defining it by bringing attention to social, economic, environmental and gender issues that affect millions of people worldwide.

CoNGO's multilateralism is a fundamental principle of international cooperation for addressing complex and pressing challenges. It is essential to achieve shared objectives by promoting inclusivity and diversity can help build trust, foster collaboration, and promote more sustainable and equitable outcomes. It ensures that stakeholders, organizations, and politicians are held accountable for their actions and activities and promotes efficiency by enhancing the impact of their work. By working together, we may also generate new ideas and solutions.

It is essential to recognize the interconnectedness of gender, race, poverty, and environment and adopt a holistic approach to addressing these issues. It will also mean addressing emerging challenges to human rights, such as the rise of authoritarianism, the impact of new technologies (including artificial intelligence), and the implications of climate change for human rights.

THE SITUATION OF RELIGIOUS FREEDOM IN LATIN AMERICA IN LIGHT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Teresa Flores¹

This article aims to highlight how the Universal Declaration of Human Rights and the entire legal structure that arises from it, has had a favorable impact on the legal development that makes possible the recognition and protection of one of the first human rights to be claimed, that of freedom of thought, conscience, and religion. Nonetheless, despite advances in its protection and after reviewing the Violent Incidents Database (VID) of the Observatory of Religious Freedom of Latin America - OLIRE, in four Latin American countries (Cuba, Nicaragua, Colombia, and Mexico); we have identified several obstacles that prevent the effective exercise of this right and moreover and we have taken notice of how the control or protection bodies of human rights in the universal system do not always include some of these contexts when analyzing or evaluating the status of this right.

I. The Universal Declaration of Human Rights as starting point for the protection of the right to religious freedom

The Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948, represent a milestone in the protection of the rights of every citizen. As a declaration of principles on the fundamental rights and freedoms of individuals, it undoubtedly forms the basis of the Universal System for the Protection of Human Rights, which has gradually developed a

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structure with different UN bodies, working groups and Special Procedures mandate holders responsible for promoting human rights.

Among them, the right to religious freedom is recognized and defined for the first time in Article 18 of the ***Universal Declaration of Human Rights*** (hereinafter UDHR). The article includes freedom to change his religion or belief, as well as freedom to manifest religion or belief, individually and in community with others, in public and private, in teaching, practice, worship and observance. The document does not seek to treat religion as a dogma, but to guarantee the freedom of convictions, without promoting a certain religion over the others (Rhenán 1994, 119).

Inspired by this formula, over time, the Universal System for the Protection of Human Rights has managed to implement various mechanisms in search of the effective application of this right.

Among the most relevant documents that recognize this right we find the ***International Covenant on Civil and Political Rights - 1976*** (hereinafter ICCPR), which includes, also in its article 18, that no one shall be subjected to coercive measures that may impair the freedom to have or adopt the religion or belief of his choice. Everyone is free to manifest his or her religion or belief, subject only to such limitations as are prescribed by law, and States parties must respect the freedom of parents to ensure that their children receive religious and moral education in accordance with their own convictions. ***General Comment No. 22 of the Human Rights Committee on article 18 of the ICCPR - 1993*** deepens the content of this right by establishing, inter alia, that this article protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. No manifestation of a religious character or belief may amount to propaganda for war or advocacy of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence. It also includes the right to conscientious objection in the field of military service, as a derivative of article 18, insofar as the obligation to use lethal force may seriously conflict with freedom of conscience and the right to manifest and express religious or other beliefs.

The ***International Covenant on Economic, Social and Cultural Rights - 1976*** (hereinafter ICESCR) also recognizes this right by establishing that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance, and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. And that, States Parties undertake to have respect for the liberty of parents and have to ensure the religious and moral education of their children in conformity with their own convictions.

We may also mention the ***Convention on the Rights of the Child - 1990*** (hereinafter CRC), which establishes that States parties shall respect the right of the child to freedom of thought, conscience, and religion, respect the rights and duties of parents and, where appropriate, legal guardians, to guide the child in

the exercise of his or her right in accordance with the evolving capacities of the child. It also states that in States where ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such minorities shall not be denied the right to enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language.

In addition, the Committee on the Rights of the Child, in ***General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment - 2006***, states that the practice of a religion or belief must be compatible with respect for human dignity and the physical integrity of others, in that sense, punishments, extreme violence, such as stoning and amputation, prescribed according to certain interpretations of religious law constitute a violation of the Convention and other international human rights standards. ***General Comment No. 11 on indigenous children and their rights under the Convention - 2009*** notes on the one hand that the exercise of the cultural rights of indigenous peoples may be closely related to the enjoyment of traditional territory, and the use of its resources, on the other hand, takes into consideration that States parties should provide indigenous and non-indigenous children with real opportunities to understand and respect different cultures, religions and languages.

Also linked to indigenous communities, ***Convention No. 169 concerning Indigenous and Tribal Peoples - 1989*** elaborates on the content of the right to religious freedom of indigenous peoples in article 12, by establishing that indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; to maintain, protect and access their religious and cultural sites privately; to use and control their objects of worship, and to obtain the repatriation of their human remains, as well as the obligation of States to endeavor to facilitate access to and/or repatriation of objects of worship and human remains in their possession through appropriate mechanisms.

The ***Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief - 1981***, adopted by General Assembly resolution 36/55, presents a set of principles on which it seeks to prevent religious discrimination in all its forms. Beyond that, it complements what is stated in both the UDHR and the ICCPR by listing a number of freedoms as an integral part of the right to freedom of thought, conscience and religion: (a) The right to worship or hold meetings in relation to religion or belief, and to establish and maintain places for these purposes; (b) To establish and maintain appropriate charitable or humanitarian institutions; (c) To make, acquire and use in sufficient quantity the articles and materials necessary for the rites or customs of a religion or belief; (d) To write, publish and disseminate relevant publications in these fields; (e) To teach religion or belief in places suitable for these purposes; (f) To seek and receive voluntary financial and other contributions from individuals and institutions; (g) To train, appoint, elect and

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appoint by succession the appropriate leaders according to the needs and norms of any religion or conviction; (h) To observe days of rest and to celebrate festivities and ceremonies in accordance with the precepts of a religion or belief; (i) To establish and maintain communications with individuals and communities on matters of religion or belief at the national and international levels.

The *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities - 1992* provides that persons belonging to national or ethnic, religious, and linguistic minorities shall have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public. freely and without interference or discrimination of any kind, except in cases where certain practices violate national legislation and are contrary to international standards.

The *United Nations Declaration on the Rights of Indigenous Peoples - 2007* also recognizes that indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; to maintain, protect and access their religious and cultural sites privately; to use and control their objects of worship, and to obtain the repatriation of their human remains. It also establishes that States shall endeavor to facilitate access to and/or repatriation of objects of worship and human remains in their possession through fair, transparent and effective mechanisms established jointly with the indigenous peoples concerned.

It must be also considered the *Beirut Declaration on "Faith for Rights" - 2017*, the result of a series of meetings between faith-based and civil society actors working with the Office of the United Nations High Commissioner for Human Rights (hereinafter OHCHR). Aims to reach out to persons belonging to religions and beliefs in all regions of the world, with a view to enhancing cohesive, peaceful and respectful societies on the basis of a common action-oriented platform in which a common ground can be articulated, finding ways in which faith can stand for rights more effectively. In addition to creating a multi-level coalition open for all independent religious actors and faith-based organizations who demonstrate acceptance of and commitment to the declaration. In the same way, it recognizes the value and the need to empower religious actors to the same extent that it indicates that they are responsible to stand up for the shared humanity and equal dignity of each human being in all circumstances within each sphere of preaching, teaching, spiritual guidance. and social engagement.

Besides these documents, which develop the scope of the right to religious freedom, or the obligations on the part of the state's parties to achieve its effective fulfillment, there are other efforts in favor of the promotion of this right in the HRPS. Among them we can mention:

The creation by the United Nations Commission on Human Rights *of the Special Rapporteur on freedom of religion or belief*, whose objective is to identify any obstacles that might affect the enjoyment of the right to freedom of

religion or belief and present recommendations accordingly. To this end, the Office of the Special Rapporteur transmits communications to States Parties, conducts country visits, and prepares and submits annual reports to the United Nations Human Rights Council (hereinafter UNHRC) and the General Assembly. Since its creation, the work of the Office of the Rapporteur has advanced the right to freedom of thought, conscience, religion, or belief.

The Human Rights Resolution 2005/40 on the ***Elimination of all forms of intolerance and of discrimination based on religion or belief***, urging States to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all, without distinction, inter alia, by providing effective remedies for cases where these rights are violated, especially of women as well as other vulnerable groups, in particular persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants. It also stresses the need to ensure full respect for and protection of places of worship, holy places, shrines, and religious symbols, and to take additional measures in cases where such places or symbols are exposed to desecration or destruction. Similarly, calls for no one to be deprived of the right to life, liberty, and security of person or to be subjected to torture or arbitrary arrest or detention or by reason of religion or belief or to the expression or manifestation of religion or belief, education and adequate housing. In that regard, public officials and State agents should not discriminate on the basis of religion or belief.

We can also cite Resolution A/RES/73/296 - 2019, by which the United Nations General Assembly establishes the ***International Day in Commemoration of the Victims of Acts of Violence Based on Religion or Belief***, celebrated every August 22. This resolution condemns violence and acts of terrorism directed against individuals, including persons belonging to religious minorities, on the basis or in the name of a religion or belief.

Finally, the ***Rabat Plan of Action – 2012*** which establishes responsibilities of religious leaders. Among them we can mention: Political and religious leaders should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; but they also have a crucial role to play in speaking out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech. It should be made clear that violence can never be tolerated as a response to incitement to hatred.

As we can see, the development of the right to religion or belief within the framework of the system of universal protection of human rights is robust. There is a legal framework (soft law and hard law) that commits government authorities to adapt the national legal framework and to design and implement public policies that make possible the effective enjoyment and exercise of this right.

II. The status of Religious Freedom in Cuba, Nicaragua, Colombia and Mexico: A review of the Violent Incident Database – VID in contrast with the Universal System for the Protection of Human Rights

The Violent Incidents Database (hereinafter VID) is the main tool used by the Observatory of Religious Freedom in Latin America (hereinafter, OLIRE), designed to collect, record, and analyze incidents concerning violations of religious freedom.

At present, the VID is one of the few comprehensive data collection efforts that systematically tracks religious freedom violations in its multiple dimensions: individual and collective, physical and non-physical violence, state and non-state actors, religious and non-religious motivations, and in all spheres of life. The VID distinguishes between two types of religious freedom violations: physical violence, such as torture, rape, abduction or killings and non-physical violence, which could take the form of discriminatory legislation, social pressure, cultural marginalization, government discrimination, hindrances to conversion, hindrances to participation in public affairs or restrictions on religious life (Petri & Flores, 2021).

It is important to consider that since Christianity is the majority religion in those countries, it is more frequent to find incidents that involve this religious group and no other religious minorities. On the other hand, the main input for the VID is public sources, most of which are digital media available on the internet. These data are complemented by field interviews, desk research, and reports provided by partner organizations. In that sense, the VID cannot claim to be an exhaustive listing. Since this database is continuously updated, it is likely that newly reported cases will be included later, although many incidents may not be public and are hence not included.

Although the VID's approach aims to be global, to date it contains most information on Latin American countries. From the review of this platform, although it is possible to identify various religious freedom issues in different Latin American countries, for the purposes of this article we will focus on the countries of Cuba, Nicaragua, Colombia and Mexico.

The reason for choosing these countries is not just that there is more information available about them on the VID, but, given that Cuba compared to Nicaragua, and Mexico compared to Colombia, have very similar dynamics of violations of religious freedom, it is possible to assess if the attention given to them by the protection mechanisms of the universal system is the same in all cases; if it differs at some point and more importantly, if the response or approach is close or not to fulfilling the core mandates derived from the UDHR and developed by the protection mechanisms, already described in the previous section.

a. Overview of religious freedom violations in Cuba

According to the VID, in Cuba, there are multiple incidents, whether of violence or pressure, that affect religious leaders and religious communities, as well as their houses of worship, especially against those known or perceived as opponents of the communist regime that runs the country. Most of these incidents have been carried out supported by the country's regulatory framework.

Among the incidents listed, we can mention attacks, demolitions, robberies or acts of vandalism and desecration against religious buildings or places of worship, which on occasions has led to their closure. Arbitrary arrests and acts of physical violence against known or perceived opposition religious leaders are also common. According to the information available, this measure is exacerbated amid critical situations in the country, such as the protests on July 11 (hereinafter 11J protests), 2021². Detention and interrogation without legal basis have become one of the most used resources to coerce and harass religious leaders. On occasions, the arrests have led to trials and sentences with null judicial guarantees.

There are also reports of parents who have been sentenced to prison for homeschooling and trying to raise their children under their own convictions, far from the ideology of the regime. All this without mentioning the report of more subtle forms of intimidation, derived from the constant monitoring of religious leaders even inside religious buildings, including their written communications (also electronic), the application of fines, confiscation of donations (received or to be delivered), the impediment or complex procedures for the registration of some churches, especially Protestants, which has led to the proliferation of unregistered churches, which are constantly sanctioned. There is also information about impediments to religious leaders to leave the country or otherwise, of the situation of religious leaders and members of religious communities linked or perceived as the opposition, who have been forced to flee the country because of the continuous harassment against them and their families. The religious communities affected are mostly Christian-evangelical, although in the latest reported incidents it is possible to identify that members of the Catholic Church, Yoruba and Muslim communities have also at some point become victims of a violation of their religious freedom. In general, the perpetrator is a government authority or collectives or groups linked to the government. To a lesser extent they are ordinary citizens or criminal groups.

The following table provides information on the number of incidents reported for Cuba, according to the nature or type of incidents. More detailed information can be found on the online platform (Violent Incidents Database, 2023a).

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Figure 01: Religious freedoms violations
between January 2019 and May 2023

Nature of Incident	Total number
Killings	0
(Attempts) to destroy, vandalize or desecrate places of worship or religious buildings	26
Closed places of worship or religious buildings	2
Arrests/detentions	155
Sentences	18
Abductions	9
Sexual assaults/harassment	0
Forced Marriages	0
Other forms of attack (physical or mental abuse)	64
Attacked houses/property of faith adherents	8
Attacked shops, businesses or institutions of faith adherents	2
Forced to leave Home	0
Forced to leave Country	60
Non-physical violence (pressure)	73

Source: The Violent Incidents Database (VID)

Regarding the human rights protection mechanisms to the state of religious freedom in Cuba, it is pertinent to remember that Cuba signed the UDHR in 1948 and although in 2008 the government signed the ICCPR and the PESCR, it did not ratify them (ratification is the international act by which a State indicates its consent to be bound by a treaty), nor did it accept the individual communications procedure regarding its optional protocols. In 1991, ratified the Convention on the Rights of the Child, but did not accept the individual communications procedure of its optional protocol.

During the last Universal Periodic Review (hereinafter UPR), the Office of the United Nations High Commissioner for Human Rights (hereinafter OHCHR) did not include relevant information on the state of the right to religious freedom in the report "Compilation on Cuba." Only in the section "Right to work and to just and favorable working conditions", there was a reference to the request that the ILO Committee of Experts made to Cuba to adopt the necessary measures to ensure in practice that no information related to the political and religious opinion of the workers or students were requested (Office of the United Nations High Commissioner for Human Rights, 2018a).

About religious freedom, members of the Working Group on the Cuba UPR addressed the following issues in their final report (Working Group on the Universal Periodic Review, 2018a):

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- Saudi Arabia recommended: Continue advocating in the international fora for the need to combat Islamophobia and discriminatory stereotypes based on religion, particularly in the context of the fight against terrorism.
- India recommended: Continue to foster good relations with the different religious institutions.
- Mozambique recommended: Continue guaranteeing the right of everyone to freedom of worship and not to profess any religion, in accordance with the Constitution.
- United Arab Emirates recommended: Continue to promote the full right to freedom of religion.

In 2018, the Final Observations on the combined 19th to 21st periodic reports of Cuba prepared by the Committee for the Elimination of Racial Discrimination pointed out as a positive aspect the adoption of Law no. 116 (Labor Code) of December 2013, which introduced a prohibition against discrimination, including discrimination based on "skin color, gender, religious beliefs, sexual orientation, territorial origin, disability and any other distinction harmful to human dignity" (Committee for the Elimination of Racial Discrimination, 2018).

In May 2020, through the communication AL CUB 1/2020, the Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on minority issues drew the attention of the Cuban government to the continued harassment of Pastor Alain Toledano, pastor of the Apostolic Movement of Cuba, his family and members of his congregation and requested information, among others, on the specific measures taken by the Government to investigate and prevent all acts of intimidation against Pastor Toledano and on measures to ensure that the right to freedom of religion of all religious minorities is respected and protected (Mandates of various Special Rapporteurs, 2020). In response, the Permanent Mission of Cuba to the Office of the United Nations and International Organizations in Switzerland sent Note 296/2020, alleging among other things that the church participated in illegal activities, violating the requirements established by the Ministry of Justice, that Toledano Valiente carried out constructions without the corresponding permits from the Provincial Directorate of Physical Planning of Santiago de Cuba. The government also alleged that in religious cults Toledano urged parishioners to social disobedience, to distort their conduct, generating chaos and indiscipline. The Permanent Mission of Cuba also noted that it is unfortunate that attempts are being made to portray people whose motive is to achieve regime change in the country as advocates of freedom of religion or belief as part of a foreign-funded subversive agenda (Permanent Mission of the Republic of Cuba, 2020a).

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In March 2020, the UNHRC adopted resolution 43/34 “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief”. The resolution called on States to take certain measures to promote a national environment of religious tolerance, peace and respect. Among them, States were urged to consider the possibility of providing updated information on the work carried out in this regard to the OHCHR (Human Rights Council, 2020a). In response, the Permanent Mission of Cuba to the Office of the United Nations and International Organizations in Switzerland sent Note 422/2020, describing the progress made by Cuba in terms of protecting religious freedom. In said document, the representation of Cuba also rejected the inclusion of Cuba in the Special Watch List in 2020 of the US government (Permanent Mission of the Republic of Cuba, 2020b).

In 2020, Cuba was elected for the fifth time, for a period of three years, as a member of the UNHRC. It is worth pointing out that Council membership carries with it a responsibility to uphold high human rights standards. Different civil society organizations question the re-election of the Cuban government in this position due to the constant accusations of human rights violations in the country.

Regarding the 11J protest, in 2021, the United Nations High Commissioner for Human Rights called for the release of the people who were detained: "I am very concerned about the alleged excessive use of force against protesters in Cuba and the arrest of a large number of people, including several journalists". However, no specific or differentiated reference was made to the religious leaders who were also detained (United Nations High Commissioner for Human Rights, 2021a).

In December 2021, communication AL CUB 7/2021 sent by the Special Rapporteur on freedom of religion or belief; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on minority issues and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, requested the Cuban government information about the arrest and subsequent forced disappearance of short duration, mistreatment and prosecution of Lorenzo Rosales Fajardo, pastor of the Monte de Sion Church in Palma Soriano (Mandates of various Special Rapporteurs, 2021). In response, the Permanent Mission of Cuba to the Office of the United Nations and International Organizations in Switzerland sent Note 97/2022, indicating that the active participation of Rosales Fajardo in violent actions on July 11 was verified by witnesses and that in compliance with the Criminal Code, judicial proceedings were initiated, the accused was sanctioned for the crimes of Attack, Public Disorder, Resistance and Damage, and an 8-year prison sentence was imposed (Permanent Mission of the Republic of Cuba, 2022c).

As we can see, the most recent UN bodies analysis of the state of human rights in the Cuban case does not include acts of vandalism, robbery, or desecration against religious temples, the confiscation of donations to

confessional organizations or religious communities, the sanctions against unregistered churches, nor the continuous violation of the rights of parents to educate their children under their own convictions, who are forced to raise them under the mandatory communist ideology.

Overall Cuba continues to have a presence and dialogue with the universal system of Human Rights, something that does not happen in the same way with other systems of regional protection of human rights such as that of the Organization of American States. This interaction is positive, although insufficient, since, in practice, there are still violations of the right to religious freedom that are not being recognized or mentioned in their true dimension by the universal control and consultation bodies.

b. Overview of religious freedom violations in Nicaragua

In the case of Nicaragua, although the table includes information from 2019, since 2018 (year of the social outbreak and deadly protests in the country)² there were various incidents of violence and pressure against religious leaders and religious communities in the country, especially of the Catholic Church. The data suggest that religious leaders, active lay people and/or confessional institutions become targets of some kind of reprisals also to the extent that they are known or perceived opponents of the Sandinista regime but also that the intensity of the repressive actions against them have been escalating over time and that have been supported by a regulatory framework suitable for these purposes.

Of the reported cases, acts of vandalism, robbery, desecration, even raids, or police sieges of places of worship are common. The loss of legal status of confessional associations and organizations has given rise to the confiscation of their assets, including real estate, which have been occupied by various government offices, which has led to the closure of operations or cancellation of activities related to the ministry of each church, humanitarian assistance work of religious congregations, universities, and even the cancellation of radio and television channels. Police summonses, detentions, or arrests of active religious or secular leaders under charges of treason or interference in national sovereignty are also recurrent. Many times, not knowing the location of the arrested person has given rise to considering said measure with a state kidnapping. There are also numerous cases of impediment to enter the country and even the forced exile of religious leaders and entire religious congregations.

Pressure actions include monitoring, surveillance, constant siege, funding cuts, cancellation of legal status, limitations on conscientious objection in schools and public and private workplaces, cancellation of religious festivities

² In recent years, a series of civil society claims against the pension system in April 2018 culminated in anti-government protests demanding the president's resignation. The manifestations of citizen dissatisfaction were and still are violently repressed by the authorities.

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such as processions, and even administrative obstacles that limit the operation of churches in the country, not to mention the retention of visas and driver's licenses.

According to the data, the main victim of repression is the Catholic Church, although there are incidents that suggest that some members of evangelical churches also suffer repressive actions as long as they are perceived as opposition or if they do not comply with any law or regulation designed to control the opposition. In most cases, the perpetrator is a government authority or collectives or groups linked to the government. To a lesser extent they are ordinary citizens or mobs.

The following table provides information on the number of incidents reported for Nicaragua, according to the nature or type of incidents. More detailed information can be found on the online platform (Violent Incidents Database, 2023b).

