Are Human Rights universal?

Ans: Article 1 of the United Nations Declaration of Human Rights (UDHR) says Rights are universal as all human beings are born free and equal in dignity and rights. Human rights are the rights that belong to all individuals by virtue of their humanity which could potentially lead to establishment of a just society. They are capabilities and values which protect the interests of human beings around the world irrespective of distinctions like religion, race, sex, nationality, language etc. They are regarded as a secular and modern version of natural rights.

**DEBATE OVER UNIVERSALITY OF HUMAN RIGHTS** :

The important issue is whether human rights are truly universal, applicable to all individuals across diverse societies. There is consensus in the Western countries that human rights are universal in nature. Even the UDHR states that all humans are free and equal with no distinction given to their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

However, in the non-Western countries, there are views against the universality of human rights. Supporters of such views argue that human rights are not universal, but culturally relative and cannot override cultural differences that exist between various societies around the world. A single document cannot claim to represent all individuals in the world when their experiences are so different.

**1)Cultural relativism arguments:**

There are five main arguments used by various supporters who argue that human rights are culturally relative.

First, the individuals who were involved in the process of drafting the UDHR were cosmopolitans having international experiences and also had certain privileges in their societies. There is a difference in the way how cosmopolitans and ordinary people interpret human rights.

Second, human rights reflect Western values that put more emphasis on the individual and ignore units like social groups and families.

Third, the national governments resist international norms that are against local, cultural and social values or their domestic political interests. During the Cold War, the Soviet Union and many non-Western countries gave more importance to the International Covenant on Economic, Social and Cultural Rights while the Western countries were in favour of the International Covenant on Civil and Political Rights. The Helsinki Accords were signed in 1975 between the Soviet and Western bloc countries to respect human rights and fundamental freedoms.

Fourth, Some rights recognised by the UDHR, like marriage and religious freedom may be against cultural norms in some non-Western countries and the policymakers in these countries interpret certain rights as Western cultural impositions. Saudi Arabia had refused to adopt the UDHR in 1948, saying that certain freedoms (like rights of men and women to marry who they choose) were against Islamic principles. The Cairo Declaration on Human Rights in Islam (1990) said that rights and all moral principles are based on divine authority instead of human authority.

Lastly, it is often argued that the developing countries often cannot afford human rights as the tasks of economic development and nation building are still unfinished in such countries.

Hence, they argue that authoritarianism is more efficient in promoting economic growth and development. This is the main idea behind the case of Asian values which argue that economic growth in South-east Asia is attributable to values like obedience, respect for authority and order. The argument is that human rights can be sacrificed to attain economic prosperity. For these countries, the International Covenant on Economic, Social and Cultural Rights take precedence over the International Covenant on Civil and Political Rights.

**2) Universalists arguments:**

The universalists, on the other hand, have countered the claims of cultural relativists.

First, although the universalists agree that much of the world was not represented while the UDHR was formulated, however, they highlight representation from India, China, Chile, Cuba, Panama, Lebanon and Philippines to show that people from diverse cultures and backgrounds contributed while drafting the UDHR. Also, almost two-third of the endorsing votes for the UDHR came from the non-Western countries.

Second, the UDHR is not totally based on individual rights. The UDHR highlights spirit of brotherhood, community and society as well. It also recognises that an individual is constituted and sustained by relationships with others.

Third, the tension between universal and local realities is not always contradictory and allows different kinds of change to emerge in certain cases.

Fourth, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are like Siamese twins – inseparable and independent, sustaining and nourishing each other. Many of the civil and political rights protect groups while many of the social and economic rights protect individuals.

Fifth, the culturally relative position is generally defended by authoritarian regimes to stay in power, but they do not hesitate to domestically crush their culture whenever it suits their interests. Rights are violated where there is coercion and violence. Such actions should be condemned irrespective of any traditional justification. So, the real culprit is not culture but coercion. Every religion advocates values of justice, compassion and truth etc. Former Secretary General of the UN, Kofi Annan had rightly said that the problem is not in faith, but with the faithful.

Lastly, Nobel laureate Amartya Sen has highlighted that there is a general agreement on policies that help economic development – openness to competition, the use of international markets, high level of literacy and school education, successful land reforms and public incentives for investment, export and industrialisation – none of them requires authoritarian government and none of them is incompatible with human rights. He has further argued that the so called Asian values often invoked to justify authoritarianism are not Asian in any sense as Asia is culturally diverse. He has highlighted that to achieve universal freedom of choice, capabilities like education are necessary. Cultural relativism will not be meaningful where it undermines the capabilities necessary to function.