



## *Basic Ideas of Human Rights*

### A) Reason for Human Rights: Protection of Basic Human Needs.

#### I) Basic Human “Needs”:

In every country live a lot of different people:

Old and young people. Educated and illiterate people. People with different political or religious beliefs. People who have property and people who have not. Men and women. People who commit crimes and people who do not. People from different nationality and ethnic origin.

Example: In Cambodia live also Thai and Vietnamese People

Although they are all different they have **one thing in common:**

Everyone of them is a human being and every human being has a

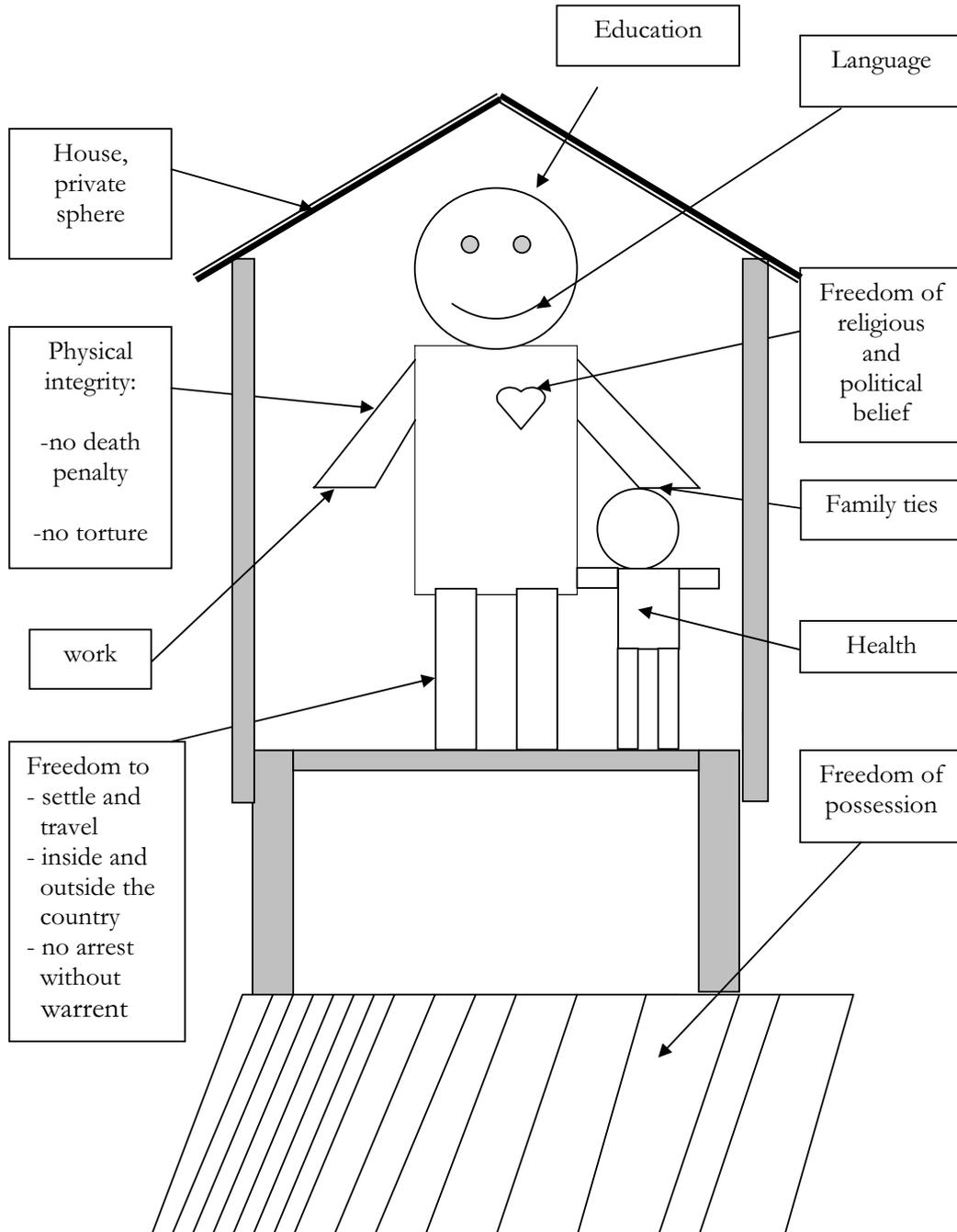
- **body**
- **spirit/soul** and
- **lives in a group** of other human beings