Figure 02: Religious freedoms violations between January 2019 and May 2023

Nature of Incident	Total number
Killings	1
(Attempts) to destroy, vandalize or desecrate places of worship or religious buildings	83
Closed places of worship or religious buildings	39
Arrests/detentions	54
Sentences	11
Abductions	24
Sexual assaults/harassment	0
Forced Marriages	0
Other forms of attack (physical or mental abuse)	190
Attacked houses/property of faith adherents	8
Attacked shops, businesses or institutions of faith adherents	25
Forced to leave Home	6
Forced to leave Country	70
Non-physical violence (pressure)	46

Source: The Violent Incidents Database (VID)

Nicaragua is a signatory country to the UDHR. In 1980 it ratified the ICCPR and the CESC. The government only accept the individual communications procedure of the ICCPR optional protocol. In 1990 it ratified the Convention on the Rights of the Child, although it did not accept the individual communications procedure of its optional protocol.

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During the last UPR, the information collected on Nicaragua by the UNHRC included the concern that the Secretary-General had expressed about the continuing and intensifying violence in Nicaragua and the loss of life in the protests and the attack against Catholic Church mediators in the national dialogue. The report likewise included the concern of the OHCHR about the continuing reports of death threats, acts of violence and intimidation against journalists, students and members of the Catholic Church, among others (Office of the United Nations High Commissioner for Human Rights, 2019).

Members of the Working Group on the Nicaragua UPR addressed the following issues in their final report (Working Group on the Universal Periodic Review, 2019):

- United States of America recommended: Immediately cease unduly interfering with the rights to freedom of expression, association and peaceful assembly and allow all independent media, religious institutions, and civil society organizations to carry out their activities without restriction, coercion, undue legal or personal safety threats and release all prisoners of conscience immediately and unconditionally and take immediate steps to end arbitrary arrests and detentions.

In July 2019, communication AL NIC 3/2019 sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on freedom of religion or belief, requested information from the Nicaraguan government regarding the attacks on different churches in Nicaragua during religious celebrations between June and July of 2019 (Mandates of various Special Rapporteurs, 2019).

In July 2022, communication AL NIC 2/2022 sent by the Special Rapporteur on freedom of religion or belief; together with 10 other Special Rapporteurs and the and the Working Group on Discrimination against Women and Girls, requested information from the Nicaraguan government on the cancellation of the legal personality of at least 700 civil society organizations since 2018, of which 487 associations only in June 2022. The communication specifies that the cancellation of the legal personality of some organizations and foundations of a religious nature has been reported. Similarly, they urged the Government to guarantee the right to freedom of religion or belief in accordance with the principles established in art. 18 of the UDHR and the ICCPR and reminded him that restrictions on this right must meet a series of mandatory criteria that include being non-discriminatory (Mandates of various Special Rapporteurs, 2022).

In April 2023, at its 52nd session, the UNHRC adopted resolution 52/2 condemning the growing restrictions imposed by Nicaragua on the exercise of the right to freedom of thought, conscience, and religion, including by the

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arbitrary arrest and harassment of religious leaders. The UN body called the government to a to prevent, refrain from and publicly condemn, investigate, and punish any acts of intimidation, harassment or reprisal against religious leaders (Human Rights Council, 2023).

In March 2022, during the 49th regular session the UNHRC adopted resolution 49/3. Concerned, among other things, at the worsening restrictions on civic and democratic space and the repression of dissent in the form of acts of intimidation, harassment and Illegal or arbitrary surveillance of human rights defenders, including community and religious leaders, decided to establish, for a period of one year, a group of three human rights experts on Nicaragua (Human Rights Council, 2022). Recently, in the 52nd session of April 2023, the UNHRC decided to renew, for a period of two years, the mandate of the Group of Human Rights Experts on Nicaragua. The mandate is a monitoring and reporting mechanism tasked with investigating serious human rights violations that have taken place in Nicaragua since 2018 Also the UNHRC resolution 43/2 approved in the 43rd session expressed concerns regarding the persistence of hostilities against religious leaders (Human Rights Council, 2020b).

In March 2023, during the oral update of the High Commissioner on the Situation of Human Rights in Nicaragua to the UNHRC, the Nicaraguan authorities were urged to cease arbitrary detention and release all remaining political prisoners, including leaders of the Catholic Church. The Government's sentencing of Bishop Rolando Alvarez to 26 years in prison and its order to strip him of his citizenship was also condemned (United Nations Assistant Secretary-General for Human Rights, 2023).

On June 2023, the spokesperson for the UN High Commissioner for Human Rights also expressed her concern that the authorities in Nicaragua are actively silencing any critical or dissenting voices and denounced the expulsion of three foreign nuns and the prohibition of other nuns from leaving their convent. Also, that between 21 and 23 May, four priests and four church employees were arrested and detained. She mentioned the case of Bishop Rolando Álvarez, who is serving a 26-year sentence for “undermining national integrity” and that three of the nine dioceses of the Nicaraguan Catholic Church have had their bank accounts frozen for alleged money laundering (Spokesperson for the United Nations High Commissioner for Human Rights, 2023).

It is worth mention that in the Nicaraguan case, the recent activity of the UN bodies does draw attention to repressive acts and/or hostilities against religious leaders, especially from the Catholic Church, however little or nothing is said about other Christian groups who are also victims of reprisals, like the evangelical community. The impediments to entry/forced exile of numerous religious leaders in the country are not considered in their real magnitude. Also, no mention is made of cases of vandalism of places of worship, the closure of

Christian media outlets, or the cancellation or prohibition of religious festivities and processions.

c. Overview of religious freedom violations in Colombia

The information provided by the VID in the Colombian case suggests that the vulnerability of religious leaders and communities is due to three clearly differentiated dynamics of violations of religious freedom. One of them is the result of the actions of criminal groups, another one is linked to the obstacles to the exercise of this right within indigenous communities, and finally, one is related to hostilities against demonstrations or expressions of religious points of view, especially in the public arena.

Most incidents of physical violence are linked to the actions of revolutionary and criminal groups. The record indicates that those areas with a greater presence of guerrillas or with a higher rate of insecurity and state absence, religious leaders have been killed, have been threatened with death, kidnapped, or violently attacked, in many cases also their families or members of the congregations to which the religious leaders belong. At times this has led to massive displacements. Usually the victims are those who, motivated by their faith, do not abide by the rules of criminal groups, denounce the situation of violence in their community, denounce the exploitation of natural resources because of irregular extractive activities, work with young people to prevent their insertion into criminal groups or simply because they refuse to pay quotas or extortions. In the same way there is a high number of robberies and vandalism to religious buildings. From the information available, most of the victims belong to the Christian religion (Catholic and non-Catholic).

There are also records of forms of harassment and discrimination against religious minorities within indigenous communities. In this case, religious minorities are those that do not follow the majority community belief, be it Catholic or syncretic. It is usually made up of members of indigenous communities who have chosen to convert to another religion (usually evangelical). Among the incidents we can mention exclusion from basic services, house arrests, forced marriages and threats. This situation has also led to the displacement of communities. For the most part, it is the indigenous leaders of the reserves or the local authorities who perpetrate these actions, but also paramilitary groups colluded with ethnic leaders or authorities themselves. Many victims are reported as part of evangelical or protestant communities.

Finally, there are also reports of other pressure actions. There are some cases of accusations of violation of the principle of the secular state, discrimination, or intolerance when someone - especially those who hold public office - has manifested or expressed their religious beliefs or gives their faith-based views in the public sphere. On the other hand, there is also data on places of worship vandalized or desecrated mostly during the marches on International

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Women's Day. Although there are cases in which the victims are evangelical, the record indicates that the incidents affect mostly members and temples of the Catholic Church.

The following table provides information on the number of incidents reported for Colombia, according to the nature or type of incidents. More detailed information can be found on the online platform (Violent Incidents Database, 2023c).

Figure 03: Religious freedoms violations
between January 2019 and May 2023

Nature of Incident	Total number
Killings	59
(Attempts) to destroy, vandalize or desecrate places of worship or religious buildings	138
Closed places of worship or religious buildings	21
Arrests/detentions	54
Sentences	14
Abductions	20
Sexual assaults/harassment	82
Forced Marriages	2
Other forms of attack (physical or mental abuse)	857
Attacked houses/property of faith adherents	46
Attacked shops, businesses or institutions of faith adherents	31
Forced to leave Home	1218
Forced to leave Country	67
Non-physical violence (pressure)	6

Source: The Violent Incidents Database (VID)

Colombia is a signatory country of the UDHR. It ratified both the ICCPR and the ICESCR, although it only maintained the individual communications procedure established in the Optional Protocol to the ICCPR.

In Colombia, many religious groups act as de facto human rights defenders in indigenous, rural, and migrant communities. This was recognized in the Plan of action for the prevention and protection of human rights defenders, social leaders and journalists, prepared by the Ministry of the Interior of Colombia, as it understood that a person can be a defender of human rights in different areas of leadership, including religious leaders (Flores & Petri, 2019). However, this is not the same recognition that is given internationally.

In the last UPR of Colombia, the report of the OHCHR drew attention to the high level of impunity for attacks against human rights defenders, including murders, assaults, threats, detentions, forced disappearances, etc. (Office of the

United Nations High Commissioner for Human Rights, 2018b). Also, the report of the Working Group highlighted concerns about the attacks on human rights defenders and social leaders (Working Group on the Universal Periodic Review, 2018b). Nonetheless religious leaders are not named as a specific type of human rights defenders or social leaders, nor as a group with a special degree of vulnerability.

As a result of the visit to Colombia in 2019, the report of the Special Rapporteur on the situation of human rights defenders breaks down among the specific groups of human rights persons at risk: human rights defenders in rural areas, ethnic, land and environmental defenders, women defenders, lesbian, gay, bisexual, transgender and intersex human rights defenders, lawyers for victims of conflict and human rights, as well as journalists, students and trade unionists, however, in no case does it refer to the special situation of religious leaders who also act as social leaders or human rights defenders (Special Rapporteur on the situation of human rights defenders, 2019).

In May 2022, the report on the situation of human rights in Colombia, carried out by the OHCHR mentions that in various communities, exist restrictions on ancestral cultural and religious practices such as the banning of community assemblies or prayer services for the dead, as a result of the violence carried out by non-state armed groups and criminal organizations. Similarly, it points out that among the concerns of ethnic peoples is the lag in the formalization and protection of ancestral territories (United Nations High Commissioner for Human Rights, 2022). In the 2021 report, the High Commissioner also expresses concern about the lack of access of the Arhuaco, Kankuamo, Kogui and Wiwa indigenous peoples to their ancestral territories (United Nations High Commissioner for Human Rights, 2021b).

Most communications by the Special Rapporteur on Human Rights Defenders and the Special Rapporteur on Indigenous Peoples asks for information concerning acts of harassment and intimidation against human rights defenders and indigenous leaders, but hardly there is any reference made to the limitations on the right to religious freedom of these communities.

d. Overview of religious freedom violations in Mexico

According to the data, Mexico also presents three specific dynamics of violations of religious freedom.

The first one is linked with the activities of organized crime, mainly drug cartels. Most incidents of physical violence are caused by these groups. According to the VID, religious leaders are the target of death threats, killings, abductions, and violent attacks as long their activities negatively affect the objectives of the criminal groups. There are numerous cases of religious buildings and places of worship vandalized and robbed. In some cases, the robberies include violence against the parishioners present and against the priests

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in charge. Extortion of religious leaders is also a common practice, not to mention the obligation to pay quotas to cartel leaders. In the same way, the data suggest that occasionally, those who carry out pastoral initiatives dedicated to the assistance or care of migrants at the country's border also suffer some degree of risk of being kidnapped or assassinated to the extent that they do not collaborate with the demands of trafficking networks. The same happens with religious leaders involved in the defense of human rights, involved in restoration or reintegration programs with young people and at some degree with the defense of indigenous communities' rights. At times this context has also led to massive displacements. The perpetrators, in addition to the criminal leaders, are sometimes the authorities, who act in collusion with them. From the information available, most of the victims belong to the Christian religion (Catholic and non-Catholic).

As in the case of Colombia, Mexico also presents cases of harassment and discrimination against religious minorities within indigenous communities. Incidents of physical violence or pressure occur around cases of the conversion of one of its members (abandonment of faith or majority belief, mainly Catholic or syncretic), the refusal of religious minorities to collaborate with patronal feasts, the construction of places of worship minority religion, as well as attempts to proselytize, also from the minority religion. We can mention exclusion from basic services, house arrests, forced marriages, property demolition, threats, and the displacement of entire communities because of the context of repression. The perpetrator can be indigenous community leaders, or cartels and local authorities acting in collusion with ethnic leaders. Most of the victims belong to the evangelical or protestant communities.

Finally, the records also indicate that there are limitations on expressions/demonstrations of faith or faith-based views. Religious leaders and government officials have been accused and found responsible for being discriminatory, intolerant and for having violated the separation of church and state, when they have expressed their faith-based views or their beliefs in the public sphere or when they have provided opinions on the political context during electoral processes. Additionally, there are records of religious buildings desecrated or violently vandalized by radical groups. Most of the victims belong to the Christian religion (Catholic and non-Catholic).

The following table provides information on the number of incidents reported for Mexico, according to the nature or type of incidents. More detailed information can be found on the online platform (Violent Incidents Database, 2023d).

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Figure 04: Religious freedoms violations
between January 2019 and May 2023

Nature of Incident	Total number
Killings	39
(Attempts) to destroy, vandalize or desecrate places of worship or religious buildings	190
Closed places of worship or religious buildings	1
Arrests/detentions	104
Sentences	7
Abductions	24
Sexual assaults/harassment	14
Forced Marriages	0
Other forms of attack (physical or mental abuse)	178
Attacked houses/property of faith adherents	100
Attacked shops, businesses or institutions of faith adherents	7
Forced to leave Home	610
Forced to leave Country	55
Non-physical violence (pressure)	25

Source: The Violent Incidents Database (VID)

Mexico is also a signatory country of the UDHR. The Mexican government ratified both the ICCPR and the ICESCR, but it only maintained the individual communications procedure established in the Optional Protocol to the ICCPR.

In the last UPR, the report of the OHCHR report included that the Committee for the Elimination of Discrimination against Women was concerned about the recent modifications to the General Health Law, which allowed conscientious objection (Office of the United Nations High Commissioner for Human Rights, 2018c). For its part, in the Report of the Working Group, different delegations included among its conclusions and recommendations (Working Group on the Universal Periodic Review, 2018c):

- Poland recommended: Take the necessary measures to effectively combat impunity for attacks against religious leaders, journalists or members of religious minorities.
- Canada recommended: Adopt comprehensive policies for the protection of human rights defenders, journalists and religious leaders, and ensure that existing mechanisms are adequately funded and staffed with trained personnel.
- Pakistan recommended: Ensure freedom of religion for all people, especially indigenous populations, so that they are not forcibly displaced and compelled to convert.

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In the Report of the Special Rapporteur about human rights defenders on his mission to Mexico, the Rapporteur, recommended that religious groups refrain from stigmatizing human rights defenders. He also noted the risk situation for indigenous human rights defenders, since the increase in the number of construction projects and land grabs in some states has led to an intensification of conflicts, since indigenous communities refuse to abandon their ancestral lands, which are often considered sacred and vital to their existence and culture (Special Rapporteur on the situation of human rights defenders, 2018).

In June 2020, the communication AL MEX 6/2020 sent by the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on minority issues, requested information from the Mexican government regarding allegations of human rights violations, discrimination and exclusion of members of religious minorities perpetrated by local authorities in Hidalgo, Oaxaca, Guerrero, Chiapas and Puebla. In the communication the government is asked to provide details especially of the situation of Gilberto Badillo and Uriel Badillo, Protestants from Cuamontax (Mandates of various Special Rapporteurs, 2020). The Permanent Mission of Mexico responded through communication OGE02987, only explaining in a broad way the actions it has been carrying out regarding the protection of human rights and religious intolerance, it did not provide information on specific actions in the cases indicated (Permanent Mission of Mexico to the United Nations Office and other International Organizations based in Geneva, 2020).

In July 2022, the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights of indigenous peoples requested information from the Mexican government regarding the murder of human rights defenders and Jesuit priests Joaquín César Mora Salazar and Javier Campos Morales, who were shot to death by armed men, along with another person inside a church in the indigenous community of Cerocahui, Chihuahua state (Mandates of various Special Rapporteurs, 2022). The Permanent Mission of Mexico indicated in communication OGE03924, that the investigation of the facts had begun, and the necessary steps were taken to arrest those responsible (Permanent Mission of Mexico to the United Nations Office and other International Organizations based in Geneva, 2022a).

In July 2022, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the human rights of migrants requested through communication AL MEX 9/2022 addressed to the Mexican government, to provide information on the high-risk situation in which Pastor Lorenzo Ortiz would find himself due to his work in defense of the rights of migrants between the United States of America and Mexico (Mandates of

various Special Rapporteurs, 2022). The Mexican government has not provided an answer in this regard.

In November 2021, the communication AL MEX 19/2021 sent by the Special Rapporteur on the human rights of migrants, together with other rapporteurships, drew the government's attention to the allegations of harassment and obstruction of the work of defenders of the rights of migrants, within the framework of continuous joint operations carried out by the National Guard, the National Migration Institute and the National Army. According to the information received, it was mentioned that migrants have been detained inside houses, premises, and the church, where they had taken refuge (Mandates of various Special Rapporteurs, 2021). The Mexican government has not provided an answer in this regard.

In September 2021, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights of indigenous peoples sent communication AL MEX 15/2022, asking for information from the Mexican government on alleged acts of harassment against the Tzotzil indigenous priest Father Marcelo Pérez Pérez, parish priest of Simojovel and coordinator of the Social Ministry of the Diocese of San Cristóbal de las Casas in the State of Chiapas, who has allegedly been threatened and harassed for his work accompanying communities in the defense of their land and territories, as well as for his support of Migrants and displaced communities in the region of Los Altos de Chiapas ((Mandates of various Special Rapporteurs, 2021). In response, the Permanent Mission of Mexico in the communication OGE03975, alleged that protection measures were being carried out for the benefit of Father Marcelo (Permanent Mission of Mexico to the United Nations Office and other International Organizations based in Geneva, 2022b).

In the case of Colombia and Mexico, the UN bodies do not fully recognize the three different dynamics of limitations to the right to religious freedom described in the VID.

Regarding the dynamics related to organized crime, the Special Rapporteur on human rights defenders has already pointed out that some situations illustrate how the role of religious leaders and faith-based organizations opposing major human rights violations and in preventing and mediating conflict, can place them in a special situation of vulnerability, and warned that there have been various assaults by cartels, consisting, among other things, of kidnappings of religious leaders offering assistance to migrants and asylum seekers, along the US border. In general, many religious groups act as *de facto* human rights defenders in urban, rural indigenous, and migrant communities and this exposes them to specific types of danger, but this is not entirely recognized by all the UN Bodies.

Nonetheless, for Colombia and Mexico, not much is said about the degree of vulnerability of religious leaders that carry out their activities in areas co-opted by violence. In the Colombian case, the UN bodies hardly recognize the role of religious leaders as human rights defenders, nor as holders of immediate

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protection measures in the context of violence. For Mexico, although attention is drawn to specific cases of religious leaders at risk, this is done only after considering their role as human rights defenders. So far, it is not recognized that religious leaders, for being such and for carrying out actions derived from their ministries, expose themselves to various levels of violence, regardless of being considered or not as human rights defenders.

On the other hand, there is also the restrictive look with which the right to religious freedom of indigenous communities is analyzed. Despite the fact that the UN Declaration on the Rights of Indigenous Peoples guarantees the rights of Indigenous peoples to enjoy and practice their cultures, customs, and religion both in private and public, the way in which the exercise and enjoyment of this right is evaluated, is mostly limited to the collective dimension of the religious freedom of Indigenous communities, often linked with the lack of recognition of ancestral land ownership, state absence and organized crime, extraction of natural resources by legal and illegal companies, breakdown of the social fabric, and dispossession by appropriation. However, this view overlooks the violations of religious freedom of individuals in Indigenous communities, as in the cases of Colombia and Mexico and described in the VID platform, mainly linked with conversion, contributions to patronal feasts, construction of places of worship, proselytism and religious education, and renunciation of ancestral practices and expulsion from the communal property (USCIRF, 2023).

Finally, issues concerning limitations on expressions/demonstrations of faith or faith-based views in Colombia and Mexico are entirely ignored in the documents under review. Situations of censorship or sanctions to religious leaders, or to ordinary citizens who profess a certain faith - mostly Christian- are not addressed in the evaluations carried out by UN bodies. Rather, for example in the case of Mexico, a call is made for religious groups to refrain from stigmatizing human rights defenders.

III. Conclusion

In the previous sections, we have shown that there is indeed a robust international legal body that seeks to recognize, promote and guarantee the effective enjoyment and exercise of the right to religious freedom, in its various dimensions.

Based on the various international documents, it is possible to infer a whole range of freedoms that are embedded in the right to religious freedom. Not just the freedom to have, choose, manifest, change or leave a religion or belief; or freedom from coercion or discrimination; but the freedom a) To worship or assemble in connection with a religion or belief, and to establish and maintain premises for these purposes. b) To establish religious, humanitarian, and charitable institutions. c) To make, acquire and use articles and materials related to the rites or customs of a religion or belief, including to follow a

particular diet. d) To write, issue and disseminate relevant publications. e) To teach a religion or belief in places suitable for the purposes and to establish theological seminaries or schools. f) To solicit and receive voluntary financial and other contributions. g) To train, appoint or elect leaders, priests, and teachers. h) To celebrate religious festivals and observe days of rest. i) To communicate with individuals and communities on faith issues at national and international levels. j) To display religious symbols including the wearing of religious clothing. Even the right to conscientious objection, among others.

However, despite the international legal system, in practice, there are still challenges and serious limitations to the religious freedom of entire communities as in the cases of Cuba, Nicaragua, Colombia, and Mexico. The reality contrast with the international obligations inspired by article 18 of the UDHR, but perhaps the most problematic issue is that most religious freedom violations in these countries remain unrecognized in the international arena.

The resolutions, reports, and communications among other documents reviewed, do not include the multiple dimensions of religious freedom violations. There is a permanent and restrictive lens under which the right to religious freedom is evaluated. Even when considering its individual and collective aspect, or that its limitations may be the result of physical violence, it is also necessary to highlight and bring to the fore those violations of religious freedom that involve other forms of limitations resulting from non-physical violence and not just when the perpetrators are part of state actors, but also when the perpetrators are non-state actors.

