

Human Rights and Civil Education Concluding Session

GEORGE NEDUNGATT, SJ
Pontifical Oriental Institute

Human rights need to be viewed across various steps of incarnation and realization if they are not to risk remaining abstract ideas or disincarnate principles. The establishment of the United Nations and the Universal Declaration of Human Rights in 1948 were the global response of the conscience of the world stricken by the horrors of the Second World War. This Declaration was followed in 1950 by the European Convention for the Protection of Human Rights and Fundamental Freedoms and several other such conventions and declarations. However, neither the 1948 Declaration nor the 1950 Convention became law everywhere immediately. They needed ratification followed by legislation. For example, the United Kingdom was closely involved in the drafting of these documents and was one of the first countries to ratify them, but their provisions did not become law in the UK till the Human Rights Act of 1998, which came into force on 2nd October 2000. This means a lapse of fifty years. The UK took full fifty years to convert into law the UN declaration of human rights.

But the 1948 declaration of human rights was not ratified by all countries, notably most countries of the Islamic bloc, which declared that Islam has its own conception of human rights. In fact the UN declaration is a compromise formula, which sought to accommodate as many differing conceptions as possible, even opposite ones like positivism and jus-naturalism, atheistic socialism and Christian humanism. Any attempt to outline the philosophy or the theology of human rights in the UN declaration of human rights is to embrace one's own cherished vision. What the UN charter has affirmed is that every human being has certain rights that are basic and universal, that is, they are rights every human being has by being human or a person. They are integral to the integrity and dignity of the human being. They are rights; not concessions. Hence they cannot be withdrawn or curtailed by anyone or any power, although their exercise may need to be regulated by law in view of the public good.

However useful a theological or a philosophical approach to human rights may be, neither theology nor philosophy can convert them into practical instruments to affect or regulate life. For this there is need for legislation. But even legislation is not enough. Organizations like Amnesty International and Human Rights Watch try to verify the observance of the legislation and the respect for human rights by denouncing their violations and calling for sanctions. These then are two further steps in the actuation of human rights, namely, verification and sanction. Without these two steps human rights risk remaining ideals in a Platonic world of ideas. In all then

we have to speak of five steps: 1) drafting and declaration, 2) ratification, 3) legislation, 4) verification, 5) sanction.

To illustrate the point with a few examples let me cite from a recent press report that appeared in *The New York Times* (Rome edition, Monday, 8 December 2008) featuring three cases of acid attacks on women.

1) A Bangladeshi woman (the photo shows her face half covered vertically with her sari), the victim of an acid attack, attending an International Women's Day ceremony in Dhaka.

2) "Recently in Afghanistan, men on motorcycles threw acid on a group of girls who dared to attend school. One of the girls, a 17-year-old named Shamsia, told reporters from her hospital bed: 'I will go to my school even if they kill me.'"

3) A Pakistani woman named Naeema Azar was another victim of acid attack. An attractive, self-confident, real estate agent, she had earned a good income and was supporting her three small children. Her husband Azar Jamsheed, a fruit seller, however, had his eye on another woman. He agreed to end the marriage when Naeema decided to divorce him. After the separation, he came to say goodbye to the children, pulled out a bottle and poured acid on Naeema's face and quit. She was blinded in both the eyes, and flesh from her cheeks fell off. The Progressive Women's Association is now raising money to have her treated medically, so that sight to at least one eye could perhaps be restored. Mr. Jamsheed just disappeared and has not yet been arrested. In Islamabad alone 7800 such cases have been documented since 1994 of women who were deliberately burned, scalded or subjected to acid attacks. In only 2 percent of those cases was anyone convicted. Acid attacks and wife burnings are common in several part of Asia.

This widespread evil, degrading to humanity, is more common than we may be inclined to suspect. It is likely to continue unless human rights are teathed with legal sanction, conviction, and appropriate punishment. But there is something that we all can do and should do: not to use the expression "rights of man" as if it were the equivalent of "human rights." No, they are not; because there are the "rights of woman," too. To say "human rights" is to use inclusive language; to say "rights of man" ("droits de l'homme") is to use sexist language. The distinction is found already in the preamble to the Universal Declaration of Human Rights, which speaks of our faith in "human rights," in the equality of "the rights of man and of woman."

If human rights are to be respected, there is need for something-more, namely, education. Already PLATO and ARISTOTLE insisted on the need for education, not legal education, but education for law, about the value of law and the need to live in civil society respecting law. That is, civil education. A symposium on human rights like ours today is an occasion also to think of such education, or ongoing formation.

The loud and frequent protests worldwide against the gross violations of human rights are a good sign that the conscience of the world is sane. On such occasions there is a general expectation, too, that the Catholic Church speak out, especially through its highest spokesman the pope, condemning or deploring the gross violations of human rights. In case His

Holiness the pope fails to do so, or even only delays to do so, the failure or the delay becomes news in the media. This expectation is a rather recent phenomenon; it was not so always in the past. The change speaks well of the public image of the Catholic Church as a champion of human rights today. Pope JOHN XXIII's encyclical «*Pacem in Terris*», followed by the Second Vatican Council, especially with its declaration on religious freedom, has contributed much to this welcome change.

In not a few countries human rights are frequently and systematically violated and fundamental freedoms are compromised with people being subjected to torture, ethnic cleansing and religious persecution. These occurrences have become so common and frequent that they risk losing news value and that our conscience becomes callous. To such a danger a good antidote can be celebrations like the present seminar.

GEORGE NEDUNGATT, SJ