Therefore all human beings have the **same basic needs:**

- **physical life (body):**
  - unharmed physical integrity: not to be killed or tortured
  - free movement of the body -travel and settle
  - no arbitrary arrests
  - no slavery
  - means to make a living: -profession: choose and exercise a job; fair labor conditions;
  - possession: keep the fruits of ones work; no arbitrary deprivation of land; fair share of public property; unharmed environment
  - social security: for old, disabled and young
  - health
- **spiritual life:**
  - political/religious belief
  - family: human relations
  - education
  - private sphere: no arbitrary search of house
- **living in a group of human beings:**
  - communication: free speech and free information
  - association: free assembly
  - free founding of groups/associations
  - participation: voting, being chosen for an office



## The Basic Needs of Any Single Human Being





## II) Disrespect for the Basic Needs of Other Human Beings:

In many cases the basic needs of other human beings **are not respected**:

Examples: People with other political or religious beliefs are suppressed, arrested or even killed.

Women are beaten by their husbands.

Children are sold by trafficking agents.

People of different ethnic or national origin are chased, robbed, killed.

Criminals are tortured and killed.

Criminals steal property.

Poor People are deprived of their land by land grabbing.

What are the **reasons** for this disrespect?

- A distinction between valuable and worthless human beings:

Other people are seen as inferiors, whose existence does not have the same value.

To deny their basic needs gives the suppressor a good feeling of superiority and strength.

Example: Men beat women. Thais or Vietnamese are attacked

- Or they are seen as wrongdoers whose existence does not fit into the picture of a perfect world:

To suppress or eliminate them or chase them out of the country seems to make the world perfect.

Example: Thieves are killed by the mob. Pol Pot wanted “revolutionary” Cambodians who were free of capitalist desires, therefore his “Angkar” killed all who seemed to have the wrong ideas (intellectuals, city people).

- Violent Solution of Conflicts seem to be easy and shows quick results:

Example: In 2003 the Thai police killed more than 2000 drug dealers to solve the drug problem.

## III) The Response to this Disrespect of Needs are Human Rights:

The Human Rights Idea gives the following **three** answers to the above-mentioned reasons of disrespect:

### 1) No perfect world, but **FREEDOM**:

Basic human “needs” must be protected by human “rights”:

When the basic needs of a human being are respected it can live freely in the society and can develop its personal capacities and creativities in the best way. Therefore a human being must be given the right to claim respect for its basic



needs from anyone. This will not create a perfect world, but one with the best chances to be just, peaceful and stable.

## 2) No distinctions between human beings, but EQUALITY:

Human beings are different, but every single human being has the same needs. To protect these needs and grant freedom not only for some people every human being must be granted an equal value. This means a human being is valuable and precious without further conditions. No one shall be eliminated from society.

## 3) No violent conflict resolution but RULE OF LAW

In a society of human beings, the conflicts between equal freedoms of different human beings must be solved without violence or elimination of human beings. The conflict is solved by the law. The only purpose of the law shall be to protect and balance the human rights. Human beings build a state with all its institutions just for the only purpose to protect and balance their human rights. The state has to serve the people.

The French<sup>20</sup> called these 3 principles: **Liberté, Egalité, Fraternité**

French Declaration of Human Rights of 1789:

**Article 1:** Men are born and remain free and equal in rights.

**Article 2:** The aim of every political association is the preservation of the natural rights of man.

**Article 4:** Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.

## IV) The Underlying Philosophy of Human Rights:

### 1) No human being is perfect:

Everyone makes mistakes. Error is human. Life will never be perfect. Therefore no political idea or religion of humans can claim to be absolute true and no human being can claim to be better or more valuable than others. Who does claim this is blind and does not see her/his own faults.

