

The **NO-NONSENSE GUIDE** to  
**HUMAN RIGHTS**

Olivia Ball and Paul Gready

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out the *No-Nonsense Guides*'  
*Howard Zinn*

New Internationalist



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The **NO-NONSENSE GUIDE** to

# HUMAN RIGHTS

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Boyd Tonkin,  
*The Independent*,  
London

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### **About the authors**

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# **HUMAN RIGHTS**

Olivia Ball and Paul Gready



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The No-Nonsense Guide to Human Rights

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## Foreword

IN ONE WAY or another human rights have been an ever-present reality in my life.

South Africa has been at the forefront of the human rights imagination for the best and worst reasons. Under apartheid the country was an international pariah, spurned and boycotted. Now it has emerged into the embrace of freedom and the international community, with a Constitution that is the envy of the world. I have been so richly blessed to serve as a loudhailer about injustice, when many others were silenced during the 1980s, and to help to usher in the new dispensation as the Chairperson of the Truth and Reconciliation Commission (TRC).

Of course, everything is not perfect. I keep making myself a bit unpopular by saying so! Too many people in South Africa live in poverty and without hope. Inequalities are stark. But enormous progress has been made and South Africa is an inspiration to people across the globe.

Ours is a remarkable story. I have heard many remarkable stories. I recall a young man blinded by police gunfire coming to tell his story to the TRC. When he had finished his testimony, one of the panel asked how he felt after relating his experience. He smiled and though still blind said, 'You have given me back my eyes'. Telling his story was therapeutic and helped to rehabilitate his dignity and selfworth. What he had undergone was not a futile thing. It had contributed to the birth of the new South Africa.

This book is about another remarkable story: the relatively short, yet hugely powerful, emergence of the modern human rights movement. Our struggle in South Africa was all about, and is still about, human rights. For respecting human rights means respecting that every person is unique and is entitled to a life of dignity and choice.

Such a message knows no boundaries or limits. It is neither unique to nor forbidden by any culture, religion or political creed. It is as relevant to the current so-called 'war on terror' as it is to individual countries or communities fragmented by conflict or poverty. That it is as urgently necessary now as it ever has been goes without saying.

In South Africa there is much talk about the 'unfinished business' of the TRC. Human rights too is a project with much 'unfinished business'. I commend to you *The No-Nonsense Guide to Human Rights* as a call to question, to think, to act, and to contribute.

*The Most Reverend Desmond M Tutu*  
Anglican Archbishop Emeritus of Cape Town  
1984 Nobel Peace Prize Laureate

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## Introduction

DURING THE COURSE of writing this book, Olivia spent a lot of time sitting at a bedside in an intensive care unit. Advanced technologies and specialist nursing saved her newborn baby from certain death. The incredible luck of living near a world-class pediatric hospital that never sent a bill for what must have cost the government a small fortune did not escape her. Set in a global context, the luck of many of us living in developed countries is mind-boggling. What part of that is a right – the birthright of all humanity – and what part is just a bonus?

At around the same time, Paul was conducting research in Rwanda and South Africa. In the former, he was moved by people's struggles with the aftermath of genocide. Many activists and organizations were engaged in difficult balancing acts: working with the current government, which some regard as 'strong' and others 'authoritarian', but also trying to influence decision making. Activists may frown at the former, while the government often resists the latter. In pursuit of justice, past and present, both are necessary.

In South Africa Paul visited a local NGO responding to the killing of three young men – boys really – by police during the apartheid era. Funded to construct a public memorial, the NGO questioned why those it would honor lay in unmarked graves. And so it raised more money – mainly from the lawyers who had represented both perpetrators and victims – and now three gravestones accompany the memorial to the dead. Such struggles for dignity lie at the heart of what human rights are about.

'Doing' human rights traverses the mundane and dramatic. It is close to home, as well as in far away places. It requires creativity and courage. But it is not always serious and difficult – human rights work is often fun, sometimes hilarious, and time and again

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involves forging the most extraordinary friendships.

