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freedom as well as rejection of subjugation of human being to human being.

Some Points of departure:

-Universality of human rights should be interpreted in a way to allow preservation of cultural and religious diversity. In other words, it should “create space for diversity within universality and finding support for universality within diversity”.

-Human right is a “dynamic and evolving process”. Thus the Universality of human rights should constitute a learning process in which different cultures and religions could involve in intercultural dialogue and interaction aiming at reaching cross-cultural basic elements to facilitate the implementation of universal rights.

-Human rights are all about political and legal justice. Thus human rights do not provide a worldview and cannot compete with cultures and religions in that they do not talk about death and life and the corresponding ways of life.

-Human rights are universal. However, the universality of human rights does not necessarily imply, per se, the universality of all human rights instruments. There are human rights instruments that are, theoretically and practically, not universal. Documents based on regional and religious particularities are the best proof.

2) The nature and aspects of cultural diversity within universality

1

The Relationship between Cultural Diversity and Human Rights

Abstract

The subject of the statement is the relationship between the cultural diversity and human rights in more than one aspect: the human rights per se, the universality of human rights and the roots of the notion of cultural diversity in the human rights documents developed and adopted in the United Nation system and other organizations.

In this statement, the notion of cultural diversity, based on the abovementioned documents, is reflected as a general and broad term that refers to a wide range of concepts such as national and historical conditions, national, historical and regional particularities, development circumstances, etc. Therefore the statement

seeks to focus on the following three elements:

1) Human rights, the nature, the genesis and the question of universality

a) Cultural essentialism

Some hold the view that the basic human rights and their ramifications are essentially rooted in the western cultures. Among them some western thinkers, on the left and the right, suggest that the human rights are western construct and to have the access to human rights, other nations should accept the western value systems.

b) Cultural retrospective outlook

Others perceive human rights “as the center of a cross-cultural overlapping consensus” based on basic commonalities such as justice, dignity, rights,

The expression and implementation of human rights in the national context should remain in the competence and responsibility of each government. Owing to the recognition of the immense complexity of the issue of human rights due to the wide diversity in history, culture, value systems, geography and phases of development among the nations and regions of the world, the implementation of human rights in different processes should take into account cultural and regional particularities and value systems in each country and region.

The rights of the individual should be balanced by the rights of the community, in other words, balanced by the obligation equally to respect the rights of others, the rights of the society and the rights of nation.

-The question of how to implement human rights does not lead to a readymade and identical prescription for all cultures and religions. The peoples and nations are free to choose the way, best fitted into their particular circumstances to implement the basic human rights.

-The human rights are universal. Thus all human beings everywhere in the world, be it in Asia, America, Africa and Europe entitled equally to enjoy all human rights. There should be no selectivity of nations, religions and cultures in this regard.

-There should be no selectivity and double standards in the implementation of human rights and the only way, based on the Charter of the United

Nations, to address it is the international cooperation and not confrontation.

-Rights are indivisible, interrelated and interdependent. No hierarchy of rights. No supremacy for a particular group of rights over others.

3) Roots of cultural diversity in documents and practice

The notion of cultural diversity is rooted in variety of United Nations documents ranging from the ones adopted in the first decades and the recent ones. The notion is also embraced, practically, in many regional and multilateral documents.

United Nations documents:

Among various documents in the United Nations system, the following documents drew more attention:

- UDHR
- Declaration on international cultural cooperation
- Documents referring to the right to self-determination
- Vienna Declaration and Program of Action
- Bangkok Declaration
- Tunis Declaration
- San Jose Declaration

Regional documents:

The nations in different regions and of particular religions and cultures embarked upon outlining and defining various aspects of human rights, based on their particularities and national and historical conditions, though they accept internationally agreed human rights instrument. Another evidence, in this context representing the roots and the genesis of cultural diversity in

many parts of the world, are hundreds of reservations the governments introduced upon their ratifications of the given instruments, particularly to their basic and central concepts.

Examples:

a) Islamic countries:

Some Islamic countries abstain from voting the Universal Declaration of Human Rights. Many Islamic nations present their reservations to the Bill of Rights and the core human rights instruments describing their specific jurisprudence as being departed from the corresponding provisions in the given instrument.

In an assertive move, The Islamic countries, embarked upon drafting, through eleven years, the Islamic human rights declaration known as Cairo Declaration in which the member countries of the OIC articulated provisions representing their specific views on rights emanated from the Islamic worldview.

The Islamic and some likeminded members of the United Nations presented their different views from that of the western countries on a wide range of human rights issues based on their cultural diversity through the tense and careful negotiations on a variety of human rights documents. Wide reservations to the final documents are another evidence of cultural diversity.

b) The African Charter of people's rights

The name, the spirit and the letter of the African Charter is clearly indicative of the cultural diversity within the universality of human rights

and the existence of the specific understanding of how the rights are defined and implemented in Africa.

c) The European Convention and numerous related human rights documents are also a good

example characterizing the European specific standpoint on what constitute human rights in their own cultural discipline.

In view of the points described above, the fact is that the

existence of cultural diversity in human rights domain is undisputable and thus the observance and enforcing cultural diversity within the universality of human rights is essential.

2

Cultural Diversity; Contribution to Peace and Humanity

Cultural Conformity; Road to Uncertainty and Violence

Abstract

Cultural diversity is a critical question to confront humankind in the 21st century as previously isolated peoples and diverse cultures coming to the fore making the world increasingly multicultural in the present epoch. We must confess that understandably, there are some conceptual uncertainty as to whether the cultural diversity represents otherwise the current polemical discourse on cultural relativism vs. universalism and even a fallacy to justify violations seeking to erode universality of human rights.

The notion of cultural diversity is widely and frequently interlinked with such basic concepts as human rights, empowerment, inclusion, respect for all, tolerance and self-determination in the globalizing world. Key elements as such are profoundly interrelated and mutually reinforcing. Questions arising from the interplay between the various facets and components involved in cultural diversity affecting its edifice are diverse; how can we reconcile diverse cultures with peace and human rights in a world brimming with

tension, confusion, conflicts and wars? What are the impacts of the cultural homogeneity and cultural conformity on the cultures and religions? How can human rights be immune whilst the international community celebrates cultural diversity? Do the states be having responsibility to ensure creation of an international order in which cultural diversity is respected? These are demanding questions flowing from interrelation between cultural diversity and some basic tenets whose analytical answers will help international community to develop a global vision and design a plan of action to respect cultural diversity at all levels.

On the philosophical aspect of human rights feature of cultural diversity, the fact is that essentially the idea of human rights is not derived from any particular culture or tradition, be it occidental or otherwise in their geographical sense or other tradition in the world. They flow from intrinsic dignity of human being in all parts of the world. The idea of human rights developed through the history of different

religions and philosophical, political and cultural transformation. This has been manifested over the centuries in the humanitarian, emancipatory, egalitarian and universalistic motives and movements. Therefore as asserted in academic researches human rights is the center of cross-cultural overlapping consensus on basic normative standards in our increasingly multi-cultural societies that give room for different cultural and religious interpretations. With this in mind, it is to be acknowledged that human rights law draws its legitimacy from the distinctions of the cultures that comprise the world community. As a result, the respect for cultural diversity and cross-cultural differences do not condemn it to an intractable trend of non-respect to human values and such disagreement takes place within a legal and normative framework that already presupposes a fundamental universality of human rights. Based on this perception, it appears that all nations and communities throughout the world with various cultural, religious and historical

