



Third draft for the Intercultural Section of the Forum for 21st Century

„For the purpose of the conference on 29th November, 2011, with regard to the positions of participating countries and international organizations, the Forum pronounces and suggests:

New concept of fundamental human rights and freedom

Notes:

Governments together with the international organizations and NGOs have set many goals for the new millennium, such as eradicating poverty and hunger, ensuring environmental and economic sustainability or developing global partnership for development. However, none of these goals can be achieved without realization of human rights. A decent standard of living, adequate nutrition, health care, education, decent work and protection against calamities are not just goals for the new millennium they are also human rights.

The world and the society are in constant development. Together with the economic progress the world community should develop also the human dimension. Human rights as fundamental right of every person in the world started to be an important and issue especially after the terrifying experience of World War II. As a reaction to the war, the Declaration of Human Rights was adopted in 1948 within the United Nations. In relation to national legislation, the Universal Declaration have no binding character and there is no legal way of punishment for states breaking the law. Nevertheless, if the Declaration were supposed to be binding for all the signatory states, most of them would probably not sign it. The main responsibility of ensuring human rights, therefore remains a competency of national states that are sovereigns over their population. Complex harmonization or unification of the human rights on the international level is impossible due to the culture and traditions. This is the conflict point of all the debates about human rights. Make it clear, partisans of two different philosophies - universalism and relativism – have to find a compromise when fighting against violating human rights. Each of these two points of view makes an alternative philosophy to another, therefore it is inadmissible to officially reject any of these. There is no neutral ground between these philosophies, but sometimes we can understand



some norms as universal, some relative to context and culture. All the efforts to convert moral rules and values into legal rules and norms are definitely on the side of universalist. The great example is the Universal declaration of Human rights. If our aim is supporting the cultural diversity, respecting ethnic groups and building tolerant societies, universalisation of norms is, from the point of view of relativists, the path toward cultural homogenization in the modern world. Imposing of universal rights might lead to prevention of self-determination of people. Some rights and rules about morality are encoded in and thus depend on cultural context. On the other hand, there are undoubtedly rights that might be considered as international and universal like rights to equal protection, physical security, fair trials, free speech, freedom of religion and free association, and these should be the same everywhere, regardless to the culture or traditions.

A decisive factor influencing the ensuring of human rights is also the political system. Each nation defines human rights in a different way. The result is a relative perception of the term “human rights” and therefore different laws ensuring them. Human rights are the foundation of justice and peace in the world. They can be best maintained on the one hand by an effective political democracy and on the other hand by a common understanding and observance of human rights.

In the effort of achieving the effective law enforcement in the field of human rights the Forum for 21st century shall respect the cultural, religious and linguistic diversity of the civilizations. The Forum for 21st Century opens the negotiations to discuss a new concept of human rights, to create an effective system of jurisdiction and supervision in order to enforce the law. The priority is to recognize dignity, freedom, equal and inalienable rights for every individual and find a proper way and peaceful means to ensure the human rights in all over the world. The Forum for 21st Century feels responsibility to provide a platform for open discussion on the issues concerning current state of human rights. The main challenge will be to find a consensus on what should or should not be regarded as universal human right with respect to the culture and civilization.



Proposes:

The Human Rights Council

- ✿ Taking into consideration the proposals and objections of the delegates, the current mechanisms of monitoring and enforcing of human rights and the fact that ensuring of human rights and equal treatment are among the key factors of maintaining of international peace and security and in order to avoid squandering of human and financial resources, the Forum proposes strengthening the competency of already existing mechanism, the Human Rights Council. The Council was created as an advisory body by the UN General Assembly in 2006 with the main purpose of addressing situations of human rights violations and make recommendations on them. The task of the council will be also the elaborating of the national plans, taking into consideration the social and cultural background.
- ✿ The Forum proposes modifying the status of the Council from advisory body to one of the primary body within the UN system. That way the competency of the Council will be strengthened. That step would also contribute to ameliorate the reputation and therefore the Council will become the respected authority.
- ✿ The states will be divided into the groups according to their specific conditions - economic and social development, different priorities, tradition, cultural values and perception of human and citizen rights. The review of the human rights situation will be carried out in certain periods of time. According to this Universal periodic review, the national plan for every country will be recommended by the Council.
- ✿ In the process of Universal periodic review the Forum suggests in the phase of implementation the Council proposes the recommendations aiming to rectify the identified deficiencies. Subsequently, the state undertakes the commitment to fulfill mutually agreed arrangements. The Council will be allowed to control the fulfilling only of these commitments, eventually to demand the remedy or to impose the penalty.
- ✿ To promote the activities of the Council and the complaints procedure on the national level by the government and local municipalities, to increase the public awareness about



the facility to address the Council with the complaints about human rights infringements. The form and means of the promotion will be in the competency of national government of the state.

