



ASK THE EXPERTS

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FELIPE AGÜERO

What is the primary human rights challenge in the world today?

Over the last few decades, major strides have been made in enshrining human rights into international law, in creating accountability mechanisms and, to some degree, in encoding these laws and mechanisms into national policy. Despite this progress, however, the lives of the most vulnerable people in societies around the world remain much as they were. For these individuals and groups, the integration of human rights into the law books has changed very little in their day-to-day struggles. Closing this “implementation gap” and making these rights real for people is the challenge that all of us who work to advance human rights must address.

Statistics showing the disproportionate suffering of vulnerable and marginalized groups abound. Crime and violence, irresponsible environmental policy, favoritism in public spending, imbalanced urban development, and bold-faced discrimination are burdens borne by those whose access to rights and justice is tenuous at best. We know who they are: the poor, those who are socially and politically excluded and those marginalized on account of racial or ethnic origin, gender or sexual orientation.

The very laws and policies that—in education, health, labor, housing, land, and other areas—could and should address this discrimination are precisely those that aren’t framed or addressed as human rights.

This is the challenge of implementation: translating high-level commitments into everyday legislation, policy development, enforcement, and adjudication.

It will not be easy. Weak institutions, lack of political will, corruption, powerful economic interests, and entrenched cultural norms hinder the full realization of human rights for all.

But real progress is possible if we tackle these challenges with long-term commitment. Some areas where the field must focus its attention are as follows:

- >> As a movement we must help governments focus on overcoming institutional weakness, enhancing their capacity for implementation and increasing the effectiveness of their follow-through. Governments need to embrace the fact that human rights can form the basis for law enforcement and other public services and that they do not obstruct, but, rather, further the effectiveness of government in the long run—leading to better outcomes in the lives of the most vulnerable. Transparency and accountability in government should be seen as crucial to better governance and a healthier society, as should a judiciary that is independent, knowledgeable and sensitive to the consequences of inequality and discrimination.
- >> Create a more agile and creative



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human rights movement that grows and strengthens itself through innovation. To succeed in a new generation, the movement must devise new approaches to ensure that states meet their obligations. It must consolidate its independence while also creating opportunities to work with governments to strengthen institutions and carve out rights perspectives in policy, and it must renew its broad constituency of support by adapting to and addressing the concerns of the public, such as corruption, crime and public safety. Finally, the movement must integrate more fully its international, national and local facets, ensuring that efforts to tackle the implementation gap are strategically linked and mutually reinforcing.

- >> **Build a new leadership for human rights.** To succeed we must inspire a zeal and commitment to human rights far beyond our movement and its government interlocutors. We must cultivate new, diverse leadership for

human rights across all sectors and at all levels. Such widespread leadership is needed to sustain efforts to displace entrenched inequality, exclusion and discrimination.

- >> **Engage young people.** Renewed and specific efforts are needed to educate younger generations about the achievements of the movement and the benefits to human welfare that accrue from expanding the promise of human rights and dignity to all people. Popular demands for human rights—as occurs following atrocities or periods of military dictatorship—is not naturally sustained over time. Nurturing that support and attracting young people into the fight for rights are indispensable for creating and maintaining a culture of human dignity that leads to fairer and more just societies.

If the movement does these things, human rights will move from the law books to the world of everyday experience, where they matter, and are now needed, the most. 



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ALVARO VARGAS LLOSA is a senior fellow at the Independent Institute's Center on Global Prosperity.


What is the primary challenge to human rights today?

VARGAS LLOSA ANSWERS:

1 Persuading the many people who are not yet persuaded of this obvious truth, that human rights are a value unto themselves regardless of the nature of the power that threatens them. Everybody says they are for human rights, and yet many on the left are quick to denounce right-wing violations but slow to acknowledge them in their own camp, and vice versa.

2 Making the world a tiny place for those who violate human rights. The detention of Chile's General Pinochet in 1998 and of Peru's Alberto Fujimori in 2005—or indeed the indictment of Omar al-Bashir of Sudan by the International Criminal Court in 2008 and efforts to do the same with Zimbabwe's Robert Mugabe—are precedents that need to become the norm.

3 People and societies are more resourceful today than ever before. In times of adversity, they can draw on resources that they were not aware of in times of prosperity. Discontinuity is a challenge to the collective imagination, but engaging new sectors can pave the way for the emergence of new forms of collaborative reinvention.

A special mention for Aung San Suu Kyi, the most courageous woman in the world, who has suffered unspeakable cruelty at the hands of Myanmar's dictatorship without ever flinching in the face of her captors. 

What is the primary challenge to human rights today?



PAUL FARMER, is a physician, anthropologist and founder of Partners in Health, an international and social justice organization.

FARMER ANSWERS:

As a physician who works in circumstances where human rights injustices typically go hand in hand with miserable health conditions, I have witnessed an increasing energy and creativity to link and address both issues simultaneously.

Medicine and the allied health sciences have long been peripherally involved in work on human rights. Sixty years ago, article 25 of the Universal Declaration of Human Rights underlined social and economic rights, "including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in circumstances beyond his control."

Here are five suggestions intended to advance health and human rights.

