



Rights Inherent to all Human Beings

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Abstract

The concept of slavery and slavery-like practices can cover a range of practices, including forced labour, exploitative child labour, descent based slavery, forced or servile marriage, and human trafficking. They all have in common an inability for the individual to leave a workplace or slave master at their own free will. Article 4 of the UDHR asserts that no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. This prohibition has been reaffirmed in a range of treaty provisions: Article 8 of the ICCPR, Article 5 of the African Charter on Human and Peoples' Rights, Article 6 of the American Convention on Human Rights, Article 10 of the Arab Charter on Human Rights, Article 13 of the Association of Southeast Asian Nations Human Rights Declaration, and Article 4 of the European Convention on Human Rights.

Keywords: Anti-slavery; International borders; Political parties; Assembly; Corruption; Human rights

Introduction

The Rome Statute of the International Criminal Court criminalizes, as crimes against humanity, enslavement, sexual slavery, and enforced prostitution. As war crimes, it criminalizes sexual slavery and enforced prostitution. In addition, there are a number of conventions that aim to eradicate slavery, most notably the 1926 Slavery Convention, as amended by the 1956 Supplementary Convention on the Abolition of Slavery; the 2000 International Labour Organization Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children [1]. In 2007, the Human Rights Council established a Special Rapporteur on contemporary forms of slavery, including its causes and consequences. Despite this extensive array of treaty provisions embodying the spirit of Article 4 of the UDHR, slavery persists across the world, even in countries that have ratified anti-slavery treaties. According to estimates, almost 21 million individuals across the globe were forced labourers in 2012; 11.4 million of them were female and 9.5 million were male. Walk Free estimates of modern slavery which include forced marriage, place the number of people living in servitude far higher at 35.8 million. Children are particularly vulnerable, especially as child soldiers, domestic servants, and sex slaves. Against this reality, the U.S. Department of State estimates that there are only around 10,000 prosecutions annually for human trafficking offences. Clearly, the task of preventing slavery is not as straightforward as simply declaring it to be illegal. Slavery has different root causes, and many factors that sustain both vulnerability to enslavement and the impunity of offenders [2]. Conflict, corruption, poverty, and discrimination are key drivers of vulnerability, as are historical relationships of power, colonialism, and exploitation relationships that have become embedded in local culture and social norms. Weak rule of law, the failure of legal systems to operate effectively across international borders, failure of social safety nets, and even the normalization of some forms of exploitation facilitate the continued existence of slavery. Ending slavery is deeply connected with the mission of the UDHR [3]. This will require a deep focus on discrimination and inequality, and the systems that allow these to persist. It will require governments, corporations, and private citizens to focus serious attention on practical realization of the social and economic rights that allow people to protect them from slavery, whether this is through social insurance in times of shocks, food and shelter in times of crisis, or their ability to access decent work. It will require governments to address the corruption that perpetuates the impunity of offenders. Torture has enduring effects on the physical, mental, and

emotional well-being of its survivors, crippling or destroying their abilities to pursue fulfilment and happiness. In many nations, torture is used to extract confessions from alleged criminals or political prisoners. Torture is utterly inconsistent with basic human rights [4]. Article 5 of the UDHR states no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Since torture has devastating consequences for its victims, the international prohibition against it is absolute. Article 7 of the ICCPR reaffirms the UDHR's proscription of torture, and expressly bans non-consensual medical or scientific experimentation. Most importantly, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment obliges every country to take effective legislative, administrative, and judicial measures to prevent torture in any territory under its jurisdiction, and forbids states from sending a person to another state where they would be in danger of being tortured. The 158 state parties to CAT are required to ban the use of evidence obtained through torture in their courts. In addition, CAT provides that all state parties must ensure education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, or any other persons who are involved in interrogations of those arrested, detained, or imprisoned [5]. The repudiation of torture is supposed to be realized in international law through three primary mechanisms. First, CAT establishes a Committee against Torture that reviews reports submitted by state parties on the measures they have taken to fulfil their obligations under the convention. The Committee also initiates inquiries concerning allegations of systematic torture by a state party. Second, the Optional Protocol to CAT establishes an international inspection system for places of detention with the objective of preventing torture, modelled on the system that has existed in Europe since 1987. Third, in 1985 the UN Commission on Human Rights established the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment. The Special Rapporteur examines relevant questions in all countries, regardless of whether a state has ratified CAT or OPCAT [6].

