

also longstanding border disputes, disagreements about Tibet and Kashmir, and conflicts over China's construction of huge dams in Tibet that could divert water from rivers flowing into India. Disputes between China and Japan over islands in the East China Sea known as the Diaoyu in China and the Senkakus in Japan have influenced Japan to increase defense spending. Furthermore, the United States, as a Pacific power, has strengthened military, economic, and political ties with countries in the region. China also faces economic competition from other low-cost manufacturing countries such as Indonesia and Vietnam. Rising standards of living and demands for higher wages will diminish China's competitive advantage. China can resolve many

of these challenges by accepting its global political responsibilities and working largely within the framework of established global institutions even as it seeks to modify them to reflect its growing power and that of emerging economic powers. By developing strong economic and political ties with its neighbors and maintaining a strong but not threatening military, China can reduce tensions and decrease chances of other countries forming alliances to balance against it. Power tends to breed hubris, and hubris often leads to unnecessary conflicts, as we will see in the case of the United States. If China can avoid the arrogance of power, its rise will be perceived as less of a threat.

Summary

This chapter examined the rise and fall of great powers and the essential role of politics, economics, and culture in that process. Countries with strong economies and well-managed political systems are able to spread their culture globally and to exercise power over other states. A state, or in some cases a small group of states, that has extraordinary influence over the behavior of other states is said to have international primacy. States that enjoy international primacy are generally said to have diverse interests. When several great powers are in the international system, it is defined as being multipolar. During the Cold War, when the United States and the Soviet Union were superpowers, the system was bipolar. Today, the United States remains the dominant country in an increasingly multipolar world that is characterized by the diffusion of power.

States and groups of states become powerful and lose their power for many reasons. War is one major factor. Although investing in military power can help turn a state into a great power, it can also lead to its fall as a great nation. Many great powers decline because of hubris, or excessive pride, and imperial arrogance. These nations tend to overestimate their power and expand their military power so much that they ultimately erode their economic base. We discussed some challenges to the United States. Some of these challenges come from nations that are quickly advancing economically, such as China, India, and Brazil. We discussed the challenge to American power from nonstate actors, such as terrorist organizations, that try to undermine the strength of great nations. Finally, we examined how America's domestic problems, especially its growing budget deficits, threaten American power.

Discussion Questions

1. Economic power and military power are often discussed as the two most important factors that make up a great power. What are some other elements of power? How might they contribute to a nation's rise to superpower status?
2. What are the three types of leadership? Provide some examples of how the United States and past world powers have exercised these types of leadership.
3. What are some strategies for maintaining power and preventing rising powers from creating disorder in the international system? Provide some examples of countries that have used some of these strategies.
4. What are some current examples of challenges to American hegemony? What are the strongest challenges the United States faces to maintain its status as a great power? Explain.
5. Does China pose a major threat to the United States? How can U.S.-China relations be managed in light of increased competition?

Chapter 3

Human Rights



INTERNATIONAL HUMAN RIGHTS-BASED ORGANIZATIONS LIKE THE UN COMMISSION ON HUMAN RIGHTS HAVE MADE MONITORING HUMAN RIGHTS A GLOBAL ISSUE. The United Nations is headquartered in New York City.



Learning Objectives

- 3.1** Review the expansion of and the commitment to the human rights agenda
- 3.2** Evaluate the milestones that led to the current concerns around human rights
- 3.3** Evaluate some of the philosophical controversies over human rights
- 3.4** Recognize global, regional, national, and local institutions and rules designed to protect human rights across the globe
- 3.5** Report the efforts made globally in bringing violators of human rights to justice
- 3.6** Relate the need for stricter laws to protect women's human rights across the globe.
- 3.7** Recognize the need to protect the human rights of the disabled
- 3.8** Distinguish between the Western and the Islamic beliefs on individual and community rights
- 3.9** Review the balancing act that needs to be played while fighting terrorism and protecting human rights
- 3.10** Report the controversy around issuing death penalty as punishment

When Muammar Qaddafi used military force to suppress people demonstrating in Libya for a transition to democracy, there was a general consensus that there was a global responsibility to protect civilians. However, when Bashar Assad used fighter jets, tanks, barrel bombs, chemical weapons, and a wide range of brutal methods, including torture, to crush the popular uprising against his rule in Syria, the world did not respond forcefully to protect civilians. The basic reason given for allowing Syria to descend into brutality and chaos was that it was difficult to separate Syrians favoring human rights from those who embraced terrorism. Although cultural values differ significantly from one society to another, our common humanity has equipped us with many shared ideas about how human beings should treat each other. Aspects of globalization, especially communications and migration, reinforce perceptions of a common humanity. In general, there is global agreement that human beings, simply because we exist, are entitled to at least three types of rights. First is **civil rights**, which include personal liberties such as freedom of speech, religion, and thought; the right to own property; and the right to equal treatment under the law. Second is **political rights**, including the right to vote, to voice political opinions, and to participate in the political process. Third is **social rights**, including the right to be secure from violence and other physical danger, the right to a decent standard of living, and the right to health care and education. Societies differ in terms of which rights they emphasize. *Four types of human rights claims that dominate global politics are*

1. The abuse of individual rights by governments
2. Demands for autonomy or independence by various groups
3. Demands for equality and privacy by groups with unconventional lifestyles
4. Claims by governments to economic growth and protection from other nations and nonstate actors¹

We will examine historical and philosophical foundations undergirding the development of human rights. Economic and political sanctions are often used to achieve compliance with human rights commitments. In extreme cases, countries support humanitarian intervention to terminate violations of human rights. One of the most significant developments is the emphasis on women's human rights. In this chapter, we will discuss rape as a weapon of war. We will also examine the treatment of people with disabilities in relation to human rights. The chapter concludes with a case study on homosexuals and human rights.

3.1: Globalization and Human Rights

3.1 Review the expansion of and the commitment to the human rights agenda

The modern state provided increased security, but it also often became a cold instrument for systematically abusing human rights. In fact, it was due to violence against Jews, Gypsies, gays and lesbians, Communists, religious groups, and others in Nazi Germany—which culminated in the **Holocaust**—that human rights became so prominent in global affairs. The current wave of globalization has undoubtedly enhanced the observance of human rights. Telecommunications, trade, migration, travel, the weakening of national boundaries, the decline of **Westphalian** sovereignty, and growing interdependence have strengthened a commitment to human rights. Information is now relayed instantaneously, which helps limit governments' ability to engage in secrecy and brutality. Because their interests are intertwined with those of leading global actors, countries must consider the costs and benefits of decisions concerning their treatment of citizens.

The rise of the United States to global power and its competition with the Soviet Union for the hearts and minds of people around the world marked a turning point in the struggle for human rights. This period of globalization radically transformed the perception that domestic affairs could be automatically separated from international politics. A deeper awareness of the indivisibility of humanity and of our problems weakened the idea that governments are essentially free to treat their citizens as they wish. America's self-definition as a redeemer nation and a positive force made human rights a central global issue. Several other factors contributed to the expansion of and commitment to the human rights agenda:

1. The *creation of global institutions* to protect human rights.
2. A growing acceptance of the interdependence and indivisibility of rights. Violations of rights in one country have implications for people in other countries.
3. An *emphasis on promoting democracy*. The idea that democracy is essential to peaceful international relations became a central part of U.S. foreign policy.
4. The view that *respect for human rights facilitated market-based economic development*.
5. *The effectiveness of nonstate actors*.

