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### Human Rights for Thee but Not for Me

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# Human rights for thee but not for me

*The US lacks moral authority to be global protector of rights*

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by [Lauren Carasik](#) @LCarasik



A detainee stands at an interior fence inside the U.S. military prison for "enemy combatants" in Guantanamo Bay, Cuba on Oct. 27, 2009 . John Moore/Getty Images

Last month U.S. Secretary of State John Kerry [unveiled](#) the State Department's comprehensive annual assessment of human rights around the globe. It painted a grim picture of pervasive violations. Notably absent from the report, however, was any discussion of Washington's own record on human rights. The report

elicited sharp rebukes from some of the countries singled out for criticism. Many of them questioned the United States' legitimacy as self-appointed global champion of human rights.

China issued its own report, 154 pages long, excoriating the U.S. record on human rights and presenting a list of Washington's violations. Egypt's Foreign Ministry called the report "unbalanced and nonobjective" and censured the U.S. for appointing itself the world's watchdog. Ecuador, Russia and Iran also criticized the report.

By signaling that the world cares about human rights violations, the report provides a useful tool for advocates. While the omission of any internal critique is unsurprising, that stance ultimately undermines the State Department's goals of promoting human rights abroad. Abuses unfolding around the world demand and deserve condemnation. But it is difficult for the U.S. to don the unimpeachable mantle, behave hypocritically and still maintain credibility.

### **North-south schism**

It is tempting to dismiss the scolding as retaliatory howls by authoritarian states, but their critiques have long been echoed by others. Pointing to simmering divisions over human rights standards, China argued that developing countries face a different set of challenges from their more developed counterparts. This ideological debate has permeated rights discourse and often underscores a north-south schism. The divide has its roots in the history of human rights.

In 1945, still reeling from the atrocities of World War II, world powers gathered in Paris to forge a multilateral agreement that would form "the foundation of freedom, justice and peace in the world." Those principles were enshrined in the nonbinding Universal Declaration of Human Rights (UDHR). The U.N. then adopted two covenants that would have the force of law: one focused on civil and political rights and the other on economic, social and cultural rights. Together with the UDHR, they form the International Bill of Human Rights. The covenants

were meant to be universal, interdependent and indivisible and equally treated, but they do not exist in a political vacuum.

Although the U.S. was instrumental in creating this international framework, it has resisted conforming to many of the norms for which there is an emerging international consensus. The U.S. holds sacred its commitment to civil and political rights, such as those protected by its robust and revered Bill of Rights and proclaims itself a beacon of freedom and justice in the world. Critics argue that the rhetoric exceeds the reality on the ground. Economic and social rights are far more contested, in part because they require affirmative duties that affect resource allocation: States must take progressive action toward providing housing, food, education, health care and a host of other rights.

### **The U.S. has been singularly unwilling to ratify key international human rights instruments, reinforcing its status as an outlier in the field.**

The U.S. purports to be evenhanded. But geopolitical interests influence the tenor and content of its assessments, leading some critics to accuse the U.S. of sacrificing human rights at the altar of political expediency. For example, the U.S. has been accused of blunting its appraisal of allies such as [Saudi Arabia](#), [Bahrain](#), [Mexico](#), [Uzbekistan](#), Honduras and Israel. Economic interests also factor in. Critics decry the [sale of arms to countries](#) that by Washington's own assessment are complicit in human rights abuses. While politically and economically self-interested maneuvering is inevitable, not all countries issue an ostensibly definitive and unvarnished report on the state of global human rights.

In December during Human Rights Week, U.S. President Barack Obama [issued a proclamation](#) reaffirming the United States' "unwavering support for the principles enshrined in the Universal Declaration of Human Rights." Yet global headlines are dominated by high-profile U.S. human rights transgressions — indefinite detention at [Guantánamo Bay](#), torture, [extraordinary rendition](#), [extrajudicial assassination by drones](#) that claims the lives of innocents

in addition to its targets, the aggressive pursuit of whistle-blowers and [data collection](#) that violates privacy both at home and abroad.