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<sup>20</sup> see [www.elysee.fr/ang/instit/text1.htm](http://www.elysee.fr/ang/instit/text1.htm)



Example: Those who wanted to build a perfect world like Pol Pot or the German Nazis ignored this wisdom. They have created hell on earth instead of a perfect world.

## 2) Every human being is valuable and precious

The human being is unique and therefore can never be replaced. Its specific existence enriches the variety of existences which makes all social and biological systems strong. The difference of human beings makes life more colorful. They have more different ideas how to solve problems. No one can live without the others and their different experience. This is expressed by the Cambodian saying: “When you meet three unknown people on the road, one of them could be your teacher”.

Example: When attacked by a mob a Thai or Vietnamese man, woman or child feels the same like a Cambodian man, women or child would feel when they were attacked.

## 3) Disrespect of needs of other human beings and violent conflict solution always leads to widespread suffering, injustice, instability, pain and terror.

Violent conflict solution does not seek the balance of rights but eliminates the rights of others. This causes always resistance and more violence. If in a society the individual basic needs of human beings are not respected injustice, revenge, violent answers and instability are the consequences.

Example: When people are not listened to, treated unjust or when their needs are denied they often become violent. A thief who may have just tried to steal for food might rob with a gun next time to avoid being killed.

This wisdom is also part of **Buddhist religion and philosophy:**

“... Thus not only are Buddhism and Democracy compatible, they are rooted in a common understanding of the equality and potential of every individual. ... Pursuing ones own fulfillment at the expense of others would lead to chaos and anarchy. “ (Dalai Lama, Buddhism, in: Journal of Democracy, 1999, p 3 – available at the KID Om Radsady Library).

The four Buddhist attributes for a pure mind summarize this wisdom in the following way:

mercy/ living kindness:	be friendly and love everyone
compassion:	have empathy with the poor and help
sympathetic joy:	be happy to see others improving
impartiality:	stay neutral and think carefully before acting



## V) Law Texts Expressing these Human Rights Ideas:

Preamble of the Cambodian Constitution (CC):

We the People of Cambodia, ... having endured sufferings and destructions and having experienced a tragic decline in the course of the two decades, awakened, stood up with a resolute determination ... to restore Cambodia into an “Island of Peace” based on a multi-party liberal democratic regime guaranteeing human rights and the respect of law, and responsible for the destiny of the nation always evolving toward progress, development, prosperity, and glory, ...

Preamble of the Universal Declaration of Human Rights (UDHR):

... Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, ...

Preamble of the International Covenant on Civil and Political Rights (ICCPR):

Considering that ... the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, ... Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.



## VI) Legal Guarantees of Equality:

### 1) General provisions:

Article 31 Cambodian Constitution (CC):

Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

Article 26 ICCPR:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 1 UDHR (1948):

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 UDHR (1948):

