

OPENING REMARKS

*Jimmy Carter**

In 1920, four years before I was born, the Nineteenth Amendment was passed to give white women the right to vote. African-American women in the South did not get the right to vote until 45 years later, with the passage of the Voting Rights Act. That is a sobering way to start this conference, to remind ourselves that we cannot take basic human rights or civil rights for granted. This describes the situation during my youth.

I grew up in a legally racist society in Archery, Georgia, two and one-half miles west of Plains, Georgia, when “separate but equal” was the law of the land. This was ordained by the Supreme Court and supported without question in the Congress. At the time, there were no vocal members of the American Bar Association who questioned it, and it was supported not only in the South but throughout the country in the general society.

Virtually all of my neighbors, until I was 16 years old and went off to college, were African-Americans. And my black neighbors, adult or child, could not attend our schools or churches. They could not come to our front door. They could not enter our restaurants. They could not ride with white people, or near them, on a train or a bus. They could not vote in elections. They could not hold public office. They could not even serve on the juries before which their cases were tried. This was the law and custom in our country for 100 years and went basically unquestioned.

Although I complied with these southern customs and mores, I saw my mother ignore them completely and with impunity because she was a registered nurse. I later attended the U.S. Naval Academy and was a midshipman when the first African-American to later graduate was admitted. His name was Wesley Brown. Many of us helped him with the pressures put

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on him by segregationist midshipmen who tried to force him out of the Academy before he could graduate.

Later, as a submarine officer in July 1948, my life was changed when my Commander in Chief Harry Truman issued Executive Order 9,981, which prohibited racial segregation in all branches of the military.¹ Predictably, he was severely condemned by the leaders of the Congress in the House and the Senate who had been able, barring an executive order, to block any civil rights legislation with their filibusters.

Five months later on December 10, 1948, the Universal Declaration of Human Rights was adopted.² There were no negative votes, although Saudi Arabia, South Africa, and the Soviet Union and its basic allies all abstained from voting.³ It was the atrocities of World War II, especially the Nazi Holocaust, that made this necessary and also universally acceptable. It is sobering to realize that right now, it would be absolutely impossible for the world community to approve the Universal Declaration.

After I left the Navy in 1953, I returned home to Plains, Georgia, and found the racial situation in my community unchanged. Accustomed to Navy life, my wife and I soon ran into problems. We had boycotts organized against our business. We found as we drove up to the only service station in town that they would refuse to put gasoline in our car. It was in May 1954, a year after I returned home, that the U.S. Supreme Court decided *Brown v. Board of Education*, outlawing racial discrimination in public schools.⁴ Over time it was the young people, the high school students and later the college students, who really accepted the Supreme Court ruling when they played on the same baseball, basketball, and football teams with their classmates. They eventually induced most of their parents to accept it as well.

In December of 1955, six years after Harry Truman issued his executive order, Rosa Parks refused to sit in the back of a bus in Montgomery, Alabama, and Martin Luther King Jr. rose to prominence in his heroic drive for an end to racial discrimination.

¹ Exec. Order No. 9,981, 13 Fed. Reg. 4,313 (July 26, 1948).

² Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948).

³ See U.N. GAOR, 2d Sess., 183d plen. mtg. at 933, U.N. Doc A/PV.183 (Dec. 10, 1948).

⁴ *Brown v. Board of Ed. of Topeka*, 347 U.S. 483, 495 (1954).

I ran for the Georgia Senate in 1962. I only had one purpose in mind. I was chairman of the county school board and ran for the Senate to help save Georgia's public schools. Our top politicians, including all candidates for governor, pledged to close the public schools completely if one black child was enrolled in a white classroom. Much later, in my inaugural address as governor in January of 1971, I announced in an eight-minute speech that the time for racial discrimination was over.⁵ This does not seem very startling in retrospect, but it was newsworthy to the extent that a few months after I made that declaration, I was on the cover of *Time* magazine.⁶ Times change slowly in Georgia and other places. The Ku Klux Klan paraded around the capitol of Georgia a few months later when we dedicated a portrait of Martin Luther King Jr., who had been given the Nobel Peace Prize.