It is equally important that the UN bodies include in their evaluations, pronouncements, resolutions, etc.; those contexts that imply an objective/concrete restriction of some of the dimensions of the right to religious freedom and that may affect one or various spheres of life, be it personal, family, community, public, etc., and be it religious or non-religious motivated. The fact that adequate attention is not given to the various situations that have been described throughout this article, makes it possible to increase impunity and the repetition of actions that affect the exercise of the right to religious freedom. This invisibility on the part of the UN bodies means that the victims themselves, on many occasions, are not fully aware of the damage or the violations of their rights and, more than that, it implies the permanent non-compliance with the international legal framework inspired by the UDHR.

A more comprehensive analysis of this right could make it easier in practice to make complaints of multiple types of violations of the right to religious freedom, which would mean, in the long run, more and better inputs for the various bodies in charge of protecting human rights at a universal level. Without the recognition of problems that affect human rights, it is impossible to devise ways to improve their enjoyment and effective exercise.

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THE TRANSYLVANIAN DIET: A PRECEDENT TO HUMAN RIGHTS AND RELIGIOUS FREEDOM 400 YEARS PRIOR TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

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1. Introduction

This study presents some aspects of the decisions taken by the legislative institution of the Principality of Transylvania in Europe (today the territory belongs to Romania), a legislative institution called in those times the Diet of Transylvania, the Legislative Assembly or the Assembly of the country, a legislative body which, during the 16th century, adopted for the first time a law concerning religious freedom, a law which, in the following years, it improved through various legislative amendments, amendments which at that time were unique, by their provisions, not only in Europe, but also in the world (Rotaru 2013, 11-21; Ibid. 2019a, 229-323; Ibid. 2019b, 596-621; Ibid. 2018, 505-531; Ibid. 2014b, 160-173; Ibid. 2016, 160-173; Ibid. 2007, 435-505; Rotaru, Opriș, Roșca-Năstăsescu 2009, 151-174).

2. Historical and religious framework of the adoption of the Law on religious freedom by the Diet of Cluj (1543)

In this presentation, we will analyze the law on the adoption of the principle of religious freedom, adopted in 1543, and the evolution of this principle of religious freedom through the amendments made to this law by subsequent Parliaments over a period of 25 years, i.e. between 1543 and 1568, when a new law on religious freedom in the Principality was adopted, analyzed through the

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clauses of the *Universal Declaration of Human Rights (UDHR)*, adopted on 10 December 1948 by the UN General Assembly.

From the perspective of the religious situation, it is noteworthy that Martin Luther, after the public display of his 95 theses in 1517 (Benga 2003, 97-105; Cairns 1992, 282-285; White 2011, 112-116), both his ideas and his reforming principles spread and spread rapidly in Germany, but also in the countries surrounding Germany. In 1519 a book fair was held in Leipzig, attended by a significant number of Saxon booksellers and merchants from Transylvania. When they returned home to Transylvania, these Saxon booksellers and merchants, who had commercial links with the major trading centres in central and western Europe (Panaitescu 1965, 40; Magina 2011, 60; Păcurariu 2004, 433-434), brought with them from the Leipzig book fair copies of Martin Luther's writings (Leb 1999, 125; Iorga 2001, 135-136; Păcurariu 2004, 433-434), which made these merchants practically the first missionaries to bring the ideas of the Protestant Reformation to the Principality of Transylvania (Benga 2000, 97-116).

During this period, a significant number of Saxon students (Moraru 1993, 34; Ibid. 1996, 3-10; Popovici 1928, 35; Giurescu 1937, 616; Iorga 1937, 113; Pușcariu 1930, 73; Lupaș 1995, 49; Giurescu 1971, 333) from the Principality of Transylvania were attested to study in the university centres of Europe, such as Wittenberg (in 1522 young people from Transylvania were attested for the first time), Vienna, Prague, Cracow (Schuller 1930, 287), from where, after graduating from university, they returned home, imbued with the ideas of the Protestant Reformation, and became Protestants themselves, factors in the spread of these reform ideas, especially in their Saxon environment, in the Transylvanian cities of Sibiu (Dragoman 2004, 136-138) and Brasov (Szegeedi 2009, 117-148), where most of the students came from (Teutsch 1882, 10-11), but which were also the major centres of importance for the propagation of reform ideas among the Transylvanian Saxons (Păcurariu 2004, 434).

Martin Luther's book *De libertate christiana (About Christian Liberty)* was circulated in Sibiu as early as 1521. Martin Luther's new reforming ideas, presented in his writings, penetrated the cultural and spiritual environment of Transylvania, producing a religious and spiritual effervescence, concentrating in the collective feeling of a need for radical changes in the religious sphere of the Principality, especially in the Saxon Catholic environment.

Thus, the scholar Johannes Honterus, unconditionally supported by the reformer Martin Luther, put together, between 1542 and 1543, the fundamental doctrines of the Saxon evangelical church, through the prism of Lutheran reform ideas, in a work entitled *Reformatio Ecclesiae Coronensis ac totius Barcensis provinciae* (Szegeedi 2005, 238; Lupaș 1995, p. 50; Oțetea 1962, 1035), completed in 1543.

3. Adoption of the principle of religious freedom by the Diet of Cluj (1543) and supplemented by diets in subsequent years

For the first time in Europe, but we believe at the same time in the world, the principle of religious freedom was adopted by the legislative institution of Transylvania, called the Diet of Transylvania, a legislative body that met in Cluj in 1543 to debate first the religious issues of the principality (Dobrei 2012, 124-134; Păcurariu 2004, 433). On the occasion of that meeting of the legislative body, the members of the Transylvanian Diet decided to give priority to issues of a spiritual-religious nature or of church law, over other domestic legislative regulations, secular or profane, which were on the agenda of the Diet.

Thus, this principle of the priority of matters of a spiritual-religious nature, or, as the members of the Diet called it, of matters relating to the worship of God, is first stipulated in Article 1 of Title I of the *Approved Constitutions of Transylvania* or *Aprobateľor*, which provided for the following regulations:

"Truly fitting and worthy to be followed was from the beginning the deed of this country, that wishing to decide in the diets of the country, about the general good, they first of all began their meditations (their work) with the things concerning the worship of God. Therefore, even now it is considered expedient that before the regulation of any other worldly things, they should be preceded by the decisions concerning the worship of God" (Herlea, Șotropa, Pop, Nasta, Floca 1997, 47).

On that occasion, therefore, the members of the Transylvanian Diet discussed and agreed that aspects of spiritual or religious life could create an appropriate framework for acts of worship, providing a permissive framework for individuals or groups to freely manifest their religious faith in God, each according to his or her own conscience, as long as these believers were not disturbed in the personal or group act of manifesting their faith.

After the adoption of the legal provision on the priority of religious matters, the legislative body of the principality, the Diet of Cluj in 1543, also adopted the principle of religious freedom, which is reflected in the legal provision: "that all may abide in the faith received from God, without contradicting one another." (Szabo 1928, 25; Moldovan 1986, 16). The original text of the law adopted by the Diet in 1543 has been lost, but it was later reconstructed, according to some documents of the time, by the following legislative bodies, Assemblies of the country (Diets), in the following years, especially those of 1551 and 1555.

Although the original text of the law passed by the Diet in 1543 has been lost, we can partially reconstruct it from the content of the laws passed by the 1551 and 1555 Diet. The law on religious freedom provided that: "...let each remain in the faith given to him by God, but under no circumstances let either religion disturb the other" (Szilágyi 1876, 259; Vigh 2008, 288).

The text of the law adopted in the Principality of Transylvania in 1543 referred to all, not just some, i.e. there were no privileges for certain groups or

individuals, which makes this law a law without exclusivity, without privileges in the field of religious freedom, anticipating long before Article 18 of the *Universal Declaration of Human Rights* (UDHR), which refers to: "**every man**", which shows non-discrimination, lack of exclusivity.

Thus the Universal Declaration of Human Rights (UDHR) clause in Article 18: "**Everyone** has the right to freedom of thought, conscience and religion" is found in the clause of the law of the Principality of Transylvania of 1543, in the form: "that all may abide in the faith received from God".

The Law of 1543 also stipulated that *faith is a gift received from God*, meaning that any person, if they wished, should have the right to receive that gift from the divine and to remain faithful to their religious faith.

"The law also stipulated that all could enjoy the privilege of remaining faithful to the faith received from God, but were to refrain from any actions that might disturb others in the performance of the cultic act of manifesting their faith. Taking into account the events that were taking place, both in Europe and throughout the world, in 1543, when this law was adopted in Transylvania, it should be noted that this law was a breakthrough and a significant step forward in terms of human rights. Such legislation had not yet been adopted anywhere else in the world" (Rotaru 2013, 11-21).

The law of 1543 provided "that all may abide in the faith received from God, without contradicting one another" (Szabo 1928, 25; Moldovan 1986, 16), a fact that will be found later in art. 29, paragraph 2 of the Universal Declaration of Human Rights (UDHR): „In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

The first consequence of the adoption of the law on religious matters, i.e. the principle of religious freedom, was the official recognition by the Diet of the Principality of the Evangelical Lutheran Church (Constantinescu 1997, 31), i.e. the church of the Saxons of the Principality, who, sharing the reforming ideas of Martin Luther, decided to separate from the Roman Catholic Church and form a separate church, as a result of accepting the new Lutheran doctrinal teachings, considering their new creed a gift from the divinity. Thus the official recognition of the Evangelical Lutheran Church was achieved on 22 June 1550 by the *Diet* (*Country's Assembly*), on the legal basis of the Law adopted by the *Country's Assembly* (*Diet*) of Cluj in 1543, which stipulated that all were free to believe as they wished.

The Diet of Transylvania (*Country's Assembly*) of Turda, 10 June 1557, again takes up the Law of Freedom of Religion or Belief, and in the new Law it adopts there appears the qualification that "every believer is free to adhere to the preferred faith, without those who adhere to the new (Lutheran o.n.) faith

oppressing those who remain in the old (Catholic and Orthodox o.n.) faith" (Szilágyi 1876, 21.82).

Thus, following the recognition of the Lutherans as a received, or legal, religion, a new term appeared in Transylvanian legislation, namely the term *nova religio* (new religion, the Lutheran religion o.n.), which was protected this time by law from any kind of inconvenience that could be caused by *antiqua religio* (old religion, the Roman Catholic religion o.n.) (Szilágyi 1876, 21.82; Achim 2002, 13).

The Diets (*Country Assemblies*) held in 1558 in Turda and Alba Iulia respectively legislated on religious freedom, again confirming the right to the free exercise of religion and faith, but this was expressly valid only for the Catholic or "Papist" confession and for the Lutheran confession (Roth 1964, 37-45; Szilágyi 1556-1576, 20-21, 93, 98), but they were not as tolerant towards the Sacramentarians (Calvinists). It should also be mentioned that at one time the Lutherans complained about the lack of tolerance of the Catholics towards them, and now they, the Lutherans, were actually just as intolerant towards the Calvinists (Sacramentarians), another religious group in the Principality, which is clear from the text of the dietary law in question: "As hitherto His Lordship has mercifully permitted every one to follow that religion which he pleases, the Papist or the Lutheran, so now he permits the following of either, but the worship of the sacramentaries is forbidden on the basis of the opinion of the Church of Wittemberg and the signature of Melanchton." (Szilágyi 1876, 93; Vigh III, 1, 2008, 289).

The *Diet of Transylvania (Country's Assembly)*, meeting in Sighisoara in 1563, adopted a series of special and unique measures at that time, namely *the use of the same place of worship by the faithful in turn*, without mentioning the fact that there were two religious groups in a hostile situation (Lutherans and Calvinists o.n.). Thus the text of the law provided that :

"... let each be able to adhere to that religion which he likes and to keep the priest of his religion, and if one begins to speak, let not the other hinder him; if the first has finished let the second begin in turn; the sacraments to be freely shared by each. Let the agitator be summoned by the injured party before the prince and be punished according to law" (Szilágyi 1876, 221-227; Vigh, III, 1, 2008, 289).

The Diet (*Country's Assembly*) of Turda of 4 - 11 June 1564, stipulated the following:

"As differences arose in religious matters, especially in the manner of attending the Lord's Supper, in order to avoid inconveniences and to restore peace it was decided: both sides should be free, that it should be possible to follow either the religion of the people of Sibiu or of Cluj. If a village or town wants to preach the religion of the Church of Cluj, forcing the people to receive it, it is not allowed to do so. Neither are the followers of the Siberian church, but to call preachers of the creed they desire. Let everyone be able to go and take the Lord's Supper without hindrance wherever he wishes, without offence, mockery and retaliation." (Galfi II, 1979, 9; Moldovan 1986, 16).

The same article 5 of the decision of the Turda Diet (*Country's Assembly*) of 4 - 11 June 1564 appears in Szilágyi Sándor:

"In religious affairs and especially during communion - until now there have been quarrels, disputes, brawls and exchanges of words between the overseers and pastors of the churches of Cluj, of the Hungarian nation and those of the Saxon nation of Sibiu, in order to remove such quarrels and to reconcile the conscience of both parties, for the peace of the inhabitants of the kingdom, it was decided that from now on, that both parties should be free - to hold either the religion and confession of the church of Cluj, or that of Sibiu, so that if a pastor of a city, town or village, wishes to preach the religion and faith of the church of Cluj, and to compel the people to it, he may not do so - but whichever religion a city, town or village wishes to hold, the preacher of that faith may hold it, and those contrary to it he may drive away; the same shall be observed in the diocese of the church of Sibiu" (Constituțiile...1653, 247-248; Szilágyi 1875-1879, II, 231-232; Leb 1999, 129; Achim 2002, 13).

The same article from the text of the law of the Diet of Transylvania from Turda from June 4 - 11, 1564 appears translated by Vigh Béla, with certain special nuances, as follows:

"Preterea quia in negatio religionis communicationis presertim coene dominice, quo usque varie disputationes, contentiones, rixe et assertiones inter superintendentes et pastores ecclesiarum Coloswariensis, mationis videlicet Hungari, et Cibiniensis gentis Saxonicalis habite fuerunt, ad tollendas igitur huiusmodi dissensionis, pacificandamque utriusque partis conscientiam, pro quiete regnicolarum statutum est, ut a modo in posterum utrique parti liberum sit, siue Coloswariensis aut Cibiniensis ecclesiarum religioniim et assertionem tenere velit, ita tamen quod si pastor alicuius ciuitatis oppid aut viile religionem et assertionem ecclesiae Coloswariensis predicare et populum ea vi cogere vellet, facere non possit, sed quancumque religionem ciuitas, ipsa oppidum aut viila renere voluerit, predicatorem dus assertionis tenere, confrarientem vero ammouere valeat; hoc idem el in diocesi ecclesie Cibiniensis abserueter" (Constituțiile...1653, 247-248).

"Because between the superintendents and priests of the ecclesial churches of Cluj, i.e. the Hungarian one, and Sibiu, i.e. the Saxon one, there were all kinds of polemics, debates, fights and differences of conception on religion, but especially on the Eucharist: in order to put an end to the differences and to reconcile the minds (conscience) of both sides and for the peace of the inhabitants of the country, it was decided that in the future both sides should be allowed to profess and follow both the religion and the faith of the Sibiu and the Cluj churches, but so that no priest from any royal or plain town, or from any village, should preach the religion and faith of the Cluj church, and try by force to convince the people, should be unable to do so. Let the kingly or plain towns, or villages follow the religion I want, and keep the preacher of that religion, and let the preacher of the other opposite religion be released from the ministry. These provisions also apply to the Siberian churches. And those who wish to affiliate themselves to the conception of the faith of the Siberian or Cluj ecclesiastics, or wish to receive communion according to the ritual of one or the other, may pass from the village which is in the superintendence of the Siberian ecclesia to the village which is a

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follower of the Cluj conception of the faith, in order to receive communion, without anyone opposing, or being annoyed by mockery, nor by laughter" (Constituțiile...1653, 247-248; Szilágyi 1875-1879, II, 231-232; Leb 1999, 129; Achim 2002, 13; Galfi 1979).

Thus from the text of the law of the Transylvanian Diet, which met in Turda, between 4 and 11 June 1564, the following emerges: for the first time the text of the law speaks about **conscience**, in the sense that it should be left free and not be constrained. The law provides for finding ways to respect the conscience of both parties; The term **conscience**, which we find provided in art. 18 of the *Universal Declaration of Human Rights (UDHR)*, was stipulated for the first time in 1564 by the legislative body of the Principality of Transylvania.

The people were to be free, with the possibility to choose and follow any religion they wished; To follow a particular religion, no coercion was allowed; For the first time the terms pastor and preacher are mentioned in this law; The choice of the religious faith as well as the preacher was left to the people, who were thus free to accept and adhere to the religious creed of their choice; The preacher or pastor was free to preach his own religion freely; The preacher or pastor could freely enter any locality, whether town or village, where his religion was accepted, that is, where there were believers or parishioners, who also shared the religion of the pastor and preacher, in order to serve there freely.

The Diet (*Country's Assembly*) of Sighișoara of 21 - 26 June 1564 stipulated the following:

"Quod ad statum religionis et controversias nonnullas attinet. placuit dominis regnicolis, ... ut quilibet eam quam maluerit religionem amplecti valeat, ut neutra partium alteridamno impedimento esse aut vim et iniuriam inferre debeat."

"With regard to the state of religions and various controversies, it has pleased the royal lords, that all men should embrace the faith they desire, and that none of these parties should cause the other any harm, hardship, or injury" (Constituțiile...1653, 247; (Szilágyi 1876, 223-224; Leb 129-130).

In order to stop the misunderstandings between the Catholics and the Lutherans, who were facing each other in Caransebeș, the same Country's Assembly (Diet) in Sighișoara was obliged to take some practical measures in order to resolve the conflict situation between the respective religious groups. Here is what the Country's Assembly (Diet) from Sighișoara decides, anticipating far in advance the provisions of art. 18, 19, 29 of the *Universal Declaration of Human Rights (UDHR)*:

„Cum in districtu Karansebeș sacrosanctum evangelium annunciari inceperit et in medio illorum inter Romane religionis ac evangelii professores dissensio subnata sit,...placuit sacri Maiestăți eius, non debere cognitionem dissesionem partibus littigantibus committere, sed publicis articulis cantum esse voluit, ut alternis diebus sacra in templo publico ab utraque in eodem templo verbum dei audire et officia dimia sau coetemonia paragere debeant, neque alterutra pars aliam suo die et tempore instantibus sacris, officiis in concione aut coena domini

peragentem turbare, iniuria afficere, aut quoquomodo impediere audeat sub poena in prioribus articulis superinde constituta".

"Since in the district of Caransebeș the preaching of the Holy Gospel has begun, and a disagreement has arisen in their midst between those who profess the Roman and Evangelical religion, it has pleased His Sacred Majesty not to transmit knowledge of the differences between the parties in dispute, but to provide in public laws that the liturgy be served in public churches by each party on different days. So that on one day those of the Roman religion, on another evangelical, may hear in the same temple the word of the Lord and assist in the divine ceremony, and neither party shall presume to disturb or hinder in any way the other party on his own day and time when the service is being officiated, at the sermon or at communion, under the penalty aforesaid determined in the articles hereinbefore set forth" (Constituțiile...1653, 247; Szilágyi 1876, 223-224; Leb, 1999, 130).

Thus, the text of the law of the Diet of Transylvania from November 30 – December 13, 1566, provided for the following, anticipating the fact that every person has the right to freedom of opinion and expression, as will be stipulated later in the Universal Declaration of Human Rights (UDHR) clause in Article 19:

"In regard to religion it was resolved, as before unanimously, that **every Christian** should have a Christian thing before his eyes, according to the articles before mentioned, that the preaching of the gospel should not be hindered among any of the nations, and that the reverence of God and the worship of him should not be grieved, but on the contrary that all idolatry and blasphemy should be removed and stopped; and therefore it was again determined that in all this kingdom among all nations such idolatries should be put away, and the word of God should be preached freely, and especially among the Waldenses, whose shepherds being so blind that both they and the poor community were brought to destruction. To those who will not obey the truth His Highness commands that they shall have a **disputation on the basis of the Bible**, and come to the knowledge of the truth, and those who will not yield to the understood truth either, let them be removed, whether bishop, priest, or monk; and let all obey only the one bishop George the superintendent, and obey the priests chosen by him; and let those who would not obey these be punished for their unbelief" (Szilágyi 1876, 326; Vigh 1, 2008, 290).

The adopted law regulated the permission to publicly display the ideas of one's faith, the permission to do Christian mission, as well as the freedom to share the Christian faith with others, along with the permission to hold theological debates freely and openly, discussions that they could perform in the premises of the churches or even in the premises of spaces that did not belong to the churches. Anyone could participate in those theological discussions, without being restricted by this fact.

The religious freedom law adopted by the Turda Diet (June 4-11, 1564), in art. 5, stipulates the following provisions in matters of religious faith: "As differences arose in religious matters, especially in the manner of attending the Lord's Supper, in order to avoid inconveniences and to restore peace it was

decided: both sides should be free, that it should be possible to follow either the religion of the people of Sibiu or of Cluj. If a village or town wants to preach the religion of the Church of Cluj, forcing the people to receive it is not allowed to do so. Neither are the followers of the Siberian church, but to call preachers of the creed they desire. Let everyone be able to go and take the Lord's Supper without hindrance wherever he wishes, without offence, mockery and retaliation" (Galfi, II, 1979, 9; Moldovan, 16).

The content of the same article 5 of the decision of the Country's Assembly or the Diet of Turda from June 4-11, 1564 appears in a more complete form and more nuanced in certain aspects in Szilágyi Sándor. He presents Article 5 of the law as follows: "In religious affairs and especially during communion - until now there have been quarrels, disputes, brawls and exchanges of words between the overseers and **pastors** of the churches of Cluj, of the Hungarian nation and those of the Saxon nation of Sibiu, in order to remove such quarrels and to reconcile the **conscience** of both parties, for the peace of the inhabitants of the kingdom, it was decided that from now on, that both parties should be free - to hold either the religion and confession of the church of Cluj, or that of Sibiu, so that if a **pastor** of a city, town or village, wishes to preach the religion and faith of the church of Cluj, and to compel the people to it, he may not do so - but whichever religion a city, town or village wishes to hold, the **preacher** of that faith may hold it, and those contrary to it he may drive away; the same shall be observed in the diocese of the church of Sibiu" (Constituțiile...1653, 247-248; Szilágyi 1875-1879, II, 231-232; Herlea, Șotropa, Floca 1976, 601; Leb 1999, 129; Achim, 2002, 13; Galfi 1979).

