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Universal Human Rights?
Looking at multi-cultural Britain and Canada for Pakistan

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Abstract
While Western democracies proclaim to lead the way in the advancement, protection and promotion of human rights, some question the foundations and universality of the liberties and rights included in civil and political covenants such as the Universal Declaration of Human Rights. This scepticism is particularly relevant to well-intended, intellectual debates impacting on the Middle East and South Asia. The paper aims to challenge the scepticism around the universality of human rights placing an emphasis on their implications for minority groups. The examples of Canada and the United Kingdom are used to draw conclusions for Pakistan.

Keywords:
Aboriginals, Canada, Gypsies, human rights, human rights principles, human rights values, minority groups, minority rights, Pakistan, Travellers, United Kingdom, universality.

Introduction

On 10th December 1948, Eleanor Roosevelt noted in her speech before the UN General Assembly: "where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person." On that day, the Universal Declaration of Human Rights (UDHR) was signed in the hope that the shame and horror that the two World Wars waged on humanity would not be repeated.

Despite not being legally binding, the Declaration inspired nations to adopt their own human rights legislation, while many regions introduced its underlying principles into regional conventions. For instance, in Europe a year after the establishment of the Council of Europe in 1949, the European Convention on Human Rights (ECHR) was ratified introducing justiciable human rights into the domestic order of what has now grown to be a forty-seven state membership. In America, in 1948 the Organisation of American States (OAS) was established leading to the adoption of the American Convention on Human Rights in 1969 (entered into force in 1978). In Africa, the Assembly of Heads of States and Government of the Organisation of African Unity adopted the African Charter on Human and People's Rights. It was ratified in 1981 and it entered into force in 1986.

It is not the intention of this paper to look into the successes and failures of the UDHR or indeed any regional treaty. However, for any

debate that draws parallels between the UDHR and human rights violations that occur in places such as Pakistan, first we must accept that a human rights vision is shared among humanity independently of location, political, cultural, and economic circumstances. This paper aims to engage with this debate.

As we celebrate sixty-four years of the UDHR, human rights activists and researchers ask how universal human rights really are, and whether Roosevelt's statement on the local and practical dimension of human rights was yet another human rights dream that never materialised (Donnelly, 2003). There are also those who are more critical of human rights as they claim that in the hands of Western democracies they have lost their true aim (Douzinas, 2000).

While Western democracies proclaim to lead the way in the advancement, protection and promotion of human rights, theorists question the foundations and universality of the liberties and rights included in civil and political covenants such as the UDHR. This is particularly relevant to well-intended, intellectual debates impacting on the Middle East and South Asia including the one with whichthis volume aims to engage.

This paper aims to challenge the scepticism around the universality of human rights placing an emphasis on their implications for minority groups. In particular, we will challenge this scepticism by making the argument that the underlying values of human rights are common to all humanity. While the implementation of human rights laws may be hampered due to a number of cultural, political, geographical, societal, and economic reasons, the existence and significance of their underlying values should not be underestimated. To challenge the scepticism directly, the first and second part of the paper attempt a short exposition of key successes and challenges for Canada and the UK's key minority groups. The third part uses these findings to draw conclusions in the context of Pakistan.

The example of the United Kingdom

In the UK, human rights are protected primarily through the Human Rights Act (HRA) 1998, which in 2000 gave direct effect to the ECHR in domestic courts. It has been said that the introduction of the HRA has been one of the most important developments in the field of public law in the last century (Fenwick et al., 2007). Prior to the HRA, the issue of human rights was often regarded as an international, rather than a national issue (Beirne, 2005). Yet by the mid-1990s the political support for a domestic Bill of Rights had grown, and when the Labour

government presented its white paper on the policy behind the HRA it did so with the tagline "rights brought home" (Home Office, 1997).

The government's commitment to a shared global vision of human rights can also be seen in its decision to place the promotion of human rights at the forefront of its foreign policy agenda (Home Office, 1997). The message being sent was that human rights are important to all peoples, and that the foundations and principles on which they are built are applicable to all states. The then Home Secretary explicitly said that the HRA provides: "an ethical language we can all recognise and sign up to, a ... language which doesn't belong to any particular group or creed but to all of us. One that is based on principles of our common humanity"(Straw, 1999: 5).