We hope in this book to illustrate the many entry-points to this evolving endeavor. We cover the history and ideas behind human rights and the laws, institutions and political struggles that strive to uphold them. You will gain insight into the experience of rights violation and the views of those dedicating their lives to rights protection. Moreover, we show how human rights apply to real life, whether in the sterile glare of an operating theater, or in acts of remembrance. We hope in this respect to have made it an 'owner's manual'. Human rights is an exciting, unfinished project of immense potential. You can be part of it.

*Olivia Ball*  
Melbourne

*Paul Gready*  
London

## Acronyms used in this book

<b>ANC</b>	African National Congress (South Africa)	<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>AU</b>	African Union	<b>ICTY</b>	International Criminal Tribunal for former Yugoslavia
<b>CAT</b>	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	<b>IDP</b>	internally displaced person
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women	<b>IGO</b>	inter-governmental organization
<b>CERD</b>	Convention on the Elimination of All Forms of Racial Discrimination	<b>IHL</b>	international humanitarian law
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights	<b>ILO</b>	International Labour Organization
<b>CRC</b>	Convention on the Rights of the Child	<b>IMF</b>	International Monetary Fund
<b>DRC</b>	Democratic Republic of Congo	<b>INGO</b>	international non-governmental organization
<b>EU</b>	European Union	<b>IRA</b>	Irish Republican Army (Northern Ireland)
<b>FBI</b>	Federal Bureau of Investigation (USA)	<b>NGO</b>	non-governmental organization
<b>FGM</b>	female genital mutilation	<b>NHRI</b>	national human rights institution
<b>IACHR</b>	Inter-American Court of Human Rights	<b>OAS</b>	Organization of American States
<b>ICC</b>	International Criminal Court	<b>OAU</b>	Organization of African Unity
<b>ICCPR</b>	International Covenant on Civil and Political Rights	<b>PM</b>	Prime Minister
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights	<b>POW</b>	prisoner of war
<b>ICJ</b>	International Commission of Jurists	<b>R2P</b>	responsibility to protect
<b>ICRC</b>	International Committee of the Red Cross	<b>RUF</b>	Revolutionary United Front (Sierra Leone)
<b>ICRMW</b>	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	<b>UDHR</b>	Universal Declaration of Human Rights
		<b>UN</b>	United Nations
		<b>UN GA</b>	UN General Assembly
		<b>UNESCO</b>	UN Educational, Scientific and Cultural Organization
		<b>UNHCR</b>	UN High Commission for Refugees
		<b>WHO</b>	World Health Organization
		<b>WTO</b>	World Trade Organization

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## 1 A powerful idea

**Human rights hold profoundly radical potential, by contesting power and asserting the equality and dignity of every last person. What are they and where do they come from?**

MS B, A SECRETARY at an insurance firm in West Africa, agreed to help a friend cater for a party. She had no idea it was a political gathering. The party was raided by police and soldiers and what followed was a nightmare of detention and torture familiar to any reader of Amnesty appeals.<sup>1</sup> Innocent kitchen-hand or unrepentant terrorist, torture is something most of us recognize as a gross violation of rights. But human rights are about much more than political prisoners.

We could begin by saying that they are what's written in international treaties (see box). But human rights represent valid universal claims, regardless of whether they are recognized in law. A comparatively young and incomplete enterprise, human rights is an 'interdisciplinary concept *par excellence*'<sup>2</sup>; a meeting point of anthropology, sociology, economics, philosophy, theology, politics and psychology, as well as law. The law or the state do not grant human rights, they recognize (or trample on) inherent entitlements. In this critical sense, human rights are inalienable from human beings, and exist even in the darkest places of experience where they are most profoundly violated. The revolutionary thing about human rights is that they are for everyone equally, not merely the powerful or virtuous. Oppressed people throughout the world instinctively warm to the idea that human rights are inherent to all humans, precisely because they are human.