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Nevertheless, torture remains a shamefully common practice. Amnesty International reported that torture occurred in 144 countries – scattered across all continents – between January 2009 and May 2013. Torture takes many forms. In 2013 to 2014 alone, Amnesty International documented over 27 variants worldwide, the most common of which were beatings, electric shocks, stress positions, extended isolation, and whipping. First, many countries have not adopted domestic laws criminalizing it. Second, even where there are laws against torture, real steps to bar it are often not taken [7]. Third, victims frequently come from the ranks of the marginal and the vulnerable such as minority groups, the poor, and opposition political parties and movements. They have little or no power to demand and obtain redress. Fourth, international efforts to combat torture are limited by a lack of data identifying where violations occur most and who suffers them most. Finally, anti-torture efforts are undermined by the widespread misconception that torture is an efficient and reliable shortcut to establish guilt and secure justice [8]. A survey conducted in 2013–2014 by Amnesty International across 21 countries and 21,000 respondents found that over a third of them agreed that torture is sometimes necessary and acceptable. Although enumerated in separate articles of the UDHR, freedom of opinion, expression, assembly, and association are inextricably linked. Expression rights are both essential for good government and central to the affirmation of the dignity of every individual. They are accordingly the hallmark of a free and open society. Article 19 affirms: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers [9]. Article 20 is similarly emphatic, everyone has the right to freedom of peaceful assembly and association, and No one may be compelled to belong to an association. Articles 19, 21, and 22 of the ICCPR collectively declare wide ranging rights in the domains of opinion, expression, assembly, and association. Article 19 guarantees the right to hold opinions without interference, as well as the ability to seek and impart information and ideas of all kinds through any other media regardless of frontiers. Article 21 upholds the right to peaceful assembly, while Article 22 insists on the right to free association, including, notably, the right to form and join trade unions. Article 8 of the ICESCR extends the right to trade unions to national and international confederations, and clearly enshrines the right to strike as a bargaining tool [10]. The ICCPR and ICESCR establish a set of exceptions to expression, assembly, and association rights, for the protection of national security, public order and safety, and public health and morals. A number of other international treaties have widened the writ of the ICCPR and the ICESCR, setting out distinct prohibitions against specific types of dissent-suppression. Most prominently, the Convention for the Elimination of all Forms of Discrimination against Women and the Convention on the Rights of the Child explicitly declare that expression rights are women's rights and children's rights too [11]. Regional treaties including the European Convention on Human Rights, the American Convention on Human Rights, the African Charter on Human and People's Rights, and the ASEAN Human Rights Declaration have likewise broadened the recognition of expression rights in the post war period. Generally, regional treaties have followed the template of the ICCPR, protecting conscience, expression, association, and assembly with exceptions for public health and morals, national security, public order, and harm to others' rights and reputations [12]. Although there has been a degree of progress in securing expression rights, they are not observed today in many parts of the world. The Commission notes that three actors bear particular responsibility for advancing expression rights: states, international organizations, and corporations. States are obviously of key importance here. Although many national constitutions affirm

rights to freedom of opinion, expression, assembly, and association, they are impermissibly circumscribed by states. Restrictions on expression rights must be proportionate, necessary, and lawful in order to be justified. However, many countries routinely suppress expression, particularly political dissent [13]. State interference in four areas is of pressing concern, first, Internet censorship and surveillance, second, the blocking of funds to civil society organizations, third, burdensome restraints on assembly; and fourth, the detention of and violence directed at journalists. International organizations must also defend and extend expression rights. Currently a number of international organizations erect barriers to CSO participation and engagement with their work. They should reduce barriers to participation in their decision-making and foster active stakeholder engagement. Corporations too have an obligation to observe expression rights, including the right to unionize and to protest near places of business [14]. The right to education is both a human right in itself and an indispensable means of realizing other human rights. Education empowers individuals to raise themselves out of poverty and advance their socio-economic status. Politically and socially, education offers people the necessary skills to identify common goals, assume a full and active place in community life, recognize manipulative media practices, and resist oppression. Despite its vital importance in securing human rights and advancing socio-economic development, education commands too little media attention. There is a stubborn and unacceptable gap between education needs and available resources. Indeed, total global financial support for education has actually fallen in recent years. The right to education is articulated in Article 26 of the UDHR, which emphasizes universality, equal access, and the role of education in promoting respect for human rights and tolerance among nations and social groups. The right to education is likewise reaffirmed in Article 13 of the ICESCR and Articles 28 and 29 of the CRC. The major regional human rights instruments similarly recognize a universal right to education, including the African Charter on Human and Peoples' Rights, the European Convention on Human Rights, and the Association of Southeast Asian Nations' Human Rights Declaration. One exception is the American Convention on Human Rights, which lacks a specific provision on education. The Commission on Human Rights appointed a Special Rapporteur on Education in 1998. In 2000, the Special Rapporteur developed the Right to Education Project, 896. Implementation of Human Rights supported by prominent international NGOs, including Action Aid International, Amnesty International, Save the Children, and Human Rights Watch. Again and again the international community has set higher goals for progress in education. Quantitative targets have been set in the Millennium Development Goals, the Education for All movement, and the SDGs. Unfortunately, although gains were made on these goals in the early 2000s reducing the number of out of school children from 120 million to less than 60 million further progress has stalled [15]. For example, in recent years, the number of out of school children has increased from 58 to 59 million. In order to reverse this trend, the framework for education must be fulfilled. The framework emphasizes availability of educational institutions and programs, the physical and economic accessibility of educational institutions and programs to everyone without discrimination, the acceptability of curricula and teaching methods, and the adaptability of education to diverse social and cultural settings, as well as to students' special requirements. There are four primary barriers to achieving the right to education: first, lack of investment and finance, second, economic barriers to access for both children and adults; third, discrimination, particularly gender-based discrimination; and fourth, challenges in large-scale emergency situations. According to a 2015 UNESCO report, an annual financing gap of 39 billion USD will have to be met from 2015–2030, totalling 585

billion USD over the fifteen-year period, if the international community is to achieve universal pre-primary, primary, and secondary education of decent quality in low and lower-middle income countries. Delivering the right to education has far-reaching benefits. The Global Partnership for Education estimates that the increase in women's education, for instance, has prevented over four million child deaths.

Conclusion

Similarly, if all children were to acquire basic reading skills, the Partnership estimates that 171 million people would be lifted from poverty, a reduction in global poverty rates of 12 percent. Over 40 years, a mere 0.1 percent improvement in a country's educational equality can increase per capita GDP by 23 percent.

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Conflict of Interest

None

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