The inclusion of the ECHR into domestic law meant that British citizens would no longer need to take the costly and lengthy route of going to the European Court of Human Rights in Strasbourg, as they now had a remedy for a breach of a convention right in their own courts. The HRA provided the courts, for the first time, the opportunity to scrutinise legislation and policies for violations of human rights. In fact, some have argued that the jurisprudence of the European Court of Human Rights is leading to a convergent European criminal justice system (Gavrielides, 2005).

This is not to suggest that the ECHR intends to interfere with member states' sovereignty. The higher courts in the UK may issue a "declaration of incompatibility," and it is expected that the government will respond quickly to modify legislation, though it is not required to do so. The HRA may be repealed or amended at any time by a majority vote in the House of Commons. The HRA applies to all public bodies within the UK, which includes central government, local authorities, and private bodies that exercise public functions on behalf of the state such as hospitals and prisons.

The government's intention in enacting the HRA was not just about providing a domestic legal remedy to human rights violations, but was also very much rooted in the desire to create a human rights culture across the UK. This could only be achieved through the promotion of its underlying, non-legal human rights values.

During parliamentary debates the government said that the HRA would help bring about "the beginning of a strong development of a human rights culture in this country" (O'Brien, 1998). The HRA was meant to provide the framework for institutions, public bodies and service providers as they carried out their work (Straw, 1999). It was also meant to unite society by helping citizens to "rediscover and renew the basic common values" that hold them all together (Straw, 2000: 2).

This sentiment is rooted in the universality of human rights and the way in which their underlying principles are ones all citizens share and have a stake in preserving. It's clear that the HRA, and human rights more broadly, were intended to be used as a force for cultural change in public service provision and throughout society as a whole (Gavrielides, 2008).

Putting this in the context of a key minority group in the UK, the human rights of Gypsies and Travellers has gained considerable attention in recent years and is seen by NGOs, the government, politicians and the media to be a pressing issue. Gypsies and Travellers also share important similarities with Pakistan's various nomadic minority groups. For instance, Pakistan's nomadic groups differ from one another in ethnicity, family structure, cultural and religious practices, occupations, and dialect. Yet all seem to be marginalised and discriminated against by society and are regularly denied the realisation of their human rights (Malik, 2002; Thardeep Rural Development Programme et al., 2009). Nomadic groups in Pakistan, like those in the UK, experience difficulty in accessing appropriate land, health care, education, and adequate sanitation facilities.

Gypsies and Travellers have been legally recognised as ethnic minorities in the UK since 1989 and 2000 respectively. They are protected from discrimination under the HRA, the Race Relations Act and now the Equality Act 2010. Gypsies and Travellers are an important and long-standing part of multi-cultural Britain. While their heritage and cultures are distinct, both groups are identified by the value they place on nomadism.

The exact number of Gypsies and Travellers in the UK is unknown, though there are estimated to be between 90,000 to 120,000 living in caravans and up to three times that figure in conventional housing (Commission for Racial Equality, 2006). The Equality and Human Rights Commission (EHRC) did a review into the inequalities experienced by Gypsies and Travellers and found that the extent of the denial of their human rights is severe, cutting across civil, political, social/economic, participatory, and cultural domains (Cemlyn et al., 2009). The struggle for Gypsies' and Travellers' human rights often gets centred on issues of land rights and their lack of secure accommodation, which evidence suggests "remains the lynchpin" of a host of other inequalities and rights violations (Cemlyn et al., 2009: 252). Denials of rights are mutually reinforcing; a lack of accommodation can lead to one's inability to access health care, attend school or participate in cultural and political life.

There is currently a significant national shortage of approved sites for Gypsies and Travellers in the UK. As a result many have either moved onto 'illegal sites' and applied for retrospective planning permission or have been forced into "bricks and mortar" housing. There is a sense among many living in conventional housing that they are losing touch with their culture and fear "being squeezed out of existence" by not being able to live as Travellers (London Gypsy and Traveller Unit, 2011: 17). Within Gypsy and Traveller identity and ideology "the road" is a central concept, both for those who travel and for those who are no longer nomadic; the simple connection to a travelling lifestyle is regarded as crucial to asserting one's cultural identity (Levinson and Sparkes, 2004).

There has been some progress in applying human rights considerations to planning cases, especially in relation to Article 8 of the HRA, respect for private life and family, and Article 14 of the HRA, non-discrimination. Article 8 can protect Gypsies and Travellers from being evicted from unauthorised sites as it encompasses one's right to participate in essential cultural and social activities and one's right to peacefully enjoy their home. The government has a positive obligation to act in a manner that facilitates and supports the Gypsy and Traveller way of life. Any forced eviction must be proportionate to the pursued aim, and must not result in an excessive burden on the person in question (Klug and Wildbore, 2005).