### **Origins of rights**

The modern human rights movement originates in World War Two. The closest it has to a founding document is

### What are our rights?

- freedom from discrimination on the basis of birth, race, sex, religion, etc.
- right to life, liberty and security of person
- freedom from slavery
- freedom from torture and other cruel, inhuman or degrading treatment or punishment
- right to personhood and equality before the law
- right to effective remedy for rights violations
- freedom from arbitrary arrest, detention or exile
- right to a fair and public trial
- right to be presumed innocent until proven guilty
- freedom from prosecution for something that wasn't a crime when you did it, and from a heavier sentence than the penalty applicable at the time
- right to privacy
- freedom of movement and residence
- right to leave any country and to return to your country
- right to seek and enjoy asylum from persecution
- right to a nationality
- right to marry and found a family; to protection of the family; to equality in marriage and divorce; freedom from forced marriage
- right to own property and not be arbitrarily deprived of it
- freedom of thought, conscience and religion
- freedom of opinion and expression; right to seek, receive and impart information and ideas through any medium and regardless of frontiers
- freedom of peaceful assembly and association

the 1948 *Universal Declaration of Human Rights* (UDHR). That the United Nations (UN) could in 1945 pledge in its Charter to 'reaffirm faith in fundamental human rights,' points to ancient traditions of rights (by other names). Most religious texts proclaim altruistic, universal norms of behavior, reflected in the secular human rights credo: 'All human beings... should act towards one another in a spirit of brotherhood (sic).'<sup>3</sup> The absence of a single 'great narrative' of human rights is a strength, allowing us all to participate, from diverse religions, cultures and philosophical traditions.

Two main stories can be told about the genesis of human rights. Neither alone is sufficient but in

- right to take part in government, directly or through freely chosen representatives; to periodic, genuine and secret elections by universal and equal suffrage; to equal access to public service employment
- right to social security in the event of unemployment, sickness, disability, widowhood, old age, etc.
- right to work, to free choice of employment, to just and favorable conditions of work and remuneration, equal pay for equal work
- right to form and join trade unions
- right to rest and leisure, including reasonable limitation of working hours and paid holidays
- right to food, clothing, housing and medical care
- right to special care and assistance for mothers and children
- right to education, including free and compulsory primary education and equal access to higher education
- right to human rights education and peace education
- right to participate in the cultural life of the community, enjoy the arts and share in scientific advancement and its benefits
- right to intellectual property
- right to an international order in which all human rights can be fully realized
- everyone has duties to the community

from the *Universal Declaration of Human Rights*, binding on every country in the world

Note that there are additional, widely recognized human rights found elsewhere, such as those of women and children.

combination they approach a satisfactory account. The first is one of cultural or religious consensus: there is a moral core, even ‘rights-like’ concepts, in all cultures and religions. This version requires, however, a selective, optimistic reading of all cultures and religions, and can appear somewhat uncritical and static in its understanding of culture. Given that cultures and religions are dynamic, interactive and heterogeneous, the real question is whether human rights can be inserted into, and support, existing moral narratives and processes of change.

The second story is what we call an ‘historical evolution’ account. It has the promise of progress and

'Human rights is possibly one of the first of the great human ideologies which has no great narrative... no over-arching story... comparable to the Exodus, the life of the Prophet Mohammed or Marx's great narrative of history... Even though there is no great single narrative, there are lots of smaller stories of people who have stood up for their rights and the rights of others. Most of these stories are being lived and told every day locally, nationally and internationally.' ■

H Slim, 'Not philanthropy but rights: The proper politicisation of humanitarian philosophy,' *International Journal of Human Rights* 6(2) (2002) pp 18-19.

a happy ending. It can be used, however, to suggest an intersection between particular (often Western) forms of human rights, democracy, market economics, and more – towards which all should evolve and aspire.