Advocates criticize a litany of other human rights abuses, such as [mass incarceration](#) (the U.S. has 5 percent of the world's population but 25 percent of its inmates, with disproportionate representation among minority groups), the [death penalty](#) (including post-execution revelations that raise serious doubt about already questionable convictions), racial profiling, the [disenfranchisement of felons](#), [sentences of life without parole for juvenile offenders](#), [gun violence](#), [solitary confinement](#), [the shackling of pregnant inmates](#) and many others.

The New York–based Human Rights Watch says these violations disproportionately affect minority communities. “Victims are often the most vulnerable members of society: racial and ethnic minorities, immigrants, children, the elderly, the poor and prisoners,” it said in its annual [report](#) on the U.S. last year.

## **Evading treaties**

Aside from specific human rights violations, the U.S. has been singularly unwilling to ratify key international human rights instruments, which reinforces its status as an outlier in the field. These include its refusal to ratify the Convention to Eliminate All Forms of Discrimination Against Women (only seven other countries are not parties to it), the International Covenant on Economic, Social and Cultural Rights, the Convention on Rights of the Child (ratified by all states except the U.S., Somalia and South Sudan) and the Convention on the Rights of Persons with Disabilities. The U.S. has also failed to ratify the [American Convention on Human Rights](#), a regional framework on human rights in the Americas. [It has ratified](#) only two of the International Labor Organization's eight fundamental conventions.

Washington's refusal to ratify the Rome Statute of the International Criminal Court (ICC) has provoked particular consternation. The international community

has a profound interest in deterring the most violent abuses by ending impunity for war crimes, crimes against humanity and genocide. The ICC was created to promote accountability for these crimes, which are, for a complex and interrelated constellation of reasons, notoriously difficult to prosecute in domestic courts. But the U.S. will not submit to its jurisdiction, citing a number of concerns, including that the court would be subject to political manipulation and lack accountability to the U.N. and that submitting to it would violate state sovereignty.

Some critics claim that it is the U.S. that fears being held to account in the international arena for the [global expansion of its military](#) and its possible commission of war crimes. To be fair, the ICC has its critics as well, who contest both its legitimacy and its efficacy. Subjects of complaint include its perceived preoccupation with African criminals, its slow pace of prosecutions and questions about how and when the international community should protect citizens of a sovereign state against atrocities. But the U.S. refusal to sign the Rome Statute, which established the ICC, undermines the principle that each and every country must be accountable to certain universal standards if they are to be rendered meaningful.

### **American exceptionalism**

U.S. intransigence is often cloaked behind lofty conception of American exceptionalism — the idea that the U.S. embodies the standards of liberty and democracy to which other countries should aspire. Claiming to stand at the apex of democracy and human rights, the U.S. exempts itself from surrendering its sovereignty to any global rights framework. Resistance to the adoption of international norms is not monolithic within the country, however. In a sign of retreat from these principles at a local level, some states and municipalities are embracing international human rights standards. The [“Bringing Human Rights Home”](#) report by the Human Rights Institute at Columbia School of Law evinces the willingness of some local governments to incorporate universal human rights standards, including economic and social rights that the U.S. has so far declined to validate.

In 2012 former U.S. President Jimmy Carter [urged the U.S.](#) to reclaim its moral high ground, lamenting that “America’s violation of international human rights abets our enemies and alienates our friends.” Upholding universal, inalienable and enforceable human rights standards in a pluralistic and increasingly entangled world is no easy task. But the domestic and international human rights movements are driven by the urgent goal of protecting the dignity of all human beings — including those at the margins who are powerless, poor, invisible and persecuted. The U.S. would have more credibility in promoting those principles if it reflected on its own transgressions. Naming and shaming by international actors is an essential tool for advancing human rights. But it assumes both the moral authority to sit in judgment and the humility to be self-critical.

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*The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera America's editorial policy.*