Breaking news at twelve fingertips with the Guardian app
Download now
Silver Bullet

The case against human rights

Many believe that international human rights laws is one of our greatest achievements. But Kenan Malik argues that it has become a reflex. A tactic for different agenda's long-term cost

Tweet 0 Like 0 Share 0 Email 0 Print 0 Comments 0

Kenan Malik
guardian.co.uk, Sunday 11 October 2009 19.00 BST

In 1992, Rosalind Mu Nsoen, a Christian living in Ho de Jeunes Bonds, was arrested by police for an operation to round up drug users. Her crime was to be a member of a Christian organisation that was trying to promote safer drug consumption, which meant met with drug users and distributing clean needles. Mu Nsoen was not a drug user herself, but public pressure led to a police investigation, and eventually to the arrest of police officers, who were charged with torturing and murdering her.

Brazil, one of the biggest democracies in the world, is rarely considered to be among the major human rights violating countries. But every year there are a thousand killings by police – very likely summary executions, according to Human Rights Watch. Brazil's record is not the worst in the world, but it is emblematic of failures in human rights laws, and it is a rule that Brazil flagrantly violates – not as a matter of official policy, but as a matter of reality. Human rights laws are meant to be universal. Human rights include rights, the world's largest democracy, India, has ratified the International Covenant on Civil and Political Rights, which lists the rights that Brazil and India are meant to enjoy. Yet, in practice, human rights are not universal. Human rights are not even the same for all people in a single country. Human rights are not even universal, as Rosalind Mu Nsoen's case illustrates, when even police officers can be tortured and murdered with impunity, as, in fact, various commissions of inquiry in Brazil have found.

Human rights are not even universal, as Rosalind Mu Nsoen's case illustrates, when even police officers can be tortured and murdered with impunity, as, in fact, various commissions of inquiry in Brazil have found.

Click to enlarge

Human rights are not even the same for all people in a single country. Human rights are not even universal, as Rosalind Mu Nsoen's case illustrates, when even police officers can be tortured and murdered with impunity, as, in fact, various commissions of inquiry in Brazil have found.

Click to enlarge

Although the modern notion of human rights emerged during the 18th century, it was not, because it, is, itself, that the stick begins to mutated, with the adoption of the Universal Declaration of Human Rights by the UN general assembly in 1948. The Declaration, which was drafted by a committee of 18 people around it, is a very higher-level international relations. It provided a long list of rights, most of which are the familiar "political" rights that we are used to, such as freedom of speech, freedom of association, and freedom from cruel and unusual punishment. The Declaration was not dictated by the United States, however, and drawn the influence of other traditions of legal thought in its inclusion of "social" rights, such as the right to work.

The weakness that would go on to undermine human rights law were there in 1948. The Declaration was not a treaty, and was not binding on anyone. It was an ideal, a statement of what it could hopefully binding obligations, in the form of treaties, would be. The Declaration was not binding, but it was clarion del cor gave the ground unanimity the power to mass international

Most viewed

Original reporting and incisive analysis, direct from the Guardian every morning

Sign up for our email →

© 2023 Guardian News & Media Limited or its affiliated companies. All rights reserved. (modern)