

The Promotion and Protection of Human Rights For International Justice

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Abstract

In the situation of crisis, there are real and fact problem of humanity. The extreme crisis is the war. In the last decade the wars always been initiated with an aggression of the super power's country against a little one. In the war situation, no one can promote and protect the human rights and peace. In these situations we have obligations to promote and to protect the value of human persons and their fundamental rights.

Many people struggle for justice, fundamental freedom and human rights. They suffer, caused the violations of their rights. The violations of human rights are very terrible and uncountable again. The violation of human rights spread in all over the world/ The human persons have value in their freedom and dignities. All human persons have the equal dignity, with differences in function and activity in their society.

With this reason, the promotion and protection of human rights for justice must be a priority program of the international community, in every country. The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person to create the international justice. The people will achieve the common good and welfare with protection by the government, and this obligations will be real challenges for our society.

Key Words: Promotion and Protection, Violation, Human Rights, International Justice.

1. The Crisis Situation

The general situation of the world is full of crisis, which are crisis of communication, crisis of democracy, crisis of economy and political crisis in many countries all over the world. The extreme crisis is the war. In the last decade the wars always been initiated with an attack of the super power's country against a little one. In the war situation, no one can promote and protect the human rights and peace. We need to cease fire, no more war, it is because the war is crime, and to begin build this world more just, peaceful and democratic. In these situations we have obligations to promote and to protect the value of human persons and their fundamental rights. The human rights, justice and peace are inherent rights in our dignity as human person.

No one can offend the value of human person of human dignity. In the background of Asian Charter, we read the situation of asian people in relations of human rights: "The Asian struggle for rights and freedoms has deep historical roots, in the fight against oppression in civil society and the political oppression of colonialism, and subsequently for the establishment or restoration of democracy. The reaffirmation of rights is necessary now more than ever before. Asia is passing through a period of rapid change, which affects social structures, political institutions and the economy. Traditional values are under threat from new forms of development and technologies as well as political authorities and economic organisations that manage these changes"¹. In the same document continues that "These changes threaten many valued aspects of life, the result of the dehumanising effect of technology, the material orientation of the market, and the destruction of the community. People have decreasing control over their lives and environment, and some communities do not have protection even against eviction from their traditional homes and grounds. There is a massive exploitation of workers, with wages that are frequently inadequate for even bare subsistence and low safety standards that put the lives of workers in constant danger"². The crisis situation, oppression and also the struggle of the people for fundamental rights and freedoms are real historical fact, which must be resolved for the better life in the future. Respect on human dignity as a first principle for all people and the authorities may not against the principle. But in the reality, for

¹ Asian Human Rights Commission (AHRC), *The Asian Charter on Human Rights*, 1.1.

² Asian Human Rights Commission (AHRC), *The Asian Charter on Human Rights*, 1: 2

example, we can observe the annual report of the situation of Human Rights in every country for 2014, made by Bureau of Democracy, Human Rights and Labor of the US Department of the Sates. In the last report, we can see that the situation of human rights in quasi all country are real very terrible, many victims and human rights violations.

In this Country Reports on Human Rights Practices for 2014, the Secretary's Preface affirms that the fundamental struggle for dignity has been a driving force in human history worldwide, and what drives us toward it is a set of universal values and aspirations. Life, liberty, and the pursuit of happiness are ideals that cannot be contained by national boundaries or ocean shores. That is why it is especially troubling that so many people in so many places face grotesque restrictions on their freedoms and rights from their own governments. For far too many people, 2014 was defined by suffering and abuse perpetrated by terrorist groups exploiting religious discourse and divisions to advance their totalitarian ideology, or by governments, such as Syria, sometimes acting in the name of combating terrorism³. In the same preface said that In parts of the Middle East and Africa, violent extremists have made it clear that not only do they have zero regard for human rights; they have zero regard for human life⁴. The situation in quasi all country in this world demand the more human action.

2. The Human Rights Violation

Reading the annual Human Report made by Human Rights Watch, Amnesty International and also Bureau of Democracy, Human Rights and Labor of the US Department of the Sates, the situation of human rights in all over the world is really demand the humanitarian intervention to repair the humanity. The situation of human rights in Asia is far of ideal. Many victims caused by discriminations, dehumanization, human degradation, offence and violence against the human person and human dignity, are really to become daily panorama. Human Rights violation remains potential to destruct the value of humanity, especially in Asia.

The Asian Charter, made by Asian Human Rights Commission (AHRC) affirms, "Asians have in recent decades suffered from various forms of conflict and violence, arising from ultra-nationalism, perverted ideologies, ethnic

³ John F. Kerry, Preface of *Reports on Human Rights Practices for 2014*, made by Bureau of Democracy, Human Rights and Labor, of the US Department of the Sates

⁴ Idem

differences, and fundamentalism of all religions. Violence emanates from both the state and sections of civil society. For large masses, there is little security of person, property or community. There is massive displacement of communities and there are an increasing number of refugees”⁵ The people always to be victims, and the Governments program do not always protect the rights of the people. The same documents states that the Governments have arrogated enormous powers to themselves. They have enacted legislation to suppress people's rights and freedoms and colluded with foreign firms and groups in the plunder of national resources. Corruption and nepotism are rampant and there is little accountability of those holding public or private power. Authoritarianism has in many states been raised to the level of national ideology, with the deprivation of the rights and freedoms of their citizens, which are denounced as foreign ideas inappropriate to the religious and cultural traditions of Asia. Instead there is the exhortation of spurious theories of ‘Asian Values’ which are a thin disguise for their authoritarianism. Not surprisingly, Asia, of all the major regions of the world, is without a regional official charter or other regional arrangements for the protection of rights and freedoms⁶. The situation of human rights in Asia is really terrible and demands to all who have the good will to participate the fulfillment of these rights.