3.1.1: Nongovernmental Organizations and Human Rights

Human rights organizations directly challenged the assumption that sovereignty allows governments to

abuse internationally recognized human rights. Partly due to frustrations with other governments' bureaucratic approaches and often counterproductive measures to protect human rights, transnational groups now take direct action to prevent violations of basic rights. Amnesty International, one of the best-known human rights nongovernmental organizations (NGOs), was founded in London in 1961 by a group of writers and lawyers. It publishes reports on human rights problems in countries worldwide. It also encourages its global membership to participate in letter-writing campaigns to seek the release of **prisoners of conscience**; that is, individuals who are imprisoned because governments disapprove of their political, religious, social, or other beliefs.

3.1.2: Global Companies and Human Rights

Human rights activists are increasingly pressuring global companies to make the promotion and observation of human rights a centerpiece of their corporate strategy. Google's operations in China and its willingness to cooperate with the government raised questions about links between business and respect for human rights. Many students and activists around the world have made issues such as child labor and sweatshops integral components of human rights debates. Now we are seeing greater emphasis placed on **corporate social responsibility**, which includes safeguarding the fundamental rights and freedoms of individuals. Companies are expected to secure human rights in countries where governments routinely violate them. To some extent, the companies' new role reflects the growing power of nonstate actors vis-à-vis nation-states. The most powerful companies with global recognition are also the most vulnerable to pressure from human rights NGOs and the global media. Many companies believe that supporting human rights is good for business. Increasingly, global companies are regarded as powerful instruments in the pursuit of human rights.

How much companies observe and promote human rights depends to some extent on their strategies and what they produce. Corporations that pursue a **market-building strategy** are distinguished from those that adopt a **cost-minimizing strategy**. Market-building companies are less likely to abuse human rights than are cost-minimizing firms, which are more short-term oriented and more vulnerable to the pressures of globalization to increase profits at the expense of employees' human rights. Market-building strategies involve making significant investments that are unlikely to produce immediate profits. Equally important, companies pursuing such strategies tend to have a greater commitment to the people and the country in which they operate.

3.2: Development of Human Rights

3.2 Evaluate the milestones that led to the current concerns around human rights

Greek philosophers known as **Stoics** developed the idea that rights enjoyed by Greeks were **universal rights**, freedoms that humans everywhere were entitled to simply because humans exist. These rights emanated from a law that was higher and more permanent than civil law—a universal law that was equated with the laws of gods. These laws were natural laws. Greek philosophy was adopted by the Romans. Marcus Tullius Cicero, Lucius Annaeus Seneca, and Marcus Aurelius were some of the leading Roman Stoics. **Cicero** (106–43 BCE), the most prominent lawyer and philosopher of the Roman Empire, wrote that “true law is right reason in agreement with nature; it is of universal application, unchanging and everlasting.”²

3.2.1: Social Contract Theories and Human Rights

A major step toward widespread acceptance and practice of natural rights was the significant recognition by England's kings, barons, and others that citizens were entitled to exercise basic freedoms without interference from their leaders and that such leaders' powers were limited by law and a sense of justice and fairness. The signing of the **Magna Carta** in 1215 was followed by England's King Edward III's acceptance in 1354 of the concept of **due process of law**, which means that a person cannot be deprived of life, liberty, or property without a fair trial based on fair procedures and rules. Another important step toward consolidating human rights was the decision of King Charles I of England, in his Petition of Rights in 1628, to guarantee the right of **habeas corpus**; that is, the right of a person to be brought before a judge or a court to determine whether he or she should be imprisoned. Restrictions on governments emerged from various historical experiences but more directly from social contract theories. *John Locke*, an English philosopher, argued in his *Second Treatise on Government* (1690) that the state of nature was governed by natural law. People were relatively secure and free and could acquire property. From Locke's perspective, the social contract between citizens and government protected these natural rights. Nowhere are Locke's ideas expressed more forcefully than in the American Declaration of Independence.

Another advocate of the **social contract** was the French philosopher *Jean-Jacques Rousseau*. However, Rousseau ended up supporting a social contract that subordinates individual freedoms to the tyranny of the majority. His philosophy justified the government's absolute power

over citizens.³ Immanuel Kant developed the idea that human rights are directly linked to an inviolable obligation that we have to ourselves and to others. Kant believed that these obligations are universal and binding on all of us no matter where we live, thereby underscoring the concept of the indivisibility of humanity and universal nature of human rights. The most profound of these obligations is the *categorical imperative*, that is, the absolute obligation that each of us should always treat humanity never simply as a means but always at the same time as an end.⁴

3.2.2: Utilitarianism, Libertarianism, and Marxism

Jeremy Bentham, James Mill, and John Stuart Mill were among those who developed the theory of **utilitarianism**, directly challenging the idea that human beings have natural rights. The utilitarians, led by Jeremy Bentham, believed that individuals determine what is good for them and what they want. Conversely, they avoid the things that cause them pain. In his *Principles of Morals and Legislation* (1789), Bentham used his training as an Oxford-educated lawyer to develop a scientific analysis of morals and legislation. Through the careful balancing of individual interests, individual rights arise and are protected.

But John Stuart Mill questioned major assumptions of utilitarianism. He stressed that the government, representing the majority, can brutally suppress the rights of individuals. This fear of the tyranny of the majority is what motivated Jefferson and others to insist on the inclusion of the **Bill of Rights** in the U.S. Constitution to protect individuals who disagree with the majority. Mill articulated his philosophy in *On Liberty* (1859). He argued that one could justify interfering with an individual's liberty only to prevent that person from harming others, an assumption that must be proven by government authorities.

Another challenge to prevailing perspectives on human rights came from socialist philosophers such as *Saint Simon* and *Karl Marx*. Marx believed that the history of society is a history of class struggle. Marx and Saint Simon argued that traditional human rights were largely irrelevant to the majority who lived in poverty. They advocated that governments should develop policies that give people economic and social rights.

3.2.3: Legal Positivism and Human Rights

Closely related to utilitarianism are the positivistic theories and conservatism. Some conservatives, such as Edmund Burke, strongly opposed natural rights theories. Strongly influenced by the Reign of Terror that followed the French Revolution, Burke believed that individuals derived whatever rights they have from tradition and concrete

laws, not from abstract philosophical theories of natural laws.⁵ What distinguished the **legal positivists** from the utilitarians was the extent to which the former insisted on the absolute supremacy of laws and courts in determining rights. After World War I, the legal positivists became more extremist, arguing that law was what courts upheld and that justice was the correct enforcement of the law. Yet those bound to honor specific laws had to have given their consent.

3.2.4: Globalization of Human Rights: The Universal Declaration of Human Rights

Concerns about human rights occurred largely within the context of domestic politics. An overriding emphasis on state sovereignty, which included a preoccupation with independence and control over citizens' lives, prevented broader applications of human rights philosophies from emerging. But increasing globalization—especially European colonization of the Americas and the enslavement of Africans and others—engendered greater global attention to human rights issues that transcended national boundaries. The horrors of slavery shocked people in Europe and the Americas and led to an antislavery campaign in the nineteenth century. At the Congress of Vienna in 1815, seven years after the United States had ceased importing enslaved Africans as required by the U.S. Constitution, leading countries generally supported abolishing the slave trade. *The First Anti-Slavery Convention* was held in London in 1840 by the **Anti-Slavery Society**, the oldest global human rights NGO. Wars also helped globalize human rights. Horrified by the death and suffering of soldiers at the battle of Solferino in Italy in 1859, *Jean Henry Dunant*, a Swiss citizen, decided to publicize what he saw and to “humanize” war. These efforts resulted in the creation of the International Committee of the Red Cross in 1863, which was followed by the approval of the First Geneva Convention in 1864. The convention was designed to humanize war by making rules for the treatment of wounded and sick soldiers and sailors, prisoners of war, and medical personnel. World War I led to the creation of the League of Nations in 1919, which made protecting inhabitants of dependent territories and trafficking children and women international human rights issues. The covenant of the League of Nations also made the protection and treatment of workers an international human rights concern.

