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The Language of Human Rights Law

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This exhibition and the associated conference seek to explore the many linkages between art and international human rights by bringing together lawyers and artists for dialogue and reflection. The language of human rights law is a universal one. The Preamble of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, proclaims that it is 'a common standard of achievement for all peoples and all nations.' Its provisions offer a vision of human dignity and choice through the affirmation of a broad range of civil and political, economic, social and cultural rights. For example it proclaims every individual's right to life, liberty and an adequate standard of living; to be free from genocide, torture and hunger; to equality before the law and to be free from discrimination on the basis of race, sex, language, religion; and to be free to express views, to manifest religion, to associate with others and to have access to healthcare, education and equitable conditions of work. The values of the Universal Declaration are now entrenched in a body of international treaties, the provisions of which extend the catalogue of rights and introduce some, albeit minimal, monitoring mechanisms. Through this body of international law states have adopted as a matter of international obligation standards of treatment vis-a-vis their own citizens. States have accepted the concept of individual autonomy that restricts state intervention. At the same time states have incurred positive obligations to ensure their citizens' enjoyment of those rights. In some instances states have gone further by accepting the right of individual complaint, allowing persons claiming violations of their rights to seek recourse before an international body.

A number of human rights guarantees are especially pertinent to artists. Freedom of expression and communication have been recognised by states as the essential prerequisite for all artistic activities. Accordingly, freedom of expression, as spelled out in the Universal Declaration of Human Rights and developed in the International Covenant on Civil and Political Rights, article 19, is crucial. Freedom of expression entails the 'freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.' The importance of art, and artists, to their community is recognised in the Universal Declaration, article 27, through the further right of individuals 'freely to participate in the cultural life of the community; to enjoy the arts...' Artists have the right to protection 'of the moral and material interests resulting from ... artistic production of which he is the author.' Other important rights are those for the protection of artists through forming and becoming members of trade unions or other professional associations, and participatory rights, especially in ensuring that their voices are heard in decision-making with respect to cultural policy.

However, as we all know only too well the boldness of the human rights vision remains unfulfilled. A cursory examination of the daily news confirms that millions of people live in grinding poverty; many others are still imprisoned and tortured for speaking out against oppressive regimes; different forms of violence are committed against women and untold numbers of civilians, notably women, the elderly and children, are subjected to horrifying atrocities in armed conflicts across the globe. The universality of human rights standards is challenged as abuses are committed in the name of religion, custom and tradition, and increasingly in this post 11 September 2001 environment, national security and the war against terror. This last reminds us that just as the language of human rights is universal so too is the language of human wrongs. In the industrialised societies of the United States, Europe and Australia there is often complacency that human rights problems are those of other countries and that our mission is to challenge abuse committed abroad. The inaccuracy of this perception is highlighted by the denial of human rights to many of the most vulnerable within our own societies, for example those seeking asylum and refugee status, immigrants and indigenous persons.

International human rights law envisages the transformation of social relations through the internalisation of a human rights culture within the particular contexts of diverse societies through the development of a mindset that rejects as unacceptable any abuse of fellow human beings. But it is only too apparent that the language of international human rights is inadequate to ensure delivery of this message. The adoption of legal norms does not of itself denote any real change on the ground. Law

must be supplemented by other strategies and lawyers must work in conjunction with others from outside their legal domain. One such domain is art: the projection of the visual image can take familiar ideas from the realm of human rights and transform their meanings in ways that speak across time and space. It is no accident that art exhibitions are not infrequently presented within the hallways of the United Nations and its specialised agencies.

Art can play an important role in the delivery of human rights in a number of distinct ways. First, art can assist in bridging the divide between the universalist principles of human rights and local situations. Adoption of international human rights standards does not require uniform behaviour across borders, for human dignity must be understood within a person's own social and cultural context. Human rights must be made relevant to local situations through their translation into local cultures and mores. Art too is a universalist and international language. It has been described 'as a common denominator in ethnic, cultural or religious differences, [that] brings home to everyone the sense of belonging to the human community.' This sense of shared belonging is strengthened by globalisation whereby audiences from New York to Paris, from Sydney to Tokyo, from Manila to Buenos Aires can view the same art and visit the same websites. However, although an artist's work may be familiar to people around the world, artists are rooted in their own localities and are shaped by local values. The depiction of local issues – including local human rights abuse – can relay universal messages and assist in the understanding of human rights violations as a matter of global concern, wherever their location. Artists can transport 'the other' across borders and help in understanding the different forms of human rights abuse that are endured worldwide. Second, the importance of art as an expression of an individual's full personality is recognised in the articulation of the essential rights of the child. In the United Nations Convention on the Rights of the Child, 1989, education is given a broad meaning as encompassing the full development of the child's personality, talents, mental and physical abilities. Thus a child has the right to participate fully in cultural and artistic life, facilitated by the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. Third, art is a tool for the free communication of ideas and information that is important for ensuring self-fulfilment and a pluralistic, tolerant society. To quote the European Court of Human Rights: 'Those who create, perform, distribute or exhibit works of art contribute to the exchange of ideas and opinions which is essential for a democratic society.' Fourth, art is an essential element in the preservation of the identities of peoples and their cultures. This has both historical value and contemporaneous importance by fostering the self-esteem and value of a society that may be depicted as worthless or inferior by a politically dominant group. Art also protects against revisionism, counteracts collective amnesia or denial by creating an enduring testament to suffering and a long-term memorial to that suffering. The destruction of religious and other distinctive architecture and libraries in armed conflict, or as part of cultural genocide, is testament to the importance of art to the self-determination of peoples, and to those who seek to destroy the group identity of distinctive peoples, for example indigenous persons and their culture. Fifth, artists have been recognised as being at the forefront of the global fight for free expression. The power of artists to confront their governments with unwelcome messages, for example through political cartoons, is shown by the not infrequent censorship of their work and arrests and detentions. Sixth, many people within the community may be unaware that the state has guaranteed their human rights, or fail to realise that human rights can mean anything for them. Art can provide an educative function, the visual image reaching those for whom written work is inaccessible or incomprehensible. The presentation of the Convention on the Rights of the Child through simple illustrations in picture book form is just one example of this. The same messages can be conveyed by simple means such as through street art and pavement drawings.

These are only some instances of the many ways in which art and human rights can interact to promote the vision of the equal worth inherent in the human dignity of all persons. The work associated with this project will suggest many other ways in which art and human rights interact.

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