

FREEDOM AND THE FUNDAMENTAL RIGHT OF THE HUMAN BEING

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On the 10th of December 1948 the Universal Declaration of Human Rights was approved by the United Nations, following of the Second World War.

The term "rights of men" was first used in the seventeenth century by the contemporaries of the English philosopher John Locke. The "Bill of Rights" (Déclaration des droits) of 1689 is one of the most important documents relating to human rights. Its ideas were reflected in the American Declaration of Independence (1776) and in the French Declaration of the Rights of Man and the Citizen (1789).

The Declaration of Human Rights of 1948 which led to many international negotiations, consists of a preamble where the inherent "dignity" and the inalienable rights of man are recognized and of a series of 30 articles. Articles 1-21 relate to the Civil and Political Rights and Articles 22 to 27 to the economic, social and cultural rights. Some articles establish the right to participate in the administration of public affairs, to access on equal terms to public service, and free elections. Examples include: the right to life, freedom of education; freedom of thought, conscience and religion; freedom of opinion and expression; the right to work; in front of persecution, the right to seek and enjoy asylum in other countries; preserving the terror of misery, of torture and slavery.

Although the Declaration is not legally binding, it has become over time the leading international standard for human rights and an important instrument of moral pressure. The two UN treaties from 1966 are binding, which means that the states (about a hundred) that have ratified them are legally bound by their

provisions. The Earth Charter, approved in 1992 by the World Summit on Environment and Development, establishes a link between the environment and development and human rights.

Within 50 years, much has changed in the world, both good and bad. The period of colonialism, followed by accession to independence and emancipation revealed that not only individuals but also groups of people can claim rights: among these there are included, for example, the right to self-determination, the right to manage its own natural resources and the right to a clean environment.

A number of governments argue that the standards of the human rights, which are based on Atlantic ideas about individuality, are not consistent with the communitarian values. Thus, according to the Chinese authorities, the notion of human rights means the right to food, housing and work, further enhancing the welfare of the community. Such arguments also spread more and more often in Africa. On the other hand, the economic and social rights are nowadays also often rushed. It is undeniable the fact that concepts such as "democracy" and "human rights" have other meanings depending on the historical, economic and cultural context.

Cases of serious violation of the Universal Declaration are unfortunately very many these days. With the support of governments seeking to take seriously and implement the Declaration, more than 3,000 independent organizations are working for the defense of human rights.

The Universal Declaration of Human Being, signed and ratified by the UN General Assembly in December 10, 1948, is not only a past event but, rather and more essentially that the

fundamental human rights should quickly become a reality.

The need of the Universal Declaration of Human Rights was strongly felt by all those who have been affected by the events in Europe in the 30s and early 40s; events that destabilized the strongest convictions of mankind. The results of the Nazi attempt to eliminate the Jews and the Poles, the Gypsies, the prisoners of war, the Soviet political opponents, the mental or physical disabled, the religious minorities and the philosophical movements, shocked the postwar period rulers and citizens of the world. It has irrevocably changed the way of looking at human rights and the national vision transformed into a universal concern for the rights of all human beings.

The Declaration is largely the result of the determination of non-GOVERNMENTAL international organizations who have also worked to ensure that the Charter of the United Nations is committed to this path. It took almost three years of meetings, intensive studies and enthusiastic debates to develop the principles of the Declaration. The result is a document that transcends the national, boundaries and the social cultural and which structurally is open to and focused on the future - because the authors have recognized that in time, other issues could appear and which should then be included in the Declaration. In the draft of the Declaration, the legal systems and the world's major philosophies and the most important religious beliefs including Buddhism, Christianity, Confucianism, Hinduism, the Islamism and juve Tradition were considered. Thus the essential dynamism of the document was provided. Some countries were inclined to a moral statement, while others preferred a legally binding instrument. It was the political pragmatism that prevailed, but is it still enough yet?