Nazi Germany's brutal march across Europe and the rise of the United States as the leading global power under the leadership of President Franklin Delano Roosevelt combined to give the impetus to make human rights global. America's self-perception as a nation with a

universal message facilitated this development. Addressing Congress in January 1941, President Roosevelt committed the United States to securing **four freedoms** for the world: freedom of speech and expression, freedom of religion, freedom from economic hardship, and freedom from fear. Achieving these freedoms became the centerpiece of the *Atlantic Declaration* made by President Roosevelt and Britain's Prime Minister Winston Churchill in August 1941. The allies met in Washington, D.C., under the auspices of the American Law Institute to draft a declaration or bill of international human rights.⁶ These developments laid the foundation for including human rights in the charter of the United Nations (UN) when it was founded in 1945 in San Francisco. The UN charter provided for the formation of the Human Rights Commission, with the major responsibility for drafting global human rights standards. The final result of these efforts was the adoption by the UN General Assembly of the **Universal Declaration of Human Rights (UDHR)** in 1948. *Eleanor Roosevelt* played a crucial role in this accomplishment. She was largely responsible for promoting the use of the term *human rights* instead of the traditional emphasis on the rights of man, which actually meant just that. It is also important to point out that the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), a direct response to the Holocaust, was adopted by the UN General Assembly the day before it adopted the UDHR. Although the world was united in its determination to promote human rights, differences between the United States and the Soviet Union later led to the adoption in 1966 of two separate international covenants: the **International Covenant on Civil and Political Rights (ICCPR)**, which stressed **negative rights** and was favored by the United States, and the **International Covenant on Economic, Social, and Cultural Rights (ICESCR)**, which focused on positive rights and was favored by the Soviet Union.

The UDHR helped unleash global demands for national self-determination by stating that all peoples have this right. Defining "a people" would become more complex than imagined. Countries in Africa, Asia, and the Caribbean succeeded in getting the UN General Assembly to adopt the International Convention on the Elimination of All Forms of Racial Discrimination in 1965. The global human rights agenda expanded to include the Convention on the Elimination of All Forms of Discrimination Against Women (1981), the Convention on the Rights of the Child (1990), the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (1991), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1991), the Convention on the Rights of Persons with Disabilities (2006), and the UN Resolution on Sexual Orientation (2010).

3.3: Philosophical Controversies Over Human Rights

3.3 Evaluate some of the philosophical controversies over human rights

The question on justice and torture in Saudi Arabia raises a fundamental philosophical controversy over human rights, one that persists and grows as societies feel increasingly threatened by the realities of cultural globalization. Other such controversies involve (1) the relationship between individuals and the communities in which they live, (2) the relationship between rights and obligations, (3) the prioritizing of rights and responsibilities, and (4) the absolute or conditional quality of various human rights.

3.3.1: Universalism Versus Cultural Relativism

As we have seen, Greek and Roman Stoics articulated the view that people have natural rights no matter where they live. But even in societies that stress universal human rights, cultural factors often complicate these theories. The United States, for example, simultaneously embraced natural rights and slavery. In other words, countries modify their support of universal rights by practicing **cultural relativism**. Often, leaders and ordinary citizens do not recognize their own biases in this regard. Proponents of cultural relativism believe that rights enjoyed by individuals are determined by each country's specific cultural and historical experiences. Consequently, what is acceptable behavior in one country could be a violation of human rights in another. Amputating limbs in Saudi Arabia, for example, is viewed in that society as reasonable punishment. Americans reject that punishment as barbaric. On the other hand, America's support of the death penalty is widely regarded in Europe as barbaric. One version of cultural relativism that was popular when Japan was viewed as a rising superpower was **Confucianism**. Some argued that Asians were successful because their cultures embrace the Confucianism values of obedience to authority and intense allegiance to groups and stress collective identities over individual identities. Based on this perspective, the assumption was that universalism was essentially Western and largely incompatible with Asian values.

3.3.2: Individuals and Communities

Complicating discussions of human rights are varying perspectives on the relationship between the individual and the community to which she or he belongs. In societies strongly influenced by Buddhism, Hinduism, or Confucianism, individualism is discouraged, and community solidarity is a virtue. The individual is

inseparable from the community and enjoys certain benefits from belonging to the community. However, the danger of denying individual rights is that the least powerful in these societies are often brutally suppressed by elites.

3.3.3: Relationship Between Rights and Obligations

There is general recognition of a connection between rights and responsibilities or obligations. The basic argument is that rights are simply corresponding obligations. In other words, failing to act to prevent human rights violations is in itself a violation of human rights. This argument assumes that we are capable of doing something either to prevent such violations or to mitigate their severity. The idea that we are responsible for what happens to others goes back to the idea that we have a moral responsibility for both acts of omission and acts of commission.

3.3.4: Prioritizing Human Rights

As American and British troops entered Baghdad in April 2003, many Americans, British, and Iraqis celebrated the destruction of Saddam Hussein's regime and the idea of restoring fundamental freedoms to the Iraqis. Above all, the Iraqis wanted security, food, and clean water. This situation demonstrates the philosophical controversy over prioritizing human rights. Freedom of religion, speech, assembly, and the press are often elevated above other concerns in the United States. But many other societies place a much higher priority on satisfying basic economic needs.

3.3.5: Absolutism Versus Consequentialism

Finally, there is the debate about whether we should be willing to compromise on upholding human rights under certain circumstances. Some human rights advocates believe that some rights are absolute; that is, they must never be violated. On the other hand, many of these same advocates would agree that some rights are sometimes limited because exercising them under specific circumstances could endanger the rights of others. The torture of terrorist suspects by the United States and the ongoing debate about their entitlement to basic human rights illustrate how easily human rights violations can be justified in the name of national security.

3.4: Human Rights Regimes

3.4 Recognize global, regional, national, and local institutions and rules designed to protect human rights across the globe

Regimes, as defined in Chapter 1, are institutions, rules, and regulations governing particular types of behavior

and interactions. *Human rights regimes* consist of global, regional, national, and local institutions and rules designed to protect human rights, as well as the activities of numerous nonstate human rights organizations and grassroots campaigns. The **UN Human Rights Council** is charged with the responsibility of monitoring human rights globally and for informing the UN Security Council of human rights violations. Previously, we also noted that nations and NGOs, especially after World War I and World War II, succeeded in developing international laws concerning the treatment of national minorities and laborers. These are all components of the global human rights regimes. In this section, we will examine regional human rights regimes, focusing on those in Europe. The main institutions dealing with human rights in Europe are the European Commission for Human Rights, the European Court of Human Rights (ECHR), the European Court of Justice, and the Organization for Security and Cooperation in Europe (OSCE). Latin America, Africa, and other regions have essentially adopted Europe's regime.

