

1: US Position on International Treaties

The Convention on the Rights of the Child (CRC) promotes and protects the well-being of all children, and was the first international treaty to integrate the full range of human rights-civil.

The Universal Declaration of Human Rights is generally agreed to be the foundation of international human rights law. Adopted in 1948, the UDHR has inspired a rich body of legally binding international human rights treaties. It continues to be an inspiration to us all whether in addressing injustices, in times of conflicts, in societies suffering repression, and in our efforts towards achieving universal enjoyment of human rights. It represents the universal recognition that basic rights and fundamental freedoms are inherent to all human beings, inalienable and equally applicable to everyone, and that every one of us is born free and equal in dignity and rights. Whatever our nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status, the international community on December 10 made a commitment to upholding dignity and justice for all of us. Foundation for Our Common Future Over the years, the commitment has been translated into law, whether in the forms of treaties, customary international law, general principles, regional agreements and domestic law, through which human rights are expressed and guaranteed. Indeed, the UDHR has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights. The two Covenants have developed most of the rights already enshrined in the UDHR, making them effectively binding on States that have ratified them. They set forth everyday rights such as the right to life, equality before the law, freedom of expression, the rights to work, social security and education. Over time, international human rights treaties have become more focused and specialized regarding both the issue addressed and the social groups identified as requiring protection. The body of international human rights law continues to grow, evolve, and further elaborate the fundamental rights and freedoms contained in the International Bill of Human Rights, addressing concerns such as racial discrimination, torture, enforced disappearances, disabilities, and the rights of women, children, migrants, minorities, and indigenous peoples. Universal Values The core principles of human rights first set out in the UDHR, such as universality, interdependence and indivisibility, equality and non-discrimination, and that human rights simultaneously entail both rights and obligations from duty bearers and rights owners, have been reiterated in numerous international human rights conventions, declarations, and resolutions. Today, all United Nations member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more, giving concrete expression to the universality of the UDHR and international human rights. International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The domestic legal system, therefore, provides the principal legal protection of human rights guaranteed under international law. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level.

2: OHCHR | Core International Instruments

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty Not signed Prevention of Discrimination on the Basis of Race, Religion, or Belief; and Protection of Minorities.

We know they exist, but their impact is often elusive. A treaty, of course, is an agreement between nation states. More importantly, they can be used to promote basic human rights. Shortly after its creation, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, which outlined the basic civil, economic, and cultural rights that should be afforded to every human being. Thereafter, separate treaties were created to address each of these rights. When a nation state read: Currently, there are eighteen international human rights treaties aimed at promoting and protecting the rights outlined in the Universal Declaration, only five of which have been ratified by the United States. While many consider this to be unacceptable, what they do not understand is that ratification is meaningless. Because the United States attaches what is known as a "non-self executing declaration" to every treaty it ratifies. While the power is conferred in only a single sentence, the process of treaty ratification in practice involves three essential stages. First, an agent of the Executive negotiates the terms of the treaty and recommends the inclusion of any necessary reservations, declarations, and understandings. Second, the President submits the treaty to the Senate Foreign Relations Committee who, after holding a public hearing on the matter, provides a written report to be considered by the Senate. The treaty must receive the necessary two-thirds vote from those present in the Senate in order for the President to ratify it. If the requisite number of votes is not obtained from the Senate, the process is terminated and no further action may be taken on it. Alongside the federal and state representatives, various political actors actively participated in the senate hearings, many arguing that the provisions touched on constitutionally settled matters and should therefore be relegated to the states. The Administration thought that most of the provisions were already consistent with established domestic law. The right to a fair trial or freedom of expression, for example, were earmarks of what it meant to be an American. Unfortunately, the debate led to a stalemate and, as a result, the United States failed to ratify most of the international human rights covenants until the early s. In , the Bush Administration began encouraging the Committee to reconsider ratification with many of the earlier conditions proposed by Carter. Yes, you read that correctly. A BUSH was responsible for ratifying the first human rights treaty. So what exactly is a non-self executing declaration? Instead, the origins of the phrase can be tracked back as far as Neilson created the initial concept that treaties signed by the Executive did not automatically become binding law in the United States. If a treaty was considered to be non-self executing however, it meant that its provisions would not automatically be binding on the courts as is. The non-self executing treaty does not create private rights under lawâ€”like the First Amendment, for exampleâ€”that can be vindicated in U. Has the United States ever enacted any implementing legislation?

