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## **The "human rights culture" in the XXI century**

*"We enter the new millennium with an international code of human rights that is one of the greatest accomplishments of the XXth century" (Kofi Annan, 1999 annual report to UNGA)*

### **I**

Globalization has been broadly misunderstood as a purely economic process, whereas it should be seen as a multidimensional process in which also ethics, moral norms, and human rights play a central role. If anything, "moral" globalization preceded globalization of economics. Since the end of WWII, we have seen a progressive erosion of the "Westphalia system" and the notion of nation-states' absolute sovereignty on their own territory (*cuius regio eius religio*). What happens within member states now matters more and more internationally. Nation-states have ceased to be the exclusive and only recognized actor in the international system. International and regional organizations, NGO and "global civil society" have assumed an ever-increasing active role in promoting human rights internationally. Technological revolution, the internet and satellite TV ("CNN effect") have all become powerful tools in the hands of global civil society, further contributing to the internationalization of human rights issues. As a result, preventing discrimination, combating torture, slavery and genocide have increasingly become shared values and part of what former UN Human Rights High Commissioner, Mary Robinson, has called "a human rights culture".

### **II.**

The roots of today's "human rights culture" lie in the idea of natural rights, the philosophy of John Locke, European Enlightenment, the American Declaration of Independence and the US Bill of Rights, the French Declaration of the Rights of the Man and Citizen. However, the evolution of the international human rights system is much more recent and dates back to less than a century ago. There have been five crucial moments of such evolution. The first of such moments included Woodrow Wilson's call during WWI for self determination and democracy and, twenty-five years later, Franklin Delano Roosevelt's call for a world based on freedom of speech and religion; freedom from want and fear in his "four freedoms" message to the US Congress.

The second crucial moment was the atrocities of WW II and its aftermath (Nazism, the Holocaust, and Stalinism). In the aftermath of WWII we witnessed, for the first time, an organized response by the international community against human rights' violation, such as the 1948 Universal Declaration on Human Rights and the Nuremberg Tribunal against Nazi crimes.

The third moment came about with the process of normative and institutional consolidation both internationally (the 1966 UN Human Rights Covenants and the creation of the UN Human Rights Commissioner) and regionally, particularly widespread in Europe through the European Union; the Council of Europe, the Strasbourg Human Rights Court,

and the 1975 Helsinki Act which gave birth to the Conference for Security and Co-operation in Europe (CSCE, today OSCE).

The fourth moment was the end of Cold War and the spreading of democracy worldwide, while the fifth moment was a consequence of the shocks caused by the wave of ethnic wars during the 1990's which brought about the creation of two regional War Crimes Tribunals (for Rwanda and the former Yugoslavia) and, later on, the establishment of the International Criminal Court.

The transatlantic community, though sometimes not without shortcomings, has played a key role in promoting international human rights. The US administration and Congress have decisively contributed in giving to human rights an international prominence. But the evolution of the human rights dimension in Europe has also been impressive. The European Community (EC) was created in 1957, but the Rome treaties did not focus on ethics and human rights. In fact, the EC was conceived predominantly as an economic body. It was not until the Maastricht Treaty of 1992 when the EC became the EU that the situation changed. The 1993 Copenhagen European Council set the criteria for new members' accession to the EU by explicitly mentioning democracy, rule of law, respect of human rights and rights of minorities'. In Nice, in 2001, the fifteen EU member states adopted a 54 article Human Rights Charter, which if fully incorporated into the EU Treaties will become Europe's first Bill of Rights. The Council of Europe's Commission and Court on Human Rights provide an important form of direct guarantee for 800 million European citizens, should they believe that their rights are not being respected at home.

Thanks to the development of such a "humanitarian acquis" we have seen the end of colonialism, apartheid, communism and genocide in some parts of the world, and a great attention to minorities rights and women rights.

But we cannot afford to be self-complacent. Human rights are not uniformly respected both in Europe and around the world. Too many categories of people are still deprived of their rights; war criminals are still at large; trafficking of human beings has created a new and horrible form of modern slavery, women continue to be discriminated and some minorities, like Roma, insufficiently integrated in the societies where they live. Western Balkan states in their efforts to integrate into the Euro-atlantic community need to responsibly embrace the international human rights acquis. Their road to Europe goes also through the respect of human rights. The international community needs to keep the protection of human rights high on its agenda. Within such strategies education should become an important priority. There is a need to deepen international efforts to educate and "persuade" states, politicians and civil societies about the desirability of increased protection of human rights, humanitarian standards and rule of law.