Taking the best of both approaches enables human rights to assert the importance of moral progress and change, while applauding diverse histories and acceptable endpoints. Moral progress will require critique of *all* cultures and religions, building on the strengths of *all* cultures and religions. None has a history without blemish, while all have something to offer the rest of humanity. We therefore arrive at a multi-vocal narrative that is both critical and constructive, combining 'what is' with 'what might be', to which everyone can contribute.

### **The 'consensus' narrative**

Antecedents to human rights are found in all cultures and religions. The Ten Commandments given to Moses in the Torah – a basis of Jewish, Christian and Muslim ethics – express the right to life and property in terms of duties, as in 'Thou shalt not kill'. The tradition of synagogues and churches providing asylum also originates in Jewish law.<sup>4</sup> The right to rest can be traced to the Judeo-Christian tradition of *Shabbat* (Sabbath), which also contains a kernel of environmental and economic rights: every seven years

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agricultural land is to lie fallow, with the poor entitled to gather any yield.

Ancient Hindu law (*Manu Smriti*) contains 10 freedoms and virtues (which the Buddha would later endorse), including freedom from violence, want, exploitation, early death and disease, and fear. Virtues extolled were tolerance, compassion, knowledge and freedom of conscience. The central Buddhist value of nonviolence gives rise to respect for the autonomy of the individual and opposition to coercion.<sup>5</sup>

In East Asia, Confucianism promotes mass education, including moral education. The moral individual courageously pursues what is right, even if doing so is unpopular. Rulers' powers are not unlimited; they are understood as having obligations towards the people, including making 'pulse and grain as abundant as water and fire' and refraining from harsh punishments.<sup>6</sup>

The Qur'an recognizes basic economic rights such as the right to food and housing and protection against poverty, and it exhorts all Muslims to alleviate suffering and need.<sup>7</sup> The advent of Islam in the 7th century was an advance in women's and children's rights in the Arab world. Some feminist scholars argue that the spirit of the Qur'an favors equality between men and women.<sup>8</sup>

The concept of *ubuntu*, found in different forms in east, central and southern Africa, is a cultural world-view of what it means to be human. This Bantu expression is usually translated as 'a human is a human because of other human beings'. In post-apartheid South Africa the term has taken on a political and legal life. It was used to garner indigenous support for the Truth and Reconciliation Commission's work<sup>9</sup> and has appeared in decisions of the South African Constitutional Court.

This brief tour of some religious and cultural



contributions to human rights is, as foreshadowed, a positive, selective reading in support of human rights. This could be a good thing, or a misleading distortion. Culture can be used to ‘sell’ human rights-related causes, while rights, in turn, can be made to serve nation-building or religious agendas. Are rights-like concepts really like rights or something different? *Ubuntu*, for instance, may add a necessary relational dimension to human rights, but can the relationships it describes still be based on inequality? Areas of cross-cultural consensus do not provide all the answers, but they do suggest ‘entry points’ linking human rights and diverse religions and cultures, where a conversation can begin. This narrative also shows how different and dynamic cultures and religions can make different contributions over time, thereby linking culture and history.

### The ‘historical evolution’ narrative

The idea that rulers may exercise absolute or arbitrary power has had to be contested throughout the world (again linking the consensus and historical evolution narratives), in order for human rights to take root. The rule of law, fundamental to the protection of human rights, can be traced back to the 18th century BCE. King Hammurabi of Babylonia and Mesopotamia attempted to systematize and publicize the laws of his realm. Hammurabi’s Code was an important departure from arbitrary rule.

Christian doctrine would for centuries assert that kings were divinely appointed, but, unlike the

‘If the civilizations and ethical contributions of China, India and the Muslim World towered over those of medieval Europe, it is equally true that the legacy of the European Enlightenment, for our current understanding of rights, supersedes other influences.’ ■

MR Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (University of California Press 2004) p 7.

