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Universalism and Dissent

Human Rights in a Changing World

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A Little Humility, Please

Human Rights and Social Policy in the United States

The 1998 US Department of State's Country Reports on Human Rights Practices do not review the status of human rights in the United States, officially because Congress does not "appropriate funds to monitor its own country." Certainly these annual reports, written in part to shape policy, are helpful, if only because they alert the world to human rights atrocities committed in foreign countries. But what about human rights abuses in the

BY JOSEPH WRONKA

United States? The United States is a powerful moral leader when it comes to monitoring international human rights, but its failure to monitor itself seriously compromises its credibility.

The Leadership Role of the US

To be sure, the United States has played a leadership role in the development of international norms of human rights. For example, largely upon the initiative of the United States, members of the international community met at the Conference of Evian in 1938 to stop the abuses of the Third Reich. Although that conference failed, it was an American, Eleanor Roosevelt, who chaired the drafting committee of the Universal Declaration of Human Rights a few years later. This landmark manifesto was ratified by the United States and the United Nations General Assembly in 1948, with no dissent. Today, that document is increasingly referred to as "customary international law," by which all countries must abide. More recently,

the United States played a pivotal role in the International Human Rights Vienna Conference in 1993 by urging the establishment of a High Commissioner of Human Rights, a position presently held by the able Mary Robinson, former president of Ireland.

The United States' pride in its historical leadership role ought to be tempered with humility, however. While it continually admonishes nations that fail to follow the basic guidelines of human dignity and justice accepted throughout the international community, it prevents the international community from criticizing its own human rights practices. Furthermore, the United States has failed to practice what it preaches by refusing to ratify various important human rights initiatives, including the Convention on the Rights of the Child (ROC, 1989), the Convention on Economic, Social, and Cultural Rights (CESCR, 1966), and the Convention on the Elimination of Discrimination

Against Women (CEDAW, 1981). While the United States has been a major leader in the development of international norms of human rights, its abstention from the ratification of numerous conventions supported by the majority of the United Nations has greatly eroded the credibility of its moral leadership. To its credit, the United States has ratified several initiatives, including the International Convention on Civil and Political Rights (ICCPR, 1966), the Convention on the Elimination of All Forms of Racial Discrimination (CEAFRD, 1969), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984).

Who guards the guardians?

Why is the United States so aggressive in pursuing human rights violations elsewhere, yet so resistant to examining its own human rights situation? As Plato asked, "Who guards the guardians?" The reason the

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United States refuses to sign on to these conventions is simply that numerous domestic policy changes would have to be made were the United States forced to measure up to various international human rights standards. Indeed, legislation in the United States would be drastically transformed under the auspices of the numerous human rights conventions that the United States has refused to ratify. Current laws pertaining to children, poverty, welfare, and crime would be seriously affected if the United States were to confront them with the international human rights norms embodied in the ROC, CEDAW, and the CESCR. Ratifying the ROC, which demands that every child have "a standard of living adequate for the child's physical, mental, spiritual, moral, and social development," would "outlaw" poverty—thereby putting laws such as the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 into direct jeopardy.

A primary goal of the CESCR is economic justice—something that is highly unlikely in the current social

atmosphere of the United States. In 1996, the Urban Institute estimated that the Welfare Act of that year would push 2.6 million people into poverty. The decentralization of the United States federal government's role in determining the vital characteristics of welfare in America is not beneficial to the final goal of economic justice because individual states, once given the autonomy and freedom to determine their welfare programs, are motivated by self interest—not social or economic justice.

Why does the United States refuse to ratify the CESCR? Mainly because it is plagued by income disparity and rampant poverty. In light of the fact that approximately three to six million Americans are homeless, it is reasonable to assert that the United States refuses to ratify the CESCR because the convention affirms the "right to housing." It is important to note that the United States' refusal to adhere to the aforementioned conventions is not caused by a direct confrontation between America's moral and ethical foundations and those of the international community. Indeed, ra-

tional and pragmatic considerations underlie the United States' reluctance to sign agreements such as the ROC, CEDAW, and CESCR, for agreeing to such conventions would mandate a reorganization of priorities and goals within domestic public policy.