Article 8 of the HRA is supported by a value that is universal in nature. In order to better see this we need to strip away the legal language, and lay bare the principle underneath it. All people share a desire to enjoy the benefit of a secure home and to be able to preserve and express one's culture and customs in community with others. An old English proverb said: "A man's house is his castle."

The right to respect for private life and family is rooted in the desire for human dignity, respect, autonomy, and equality of opportunity to flourish and succeed. Regardless of whether or not the legal article exists within a specific country, these desires are present within all of us.

As a result of the HRA it seems that local councils are now more likely to take into account the impact an eviction would have on Gypsies and Travellers. In 2009, for instance, a Welsh County Council provided the EHRC with examples of areas where the HRA is used in their work. This included "informing decision-making about unauthorized Gypsy and Traveller sites, balancing factors such as where the site is based and any community safety concerns with health, education, child welfare, and accommodation" (EHRC, 2009: 57). This also shows the local and practical dimension human rights can have.

The recent and widely reported *Dale Farm* case demonstrates, however, that human rights arguments are sometimes not enough to stop forced evictions. In October 2011, eighty-six Irish Traveller families were evicted from Dale Farm, an unauthorised site in Essex owned by Travellers but developed without planning permission. Despite public condemnation by Amnesty International (Allen, 2011) and the United Nations (Committee on the Elimination of Racial Discrimination, 2011) the eviction was carried out, without the government providing culturally appropriate accommodation for the families.

The Dale Farm case exemplifies the critical role the media can play in sustaining and promoting prejudice against Gypsies and Travellers as well as misguided information about human rights. *The Mail Online* for instance, reporting on Dale Farm, published a piece referring to Travellers as being "threatening" and "foul-mouthed," calling into question their "sanitary arrangements" and accusing them of "knowing" that once on illegal land "an appeal to the Human Rights Act will allow them to stay there for years, decades or in perpetuity" (Aslet, 2011: 12 October). This is not an isolated incident.

In 2005, Michael Howard, then leader of the Conservative Party, claimed that Travellers were taking advantage of the HRA to avoid planning laws and used this as part of his basis for wishing to repeal the HRA (BBC, 2005: 21 March). During this time, *The Sun* also launched a campaign to revoke human rights laws that permit "the illegal camp madness" (cited in Dear, 2005: 11 March). A poll done by Ipsos MORI (2001) revealed that nearly two thirds of people in England can name at least one minority group they feel some prejudice against, and the most frequently mentioned groupswereGypsies and Travellers. According to Valentine and McDonald (2004) the problem is that the media sets the terms in which public debate takes place and it provides the examples that are used to defend people's prejudice. These views are passed on as true and unbiased since others corroborate them.

The negative perceptions and misconceptions of human rights in the media can also have serious consequences for the work of various NGOs, acting as a significant barrier to utilising the HRA effectively in their work (EHRC, 2009). For those organisations working with and promoting the rights of Gypsies and Travellers, their job becomes even harder when up against a public that perceives the cause and entitlements as illegitimate.

Depictions of human rights as special privileges bestowed upon undeserving groups, or as entitlements which are unfairly taken advantage of by minorities, fuel the fire of scepticism about the universal nature of human rights. The difficulty is that though the principles

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underlying human rights and the application of the law may be universal, powers such as the media and politicians promoting particular political agendas can make human rights appear inconsistent and arbitrary, obscuring their true nature. Furthermore, media outlets, journalists, and politicians are often taken to be authority figures by the public and the bias behind their points of view or the inaccuracy of their human rights information may not be questioned. There is also the concern that "bad press" about human rights can encourage reluctance among senior authorities, managers, and politicians to exercise suitable and effective leadership on human rights issues (EHRC, 2009).

The UK Ministry of Justice (2008) has reported that the majority of people receive their knowledge about human rights and the HRA from the media. It is therefore not surprising that many people believe that inaccurate depictions of human rights by the media has led to the creation of "a culture of disregard for human rights" and a serious lack of understanding about what human rights really are and what they encompass (EHRC, 2009: 94).