The Declaration has a common value recognizing the dignity and equality of all human beings. It states that "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. "It also states that all human beings are entitled to enjoy the rights of the Declaration "without distinction of race, color, sex, language, religion,

political opinion or other opinions, national or social origin, property, birth or other. "The Declaration is against slavery and servitude, cruel and inhuman punishment, and advocates the right to equality of opportunity, equal justice, freedom of movement and freedom of thought, opinion, conscience and religion.

The authors thought that the rights to education, rest, leisure and pleasures of cultural life, were fundamental rights for all people. The declaration extends special rights to maternity and child and states that "all legitimate children or not, shall enjoy the same social protection".

This brief overview of certain rights guaranteed by the Declaration shows how far there is still to see and do even before the most basic of the human rights become the right of every individual. However, the influence of the Declaration has been very important and has been a model for national constitutions and dozens of legally binding international treaties, and the justification for the numerous actions of the United Nations. Lawyers use its principles.

The dialogue and the debate relate to the fact that there are still all kinds of discrimination in the world and that the genocide is still present nowadays. The "total poverty" glue to the lives of millions of people around the world. The concept of social genocide began to be called forth, particularly in Eastern Europe where the multinationals are the least interested in the rights of the peoples concerned.

Mary Robinson as High Comissioner for the Human Rights declares - "Everything begins and ends with the desire to ensure a dignified life - a truly human quality of life for all people on whose behalf we work. This is the only reason of the fundamental good of what we do" and also the opportunity to reflect individually and collectively to the principles of the declaration that will effectively guide any civil society in the centuries to come.

Two quotations will now allow me to trace the main lines of this reflection. First, Federico Mayor (Director General of UNESCO, when he states that "tolerance depends on the recognition of diversity and plurality that is our greatest asset. Tolerance allows us to oppose racism, discrimination and exclusion, this exclusion is

due to economic reasons, political, religious, cultural and linguistic diversity “.

Intolerance is an existing fact. The problem can not be avoided for the sake of conformity, diplomacy or simple decency...

The illustrious Moldavian educator dr. Onisifor Ghibu synthesized his opinion as follows: “The true Christian belief makes us consider all Christians as true brothers, imposing at the same time that we pray constantly. God for the brotherhood of all Christians in the true belief that manifests himself through love. “

Because I am of Christian tradition, I am concerned about this opinion that I would extend to all believers of all religions. Because I am a human being, I'll include, whatever their beliefs, all human beings, in the broader respect for all living beings, like Dr. Albert Schweitzer who said, “I am life that wants to live surrounded by lives who want to live“.

Even though the article XVIII of the Universal Declaration the Human Rights promulgated by the United Nations, had not pointed out the freedom of conscience - and thus of religion - is a fundamental human right, intrinsically indivisible and inseparable from the right to life, the respect for life.

In a civilized and intellectually advanced society, morality, ethics and even common sense should have been enough so that men and nations accept their differences and respect their beliefs.

Unfortunately, dark forces – rising either from the outdated obscurantism or the alienating myth of the single thought - have struggled these last few years to increase the verbal abuse, legal and even physical against the groups whose only wrong is thinking differently or to relatively be in minority. The gospel calls shame upon those through whom the scandal comes... The scandal is not that there are groups who believe differently than others or that minorities are struggling for their specific... The scandal and a sneaky or proved intolerance tries to break the free spirituality or reduce the freedom of conscience to an enclosed field... very narrowly defined. In this context, the existence of international legal instruments is of paramount importance. Moral reference first, but mostly the self-defense tool

for any group of thought dealing with all forms of intolerance.

It must also be recalled that under the international law, any legal instrument adopted internationally immediately overrides any national text, be the latter a law, a regulation or a court decision.

It is high time that states stop signing internationally with one hand texts, which the other hand, they will contradict, in complete illegality and immorality.

It is high time that ordinary citizens know that they can defend their rights through international conventions, European and others.