For more profound this issue, *the Millennium Declaration*⁷, stated that entering the third millennium, the fulfillment of human rights is threatened by numerous challenges. The increasing economic gaps and the unprecedented increase in poverty that are the result of the existing world economic order, constitute the greatest and most unjust violations of human rights: the misery and death of millions of innocent people every year. In the same document, they affirm: “We are witnessing some of the worst violations of human rights, including the use of food as a weapon, in the context of the armed conflicts and civil wars, which have been erupting with increasing frequency. Moreover, civilians are bearing the brunt of the deployment of weapons of mass and

⁵ Asian Human Rights Commission (AHRC), *The Asian Charter*, 1: 4

⁶ Asian Human Rights Commission (AHRC), *The Asian Charter*, 1: 5

⁷Cf. *We the Peoples Millennium Forum: Declaration and Agenda for Action*, Strengthening the United Nations for the 21st Century, have gathered at the United Nations (UN) Headquarters in New York from 22 – 26 May 2000 or *Millennium Declaration*, part D. about “Human Rights”. In This meeting there are 1,350 representatives of over 1,000 non-governmental organizations (NGOs) and other civil society organizations from more than 100 countries.

indiscriminate destruction in such conflicts. We are also witnessing a resurgence of racism, fascism, xenophobia, homophobia, hate-crimes, ethnocide and genocide, which impact most greatly on indigenous peoples and other disadvantaged or under-represented groups; the resurgence of patriarchy that threatens to erode the gains made by women; the persistence of the worst forms of child labor; the impunity enjoyed by perpetrators of massive and systematic violations of human rights; the on-going and deepening process of globalization which undermines internationally recognized human rights, labor rights and environmental standards; the continued insulation from human rights accountability of non-state actors, ranging from transnational corporations and international financial institutions to fundamentalist civil society organizations and criminal syndicates; an upsurge of violence, militarism and armed conflict; the increase and growth of authoritarian regimes; and the fact that human rights defenders continue to be highly vulnerable targets of repression in many areas of the globe”⁸.

Many people struggle for justice, fundamental freedom and human rights. They suffer, caused the violations of their rights. The struggle for human rights, especially for justice has deep historical and political roots, in the fight against oppression in civil society and the political oppression. The violation of human rights spread in all over the world, especially in Asia, Africa and Latin America. The violation of human rights in these three continents invite us to know more profound the meaning and value of human dignity. The human persons have value in their freedom and dignities. All human persons have the equal dignity, with differences in function and activity in their society.

3. The Promotion and Protection of Human Rights

The decision of the World Conference on Human Rights, in Vienna Declaration and Programme Action⁹ affirms, “that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller

⁸ Idem

⁹ The Vienna Declaration: Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, 14-25 June 1993, U.N. Doc. A/CONF.157/24 (Part I) at 20 (1993).

observance of those rights, in a just and balanced manner”¹⁰ In the same consideration recognize that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,¹¹ These principles must be respected in the social life in every country, but the reality, it is not easy to fulfil the degradation of the human person. In the seventh consideration, The Vienna declaration Recalls the determination expressed in the Preamble of the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples¹².

The world conference would like that Promotion and Protection of Human Rights is a programme and agenda for action. Human Rights must be promoted and protected in all situations as a priority programme for action’. In the Vienna Declaration establishes that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments¹³.

The international community understands these obligations destination to all human races. The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person. In fact the human rights have the universal value. The Vienna Declaration affirms that all human rights are universal, indivisible and

¹⁰ The First Consideration of Vienna Declaration and Program Action

¹¹ The Second Consideration of Vienna Declaration and Program Action

¹² The seventh consideration of Vienna Declaration and Program Action

¹³ The Vienna Declaration, 4

interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms¹⁴. We need the universal respect for human rights and to observe them. So the efforts of the international community's attitude towards the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security as well as social and economic development¹⁵. The people will achieve the common good and welfare with protection by the government.

In front of the violations of human rights, all the people must respect the value of human person. With this reason, the promotion and protection of human rights for justice must be a priority program of the international community, in every country. The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person to create the international justice.

With the human rights violation, I means the offences of the international justice. To promote the international justice, the international community must stop the impunity against the human rights. For this reason, in the Rome Statute, which establishes the international criminal court affirms, “that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation”¹⁶ It means to put an end to impunity for the perpetrators, who inflicted the violations of human rights.

To protect the human rights, the government must ratify the international instruments of human rights of United Nations, which protect them. The

¹⁴ The Vienna Declaration, 5.

¹⁵ The Vienna Declaration, 6.

¹⁶ Text of the Rome Statute circulated as document A/CONF.183/9 of 17 July 1998 and corrected by process-verbaux of 10 November 1998, 12 July 1999, 30 November 1999, 8 May 2000, 17 January 2001 and 16 January 2002. The Statute entered into force on 1 July 2002. Cfr. Martino Sardi, “

government gives the guarantee for protection to the people with the just law, good policy, and the other guarantees, so they live in justice, peace and safety in their own country. The people will achieve the common good and welfare with protection by the government, and this obligations will be real challenges for our society.

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