It would also seem that the HRA has not had the desired effect of fostering a human rights culture in Britain, nor when one considers many Gypsies' and Travellers' relationships to the wider public, has it helped to unite citizens through their shared common values. If anything, the debate around Gypsies and Travellers, human rights, and access to authorised land has tended to polarize them and those living in settled communities.

The low levels of awareness of human rights is substantial; a recent survey by Ipsos MORIfound that 50 percent of the people polled admitted they knew "not very much" about human rights in general or the HRA specifically (EHRC, 2009: 91). It is not just the general public that lacks knowledge of human rights, but also public sector staff involved directly in providing services, even though these organisations have policy documents declaring their commitment to incorporating the HRA into service delivery (EHRC, 2009). Academics and human rights bodies alike have argued that the dearth of understanding about human rights has undermined the application of the HRA, the delivery of quality public service provision and the creation of a human rights culture in the UK (Butler, 2004).

Part of the problem seems to be that the legal aspect of human rights tends to be emphasised, leading human rights to be seen mainly in legalistic terms and chiefly of interest to lawyers (Butler, 2005). Evidence given to the EHRC (2009) suggests that with the possible exception of central government departments, an accurate understanding of human rights as a practical tool for improving people's day-to-day

lives is not widespread. Human rights are presented as complex, out of reach, and better left to the domain of legal professionals. If human rights were discussed using what could be called "principles language," as opposed to legal language (see Gavrielides 2008; 2012b), is it likely that a greater awareness of their meaning, purpose, and utility would develop. The confusion among the public about what human rights are is also particularly problematic for vulnerable and marginalised groups within society such as Gypsies and Travellers, as they are unlikely to be aware of their rights under the HRA and to have the ability and confidence to claim these rights by questioning the practices and policies of public authorities (EHRC, 2009). Human rights information, guidance; and advice should be customised to the specific needs and contexts of the people receiving it. This is especially true for Gypsies and Travellers, who are often excluded from mainstream society and may be difficult to access. Awareness raising is fundamental as it empowers people to fight for their human rights and could also help diminish the hostility and prejudice Gypsies and Travellers routinely face.

The HRA, and its accompanying underlining principles, has in some regards had a moderately positive impact on Gypsies and Travellers in the UK. It has helped protect, in certain cases, their right to maintain their culture and their right to enjoy their home peacefully. It has also helped Gypsies and Travellers to join forces in a united struggle for the realisation of their rights and to voice their concerns. Yet there are a number of barriers that stand in the way of them fully realising their rights. Such barriers include misrepresentation of human rights by the media and certain politicians, lack of knowledge of human rights among the public and professionals, and at times the absence of the political will to engage with the issue. This in turn, has meant that the government's ambition of fostering a human rights culture in the UK has not materialised, particularly in relation to Gypsies and Travellers. Moreover, many of these barriers are also to blame for the scepticism surrounding the universality of human rights, as they give the false impression that human rights are arbitrary and inconsistent.

The Example of Canada

In Canada, human rights are upheld by the Canadian Charter of Rights and Freedoms 1982 (the Charter). Then Prime Minister Pierre Trudeau campaigned to have human rights legislation entrenched in the Canadian constitution, where acts can be amended or abolished only by a national referendum (Epp, 1996). At this time, all constitutional reforms had to first be approved by Britain, as Canada was legally still under its rule. On 17th April 1982, the Canadian constitution was repatriated under the

Constitution Act, an event which proved monumental for Canada both legally and symbolically (Laselva, 2009).

The Charter now serves as the supreme law of Canada. Section 52 prohibits the passage of any legislation that is in contravention with its laws. The provinces also had to amend existing provincial laws in order to align them with the ideals of the Charter. Provincial premiers insisted upon the inclusion of a form of checks and balances, known as a "notwithstanding clause" in the Charter (Russell, 2007). Russell claims the notwithstanding clause was a necessary inclusion in the Charter because it functions as a "parliamentary check on a fallible judiciary's decisions on the metes and bounds of our fundamental freedoms" (Russell, 2007: 66). It is "an homage to parliamentary democracy" because it limits the power of subjective interpretation and ensures that principles put forth by the people are maintained (Russell, 2007: 64).

The Charter was heavily influenced by the UDHR, the ECHR, and the 1966 International Covenant on Civil and Political Rights. It extols the principles of equality, fairness and dignity contained in these international documents. The Charter was drafted much in the same spirit as the UDHR. Instead of various states contributing to the drafts, numerous individuals, minority groups, and government representatives made recommendations that contributed to the final draft. Although already a signatory to these documents, Canada's decision to include human rights rhetoric in its own constitution supports the belief that the principles behind human rights are universally applicable.