However, the United States' problems with human rights is not limited to that of inaction. Indeed, bureaucratic problems, such as disorganization, inefficiency, and delayed reporting also contribute to the United States' inadequacies on the human rights front. For example, once a convention is ratified, a country must file a report to the appropriate human rights monitoring committees to illustrate its accordance with the agreed-upon convention. Tellingly, the United States' report on the ICCPR, *The Initial Report by the USA on the International Covenant on Civil and Political Rights* (1994), was produced approximately two years late and was not widely distributed. At a March 1995 hearing concerning US compliance to the covenant, the committee complained that "non-governmental organizations (NGOs) are hav-

Shall we talk about
your country for a
moment?



ing trouble getting the report." On its webpage, the Department of State publishes annual human rights reports on other countries, but this initial report still has yet to be published there. Moreover, the Department of State still has not filed the reports on US compliance with the torture and race conventions—the reports now are nearly two years late.

The Universal Declaration

"It is the responsibility of all countries to uphold the Universal Declaration of Human Rights," John Shattuck, US Assistant Secretary of State for Democracy, Human Rights, and Labor, has said. US officials are quick to make such moral pronouncements; but does US public policy illustrate this commitment to human rights principles? It is worth examining whether the United States adheres

These rights are products of the Age of Industrialization and are enshrined in the former Soviet Constitution of 1923, including such guarantees as right to health care, food, shelter, social protections for children, and security in old age. Finally, the fourth class of rights guaranteed by the Universal Declaration are solidarity rights, or "third generation" rights, which emphasize individual duties and international cooperation. Essentially, third generation rights guarantee a just social and international order. These rights include the right to a clean environment, development, self-determination, international distributive justice, and peace.

According to the United Nations, these four classes of rights are "interdependent" and "indivisible." The United States, however, has asserted publicly the priority of civil and po-

vious violations, such as the death penalty—436 people have been executed in the United States since 1976, 145 in the state of Texas alone—let us first examine the Universal Declaration's Article 23, which guarantees a right to work. The US Department of Labor officially counts a person employed if she or he works one hour per week. According to this rubric, 7.2 million Americans officially are unemployed. However, taking into consideration involuntary part-time workers, non-job seekers who want a job, and full-time year-round workers (earning less than the poverty level for a family of four), the total is closer to 34 million. This hardly seems indicative of a belief in the "right to work" in the United States.

Next we examine the right to rest and leisure (Article 24). The United States, along with Japan, are the only

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to guidelines outlined in the Universal Declaration of Human Rights, the "authoritative" definition of human rights standards.

Drafted 50 years ago by the United Nations, the Universal Declaration ensures four crucial classes of "rights." The first is the right of human dignity, found in Article 1. The second is the right of civil and political freedom, also called "first generation" rights, both of which are products of the Age of Enlightenment and are defended in the US Constitution's Bill of Rights—including, for example, the freedoms of speech, the press, and religion. The third class of rights guaranteed by the Universal Declaration includes economic, social, and cultural rights, also called "second generation" rights.

political rights, while deferring the right to development as an "empty vessel," at least according to former US Human Rights Ambassador Morris Abram. Although the Clinton administration has declared that it "is no longer hostile to economic and social rights"—a statement hardly conceivable given the demeaning, not to mention, anxiety-provoking nature of its welfare proposals—the United States is still the only country that vetoed the 1986 Declaration on the Right to Development.

There are other areas in which the United States has not complied with the ideals of the Universal Declaration. Human dignity, for example, is nowhere mentioned in the US Constitution. Apart from other, more ob-

two industrialized countries that do not have an officially mandated rest and leisure policy. Presently, just to make ends meet, most American families rely on two incomes; increasingly one spouse must also work at an *additional* part-time job, leaving hardly enough time for parents to care for their children.