3: - OHCHR Dashboard

Today, all United Nations member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more, giving concrete expression to.

Comments Last December, Law Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, visited the United States at the invitation of the federal government to look at whether the persistence of extreme poverty in America undermines the enjoyment of human rights by its citizens. Several CounterPunch articles have provided excellent summaries of the contents of this devastating report: A Compromise With Hell. How did this visitation happen, and how effective is the UN human rights monitoring process? Comprehensive international human rights law began with the creation of the UN. Protecting and advancing human rights was one goal of the UN, as many were horrified at the atrocities that led up to and continued throughout World War II. PREAMBLE Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law. These included such un-American ideas as the right to work, to adequate remuneration, to join unions, to rest and leisure, to medical care, and equal pay for equal work. Thus, the US objected to Article Any propaganda for war shall be prohibited by law. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Rights to an adequate standard of living, to work, to social security, to paid maternity leave, and to health care are not part of mainstream US ideology. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. In no case may a people be deprived of its own means of subsistence. The US is a party, and has signed with reservations specifying no bans on either hate speech or affirmative action. Unlike other countries, the US has not ratified this one. Convention on the Rights of the Child. US is the only country that has not joined this party. The last part is the hardest; often treaties are not even submitted to the Senate in anticipation of rejection. A typical attitude among our leaders is that no foreigners should tell us what to do. Another reason offered by our Senators is that these provisions are matters for state government in the US. Others say children should not have rights but must obey their parents. The lack of strong demands from citizens for ratification of human rights conventions also informs our Senators that they will gain little from such action and could lose the support of conservative constituents. The US has not joined the main convention but it has ratified 2 protocols. One states that children should be excluded from armed conflict. To this the US made a reservation permitting those under 18 to volunteer for the army. Another protocol that was accepted protected children from prostitution and the worst forms of child labor. How are these treaties enforced? Upon ratification, nations agree to the methods of enforcement that are stated in the document. In large part, the provisions are incorporated into the laws and constitutions of the countries that are parties to the conventions, and their national courts take them into account in their decisions. Often local governments use the treaties as policy guides. There are organizations in each country government agencies and non-governmental organizations that have a stake in observing human rights, and will use the conventions to promote those rights. Human rights treaties are also enforced by the requirement that nations make a report every few years to the relevant UN committee. A major motive for compliance is the desire to be known as a humane society. The reviews are based on a national report, information from UN human rights experts including Special Rapporteurs , non-governmental organizations, and government human rights agencies. It is interesting to read, e. The review concludes with some recommendations for improvement,

which will be checked out at the next review, usually in four or five years. Thus Alston was officially reporting on how poverty affected the rights to which the US has sworn allegiance: What good are the UN human rights treaties and reports? In addition, the mere existence of the treaties serves an educational function, and they are prominent in the curricula for children in many countries. Why has the return on this noble project been so meager? Here is one possibility. Part of the impetus for human rights treaties was the Cold War arguably begun in 1945. Reforms could cure the ills. Among the remedies were guaranteed rights to a decent standard of living, to work, to health care, to rest and leisure, etc. Western European nations agreed, with the conditions that Canada and the United States be parties to it, and that economic and human rights standards be incorporated. Its emphasis on civil liberties led to Helsinki Watch, an international NGO created by foundations to monitor the agreements. Western intervention into USSR and Eastern European societies to support dissidents gained legitimacy, unlike some of the earlier attempts, such as the Assembly of Captive European Nations that had prominent Nazi contingents. Today an important role in international human rights monitoring is played by non-governmental organizations such as Amnesty International and Human Rights Watch. These and others are dependent on funding from the foundations that have been so helpful in fighting the cold war. The Cold War itself is no friend to human rights. Surveillance and purges, manipulated elections, puppet governments on both sides do not enhance democracy. Invasions and contra wars, revolutions and counter-revolutions make it worse, in addition to consuming resources that could otherwise provide an adequate standard of living for everyone. However, it is difficult to believe that it would have been worse.