Meeting in The Hague in 1948, European representatives laid the foundations for establishing the **Council of Europe** in 1949 to promote democracy and protect human rights. Recent events in Europe propelled the states belonging to the council to sign the *European Convention for the Protection of Human Rights and Fundamental Freedoms* in 1950. This agreement focused on safeguarding civil and political rights. The European Court of Human Rights, created in 1998, is the busiest and most important court of its kind in the world. The European Social Charter, signed in 1961, dealt with economic and social rights. Continuing abuses of human rights in Europe, especially in countries under Soviet domination, influenced German Chancellor *Willy Brandt* to promote dialogue across ideological divisions. These efforts led to the adoption of the Helsinki Final Act in 1975 and the creation of the OSCE. The **Helsinki Final Act** provided for the dissemination of the agreement and information about it within countries that originated it. This allowed people in Eastern Europe and the Soviet Union to learn more about human rights initiatives and sparked debate within the Communist countries. Combined internal and external pressure influenced Soviet leader Mikhail Gorbachev to adopt policies conducive to the exercise of both civil and political rights and economic and social rights.

Latin Americans have adopted many features of the European human rights regime but have been less successful in implementing human rights protections. The two most important agreements that established the **Inter-American Regime** are the charter of the Organization of American States (OAS) and the American Human Rights Convention. Like Europeans, Latin Americans have a human rights commission (the Inter-American Commission on Human Rights) and a court (the Inter-American Court of Human Rights).

3.5: Enforcing Human Rights Globally

3.5 Report the efforts made globally in bringing violators of human rights to justice

Although much of the responsibility for enforcing human rights is placed on global institutions, governments, and various NGOs, we as individuals have the ultimate obligation for protecting human rights. Crimes against humanity are generally seen as crimes against all of us, a viewpoint supported by the widespread acceptance of the universal nature of human rights. Yet as individuals, our effectiveness to combat major human rights violations, especially when they occur in distant countries and are carried out by governments, is limited. Consequently, governmental institutions and various organizations that represent individuals are regarded as bearing most of the responsibility for implementing human rights. The extent to which various global actors and individuals are morally obligated to take action depends on three factors: (1) the nature of the relationship with the rights being violated, (2) the degree of effectiveness, and (3) capacity. The nature of the *relationship* involves issues such as geographic, economic, cultural, or political ties and the depth and duration of those connections. Countries closest to where human rights abuses are taking place are generally expected to act to prevent them, although geographic proximity in an age of globalization is declining in importance. More stress is placed on the *degree of effectiveness* and *capacity*. These three factors are integral to the concept of a *fair allocation of responsibility*. Generally, there are two approaches to implementing human rights. One is the *soft systems of implementation*, which concentrate primarily on conducting inquiries, exposing human rights violations, empowering the victims, and finding ways to damage the violating state's reputation. The other is the *hard, or coercive, enforcement measures*, which include making interventions, setting up international tribunals to prosecute violators, and establishing a permanent international criminal court (ICC).

3.5.1: Sanctions

Sanctions are punishments or penalties imposed by one state, a group of states, or the global community on another state or group of states to gain compliance with widely accepted global standards of behavior. Because political, economic, and military-strategic considerations affect decisions to impose sanctions, there are usually inconsistencies in how sanctions are imposed. For example, allies often escape sanctions even though their behavior is similar to that of the states being sanctioned. In Darfur and Myanmar (Burma), the economic interests of China, India, and other countries have undermined sanctions. However, sanctions eventually

persuaded Myanmar to begin the transition to democracy and to respect basic human rights. Sanctions also influenced Iran, under the leadership of Hassan Rohani, a moderate, to agree not to acquire a nuclear bomb in exchange for lifting sanctions. The complexity of the factors involved in imposing sanctions results in much controversy about using them to force a country to comply with global rules for protecting and promoting human rights. Sanctions can be nonviolent or violent; most are nonviolent. Nonviolent sanctions include economic, diplomatic, political, and cultural measures. **Economic sanctions**, the most prevalent, often limit trade, reduce access to international investments and financing, and freeze or confiscate bank deposits of both countries and individuals. **Diplomatic and political sanctions** include actions that aim to embarrass a government and its leaders and reduce its interactions with the global community. **Cultural sanctions** usually try to reduce or stop cultural exchanges, tourism, educational ties, and sporting activities with the target country. Often, sanctions not only fail to change the government's practices but also turn out to have devastating consequences for innocent civilians. For example, U.S. sanctions against Cuba are widely perceived as being counterproductive as well as harmful to ordinary Cubans.

Sanctions can be imposed unilaterally or multilaterally. **Unilateral sanctions**, imposed by one country, were used more often than multilateral sanctions and by several countries before the end of the Cold War. Since 1990, however, the use of **multilateral sanctions** has increased. Increased international cooperation has also encouraged using sanctions as an alternative to military force. At the same time, however, the spread of globalization, which engenders global cooperation, complicates efforts to impose sanctions that are ultimately successful. In an interdependent world, one country's loss due to sanctions can easily become another country's loss as well. In other words, sanctions aimed at an enemy often damage a friend.

Although some sanctions have achieved their objectives, such as those applied against the apartheid regime in South Africa, the consensus is that they are usually ineffective. *Sanctions fail for several reasons*. One reason is that nationalism, present in all countries, spawns a rally-round-the-flag effect. Another is that globalization makes it extremely difficult to effectively isolate a state economically. Third, sanctions may enable repressive governments to use external threats to justify cracking down on domestic opponents and to avoid responsibility for deteriorating economic, health, and social conditions. Fourth, sanctions are costly to countries that impose them. Over time, domestic pressures build to support removing sanctions against the targeted country. Finally, sanctions reduce the availability of resources in the target state, thereby strengthening its power to allocate scarce resources strategically to maintain support for its policies.

3.5.2: Humanitarian Intervention: Responsibility to Protect

When Libyans protested for a transition to democracy, the government used military force to silence their opposition. Led by France, the United Nations imposed a no-fly zone in Libya to protect civilians from both the air force and the army. In extreme cases, when human rights violations shock human conscience, **humanitarian intervention** is regarded as a collective global responsibility. Humanitarian intervention usually involves deploying military forces to prevent or stop a country or group from engaging in gross violations of human rights.⁷ It also includes efforts to provide humanitarian relief, to evacuate individuals, and to separate and monitor forces involved in conflicts. Humanitarian interventions fall into two basic categories: consensual and imposed. **Consensual interventions** are agreed to by those in control of a country or region. There is little need for military force. Uniformed forces are involved primarily because they have essential skills and technical capabilities that facilitate rescue operations or the provision of humanitarian supplies. **Imposed interventions** are conducted in a far more hostile environment and often against the wishes of governments or armed groups. Significant military force is required to reduce hostilities, protect civilians, and protect individuals who are delivering humanitarian assistance. But the world's failure to exercise its responsibility to protect civilians in the Syrian civil war in which Bashar Assad used chemical weapons, bombs, tanks, and torture underscores how military, economic, and regional political realities complicate efforts to protect human rights through humanitarian intervention.