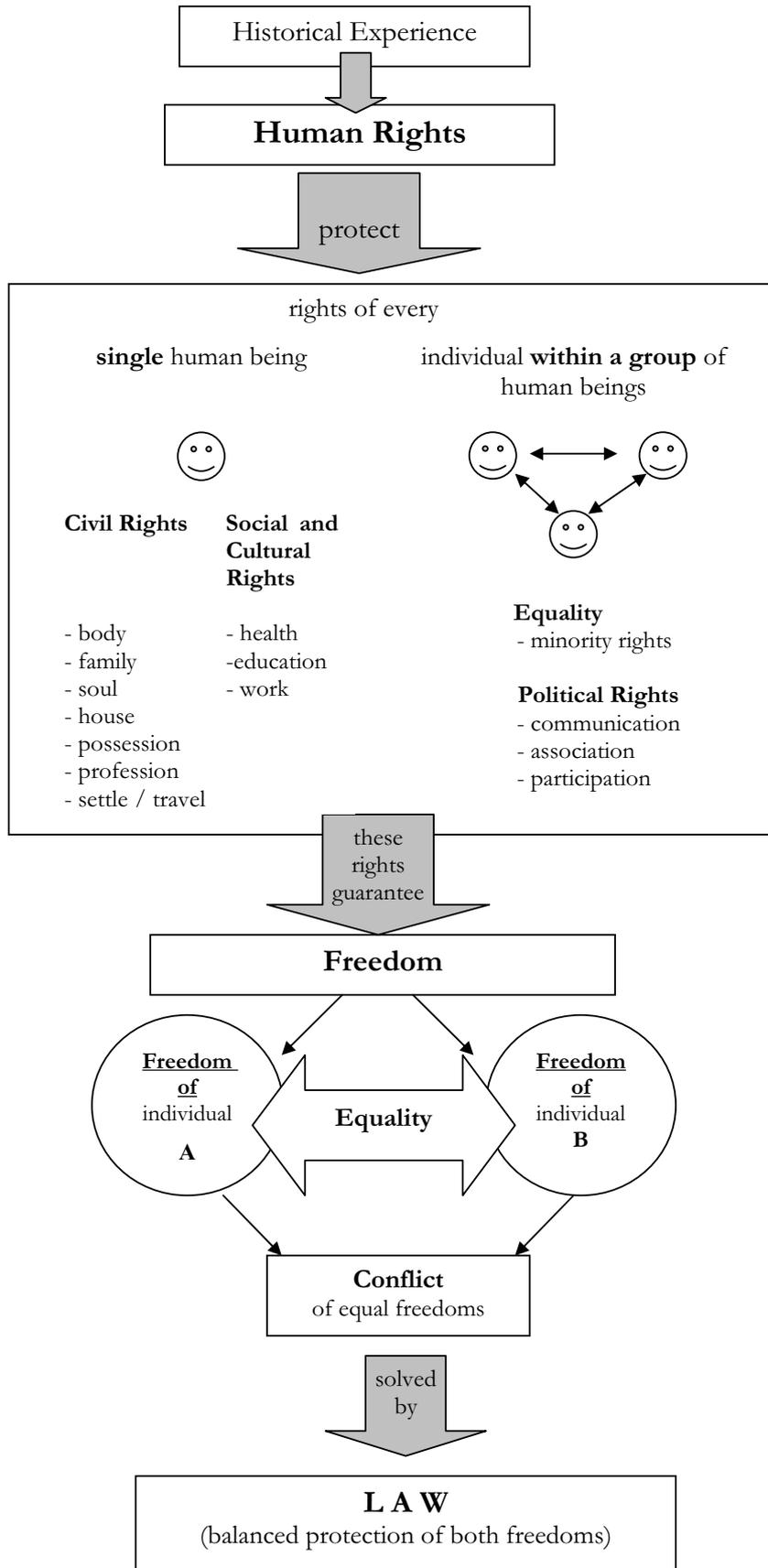
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### 2) Special provisions to protect equality of especially weak groups:

Women rights	Children rights	Minority rights	Worker
Article 31, 36 II, III and 45, 46 CC	Article 31, 48 CC	Article 27 ICCPR	Article 36 II CC
Convention against Women's Discrimination CEDAW (1979)	Convention on Children Rights CRC (1989)	Convention against Racial Discrimination CERD (1965)	Same salary for same work



### VII) Principles on one glimpse





### Study Case 1:

A mob of angry people kills a thief in the streets of Phnom Penh. The people are laughing.

- 1) Try to imagine what they think and feel. Describe the peoples' feelings!
  
- 2) Try to imagine what the victim feels and thinks. If you were in her/ his position, what would you say for your defense?
  
- 3) Try to imagine what the shopkeeper feels and thinks, whose property was stolen by the thief. Describe what s/he would say?



### Study Question 4

- a) What basic human rights are involved in the conflict between shopkeeper, thief and mob members?
  
- b) What are the reasons for mob killing?
  
- c) How could this conflict be solved?



### Study Question 5

Please cite international and national legal provisions (articles) which protect the rights of women to control their own bodies.