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Chinese 'Mandate of Heaven', they held absolute power regardless of competence, and were answerable to no-one (but God). Magna Carta, the 'Great Charter' of 1215, subjected the English monarch to the rule of law for the first time. It was violated numerous times during the medieval period, but it was also reissued numerous times, forming irrefutable precedents regarding limits on sovereign power. Italian theologian Thomas Aquinas (1225-74) further opened Christian thinking to the possibility of human rights by maintaining that an unjust king could be overthrown.

Another important development in the history of human rights and accountable government involves two concepts: natural rights and a social contract. Ancient Greek philosophers believed in a universal human nature despite varying human laws and customs. An examination of our nature should suggest 'natural' laws. 'Positive' or enacted law ought to reflect natural law. Rights theorists differ, however, on what is and isn't natural, essential and moral, and for this reason others reject natural law theory.

Swiss-French philosopher Jean-Jacques Rousseau typified the Enlightenment, the major intellectual movement of 18th-century Europe. He hypothesized a 'state of nature' in which our species might have existed prior to the creation of society and government. Complete freedom and equality between all humans was the natural state of things. Democratic government and political rights spring from equality, when we reject the idea that any person or group is born to rule.

We may have enjoyed equality and freedom in the 'state of nature,' but it was also a difficult and dangerous way to live. Writing in an era of emerging nation-states, Rousseau went on to posit a hypothetical 'contract', arising between a group of free, autonomous individuals who agree for the sake of the common good to form institutions of government among

themselves. For his predecessor, English philosopher Thomas Hobbes, the contract was between the people and their ruler or government. For the social contract theorist the purpose of government is to secure rights; failure in this regard justifies rebellion.

When writing the *American Declaration of Independence* in 1776, Thomas Jefferson (later President) borrowed extensively from Englishman John Locke, also a social contract theorist: 'Governments instituted among men deriving their just power from the consent of the governed,' and so on. Similarly, Emmanuel Sieyès drafted the French *Declaration of the Rights of Man and Citizen* in 1789 in terms of natural rights and the duty of government to protect those rights.

This 'first human rights revolution' – both radical intellectual movement and transatlantic political revolt – inspired revolutions elsewhere but fell short of the 'true meaning of its creed'. The French Republic, for example, refused to abolish slavery in its colonies or give women the vote. Women's rights advocate Olympe de Gouges was silenced with the blade of a guillotine. Her contemporary across the Channel, Mary Wollstonecraft, also tried to inject sexual equality into the first human rights revolution.<sup>10</sup> In the following generation former slave Sojourner Truth worked to get the rights of black women on the liberal agenda in the US. Disagreements over rights from this era persist today.

In the 19th century it was mainly socialists who carried the movement forward. Industrialization widened disparities of wealth, while limited political access sparked popular revolt. Marx and Engels led a critique of the Enlightenment view of rights; how meaningful are freedoms in a context of economic inequality? Can a capitalist state ever secure rights? They questioned the limitation of suffrage, property rights in general and the 18th-century assertion (still heard today) that free trade advances human

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'Even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream that is deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal".' ■

Revd Dr Martin Luther King Jnr, 1963.

rights. Early socialists fought for labor rights, child welfare, the right to education and, contrary to the perception that political rights were an exclusively liberal concern, universal or at least manhood (adult male) suffrage. Despite great opposition, these struggles achieved significant gains, at least in industrialized countries. Parallel rights movements in the 19th century for women's and children's rights and the emancipation of serfs and slaves had both socialist and non-socialist elements. The widespread abolition of slavery was perhaps the greatest rights achievement of that century.

Human rights were never more widely accepted or grossly violated than in the 20th century. At least three genocides were committed: against Armenians, Jews and Tutsis (among others). The two most destructive wars in history were fought, and the worst-ever famine created (China, 1958-61). However, most colonies achieved liberation, women's rights gained unprecedented recognition and the welfare state was born. The latter half of the century was notable for an incomparable worldwide effort to further human rights. But a lesson of history is that progress is never linear, guaranteed or controlled by one part of the world.