Article 25 asserts each person the "right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control." Over 36 million Americans

live in poverty and hunger—double the rate of any other industrialized nation. The Children's Defense Fund has stated recently that in the United States, "one out of six children go to bed hungry each day or are at risk of being hungry." Poverty extends to all parts of society and causes much insecurity. According to the *New York Times*, there is increasing "food insecurity" among many elderly Americans, many of whom are uncertain about the source of their next meal; in fact, there is a growing acceptance among the elderly of "scrounging" in public garbage. This is hardly indicative of a society where all of the basic, vital needs are adequately met.

Next we examine the remainder of Article 25, which states that "motherhood and childhood are entitled to special care and assistance." According to a recent UNICEF publication, *The Progress of Nations*, the United States and Australia are the only industrialized countries with no paid maternity leave. And the recent cut of US\$2.9 billion from child nutrition programs, as mandated by the 1996 Welfare Law, begs the question: is this "special care and assistance?"

Article 26 speaks of the right to education. Recently, a World Watch publication noted that the United States has "more malls than high schools," certainly indicative of the lack of US commitment to this fundamental human right. Indeed, a 1994 study by the US Department of Education found that approximately 49% of Americans are functionally illiterate.

Articles 28 through 30, roughly referred to as solidarity rights, speak of a just "social and international order." Is the US economic system, which stresses competition and the accumulation of wealth through capital, socially just? President Clinton's call for billions of dollars for social programs, which was greeted with much fanfare during his 1998 State of

the Union Address, will prove fruitless unless structural inequities also are addressed—namely the US Federal Reserve's recent finding that the wealthiest one percent of American households owns nearly 40 percent of the nation's wealth.

A Possible Solution

How can we improve the current status of human rights in the United States? Perhaps the time has come for a Department of Human Rights, as part of the President's cabinet, to deal with such issues. Such an agency could serve as a liaison between UN human rights initiatives and US domestic organs, like the Departments of Education, Labor, and Health and Human Services.

Caution is in order, however, in getting the government involved in monitoring itself, for human rights work often is riddled with "hidden agendas." When one examines the United States government's actions toward other countries, this sentiment is depicted clearly. Indeed, it is a matter of history that the United States has enacted its political agenda upon other nations under the guise of human rights.

For example, public discourse concerning female genital mutilation as a human rights violation began to peak during the Somali conflict (in Somalia, roughly 95 percent of women undergo such mutilation). Was this discourse motivated by moral indignation toward human rights abuses, or was it more a way of turning public opinion in favor of waging war against this strategically located country? And the Persian Gulf War—was it really the human rights abuses of Saddam Hussein, amply documented, to be sure, that concerned the United States in 1991, or was it oil? The relation between economic and military power, moral fervor, and human rights intervention is hardly tenuous.

The United States' involvement in human rights abuses abroad must

also be considered. According to Physicians for Human Rights, a medical team uncovered the fact that the "Rwandan military was being trained by United States military personnel." In addition, the US Department of Defense admitted in 1996 to the existence of a torture manual used to train officers of some of the most abusive regimes in Latin America. Even the United States' involvement in international human rights issues has not always been positive.

There is no question that human rights abuses in the United States must be addressed, and a government department established for this expressed purpose will be helpful. It is the height of hypocrisy for the United States to call for the establishment of tribunals to try perpetrators of human rights violations in Bosnia or Rwanda, while at the same time making no mention of the hunger and extreme poverty rampant within its own borders. Yet Secretary of State Madeleine Albright did just that in a speech at the 1995 Conference on Human Rights.

The United States explicitly disregards many of the rights protected in the Universal Declaration and continues to maintain a janus-like policy of human rights. The current state of domestic affairs—pervasive poverty and the lack of social equality—mandates US government action, for the United States cannot afford to espouse the protection of human rights on the international level while ignoring its own precarious state of human rights on the domestic level.

The challenge that faces the United States now is how to create a human rights culture tempered with humility, not arrogance; a culture where there is a lived awareness of human rights principles and of their interdependence and indivisibility, so that every person in the world can develop and participate without hindrance in what Martin Luther King, Jr. called the "Beloved Community." ■