The instruments of international human rights adopted by the various organs of the United Nations and most European countries since 1948 are derived from the principles of the Universal Declaration of the Human Rights. The Universal Declaration of the Human Rights imposed on all nations a moral commitment. But in 1953, the European Convention on the Human Rights came into force, making the protection of the rights of the human beings legally binding on all nations.

The preamble of the Universal Declaration emphasized the importance of freedom of religion, also granted by Article 18, which states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom to manifest his religion or belief alone or in community with others and in public or private, in teaching, practice, worship and observance.“

The declarations of the United Nations also describe the discrimination, “an offense or an offence to human dignity“. They point out that the discrimination constitutes a denial of the principles of the UN Charter and a violation of human rights and the fundamental freedom, and that in reality it threatens the international peace and security. These principles of equality before the law and non-discrimination are of fundamental importance, to the point that they are regarded as principles of customary international law, committing any civilized nation.

As stated in a study by the United Nations:

“The essential principle that should guide us and that no individual should be discriminated against solely because of his belonging to a particular ethnic, religious or linguistic community. More importantly, in all multiethnic, multireligious and multilingual country, it is essential that the principles of equality and non-discrimination be strictly enforced if we want to maintain the political and spiritual unity of the concerned nation and to get that the relationships between the various components of society are filled with understanding and harmony.”

With the Universal Declaration it is for the first time that an organized community of nations set out a statement on the human rights and fundamental freedom. It establishes the rights and freedom to which all without exception, men and women around the world are entitled.

Article 1 sets out the philosophy behind the statement is based: “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 on in a spirit of brotherhood.”

Secondly, the Committee of Human Rights publishes opinions on important issues relating to human rights and deserves special attention. These opinions are known as “general comments”. In 1993, the Committee adopted a general comment recognizing the application of Article 18 of the ICCPR to minority religions. The observation states, in part: “The section 18 is not limited in its application to traditional religions or to religions and faiths whose institutional characteristics or practices are analogous to those of traditional religions. The Committee shall consider, therefore, that it is of concern any tendency to discriminate against any religion or belief, for whatever reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community.

The European Convention on Human Rights is legally binding. The first paragraph of Article 9 of the Convention, which ensures the protection of the freedom of thought, conscience and religion, is almost identical to Article 18 of the Universal Declaration of Human Rights. The Convention includes a paragraph 2 stipulating that these two freedom have no limit but the

protection of public order, public health or morality, or the rights and freedom of others. It applies to all members of the Council of Europe.

The European Court ruled that the State has no right to decide what is or is not a real religion and has stated unequivocally that the underlying principle is the guarantee of freedom of religion which under the Convention is “the achievement of a genuine religious pluralism. “The Court noted that “the right to freedom of religion as guaranteed under the Convention excludes any power on behalf of the State and to determine whether religious beliefs or the means used to express this belief are valid”.

Since World War II, not only governments but also the dominant religions of Western Europe have expressed themselves in statements of principle in favor of freedom of religion. These do not have the force of law, but they establish a guideline that representatives of the predominant religions should respect in their relations with other religious organizations.

One of the most important, the declaration on religious liberty imposed in 1948 by the First Assembly of the Religious Council of Churches, states: “An essential element of a satisfactory international order is the freedom of religion. This is implicitly part of the Christian faith and the global nature of Christianity. Therefore, Christians consider the question of religious faith as an international issue. They are concerned with the protection of freedom of religion, anywhere. When they plead for freedom, they do not ask Christians to grant privileges that are denied to other (...). The rights of religious freedom included in this statement must be recognized and observed for all without distinction of race, color, sex, language or religion, and without the imposition of restriction of equal or regulatory origin.”

These principles were developed in detail in the statement and reinforced in the subsequent meetings of the World Council.

The other most important branch of Christianity, the Catholic Church stated its official position to the freedom of religion in its declaration on religious freedom, delivered at the Second Vatican Council.