Certain lines of critique have accompanied both the 'consensus' and 'evolution' narratives. Contemporary debates often address a convergence of the two themes. We look at two common debates here, examining objections from feminists and, more extensively, cultural relativists.

### **From abolition to rendition: a cautionary tale**

'The history of torture in western Europe may be traced from the Greeks, through the Romans, through the Middle Ages, down to the legal reforms of the 18th century and the abolition of torture in criminal legal procedure virtually throughout western Europe by the last quarter of the 19th century. Removed from ordinary criminal law, however, torture was re-instituted in many parts of Europe and in its colonial empires from the late 19th century on, and its course was greatly accelerated by changing concepts of political crime during the 20th century. The best recent evidence indicates that torture is used, formally or informally, in one country out of every three.'

If further evidence were needed of the failure of 'historical evolution' to ensure consistent progress in every human right, when President George W Bush declared war on terrorism after 11 September 2001, the US practice of extraordinary rendition – sending suspects abroad to be tortured – expanded 'beyond recognition'. ■

E Peters, *Torture* (University of Pennsylvania Press 1996) p 5;

J Mayer, 'Outsourcing torture: The secret history of America's "extraordinary rendition" program,' *The New Yorker*, 14 February 2005).

### **Feminist critiques**

Some feminists maintain that human rights, though presented as universal, reflect a masculine perspective. What is male is taken as the basis of what is essential and universal. The 'Universal' Declaration of Human Rights and its twin covenants are supplemented, after all, by a treaty on the human rights of women. The 1993 Vienna World Conference on Human Rights felt the need to issue a conclusive statement that 'women's rights are human rights'. Seemingly neutral laws and principles may disadvantage women in their application. Human rights have addressed concerns of the public (masculine) sphere and have only lately begun to address rights violations prevalent in the private sphere, to which women are often relegated.

Respect for cultural difference can be a euphemism for denying women's equality and freedom, typically in the realms of sexuality, marriage, inheritance and reproduction (see box p 22). Women are often designated the role of guardians of culture, a defense

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against alien forms of ‘progress’ in a globalizing world. The 1995 Beijing Conference on Women rejected in unprecedented terms ‘cultural’ justifications for violating women’s human rights.

### **Universalism vs cultural relativism**

Is it true to say human rights are universal or is humanity too diverse? Are all values relative, dependent on culture? Universal human rights represent a search for the heart of human values. There may be certain minimum norms of human behavior – concerning say, genocide, torture, slavery, etc. – on which to build a workable consensus.

Another, often neglected, aspect of universality is the impartial and consistent application of rights standards as an indivisible whole. In US academic Micheline Ishay’s view, ‘cultural relativism is a recurrent product of a historical failure to promote universal rights discourses in practice, rather than a legitimate alternative to the comprehensive vision offered by a universal stand on justice.’<sup>7</sup> Double standards generate resentment. Reciprocity is required: rights that apply to you must apply to us too.

Harvard professor-turned-politician Michael Ignatieff argues that rights are universal because they define the universal interests of the powerless, demanding that power be exercised over them in ways

### **Las Madres de Plaza de Mayo**

Argentina’s Mothers of the Disappeared is one of a number of similar groups that have emerged since the 1970s in Latin American countries ruled by military dictatorships. ‘Disappearances’, a human rights violation without end, produced a new kind of human rights movement without end, as mothers mobilized on behalf of their loved ones who had been ‘disappeared’ by the regime. They began to hold demonstrations in the Plaza de Mayo, Buenos Aires, the central political space of the city and nation. Still today, women take themselves, their grief and mementos into a public space. The private sphere bursts into the public, demonstrating their indivisibility (see chapter 2). ■

### **Female Genital Mutilation**

Female genital mutilation (FGM) refers to a number of different procedures that alter the genitals – often of pre-pubescent girls unable to consent fully – for cultural reasons. FGM varies from a symbolic nick to radical removal of tissue and, in about 15 per cent of cases, sewing the vagina closed. Not mandated by any religion, it occurs mostly in Africa, but also in certain Asian, Middle Eastern and South American cultures and among their diaspora. It is often performed by women, commonly without anesthetic or sanitary precautions. It may be part of coming-of-age rituals for girls and intended to make them more acceptable for marriage.

