

# Human Rights and PKO : @PKO Now! No. 10

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## Concept of human rights

Human rights are rights inherent to all human beings regardless of nationality, sex, ethnic origin, colour, religion, or any other status.<sup>1</sup> While the concept of human rights was originated in Europe and it was codified by the late 18th century in the French Declaration of the Rights of Man and of the Citizens<sup>2</sup> and such, it was after the Second World War that human rights became an international issue of interest with regret of the war. Article 1 of the United Nations Charter, which was adopted in 1945, specifies respect for human rights and for fundamental freedoms as one of purposes of the United Nations.<sup>3</sup>

## Core international human rights laws

The principle of international standard on human rights was first emphasized in the Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly in 1948. In its Article 1, it was stipulated that "all human beings are born free and equal in dignity and rights".<sup>4</sup> Adoption of the International Bill of Human Rights, which is the most fundamental and comprehensive treaties on human rights, was followed as legally binding treaties in order to realize the spirit of the Universal Declaration of Human Rights. The International Covenant on Civil and Political Rights, which covers civil rights, and the International Covenant on Economic, Social and Cultural Rights, which covers social rights are included in the International Bill of Human Rights.<sup>5</sup> A series of international human rights treaties, such as the Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women,

Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, have been adopted since 1945 in order to protect specific areas of human rights.<sup>67</sup>

## **Human rights and Peacekeeping Operations**

While all states have ratified at least one, and 80% of states have ratified four or more, of the core human rights treaties,<sup>8</sup> violation of human rights still persists in many countries. For example, the right to life, prohibition of torture and cruel, inhuman or degrading treatment, prohibition of arbitrary arrest and detention, and the right to a fair trial are key human rights which are most frequently at risk in conflict and post-conflict situations.

The mandate of United Nations peacekeeping operations became more <sup>9</sup>diversified with the change in international environment after the Cold War, and its mandate now includes not only peacekeeping to assist a ceasefire agreement between parties concerned but also peacebuilding. Most multi-dimensional UN peace operations have a human rights team within its field mission, and at present human rights officers have been dispatched to seven peacekeeping operations and nine special political missions. Human rights teams work in close cooperation and coordination with other civilian and uniformed components of peace operations in many areas such as the protection of civilians, conflict-related sexual violence, and violations against children.<sup>1011</sup>

## End Notes

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- <sup>1</sup> "What are Human Rights?" Office of the High Commissioner for Human Rights, accessed April 18, 2012, <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.
- <sup>2</sup> Article 1 of the French Declaration of the Rights of Man and of the Citizens, adopted in 1789, stipulates "Men are born and remain free and equal in rights." Concerning evolution of the notion of international human rights and its development, refer Kokusaihougakkai.Jinken (Human Rights). Tokyo: Sanseido, 2001.
- <sup>3</sup> "Charter of the United Nations," United Nations, accessed May 15, 2012, <http://www.un.org/en/documents/charter/chapter1.shtml>.
- <sup>4</sup> "The Universal Declaration of Human Rights," United Nations, accessed May 16, 2012, <http://www.un.org/en/documents/udhr/>.
- <sup>5</sup> "Kokusaijinkenkiyaku," (the International Bill of Human Rights) Ministry of Foreign Affairs of Japan, accessed April 18, 2012, <http://www.mofa.go.jp/mofaj/gaiko/kiyaku/index.html>.
- <sup>6</sup> For full text of treaties and background of adoption, refer "Jinkengaikou," (human rights diplomacy) Ministry of Foreign Affairs of Japan, accessed April 18, 2012, <http://www.mofa.go.jp/mofaj/gaiko/jinken.html>. Concerning formation and development of the concept of international human rights, refer Yokota, Yozo.Kokusaihou (International law). Tokyo: Yuhikaku, 1996.
- <sup>7</sup> Other than international human rights law, there are refugee law, which set humanitarian standard on treatment of refugees, and international humanitarian law, which codified protection of persons who are not (or are no longer) participating in the hostilities, such as civilians, wounded persons and prisoners in times of armed conflict. International human rights law, humanitarian law and refugee law share a common goal; the protection of the lives, health and dignity of persons. For further explanation on how they interact each other, refer "Humanitarian Law, Human Rights and Refugee Law - Three Pillars," International Committee of the Red Cross, accessed May 9, 2012, <http://www.icrc.org/eng/resources/documents/misc/6t7g86.htm>.
- <sup>8</sup> "What are Human Rights?" Office of the High Commissioner for Human Rights, accessed April 18, 2012, <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>.
- <sup>9</sup> The concept of "peacebuilding", evolved after the Cold War, includes in its areas of activities disarmament, return of refugees and displaced persons, demining, electoral assistance, protection on human rights and such. For further details on expanded mandate of Peacekeeping Operations, refer @PKO Now! Expanding United Nations Peacekeeping mandate (in Japanese).
- <sup>10</sup> Human rights teams are dispatched to MONUSCO (DR Congo), UNAMID (Darfur), UNMISS (South Sudan), UNMIL (Liberia), UNMIT (Timor-Leste), UNOCI (Cote d'Ivoire), MINUSTAH (Haiti) and UNAMA (Afghanistan) and such. Refer "Human Rights," United Nations Peacekeeping, accessed May 7, 2012, <http://www.un.org/en/peacekeeping/issues/humanrights.shtml>.
- <sup>11</sup> Other than United Nations Peacekeeping Operations, many United Nations agencies work in the fields on specific areas such as refugees (the Office of the United Nations High Commissioner for Refugees),

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children (the United Nations Children's Fund), and women (United Nations Entity for Gender Equality and the Empowerment of Women).