The Charter is intended to function as an official acknowledgment of the equal rights of all Canadians. Despite this, it has been referred to as a "charter of whiteness," contributing to white privilege whilefailing to properly address the rights of other racial and ethnic groups (Tanovich, 2008). One such group affected is the Canadian Aboriginals. They are associated with a multitude of human rights issues such as: "poverty, poor housing, unemployment, low education, and high levels of alienation and frustration" (Bourassa, 2004: 208). The standard of living on Aboriginal reserves has been compared to the state ofthird world countries (Orkin and Birenbaum, 1999). Aboriginals are less likely to complete both primary and secondary education and thus earn much lower wages than the average Canadian. The unemployment rate of Aboriginal people is five times the national average (Bourassa, 2004).

Many of these issues are parallel to those experienced by ethnic minorities in Pakistan. Both Pakistan and Canada have numerous Indigenous populations who function as minority groups under a larger, more dominant culture. The treatment of Pakistan's indigenous people is analogous to the historical treatment of Canadian Aboriginals. These

indigenous populations have experienced discrimination and racism in addition to the failure to have their human rights officially recognised (Ali and Rehman, 2001). Their unique rights have been disregarded in official legislation, an occurrence that is similar to the argument that the Canadian Charter favours the rights of white people.

The referral to the Charter as one of "whiteness" appears to undermine the notion of human rights' universality. How can the Charter be considered indicative of such universality if the laws contained within it favour one particular ethnic group? There can be no doubt that Aboriginal rights receive special acknowledgement in the letter of the Charter, with section 25 affirming recognition for the unique rights available to Aboriginalpeoples and Indians. However, the understanding, interpretation, and implementation of the letter of the law is a different matter. Although great strides have been made to address past hardships and current issues disadvantaging Aboriginal people, there exists a lack of political will to completely engage with these issues.

For instance, Grey (2005) explains that citizens equate justice and rights with equality, which therefore means sameness. When groups appear to have special status or to be recipients of special treatment, resentment in mainstream society can often build. In Canada, there appears to be confusion about what human rights truly are, and a misunderstanding of how minority rights fit into the human rights rhetoric. There is an impression that human rights only hold value for certain groups. In actuality, minority rights and special provisions often exist in order to address an injustice or hardship inflicted upon this group in the past.Without their existence, the human rights of these groups would likely fail to be adequately recognised.

This is particularly true for Aboriginal rights. Rights available to all Aboriginal peoples (such as the right to language, culture, and tradition) must be differentiated from rights contained in ad hoc legal agreements between certain Indian tribes and the Canadian government (Bourassa, 2004). Although it is often forgotten that treaties are legal contracts, most people can understand why legal agreements must be upheld. What fails to be understood are the principles and values that underlie these rights. The right for everyone to feel secure, to have a home, to have access to education, to make a living, etc. are all principles which are enshrined in the UDHR, the Charter, and indeed, in Aboriginal rights. They are neither contractual nor private in nature.

The media haveadded to the confusion about Aboriginal rights and human rights, often painting the recipients of such rights as being undeserving or manipulative of the system. Harding (2006) explored the representations of Aboriginal peoples in the media over several decades.

Taxpayers are portrayed as being victims of reverse discrimination, as their hard-earned dollars fund certain rights (i.e., educational costs) for Aboriginals.

The argument has been raised that Aboriginal people should give up their special status and Aboriginal rights, and completely integrate into Canadian society (Laselva, 2009). Epp (1996) explains that without both societal and political will, human rights legislation will have little of their intended effect. Epp(1996: 765)claims that "bills of rights matter only to the extent that individuals can mobilize the resources necessary to invoke them through strategic litigation." This harkens back to the notion that human rights are often only understood in terms of their legal contexts. Legal mechanisms are the ways in which human rights are both understood and implemented. If society is unaware of the principles beneath them, and the government is unwilling to uphold the rights, the universality of human rights is more likely to be questioned.

