On universal human rights, the law and garden hoses

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Human rights for children! Human rights for prisoners! Human rights for women! Human rights for older persons! Human rights are often expressed in terms of a specific population group. If you think about rights for children as opposed to other groups, however, do you feel differently? Depending on who you are, the rights of one group may evoke easy acceptance while you may resist the idea of rights for another group.

How easy it is to slide down the slippery slope of compartmentalizing human rights and then passing judgment upon whether one population group 'deserves' rights more than other. In fact, the misguided attitude that human rights are *deserved* can taint one's perception on human rights in general.

I attended a social gathering where the topic of human rights arose. An older, wealthy woman proclaimed, "I'm sick of human rights. We should do away with them. Even prisoners are getting rights." When I told her that I focus professionally on the rights of older persons, however, this woman's attitude changed . She realized that human rights was not an external concept but one which applied to her, too.

The 1948 Universal Declaration of Human Rights states that human rights are universal. We do not earn human rights by being certain people or doing certain deeds. Human rights belong to people because they are human - it is as simple as that. Yet, there is nothing simple about human rights and how they apply to the real world.

At their very core, human rights try to encourage lives of dignity for all people. I currently reside in South Africa and am confronted daily with painful reminders of the complexity of human rights. There is no dignity in a child (or any person, for that matter) begging at the street corner. There is no dignity in an uneducated man who works for a pitiful daily wage that cannot support his family. There is no dignity in cities which keep lushly green golf courses while denying sufficient free water to the poor.

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While human rights are universal, they are not one-dimensional. Human rights are colored by a variety of factors and circumstances, and this is where theorists, philosophers and lawyers come into play. What does the human right to life mean to a wealthy person who needs a liver transplant versus a person of average means with no health insurance or medical aid? What does the right to life mean to the unborn, or to a convicted criminal facing the death penalty? The human right to life is complicated and this is where law finds its home - in the unsolvable dilemmas of human existence.

Laws are born often of controversy, debate and compromise and then are tested against the unpredictable and messy lives of human beings. Through this process, laws evolve and are interpreted in a manner which, hopefully, reflects a society's common understanding of how humans should be treated.

Human rights apply to each of us and are deserved by virtue of our humanity. In the daily drama of human lives, however, universal human rights take on a meaning quite specific to the individual person. How a person wishes to be treated and how that person treats others can be entirely different matters - one of those tricky aspects of human nature.

Garden hoses never fail to frustrate me. A new garden hose is perfectly coiled and unwinds neatly but soon reveals its true character once used. Kinks develop in the hose no matter how I try to prevent them. Next, leaks sprout from the kinks. When I attempt to coil the hose back around the water spout, the hose takes on a life of its own and shapes itself into anything but orderly loops. I have seldom cursed an inanimate object as often as I have garden hoses, yet I need them and keep using them.

The laws which give backbone to human rights bear a striking resemblance to garden hoses. A law which prohibits unfair discrimination may flow on paper but gets complicated when put into practice. Ask twenty people what unfair discrimination means and you will likely get twenty different answers. Believing that you have been unfairly discriminated against is one thing; proving it is another thing. Great legal minds may relish the chance to analyze the twists and turns of unfair discrimination but, in the end, we are talking about the real life of a real person who believes she was unfairly fired from her job because of her race or her gender or her age. We need laws and we need to use them despite their imperfect nature.

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Human rights are brought to life by use. My garden hose is of no benefit to my parched flowers if left perfectly coiled in my garage. Nuances, kinks, and challenges will emerge when universal rights are applied to particular population groups. We must work through these challenges to ensure that the benefits of human rights law flow in the right direction and improve the lives of all people.

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