4. Provisions adopted by the Assembly or Diet of Sighisoara (21-26 June 1564)

Due to the fact that disagreements and quarrels persisted between Catholic and Lutheran believers regarding the choice of religion, the country assembly or Diet of Sighisoara, which met between 21-26 June 1564, stipulated the following concerning the prohibition of harming anyone for the manifestation of their faith: "With regard to the state of religions and various controversies, it has pleased the royal lords, that all men should embrace the faith which they desire, and that none of these parties should cause the other any harm, hardship or injury" (Constituțiile...1653, 247; Monumenta Comititalia Regni Transsylvaniae. Szilágyi Sándor (ed.), vol. II, 223-224; Leb 1999, 129-130), anticipating Articles 18, 19 and 21 of the (UDHR).

Due to the conflicting situations that existed in the district of Caransebeș in the Principality, where disagreements persisted between Catholic and Lutheran believers on matters of a religious nature, the same Diet of Sighisoara (21 - 26 June 1564) had to take some practical measures to resolve the conflict between the two religions legally recognized at the time: "Whereas in the district

of Caransebeş the preaching of the Holy Gospel has begun, and a disagreement has arisen in their midst between those who profess the Roman and Evangelical religion, it has pleased his sacred majesty not to transmit knowledge of the differences between the parties in dispute, but to provide in public laws that the liturgy be served in public churches by each party on different days. So that on one day those of the Roman religion, on another evangelical, may hear in the same temple the word of the Lord and assist in the divine ceremony, and neither party shall presume to disturb or hinder in any way the other party on his own day and time when the service is being officiated, at the sermon or at communion, under the penalty aforesaid determined in the articles hereinbefore set forth" (Constituțiile...1653 ,247; Szilágyi II, 223-224; Leb 1999, 130), anticipating Articles 18, 19 and 20 of the (UDHR)..

5. The provisions adopted by the country's Assembly or the Sibiu Diet (30 Nov.-13 Dec. 1566)

Concerning the possibility of freely preaching or preaching the Word of God, the Diet of Transylvania, meeting in Sibiu from 30 November to 13 December 1566, decided that "the word of God should be freely proclaimed, especially among the Romanians..." (Andea, Andea 1997, 565; Pop 1998, 99-101).

These legislative provisions of the Diet stipulated that anyone could freely present the Word of God, without having to suffer from these activities. These manifestations of free presentation of the Word of God could be carried out either in a public or in a private setting.

6. Provisions adopted by the Country's Assembly or Diet of Turda (January 6-13, 1568)

The Diet of the Principality of Transylvania, meeting in Turda on 6-13 January 1568, adopted a new law on religious freedom, much improved in terms of the provisions adopted, from which we quote the following provisions: "His Majesty, our Lord, as he has decreed with his country, on the occasion of the former diets in the matter of religion, and now he strengthens them, that namely the preachers should preach the Gospel everywhere, each according to his own understanding, and the commonwealth if it wishes to receive it, it is well, but if not: let no one compel them if their soul is not quiet; it (the commonwealth), may belong to the preacher whose teaching it likes. For this no one of the superintendents, nor others, may offend the preachers; for religion no one may be mocked, according to the former constitutions. No one is permitted to threaten anyone with imprisonment or deprivation of his place, for his teachings; for faith is the gift of God, it comes by hearing, and hearing comes by the Word of God." (Szilágyi 1876, 78; Rác 1988).

During the work of this Diet, Unitarianism was declared the official religion or reception. (Unghvary 1989, 344-350; Păcurariu 2004, 434). This Diet

of the Principality was also the first legislative body in Europe to grant freedom to Unitarians (Szilágyi 1876, 274; Gál, Gálfi 1912, 129-131). Thus, at that time, in the 16th century, Transylvania had four official or legal religions, namely: the Catholic religion, the Lutheran religion, the Calvinist religion and the Unitarian religion.

Conclusions

The laws regarding religious freedom presented in this study, adopted by the Diet (legislative body) of the Principality of Transylvania (Rotaru 2009, 151-174), during the century XVI century, were the first in Europe in this respect, and the study represents a simplified version of studies published by the author in several languages (English, German, Italian, Spanish, Romanian). (Rotaru 2013, 11-21; Ibid. 2014a, 100-114; Ibid. 2014b, 160-173; Ibid. 2014c, 216-300; Ibid. 2016, 160-173; Ibid. 2018, 505-531; Ibid. 2007, 435-505; Ibid. 2009, 151-174; Ibid. 2019a, 229-323; Ibid. 2019b, 596-621). Thus, we are witnessing, for the first time in Europe, the drafting of the *fidem quam vellet* principle (to believe as one wants), a formulation that does not appear anywhere else on the European continent, at that time, until only a few centuries later.

In conclusion, we briefly summarize the defining elements of the principle of religious freedom and conscience in Transylvania century. XVI. Thus, the Transylvanian Diets, starting from the Diet of Transylvania met in Cluj (1543) (There are specialists who refer to the Cluj Diet (1543) as the Turda Diet (1543). Basically it is about the same legislative body) and up to the Diet of Transylvania, met in Turda (1568), i.e. from the adoption of the first law regarding religious freedom until its presentation in a much improved form, shows us the fact that in a relatively short time of only 25 years, the Law on religious freedom developed from a few simple legislative provisions stipulated in 1543, respectively: "that all may abide in the faith received from God, without contradicting one another" (Szabo 1928, 25; Moldovan 1986,16.), to a much improved law from a legislative point of view: to a much improved principle in legislative terms: "...preachers should preach the Gospel everywhere, each according to his own understanding, and the community if it wants to receive it, it is good, but if not: let no one compel them if their soul is not at peace; it (the community), may belong to the preacher whose teaching it likes. For this no one of the superintendents, nor others, may offend the preachers; for religion no one may be mocked, according to the former constitutions. No one is permitted to threaten anyone with imprisonment or deprivation of his place, for his teachings; for faith is the gift of God, it comes by hearing, and hearing comes by the Word of God" (Szilágyi 1876, 78; Rácz 1988).

In a relatively short time of only 25 years, this principle has undergone a formidable evolution, an evolution that we find nowhere else in Europe at that

time. The Diets of the Transylvanian Principality stipulated new principles and ideas regarding religious freedom, such as:

- Faith is the gift of God, it comes from hearing, and hearing comes through the Word of God.
- *Everyone is free to believe as they want* - clause that anticipates the clause that: *every person has the right to freedom of thought, conscience and religion; this right includes the freedom to change one's religion or belief*, from art. 18 of the *Universal Declaration of Human Rights (UDHR)*.
- *Without being mocked for his faith; every believer is free to adhere to the preferred faith, without those who adhere to a new faith oppressing those who remain in the old faith, that is, those who break away from a certain religion and accept another religion are not persecuted for this fact*, anticipating the clauses of art. 18 of the *Universal Declaration of Human Rights (UDHR)*: *Every person has the right to freedom of thought, conscience and religion; this right includes the freedom to change one's religion or belief...*
- We meet for the first time, in a text of law, the use of the term *preacher*, attributed to people who preach the Gospel, with permission for preachers to proclaim the Gospel everywhere, freely in any city, town or village and not be offended for the ideas they he presents, for the religious concepts he preaches in the church or outside it.
- The choice of the creed and the preacher was left to the discretion of the people. - anticipates art 19 of (UDHR).
- Man is free to embrace the religious faith he wants. - anticipates art 18 of (UDHR).
- However, no one had the right to cause another person, for religious reasons, any "damage, force or insult". - anticipates art 20 and 29 of (UDHR).
- It was not allowed to compel anyone to follow or not follow a particular religion. - anticipates art 20 and 29 of (UDHR).
- No one could be threatened or sentenced to prison or to a certain privation for the religious ideas or teachings presented. - anticipates art 20 and 29 of (UDHR).

The cases of Francesco Stancarus (Pâclișanu 1994/1995, 19), who was, at the time, a convinced antitrinitarian, and of the canon Paul Wiener, highlight some aspects of religious freedom in the Principality of Transylvania, in the sense that they found a tolerant place even for the manifestation of such ideas, considered heretical at the time. The two cases mentioned are relevant because both of them were considered heretics in their time in Europe, and their reception and acceptance in the Principality of Transylvania shows the spirit of religious tolerance that existed there. Francesco Stancarus (Ossolinski 1852, 363), who for his beliefs and activity in propagating his anti-Trinitarian ideas was

persecuted and persecuted throughout Europe, shows that by 1550-1555, when he arrived in Transylvania, there was tolerance for religious beliefs different from those of the official churches, where Michael Servetus would almost certainly have escaped the stake (Moldovan 1986, 16) as he was also tolerated for his beliefs different from those of the official religion. In the period under consideration, various religious personalities of Europe, with anti-trinitarian views, began to visit the Principality of Transylvania, in search of shelter and followers (Rotaru 2019a, 244-247).

Bearing in mind that at that time there were interdenominational wars in Europe, that Servetus was burned at the stake in 1553 in Geneva, that a terrible drama took place, namely the massacre of Protestants, ordered at the instigation of Catherine de Medici and the Guises on the night of 23-24 August 1572 (Wanegffelen 2005; Holt 2002; Crouzet 1994, 404), the night nicknamed St Bartholomew's Night, perhaps the saddest page of religious fanaticism, the greatest religious massacre of the century (Koenigsberger, Mosse, Bowler, 1989; Arlette 2007, 14-15), when religious freedom legislated by the Transylvanian Diet (Country's Assembly) was one step ahead of Europe (Leb 1995, 73-75; Rotaru 2019a, 304-305).

Despite all the broad provisions and comprehensive legal statements on religious freedom and tolerance of the other, there were still areas that needed more attention from the principality Diet. To give an example, the Orthodox religion, the religion that comprised the majority of the Transylvanian population, was still not recognised as a received religion, as a free religion, but was only considered a tolerated religion (Leb 1998, 93-102.). Also, as a consequence of the influence of the Reformation in Transylvania, there was already a significant grouping in terms of membership, namely the Sabbatarians (the fifth religious grouping to emerge due to the penetration of Reformation ideas in the principality), who were also taking legal steps to be accepted or made official as a religion. Even if these specific situations mentioned were still unresolved, the principles adopted in the Principality of Transylvania in the field of freedom of religion and conscience were unique (Rotaru 2019a, 306-308).

The following has been written about the Catholic prince Stefan Báthory and the situation of religious freedom in Transylvania: "Stefan Báthory, therefore, came from Transylvania, a country where the very problem of tolerance has found a solution in a peaceful way that exists nowhere else in Europe. The political situation in Transylvania itself made it possible to establish such confessional relations here." (Völker 1977, 66-67; Leb 1999, 134; Gellérd 1999).

As Professor Muraru also noted, we can observe and note that on the territory of Transylvania, human rights have achieved that normal and natural evolution, namely: "In the beginning, in the catalogue of human rights, freedoms appeared as human demands as opposed to public authorities, and these freedoms required from others only a general attitude of abstention. The evolution of freedoms, in the wider context of political and social development,

resulted in the crystallisation of the concept of human rights, a concept with complex legal content and meaning. Especially in relation to state authorities, human rights (public freedoms) have also implied correlative obligations of respect and defence. Over time, these freedoms have had to be not only proclaimed but also promoted and, above all, protected and guaranteed" (Muraru, Tănăsescu 2001, 162; Bîrsan 2005, 13).

In conclusion, we can consider that taking into account all the shortcomings of the legislation concerning religious freedom on the territory of Transylvania, we can state, without any doubt, that nowhere in Europe and not only in Europe, but in the whole world, at that time of the 16th century, there were no such high regulations on freedom of religion and conscience as those adopted by the Diets of the Principality of Transylvania between 1543 and 1568 (Rotaru 2013,11-21), and the clauses of Articles 18,19,20,22 and 29 of the *Universal Declaration of Human Rights (UDHR)* were anticipated 400 years earlier.

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HUMAN RIGHTS IN LEBANON: GOVERNMENT MISMANAGEMENT, TAIF RULE, AND PONZI SCHEMES

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This year marks the 75th anniversary of the Universal Declaration of Human Rights (UDHR), a pivotal document that has enabled numerous countries to establish legal structures safeguarding essential rights such as the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and also the economic rights needed for human dignity. Despite its significance, the Lebanese people have been suffering from an intense crushing of their human rights, inflicted by its government through a severe economic crisis. The Lebanese crisis is multi-faceted, entailing governmental mismanagement, dire macroeconomic conditions, Ponzi schemes, during five historical epochs, and reaching a climax during the Taif rule. While these multifaceted conditions have severely violated upon various human rights, we will concentrate on their impact on economic rights, which are fundamental for preserving human dignity. This paper aims to foster discussions concerning the protection and advancement of the rights of the Lebanese people. We aspire that the recommendations outlined herein will inspire key stakeholders both within Lebanon and internationally to take action and implement the necessary changes to uphold the rights enshrined in the Universal Declaration of Human Rights.

Government Mismanagement: Removed Subsidies, and Shortages in Public Services

Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and

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also the economic rights needed for human dignity (United Nations 1948). However, some of these basic rights are not protected in Lebanon. More than 80 percent of the country's residents are currently suffering from inadequate standards of living, as result of lack of proper public services like electricity, health, water, and education. This had happened during the Lebanese war from 1975 until 1990, and currently with a deep deterioration from 2019 until 2023 (Bank Audi 2022).

The whole situation in Lebanon is due to the Lebanese leaders' mismanagement and lack of effective policy actions. As a result, Lebanon's crisis is ranked among the top three most severe global financial crises since the mid-nineteenth century (Human Rights Watch 2022; Human Rights Watch 2023).

The Lebanese government decreased or removed subsidies on fuel, wheat, medicine, and other basic goods, and has failed to implement an adequate social protection scheme to shield vulnerable residents from the impact of steep price rises (United Nations 2022; United Nations 2023b). This led to shortages in food, in electricity supply, in drinking water, poor health care, and poor education. The food shortage was a big problem. Lebanon imports most of its strategic crops from foreign countries, which necessitates paying in foreign currency, which the central bank lacks (World Bank Group 2021). The lack of foreign currency led to shortage of fuel supply, which cut most of supply chains. Hospitals, schools, and bakeries have struggled to operate amid these energy shortages. Fuel shortages have caused widespread electricity blackouts, lasting up to 23 hours per day, and private generators—a costly alternative—have not been able to fill the gap, leaving large portions of the country in darkness for several hours per day (Human Rights Watch 2022).

The public education in Lebanon is suffering as well (United Nations 2023b). Due to the bad economic situations, schools faced large student dropouts to join the workforce, and teachers' salaries were devaluated from \$1,600 to \$50 per month. Teachers' strikes were continuous due to low wages. Therefore, students were unable to continue their full academic program, thus obliged to be satisfied with less than 50% of coverage (United Nations 2023). The same in the Lebanese University; while students were more than inclined to join it, now we are witnessing another student leakage to private universities. Students prefer to pay and guarantee to study a full academic program than faced with weekly or monthly strikes by the university instructors.

As for the public health, there were shortage of medications and medical equipment, partly due to the devaluation of the Lebanese currency, which has made it more expensive for hospitals to import these items (World Bank Group 2021). Additionally, there are problems with the distribution and storage of the medications due to lack of electricity and fuel in the country. To add insult to injury, most of the qualified physicians left their jobs seeking better vacancies in different countries, which made hospitals suffer from shortage of qualified

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doctors. As a result, and in addition to underpaid workforce, it was impossible for citizens to receive a fair medical treatment.

Basic human rights of the Lebanese citizens are being trampled down (De Shutter 2021) as a result of governments' mismanagement from 1975 till 2023. The Lebanese people, as any other, have the right to proper public education, the right for unlimited water supply, and specially drinking water. Lebanese citizens have the right for 24/7 electricity supply, and the right to proper medical and health services.

Recommendations

The Lebanese government can, and without making big investments, make some changes that are in the favor of the whole country. It can focus in encouraging the local industries in order to create new jobs for those laid off and thus reducing unemployment and improving their purchasing power. It can encourage farmers to produce even more strategic crops that will lead to self-sufficiency. A big care should be given to the education sector to keep employees, teachers, and university instructors in the public sector to enable poor students to have equal rights to education. Health care is a big issue and this needs to be immediately dealt with. Some medical drugs could be produced locally with some medical equipment as well. All of these issues need a good and effective management, transparent policy, effective inspection, experts that are familiar in dealing with crisis, and a government that can, is able, and is willing to fight against corruption. These are basic human and social rights that all should receive without limits.

Lebanon's History: Five Epochs, Taif Rule, and Ponzi Schemes

To understand the impact on the social security of the citizens of Lebanon and their entitlement to realization and the recommendations of this paper, we would need to look at the historic and geographic evolution of Lebanon. The recurring occupation of Lebanon, the reallocation of foreign communities imposed by occupiers that were culturally differing to the natives' values, the sieges and the famines denied the country unity, good accumulations, and concentrations at all levels throughout its epochs. Usually, good accumulations and the outcome of focused efforts enable generations to build on them, develop them, and evolve for the better. Lebanon lacked the long-term political stability that would enable it to create a sustainable economy, build a balanced citizenry with undivided loyalty, and thus create a sound society enjoying balanced internal regional development.

Had Lebanon been able to retain its geography, at least its resources would have looked much better nowadays, and at its best, Lebanon would have secured strategic depth, which it currently lacks. What is the immediate cause, as well as

other causes? Lebanon's history can be divided over five distinct epochs, which hindered a sound development.

Ancient Lebanon

It enjoyed a geography much larger than the contemporary 10452 sq m. (Meir 2019). For instance, we read in the Old Testament in the Book of Song of Solomon 7:4: "... Thy nose is as the tower of Lebanon, Which looketh toward Damascus." This verse indicates that Lebanon's territory stretched deep south-east of the demarcation line with contemporary Syria. It is worth mentioning that the term "Lebanon" in the Old Testament, and as a geographical area, is mentioned more than 70 times directly, which indicates an area with its native inhabitants that possessed a unique cultural fingerprint. Seemingly, this was an era when Lebanon enjoyed peace.

Hellenistic Empire Lebanon

Lebanon was dwarfed within a larger area known as the "Fertile Crescent" or "Greater Syria", a crescent that encompasses the Sinai Peninsula, modern Syria, Lebanon, Palestine, Jordan, Iraq, Kuwait, the Ahvaz region of Iran, and the Kilikian region of Turkey, with Cyprus being the star of the crescent (Sa'adeh 2004; Ya'ari 1987). Prior to the Hellenistic Empire, there was nothing called "Syria". There was a "Kingdom of Damascus" (Pitard 2000). That noted, in the Biblical New Testament section, the term "Lebanon" disappears and is replaced by "Syrian- Phoenician" (Mark 7:26), creating a loyalty dilemma. Few know that the term "Syria" is a Hellenistic invention and foreign to Arabic Terminology. Though originally the term "Assyria" is an Indo-European term describing the territory in northern Mesopotamia (Iraq), the Greeks used the term to describe the original territory and also the territory to the west, which had been dominated by the Assyrian for centuries (Rollinger 2006). This is also true for the Greek term "Phoenicia"! (Drews 1998). The difference between Lebanon and Syria is that, at its roots, Lebanon existed as a legitimate geography with its own natives, whereas Syria can very well be considered a Hellenistic concept and implant. In fact, should anyone have a territorial claim in contemporary Syria, it is none but Lebanon and not the other way around, especially since Lebanon and Syria are still to agree to draw border lines, which is one of the pending and deep-rooted problems between the two countries, including maritime borders in the north of Lebanon (United Nations 2006).

Islamic Arab Conquest of Lebanon

Namely, the 402 years of Ottoman rule and Mamluk's occupation (Masters 2013), which left deep geographic and demographic changes due to the imposed Ottoman siege and famine (Schulze Tanielian 2017). In four years, between one third to half of the predominantly Maronite population was killed (Schulze

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Tanielian 2017). Add to this, other cultural changes, namely a) the adoption of the Arabic language, b) the Turkish red “Tarboush” headwear (which infiltrated deeply into society), c) the Arab “Kafiah and Agala” (which bordered and even influenced narrowly Christian communities, namely in the Bekaa). Nonetheless, most of the names of towns and cities in Lebanon are not Arabic but rather Syriac, Aramaic, Phoenician, Hebrew, etc. (Christie 2019). Lebanon’s original language is Aramaic, which survived until the 17th century (Arnold 2000).

Contemporary Greater Lebanon

The contemporary greater Lebanon is the creation of the Christians of Lebanon (namely the Maronites) with significant French influence (Salibi 1990). However, large areas in Lebanon were cut off in the Sykes-Picot Agreement and during World War 1, namely the north-east of Lebanon and what is known in Syria nowadays as the “Wadi El Nasara”—majority Christian Orthodox, originally from Lebanon (Tahawolat 2018). It is a natural geographical and cultural extension of the Akar Region in the North.

Post Taif Lebanon

After this, “Political Islam” ruled, significantly reducing presidential powers held by the Christian Maronite President in favor of both the First Minister (Sunni) in the day-to-day management of the country and in favor of the Cabinet for relevant major issues and files. Government Decrees would then be sent to the parliament (the speaker is a Shiite) for deliberation by relevant committees and then sent to the general assembly for ratification; otherwise, they would be declined and sent back to the government for reconsideration, etc. (United Nations 1989). The maestro of the parliament’s ignition, cruising, and shutting engines is the Shiite Speaker.

One of the famous historic statements made by ex-First Minister Tammam Salam revealed the core problem that impacted the welfare of the average Lebanese when he said, describing his defunct cabinet and the exchanges of political sectarian constituents: “Pass to me, and I will pass to you”. During Taif, corruption had no boundaries. In the “You scratch my back, I scratch yours” play of power and gourmandizing, Lebanon and the average Lebanese were being crushed and dwarfed.

In fact, in one of the most jaw-dropping giveaways on the open stage, the Lebanese authorities recently gave Israel “Line 29 and the Karish Field” in the maritime demarcation negotiations (Now Lebanon 2022). Here is another squandering of the wealth of the Lebanese future generation that they could build on and evolve for the better. The entire negotiation was led by the Aounist/Hezbollah regime (Aounist in reference to former President General Michel Aoun), and brokered by a utilitarian ethical approach orchestrated by the lead US broker, Mr. Amos Hochtein who gave the Lebanese the following

advice in a Televised interview: “My advice to people in Lebanon: focus on what – not what you’re missing, not what you may lose if you compromise. Think about what you gain. You’re not at a hundred percent now and losing. You’re at zero now” (Hochstein 2021), in reference to Cana Field. Mind you, Cana Field is partially shared in an unusual configuration with “Total Company”, knowing that it has yet to reveal the size of the reserve and its commercial feasibility. This “agreement” did not find its way to the parliament for discussion, approval, and ratification as the “givers” argued that the outcome did not tantamount to an international agreement between the two states, though it is registered in the UN as an agreement. If they acknowledge that it is an agreement, then this means recognizing the entity of Israel.