4: Human Rights | Wex Legal Dictionary / Encyclopedia | LII / Legal Information Institute

The Core International Human Rights Instruments and their monitoring bodies. There are 9 core international human rights instruments. Each of these instruments has established a committee of experts to monitor implementation of the treaty provisions by its States parties.

Action taken by a government or private institution to make up for past discrimination in education, work, or promotion on the basis of gender, race, ethnic origin, religion, or disability. Civil and Political Rights: The rights of citizens to liberty and equality; sometimes referred to as first generation rights. Civil rights include freedom to worship, to think and express oneself, to vote, to take part in political life, and to have access to information. The process of bringing customary international law to written form. The rights of groups to protect their interests and identities. Commission on Human Rights: Binding agreement between states; used synonymously with Treaty and Covenant. Conventions are stronger than Declarations because they are legally binding for governments that have signed them. When the UN General Assembly adopts a convention, it creates international norms and standards. Governments that violate the standards set forth in a convention can then be censured by the UN. The first legally binding international document prohibiting discrimination against women and obligating governments to take affirmative steps to advance the equality of women. Convention setting forth a full spectrum of civil, cultural, economic, social, and political rights for children. Binding agreement between states; used synonymously with Convention and Treaty. Law that becomes binding on states although it is not written, but rather adhered to out of custom; when enough states have begun to behave as though something is law, it becomes law "by use"; this is one of the main sources of international law. Document stating agreed upon standards but which is not legally binding. A UN council of 54 members primarily concerned with population, economic development, human rights, and criminal justice. This high-ranking body receives and issues human rights reports in a variety of circumstances. Economic, Social, Cultural Rights: Rights that concern the production, development, and management of material for the necessities of life. Rights that give people social and economic security, sometimes referred to as security-oriented or second generation rights. Examples are the right to food, shelter, and health care. Environmental, Cultural, and Developmental Rights: Sometimes referred to as third generation rights, these rights recognize that people have the right to live in a safe and healthy environment and that groups of people have the right to cultural, political, and economic development. The systematic killing of people because of their race or ethnicity. The rights people are entitled to simply because they are human beings, irrespective of their citizenship, nationality, race, ethnicity, language, gender, sexuality, or abilities; human rights become enforceable when they are Codified as Conventions, Covenants, or Treaties, or as they become recognized as Customary International Law. A community based on human rights, where respect for the fundamental dignity of each individual is recognized as essential to the functioning and advancement of society. A community that works to uphold each article of the UDHR. Refers to rights that belong to every person and cannot be taken from a person under any circumstances. People who are original or natural inhabitants of a country. Native Americans, for example, are the indigenous peoples of the United States. Refers to the equal importance of each human rights law. A person cannot be denied a right because someone decides it is "less important" or "nonessential. Refers to the complementary framework of human rights law. For example, your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life. Organizations sponsored by several governments that seek to coordinate their efforts; some are regional e. International Bill of Human Rights: Adopted in 1948, and entered into force in 1954. One of the components of the International Bill of Human Rights. Adopted in 1948, and entered into force in 1954. Rights that are laid down in law and can be defended and brought before courts of law. Countries that are members of the United Nations. Rights that are based on general principles of fairness and justice; they are often but not always based on religious beliefs. People sometimes feel they have a moral right even when they do not have a