In March 1989, the Assembly of the OSCE in Vienna explained in detail specific rights

guaranteed by the States Parties to the OSCE, including the right to maintain places of worship, religious education of their children in accordance with their own convictions and the right to possession and use of religious books.

A government is consistent with the democratic principles to the extent that it actually performs in practice the laws protecting the human rights contained in the UN Agreements, the European Convention on Human Rights and the Helsinki Agreements.

In 1976, two agreements entered into force. Just like the European Convention, they have the force of international law. These are the International Agreement on Civil and Political Rights (International Covenant on Civil and Political Rights, or ICCPR) and the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights or ICESCR). With the Universal Declaration of Human Rights, these treaties constitute the International Bill of Human Rights.

The ICCPR is considered the cornerstone of the comprehensive program of the United Nations on human rights.

Article 20 prohibits incitement to hatred against a person or persons because of their religion, race or nationality.

Article 27 guarantees the member of ethnic, religious or linguistic minorities the right to enjoy their own worship.

The definition of religion enshrined in the European Convention and the ICCPR is as wide as possible and includes both theistic and non-theistic religions, as well as rare and virtually unknown "confessions".

Co-prefacer, with myself, a book on freedom of conscience Professor Alfonso Urbano, renowned Spanish Catholic, philosopher and theologian wrote: "The basic human rights are the cornerstone of any civilized society and the freedom of religion is certainly one of the most important. The more we are aware of these principles, the more we apply them to our lives every day, and we move forward to a better world. My years of experience as an ecumenical director for three different popes have allowed me to see that tolerance, understanding and dialogue among all religions, whether old or

new, large or small, are essential if we want a society where peace and freedom reign."

Albert Einstein had already warned his contemporaries: "The world is dangerous to live, not because of those who do evil, but because of those who watch and allow to be done."

Among the current dangers of the European société we find intolerance and the resistance to pluralism.

Although the United Nations and UNESCO made 1995 the International Year of Tolerance, in this logic with Article XVIII of the Universal Declaration of Human Rights, we find that intolerance has never been so strong before in some sectors of public opinion. The pattern is always the same, some extremist intolerance develop very efficient lobby and take advantage of the indifference of the majority of international opinion anesthetized by the same media that serves as a relay for the manageable militant of intolerance. In the words of Professor André Passebecq, it is possible to find that "it makes individuals and classes marked with the seal of infamy, through socio-professional categories inquisitors..."

The collective morality is the only valid one(...) any other design is sacrilege, heresy, and must be destroyed by any means: blackmail, assault, crime itself".

In fact, perhaps we could say that our solidarity with the movements struggling with intolerance is conditional. Because conditioned by their acceptance of the concept of tolerance and their strict observance of human rights...

Let no one come up with the idea of asking me a solidarity of movement, which in itself, would practice discrimination, that would not respect the childhood or would himself be intolerant to other currents of thought!

One can not claim for himself what is denied to others... Our opening is decidedly ecumenical and not restrictive. Liberty involves any sincere and honest form of spiritual thought, whether the major world religions (where their communities are either majority or minority) or new religious movements (from the traditional religions or under a new term of spirituality). The Gnostic currents, for example, Freemasonry are also obviously concerned.

The Absence of religious belief too...

How better could we situate the level of our concerns than by citing SS Bartholomew 1st, Ecumenical Patriarch of Constantinople "for myself, I need you. If we do not see ourselves in the eyes of each other, we are not really human "... and more specifically, "The fanatic is often an uncertain, worried, unstructured being, who balances, good or bad, through an almost incestuous attachment to his truth. He only wants to see bad differences. "So I like to emphasize that Orthodoxy does not mean closure, but that its identity must be understood.

I have greatly appreciated Prof. Abdelfattah Amor opinion, Rapporteur of the Committee on Human Rights of the UN, that is: "The preservation of the right to peace should invite to further develop the international solidarity in order to curb the religious extremism."