This continuous seismic shift in history and geopolitics has continuously impacted the economic and, thus, social security of the citizens of Lebanon and their entitlement to realization. This is why an observer will find millions of Lebanese distributed in every major capital city in the world, most of them “gave up” on Lebanon, so to speak, and immigrated for good, but with a solid emotional attachment to Lebanon, the greater majority of them of the Christian faith. To understand the 21st century impinging predicaments of Lebanon, there is a need to segregate between citizens and population, where the latter infringes on the former, namely the so-called Syrian “refugees and displaced”, who found an opportunity in generous foreign aid as compared to their income in Syria, thus encouraging them—and they encouraging each other—to move from Syria to Lebanon in order to cash in on the benefit. For instance, at present, a Syrian labeled “refugee” or “displaced” earns more than the Lebanese do in light of NGOs’ and their international operators’ generous financial support. In fact, and more than they are willing to admit it, it cost the funders less to keep them in Lebanon than to move and nurture them in their individual countries.

Under Taif rule, the nation was subjected to one of the largest Ponzi schemes in man’s history, where bank deposits were entirely abused, government resources depleted, current “obligatory reserves” held by the central bank exhausted, and capital control was exercised illegally at the sole discretion of commercial banks. In fact, they are taking hostage depositors’ funds while withdrawals are being reengineered, subjecting depositors to unequaled measures of illegal haircuts, holding the depositor from his weak point, which is his need for finances to make ends meet even at a great loss. What an abusive and bullying milieu the average Lebanese is living in. In fact, the economic crash is still in progress, and the Lebanese lifestyle is being exposed to ongoing transformation, namely by deeply impacting their finances and demography.

All the aforementioned accumulated forces, bad focuses, and more to reckon with had denied the average Lebanese a steadfastness of minimal social and cultural rights, which are indispensable for his dignity, the free development of his personality, and his undivided loyalty to Lebanon. In light of what was said so far, consider the trends of Lebanon’s GDP and Gini Coefficient.

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Lebanon's GDP for 2021 was \$23.13 billion, a 27.06% decline from 2020. Lebanon's GDP for 2020 was \$31.71 billion, a 38.96% decline from 2019. Lebanon's GDP for 2019 was \$51.95 billion, a 5.37% decline from 2018 (Macrotrends 2023; World Bank 2021).

Lebanon's Gini Coefficient Index stood at 31.80 (World Bank 2011). No further releases by the World Bank.

In conclusion, there is much more to be done to be fairer and more equitable than what this paper suggests to the mind of the reader. However, in the pre-Taif political system, the issue in Lebanon was never one of the distribution of wealth, considering that the largest part of Lebanon's society was the middle class, and the government provided for the less privileged citizens free education in its public schools and higher education at the Lebanese University. Today, in most likelihood, the middle-class dominance is over. World Bank data on the Gini Coefficient index is not available beyond the year 2011 to make any further confirmation. There seems to be a deliberate and corrupt effort to conceal data. However, by simple day-to-day observation, we can notice a shift in purchasing behavior, with families replacing one item with a cheaper one and purchasing a lesser basket of consumables and disposables. So to speak, necessities have become a luxury beyond the reach of certain consumers. Therefore, the root cause of Lebanon's ongoing tragedies is the current political system. In fact, the Taif political system did not intend to build a balanced civil citizen with undivided loyalty, but rather Taif was imposed on the Lebanese Christians, whose seemingly goal was to loot both the wealth of the nation and its inclusive Muslim citizens by an internationally backed oligarchy and its constituents' beneficiaries.

The greatest piece of evidence is the refusal of the current minister of finance to divulge the Alvarez & Marsal Central Bank of Lebanon forensic audit report (MTV 2023). However, certain members of the Lebanese parliament have filed a legal challenge with relevant Lebanese courts, taking upon themselves the burden of proof on the grounds of published law and on the grounds of agreement with the auditing company that shows that the finance minister can and must divulge the content of the report.

Recommendations

1. Replace the current political system with a strong internal regional one (Federal) within the 10452 sq m constant. Or apply decentralization in its widest and strongest form by passing a law in parliament.
2. Change the current abusive electoral law where we have members of parliament who won a seat by getting around 70 or more votes and others who lost while getting thousands of votes.
3. Introduce a "one man, one vote" electoral law, which is fairer and more representative.

4. Do whatever is legitimate and legally permissible to move the labeled Syrian “refugees” and “displaced” back to secure areas in Syria.
5. Encourage the international community to a) take responsibility and lead in relocating Syrians to their home country by funding those who need the financial support and withholding tax payer’s money from those who are abusing it; b) develop and implement UN Resolution 1559 (United Nations 2004) under Chapter 7; c) stop the ongoing double standard in political practices. For instance, Hezbollah cannot be designated as a terrorist organization and yet be given due recognition as a military and economic reality to deal with. If they are no longer designated as a terrorist organization, then this should be made clear.
6. Put into practice the Lebanese constitutional laws that support individual realization and work to pass amendments to improve them. As a matter of fact, the constitution of Lebanon (Presidency of Lebanon 1995) advocates equality before the law in terms of civil and political rights (Article 7), and the individual liberty is guaranteed and protected by law (Article 8). Lebanese are entitled to freedom of conscience (Article 9), to be educated for free (Article 10), and to express their opinion freely (Article 13).
7. Enlighten foreign opinion leaders and centers of influence that Lebanon cannot have two armies and two economies and expect to have an excellent social security for the citizens of Lebanon to secure their entitlement to realization.

Conclusion

Though the economic and social security of Lebanese citizens is being crushed since 2019 due to a severe economic crisis, the seismic shifts in the geopolitics of the Lebanese history have continuously impacted their most basic human right of dignity and wellbeing. Under Taif rule, Lebanon was subjected to one of the largest Ponzi schemes in man’s history, where bank deposits were entirely abused, government resources depleted, current “obligatory reserves” held by the central bank exhausted, and capital control was exercised illegally at the sole discretion of commercial banks. Therefore, the root causes of Lebanon’s ongoing tragedies are the current Taif political system, and government mismanagement.

Therefore, we recommend the Lebanese government to replace the current political system with a Federal one. To change the current abusive electoral law. To introduce a “one man, one vote” electoral law, which is fairer and more representative. To do whatever is legitimate and legally permissible to move the labeled Syrian “refugees” and “displaced” back to secure areas in Syria. To stop the ongoing double standard in political practices (Hezbollah cannot be designated as a terrorist organization and yet be given due recognition as a military and economic force). To put into practice the Lebanese constitutional

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laws that support individual realization and work to pass amendments to improve them. To enlighten foreign opinion leaders and organizations that Lebanon cannot have two armies and two economies and expect to have an excellent social security for the citizens of Lebanon to secure their right to economic realization.

Besides, the Lebanese government should focus in encouraging the local industries, such as the farmers. A big care should be given to the education sector to keep employees, teachers, and university instructors in the public sector, and to enable students to have equal rights to education. Health care needs immediately care, and some medical drugs could be produced locally. In summary, the Lebanese government needs effective management, transparent policy, real inspections, experts that are familiar in dealing with crisis, and politicians that can, are able, and are willing to fight against corruption.

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HUMAN DIGNITY BETWEEN SECTARIANISM AND TRUST AS FRIENDS OR FOES OF LEBANESE DEMOCRACY

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Currently, in the country of Lebanon government has failed in its efficiency of performance of its main functions whether as a police state or as a welfare paternalistic entity. Furthermore, it has also betrayed the trust of its citizenry, as demonstrated in the abject collapse of its equity, fairness, and justice functions (Zgheib 2015). Economic development of struggling societies under political uncertainty presents extreme and intricate challenges where governance is reduced to emergency fire fights and the never-ending series of crisis management contingencies (Zgheib 2019).

Whereas mature capital societies have managed to optimize their government operation in a successful balance through the delivery of both efficiency and equity, the economic function of government at large has proven to be on the weak side of economic efficiency for delivery of services, in both production and consumption flows of the macroeconomic engine. Yet any government would be notoriously expected to provide some level of fairness to its individual human members of society and a reasonable assurance of equity among its social subgroups, and its constituencies.

However, when a developing society is betrayed by its own governmental internal institutions where both equity and efficiency are baffled, individuality of human spirit is humiliated. It has now been four years into the making that residents of the country of Lebanon of all legal affiliations, citizens, refugees, transients, tourists, have been left helpless on their own in a state of abject necessity. The Universal Declaration of Human Rights celebrating 75 years of its founding specifies in articles 22 and 23 that the individual dignity of the human person is the main purpose of government functions (United Nations 1948).

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When that dignity is baffled and the rule of law has collapsed, little faith remains in the public domain and the individual citizenry in subgroups or as individuals will autonomously pursue gangster model, silo style, self-rule type behavior. In Lebanon this self-rule is grounded in sectarian social fragmentation inscribed within a compromising “consociational” democracy system of governance that has resulted in the dilution of the public treasury and in the quasi-total collapse of the traditional system of government.

A Crisis of Trust

For the past nine months, Lebanon has been facing a severe political crisis. Lebanon has no president, and hence, the current government is a resigned one that cannot exercise its right to rule or to propose new projects. At the same time, the Lebanese economy has been collapsing day after day since 2019. The crisis is multidimensional: political, economic, financial, and social.

The Lebanese Lira devaluated (lost more than 95% of its value) causing the purchasing power to diminish (World Bank 2023), unemployment rates reached an unprecedented rate, inflation sky rocketed, investments decreased, and the number of refugees hit a very high figure. All the above caused our immigration rates to continually increase. The country was downgraded in the economic classification to a lower-middle income country last year for the first time in 25 years (World Bank 2023).

Usually, and in similar situations, if a government believes there is not enough business activity in an economy, it can increase the amount of money it spends. In the Lebanese case, there is no money to be spent in order to stir the economy. The reserves at the central bank have hit rock bottom. When an economy is struggling, major structural reforms are needed to correct the glitches in the system as a whole. The problem is that the political system has failed big time, and the resigned government, consisting of most Lebanese parties, is unable to agree on any structural reforms (OCHA 2023, 6). And even when a previous government was finally able to agree on hiring McKinsey for the sake of proposing a complete economic plan for the country, they refused to implement it, and it remained an unaccomplished plan (or rather, a dream).

Lebanese governments are masters of procrastination. Major tasks and reforms are always delayed, for no apparent reasons, while government wastes its time and money on small and minor issues. Corruption, impunity, injustice, and inequality are main characteristics of the Lebanese political system (United Nations 2022). The most prominent example of this is the failure to find those who are responsible for the Beirut port blast in 2020, and the inability to hold them accountable. The world bank has ranked the Lebanese crisis among the top 10 most severe crises globally since the mid-nineteenth century (World Bank Group 2021). If we take a step back, it is obvious that most Lebanese people have had no trust in their governments and politicians, for at least a decade, and

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the consecutive Lebanese governments have not been able to provide basic human rights for the Lebanese people. For until today, the Lebanese governments have failed to provide its citizens with reliable electricity. People have had to search for other options to have much needed additional hours of electric power (as in using private generators or solar systems). This issue has been the talk of the town for the past 15 years, but the consecutive governments have always delayed solving it due to political clashes amongst its ministers.

Also, the Lebanese still do not have a decent internet connection, which has become a basic need in today's world. Not to mention that most of the Lebanese families cannot afford to buy their basic monthly food needs, and mostly depend on food parcels distributed by NGO's or other charitable groups. This is because of the Lebanese Lira's devaluation, the high rates of inflation, and that most salaries have not been re-adjusted to match the currency's depreciation and the inflation in prices.

The Consumer Price Index (CPI), which measures the change in prices over time, has increased by 1,066 per cent between October 2019 and June 2022 (United Nations 2023). Also, the education sector has been badly affected as well. Many parents cannot place their children in private schools anymore, and at the same time, public schools spend more than half of the academic year with their doors closed because teachers are protesting their very low salaries. It is said that 10% of Lebanese children do not have access to education due to economic reasons (OCHA 2023).

Where are the human rights when the Lebanese people cannot find most of their medications, especially those for chronic diseases and illnesses, unless they buy them in the black market, or privately order them from abroad and at very high prices? The same is happening with fuel, and even water! The black market reinforces the social and economic injustice because only the rich can afford these basic needs. Most salaries are not enough to allow people to fill their cars with fuel, and at the same time there are no proper public transportation services in the country, nor are there any other public services.

All consecutive Lebanese governments lacked the capability to improvise solutions. This problem is because of the absence of the principle: "the right person in the right place". The culture of putting specialized individuals and experts in office is not found in Lebanon, and usually ministers are picked based on their political affiliation and loyalty. Of course, political parties all over the world have the right to choose their ministers, but ministers must be chosen based on certain qualifications. This should be implemented in a collapsing country like Lebanon.

Another main problem is that in most countries there are clear majority and minority groups, where the majority forms the government and rule by itself until its term is over. Whereas in Lebanon, there is an absence of the majority and minority rule, since Lebanese parties consist of sectarian and religious

groups, and no single group can form the majority. This leads to inefficiency in decision making and implementing reforms.

Finally, the obvious question is: since most Lebanese people do not trust their government, why do they keep re-electing the same people? This is a real mystery that cannot be easily interpreted. Is it because of the fear of change, or because of the culture of clientelism and corruption, or because of their sectarian and religious loyalty? The lack of trust is increasing day after day as the Lebanese state is failing to restore and preserve the integrity of the political system as a whole. After nine months without a president, the Lebanese people have stopped asking and pressuring for an election. This is because they have lost hope, not only in their politicians, but in the whole system. As a conclusion, the political system's failure has led most of the Lebanese into poverty, and has violated the people's basic human rights (United Nations 2022). As a whole, the Lebanese situation definitely contradicts several articles in the Universal Declaration of Human Rights (United Nations 1948).

Sectarianism

Lebanon, while once representing the celebrated capital of the Middle East, is now severely suffering from an economic crisis that has violated its people's most basic rights, especially their economic entitlements and reasonable remuneration for their work. The effects of a deeply rooted, multidimensional, and detrimental concept widely known as sectarianism, are at the basis of the recent problem.

Sectarianism is effectively the division of people into groups based on their religious beliefs. It is a system of political and social organization that has led Lebanon to follow a system of power-sharing in which political power and economic resources are distributed along sectarian lines.

Sectarianism has, in no way, ever led to any positive outcomes. The negative consequences of this phenomenon in Lebanon are numerous, and the ramifications have left remarkable scars on all Lebanese people. One of the worst effects of sectarianism is the consolidation of economic power in the hands of a small political club. This elitist club, which consists of members from many sectarian organizations, has utilized its position of authority to gain control of key financial resources including banks, real estate, and cartels. A widespread poverty and inequality emerged because this economic expansion benefited only a very narrow group.

Another flagrant consequence of sectarianism is the diversion of public funds to sectarian projects. The sectarian political system in Lebanon has led to a situation where public funds are often allocated to projects that benefit specific sects or religious groups in specific regions, rather than the population as a whole (Salti & Chaaban 2010). It has also been reported that, following the Beirut port unforgettable blast in August of 2020, the support provided to the

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Lebanese was distributed in a highly uneven way, sometimes based on sectarian affiliation (De Shutter 2021). This has exacerbated the economic and social divide in Lebanon and has made it more difficult to address the crisis.

The erosion of the rule of law is another implication of sectarianism. This phenomenon has enabled the biased selective application of the law; ignoring the law or just partially applying it, depending on a person's sect, has been normalized. Consequently, it has become nearly impossible to hold those in power accountable for their actions, creating a climate of impunity. National and international reports have found that the Lebanese government had failed to investigate or prosecute several high-profile cases of corruption and violence, thus sending a message that those in power are above the law. A major case in this scope is the Beirut's port blast mentioned above. According to the Human Rights Watch (2023), the political establishment has continuously obstructed and delayed the domestic investigations around the case. "The Beirut blast case has clearly illustrated the Lebanese judiciary's lack of independence and susceptibility to political interference" (Human Rights Watch 2023, para. 12). Such situations decrease the people's trust in their government as well as in the probability of building a just and equitable society in the near future.

Furthermore, sectarianism leads to the undermining of democracy. By giving more power to the sectarian elite who often show very little interest in people's needs, the system undermines the democratic process in Lebanon. That adds to the difficulty of holding the government accountable. The 2019 parliamentary elections are the most radical depiction of the undermining of democracy. In fact, International IDEA's Global State of Democracy Indices show that democracy in Lebanon has been in decline in the past years and is one of the most corrupt countries (Santillana 2022). The elections' results were widely seen as fraudulent, and thus eroded public trust in the government. Completely ignoring the people's strong criticism against the elections processes, the incidents, and results have erased every last bit of trust in any authority left in the hearts of the people.

Recommendations

All the above is not inevitable. It is possible to build a more just and inclusive Lebanon by working together to ensure a proper, long-term commitment from all segments of the society. Such a change would begin by reforming the political system to create a more inclusive and representative government. This entails reducing the role of sectarianism in politics and ensuring that all citizens have an equal voice in the decision-making process.

Moreover, another important step is to promote the advantages, positive impact, and economic development that this change and reform would lead to. These benefits include the reduction of poverty and inequality and the obstruction of the sectarian elite's grip on power. The Lebanese government

could invest in education and job creation to help create a more prosperous and equitable society.

Finally, it is crucial to strengthen the rule of law and ensure that everyone is treated equally under the rule of law. This would aid in creating a fair and rightful society and would make it a hassle for those in power to abuse their authority. To ensure that everyone is held accountable for their actions, strengthening police force and implementing the independence of the judicial system are vital.

Although the complexity of the Lebanese crisis allows no easy solutions, addressing the root causes of sectarianism, promoting education and the understanding of different cultures improve the possibility of building a more equitable society for all. The Lebanese people have a long history of resilience and determination. They have overcome many challenges in the past, and they will overcome this crisis as well. It is only by working together that they can build a better future for themselves and for their country.

Conclusion

In this resilient setting amid the fervent struggle for survival towards the eventual emergence out of the quagmire of poverty, and misery, the private sector seems to bring into Lebanese society the magic of commerce and the soothing utility of business endeavors. Entrepreneurial innovation results in a synergy of job creation. It generates a kickstart in economic production that seems to bring a dose of healthy remedy to the deterioration of the public sector (Zgheib 2017). Lebanon served as co-author and cofounder of the United Nations Declaration of Human Rights, generations ago when the rest of the Middle East totaling now about 30 countries were still struggling out of colonial domination and out of the devastating ravages of two world wars. Even then Lebanon presented a miraculous affinity for continuity, survival, and success in a world ruled by volatility, complexity, and adversity.

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THE MULTILATERAL HUMAN RIGHTS REGIME: CIVIL SOCIETY AND NGOS IN THE DEVELOPMENT OF HUMAN RIGHTS¹

Manfred Nowak²

The United Nations Organization was built in reaction to two World Wars, the Great Depression, the rise of fascism and the barbarity of the Holocaust. It is based on three pillars: Peace and Security (freedom from fear, prohibition of war for the first time in human history), Development and Prosperity (freedom from want and eradication of poverty) and on Human Rights and Human Dignity as the “foundation of freedom, justice and peace in the world” (Preamble of the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948 in Paris).

Although former UN Secretary-General *Kofi Annan* (2005), in his brilliant report “In Larger Freedom,” rightly recalled the interdependence of these three main goals and objectives of the United Nations and, in particular, stressed that human rights constitute the essential basis for both security and development,³ these three

¹ Keynote Speech at the First Global Commemorative Celebration of the 75th Anniversary of CoNGO (Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations) held at the United Nations Vienna International Center, in Vienna, Austria on 28 April 2023.

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³ Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary-General, UN Doc A/59/2005 of 21 March 2005, para 17: “Accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”

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pillars developed during the Cold War completely separate from each other. Security and the prohibition of the threat or use of military force in Article 2(4) of the UN Charter was assigned to the Security Council and restricted to the prohibition of international armed conflicts. Development was assigned to the Economic and Social Council (ECOSOC) and many UN Programmes and specialized agencies linked to ECOSOC. It was originally restricted to economic development and prosperity in the narrow sense of economic growth, industrialization and modernization.

For the pillar of human rights, which was the most disputed goal between Western, Socialist and States of the Global South, the founders of the United Nations could not even agree to assign it to one of the main political organs of the UN, a proper Human Rights Council. Instead, Article 68 of the UN Charter only allowed for the establishment of a Human Rights Commission, a functional commission of ECOSOC. In budgetary terms, the human rights programme for many years and decades received only about 1% of the entire UN budget.

The Human Rights Commission was established in 1946 and, under the lead of *Eleanor Roosevelt* and other well-known personalities, was able to draft within two years the Universal Declaration of Human Rights as a milestone in the history of human rights. It constitutes a synthesis between different and partly opposing concepts of human rights. This was only possible thanks to the anti-fascist consensus and solidarity in the immediate aftermath of WW II. However, with the beginning of the Cold War, human rights were seen as a highly contested and ideological topic. This meant that the States in the Commission could only agree on the “no power to take action doctrine.” The Commission was reduced to organizing seminars and similar advisory services and to the drafting of binding human rights treaties to be submitted to ECOSOC and the General Assembly for adoption: The Convention on the Elimination of all Forms of Racial Discrimination (CERD) 1965, the two International Covenants of 1966, which together with the Universal Declaration constitute the International Bill of Human Rights, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979, the Convention against Torture (CAT) of 1984, the Convention on the Rights of the Child (CRC) 1989 and the Convention on Migrant Workers 1990.

The main drivers of the development of human rights during the Cold War were not States but Non-Governmental Organizations (NGOs), above all NGOs with consultative status with ECOSOC. As the umbrella organization of hundreds of NGOs, the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CoNGO), founded in the year of the adoption of the Universal Declaration, played an essential role in coordinating civil society and providing NGOs with physical and political access to the Commission and other UN bodies, such as the Commission on the Status of Women.