legal right. For example, during the civil rights movement in the USA, protesters demonstrated against laws forbidding Blacks and Whites to attend the same schools on grounds that these laws violated their moral rights. Rights that belong to people simply because they are human beings. A document, like a Declaration, that carries no formal legal obligations. It may, however, carry moral obligations or attain the force of law as Customary International Law. Organizations formed by people outside of government. NGOs monitor the proceedings of human rights bodies such as the Commission on Human Rights and are the "watchdogs" of the human rights that fall within their mandate. Some are large and international e. The right of people to participate in the political life of their communities and society. For example, the right to vote for their government or run for office. See Civil and Political Rights. A treaty which modifies another treaty e. The exceptions that States Parties make to a treaty e. Reservations, however, may not undermine the fundamental meaning of the treaty. Determination by the people of a territorial unit of their own political future without coercion from powers outside that region. In human rights the first step in ratification of a treaty; to sign a Declaration, Convention, or one of the Covenants constitutes a promise to adhere to the principles in the document and to honor its spirit. Often synonymous with "country"; a group of people permanently occupying a fixed territory having common laws and government and capable of conducting international affairs. Those countries that have Ratified a Covenant or a Convention and are thereby bound to conform to its provisions. Formal agreement between states that defines and modifies their mutual duties and obligations; used synonymously with Convention and Covenant. When conventions are adopted by the UN General Assembly, they create legally binding international obligations for the Member States who have signed the treaty. When a national government Ratifies a treaty, the articles of that treaty become part of its domestic legal obligations. Initial document of the UN setting forth its goals, functions, and responsibilities; adopted in San Francisco in United Nations General Assembly: One of the principal organs of the UN, consisting representatives of all member states. The General Assembly issues Declarations and adopts Conventions on human rights issues, debates relevant issues, and censures states that violate human rights. Adopted by the general assembly on December 10, Primary UN document establishing human rights standards and norms. All member states have agreed to uphold the UDHR. Although the declaration was intended to be Nonbinding, through time its various provisions have become so respected by States that it can now be said to be Customary International Law. Adapted from Julie Mertus et al. Law, Policy, and Process.

5: Appendix 3: A Human Rights Glossary

The United States and Modern Human Rights: A Brief History. The United States has a mixed record on human rights. Despite early leadership on human rights during the 20th century, the United States, unlike many other nations around the world, has not ratified most of the major human rights treaties.

Human Rights Human Rights: An Overview International human rights law began as a response to the horrors of war, in particular World War II, although the Geneva Conventions had begun earlier. The formation of the United Nations gave human rights international legitimacy, particularly because many nations signed the United Nations Charter, which specifically mentions human rights Preamble, Chapter I. Since the formation of the United Nations, it has passed many agreements and resolutions binding the signatories to respect human rights. Additionally, it has set up tribunals to charge those suspected of egregious violations of human rights. Furthermore, several other organizations, created by various treaties, have come into existence. The European Convention on Human Rights binds members of the Council of Europe to the human rights obligations set forth in it. The Convention specifically mentions the Universal Declaration of Human Rights, and charges all signatories with upholding the basic principles of the document. Both the European and American Conventions on human rights have international tribunals in which to bring claims of violations of human rights. Many nations have ratified international human rights instruments put forward by the United Nations. Thus, many human rights instruments, tribunals, and declarations have been created since World War II, some drawing inspiration for early human rights proclamations, such as the Universal Declaration. Human rights continues to be a growing body of international law. Human rights are "inalienable rights of all members of the human family" Universal Declaration of Human Rights. Thus, human rights are, in principle, applicable to every person, regardless of their nationality. The Universal Declaration gives an example of the substance of human rights agreements although it is not itself a treaty, many nations have agreed to abide by its principles, and it serves as an inspiration for treaties on human rights. Specifically, the Universal Declaration calls on nations to respect the rights to life, liberty, and security Article 3. It also states that no person should be enslaved, tortured, or deprived of the right to a trial before a "national tribunal. Positive rights are also part of the Declaration. It states that everyone should enjoy the right to an education and basic standards of living. In doing so, it calls on nations to provide for all of their citizens without discrimination. Human rights, in substance, are protections against abuses by all states, and guarantees that people shall receive benefits from states. International human rights law, through treaties, acts upon states. Documents such as the Universal Declaration of Human Rights proclaim the ideals of nations aspiring to respect the human rights of people of all nations. Legally, however, these documents do not bind countries. The enforcement of human rights treaties naturally requires nations to comply with the terms of their agreements, and various approaches are used to enforce agreements. Specially appointed commissions and other bodies monitor compliance. International tribunals provide an additional avenue to ensure compliance. Individuals may also be held accountable for human rights violations if they are brought before such a tribunal and convicted. A notable example is the International Criminal Tribunal for the former Yugoslavia, which was set up to charge officers of the Serbian military who had allegedly committed war crimes during the breakup of Yugoslavia. It drew precedent from the Nuremberg Tribunals. The law of human rights is therefore an international body of law of treaties and decisions from international tribunals, although many individual states may have also enacted domestic laws that protect what are traditionally thought of as human rights. The United States is an example of a country that is both party to international agreements and has enacted its own human rights guarantees. Additionally, the United States has passed legislation further protecting the human rights of its citizens. A good example is civil rights legislation Title 42, Chapter 21 of the U. The United States is also bound by treaty obligations. A list of major human rights instruments that the United States has signed or ratified can be found here.

