

Introduction

*“It is hard – in the presence of such terrors –
not to lose faith in humanity altogether.”*

UN Secretary-General Kofi Annan (1999)

“Homo homini lupus”: We are to each other as wolves! This is by no means a mere *Hobbesian* construct, but every-day manifold reality. On the other hand, the human being is also reality, which fulfils the criterion of “humanity”, by respecting the human being’s rights based upon the quality of being human. There is no power on earth that can legally take these rights away, not even can *Hobbes’* “Leviathan”. Human rights are regarded as the highest (pre-state) object of legal protection and are the most noble expressions of a successful process towards civilization, be it national or international. As evidence for that, here are two quotations:

According to article 1 paragraph 1 of the Constitution of the FRG, the “dignity of man is inviolable. To respect and to protect it is the obligation of all State power”. The Charter of the United Nations proclaims “promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (article 1 paragraph 3) as one of the main objectives of the organization.

Not least, in accordance with these maxims a number of legal instruments have been created that are to guarantee human rights. Legal norms alone will not be enough to change the world. The law – in order to obtain real validity – must be enforced. Law without the power of enforcement degenerates to the point of being a farce. This is the crux of the global human rights situation. The standardization of legal claims has for the most part been achieved – although this could be made more comprehensive. If the states bound to these standards were to live up to them, a great deal could be accomplished and one would have to speak of a quantum leap from the realm of the barbaric to the realm of civilization. As is well known, reality presents a somewhat different picture, especially because international coercive measures to enforce the law have both institutionally and materially only been developed rudimentarily.

This anthology is dedicated to the fundamental topic of “Human Rights”. The contributions from the pens of experts in the field of law and social studies as well as representatives of human rights organizations illuminate on an interdisciplinary basis the great diversity of this – literally – essential problem. These articles take stock of legally binding human rights standards up to now as well as its safeguards and show perspectives for its future development.

In the first part of the anthology – as in the chronology preceding it – the development of the idea of human rights over the past millennia is documented. The opening article by *Norman Weiß* offers an overall view on the historical genesis of the idea of human rights and its implementation in national and international law as well as describes the challenges that human rights policy is going to have to face. The essay by *B. Sharon Byrd* deals with the conception of guaranteeing peace and human rights, which one of the most important philosophers in the history of science, *Immanuel Kant*, elaborated upon 200 years ago – concepts that have not lost their current relevance.

The second part of the anthology offers an overall perspective of the real status of human rights in all relevant parts of the earth. The conclusions drawn show that there is no room for euphoria, but that the principle of hope is still an option.

Regina Heller describes the situation of human rights in Russia, a state with the dimensions of a continent, which is still struggling to adapt to (Western) European standards. *Claudia Eicher* looks further westward to the states of East- and Southeast Europe. These states are dealing with different kinds of problems in the field of human rights and therefore exhibit different degrees to which they have been implemented. The notoriously precarious human rights situation in Turkey is outlined in an article by *Andrea Liese*. There is reason for a certain optimism based on the latest developments, thanks to, not least, the growing desire to join the European Union and the commitments linked to this step.

We are taken to the Near and Middle East in the article by *Sonja Hegasy* and *Carsten Jürgensen*. It presents the difficulties in an environment that is at least partially influenced by Islam and oriented towards a patriarchal society with a focus on granting and guaranteeing women's rights. The core conflict, which remains virulent in this region, is the focus of the article by *Ludwig Watzal*. He examines the conformity of the treatment of the Palestinians by the State of Israel according to International Law.

Rainer Huhle turns to the American continent. The military governments in Latin America have recently given proof of the destiny of human rights when regimes full of contempt for humanity are in absolute power. The common belief that the human rights situation was irreproachable at least in the "civilized" states of North America – i.e. the USA – is deeply shaken by the observation of *Sumit Bhattacharyya*: The motherland of morality and moralists is marked by severe deficits in this sector.

The People's Republic of China, the state with the largest population in the world, has become more modern economically, but the improvement of the human rights situation – documented in the article by *Gunter Schubert* – has not progressed. Human rights mainly exist on paper. In another Asian state, Indonesia, – according to *Verena Beittinger's* article – there is a wide gap between requirements and reality, in spite of all reform efforts.

This global stock-taking concludes on the African continent with three exemplary country reports by *Cristiana Fiamingo*, *Chantal Kisoona* and *Mario Zamponi*, which are not very encouraging as to the situation that societies are confronted with there.

The third part of the anthology is dedicated to certain specific aspects of the issue of human rights. *Gabriele Kuhn-Zuber* examines the relationship between Islam and human rights, which can be interpreted differently depending on the religious texts it is based upon. *Avishai Ehrlich* and *Margret Johannsen* examine a problem that one would not necessarily expect in a country, which claims to be a state where the rule of law prevails. This is the topic of interrogation practises in Israel, which can well be categorized as “torture”.

Helmut Volger’s contribution deals with the protection of the rights of indigenous peoples, which traditionally are often disregarded.

The fourth and final part of the anthology deals with the decisive question of the guarantee and protection of human rights, which if they have no chance of being implemented will merely degenerate into melodious phrases.

The articles by *Karin Oellers-Frahm* and *Roderick Liddell* provide information on regional human rights jurisdiction in America and Europe. The existence and activity of judicial institutions nurtures the hope, that the road from barbaric to civilization is passable. However: One can scarcely expect human rights courts to solve all given problems, since – as is shown in the article by *Hans-Joachim Heintze* – they can only be resolved politically.

Sebastian Winkler’s article provides information on the international law commitments the European Union has made under international law treaties aimed at human rights protection. *Heike Krieger* describes the function and activities of the Human Rights Chamber for Bosnia and Herzegovina and its contribution to the intra-state peace process. *Anna Golze* analyses the options that the Convention on the Elimination of All Forms of Discrimination against Women offers to potential and affected victims.

Friederike Brinkmeier shows ways and opportunities open to victims of human rights violations to ensure compensation for deprivations of their rights. Ultimately, on the basis of the *Pinochet* Case, *Ulf Häußler* demonstrates how determined and capable actors could draw the obvious conclusions from this penal case.

In addition to the usual appendices, the anthology closes with a bibliography, which is designed to facilitate more profound study of the subject.

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