



SciencesPo.

CERI
CNRS

THE GLOBAL DISCOURSE OF HUMAN RIGHTS: SOME OF THE LATEST POLICY AND RESEARCH ISSUES

Edited by Ivan Manokha

In the two several decades we have seen the development of what may termed a 'global discourse of human rights' – a set of linguistic and extra-linguistic elements related to human rights, that is, the rhetoric of human rights on the part of numerous forms of agency (state leaders, civil society activists, business executives, academics, journalists, lawyers, celebrities, etc.) and different policies that are adopted or called for by various actors in the name of human rights. It is characterised by the construction of various practices and phenomena that result in different forms of suffering and deprivation as violations of human rights. From torture and war crimes to censorship and religious intolerance, from identity- or gender-based discrimination to mistreatment of immigrants, from poverty and underdevelopment to unemployment and epidemics – all such practices and harms done to individuals and groups are now interpreted as human rights abuses.

Within this discourse a whole range number of theoretical and substantive questions and concerns are raised at different levels (local, national, global). This issue of the *Kiosque* brings together researchers working in different disciplines who address some of these issues in their research. The contributions assembled here provide a brief overview of the issue in question and give an outline of research questions and arguments that have been, or will be, developed in more detail elsewhere.

Kate Nash examines the role of media in human rights promotion and protection. It is through the media that most people learn what human rights are today, and how they are, or should be, effective. One the 'multiple paradoxes of states of human rights' that Kate Nash identifies is that in a world in which the interests and identities of citizens come into conflict with the rights of humans who are not citizens, whether within national territories or elsewhere in the world, and where the media constructs the vast majority of humanity as 'Other' on a routine basis, decisions made according to universal principles of human rights for each and every individual will inevitably be comparatively rare.

Sebastien Botreau-Bonneterre examines from a legal perspective recent attempts to justify torture in the context of the War on Terror. He demonstrates how it was attempted to render torture legal from the point of view of International Law, and then illustrates the difficulties such arguments run into due to the existence of international legal Human Rights norms. He argues that despite the fact that the international system is organized into sovereign states without an overarching authority, International Human Rights Law increasingly acts as an mentor for states and individual citizens alike.

Adrien Fauve addresses the dilemmas facing the government of Kazakhstan as the current president of the OSCE (and the first former Soviet state to assume this role) as regards its national human rights policy. The promotion of human rights has over the years become an important aspect of the OSCE's agenda. Yet, in Kazakhstan there still is a gap between the official state discourse on human rights and the state practice. The analysis examines the way these dilemma have been dealt with and discusses the implications of this for the future of human rights in Kazakhstan.

Conor Gearty discusses the implications of the result of the recent British general election for the UK's Human Rights act. The Conservative Party had been clear about its intention to repeal the Act which requires legislation to be compatible with the European Convention on Human Rights. However, the formation of the coalition government with Liberal Democrats are keen defenders of both Europe and human rights, appears to have saved the Act from immediate extinction.

Ivan Manokha examines the implications of the current financial crisis for Economic and Social Rights (ESR). It is argued that ESR constitute a benchmark that helps us critically evaluate the current state of affairs in both developing and Western countries. The development of morality which accords an important place to ESR took place during a particular historic period marked by sustained growth and prosperity. However, this period is now history, and for several decades we have been living in the world of the minimalist State concerned essentially with maintaining price stability and low inflation, and regulation via interest rates. The discourse of the ESR, particularly after the crisis which seems to have removed all the doubts concerning the inconsistency of this mode of regulation, helps us identify an increasing gap between the morality of individual rights, including basic rights, and the conditions for the realization of these principles which are increasingly absent.