It is only thanks to the pressure of NGOs that treaties were drafted and that the Commission during the late 1960s and 1970s slowly abandoned its “no power to take action” doctrine. Milestones in this development were decisive actions against outcasts, such as the apartheid regime in South Africa or the military dictatorship in

Chile that had come to power in a *coup d'état* in 1973. For the first time, procedures for dealing with many thousands of individual and NGO complaints against individual States were processed under ECOSOC Resolutions 1235 and 1503, which constitute the beginning of expert investigation bodies (Working Groups, Special Rapporteurs etc.), which are today referred to as “Special Procedures.” Although the Commission was composed only of States, the driving force behind all its resolutions were NGOs, and independent experts gained power as the “eyes and ears” of the Commission. The annual six-week sessions of the Commission each spring in Geneva were the largest gathering of human rights defenders, with up to 3,000 participants (On the first decades of the development of human rights in the United Nations see, e.g., Humphrey 1984; Alston 1992; Nowak, 2003).

The end of the Cold War in 1989 opened a unique window of opportunity for the creation of a new world order, promised already in Article 28 of the Universal Declaration, based upon human rights, democracy and the rule of law. The most significant event to shape this new world order was the Second World Conference on Human Rights, held in June 1993 at the Austria Centre of Vienna (next to the Vienna International Centre) with 171 participating States, represented at the highest level and more than 1,500 NGOs from all parts of the world. Together with CoNGO, the Ludwig Boltzmann Institute of Human Rights in Vienna and the International Service of Human Rights, I had the honour of being the main NGO spokesperson responsible for the organization of an NGO Forum with more than 3,000 NGO participants as well as more than 400 parallel workshops, seminars, film screenings and other events that took place in the ground floor (NGO floor) of the Austria Centre, the Amnesty International tent on the Danube Island, the Filmcasino and other locations in the City of Vienna.

Without the pressure of NGOs, the World Conference would not have been successful in adopting, after long and highly controversial discussions, the Vienna Declaration and Programme of Action, which created the Office of the UN High Commissioner for Human Rights, emphasized the principles of the universality, equality, interdependence and interrelatedness of all human rights (our motto as NGOs was “All Human Rights for All”), mainstreamed the rights of women in the private sphere as human rights and still constitutes the main basis of the human rights programme of the United Nations in the decades to come (Nowak 1994). Without the strong call by civil society in Vienna, there would not exist an International Criminal Court, established by the Rome Statute in 1998. Under Secretary-General *Kofi Annan*, human rights were mainstreamed into all policy areas of the United Nations. In 2005, the Commission of Human Rights was elevated into the Human Rights Council as a subsidiary body of the General Assembly with the Universal Periodic Review (UPR) as its major new procedure for monitoring human rights in all member States of the United Nations.

Beginning with the neoliberalist economic policies expressed in the Washington Consensus of 1989 (Nowak 2017) and most significantly after the terrorist attacks of 11 September 2001 and the ill-conceived so-called “war on terror,”

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a backlash against human rights, democracy, multilateralism in general and the idea of a world order based upon human rights, democracy and the rule of law occurred which led to the tragic current state of affairs, in which the United Nations seems to be marginalized in combating armed conflicts, such as most recently and visibly in Syria, Afghanistan and the Russian war of aggression against Ukraine. Similarly, although the UN disposes of a comprehensive toolbox of human rights monitoring bodies, ranging from the Human Rights Council, its High-Level Investigation Commissions and Special Procedures to a multitude of treaty monitoring bodies in which NGOs play a vital role (State reporting, complaints and inquiry procedures), the current state of human rights in the world is simply alarming. It is high time to fundamentally change this deplorable situation by decisively strengthening the United Nations and by addressing the main problems and challenges of the 21st century: rising economic inequality caused by neoliberal global economic policies, the environmental crisis with a rapidly declining biodiversity and an imminent climate disaster, digitalization and the threats of artificial intelligence as well as the threat of another world war, which might even lead to the use of nuclear arms and other weapons of mass destruction.

The 75th anniversary of CoNGO and the Universal Declaration of Human Rights, as well as the 30th anniversary of the Vienna World Conference on Human Rights, constitute a decisive moment in human history to start a new era of multilateralism going beyond crisis management but laying the foundations for a new era of human rights as the basis for sustainable peace, sustainable development and decisively addressing the enormous challenges of our present time by protecting the rights of future generations of human beings, non-human beings and the rights of nature. Political leaders need to understand that we will only be able to save our planet if we all (States, international organizations, civil society and the corporate sector) stand together in fighting these enormous challenges rather than fighting each other.

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AN UPDATED AGENDA FOR RIGHTS AND SECURITY

Robert Zuber¹

While the UN's human rights pillar remains in some ways the most unstable of the three – with challenges related to a rapidly expanding mandate with rapporteurs to match, limited enforcement options and sometimes severe push-back on women's and other erstwhile “indivisible” rights, all referenced in more detail below – tenets of a still- uneasy security-rights policy relationship which is my task to examine are “not news” to most of the diplomats and NGOs populating UN conference rooms. Indeed, most all recognize the immense value of the (non-binding) Universal Declaration over many years in promoting the economic, social and cultural rights “indispensable” for dignity and the “free development of personality.” Moreover, the Universal Declaration also explicitly recognizes the importance of maintaining “a social and international order” in which the rights and freedoms it sets forth can be fully realized. And, perhaps most germane to my assignment, the Declaration Preamble makes plain that to ignore the protection of these rights is in essence to invite “rebellion against tyranny and oppression,” a clear sign that even 75 years ago, the human rights – security nexus had direct policy relevance.

Thankfully, my “not news” task” was energized a bit by the release of “A New Agenda for Peace” (<https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf>), the ninth policy brief shared by SG Antonio Guterres under the broader rubric of “Our Common Agenda,” an agenda which in several key respects is a worthy successor to the Universal Declaration.

Many in our sector at least to some extent have already scrutinized this New Agenda and I won't diminish their contributions through my own replication. I do agree with a former-diplomat friend that the Agenda is a

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“polite” offering, highlighting the dire straits we now find ourselves in (a strength of this SG) while outlining policy priorities which the UN for the most part is already addressing, albeit with uneven energy and success.

This SG has been increasingly vocal about the threats which many constituents still refuse to fully acknowledge. His is not quite a “chicken-little” approach to global threats, but such threats certainly loom large and have been growing in impact for some time. Still the body over which he presides has long been characterized by issuing clarion calls on a range of issues and concerns while diplomatic responses extend too-infrequently beyond convening opportunities for performative statement making. For instance, this past July’s High Level Political Forum, ably presided over by Bulgarian Ambassador Stoeva, was a beehive of events and reflections on our current, common plight, and on our insufficient responses to sustainable development promises made in 2015 which span the UN’s agenda across its three policy pillars. But still a familiar pattern persisted of shedding more light than heat on our current malaise, more in the way of highlighting our seemingly declining options across these three policy pillars than concrete measures to help honor promises made 8 years ago to resolutely and tangibly deliver the SDG goods.

For those of you who have not yet had time or interest in doing so, the New Agenda for Peace is worth a read. Some of the proposals have clear and urgent merit including on the need both to ban autonomous weapons (p.27) and to negotiate and adopt tenets of responsible governance over potentially “weaponized” AI and related ICT before those often-“lawless” horses (p.26) finally and forever leave the barn. Thankfully, the New Agenda does not skirt the issue of our grotesque military spending (p.4) which sucks trillions of US dollars out of the global system on an annual basis leaving the UN’s human rights mechanisms overly dependent on what is essentially volunteer labor and, over and over, leaving conflict-affected populations begging for the assistance we have given them reason to believe would be forthcoming.

Also welcome, the New Agenda urges states, yet again, to “look beyond narrow security interests” and embrace multilateral solutions to challenges associated with our “more fragmented geopolitical landscape.” (p.3) Indeed, as this Agenda makes clear, we may well have reached the limits of our capacity to heal the deep scars of war and armed conflict without putting an end to armed conflict altogether. We may have also approached the limits of our ability as currently organized to rebuild damaged infrastructure, revitalize economies and the agriculture damaged by bombs and warming temperatures, restore public trust or ensure that the discrimination, arbitrary detention, child recruitment, online harassment, sexual violence and other abuses now virtually synonymous with conflict in both cause and effect do not thereby lay the foundation for a return to the violence which virtually none on this planet can any longer endure.

Gratefully, the core of the New Agenda for Peace lies in a commitment to prevention (p.11), easier said than done to be sure, but perhaps our only

remaining opportunity as a species to reset our financial architecture, revise our dangerous habits of consumption and suspicion, and heal our social relations; to create enough breathing room in our societies and their governance structures to ensure that biodiversity can be restored, climate risks can be mitigated and solidarity and other indicators of personal and collective responsibility can be ratcheted up. These and other global obligations would help ensure that barriers to the “universal” rights compliance advocated by the SG (such as the elimination of patriarchal structures as explicitly noted on page 7) can be duly removed, thus helping to ensure that policy promises made are more likely to be kept. All who spend time in and around the UN recognize that such “breathing room” is in fact is a high aspiration given the low levels of trust which are manifest in many UN policy spaces and the core values attached therein to sovereign interests which keep the UN largely confined to norm-creation. This norm-creation mode, as important as it can be, generally comes attached to little stomach for holding states accountable to commitments which in too-many instances they have scant intent on fulfilling while pushing off accountability for failures away from themselves and on to other states and entities. It is commonplace to note this, but worth doing so in this context – among the words you will almost never hear in UN conference rooms are apologies for policy misadventures nor clear acknowledgement of national deficiencies in implementing UN norms prior to engaging in the more common practice of trying to “pin the tail on other donkeys.”

Indeed, the UN often finds itself hamstrung insofar as it must walk a series of lines which recognize that, at the end of the day, even Charter-offending states are going to have the UN they want. They pay the bills. They set the agendas. Their sovereign interests remain paramount no matter how much they might claim otherwise. In the name of preserving universal membership, states permit discouraging violations of core UN Charter principles often with functional impunity. They often tend to talk a better game than play one given how easy it is to “spin” national performance on the assumption that few if any of the major policy players want their UNHQ representatives to make diplomatic trouble or shut off options for dialogue by “exposing” flaws in their own or others’ national narratives. The value of diplomats lies, in part, as a function of their considerable ability to keep the policy windows open but this skill is regularly discharged despite the stale air which is too often allowed to settle into deliberative and negotiation spaces.

From my own vantage point in regards to reports such as the New Agenda I often find myself hoping to see an examination of the structural impediments facing what is actually an intensely political UN policy space, from resolutions divorced from viable implementation to “consensus” which too often constitutes a de-facto veto and results in language which, again, is more adept at identifying problems than addressing them with the urgency that the times require. The “lip service” (p.11) which the New Agenda identifies has a wider

UN application than merely on prevention, though prevention remains a relatively easy matter to “service” in UN spaces. Regrettably, the prevention agenda can easily become a vehicle by which officials are encouraged and enabled to paint more pleasing national portraits of human rights compliance, development assistance, good governance and arms transfer restraint than the available data could ever support.

What I continue to yearn for, virtually always in vain, is a formal accounting of the gaps and limitations of a state-centric, multilateral system wherein the states make pretty much all the rules, including on levels of engagement on key policy relationships which many in our own NGO sector believe must remain more actively seized, such as those linking the human rights and security pillars. The SG does note the “failure to deliver” (p.2) in his New Agenda, but also refers to the UN as “vital” for harmonizing the actions of states to “attain common goals” (p.30). Unpacking these challenging-to-reconcile claims could well lead to a stronger, more effective system on both security and human rights. We need to remain seized of what the UN is doing with regard to its security-rights nexus, but also what more is needed to succeed, what skills and human capacities are still lacking, how amenable we are to filling gaps (including at local level) rather than allowing them to fester?

Thankfully, in large measure due to the relentless scrutiny and mandate expansion of the Human Rights Council and its Human Rights Committee our understanding of the human rights/peace and security “nexus” is clearly finding expression in multiple diplomatic settings. No longer is it necessary to explain how discrimination under law and in access to services, prison conditions which enable the practice of torture or other coercive means of extracting “confessions” (a focus of our good partner FIACAT), arbitrary arrests and disappearances and much more contribute to instability within and between states and thereby foment conflict. And it certainly no unique insight to point to the numerous instances where armed conflict – from Ukraine to Yemen and from Myanmar to Burkina Faso – creates veritable engines of abuse, complicating peace processes and opening doors to conflict recidivism with xenophobia, hate speech and sexual violence to match, abuses which were likely among the causes of the conflict in its first instance.

However, those of us who still choose to hang out in multilateral conference rooms know the gaps that continue to separate acknowledgment of right violations and threats to peace and security across the human spectrum. Indeed, not every agent and agency of global policy is on board with the notion that human rights should be a central theme both informing and defining peace and security deliberations.

The Security Council (our primary UN cover) is one place where consensus on this relationship has been elusive given recent claims by at least a couple of members (permanent and elected) that a focus on human rights disturbs what is maintained to be a traditional “division of labor” in the UN; that

because the UN has a human rights mechanism – albeit overworked and improperly funded – such matters should essentially be left to their devices. Moreover, there is also a concern among a few members past and present that too much human rights scrutiny can easily become a sovereignty-threatening club that some states use to batter the actions and reputations of other states.

These concerns are not entirely without merit; however, they tend to overlook what we know about the place of human rights abuse in triggering conflict as well as the rights-related consequences of violence unresolved. This view also fails to acknowledge the differing levels of authority with which these diverse entities operate. The Security Council's permanent members are well aware of the privileges of their membership – not only the vetoes which they occasionally threaten and cast, but the additional ways in which they can manipulate policy outcomes, protect their allies and overstate with impunity the significance of resolutions which are claimed to be “binding” in the main but which were often negotiated and tabled with a clear (if cynical) understanding of the client state interests to be protected. Without question and for good or ill, the Council's vested authority is unmatched across the UN system (including by the International Court of Justice), a system which provides Charter-based options for coercive responses to many (not all) threats to the peace which are simply not options for other agencies and pillars.

Of course, anyone who is still engaged with this piece will likely know all this already. But perhaps the following implications of this authority imbalance will pique interest. Those in the Council (often from among the 10 elected members) who wish to see the Council's Programme of Work expanded to more regularly embrace contemporary themes and conflict triggers (such as climate change or as it is now known around the UN, “global boiling”) and areas of overlap (such as human rights enablers and consequences of armed conflict) thankfully have various means to do so including hosting Arria Formula meetings and taking advantage of modest presidential prerogatives when their month to occupy that seat comes around.

But these options remain insufficient to a full vetting of the rights-security nexus. We have long advocated for a Security Council that is more representative, but also which is more in sync with the goals and expectations of the UN system on the whole. A case can be made, and we would wish to make it, that the Council should embrace more of an enabling (in the positive sense) role relative to the system of which it is a part. Yes, there is a Human Rights Council. Yes, there are talented rapporteurs galore and human rights review procedures applicable to member states. But human rights performance seems a bit too optional and subject to sovereign interests, especially given that such performance is, if the New Agenda is to be believed, central to any sustainable peace. At the very least, the Security Council could use its authority to encourage greater political and financial attention to a human rights system which strives for universal application across a “full spectrum” of rights

obligations now ranging from ending torture to ensuring the right to a healthy environment. The Council does not necessarily need to add direct discussions about these rights obligations to its already complex and often-frustrated agenda, but it can and should do more to indicate that the successful work of human rights and other UN mechanisms has a direct bearing on the success of its own peace and security agenda.

It seems obvious perhaps, but bears repeating: none of us engaged at any level in international policy, neither the Security Council nor any of the rest of us, should ever divert our gaze from the painful reminders of just how many people remain under threat in this world and how much further we need to travel in order to make a world that is more equal, more inclusive, more respectful of each other and our surroundings, certainly even more mindful of our own, privileged lifestyle “contributions” to a world we say, over and over, is actually not the world we want. As difficult as it might be to contemplate, we in policy spaces are not always the “good ones.” Indeed, when states and other stakeholders refuse to own up to their own foibles and limitations, especially in areas of rights and security, their/our critiques of others, regardless of their conceptual legitimacy, are more likely to ring hollow.

One area of ownership in these times is related to elements of the “human rights backlash” which we continue to experience in many countries, in many communities and their institutions, even in multilateral settings, as evidenced by an unwillingness to address the core funding needs of the human rights “pillar,” member state inattentiveness to legitimate requests for investigations by special rapporteurs and others, even attempts by a shocking number of state officials to link the activities of human rights advocates (and even of professional journalists) to those of the “terrorists.”

Clearly, the world we inhabit needs a full reset beyond truces, beyond grudging or even self-interested suspensions of hostilities. Such may well be helpful preconditions for the pursuit of security which simply cannot be obtained at the point of a gun. But the security that so many in this world seek remains too-often elusive despite these often-unstable agreements, including people whose farmlands have dried out or flooded, people forced into poverty, displacement and despair by armed violence and abusive forms of governance, people made vulnerable to the lies and allures of armed groups and traffickers, people who find that they can no longer trust their neighbors or inspire trust from them, people betrayed by officials whose hearts have long-since hardened to their pleas for help. These are just some of the people in our fragmented world whose rights deficits are tied in part to our weapons and power-related addictions but more to our failures as people to soften our hearts and raise our voices to the challenges it is still within our capacity to meet.

The Universal Declaration does not, as many readers know well, dwell on weapons or other security concerns. But it does define the tenets of a sustainable human dignity, the rights that give people the best chance to pursue lives in

Shaping a World of Freedoms: 75 Years of Legacy and Impact of the
Universal Declaration of Human Rights

keeping with their aspirations beyond their mere survival. It reminds us, as does the New Agenda more explicitly (p.3) that “war is a choice;” indeed is a series of choices by states and communities to invest in the carnage of ever more sophisticated weaponry and the coercive humiliation which flows from the deployment of such weaponry rather than in ensuring a sustainable future for all our people. Those many activists and policy leaders who put their own lives on the line to protect the rights of others know how much of our current security policy and architecture continues to lead us down paths of ruin. If the New Agenda is truly to be “new,” it must inspire commitment to find the inner resources needed for more sustainable outer actions that, as with the Universal Declaration, keep dignity at the very top of our conflict prevention and human rights menu.

HUMAN RIGHTS DEVELOPMENTS AND CONCERNS BETWEEN THE CODE OF HAMMURABI AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Bogdan Liviu Ciucă¹

In between the annual celebrations of significant steps in the defence of fundamental human rights, there is real life that is consumed every day and that confirms or denies the usefulness of these steps. The assessment of the influence of normative acts on the subject, the need for spiritualization and cultural formation of society and the individual, the analysis of the "new man" and the effect of artificial intelligence in the field of human rights, remain obligatory and constant approaches in a system that is in constant transformation.

Introductory elements

Adopted on 10 December 1948 - the Universal Declaration of Human Rights, marks an assumed concern of the signatory states for the fundamental rights and freedoms of all people. At the same time, the Declaration itself is an acknowledgement of vulnerabilities and abuses in this area. Signed at the Palais Chaillot, the document has been translated into over 500 languages and promotes a common standard for the universal protection of fundamental human rights.

In this study, we believe that it is necessary to evaluate the evolution or regression of the respect for human rights, research on the period up to the signing of the Declaration and after its assumption as an official document and necessary to combat atrocities such as those generated by the Second World War. An analysis of the relevant normative acts is thus required, starting with the Codex Hammurabi, Ancient Greek legislation, Roman laws, the Habeas Corpus Act in England, the Declaration of Independence in the U.S.A., as well as the French Declaration of the Rights of Man and of the Citizen.

We believe that it is time, with the celebration of 70 years, to try to address the influence of Artificial Intelligence and digitization on human rights, as well as the evolution of this system, the identification of new rights in line

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with the requirements of the 21st century and the development of effective mechanisms to defend them.

Human rights - an evolving system

In an excellent work published by the Romanian Institute for Human Rights, the author prof. Moroianu Zlătescu (2007) expresses her concern for the evolution of new information and communication technologies, terrorism, environmental rights, demographic pollution and the social environment in relation to the evolution of human rights at the beginning of this millennium. In particular, together with other authors, Prof. Univ. Moroianu Zlătescu outlines the theory accepted by jurisprudence that fundamental human rights represent an evolving system of values and, in light of this conclusion, it would be necessary to identify mechanisms that can effectively guarantee their protection. In our advocacy of the evolving concept of human rights, it is necessary to return to the scripturally marked genesis of human rights concerns.

Trying to go beyond the philosophical or religious currents in the matter we will only recall the commandment found in the Holy Scripture, Mark 12:31 which exhorts "You shall love your neighbour as yourself" . Appreciating that in the 9 words of the verse lies the essence of the respect for human rights, having as its source the love of one's neighbour and not only the corrective and coercive effect of the law, we will recall in the present research only the written testimony of concern for the human being that we find in the Code of Hammurabi, some 1700 years before Christ, we will highlight the decree of Cyrus the Great who, after conquering Babylon, granted the Jewish people the freedom to worship God and practice their own religion, the Indian epics, Buddhist thought, the Confucian approach and the theories promoted by Greek philosophers such as Pythagoras, Plato and Aristotle.

Thus, we mention - the consecration of women's rights, the prohibition of torture and the conditions of a fair trial by Codex Hammurabi, the appearance in 451 BC of the Law of the XII Tables, a Roman law that mentioned the right to freedom, property and the unprecedented right to happiness. It should be pointed out that these rights, mentioned in the above-mentioned normative acts, were often distinctly referred to certain social categories.

The appearance in 1215 of the "Magna Charta", followed in England in 1679 by the Habeas Corpus Act, brought into the public arena the support - rights for the nobility, rights for the common people and the rights of the imprisoned to be legally tried.

The end of the 18th century signals articulate and concrete concerns for the protection of human rights through the U.S. Declaration of Independence in 1776, the U.S. Constitution adopted in 1791, the Declaration of the Rights of Man and of the Citizen in France in 1789.

The end of the Second World War in 1945 brought the creation of into the public arena and public concern of the United Nations, with the aim of preventing future conflicts and preventing the atrocities committed during the war that had just ended.

Human rights and the need for spirituality

Every year, public authorities, legal professionals, religious cults and non-governmental organisations mark the anniversary of the signing and adoption of the Universal Declaration of Human Rights.

The Declaration mentions both achievements in this field and some events, concrete cases and statistical data that show that the principles and values required by the Declaration are not applied in practice.

This year, the approach will probably be almost similar. In this context, we believe that it would also be worthwhile to mark new approaches, driven by elements related to innovative technological tools, the application of artificial intelligence and global or regional events that have marked and tested the obligations undertaken by the signatory states of the Declaration.

Perhaps this year we should return to the need for human spiritualization, to a "plea for rediscovering the religious roots of man's presence in the world" (Roman Patapievič 2020).