It would be too easy to just to situate the religious fanaticism only in that or that religion or those groups of countries. Insidiously, the infringement of human rights to freedom of conscience (Article XVIII & XIX of the Universal Declaration of Human Rights) creeps in various spheres of contemporary society.

According to Regis Dericquebourg, "traditionally, minorities serve as enforceable of repressed hatred and serve to distract the public. It is not surprising that politicians embroiled in the economic crisis, in the problem of unemployment, in the rise of drug abuse, which creates thousands of homeless, which has not got enough exciting project to engage the citizens in the collective action (...) find heretics to condemn."

"Styling" cults "new religious movements or minority faiths, some found the new heretic!

However, the above movements "must benefit of the same protection as the generally recognized religions (...). To the extent to which they go beyond mere belief to appeal to dignity or at least the supernatural, the absolute and sacred, they enter into the religious sphere, "according to Professor Amor.

With the freedom of conscience and religion, we enter the area of spiritual rights, which may be expressed in or outside the confessional structures. This new, fourth generation of human rights will be challenged to defend all the rights in question. From time immemorial, free thinking has often been fought, reduced to the rank of

heresy or national betrayal where the confusion Religion - State - Race prevailed and still prevails.

Is it too obviously logic to assert that the human rights and freedom of opinion do not divide? Any measure aiming at restricting certain religious will come backwards ipso facto against the religious freedom as a whole, against the freedom of opinion in general.

It will also be necessary to make the national administrations, the governments and the politicians deal with their inherent responsibilities. Can we, really, have signed the Universal Declaration of Human Rights and various UN conventions going in the same direction and at the same time develop a domestic policy that would organize (for the worst), tolerate (at least) different patterns of discrimination based on religion or belief? Can we present ourselves as artisans of democracy if the most normal social pluralism is not even respected?.

It is also worth remembering that the signatory states of a multitude of statements relating to peace and freedom of conscience nevertheless continue to penalize outrageously the expression of an inner conviction that drives the individual to serve the community other than in a military context, that is the objection of conscience.

So we will have a lot of educational work to amplify so that the Human Rights appear as they intrinsically are, namely equally inviolable, indissoluble and indivisible.

Life and communication the same as communication is life, but there is no life without the other. This OTHER that the multiple intolerances are trying to make us underestimate. Communicating is also and above all - respect the other. ALBERT SCHWEITZER stated: "Only the respect for life is likely to create the state of mind necessary for a reciprocal agreement. Understanding and trust, which allows to unite in the most appropriate solution and thus make us masters as possible of situations, occur only when all stakeholders are assured in advance that each of them is animated by a constructive spirit and respect the existence of the other, taking into account the rights to the material and spiritual well-being. It is only through the respect for life that we can acquire the criteria of justice and economic which should allow us to get along with each other."

This reflection of the Nobel prize for peace and theologian, Dr. ALBERT SCHWEITZER, allows to get back to the concept of the OTHER.

The various forms of intolerance - especially cultural, racial, religious - usually rest upon a psychological misunderstanding, and not a theory or a specific ideology (with the obvious exception of some religious fundamentalism). Indeed, accepting the other is to accept its otherness, its difference from us. However, only someone who takes perfectly himself, who is intrinsically himself, will be able to accept that the Other is as fully himself, in other words, different. An individual with a low psyche of uncertain training, unable to bear to understand its roots will feel - in front of the Other - fear, uncertainty, and then - in order to defend himself - dislike... In such a context, how can we not

emphasize again the importance of a dialogic education likely to develop a new mindset from isolation to the harmonious universality.

Specifically, a society - whether State, community or another will not be considered politically and spiritually mature unless it will agree with its neighbors and within itself the concept of DIFFERENCE or ALTERITY.

But the TOLERANCE means also an active principle. It is not just accepting the Other... but keeping him afar. We must start with him a real communication, a multifaceted dialogue, seeking in all things what unites rather than what divides us.

In conclusion, the respect for the human rights including the right to being different is a duty of the Human Being.