6: University of Minnesota Human Rights Library

The Charade of US Ratification of International Human Rights Treaties (Fall) The Executive Director of Human Rights Watch argues that by not participating in the international human right system, the US does nothing to improve the rights of its own citizens while at the same time undermining human rights protections abroad.

The United Nations human rights treaties are at the core of the international system for the promotion and protection of human rights. Each of these treaties has established a committee of experts the treaty bodies to monitor implementation of the treaty provisions by its States parties. Some of the treaties are supplemented by optional protocols dealing with specific concerns. An Optional Protocol to a treaty is an instrument that establishes additional rights and obligations to a treaty. The Covenant contains two Optional Protocols. The first optional protocol creates an individual complaints mechanism whereby individuals in member States can submit complaints, known as communications, to be reviewed by the Human Rights Committee. Its rulings under the first optional protocol have created the most complex jurisprudence in the UN international human rights law system. The second optional protocol abolishes the death penalty. It commits the states parties to work toward the granting of economic, social, and cultural rights ESCR to individuals. Described as an international bill of rights for women, it came into force on 3 September The Convention defines discrimination against women in the following terms: They must also establish tribunals and public institutions to guarantee women effective protection against discrimination, and take steps to eliminate all forms of discrimination practised against women by individuals, organisations, and enterprises. The Convention requires states to take effective measures to prevent torture within their borders, and forbids states to return people to their home country if there is reason to believe they will be tortured. The text of the Convention was adopted by the United Nations General Assembly on 10 December and, following ratification by the 20th state party, it came into force on 26 June The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 18 December and in force since 22 June , provides for the establishment of a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The United Nations General Assembly agreed to adopt the Convention into international law on November 20, ; it came into force on September 2, , after it was ratified by the required number of nations. The Convention has two Optional Protocols, adopted by the General Assembly in May and applicable to those states that have signed and ratified them. It emphasizes the connection between migration and human rights. Its existence sets a moral standard, and serves as a guide and stimulus for the promotion of migrant rights in each country. The text was adopted by the United Nations General Assembly on 20 December and opened for signature on 6 February It entered into force on 23rd December It entered into force on 3 May The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorisation of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced. The Optional Protocol allows the UN Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention. In principle, treaty members are elected as experts who are to perform their functions in an independent capacity. Meeting periodically throughout the year, the treaty bodies perform a number of functions in accordance with the provisions of the treaties that created them. But signing up is only the first step, because recognition of rights on paper is not sufficient to guarantee that they will be enjoyed in practice. So the country incurs an additional

obligation to submit regular reports to the monitoring committee set up under that treaty on how the rights are being implemented. This system of human rights monitoring is common to most of the UN human rights treaties. To meet their reporting obligation, States must report submit an initial report usually one year after joining two years in the case of the CRC and then periodically in accordance with the provisions of the treaty usually every four or five years. In the light of all the information available, the Committee examines the report together with government representatives. Consideration of individual complaints or communications In addition to the reporting procedure, some of the treaty bodies may perform additional monitoring functions through three other mechanisms: The Convention on Migrant Workers also contains provision for allowing individual communications to be considered by the CMW; these provisions will become operative when 10 states parties have made the necessary declaration under article Any individual who claims that her or his rights have under the covenant or convention have been violated by a State party to that treaty may bring a communication before the relevant committee, provided that the State has recognised the competence of the committee to receive such complaints. Complaints may also be brought by third parties on behalf of individuals provided they have given their written consent or where they are incapable of giving such consent. General Comments The Committees also publish their interpretation of the content of human rights provisions, known as general comments on thematic issues or methods of work. General comments often seek to clarify the reporting duties of State parties with respect to certain provisions and suggest approaches to implementing treaty provisions. Meeting of chairpersons and inter-committee meeting The treaty bodies coordinate their activities through the annual meeting of chairpersons of human rights treaty bodies and through the inter-committee meeting. The treaty bodies are continually seeking ways to enhance their effectiveness through streamlining and harmonisation of working methods and practices.