Closely related to humanitarian intervention are peacekeeping and peacemaking operations. **Peacekeeping**, provided by Chapter 6 of the UN charter, occurs within a consensual type of intervention. It involves largely impartial monitors and observers who are unarmed or lightly armed. They are generally required to monitor a separation of forces, verify and monitor troop withdrawals, provide some security, and supervise elections. Force is used as a last resort and only for self-defense. **Peacemaking**, on the other hand, involves military forces that are heavily armed, well trained, and prepared to fight. But peacemaking is a far more circumscribed activity compared with standard military operations. Peacemaking occurs in situations in which most of the forces involved are friendly. The basic objective of peacemaking is to reduce the fighting and to restore or create an environment that will enable peacekeeping forces to function effectively. Increasingly, humanitarian interventions involve a mixture of peacekeeping and peacemaking operations.

3.5.3: Responding to Genocide

In 1948, the United Nations adopted the Genocide Convention, which defines **genocide** as the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. Whole populations have been displaced or destroyed as others expanded their control over areas, usually through military force. Such behavior was largely justified in terms of progress and civilization. Often, only a small minority was concerned with the crime of genocide. Convinced that human beings were divided into different races and that some races were inherently superior to others, Europeans expanded their rule to Asia, the Americas, and Africa. In the process, they destroyed many indigenous peoples. The Armenian genocide is widely viewed as the prototype of subsequent genocides in the twentieth century. In 1895, 1909, and 1915, Turkish troops massacred more than a million Armenians and deported others into the Syrian desert, where they died of starvation.⁸ The genocide committed by Nazi Germany marked a turning point in the human rights debate, as we have seen. The victorious allies united against such crimes and punished those most directly involved in carrying them out. However, genocide continued and is still going on. For example, between 1975 and 1979, the **Khmer Rouge** in Cambodia killed more than a million people. Another million people died in Rwanda's genocide. Genocide was part of the conflict in the former Yugoslavia. Sudan's actions in Darfur were declared to be genocide. A court in Guatemala found General Efraim Rios Montt, the dictator who presided over Guatemala's long and brutal civil war, guilty of genocide and crimes against humanity. Rios Montt was implicated in the massacre of Ixil villagers. Many countries refrain from declaring atrocities to be genocide partly because the Genocide Convention requires them to act to prevent and punish genocide.

A big step toward holding individuals and governments responsible for gross violations of human rights, including genocide, came at the end of World War I. Britain and France attempted to punish Germany for violating the neutrality of Belgium and Luxembourg by destroying their cities, creating large numbers of refugees, and using poison gas. The *Commission on the Responsibility of the Authors of War and the Enforcement of Penalties* was established at the Paris Peace Conference in 1919. Its main objective was to prosecute those accused of committing war crimes and crimes against humanity, including government leaders. France and Britain strongly supported prosecuting leaders, whereas the United States, Italy, and Japan opposed such trials, principally on the grounds that such actions would violate sovereignty.⁹

After World War II, however, the United States changed its position. It played the leading role in setting

up the **Nuremberg Tribunal** to prosecute Nazi war crimes and the *Tokyo Tribunal* to prosecute crimes committed by Japan. Britain had also changed its position: Instead of trying the Nazis, Prime Minister Winston Churchill advocated shooting Nazi war criminals on sight. The United States, under Harry S. Truman's leadership, persuaded the allies to try the Nazis. The **London Agreement**—signed in 1945 by the United States, Britain, France, and the Soviet Union—provided for the creation of an international military tribunal for war criminals. This led to the establishment of the Nuremberg Tribunal, which focused on prosecuting high-level German officials. The tribunal held *individuals* responsible for (1) *crimes against peace*, which included planning, initiating, and launching a war of aggression; (2) *war crimes*, such as murder, abuse, and the destruction of private property and residential areas; and (3) *crimes against humanity*, including murder, enslavement, extermination, and deportation. The *Genocide Convention*, adopted by the UN Geneva Assembly in 1948, was a direct outgrowth of the Nuremberg Tribunal.¹⁰

Similar to Nazi Germany, Japan committed numerous atrocities, including the murder of prisoners, the extermination of civilians, sexual slavery, forced labor, and the use of humans in deadly medical experiments. Following America's defeat in the Philippines, Japan forced U.S. and Filipino troops to participate in the gruesome *Bataan Death March*, which resulted in the deaths of around ten thousand Filipino troops and six hundred American troops. Japan also committed crimes against Chinese civilians and soldiers. Even today, many Chinese continue to be suspicious of Japan. They talk about the indiscriminate bombings of Shanghai and other cities. But they are especially emotional when they recall the *Rape of Nanking*. Japanese soldiers, in October 1937, randomly raped, murdered, and executed Chinese civilians. Estimates of those killed range from forty-two thousand to one hundred thousand. On July 26, 1945, the United States, China, Britain, and the Soviet Union issued the **Potsdam Declaration**, stating their decision to prosecute Japanese war criminals. U.S. general *Douglas MacArthur*, the supreme commander for the Allied Powers in Japan, acting under the authority of the United States, established the *International Military Tribunal for the Far East* (Tokyo Tribunal) to try individuals for crimes against peace. Because the United States was primarily responsible for defeating Japan, Americans unilaterally created the Tokyo Tribunal.¹¹

The Nuremberg and Tokyo Tribunals set the precedent for prosecuting war criminals in the former Yugoslavia and Rwanda. The disintegration of Yugoslavia in the 1990s and escalating conflicts among the Serbs, Croats, and Muslims culminated in widespread atrocities. Although all three ethnic groups committed war crimes and crimes against humanity, the dominant Serbs were clearly the most responsible for atrocities that included summary

executions, torture, raping women as a weapon of war, mass internments, deportation and displacement of civilians, the inhumane treatment of prisoners, and the indiscriminate shelling of cities and villages. More than seven thousand unarmed Muslim men and boys were systematically executed near the Bosnian town of **Srebrenica** in July 1995. Roughly 740,000 ethnic Albanians were forcibly deported from Kosovo in 1999, and hundreds of Albanians disappeared or were murdered. The UN Security Council responded by establishing the *International Criminal Tribunal for the Former Yugoslavia* on May 25, 1993. Based in The Hague, in the Netherlands, the tribunal indicted leading Serbians, including Serbian president **Slobodan Milosevic**, Radovan Karadzic, General Ratko Mladic, and Radislav Krstic, for committing war crimes. Similarly, ethnic conflicts, primarily between **Hutu extremists** and Tutsis and moderate Hutus, in 1993 and 1994, stunned the world. Hutus systematically killed and raped. Almost one million people were slaughtered. Genocide in Rwanda led to the creation of the *International Tribunal for the Prosecution of Persons Responsible for Genocide in Rwanda* (*Rwanda Tribunal*). Ethnic conflicts and the accompanying atrocities have influenced the global community to establish the ICC as a permanent institution to prosecute those accused of war crimes and genocide.

3.5.4: The International Criminal Court

On April 11, 2002—more than fifty years after the victorious allies in World War II proposed the creation of a permanent international court to prosecute war criminals and others who engage in gross violations of human rights—the ICC was created. The **International Court of Justice (ICJ)**, or World Court, based in The Hague, had been created in 1945 to adjudicate disputes between states. Individuals, however, came before tribunals established on an *ad hoc basis* to try specific crimes against humanity. Examples are the Nuremberg and Tokyo Tribunals and the tribunals for Yugoslavia and Rwanda.

