

Perspectives on international human rights law and traditionalism

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Abstrak

The place that human rights occupies in national and international discourse has been hard thought for over the past live decades. Now, it is safe to predict that governments' agendas at national, regional and global levels will include human rights in domestic and foreign bilateral and multilateral matters, whether involving economic assistance, diplomacy, trade, or military assistance. Human rights is an evolving system that has increasingly become integral to today's global affairs. At the same time, human rights continues to reflect the value system that more man live decades ago was instmmmental in generating the promotion and protection of human rights. Within the evolving human rights system, the seminal notion of ot each human being's entitlement to equal rights is based on the fact that he or she has been born - nothing more than that, and nothing less.' The system's mechanisms and procedures keep pace with political developments. As a result, while the human rights value system maintains its integrity, the mechanisms and procedures bear less resemblance to those of fifty years ago.

This article first considers the foundations of the human rights system enshrined in the United Nations Charter of 1945 and the Universal Declaration of Human Rights of 1948.' It then touches on examples of practical questions of implementation of human rights via the treaty-based committee system, and ends by surveying problematic questions of universality of rights in relation to cultural relativism and traditionalism. Today, human rights looks back un five decades of successes and failures. The system has developed often useful but often futile implementation methods, and broad dissemination of human rights goes on alongside widespread censorship. Overwhelming numbers of people in every corner of the globe each day suffer violations of basic rights ? the right to be secure from torture and other maltreatment, the right to an adequate diet and to health care, the right to protection of the right to think and speak. Indeed, a deep-seated right that is basic to all those rights ? the right to learn that everyone has rights - represents perhaps the most deep-seated contradiction of all. Despite the current Decade of Human Rights Education', education on human rights conlinues to exist more in theory than in practice. Recognition of" the urgent need for human rights education was expressed recently by a distinguished Indonesian who stated firmly

The Indonesian government will relentlessly continue to pursue political reforms so that the people will know their rights and exercise them with confidence that they will he respected and protected. Knowing and exercising their rights, they can more actively participate in the decision-making process that affects their lives."