Human rights, Democracy and Women's Choices
Speech delivered by Commissioner Pru Goward, Federal Sex Discrimination Commissioner at Hunter Valley Research Foundation Lecture Series, Newcastle City Hall, 3 September 2002.

It is a great honour to have been invited to speak as part of the Hunter Valley Research Foundation lecture series on 'human rights, democracy and women's choices'.
Each of these concepts has been the subject of much debate amongst great thinkers, philosophers and social critics.
Together, they made a successfully functioning civil society in the 21st century.
But where do human rights intersect with democracy, and what does it have to do with a woman's freedom of choice?
The most recent development of human rights has focused very much on the rights of the individual. In fact it is about respect for each other and each others choices. They are based on the assumption that our humanity confers certain rights and obligations on us all, and that this is universal.
However they derive, at least in part, from Judeo-Christian ethics - from the dictum in Leviticus in the Old Testament as echoed in the new by Jesus, that we should love one another.
The recognition of these rights at a global level occurred after World War II.
Before this time, governments' obligations to their citizens were considered principally to be internal, domestic, affairs.
However, the conflagration of World War II made it clear to the community of nations that respect for human rights would be fundamental to securing future world peace.
As demonstrated by that war, man's capacity for inhumanity meant that it was no longer good enough to rely on ethical values endowed by religious belief. In Christian Europe, this had clearly failed. The rule of law was required.
The way in which governments treated their citizens became very much a matter of international concern - the United Nations was established and a body of international treaties and law created.
Today, four generations of human rights are recognised:
Civil and political rights are those from which the whole philosophy of human rights developed, namely the protection of the individual from the arbitrary exercise of power by the state.
These are the rights without which we do not recognise a functioning democracy.
They include the fundamental freedoms of association, speech, peaceful assembly, thought, conscience and religion. They also include the protection of individuals from torture, arbitrary detention, inhumane treatment and abusive justice processes.
Economic, social and cultural rights are regarded in international law as rights to be achieved progressively as they become affordable.
These rights are concerned with our material, social and cultural welfare. Here we find the right to work and to social security, to health care and education. Also, the minimum labour standards relating to safe working conditions, maximum hours of work, child labour and equal pay for work of equal value.

The right to development is based on the concept that "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of its benefits". The ultimate objective is a new international economic order.

The fourth generation of emerging rights are gathered together as collective or solidarity rights. They include the right to peace and a healthy environment. Here too belong rights of peoples - most notably those rights which aim to secure the cultural survival of Indigenous peoples. How are these concepts translated into reality?

Through government. Because although human rights do not derive from governments, their protection and enjoyment depend on governments to recognise them.

That is why good governance is so important, for our well being, as a society and as individuals.

The recent work of Roll and Talbott, two American development economists, is useful on this point.

Their study of the richest and poorest countries demonstrated that 80 per cent of the difference in living standards between them can be attributed not to natural resources or the intelligence of the locals, but to how well ordered the community was, how obedient to its laws, how respectful of the rights of its people.

Think about poor countries with wonderful resource endowments compared with rich countries with poor resources (say Nigeria, with its wonderful resources and poor standard of living and Singapore, where they even have to buy their water from overseas).

Good governance promotes prosperity and high living standards for one very simple reason; it makes living in groups cheaper and more effective.