The Charter has had a positive effect on the human rights of Aboriginal peoples. Speciality rights have been outlined and certain issues have been addressed. There are, however, numerous barriers to their realisation. Certain obstacles include racism, misperceptions promoted by the media, lack of understanding of human rights and the political refusal to acknowledge and address these rights. Confusion also arises about the universality of human rights because society has trouble understanding and accepting the need for minority rights. The existence of separate provisions for minority groups does not weaken the notion of universal human rights, but rather bolsters it. Without such inclusions, the human rights of these groups would fail to be addressed. The principles underlying all human rights are the same, they just need to take on different legal forms in order to be realised by all.

Scepticism and the universality of human rights: What to do in Pakistan?

Pakistan is a party to the UDHR as well as to a number of other international treaties including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of allForms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Prevention and Punishment of the Crime of Genocide.

Ever since signing the UDHR in 1945, Pakistan and the international community have been confronted with how best to apply the UDHR'sarticles in a society that is heavily influenced by its strong

cultural and religious attachments. The question how universal human rights truly are arose several times, particularly in the context of certain equality groups such as women, gay, disabled, ethnic minorities, and older people. This question became even more prominent with the singing of the Cairo Declaration of Human Rights in Islam (CDHRI) in 1990.

Drafted by the Organization of the Islamic Conference (OIC), then consisting of fifty-sixmember states, the Cairo Declaration saw all human rights as derived from God. The preamble states that "no one as a matter of principle has the right to suspend them in whole or in part or violate or ignore them in as much as they are binding divine commandments". The Cairo Declaration also states that: "All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah", and "The Islamic Shari'ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration."

The Cairo Declaration moves on to restrict undeniable freedoms such as that of religion and belief. Article 10 states: "Islam is the religion of unspoiled nature. It is prohibited to exercise any form of compulsion on man or to exploit his poverty or ignorance in order to convert him to another religion or to atheism." The freedom of expression is also subject to the Shari'ah. Under Article 22 of the Cairo Declaration a person may only express their opinion in a manner "as would not be contrary to the principles of the Shari'ah", and freedom of expression may not be used to "weaken faith".

At the 1993 World Conference on Human Rights in Vienna, Iran, supported by several other Islamic States, pressed for the acceptance of the Cairo Declaration as an alternative to the Universal Declaration of Human Rights. This objective was partly achieved in 1997 when the Cairo Declaration was included by the Office of the High Commissioner for Human Rights as the last document in *Human Rights:A Compilation of International Instruments: Volume II: Regional Instruments,* (New York and Geneva, 1997, OHCHR, Geneva).

In 2007, in an attempt to reassure Westerners and UDHR defenders, the Pakistani Ambassador to the UNHuman Rights Council said that the Cairo Declaration "is not an alternative" to the Universal Declaration but rather is "complementary". Furthermore, following the 2007 European Union tabled Resolution on the elimination of discrimination based on religion or belief, the Pakistani delegate, again speaking for the OIC, said that differences remained in the wording of this resolution on, *inter alia*,respect for all religions and beliefs, and respect for national laws and religious norms about the right to change one's religion. "Hence, we dissociate ourselves from operative paragraph

9(a) because of its phrase 'including the right to change one's religion or belief."

Looking at the situation on the ground in Pakistan, following the 1999 coup d'état and the assumption of power by chief of army staff Pervez Musharraf, corruption and the implicit restriction of human rights were experienced. Despite changes in government, the country is plagued by terrorism and abuse by extremists, while many human rights NGOs have repeatedly asked about complicity in violence and breach of minority rights between specialised security forces and extremists. In 2010, Country Watch reported a horrific picture that included discrimination against persons with disabilities, trafficking children, child abuse, child labour, killings, rape, and torture. They also reported that 13.4percentof the Pakistan population live on $1 US a day. 65 percent of the population live on a $2 US a day. 32.6 percent of the population live beneath the poverty line while there are over 30,000 internally displaced people. Just over 1.25 million refugees are currently seeking asylum in Pakistan while the health expenditure is estimated just above 1 percent of the overall state budget and for education is just over 1.8 percent.

In the struggle of reconciling "universal" international documents such as the UDHR with local understandings of human rights such as those adopted by the Cairo Declaration, the principles vs. the legal language of human rights comes to mind.

As pointed out, if we continue to obsess with the legal language of human rights, disagreements within society, judges, lawyers, legislators, and the public will continue. The examples given in this paper point to a significant variance in the contribution of legal vs. value based human rights.

