

Term paper on human rights

Sociology, Human Rights



On what grounds is the idea of universal human rights challenged?

Human Rights

The universality of human rights is one area that has generated many debates and equally varied interpretations with respect to its existence. The debate regarding the universality of Human rights calls for the understanding of ‘ universality’ and ‘ human rights’. Irrespective of what they do, who they are, or where they come from, all human beings are holders of human rights, and therefore, they are entitled to their rights (Ankerl, 2011; Donnelly, 2003). Since the UN adopted the Universal Declaration of Human Rights in 1948, fundamental freedoms and human rights have undergone codification of different types that cover almost every aspect of human life (economic, social, political, cultural, and religious rights) (United Nations, 2011). Virtually, all states and nations accepted this catalogue of rights and incorporated them into their laws and obligations. However, the realization of universality of human rights is an issue that still needs commitment and continued growth among religions and civic societies for human rights to become universal.

One of the fundamental theoretical characteristics of human rights is universality. This characteristic influences other categories covered by human rights. Other important characteristics of human rights include egalitarianism (all humans have similar rights), categorical (human rights cannot be denied to anyone because he/she possesses these rights), fundamental (human rights are basic and essential elements necessary for

human existence), indivisible (all sections of human rights are complimentary, and therefore, they must be respected), and finally, human rights are individualistic. Simply put, the reason for having these rights is for global knowledge of what is acceptable and what is not acceptable in respect of how we treat other human beings (Forsythe, 2000). Human rights also provide values and guidelines for nations and individuals to follow, thus providing overall peace around the world and justice

Sadly, the implementation of human rights is faced with a myriad of challenges thereby discrediting the universality of Human Rights. Other than failures associated with implementation of human rights, many activities and practices over the world are breaching the idea of human rights. For instance, crimes against humanity happened in various parts of the globe despite the existence of the universality of human rights. The Rwandan Genocide, Srebrenica Genocides, and more recent cases such as the Libyan Wars are examples of actions that have violated human rights, and as well, undermined the universality of human rights (Dallaire, 2004). Could there exist factors that prevent the exercise of human rights across regions? Have humanitarian intervention institutions failed to exercise their authority? Are human rights universal or just applicable to particular regions and boundaries? Undeniably, answers must be provided to these and other questions relating to the universality of human rights, or else the notion of Universality of Human Rights would remain but just as a ' Theory' (Tharoor Shashi, 2011).

Other instances that have challenged the practicality of human rights include cases of Female Genital Mutilation based on cultural and religious backgrounds. Female genital mutilation is a procedure that contradicts the Universal Declaration of Human Rights because it involves torture and removal of parts of the female genitalia. This activity violates article 5 of Human Rights Declaration that states that no individual should be subjected to acts of cruelty, punishment, torture, or other degrading acts.

Notwithstanding its condemnation by the World Health Organization and other Human Rights groups, hundreds of thousands of women have died or suffered from the complications and side effects of this practice. Sadly, Female Genital Mutilation and Female Circumcision are still being practiced in different parts of the world despite the existence of the Universality of Human Rights. Allowing the continuity of female genital mutilation is a violation of human rights, and if no interventions are made with regard to this act, then there would be no need of universality of Human rights.

Religion and Culture are some of the biggest impediments to the realization of the Universality of Human Rights. For instance, Genocides and Female Circumcision have been or are still undertaken on religious and cultural grounds (De Brouwer, 2005). Genocides are argued to be acts of 'ethnic cleansing' among cultures and are well organized based on political or cultural grounds (Dallaire, 2004), while some religions such as Islam argue, that Female Genital Mutilation is necessary 'to make it pleasant for the Husband'. Using religious and cultural perspectives to continue with these torturous acts is violation of the Universality of Human Rights in itself (Rehman, 2007). Even though every individual has a right and freedom to

religion, it should be used as a framework for undertaking actions that bring torture to fellow human beings, for they too, have rights that must be respected. With liberalization and education, the perpetrators must get out of the religious and cultural cocoons in order for human rights to become universal. If not, then the notion of universality of Human rights would continue being challenged and in turn, making it difficult to be realized.

Similarly, public stoning is still a cultural and religious practice in some regions of the world, such as Sudan, Afghanistan, Pakistan and Nigeria. Women accused of adultery can be ordered to be stoned to death as part of Islamic law, or better known as Shari`a law. The perpetrators of this act condemn western critics to justify the applicability of this form of punishment (Rehman, 2007). To some extent, they might be right, but how about the victims who undergo acts of torture and murder? Is that not a violation of their human rights? Are there no legal systems to address such issues? So long as these acts continue to exist, the universality of Human rights would not be achieved but it would exist as a theory.

Undeniably, cultural diversity and particular interests are other major impediments to the realization of human rights. For instance, human rights cannot be realized when there is struggle between the realizations of particular State interests that seek to claim priority of their sovereign as compared to the realization of the universality of human rights. The particular interests in question can be a measure of obtaining sphere of influence but they might be under struggles with the moral dimension of human rights. This explains why the implementation of the universality of

human rights has not reached where it is supposed to be, and thus, majority of human beings will continue to suffer from violation of their rights (Jackson, and Sorensen, 2003). Equally, many have argued that human beings come from different cultural diversities and as such, they face have different moral dimensions regarding human rights. This fact can be confirmed from the Asian Values Debate, which defines human rights based on cultural grounds (Hashimoto, 2004). They argue that the rights of an individual are supposed to be defined by the immediate community. The differences in cultural concepts and claims leads to people holding to incompatible views that undermine the practicability and universality of human rights.

Conclusion

Admittedly, it is widely accepted that the concept of the universality of human rights should be a matter to be pursued with unquestionable aspiration. However, the biggest challenge is that Human rights cannot continue existing in theoretical formats in treaties, laws, and declaration. Efforts must be made to ensure that its practicality is done on the ground (particular societies, communities, or states). The struggle should begin with the elimination of egregious violations to human rights such as genocides, female genital mutilation, political interests, religion, discrimination, and cultural diversities. Without any measure being undertaken, Universal rights will continue to exist in ‘theory’ and, sadly, human beings will continue to suffer. With commitment and continued development in all areas, the challenges to the realization of universality human rights can be overcome and the aspiration of realizing human rights can be achieved.

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