- Every institution and every person regardless to its nationality, gender, age or religion would have a right to address to the tribunal in case of breaking the rights set in national plan, after the failure of all the accessible means to solve the problem. All the complaints, before being moved to the Council will be examined by the experts, providing the services to physical and juridical person as well, if necessary. The platform for beginning of the negotiations is provided by the Council. In particular cases, when there are insurmountable obstacles preventing to reach a compromise, the case might be moved to the Council of states (the principal body of the Council).

Revision of UN Universal Declaration

- To revise the UN Universal Declaration of Human Rights setting the universal rules with an emphasis on the rights of human and social security. Other rights that should be implemented by all the states in all the groups are right for life, right for free and accessible primary and secondary education, right for clean and healthy environment, freedom of press and other media, right for private property and right for objectivity of trial in domestic tribunal.
- The UN Universal Declaration should serve as a basis for creating the legislation and national plan of every state that might have impact on human or citizen rights. In addition to the strengthening of the universal dimension of Human Rights we strongly recommend focusing on taking into consideration the relative perception of Human Rights all around the world.
- Everybody should have equal rights and opportunities, but this does not mean overlooking the differences within the society caused by coexistence of multiple ethnic groups. It is necessary to create an environment that creates conditions for all the people regardless of their gender and ethnicity. The “colour-blind” approach, for example in educational system is also kind of discrimination. All the different groups of society should be



included in the educational system in a way of inclusion, not integration. The result of integration would be the diminution of differences, rather than their supporting. The process of inclusive education has to take into account the context and current state in every single country, it means the influence of the prejudice and policy that we want to replace by the system with new values. Even though the countries can learn from each other, it is inevitable not to underestimate the particularities of their own social conditions. As the concept of inclusive education is determined by culture and traditions, it might be the part of the national plan.

- However, it is hoped that the revised Declaration of Human rights will be also of use to other actors – civil society organization, national human rights institutions and other internal organizations – that are committed to the compliance of human rights. Whether explicit or implicit, norms and values should shape policies and institutions. The human rights approach offers an explicit normative framework – that of international human rights - for the formulation of national and international policies, including poverty reduction strategies.
- It is our objective to involve implementation of human rights in poverty reduction strategies. The essential idea underlying the adoption of a human right to poverty reduction is that the norms and values enshrined in it have the potential to empower the poor. It is now widely recognized that effective poverty reduction is not possible without empowerment of the poor.

Work of NGOs

- To create a mechanism supporting the work of NGOs to monitor states' compliance with human rights standards and to coordinate public opinion. Forum is offering its services as an umbrella body cooperating with NGOs in monitoring and reporting the state of the human rights. The Forum proposes to set up the system of providing statistics about monitoring implementation of human rights. The states will be obliged to publish a report with detailed statistics about the fulfilling of the national plan.



The Model Conference

Cross-Cultural Issues in the Global Context

Faculty of International Relations, University of Economics in Bratislava



Modelová konferencia

Kultúrna sekcia

Fakulta medzinárodných vzťahov, Ekonomická univerzita v Bratislave

- 🌀 The Forum aims to focus more on creation of functional discussion platform on professional and expert level, where all ideas, working experiences, different approaches to the subject of human rights, influence of local values on implementation, various methods of assuring of basic human needs, etc can be shared. At the same time, the platform will serve for cooperation of NGOs and the governments within the agenda of the ministry of foreign affairs of every state or the body of an intergovernmental regional organization. Exact bodies should be identified – either non-governmental or governmental, respecting the particularity of the political, economic and cultural traditions – to supervise, monitor and coordinate the activities and projects aiming to foster human rights.
- 🌀 Human rights are freedoms established by custom or international agreement that impose standards of conduct on all nations. Human rights are distinct from civil liberties, which are freedoms established by the law of a particular state and applied by that state in its own jurisdiction. The Forum therefore aims to bind the states to incorporate the human rights into their legislation. Rights, norms and standards demand accountability. Unless supported by a system of accountability rights, norms and standards become little more than window – dressing. All mechanisms should be accessible, transparent and effective.