The globalization of human rights laid the foundation of new thinking about bringing violators of human rights to justice, regardless of where they committed their crimes. The world, less preoccupied by ideological rivalries, turned its attention to issues ordinary people confront daily, including widespread atrocities. Small countries, unable to unilaterally deal with crimes against humanity, stressed the need to create a permanent ICC. At the request of Trinidad and Tobago and several other Caribbean and Latin American countries, the UN General Assembly asked the International Law Commission to return to the work it had started in 1948 to create an ICC. Drawbacks of the country-by-country approach to prosecuting war crimes, genocide, and crimes against humanity had become increasingly obvious. The *two major drawbacks* were that (1) it was expensive and

time consuming to create new tribunals and (2) securing the unanimous consent of the five permanent members of the UN Security Council (the United States, Britain, France, Russia, and China) was very difficult. More than 160 countries and numerous NGOs, many of which worked closely with smaller states, gathered in Rome in 1998 to create a tribunal with universal jurisdiction. The United States, which had initially signed the agreement under the Clinton administration, later renounced its involvement in creating the court under the Bush administration.¹²

Several leaders have been accused by the ICC of violating human rights. As we discuss in Chapter 14, Slobodan Milosevic of Yugoslavia was tried by the ICC and died in prison in The Hague. Charles Taylor of Liberia was convicted of crimes against humanity. An arrest warrant was issued for Omar al-Bashir of the Sudan for war crimes in Darfur, and Muammar Qaddafi was accused of violating human rights by deliberately using armed forces to kill civilians who protested for democracy. Three prominent Kenyans were on trial for gross violations of human rights following a disputed election. Laurent Gbagbo, former president of Côte d'Ivoire, was also indicted by the ICC for human rights violations following a dispute about an election. Bosco Ntanganda, accused of massacring civilians in the Democratic Republic of Congo, is at the ICC, where he faces ten counts of war crimes and crimes against humanity. Faced with the determination of the ICC to hold them accountable for violating human rights, many African leaders advocate withdrawing from the ICC.

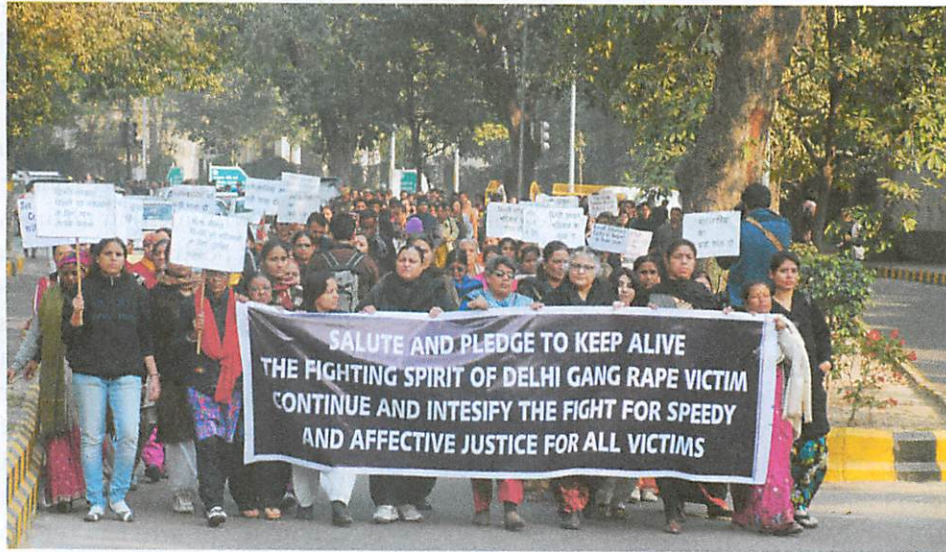
3.6: Women and Human Rights

3.6 Relate the need for stricter laws to protect women's human rights across the globe.

Images of Brazil, especially of sophisticated cities like Rio de Janeiro, portray women as enjoying equal rights and personal freedoms. But images can be deceptive. It took the Brazilian congress twenty-six years to change the country's legal code to make women equal to men under the law. The new code, adopted in 2001, outlaws a provision that allowed a husband to annul a marriage if he discovered that his wife was not a virgin when they were married. It also eliminates laws that allowed Brazilian fathers to have unrestricted legal rights to make decisions for their family. Although women are clearly not a monolithic group and do not face the same restrictions across all societies, even where laws support hierarchical patriarchy, the global community embraces the view that most women face violations of their rights. Women's rights are widely regarded as a category of human rights that deserve special attention.

Human rights for women are directly and strongly influenced by how women perceive themselves and how others perceive them. Perceptions help determine our role in society. **Roles** can be defined as expectations regarding the skills, rights, and responsibilities of individuals. Women's roles are closely connected to their lower status (compared with men) in virtually all societies. **Status** refers to one's position in the social, economic, and political hierarchy. The struggle for women's rights is as old as the struggle for human rights in general. Some people have always advocated equal treatment of men and women. International organizations composed primarily of women led the struggle for suffrage and various social policies. The 2011 Nobel Peace Prize was awarded to three women from Africa and the Arab world in recognition of their nonviolent activism for women's rights. In earlier years, women were instrumental in getting protections for women written into the UN charter and in establishing the UN Commission on the Status of Women. Increased emphasis was placed on women's rights as human rights in the 1970s. The **UN Fund for Women** was created by the UN General Assembly to support women in grassroots organizations. In 1981, the UN Convention on the Elimination of All Forms of Discrimination Against Women was adopted, thereby reaffirming the view that women's rights should receive special attention within broader discussions of human rights. The Women's Conference in Beijing in 1995 and the UN Forum of Women in New York in 2000, among others, underscore a growing global consensus on women's rights. The **Entity for Gender Equality and Empowerment of Women** known as UN Women, was created in 2010 to advance women's rights.

Female genital mutilation, also known as female circumcision, is an extreme form of social control. It is practiced in societies in which women are given a low social status. Even though both men and women are circumcised, female genital mutilation is largely done for the benefit of men. It enables them to control women by inflicting severe pain during sexual intercourse. There are varying degrees of female genital mutilation. It involves the removal of the clitoris in its less severe form and all of the external female genitals in its most severe form. In extreme cases, the genitals are stitched shut, with only a small opening left through which urine and menstrual fluids can pass. These crude and painful operations are usually performed by traditional women practitioners with knives and razors. The main objective is to deprive women of any sexual feelings, thus ensuring chastity. Some women are severely injured, and many bleed to death from the procedure. Chronic urinary tract infections are common, and childbirth is dangerous and painful. Most cases take place in Egypt, Nigeria, Ethiopia, Somalia, Kenya, and the Sudan. Some Islamic conservatives see it as a religious and cultural practice. Parents and educated girls are increasingly opposed to



INDIA AGAINST RAPE: Bystanders held up a banner and signs after the cremation ceremony of the victim of a rape and murder that triggered an outpouring of grief and anger across India.

female genital mutilation, and some governments, despite opposition from religious and traditional leaders, have banned it.

3.6.1: Sexual Violence: Rape as a Weapon of War

Sexual violence against women has always been an integral part of most societies. Sexual crimes are discussed further in Chapter 12. Trafficking in women and children (i.e., buying and selling women and children as sex slaves) was outlawed at the global level by the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* in 1949. Millions of women and children are victims of sexual violence within their own societies, and millions more are trafficked across national borders. The horrific gang rape and murder of a twenty-three-year-old college student in India galvanized women's rights advocates globally and fueled a wave of protests across India, organized by social media. The rape became a catalyst for radical changes in India. Rape, common in India, is now the subject of national debate. Women in particular are demanding an end to India's culture of rape.