Perhaps this year we should ponder the words of Friedrich August Hayek (b. 8 May 1899 , Vienna, Austro-Hungary – d. 23 March 1992, Freiburg im Breisgau, Germania) who argued that "We live in a time when most of the movements considered progressive envisage further encroachments on individual liberties".

Perhaps we should take this opportunity to remind ourselves that the The Universal Declaration of Human Rights (UDHR 1948), the European Convention on Human Rights and Fundamental Freedoms (Council of Europe 1950), the European Social Charter (Council of Europe 1961), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe 1987), above reports, mechanisms and institutions of implementation and supervision, is the corrective and coercive role of the law, the foundation of genuine respect for human rights is the love of one's neighbour, faith in God and conscience which represents, as the Romanian philosopher Petre Tuțea said, "the glimmer of divinity put in us by God".

"Recent Man" and "Decent Society"

Perhaps the "Recent man" proposed by Roman Patapievič (2020), has not confirmed the freedom of conscience and respect for fundamental human rights. Perhaps before managing the horizontal relationship between the members of a community, a society, a city, it would be more useful to meditate on the vertical

relationship with God, who proposed through Jesus, in the biblical text of Mark 12:31, a rule as simple as it is complete "Love your neighbour as yourself". In an exercise of imagination and legislative efficiency, if we were to try to reduce the text of the Universal Declaration of Human Rights to a single line and a single sentence, we believe that the biblical text quoted above would be a complete and sufficient solution. Taking a further step in our exercise of imagination and attempting a contextual analysis, we would realise that in practice the value of this new imaginative text of the Declaration lies in the authenticity of the source that generates respect for human rights, namely "love of our neighbour". The perennality and actuality of the commandment as spoken by Jesus is generated by the fact that the exhortation is not tied to a context, a place, a concrete and transient case. The value of the commandment lies in what it generates in its observance.

Can the concept of "decent society" imagined by Avishai (1996) or that of "political correctness" addressed by Bloom (2012) in *The Closing of the American Mind* satisfy us from this perspective? In fact, both concepts, together with those such as "the fanaticism of good intentions, positive discrimination, the deprivation of children's rights in the name of the injustices their parents may have committed in the past, judging people by their records (i.e. by the social, ethnic or religious group to which they belong) are provocatively presented in the book *Recent Man* by its author Patapievici (2020). Somehow, we sense and fear that by justifying the general good we can mask actions of unloving those around us, moments of "forgetting" the love to which the Saviour urges us. Somehow, we realize that any source of respect for human rights becomes in this context a necessary but imperfect one, a substitute source compared to the authentic one represented by love. In a paper entitled "The Abuses of a New Testament Expression 'As unto the Lord' and the Obligations of the Superior, the author prof. univ. Moț (2015) mentions the expression "As for the Lord" as an imperative of quality and as an ethic of adequate remuneration, and the author Dr. Burcea (2015) in the paper "Ethical, managerial and religious elements seen from the perspective of religious freedom, proposes a study on the influence of economic aspects and ethics in business on the respect of fundamental human rights.

Conclusions

The process of producing this short piece has challenged me and proposed questions that I still do not have an answer to. I concluded that as we know the values and the way to respect these fundamental values enshrined in the Universal Declaration of Human Rights, they are influenced by external factors, by the geo-political context, by the motivation of "political correctness". We have found, however, that if what we do and believe we "do as unto the Lord" and is born of love, the many unanswered questions disappear.

Human Rights Developments and Concerns
Between The Code of Hammurabi and the Universal Declaration of Human Rights

I realised on that occasion that I cannot know how we will celebrate the Declaration next year, nor what approaches and themes will be proposed on that occasion. I realized that the world is imperfect, that the relationship between people is imperfect and that often our relationship to God is imperfect. It is in this imperfect context that I find myself and my neighbour. I realised that healing lies in the restoration of my relationship and that of each of us to God and thus in loving our neighbour. I finally asked myself whether in a world dominated by love there would be a need for regulations and declarations of respect for human rights, and I realized that in our world, in the real world, there is a need for these defence mechanisms.

We celebrate the 75th anniversary of the Universal Declaration of Human Rights, we are glad it exists and saddened that it is needed.

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THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND INDIGENOUS PEOPLES

Joshua Cooper¹

The power of the Universal Declaration is the power of ideas to change the world. It inspires us to continue working to ensure all people can gain freedom, equality and dignity. The UDHR is a blueprint for a better world. Each article builds a moral architecture to achieve equality and equity. The UDHR outlines the opportunities for a new direction rooted in the inherent dignity and inalienable rights for dynamic, sustainable development and social democracy. The UDHR is a foundation for our human family built on pillars of mutual respect, multilateralism, peace and rights.

While Indigenous Peoples appreciate all 30 articles of the UDHR contributing to a new cosmology for global civil society, decades after its adoption, the reality for Indigenous Peoples confronting colonialism, corporatization, carbonization and centralization under an often discriminatory state system was adding a new chapter for humanity.

The UDHR was created to provide transformative tools for people to defend themselves against their own governments, forgetting their legal obligations to their own citizens and to confirm a global spirit of solidarity to stand up for one another whenever and wherever rights are violated worldwide. The promotion and protection of human rights are the foundation of freedom, dignity, justice and holistic peace for all people on our common planet. Human rights are the language of liberation and core common values spanning every culture and continent, uniting humanity.

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To build on the legacy of human liberation in the UDHR, Indigenous Peoples began raising visions of rights and responsibilities in struggles for self-determination in their ancestral homelands and presenting a unified voice rooted in common and shared values of love for our natural world at the United Nations. The UDHR was a base along with the various covenants and conventions over the decades. Through the United Nations observations of days and decades and annual meetings in global human rights charter bodies, Indigenous Peoples crafted a UN Declaration on the Rights of Indigenous Peoples. Each of the 46 articles illustrates a prejudicial practice and dastardly discrimination Indigenous Peoples confront daily.

The UDHR and UNDRIP provide a global standard for good and social justice that outlines how to organize to ensure equality and equity for all. The UDHR and UNDRIP demand that governments fulfill their role as duty bearers and freedom guarantors to humanity as rights holders. Both provide a blueprint to build bold bridges among society that are beautiful and better than before, creating a vibrant global civil society of mutual respect.

The 75th commemoration of the UDHR offers an opportunity for a conversation and coordinated campaign to rekindle the flame of freedom for Indigenous Peoples across the planet and to renew commitment to fostering a culture of human rights for all future generations.

The UDHR and UNDRIP call for a coalition of conscience centered around trust and transformation while honoring values, voice and vision. Both declarations are manifestos for a global movement guaranteeing a minimum standard for social cohesion, creating a culture of rights and freedoms for all. The UDHR and UNDRIP are a floor of freedom that humanity never falls below. Both are heavenly horizons capturing aspirations for all to achieve a life of liberation and dignity.

Indigenous Peoples advocacy and activism are anchored in dedication to individual rights, collective dignity and our common earth democracy. The UNDRIP reinforces and motivates the global Indigenous rights movement to achieve a common understanding and unity to actualize the articles of the UDHR together in our daily lives.

The UDHR and UNDRIP mainstream the universal values and nurture among all nations a path forward for peace, climate justice, gender equality, disaster reduction, municipal multilateralism and sustainable development for all.

THE IMPORTANCE OF THE PRINCIPLE OF PRESUMPTION OF INNOCENCE

Nicoleta-Elena Hegheș¹

The present study aims to analyze the concept of presumption of innocence and the importance of the principle of presumption of innocence in Romanian criminal procedural law, also reported to the aspects related to this subject within the scope of the regulations of art. 11 of the Universal Declaration of Human Rights. The presumption of innocence will be presented in a general way, starting from the definition, explaining the terminology of this concept and analyzing its history and evolution, emphasizing the importance of this principle. Human rights are fundamental values of the entire international community. Human rights are essential for ensuring economic development as well as democracy and peace in the world. International human rights instruments, in particular the Universal Declaration of Human Rights, provide for a series of fundamental rights that are related to the criminal process, as well as the humanitarian values that accompany them regarding the inherent rights of people in their capacity as human beings to integrity physics, freedom and self-determination. All this sets the limits of what a state can do in order to carry out the criminal investigation, trial, conviction and punishment of the perpetrators and therefore in order to achieve the security of society as a whole. The presumption of innocence is a basic rule in the conduct of the criminal process and at the same time, through its implications, it represents one of the fundamental human rights. Thus, can be explained the inscription of this principle in a series of international law documents that aim at the fundamental rights of each person, particularly in the Universal Declaration of Human Rights. At the global level, despite the progress made in the last decades in several fields, human rights face multiple challenges.

Any attempt at a “secular” determination of the term presumption could not ignore the fact that, usually, it signifies the formation of an opinion based on

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apparent facts, on hypotheses, on deductions, that the presumption is a supposition, an assumption, the recognition of a fact as authentic until proven otherwise (Deleanu and Mărgineanu 1981, 9). Disregarding book analogies and synonyms or demonstrating affective states, presumption should be inscribed in the semantic field of assumption, supposition, hypothesis, induction, deduction etc., because it, without identifying itself with these concepts, is something of each. In the legal sense, the presumption has a specific and at the same time nuanced determination, depending on the role it has to fulfill: instrument of legislative technique, rule of law or means of probation.

As a means of proof, the presumption involves a double displacement of the object of evidence: once from the unknown fact generating rights - difficult or impossible to prove, to a fact neighboring and connected to it, also unknown - but easy or easier to prove – and once from this adjacent and connected fact to an evidential fact. Some authors (Stoenescu and Zilberstein 1977, 395) contest the character of presumptions as means of proof. Being obliged to discover the relations between the parties, the judge must resort to the means of proof and, apart from direct evidence, he is often obliged to resort to indirect evidence, that is, to start from related evidentiary facts so that, by way of reasoning, to establish the existence or non-existence of the main fact that is the subject of the dispute.

Although the presumption is the result of reasoning, this does not prevent it from being considered evidence, since all evidence, except material evidence, is the result of reasoning. In the case of presumptions, the judge makes a double reasoning. First, from the knowledge of the direct evidence, the judge induces, through a first reasoning, the existence in the past of a certain fact - neighboring and connected with the fact generating rights - and then, from the knowledge of the neighboring and related fact, he induces the existence of the fact generating rights, due to the connection between these two facts. In the case of legal presumptions, the second reasoning is not the work of the judge, but is imposed on him by the law (Ionașcu 1969, 285-286). The presumption of innocence is legal - is expressly provided for in the law, and relative - is possible to overturn it. It is the reasonable presumption that a person is presumed innocent until proven guilty. In essence, according to this presumption, raised to the rank of principle, any person is considered innocent until his guilt is established by a final criminal decision.

Historically, although unsuccessful attempts have been made to identify the presumption of innocence in the ancient period of Roman law (Bauzon 2003-2004, 25 et seq. cited by Pușcașu 2010, 11) or in the medieval period (Bernard, 2003-2004, 36 et seq. cited by Pușcașu 2010, 11), or it was even deduced from the English acts protecting some fundamental rights (Décamps 1999, 9 cited by Pușcașu 2010, 11), the first legal consecration (Batia and Pizzo, 9 cited by Pușcașu 2010, 11 -12) modern presumption of innocence can be identified in the Declaration of Human and Citizen Rights from 1789, as a

reaction against the excessive and abusive use of preventive arrest, which facilitated the use of torture (Decamps 1999, 5 cited by Pușcașu 2010, 11).

After this moment, however, the presumption of innocence did not experience a period of wide recognition, its assertion being widely criticized by currents of anthropological and positivist schools. The troubled period of contesting the presumption of innocence was also prolonged in the 20th Century, the establishment of totalitarian regimes bringing, in a normative plan, the disregard of this norm. The revival of the presumption of innocence began with the end of the Second World War, when international and regional legal instruments were adopted to protect it (Pușcașu 2010, 12-13).

A definition of the presumption of innocence is difficult to outline, due to the implications that this principle has on the conduct of the entire criminal process. The presumption of innocence is the principle according to which, until the final judgment of conviction, the person is considered *a priori* innocent. In all courses on the general theory of law, the theoretical and practical importance of studying the principles of law, but also the correlation of legal norms with ethical norms, is analyzed and emphasized (Ștefan 2017, 95). The general principles of law are the guiding ideas of the entire legal system, which guide the activity of drafting the law and its application (Boghirnea 2023, 55).

The Constitutional Court of Romania by Decision no. 815/2006 regarding the exception of unconstitutionality of the provisions of art. 500 of the Criminal Procedure Code, published in Official Gazette no. 39 of January 18, 2007 defines the Presumption of Innocence and, at the same time, provides them with guidelines regarding compliance with the guarantees conferred by this principle “(...) the Court considers that the Presumption of Innocence is the right of a person who is accused in criminal matter to be considered innocent until convicted by a final judgment. This principle requires the members of a tribunal not to start from the preconceived idea that the person sent to court committed the incriminated act, the burden of proof falling on the prosecution, and the accused benefiting from the doubt. In essence, the presumption of innocence tends to protect the person under investigation from committing a criminal act against a verdict of guilt that has not been legally established”.

The presumption of innocence is the corollary of the procedural rights of the suspected or accused person. Naturally, within the European Union it is of particular importance, as a complementary element of the European Convention for the Protection of Human Rights and Fundamental Freedoms the existence of Union standards that guarantee the protection of these procedural rights to be implemented and executed correctly in member states (Bitanga, Franguloiu and Sanchez-Hermosilla 2018, 80, 87). Its main object is to ensure the protection of the individual against any arbitrariness by guaranteeing individual freedom, stimulating the search for truth in judicial activity and avoiding risks that easily root the belief that the person against whom a criminal action is being taken is guilty (Volonciu 1998, 121).

Deriving from the purpose of the criminal proceedings, the presumption of innocence constitutes the basis of the procedural rights granted to the suspect or defendant. In this sense, the judicial bodies - those for criminal prosecution or the court, must respect the fact that the simple accusation does not undoubtedly lead to the establishment of guilt. In the terminology of criminal law, the principle of the presumption of innocence was established with favorable effects on the author of the illegal act, the law obliging the criminal investigation body to remove the effects of the presumption through evidence (Tănăsescu, Tănăsescu and Tănăsescu 2010, 73).

This principle has a universal vocation, being one of the fundamental human rights, it appears in the American Declaration of Independence from 1776, in the Declaration of the Rights of Man and of the Citizen from 1789 and in the Universal Declaration of Human Rights from 1948. In art. 11 of this declaration states that: “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence”. (Buneci 2008, 45). The presumption of innocence was imposed as a reaction against the fascist regimes, after the Second World War, on the international level being included in several documents, among which are: the Universal Declaration of Human Rights adopted by the General Assembly of the Organization of Nations United on December 10, 1948 and the International Covenant on Civil and Political Rights, adopted by the same forum on December 16, 1966, etc. In 1950, based on the Universal Declaration of Human Rights, the members of the Council of Europe adopted the Convention for the Protection of Human Rights and Fundamental Freedoms, the presumption of innocence being provided for in art. 6 point 2 thereof.

From the perspective of the Romanian legal system, the biggest interest are the regulations of the Convention signed in Rome on November 4, 1950 – the reference instrument for the defense of human rights, the European Court of Human Rights being established within the Council of Europe, a mandatory jurisdictional body. The Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Romania through Law no. 30/1994, published in Official Gazette no. 135 of May 31, 1994 (for more details see Corlăţean 2015; Vâlcu and Marinescu 2016).

The Universal Declaration of Human Rights is not a legal act, it does not have the legal force of a treaty. However, over the time since its adoption, it has been used as a reference document that includes the minimum standards in the field of human rights. The text of the Declaration imposed itself as including the international community's conception in this sense, being invoked whenever there were flagrant violations of these rights. As such, perhaps rightly so, it has been considered part of customary international law (Kiss 1988, 51).

It was a reaction of the international community, which had in mind the war crimes, crimes against peace and crimes against humanity committed under

the Hitler regime, organized by the Nazi leaders and carried out by those who sat on the dock of the Nuremberg prosecution in 1945-1946 (Doltu 1978, 75).

The presumption of innocence entered in Romanian legislation through Decree no. 212 of 1974 adopting the International Covenant on Civil and Political Rights, then it was reconfirmed through Law no. 30 of May 18, 1994 by which Romania ratified the Convention for the Protection of Human Rights and Fundamental Freedoms and the additional protocols to this Convention.

At the time of the appearance of the Romanian Criminal Procedure Code (1968, currently abrogated), the non-existence of a text with principle value in the opening of the General Part of the Code, which enshrines the presumption of innocence, led doctrinaires to consider that we are in the presence of either of a simple rule of probation, or, at most, of a principle specific to the matter of probation and not procedural-criminal law in general (Mateuț 2000, 62 cited by Pușcașu 2010, 12). From this moment, however, the presumption of innocence experienced a remarkable rise in terms of its importance, being recognized, even in the period before 1989, as an implicit principle of the entire process, worthy of being put on the same level as the other general principles of criminal procedure (Pavel 1978, 9). In this way, this guarantee is also considered in states with a rich tradition in this aspect (Pușcașu 2010, 38).

The presumption of innocence finds its consecration both in the provisions of the Romanian Constitution in art. 23 point 11 called “Individual freedom” – “Any person shall be presumed innocent till found guilty by a final decision of the court”, as well as in the Romanian Criminal Procedure Code.

The express consecration of the presumption of innocence, as a basic rule in the entire criminal process, occurred very late, through Law no. 281/2003 regarding the amendment and completion of the Criminal Procedure Code and some special laws, published in Official Gazette no. 468 of July 1, 2003. Therefore, it was introduced in the Criminal Procedure Code art. 52 which provides “Any person is considered innocent until his guilt is established by a final criminal decision”. The current Code of Criminal Procedure, in turn, provides for the presumption of innocence, in the content of art. 4, paragraph (1) “Any person is considered innocent until his guilt is established by a final criminal decision”.

This principle has a particular theoretical importance and numerous practical implications related to the administration and assessment of evidence. Thus, the Criminal Procedure Code, in the content of art. 4 para. (2), regulates the way in which the evidence must be assessed, precisely in order to be consistent with the respect of the presumption of innocence, thus according to this legal provision after the administration of all the evidence, any doubt in the formation of the conviction of the judicial bodies is interpreted in favor of the suspect or the accused – “After the administration of all the evidence, any doubt in forming the conviction of the judicial bodies is interpreted in favor of the suspect or the accused”. It is about the situation in which the judicial bodies

cannot form their conviction based on the evidence that the suspect or defendant is the perpetrator of the deed.

In Romanian criminal procedural law, the principle of presumption of innocence preserves the content of the previous regulation, but is more complete. The element of novelty is the express provision of the *in dubio pro reo* principle, in para. (2), a necessary provision that requires - from the rank of norm with the value of a fundamental principle - that any doubt that the judicial body has in the formation of its own conviction, after the administration of all the evidence in a criminal case, be interpreted in favor the suspect or the accused. It is a guarantee of compliance with the principle of the presumption of innocence, to which it subsumes.

After all the evidence is administered in the criminal trial – hearing witnesses, hearing the suspect or the defendant, hearing the injured person or the civil party, conducting computer searches, obtaining data on financial transactions, using undercover investigators etc. and there is still a doubt as to the guilt of the suspect or defendant, this shall always be in his favor. However, if the prosecutor handling the case goes beyond these aspects and considers that there is sufficient evidence of guilt - indirect evidence and sends the file to court, the judge who will hear the case on the merits will be able to order a conviction solution only in the situation where he is convinced that the accusation was proven by the criminal investigation body beyond any reasonable doubt and that there is no doubt as to the commission of the crime by the defendant - art. 396 para. (2) Romanian Criminal Procedure Code (Buneci 2022a, 31; see also Cotoi and Brutaru 2013, 4, 8 et seq.).

The Constitutional Court, by Decision no. 46/2016, published in Official Gazette no. 323 of April 27, 2016, showed that the standard of evidence beyond any reasonable doubt from the provisions of art. 396 para. (2) The Romanian Criminal Procedure Code constitutes a procedural guarantee of finding out the truth and, implicitly, of the right to a fair trial. Also, this standard ensures the observance of the presumption of innocence until the moment the judge assumes the conviction regarding the defendant's guilt, beyond any reasonable doubt, an assumption made concrete by the pronouncement of the judicial decision of conviction. The Constitutional Court also showed, through Decision no. 217/2017, published in Official Gazette no. 617 of July 31, 2017, that the adoption in the continental system of the standard probation beyond any reasonable doubt, specific to adversarial systems, is the result of the tendency to objectify the standard of the intimate conviction of the judge which, in its essence, presupposes an appreciable degree of subjectivity (Buneci 2022b, 247). The presumption of innocence is a principle of criminal law and especially of criminal procedure. Directly looking at the rules for establishing a person's guilt - beyond reasonable doubt, with the burden of proof on the accusation, as well as their rights, to silence and non-self-incrimination, not to be subjected to restrictive measures or deprivation of anticipated rights and freedoms or abusive

towards the bodies with a direct or indirect role in his accusation - the presumption of innocence is especially a principle that produces the most important consequences in the sphere of criminal proceedings (Pușcașu 2010, 41). The *in dubio pro reo* rule is a complement to the presumption of innocence, an institutional principle that reflects the way in which the principle of finding the truth is found in the matter of probation. It is explained by the fact that, to the extent that the evidence administered to support the guilt of the accused contains doubtful information precisely regarding the guilt of the perpetrator in connection with the imputed act, the criminal judicial authorities cannot form a conviction that constitutes a certainty and therefore, they must conclude in favor of the accused's innocence and acquit him. Before being a question of law, the *in dubio pro reo* rule it's a matter of fact. The implementation of criminal justice requires that judges do not base their judgments on probability, but on the certainty acquired on the basis of decisive, complete, reliable evidence, able to reflect the objective reality - the deed subject to judgment. This is the only way to form the conviction, stemming from the evidence administered in the case, that the objective reality (the fact subject to judgment) is, unequivocally, the one depicted by the ideologically reconstructed reality with the help of the evidence. Even if in fact evidence has been given in support of the accusation, and other evidence is not visible or simply does not exist, and yet the doubt persists as to the guilt, then the doubt is "equivalent to a positive proof of innocence" and therefore the defendant must be acquitted – Bucharest Court of Appeal, 2nd Criminal Section, Decision no. 1342/2018 of October 19, 2018 (Buneci 2022a, 31-32).

