

U.N. Systems For The Promotion And Protection Of Human Rights Within The International Community

*John Quigley OFM
Director of FI/OP Office
FI Geneva*

St. Francis had a huge influence on Western civilization with regard to the sacredness of each and every living thing. Respect for humanity and creation flowers in the writing of John Duns Scotus, Bonaventure, Roger Bacon, Wm. Ockham etc.

John Scotus developed these insights with his teaching on individuality "haccitas" and the univocity of being. Through universities and preaching these ideas combined with other intellectual forces and developed into the periods of Reformation, Enlightenment, and Reason. Beliefs about human freedom and dignity were enshrined in the Magna Carta, the American Constitution, the Bill of Rights, and in the French Revolution.

Human rights are presumed within many cultures. Only after the horrors and the pain of World War II are they identified and protected by the United Nations in a formal document for all of humanity. The

Universal Declaration of Human Rights. (The vote was 48 in favor of the Declaration with 8 abstentions – USSR and Saudi Arabia were two countries that abstained). Suffering, therefore, brings protective legislation. At its own inception, the United Nations immediately constituted the UN Commission on Human Rights.

The UN Commission on Human Rights
The Commission was established at the same time as the United Nations. It meets annually at the United Nations in Geneva, Switzerland for six weeks in March and April. It has a Sub Commission of Independent Experts to advise it and the sub commission meets for 3 weeks every August. The Commission is composed of 53 nation States. 11 nations from Latin America and the Caribbean, 10 from Western and other States, 15 from Africa, 12 for Asia-Pacific, and 5 from Eastern European States.

UN Charter of Human Rights:

Universal Declaration of Human Rights
In 1948 the Universal Declaration on Human Rights was approved by the General Assembly. It is a general moral and ethical statement about human nature on the value of human dignity and the promotion of human rights. The Catholic philosopher Jacques Maritain was one of its authors who argued that in order to protect the Declaration's universal appeal it should not mention God. The Universal Declaration is not a legally binding document.

In a desire to strengthen the Declaration's universality and its use for the promotion and protection of human rights, especially during the Cold War, and to avoid the disastrous failure of the idealistic League of Nations, the UN Commission on Human Rights in 1953-54 discussed ways to enforce the promotion and protection of human rights. After much debate and compromise the UN Commission sent the text for two separate International Covenants to the General Assembly in 1955. The General Assembly sent the texts to its Third Committee (for Social, Humanitarian and Cultural issues) for study and discussion. Eleven years later in 1966 (20 years from the time of the Declaration) the General Assembly approved the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Once approved by the General Assembly, to be effective, they needed to be ratified by the Parliaments, Congresses, etc., of each country that then signed the Covenant. Its signature required the State to abide by the articles of the Covenant and change its own national legislation to be in compliance with the standards set in the International Covenant. Also each signer was obliged to make a report on its efforts of compliance to the UN every five years.

International Covenant on Civil and Political Rights

Often referred to as "negative" rights, that is they are defined by what a State

should NOT do: not to torture, not to kill, not to restrict assembly of citizens, not to imprison people without trial, not to control or limit the press, etc. This was ratified by 114 States out of 188.

International Convention on Economic, Social and Cultural Rights

Referred to as "positive" rights, that is, they speak about the things that a State Government should do for its people. They should provide adequate housing, adequate education, and adequate health care. They should respect the various cultural identities within their borders. This was ratified by 110 States out of a total of 188.

These rights are legally binding once a State ratifies the covenant. The two Treaty Bodies that are established for this purpose monitor the performance of the State's compliance:

Human Rights Committee

Each country that ratifies the Covenant on Civil and Political Rights must report to the Committee every five years. This committee meets three times a year, in March in New York and in July in Geneva.

Committee on Economic, Social and Cultural Rights

Each country that ratifies the Covenant on Civil and Political Rights must report to the Committee every five years. This committee meets in Geneva every April and November.