7: Human rights treaties - www.enganchecubano.com

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty.

History[edit] In , Thomas Jefferson proposed a philosophy of human rights inherent to all people in the Declaration of Independence , asserting that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. Ellis calls the Declaration "the most quoted statement of human rights in recorded history". A year later, the Declaration of Independence announced that the Thirteen Colonies regarded themselves as independent states, and no longer a part of the British Empire. Some of this conceptualization may have arisen from the significant Quaker segment of the population in the colonies, especially in the Delaware Valley, and their religious views that all human beings, regardless of sex, age, race, or other characteristics, had the same Inner light. Quaker and Quaker-derived views would have informed the drafting and ratification of the Constitution, including through the direct influence of some of the Framers of the Constitution , such as John Dickinson and Thomas Mifflin , who were either Quakers themselves or came from regions founded by or heavily populated with Quakers. As the new Constitution took effect in practice, concern over individual liberties and concentration of power at the federal level, gave rise to the amendment of the Constitution through adoption of the Bill of Rights , the first ten amendments of the Constitution. However, this had little impact on judgements by the courts for the first years after ratification. For example, although women had been voting in some states, such as New Jersey, since the founding of the United States, and prior to that in the colonial era, other states denied them the vote. In Lydia Chapin Taft voted, casting a vote in the local town hall meeting in place of her deceased husband. Through the doctrine of coverture , many states also denied married women the right to own property in their own name, although most allowed single women widowed, divorced or never married the "Person" status of men, sometimes pursuant to the common law concept of a femme sole. Among these amendments was the Fourteenth Amendment , which included an Equal Protection Clause which seemed to clarify that courts and states were prohibited in narrowing the meaning of "Persons". Anthony , buttressed by the equal protection language, voted. She was prosecuted for this, however, and ran into an all-male court ruling that women were not "Persons"; the court levied a fine but it was never collected. In the s, the Burger Court made a series of rulings clarifying that discrimination against women in the status of being Persons violated the Constitution and acknowledged that previous court rulings to the contrary had been Sui generis and an abuse of power. The most often cited of these is Reed v. Reed , which held that any discrimination against either sex in the rights associated with Person status must meet a strict scrutiny standard. The s also saw the adoption of the Twenty-sixth Amendment , which prohibited discrimination on the basis of age, for Persons 18 years old and over, in voting. Other attempts to address the developmental distinction between children and adults in Person status and rights have been addressed mostly by the Supreme Court, with the Court recognizing in , in Miller v. Alabama a political and biological principle that children are different from adults. In the members of the United Nations organization completed the drafting of its founding text – the United Nations Charter: The USA played a significant role in this process. Similarly, for the United States government and its citizens, much remained uncertain about the future impact, force, and reach of international human rights. Eventually the United States had not yet developed a policy approach regarding whether or not it would recognize international human rights within a domestic context. Now that the United States had successfully adopted the UDHR, obviously it seemed like human rights would play a leading part in domestic law within the US. Still there was harsh controversy over the question whether to apply international law on the inner-land-basis. Fitzpatrick won the Pulitzer Prize for editorial writing in ; in his editorials he had repeatedly warned against international human rights overthrowing the supreme law of the land. Over the past few decades, the United

