

# CSHL Newsletter

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## Are Human Rights Universal?

Human rights are basic rights entitled to every person, regardless of sex, ethnicity, religion, language, nationality, or any other status simply because they are human beings. That includes the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more.<sup>1</sup> One of the characteristics of human rights is universalism which means that every person is entitled to the same value of human rights regardless of where or who they are.<sup>2</sup> However, looking into reality, it is doubtful that human rights are really universal.

Human rights are always challenged by what is called “cultural relativism” where relativists believe that human rights should take into account the cultural differences of each state and that human rights are defined differently from one state to another based on their own culture.<sup>3</sup> The idea of cultural relativism seems to justify on the basis of jurisdictional and cultural differences by some states despite their human rights obligations.

For instance, some countries in Asia, Eastern Europe, and Latin America practice a custom where they make women and girls undergo Female Genital Mutilation (FGM) that they are forced to cut or remove the female’s external genitalia. They have repeatedly done this believing that women and girls who have undergone this are regarded as pure and clean.<sup>4</sup> This is what cultural relativists consider culturally right, then what about the physical and mental health of women? According to the WHO, FGM has no health benefits but even harms girls and women in many ways and could even lead to death.<sup>5</sup> Then, should such culture be considered acceptable for human beings?

In the case of India, it is very well known for its caste system in which people are divided into hierarchical groups based on their work, duty, and occupation.<sup>6</sup> This practice is a combination of religious beliefs about the classification of humankind as well as a social order that came into existence longer than 3000 years ago and has not yet totally disappeared from today’s Indian society.<sup>7</sup> People in the upper caste practice it thinking that this is the right thing to do since it is their culture and what they have been practicing it a long time already. However, looking from another point of view of this practice, it is a serious discrimination against people and a threat to human rights as it classified people into groups and treated them unequally.<sup>8</sup> Lower caste people are often outcasted, subjected to exploitation in name of debt, and not allowed to get access to whatever the upper caste does not allow.<sup>9</sup> This kind of belief appears to be too unfair for people who live in the same society but are not treated equally.

These cultural practices only bring harm and discrimination to people in society. Therefore, different cultures should not be taken into account in the human rights concept as it does not benefit people as human beings at all. Hence, human rights shall be universal.

<sup>1</sup> *Human Rights*. United Nations. Retrieved from: <https://www.un.org/en/global-issues/human-rights>

<sup>2</sup> *Universal Declaration of human Rights*. 10/10/1948. Article 1.

<sup>3</sup> *Cultural Relativism and Universal Human Rights*. IB Global Politics. Retrieved from: <https://sites.google.com/a/isb.be/isbglobalpolitics/unit-human-rights/cultural-relativism-and-universal-human-rights>

<sup>4</sup> Eva, O. (2019, February 6). *What is FGM, where does it happen and why?* BBC News. Retrieved from: <https://www.bbc.com/news/world-47131052>

<sup>5</sup> *Female genital mutilation*. (2022, January 21). World Health Organization. Retrieved from: <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

<sup>6</sup> *What is India’s caste system?* (2019, June 19). BBC News. Retrieved from: <https://www.bbc.com/news/world-asia-india-35650616>

<sup>7</sup> *The Indian Caste System*. (2021, August 26). SETFREE. Retrieved from: <https://www.setfreealliance.org/indian-caste-system-explained/#>

<sup>8</sup> Violaine, M. (2016, March 21). *Caste system violates human rights of million worldwide – new UN expert report*. UN News. Retrieved from: <https://news.un.org/en/story/2016/03/525012-caste-systems-violate-human-rights-millions-worldwide-new-un-expert-report>

<sup>9</sup> Caste system in India. (n.d.). vikaspedia. Retrieved from: <https://vikaspedia.in/social-welfare/social-awareness/all-are-equal>

## Library Hours

Monday – Friday  
8:30AM – 5:30PM

## E-Resources

- [Asia Pacific Journal on Human Rights and the Law](#)
- [Oxford Academic Journals](#)
- [And other Open Access Databases](#)

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