The human rights project, which started with the Enlightenment and continues until today, has evolved from protecting individuals from state brutality to establishing a set of ethical standards essential to creating a decent society (Beitz, 2009; Klug, 2000). These broad ethical standards are often forgotten. When reference ismade to them, they tend to be associated only with high level human rights abuses such as torture and genocide, prisoners of war or claims by celebrities and criminals (Ministry of Justice, 2008). However, some have argued that these standards can in fact be used in our everyday lives and for the reform of public services such as health and social care (Harvey, 2005; Gavrielides, 2008b; 2012). Osler and Starkey (2010) also believe that these are the values that can inform human rights education which according to their research can help promote a human rights culture among young people and future generations. As Klug puts it, human rights values "have the

capacity to form the basis of a shared ethos without necessarily disturbing all other points of reference in people's lives, whether these be political or religious or neither of these" (2000: 148).

If we look at the individual entitlements that we collectively call "human rights," some may date as far back as the first traces of human history when states had not yet been formed. For instance, the notion of proportionate punishment and justice can be found in the Hammurabi's Code of ancient Babylon (c.2380 BC). If we isolate the rights comprising the term "human rights," we are bound to attribute them to certain or even all religions. For example, the sanctity of life and reciprocal entitlements are celebrated in the Hebrew Bible while the right to life is listed among the Ten Commandments ("thy shalt not kill"). Christianity professes strongly the value of human dignity while the earliest defence of the ecosystem is offered by Hindu and Buddhist religions. Similarly to Christianity, Islam encourages human solidarity.

However, religion is highly contested as a source of human rights (Donnelly, 2003), while there are some views that see human rights as a collective new religion that has come to replace the dated views of the various churches. For instance, in *Values for a Godless Age*, Klug notes: "In an era where no single dominant religion or other world-view binds the vast majority of individuals, we have lost the basis we once had for shared moral values. Enter human rights; an idea whose time has come" (2000: 2).

Enlightenment and the French Revolution are considered to be the key historical catalysts that introduced the human rights values into our vocabulary (Ishay, 2010). These watchwords were used by the drafters of the UDHR to construct its four pillars of human dignity, liberty, equality and brotherhood (Ishay, 2010). Each of these pillars represents a different "generation of human rights" and a major historical milestone in their development internationally. What many tend to forget is that the drafters of the UDHR were not just "Westerners," but also legal minds from the Middle East, Asia and America.

So what are these universally shared human rights values as opposed to human rights legal entitlements? Some have already been mentioned in the UK and Canadian examples of this paper. A more thorough list is presented by Gavrielides (2012):

- Human dignity and respect,
- Equality,
- Fairness, justice and the rule of law,
- Liberty and individual empowerment,
- Equity and proportionality,
- Brotherhood and solidarity,

- Effectiveness, transparency and confidentiality,
- Community duty and individual responsibility, and
- Freedom from fear.

Beitz argued that nations do not share the same understanding when it comes to ethics, morality, and freedom. "The interests that are shared by all human beings are too few to provide a foundation for any but the most elemental prohibitions," such as torture and murder (Beitz, 2009: 4). Undoubtedly, ethics and the understanding of what is right and wrong are fundamental ingredients in the definition of human rights as a universal concept.

It has been argued that while all religions, secular traditions and Schools of Thought prior to the Enlightenment shared basic visions of a common good and championed certain individual standards within the human rights discourse, the collective understanding of the term "human rights" was not captured (Gavrielides, 2012). Most importantly, they did not perceive all individuals as of equal value. From the New Testament to the Qu'aran, the Hammurabi's Codes and works of Plato one can easily identify a lack of common vision towards certain groups such as women and homosexuals, servants (or slaves), the disabled or the elderly.

This is not to suggest that post Enlightenment, the French Revolution and the UDHR, the implementation of human rights as a collective and universal vision of dignity, respect and liberty materialised. For instance, in the European colonies and in America, slavery continued until the early 19th century. In Europe and its extended colonies, women, for instance, were only able to vote equally in the mid-20th century (e.g. in England in 1928). Children's rights continue to be usurped and the equal treatment of gays and lesbians is yet to be enjoyed.

However, what did change post the UDHR was the narrative on human rights, which were discussed at intellectual, academic, and political levels as an aspirational charter of minimum standards for all. The development of a universal language of human rights that was informed by secular and international treaties started to take place. In going forward, sterile debates such as whether the UDHR and the Cairo Declaration are complementary or not must transcend to the common language that we all share; that of human rights values. There a true universality and a common dictionary may be found in the basic enjoyment of human rights.

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