The principle has a universal vocation. It assumes that, until the final judgment of conviction, the person is considered innocent. Thus, the principle of the presumption of innocence tends to protect a person accused of committing a criminal act against a verdict of guilt that has not been legally established, the essential purpose of the presumption being to prevent any national authority from issuing opinions according to which the applicant would be guilty before he was convicted according to the law - Judgment of February 10, 1995 pronounced in the Case of *Alenet de Ribemont v. France*, par. 35; The judgment of March 4, 2008 pronounced in the Case of *Samoilă and Cionca v. Romania*, par. 91 (Buneci, 2022a, 30).

The burden of proof in criminal proceedings lies mainly with the prosecutor. The suspect and the defendant are not obliged to prove their innocence motivated by the fact that they benefit from the analyzed principle.

Presumption of innocence is not an ordinary presumption in which the basic facts are proven and the presumed facts are taken as proven (Holland and Chamberlin 1973, 147-148).

The principle of the presumption of innocence can produce effects until the moment when a definitive solution of conviction, of waiving the application of the penalty or of postponing the application of the penalty is pronounced.

In conclusion, we emphasize the fact that the Presumption of Innocence, due to the consequences it has at the level of all criminal procedural institutions, fully deserves its role as a fundamental principle of the criminal proceedings. In order for it to be recognized and applied to its true value, it will be the responsibility of the legislator to perfect the criminal procedural norms, so that there are real guarantees of the principle of the presumption of innocence, but also sanctions for those who do not comply.

The presumption of innocence is a legal principle that must benefit a person suspected or accused of committing a crime. Also, by virtue of the principle of presumption of innocence, that person must be considered and treated as an innocent person and benefit from the right to remain silent, having no obligations in the criminal proceedings to support his innocence. An accused person has the right to enjoy the presumption of innocence throughout the entire criminal process, until the judgment rendered by the court remains final. Also, the presumption of innocence obliges the court charged with judging the case not to start from the preconceived idea that the person sent to court committed the incriminated act or is guilty within the meaning of the criminal law.

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The Importance of the Principle of Presumption of Innocence

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HUMAN RIGHTS ADVOCACY: A PRACTITIONER'S GUIDE

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Twenty-five years ago this year, I wrote an article for the now-folded Christian Social Action magazine, a publication of my organization, the General Board of Church and Society of The United Methodist Church. Today, on the 75th anniversary of the Universal Declaration of Human Rights, I revisited and revised that article. Much of what I said then remains, including the nature of the article, which was written with the human rights organizer, monitor, activist, and educator in mind. As the author, I represent a religious NGO at the United Nations, and my understanding of human rights, human rights advocacy, and the human rights movement is shaped by certain religious and theological understandings. What follows are propositions that are handier to a faith-based human rights activist than a human rights theorist. They have nurtured me to be a human rights advocate for the last four decades.

What is human dignity? What is the relation of human dignity to human rights?

My Christian religious and theological training and ministry primarily influenced my understanding of human rights. That understanding begins with the assertion that all humans are born with dignity. Human dignity is inherent and inborn. Human dignity is the sum total of all human rights. Human rights are those claims that we assert to express this wholeness, which is human dignity. Human rights are products of struggles to affirm human dignity. Human rights are the protections we give to human dignity. They are protections that governments

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swear to guarantee and safeguard through international norms and standards. That is why we say governments are duty bearers and people are rights holders.

Human dignity is inalienable and indivisible; it is what makes humans whole. That wholeness is inherent in all human beings. Human beings derive their human rights from their continued affirmation of human dignity. Human rights, specifically human rights laws, are the protections we give to that dignity.

The human rights struggle is the human effort to participate in making God's people whole. This struggle is a conscious human act whereby human beings not only discern but live out human dignity. Adopting the Universal Declaration of Human Rights (UDHR) in 1948, seventy-five years ago this year, is one example of a conscious human struggle to inscribe how we should treat fellow human beings through the protections that human rights laws afford. The UDHR contains what is now cited as the basic enumeration of universal civil, political, social, economic and cultural rights from which subsequent treaties, covenants, protocols, and conventions have been drawn and enacted. Human dignity cannot be legislated, adjudicated and enforced, but human rights can be, in the form of codified norms and standards called international human rights laws. Thus, through various levels of treaty-making, mainly through the United Nations, the human rights regime today includes the International Bill of Human Rights, composed of the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights and its Optional Protocol. The body of international human rights laws continues to grow as the human rights movement and the human rights struggles continue to raise awareness for what and who else needs protection. Today, the right to development, the right to peace, and the right of future generations are generating greater interest among legal experts and activists alike, and someday, sooner rather than later, they may be codified into law.

There are also regional human rights bodies and instruments: the European Human Rights Commission of the Council of Europe, the Inter-American Commission on Human Rights of the Organization of American States, and the African Charter on Human and Peoples' Rights. There is no equivalent human rights mechanism in the Asia Pacific region, although the non-governmental Asian Human Rights Commission led the creation in 1986 of the Asian Human Rights Charter. A more formal instrument called the ASEAN Human Rights Declaration was adopted in 2012 for the countries that are members of the Association of Southeast Asian Nations (ASEAN). This author was a civil society participant in earlier efforts to draft this instrument.

What is this debate on the “universality” of human rights?

Human rights are increasingly being internationalized by enacting human rights instruments whose applications are designed to be international in scope. As human rights instruments are adopted, and more states adopt them, a global human rights regime is established. That human rights are for everyone is a claim that is increasingly being universally realized. International human rights principles and standards are becoming a matter of global expectation, and obligations to human rights norms have increasingly been defined for state and non-state actors, including business and transnational corporations.

The internationalization of human rights instruments differs from the universalization of human rights. The internationalization of human rights instruments implies the increasing enactment of human rights laws and the increased accession of nation-states to the same instruments. Universalizing human rights points to a world imbibing a human rights culture and living out the values that undergird human rights. On this, the record needs improvement. While sophisticated human rights instruments are already in place, they are often hampered by enormous disregard and violation by governments and non-state actors.

Human rights do not derive their “universal” character from human dignity's inherent and indivisible nature. Universalization results from an increasing community and societal recognition of human rights. Universality does not come ahead of a struggle. Struggles are waged to strike a common, universal standard of human rights. The human rights struggle signifies this contextually specific but universalizing process.

Even with increasing assertions by states of their sovereignty, international human rights laws are reminders of state obligations to their citizens. The enactment of human rights laws by various treaty-making bodies, especially the United Nations and regional bodies, and more importantly, the human rights work of multiple monitors, activists, and NGOs worldwide, are the best examples of this internationalization process.

How can we protect human rights? What is the role of a human rights movement?

International recognition and affirmation of human rights are not guarantees to national practice and implementation. Human rights become meaningful only through national observance and protection. For international human rights laws to be significant on the ground and in the lives of peoples and communities, they must be expressed in municipal (domestic, national) laws. They must be incorporated into countries' fundamental laws, constitutions and charters through ratification. One recent trend resulting from increased awareness of human rights and the laws that protect them is their adoption in local

governments--villages, cities, towns, and states. Such adoption is not equivalent to the ratification by a UN member state. Still, it is a symbolic expression of support for international human rights laws that one country's locality wants to implement.

Commitment to human rights principles is different from actual implementation. A commitment to human rights must go together with a detailed program to implement it. This is why it is important to have organizations monitor a government's adherence to human rights, both those that governments have ratified and those that remain ratified. Human rights work is most effective only when it finds a movement to rally and monitor their implementation. It is a human rights movement -- , the organized expression of human rights work -- that ensures timely and relevant response and action to when and where human rights are threatened and violated.

The human rights movement must endeavor to be holistic. It must be a movement able to integrate the social, economic, political, cultural, ecological, spiritual, and even personal struggles into one whole human struggle for liberation. Such is the substance of human rights work.

Is there such a thing as a human rights perspective?

The human rights struggle, and hence the human rights movement, is shaped and reshaped by the historical processes and the lived experience of people and their organizations in given localities and historical junctures. Human rights movements that matter on the ground partake in historical struggles for human liberation and social transformation. The specificity of these struggles shapes the nature and character of the human rights campaigns in such settings.

Consider, for example, the following: 1) When we affirm that human rights are about *the* struggle, we are underscoring the importance and the urgency of the struggle; 2) When we affirm human rights *as* the struggle, we are underscoring the historical orientation and the strategic bias of the human rights struggle; 3) When we affirm human rights *in* the struggle, we are underscoring the role of human rights as values in the struggle; and 4) When we affirm human rights as *a* struggle, we underscore the fact that while human rights must be a universal and a collective concern, it is as well a personal project. It takes a personal commitment to participate in active human rights work. To be engaged in the human rights struggle is a personal decision one takes.

Is there a human rights stance, bias and commitment?

There is, and there must be, a human rights bias. Human rights work cannot afford to be neutral in the context of flagrant violation of the rights of many who experience impoverization and disempowerment. This bias is for those who

need more energy, time and resources to fight for their rights in the courts of law and the corridors of power.

The human rights movement is, first and foremost, for those whose rights are violated. It makes no sense to advocate for human rights without taking on the fight for those whose rights are violated. The human rights movement wages human rights campaigns so that those who must attend to their farms and till their soil or be in the factory oiling the machines of production will have their rights protected, and when violated, they will have advocates in the courts of law and the public square. The human rights movement is for women, children, the youth, and all populations and sectors, like indigenous peoples and migrants, whose vulnerability to human rights violations remains high. Human rights organizations and monitors must be ready to lend energy, time, and resources to those whose human rights are imperiled. A human rights violation anywhere is a threat to human rights everywhere.

A fundamental dynamic of a human rights movement is *commitment*. It is not enough that one knows what human rights are. It is more important that the movement and its actors commit to protecting and promoting them. And when such rights are violated, the movement must be there to protest such violations and seek their redress. That is the human rights bias and commitment.

How can we organize and nurture a human rights movement?

Growth and consolidation make a solid human rights movement. Participation in the human rights struggle forges unity and nurtures human rights activists. Organizational dynamics must be learned and implemented to develop a reliable organization.

Erich Weingartner, formerly with the Commission of the Churches on International Affairs of the World Council of Churches, who was previously seconded by the ecumenical movement to the U.N. World Food Programme in North Korea, has taught us some human rights organizing tips I share below. In a published WCC booklet, he said, “Human rights are a matter of pragmatics. We may erect theories, philosophies, theologies or ideologies of human rights; we may analyze, classify or rank human rights situations; we may create instruments, standards or legal norms relative to human rights--all of these activities derive their meaning from one and only one determinant: the extent to which they relieve the plight of those who are suffering under the scourge of human rights violations.” This is why we must be involved in human rights work. It’s called the human rights motivation. Effective human rights practices and the lessons learned from these practices help in standard-setting processes.

There is also the question of *agency*--who are we in relation to human rights work? Are we monitors, legal advocates, educators, activists, organizers, solidarity motivators, or state actors? Whoever we are, the most critical agents in

the human rights chain are the victims themselves. We may increasingly erect the pantheon of human rights protections. Still, with effective remedies and redress to human rights violations, such protections will mean more to those whose rights are violated.

What form and type of human rights action we take is a question of effectiveness, timeliness, and appropriateness. These modes of action include monitoring, analysis and interpretation; advocacy; study on specific issues; delegations and fact-finding missions; education and awareness building; representations to governments and intergovernmental agencies; support for action groups; and appeals and public statements. Whatever you do in human rights work, be vigilant and careful as well as practical, organized and professional.

Can human rights be about the environment as well?

Human beings cannot exist apart from their environment. The nexus between human rights and the environment has become increasingly apparent as we confront climate change and other planetary challenges to everyday human existence. Human rights cannot be meaningful apart from the *right to* a safe and sustainable environment and the *right of* environment to its safety, health and sustainability. Human beings and their environment form part of the whole created, if evolved, order. The maintenance of a healthy environment makes life more meaningful to live. What are rights if the environment is in decay? Human beings have the right to a clean, healthy, and balanced environment, even as the environment and the whole planet have the right to be sustainable, viable, and balanced. This understanding of human rights moves us from anthropocentric conceptions to a more cosmological knowledge of human beings' interdependencies with the rest of the planet.

I want to close this article with the warning that any rights talk that excludes the victim is no rights talk. It is the victims of human rights violations for whom human rights advocacy and activism matter the most.

PROTECTING FAITH AND BELIEF:
75 YEARS OF THE UNIVERSAL DECLARATION
OF HUMAN RIGHTS AND THE QUESTIONS
FOR THE FUTURE OF HUMAN RIGHTS

Nelu Burcea¹

Seventy-five years of existence of the Universal Declaration of Human Rights (UDHR) could mean more than history; it can be considered a meaningful inspiration for many generations of people in search of a deeper understanding of the concept of human rights. The legislative systems of more nations, over this time, have begun to mention the idea of human dignity or human rights in the context of the integration of all individuals under the protection of the laws. On December 10, 1948, 50 nations' representatives came together in Paris to adopt the Universal Declaration of Human Rights. Now, there are 193 member states of the UN, all of whom have signed on in agreement with the Universal Declaration of Human Rights (United Nations 2023).

It is significant that a document promoting freedom and peaceful coexistence was released just after the Second World War as a symbol of the rebirth of humanity after a period of worldwide religious and ethnic hatred and crimes against humanity. This document's inception and 75-year history show that regardless of how much humanity can struggle with problems related to the violation of human rights and hatred, there are still multiple chances to overcome the contextual conflict and promote the values of respect and valuing human dignity.

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The Individual Perspective in the Universal Declaration of Human Rights

The UDHR expands the human rights approach by mentioning the right to life, freedom, and security for each person, according to Article 3, and, therefore, the right to seek asylum, according to Article 14, providing protection against individual discrimination. Article 5 prohibits torture and encourages freedom of expression and freedom of conscience and religion, as stipulated in articles 18 and 19. It shields against authoritarian regimes, fostering an environment where diverse opinions and beliefs can be expressed freely without any fear of oppression. Embracing the principles of equality under the law, the UDHR intends to create a world where individuals are free from bias rooted in factors like race or religion. This approach, based on individual ability to decide, offers an advantage to the individual in relation to any institution that could reduce the individual's possibility to decide or put him in contexts of restrictions and persecution regarding his choices made regarding faith or belief.

The UDHR emphasizes each individual's right to freedom of thought and opinion, the freedom to make decisions according to his or her conscience, and to manifest and believe according to individual religious beliefs. This perspective emphasizes the vital importance of the individual constitutional right regarding religion as a personal and consciously assumed decision.

Freedom of Religion - A Cornerstone of Human Rights

The UDHR brings into focus the rights of religious people, offering the perspective to manifest their religion in teaching, practice, worship, and observing their days of worship. According to this perspective, freedom of religion is the right of everyone to choose their beliefs and manifest their religion in accordance with their understanding without discrimination. Article 18 includes this understanding in a large statement standing for the rights of religion. For billions of religious people, the correct understanding of Article 18 brings the knowledge that the free exercise of religion is a cornerstone of modern rights and is considered in many situations to be the foundation of many other rights that support this right. The right of religion would be incomplete without freedom of expression or the right of equality under the law and more. According to Article 18, individuals are protected from discrimination or coercion that comes from choosing their religion or the practice and manifestation of their religion. Articles 2, 7, 9, and 27 are considered useful in understanding the Declaration's protection in safeguarding religious freedom and non-discrimination on religious grounds.

In the 2020 report, for the first time, the Pew Research Center (2020) examined religious restrictions by regime type and found "a strong association between authoritarianism and government restrictions on religion." With all

these very clear provisions of the UDHR, there is a trend of increasing restrictions on religion in many countries, including bans on certain faiths, prohibiting conversions, restricting preaching, or giving preferential treatment to certain religious groups.

Nurturing Human Dignity

The topic of rights and human dignity might be considered today's biggest challenge for many organizations that create legislation and promote or defend human dignity by protecting the individual's rights. In this context, the adoption of the Universal Declaration has been a landmark for the protection of fundamental freedoms. The Universal Declaration of Human Rights has promoted peace, justice, equal rights of men and women, and freedom, despite the differences in the context of political, ideology, religious and cultural background views, or national or social background. All people as human beings are born free, according to the Declaration, and with the same equal opportunities and dignity.

Today, the concept of human rights has developed by applying them in the area of the rights at work, right to education, right to adequate housing, right to food, and right to water to ensure that people can live decently in a dignified life. Unfortunately, conflicts have driven forced displacement across the globe, diminishing the right to dignity of millions of people. As an example, by the end of 2022, 108.4 million people worldwide were displaced by persecution, conflict, violence, or human rights violations. This includes 35.3 million refugees, and 62.5 million internally displaced people (UNHCR 2023), without addressing the problem of poverty that affects millions of people annually (Kofi Tetteh Baah et al. 2023).

Human Rights and Minority Religions

Some religions have focused on promoting religious and moral values beyond a specific territory. They have the disadvantage that there are not many members at the national level, considering their universal and worldwide mission, which puts them at risk of being minorities anywhere in the world. In a period when national and majority religions are in continuous attempts to grab resources and influence laws regarding religious expression, many of these laws might disadvantage religious minorities, and there is a risk that religious minorities without the power of the political will might be permanently exposed to religious discrimination or violence.

The UN Declaration of Human Rights comes to protect religious minorities through Article 18, which says: Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in

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public or private, to manifest his religion or belief in teaching, practice, worship, and observance” (UDHR 1948).

It may be possible for some UN member states to neglect these prescriptions of the UDHR in the effort to protect the national or majority religion and cultural values. The question that remains is how the member states could accommodate the provisions of the Declaration and create an environment conducive to peaceful coexistence and respect for all religions.

Freedom from Torture. A topic still under debate in the 21st century

For centuries, torture represented a way to impose a particular religion or ideology in different territories. The majority of the population embraced a religion that they lived only externally due to fear of torture.

This way of imposing a religion using torture presented several major violations. One issue was forcing the population to embrace a religion against their own free will. This is a violation of the right to freedom of thought, conscience, and religion. There might have been millions of people left without the full experience of religion that was assumed by force but not fully accepted. They could have followed this belief without documentation, without fully understanding their choices, and without the opportunity to debate and question.

It is certain that the most exposed to torture were those who wanted to express their displeasure with the religion imposed by the majority religions or by the lord of the land. They were exposed to the most inhuman ways of reneging and returning to the religion imposed in that territory. Millions of examples are easy to find, including in the history of most European countries, even in the not-too-distant history, and can still be found in many other countries where democracy and religious expression are not accepted and are even punished with death. People do not enjoy the freedom to change their religion or belief, and the freedom of expression in public or private is punished, and the manifestation of another religion or belief in teaching, practice, worship, and observance is almost impossible to achieve.

The question that remains is whether the principles promoted by this declaration could be respected by all UN member states to ensure that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"? An example could be regarding the right to life. According to the World Coalition Against the Death Penalty (2023), a total of 144 countries have abolished the death penalty in law or practice, but 55 countries and territories still uphold and use the death penalty. The United Nations Committee against Torture (2023) works to hold States accountable for human rights violations, systematically investigating reports of torture in order to stop and prevent this practice. The elimination of torture and the application of the Declaration of Human Rights should be a priority of the member states in protecting the dignity

of each person, offering the freedom of religious expression to any person who lives even temporarily in their region.

Questioning the Future of Human Rights

In the context of growing social inequalities, human rights face an increased challenge. Although the last 75 years seem to have intensified the challenge of human rights and human dignity, the situations that threaten these values seem to have intensified as well. We live in the context of unprecedented technological development, and with all this, the discrepancies between the rich and the poor world are getting bigger, and the lack of access to technology puts a large part of the population in a position of inferiority, which sinks into extreme poverty. Performance and helplessness are part of the daily picture that we see at the international level, and we wonder what the future will look like in terms of peace, the well-being of freedom, and human rights. Artificial intelligence, which brings great hope in the area of scientific research, amplifies this discrepancy in the lack of equal opportunities for people from different continents and different social backgrounds.

Questions remain about the religious landscape and the freedom of religion. The principles of this Declaration, which these days celebrates 75 years of existence, are embraced by religious minorities in the hope that something significant can change in their society and that these religious minorities could live in a normal world based on respect and rights and equal access to resources and participate in decisions that can affect them or help them to be active members in their society. Ancient conflicts are still raging in many parts of the world, and hate speech is probably amplified due to access to social networks where every individual, under a pseudonym or real name, can attack anyone without limits.

The exclusive competence to ensure the application of the principles of human rights, as stipulated in the Declaration, in their territories rests with the United Nations member states. These international obligations become indispensable and must be applied at the national level so that every citizen can enjoy the human rights described in the Universal Declaration.

Questioning the Future of Freedom of Religion and Belief

Seventy-five years of history of the existence of the Declaration could be considered as having departed from the lowest levels reached by humanity in terms of the violence of the violation of human rights and the disregard for the right to life. Before 1945, religion and ethnicity were one of the main objects of violence and discrimination. It is certain that the Declaration came at a historical moment that needed a radical change in terms of human dignity and the right to life. If we take a simple look, we can see major changes in the last 75 years in the recognition of human dignity for all.

Protecting Faith and Belief: 75 Years of the Universal Declaration of Human Rights and the Questions for the Future of Human Rights

In recent years, the idea of human rights has extended its application to many specific areas, such as the right to health, water, food, and freedom of thought and expression, and also some tendencies to emphasize the importance of the environment and its protection.

Today's questions do not intend to diminish the progress in human rights but to bring new challenges to consider, expanding, applying, and developing human rights in new concepts without affecting the existing ones. Although the subject is very broad, I would still like to emphasize the subject of faith and freedom and question the future of religious freedom.

How can we protect religions and ethnic minorities from some political or governmental pressure? Could the dignity of all human beings truly be ensured for all people? Some people are born with rights they don't know about and live in a context where these rights are not applied. What could be done to the awareness and application of these fundamental rights?

The Universal Declaration is one of the most translated documents in history and has the potential to bring hope and freedom to billions of people. Although the culture of rights has become more and more popular, there are still human rights violations today. What can be done so that the principles of freedom and people's rights highlighted in this declaration might apply to all those who desperately need freedom?

Human rights look to be one of the major subjects that will shape the future of humanity. What will our world look like in the future? It is probably difficult to predict or answer, but it seems that it will be characterized by the duality of approach to human rights. Whether it is defended or diminished, humanity will be affected by this battle between good and evil, between love and hate, and between progress and regression. What role will religion play in this duality? These will probably be the most interesting events to witness. We should not just be spectators. We are all responsible for respecting and upholding these universal rights. We all have a role in shaping a World of Freedoms that recognizes and values the worth and dignity of every human being.

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