Sexual violence against women is often built into the legal system as well as the social structure of many countries. Men routinely kill women to protect the family's honor or their own. In Jordan, Pakistan, Iraq, and other Islamic countries, honor killing, though illegal, is sustained by tradition and religion. Rape is often treated as a crime against the family, an approach that makes the woman who was raped guilty of dishonoring her family. Only in 1996 did Italy change its laws to emphasize that rape is a crime against the woman as opposed to being an offense

against her family. Italy also recently abolished laws that enabled a rapist to avoid punishment by agreeing to marry the woman he had raped. Another example of how tradition, religion, and the law perpetuate sexual violence against women is the case of Zafran Bibi in Pakistan. While Zafran's husband was in prison, his brother raped her repeatedly. When she gave birth to a daughter, she was charged with adultery and sentenced to death by stoning. No charges were brought against her brother-in-law because, under Islamic laws in Pakistan, rape can be proved only with the testimony of four male witnesses. Domestic and global pressure persuaded General Pervez Musharraf, Pakistan's president, to force the court to overturn Zafran's death sentence.

The emergence of rape during conflicts as a direct human rights issue reflects the growth of humanitarian international law as well as the willingness of women, especially victims, to demand justice. For example, Koreans who were used as "comfort women" and subjected to sexual slavery by the Japanese military during World War II demanded justice from the Japanese government. Sexual enslavement is often used as an instrument of **ethnic cleansing**. Sexual violence is used to humiliate and destroy families and communities, to terrorize members of a particular ethnic group, and to force people to flee an area. Serb troops raped more than twenty thousand Muslim women in the former Yugoslavia as part of their ethnic-cleansing campaign. The rape of girls and women in the Democratic Republic of the Congo escalated as that country's ethnic warfare continued to rage. Rape as a weapon of war continues as violence remains widespread in the Congo. These atrocities helped firmly establish global recognition of rape as a crime against humanity and as a war crime.

3.7: People with Disabilities and Human Rights

3.7 Recognize the need to protect the human rights of the disabled

The recognition and protection of the rights of people with disabilities emanated from global rights campaigns against slavery and the horrors of war. Atrocities of World War II, particularly the cold, deliberate, and systematic murder of people, including people with disabilities, during the Holocaust provided the catalyst for building a global commitment to protecting the human rights of all people. Struggles for civil rights and equality for women generated a broader awareness of other groups that faced severe discrimination. In 1990, the **Americans with Disabilities Act (ADA)** outlawed discrimination against people with disabilities. It made changes to integrate them into society, especially providing access to buildings and transportation and providing equal employment and educational opportunities. In 1982, the United Nations created the **World Program of Action** to adopt measures to prevent disability, promote rehabilitation, and achieve equal opportunity for people with disabilities to ensure their participation and integration in society. The **UN Convention on the Rights of Persons with Disabilities**, adopted in 2006, further consolidated global awareness of the need to promote and protect the human rights of people with disabilities. In the United States, for example, many individuals with mental illnesses are imprisoned for crimes instead of being placed in mental health care institutions.

Estimates of the number of people with disabilities range from five hundred million to one billion. This is due partly to how **disability** is defined. It is generally defined as any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being. This includes people who have a mental illness or are visually impaired, hearing impaired, or wheelchair-bound. People who suffer from lower back pain, asthma, high blood pressure, dyslexia, and autism are also considered disabled. Many of these conditions are temporary. Further complicating the definition of disability is the environment in which one lives. Developed countries enable many people with disabilities to live fairly normal lives. Poor countries generally do not. Consequently, conditions that are an inconvenience in rich countries can be a severe disability in poor ones. A major cause of disability is aging. In some countries, as many as two-thirds of people with disabilities are elderly. They suffer from arthritis, strokes, heart disease, and poor hearing and vision. Other causes include wars, poverty, diseases, unclean environments, inadequate medical care, birth defects, accidents, stress, drug and alcohol abuse, and mental health problems.

People with disabilities often face serious challenges gaining access to treatment, employment, and education. This perpetuates poverty among them and limits their integration in societies. There are widespread violations of the human rights of people with disabilities, especially in poor countries. These include sexual assaults and exploitation, beatings, prolonged solitary confinement, overdoses, abandonment, malnutrition, and verbal abuse. As many as 80 percent of people with disabilities in developing countries live in isolated areas where traditional values encourage physical and mental cruelty and where medical and other much needed services are often nonexistent. Disabilities are often regarded as resulting from a curse or immoral behavior and, as such, deserve punishment. Advances in neuroscience that focus on the links between human behavior and human biology, especially problems in the brain, offer hope for more appropriate treatment of people with disabilities in general and mental illnesses in particular.

3.8: Islam and Human Rights

3.8 Distinguish between the Western and the Islamic beliefs on individual and community rights

Negative stereotypes of Muslims and Islam are so prevalent and so profound in most Western societies that even isolated cases of human rights violations are perceived as reflections of a profound inability of Islamic countries to respect human rights. Such images are reinforced by extremists in Saudi Arabia, Afghanistan under the Taliban, Iran, and northern Nigeria, for example. The general lack of a clear separation of religion and government and the dominance of sharia law as the foundation for legal codes in Islamic countries convey the impression of traditional societies that are fossilized, changing very little since the Prophet Muhammad (570–632 CE) founded the religion. But compared with Western societies, Islamic countries are far more repressive and disrespectful of fundamental rights and freedoms, as the recent popular uprisings in the Middle East and North Africa demonstrate. Saudi Arabia—Muhammad's birthplace and keeper of Islam's holiest places, Mecca and Medina, which are sacred to Muslims worldwide—is perhaps the most repressive Islamic society. But Islam's spread made it a global religion long before the emergence of Western Europe as a dominant power and the subsequent spread of Christianity. Consequently, Islam is diverse and complex, reflecting how very different cultures interpret and practice the religion.

Although Islamic cultures are composed of numerous beliefs and values that promote humanitarianism and respect for some forms of human rights, the religion emphasizes the priority of the Islamic community over the individual. Under the Koran, the ruler and the ruled are equal before God. However, unlike in Britain,

for example, where limitations on the monarch were formalized into contracts, such as the Magna Carta, most Islamic countries did not develop formal institutions to restrain leaders and define their powers and responsibilities or to make them accountable to the people. The Western belief that each individual has natural rights stood in sharp contrast to the Islamic belief that the community mattered most and that God's law did not permit individuals to think for themselves. Justice, in Islam, is derived from obedience to God's commands as expressed in the Koran. In effect, challenging political authorities is tantamount to challenging the supremacy of religious thinking. Even so, Islam is being challenged by forces within Muslim societies.

3.9: Fighting Terrorism and Protecting Human Rights

3.9 Review the balancing act that needs to be played while fighting terrorism and protecting human rights

Believing that short-term restrictions on civil and political rights are essential to combat terrorism, many governments find themselves on a slippery slope that leads to more durable infringements on democratic freedoms. Britain, for example, responded in the early 1970s to Northern Ireland's Troubles, as the conflicts between the Protestants and Catholics are called, with increased arrests, essentially arbitrary detentions, increased surveillance capabilities, the creation of a special court to prosecute terrorist suspects, approval of inhumane treatment of prisoners, and excessive military force. Apart from having the unintended consequence of inflaming passions and escalating terrorism, British actions were scrutinized and severely criticized by the global community and within Britain itself. The European Court of Human Rights ruled against Britain in several cases, contending that it had violated the European Convention on Human Rights. Following terrorist attacks in London in 2005, Britain adopted several policies that were perceived as threats to human rights.