States government has often held itself up as a strong supporter of human rights in the international arena. Nonetheless, in the view of the government human rights are still rather an international than a domestic phenomenon – representing more of choice than obligation. Conflict between the human rights of the child and those of a mother or father who wishes to leave the country without paying child support or doing the personal work of child care for his child can be considered to be a question of negative and positive rights. The Essential Reference, "the American Declaration of Independence was the first civic document that met a modern definition of human rights. The Ninth Amendment and Fourteenth Amendment recognized that not all human rights were enumerated in the original United States Constitution. The scope of the legal protections of human rights afforded by the US government is defined by case law, particularly by the precedent of the Supreme Court of the United States. Within the federal government, the debate about what may or may not be an emerging human right is held in two forums: Additionally, individual states, through court action or legislation, have often protected human rights not recognized at federal level. For example, Massachusetts was the first of several states to recognize same sex marriage. Non-self-executing treaties, which ascribe rights that under the constitution may be assigned by law, require legislative action to execute the contract treaty before it becomes a part of domestic law. Treaties regarding human rights, which create a duty to refrain from acting in a particular manner or confer specific rights, are generally held to be self-executing, requiring no further legislative action. In cases where legislative bodies refuse to recognize otherwise self-executing treaties by declaring them to be non-self-executing in an act of legislative non-recognition, constitutional scholars argue that such acts violate the separation of powers – in cases of controversy, the judiciary, not Congress, has the authority under Article III to apply treaty law to cases before the court. This is a key provision in cases where the Congress declares a human rights treaty to be non-self-executing, for example, by contending it does not add anything to human rights under U. The International Covenant on Civil and Political Rights is one such case, which, while ratified after more than two decades of inaction, was done so with reservations, understandings, and declarations. Therefore, if a human rights treaty has been ratified by the U.

8: Human Rights and the United States

human rights treaty in history. Only the United States and Somalia, which has no functioning national government, have failed to ratify the treaty.

Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December General Assembly resolution A as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over languages. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Everyone has the right to life, liberty and security of person. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to recognition everywhere as a person before the law. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. No one shall be subjected to arbitrary arrest, detention or exile. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. 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. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. All children, whether born in or out of wedlock, shall enjoy the same social protection. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

9: United States Ratification of International Human Rights Treaties | Human Rights Watch

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms.

May 30, Date entered into force: Not yet entered into force Signatories: Cluster munitions or cluster bombs are either air-dropped or ground-launched weapons that typically explode in the air and send dozens, even hundreds, of tiny bomblets over an area the size of a football field. Cluster munitions pose principal dangers to civilians. Because the weapon cannot distinguish between military targets and civilians, it invariably kills and wounds civilians when used in or near populated areas. They can also harm civilians decades after the conflict is over, as unexploded "duds" on the ground act like landmines, exploding when touched by unwitting civilians. Because of the nature of these duds, they are highly likely to cause death, making them even more dangerous than ordinary landmines. In fact, cluster bombs are estimated to have caused more civilian casualties in Iraq in and Kosovo in than any other weapons system. The Convention on Cluster Munitions was negotiated in May and opened for signature in December. It provides a robust framework for tackling cluster munitions. It prohibits the use, production, stockpiling and transfer of cluster munitions and requires clearance of affected areas within 10 years, destruction of stockpiled cluster munitions within eight years, and assistance to victims of the weapon. A total of 30 ratifications are required to trigger entry into force of the Convention. The United States did not participate in the "Oslo Process" negotiations leading up to the treaty. US policy on cluster munitions was last articulated in a three-page policy directive issued by Secretary of Defense Robert Gates in July. The directive described cluster munitions as "legitimate weapons with clear military utility. In practice, the United States has not used cluster munitions in Iraq since or in Afghanistan since. US forces have been moving away from the use of cluster munitions, recognizing the extreme threats they pose to civilians, as well as to US soldiers as troops encounter unexploded duds. The threats to safety, and the political, operational, and financial liabilities created when the US uses cluster munitions outweigh the limited role the weapons fills in current operations. As cluster weapons become increasingly stigmatized internationally, the prospect of future US use becomes even more unlikely. In December, a spokeswoman for the Obama transition team said that the incoming president would "carefully review the new [cluster munitions] treaty and work closely [with] our friends and allies to ensure that the United States is doing everything feasible to promote protection of civilians. In one month, the legislation attracted 24 cosponsors in the Senate, including both Democrats and Republicans. On March 11, President Obama signed into law an omnibus budget bill HR that included an export ban on cluster munitions. According to the law, cluster munitions can only be exported if they leave behind less than one percent of their submunitions as duds. The legislation also requires the receiving country to agree that cluster munitions "will not be used where civilians are known to be present. This export ban was first enacted in a similar budget bill in December, but that law mandated it for only one year. December 13, Date entered into force: May 3, Signatories: The Convention on the Rights of Persons with Disabilities CRPD and its Optional Protocol-both adopted by the UN General Assembly in and entered into force in aim to promote, protect and ensure full and equal enjoyment of all human rights for persons with disabilities. The convention espouses the basic principles of individual dignity and autonomy, non-discrimination, full inclusion and participation in society, respect for difference, equality of opportunity, accessibility, equality between men and women, and respect for children with disabilities. CRPD represents a paradigm shift in approaching persons with disabilities as subjects capable of claiming their rights and making informed decisions rather than as objects of social protection. CRPD garnered 82 signatories and one ratification on March 30, when it opened for signature, the largest number in history of signatories to a UN Convention on its opening day. The United States is one of a minority of countries to neither sign nor ratify CRPD, and is exceptional among its allies for having failed to do so: Administration officials stated that because the Americans with Disabilities Act "is among the most comprehensive civil rights laws protecting