Somalia-born model and author Waris Dirie, who has campaigned to end the disfiguring practice she suffered in her homeland, says: 'Mutilation is not a tradition – it's a crime that must be abolished.' She describes the ordeal she endured at age 5: 'I didn't move. I just shivered. There was no painkiller, no anesthesia, no nothing.'

The standard human rights position is that FGM is a violation of girls' and women's rights. As well as being painful and reducing sexual sensation, it can increase the risk of HIV transmission and cause other health problems related to urination, menstruation, sexual intercourse and childbirth. Infection or hemorrhaging can be fatal. The World Health Organization (WHO) estimates that over 135 million women worldwide have undergone FGM, with over two million more girls at risk every year.

Protecting girls and women from such complex cultural traditions isn't straightforward. While some countries have outlawed the practice, it may not be helpful to fine, jail or even (in Guinea) execute parents or practitioners. A heavy-handed approach can drive the practice underground, increasing risks to recipients, or lead to the circumcision of much younger girls, before they can object or run away. At the

that respect their autonomy as agents. Human rights arouse opposition because they challenge power-holders of various kinds. The main challenge to human rights' universality, therefore, is from the powerful.<sup>11</sup>

Arguments for cultural relativism suggest that rights are not universal, not compatible with all cultures and ought not to be imposed on all cultures, particularly where they may threaten cultural survival. In its most familiar guise, cultural relativism regards human rights as Western in origin and, at their worst, a form of cultural, political and even economic imperialism.

request of local partners, Amnesty's Stop Violence Against Women campaign doesn't press for legal bans.

FGM is one example of how non-legal methods of human rights promotion can be effective and culturally sensitive. Education and health programs are usually preferable, especially when designed and delivered by members of the affected culture (though this can lead to less severe forms of FGM rather than its elimination). Communities can develop alternate rites of passage to achieve the same cultural purposes without causing harm, as is occurring in Tanzania at the suggestion of Women Wake Up, a non-governmental organization (NGO). Simultaneous abolition throughout a village or 'marriage network' is ideal, so no-one is disadvantaged by being different. An INGO (international NGO) taking this approach in Senegal and Burkina Faso is *Tostan* ('Breakthrough'), which also recruits religious leaders to endorse its anti-FGM drives. Other grassroots NGOs find alternative employment for former FGM practitioners. ■

Amnesty International, 'What is female genital mutilation?' [www.amnesty.org](http://www.amnesty.org); WHO, 'Female genital mutilation factsheet' [www.who.int](http://www.who.int); K Stevenson, 'Women changing their world' in *Human Rights Defender* (Amnesty International Australia, April/May 2005); T Tidwell Cullen, 'A woman's approach to ending a perilous rite of passage,' *Christian Science Monitor*, 8 June 2005. [www.csmonitor.com](http://www.csmonitor.com); Integrated Regional Information Networks News, 'Sierra Leone: Female circumcision is a vote winner' (UN Office for the Co-ordination of Humanitarian Affairs 17 March 2005) [www.irinnews.org](http://www.irinnews.org); J Ensor, 'Linking Rights and Culture: Implications for Rights-Based Approaches' in P Gready & J Ensor (eds), *Reinventing Development? Translating Rights-Based Approaches from Theory into Practice* (Zed Books 2005).  
*The Associated Press.*

Such claims need to be questioned, just as claims to universality need to be justified. Who is speaking on behalf of the culture? Who benefits from such claims? At whose cost? And are they genuinely interested in protecting cultural diversity?

For human rights to work, we need to be able to identify as human and recognize the humanity of

'The universal nature of [all human] rights and freedoms is beyond question.' ■

2005 World Summit (paragraph 120).



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