Alan Dershowitz, a Harvard University law professor and a leading criminal defense lawyer, argues in favor of using nonlethal torture in extreme cases and of judges issuing torture warrants. Dershowitz posed the "ticking bomb" scenario. Imagine that you are a government official and you know that a bomb capable of killing thousands of people is about to be used by terrorists. You are almost certain that a suspect knows where the bomb is and believe that by torturing the suspect, you can extract crucial information to save lives. Would you torture

or support the torture of this suspect under these circumstances? Democratic societies routinely condemn other societies that torture people.

In the war against terrorism, the United States significantly altered its policy on human rights abroad. Prisoners taken during the war in Afghanistan were subject to "stress and duress" techniques, including sleep deprivation, physical abuse, hooding, waterboarding (simulated drowning), and being forced to hold awkward positions for long periods of time. Many prisoners held at the U.S. military base in Guantanamo Bay in Cuba were denied access to lawyers and their families. Some prisoners were transferred to countries that are not only strategically located but also known to violate human rights, including Pakistan and Uzbekistan. Widespread abuse of prisoners held at **Abu Ghraib** in Iraq was vividly demonstrated by numerous photographs and videotapes that shocked the world in 2004 and undermined American credibility in promoting human rights, especially in the Islamic world. Some prisoners were killed, were tortured, or suffered from inhumane treatment and degradation. U.S. army dogs were used to abuse Iraqi prisoners.

3.10: The Death Penalty and Human Rights

3.10 Report the controversy around issuing death penalty as punishment

There is a growing consensus that the death penalty violates the most fundamental human right: the right to life. Several countries have outlawed the execution of teenagers. In Yemen, often criticized for violating human rights, the government abolished the death penalty for individuals under eighteen years of age. Only Saudi Arabia, Iran, Nigeria, and Pakistan allow teenagers to be executed. The United States executed teenagers until 2005, when the U.S. Supreme Court outlawed the practice. After briefly suspending executions in 2007 and early 2008, the U.S. Supreme Court reinstated executions by lethal injections in 2008. Japan, which typically executes five or six prisoners each year, has been criticized by Amnesty International and other groups for its secretive and sometimes sudden executions. Many prisoners are told of their execution only moments before they are hanged. Europeans are generally shocked by Americans' strong endorsement of the death penalty and will not extradite anyone to America if they face the death penalty. European societies abolished the death penalty in the latter half of the twentieth century, mostly in the early 1960s.



PRO-GAY RIGHTS ACTIVISTS KISSED OUTSIDE THE U.S. SUPREME COURT IN WASHINGTON, D.C. AS THE COURT HEARD ARGUMENTS LEADING TO ITS DECISION TO ALLOW SAME-SEX MARRIAGE.

Case Study

Homosexuals and Human Rights

In December 2010, the United Nations passed a resolution to protect the human rights of homosexuals. Discrimination and violence against gays, lesbians, bisexuals, and transgendered people constitute a major global issue. The issue of human rights of homosexuals is fundamentally about the right of privacy and the right to be left alone. Think of all the groups of people, social relationships, and behaviors that were not approved by the majority of members of society but are now widely accepted. Roughly eighty countries criminalize consensual homosexual sex. Some countries, including Iran and Nigeria, impose the death sentence for men and up to a hundred lashes for women found guilty of homosexuality. There are numerous cases of extrajudicial executions, kidnappings, rape, torture, and violence. Few governments in the developing world actively prosecute individuals for these violations. Russia bans the adoption of Russian-born children by gay couples and by any couple or single parent in countries with marriage equality. Russian law also allows the arrest of anyone suspected of being gay or pro-gay. They can be detained for fourteen days.

Demographic factors are contributing to global tolerance of homosexuals and the active promotion of their human rights. Younger people, influenced by significant cultural change that characterized the 1960s and 1970s, are generally supportive of diversity, including sexual orientation. Their attitudes and behaviors are reinforced by cultural globalization,

especially the Internet, television, movies, and magazines. Easy access to information enables individuals to make independent choices and to challenge conventional cultural values. College, the workplace, sports, and the military, for example, bring people together from diverse backgrounds, which helps create awareness of different lifestyles and foster greater tolerance. Furthermore, many individuals interact with homosexuals as family members, colleagues, friends, and neighbors.

Economic globalization engenders relentless competition for talented individuals, regardless of race, gender, nationality, or sexual orientation. Companies, like sports teams, that discriminate against individuals, including homosexuals, put themselves at a severe competitive disadvantage and make themselves vulnerable to global pressure and legal action. Furthermore, many leaders of global companies are part of the younger generation that generally rejects all forms of discrimination and values diversity and tolerance. Economic globalization also enables human rights organizations and gay rights groups to exert considerable pressure on governments that abuse human rights. Regional influences also help determine respect for the human rights of homosexuals. In Europe, for example, the European Court of Human Rights found Poland guilty of discrimination against homosexuals. Mexico, Argentina, and Brazil have advanced gay and lesbian rights in Latin America.

America took a significant step toward protecting the rights of homosexuals when it repealed its policy of allowing homosexuals to serve in the military as long as they did not reveal their

sexual orientation (also known as “Don’t Ask, Don’t Tell”). Most Americans disagreed with the policy and supported repealing it. In many ways, the struggle for human rights for homosexuals is reminiscent of the struggle to racially integrate the U.S. military. Experiences with successfully integrating the U.S. military after World War II played a pivotal role in the struggle to end racial segregation and discrimination in America. South Africa, which experienced pervasive human rights abuses under its system of

rigid segregation and harsh discrimination known as apartheid, is the first country to ban discrimination in its constitution. It is the only country in Africa to allow gay marriage. The cases of the United States and South Africa demonstrate that countries that end discrimination, promote tolerance, and value diversity in relation to a particular group of people generally become more inclusive and respectful of human rights for the rest of their citizens.

Summary

The promotion of universal human rights worldwide has become an increasingly contentious topic. This chapter examined how the progression and promotion of human rights have occurred within the broader political, economic, and cultural aspects of globalization. The concept of human rights has been significantly strengthened in recent history, especially with the growth of multilateral human rights NGOs, such as Amnesty International and Human Rights Watch, and international human rights-based institutions, such as the ICC and the UNCHR. Protecting human rights is no longer seen as an exclusively national issue; rather, it is one of global magnitude and

scope. We examined the importance of and distinctions among civil, political, and social rights, as well as the distinction between positive and negative human rights. We also identified factors that have contributed to the expansion of human rights globally, including the globalization of human rights through the creation and strengthening of international institutions, the growing acceptance of interdependence among states, the international proliferation of democracy, the strengthening of human rights through economic development and corporate globalization, and the increasing effectiveness of nonstate actors dedicated to promoting human rights.

Discussion Questions

1. Explain the differences between relativistic and universal human rights. How are they different in their scope and normative assumptions?
2. What are the differences between positive and negative human rights? How are positive and negative human rights related to the ICCPR and the ICESCR?
3. Are sanctions an effective weapon for promoting human rights? If so, how are they effective? If not, how do they hurt human rights?
4. Discuss the issue of human rights for people with disabilities.
5. What is humanitarian intervention? Give examples.