the rights of people with disabilities in the world," [1] signing and ratifying the CRPD was unnecessary. It took the position that implementation of national legislation, rather than ratification of international treaties, was the most effective way of protecting the rights of persons with disabilities. Approximately 54 million Americans experience some form of disability, a number likely to increase as the US population ages and with medical advances saving and prolonging lives. Increased numbers of American with disability are also occurring as a result of continuing wars in Iraq and Afghanistan. The United States has historically been a global leader on the issue of disability rights, a position that has been lately threatened by the failure to sign and ratify CRPD. The Americans with Disabilities Act is a landmark civil rights law, enacted by Congress in , that has served as a model for foreign countries in drafting their own disability laws. While the Americans with Disabilities Act remains critically important, signature and ratification of CRPD has the potential to reinstate the United States as a leader in extending rights and protections for individuals with disabilities around the world. As a senator, Obama on December 11, unveiled a plan to restore US global leadership in the field of disability rights, which included signing and urging swift Senate ratification of CRPD. Optional Protocol to the Convention against Torture Date adopted: December 18, Date entered into force: June 22, Current number of states parties: Adopted by the UN General Assembly in , the Optional Protocol to the Convention against Torture OPCAT aims to prevent torture and other forms of ill-treatment by establishing a system of regular visits to places of detention carried out by independent national and international bodies. OPCAT is based on the recognition that international treaties and national laws to ban torture and other ill-treatment are insufficient to end abuses. Places of detention are of necessity closed institutions and are not subject to the kind of media and public scrutiny that we rely on to ensure the proper functioning of other government entities. OPCAT defines places of detention broadly, to include prisons, jails, immigration detention facilities, juvenile detention facilities, and psychiatric institutions. The Bush administration has objected to the protocol, stating in that inspections mandated by the protocol would be "overly intrusive" and that the US legal system already provides numerous opportunities for persons in detention to complain about abuse. It has also said that the protocol would infringe on the federal rights of individual US states, but this objection is not supported by US Supreme Court case law. Rather, it establishes procedural mechanisms to improve compliance with obligations already undertaken through the Convention against Torture and other treaties the US has ratified. The United States has the largest incarcerated population in the world, with 2. But unlike many other democracies, the United States has no independent agency that monitors prison conditions and enforces minimal standards of health and safety. A bipartisan commission on safety and abuse in US prisons recently concluded that "few states have monitoring systems that operate outside state and local departments of corrections, and the few systems that do exist are generally under-resourced and lacking in real power. The international body, the Subcommittee on Prevention of Torture, consists of 10 independent, multi-disciplinary experts. In addition, within one year of ratifying OPCAT, a country must have in place one or more "national preventive mechanisms" to carry out visits to places of detention. No particular type of national mechanism is specified, so each country has broad discretion in deciding how to carry out this function. Both the subcommittee and national bodies conduct unannounced visits to places of detention and can hold private interviews with detainees. Following their visits, these bodies make recommendations for improvements in the treatment and the conditions of detention of persons deprived of their liberty. Your tax deductible gift can help stop human rights violations and save lives around the world.

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