MAKE THE PROVISION OF SERVICES CENTRAL TO THE AGENDA

We need to listen to the sick and abused and to those most likely to have their rights violated. We need programs in addition to the traditional ventures of a university or a research center (writings, courses, conferences, research). Programs promoting health and human rights should include more than just legal clinics. With help from a broad range of health professions, it would be possible to establish, for example, referral clinics for those subjected to torture and other human rights abuses.

ESTABLISH NEW RESEARCH AGENDAS


We need to make room for serious scholarly work on the multiple dynamics of health and human rights, and on the health effects of social inequalities, including racism, gender inequality and the growing gap between rich and poor. We require a new level of cooperation between disciplines from social anthropology to molecular epidemiology. We need a new sociology of knowledge that can pick apart a wide body of commentary and scholarship: complex international law; the claims and disclaimers of officialdom; postmodern relativist readings of suffering; and clinical and epidemiologic studies of the long-term effects of torture.

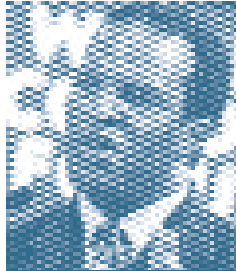
ASSUME A BROADER EDUCATIONAL MANDATE

A broader educational mandate would mean engaging students from all health fields, but also, as noted,

engaging the members of these fields. Beyond the university and various governmental bodies lies the broader public, for whom the connections between health and human rights have not even been traced.

ACHIEVE INDEPENDENCE FROM GOVERNMENTS AND BUREAUCRACIES Study and critique of rights regimes need to be untrammelled by obligations to powerful states and international bureaucracies.

SECURE MORE RESOURCES FOR HEALTH AND HUMAN SERVICES If social and economic rights are acknowledged as such, then foundations, governments, businesses, and international financial institutions—many of which are awash in resources—may be called to support endeavors that reflect that paradigm shift. 




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AP/ALESSANDRO DELLA BELLA

BRYANT ANSWERS:

I believe that the chief human rights issue today is dignity. The reality, quoting author Deepak Chopra, is that “we are not human beings having a spiritual experience, but spiritual beings having a human experience.” Now, this is the reality in a mainstream world that up until the time of the global economic crisis was increasingly secular, and in places throughout Europe, for example, increasingly without religion itself. When religion is introduced, these days it is often in the extreme and at the margins of ideology. The beauty of dignity is that it includes all and excludes none, which translates almost perfectly around the world, and is something that literally everybody wants. It is a door that humanity can walk through. To quote my friend and

fellow Global Dignity co-founder (co-founder along with HRH Crown Prince Haakon of Norway and myself) Professor Pekka Himanen, “dignity is what makes being human, human.” There are two other universals (at least two), and they are hope, and the language of money. If you don't have a bank account today, and you don't have an understanding of the language of money, you are an economic slave in the 21st century. On the other side of this global economic crisis, I believe that financial literacy will become a new civil rights issue and the first global silver rights issue. And that is why I have made hope, dignity and economic empowerment, through financial literacy, my 21st century calling card. These are human rights both for the soul and the pocketbook. 

What is the primary challenge to human rights today?



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CARROLL BOGERT

a former foreign correspondent for *Newsweek*, has been associate director of Human Rights Watch since 2003.

BOGERT ANSWERS:

Drug-related violence has taken the lives of more than 7,000 people in Mexico in the last eighteen months. Violent turf battles among powerful drug cartels, an influx of sophisticated weapons into the hands of criminals and a rise in kidnappings and executions in several states have combined to create a crisis in public security that has put serious pressure on Mexican President Felipe Calderón. But his government's response has also raised serious concerns about human rights.


The president has increasingly deployed the armed forces as an instrument for law enforcement—in part because Mexico's police have proven incapable of dealing with the violence. The military's scorched-earth tactics have included enforced disappearances, killings, torture, rape, and arbitrary detentions. The result is an erosion of public trust that undermines rather than furthers efforts to curb drug-related violence and improve public security.

At the core of the issue: the military has grabbed the task of investigating itself. Out of 17 cases that Human Rights Watch examined, mostly from 2007 and 2008, not one military investigation of army abuse led to a single criminal conviction on human rights violations. (The only civilian investigation into

any of these cases led to convictions of four soldiers.)

Civilians prosecutors tend to back off when the military claims jurisdiction. But does that comport with Mexican law? The Mexican constitution allows for military jurisdiction only for "crimes and faults against military discipline." The Code of Military Justice says that military courts hold sway when military officers commit common crimes while "in service." That certainly doesn't include rape and murder. A recent Supreme Court decision defined military service as "performing the inherent activities of the position that [he or she] is carrying out."

The court did not explicitly state that all military abuses against civilians should be sent to civilian prosecutors and courts, but serious abuses such as enforced disappearances and torture clearly cannot be considered "inherent activities" of the military.

One big problem is that the secretary of defense wields both executive and judicial power over the armed forces. Military judges have little job security and may reasonably fear that they will be removed if they adopt decisions that the secretary dislikes. Meanwhile, civilian review of military court decisions is very limited, and there is virtually no public scrutiny of military investigations and trials. At its heart, the issue is political. Back to you, President Calderón. 

“Disappearances and torture cannot be considered “inherent activities” of the military.”