

HUMAN RIGHTS FOR ALL – ALL FOR HUMAN RIGHTS

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THE IMAGE OF HUMAN RIGHTS

It is amazing what human rights mean to different people. Except to certain newspaper editors, they seem to convey a positive image. To some, it is a rather sweet image, sugary even, but with very little substance. I was once at an annual Human Rights Day prize giving and enquired why one of the recipients had received her prize and was told it was for flower arranging. So for her particular nominators at least, brightening the home was a worthy human rights activity. The remaining hundred in the room would probably disagree, and that's because of how we define human rights.

DEFINITIONS OF HUMAN RIGHTS

One of the problems with seeking a satisfactory definition for human rights is caused by the predominance of legal thought in human rights. There is a legal definition of human rights, and that gets accepted as the only one. A philosophical definition, such as *human rights are strong moral claims*, can get overlooked.

HUMAN RIGHTS AS A TOOL

Of course, there is wisdom in adopting a legal definition, because you can actually do something with it. If we say that *human rights legally protect individuals and groups against violations of internationally agreed rights*, we have a very useful tool. We have a universally agreed language enforcing globally accepted standards. We have clear legal rules. We have protection for all individuals and groups.

THE UN CHARTER

This is what the United Nations gave the world in its Charter of 1945. Those internationally guaranteed rights have been refined over the decades, in part due to our increased knowledge and awareness, but also due to a greater political will to act on human rights. The 1948 Universal Declaration of Human Rights saw the first effort to outline the rights referred to in the UN Charter, and there have been numerous efforts ever since, drawing primarily on both international treaties and customary international law as their source.

THE PROPER USE OF THE TOOL

These rights set out clearly who is the rights holder, *the individual or group*, and who is the duty holder *the State*. And this is where we begin to see the difficulty. The State holds an obligation to individuals and to groups. International monitoring bodies supervise how each State implements its duties. It's a simple process. *Obligations* are enforceable whereas vaguer sounding *responsibilities* are not. But where does this leave the rest of us? Are we devoid of any responsibility? Is everything to be left to the *Nanny State*?

THE UN's INTENT

The answer is *not unless we let it*. The 1948 Universal Declaration of Human Rights makes it clear that *every individual and organ of society* must be involved. It would be a tremendous waste if they weren't. Take doctors for example. The seven core UN human rights treaty bodies that monitor State performance contain over one hundred independent experts – but how many of these are doctors? On average there are two at the most. One of these is usually on the Committee against Torture. The other experts on these treaty bodies are often lawyers or diplomats, sometimes both. The lawyers could be academic lawyers and could know a lot about human rights, but few have the specialist knowledge of some human rights areas that a doctor could bring. In the same way, the UN Committee on the Rights of the Child needs children's specialists to speak up for the children whose rights are being monitored. It makes little sense not to draw on such expertise.

THE NEED FOR EXPERTISE

Turning to other areas of the UN human rights set up, we find no doctors on the staff of the Office of the High Commissioner on Human Rights. I'm aware of the letters that come in daily, desperate letters; and I accept the need for lawyers to deal with their intricacies and draft faxes to dictators to tell them that the UN knows what is going on in the murkier corners of their countries. But could not these lawyers benefit from the advice of just one medical expert on the entire staff of the High Commissioner in Geneva? I think so.

SR on RHASH

Before going any further, let me clarify DHR's position. We are not opposed to lawyers at the UN. More specifically, nothing I say about the need for doctors to contribute to the UN's human rights work applies to Professor Paul Hunt, who is a lawyer and not a doctor, and has recently been elected for a second

three-year period as Special Rapporteur to the UN Commission on Human Rights on the Right to the Highest Attainable Standard of Health. His work over the last three years has been exemplary, and DHR has nothing but praise for him and his contributions to this aspect of human rights.

MEDICAL INVOLVEMENT IN THE UN

One of the reasons that the Special Rapporteur's work has been so successful is that Professor Hunt has been willing from the outset to consult medical experts, whether doctors or other health specialists. This is compatible with the Universal Declaration. Individuals or clusters of individuals, whether we call them groups, organs or organisations, must have a conduit for their speciality to reach the UN's human rights community. If the UN doesn't know we're out here, it won't contact us; but if we contact the UN and let it know that we're organised and ready to contribute of our expertise, our influence will spread. We can do this through the UN website or through organised groups, such as DHR, who maintain a relationship with the UN.

INVOLVEMENT IN A Dr's NGO.

This is the advantage of working through DHR. We do have a well-established relationship with the UN. We can see aspects of UN work where the input of medical expertise would be in valuable. Key areas for us are torture, the treatment of detainees and other gross violations of human rights; international crimes demanding universal jurisdiction, including war crimes, genocide and other crimes against humanity; the right to the highest attainable standard of physical and mental health; the death penalty; and the human rights education of health professionals. The list could be bigger if we had more resources to respond to the increasing number of requests that come our way.

HOW DHR MEMBERS EXERCISE THE MEDICAL RESPONSIBILITY

Members help us in all sorts of ways. They write letters to newspapers or to governmental bodies. They come to Geneva and help our delegation expound its case. They give media interviews. They perform administrative work. They serve on our Committee. Those with little time give us money. The important thing is that everybody helps to get a medical perspective into human rights. Members recognise that, although States have *obligations*, doctors have *responsibilities*. Doctors know more about the death penalty than any government, it is up to us to live up to our responsibility and place our knowledge where it is most needed. A donation to DHR today could be the first step. Why not give something today?