A few years later, as President, I made a speech saying that America did not invent human rights, but that human rights invented America.⁷ I announced that human rights would be the foundation of U.S. foreign policy,⁸ that every U.S. ambassador on earth would be my personal human rights representative, and that every American embassy would be a haven for those who were persecuted by their own leaders. My first speech to the United Nations was about human rights.⁹ I tried to include the totality of the 30 provisions of the Universal Declaration.

I also signed both major U.N. human rights covenants that existed at the time. Those covenants were quite different. The first one was on civil and political rights, the things a government cannot do to its people.¹⁰ A government cannot deprive its people of the freedom of speech or freedom of assembly or freedom of worship. The other covenant, not very well known in the United States, is the International Covenant on Economic, Social and Cultural Rights.¹¹ These are the things a government must do for its people. These are two different covenants with two diametrically opposite purposes.

⁵ Jimmy Carter, Governor, State of Georgia, Inaugural Address (Jan. 12, 1971), available at http://www.jimmycarterlibrary.org/documents/inaugural_address.pdf.

⁶ TIME, May 31, 1971.

⁷ Farewell Address to the Nation, 3 PUB. PAPERS 2892 (Jan. 14, 1981).

⁸ University of Notre Dame: Address at Commencement Exercises at the University, 1 PUB. PAPERS 958 (May 22, 1977).

⁹ United Nations: Address Before the General Assembly, 1 PUB. PAPERS 444 (Mar. 17, 1977).

¹⁰ See International Covenant on Civil and Political Rights, Dec. 19, 1966, S. EXEC. DOC. E, 95-2 (1978), 999 U.N.T.S. 171.

¹¹ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.

Most Americans, including me while I was President, if asked on the street to name the human rights that are most important, would list freedom of speech, freedom of religion, freedom of assembly, trial by jury, and the right to choose our own leaders. That would be the end of it. Those are the civil and political rights. But as we have learned in a quarter century's work, as we have traveled around the world, those rights fade into secondary importance when a family does not have food, or shelter, or clothing, or any prospect for an education, or medical care, or a job, or a right to live in peace. I now believe that human rights must include political, social, *and* economic rights.

As President, I more fully realized that our government, for more than a century, had supported, protected, and enriched dictators in Latin America and other regions. For instance, when I was elected President, there were military dictators in Argentina, Chile, Paraguay, Peru, Ecuador, Brazil, Guatemala, Nicaragua, and other nations.¹² We stopped supporting them and publicly encouraged human rights movements in those countries. It aroused quite a bit of controversy in those days. But in almost all cases in this hemisphere, citizens demanded and eventually obtained democratic governments, and there are now no more military dictatorships in South or Central America.

The failure by governments all over the world to honor the Universal Declaration over the years led to the formation of many wonderful private human rights organizations: Amnesty International, Human Rights Watch, Helsinki Watch, the Lawyers Committee for Human Rights, the International League for Human Rights, and in the Holy Land, B'Tselem and Al-Haq. Although their work is admirable, then and now, there were still some serious problems, which we at the Carter Center decided to address. We realized that these organizations often concentrated just on one particular geographical region or on a certain kind of abuse. I don't remember any of them concentrating on the abuse of women. There was a need to anticipate and prevent oppression rather than just react after it had occurred, like with torture in prison.

In the 1980s, we recognized that the most terrible human rights crimes, including genocide, were perpetrated within a framework of a civil war or by a despotic leader against a particular group of people in his own country. There was no concentration of effort against this. Also, human rights heroes around the world were often not recognized or honored. There was no internationally

¹² See Robert A. Pastor, *The Carter Administration and Latin America: A Test of Principle* (Occasional Paper Vol. II, No. 3, 1992), available at <http://www.cartercenter.org/documents/1243.pdf>.

accepted leader or organization that could speak on behalf of the global community on human rights issues. So we began on December 10, 1986, to give an annual award to human rights heroes, including some from Chile, Guatemala, the Soviet Union, South Africa, Israel, and Palestine.¹³ And we brought together at the Carter Center about two dozen human rights organizations and leaders to determine how we could address the most important remaining needs collectively.

Working with others, we supported two major political goals that had not previously been addressed. One was the establishment of a United Nations High Commissioner on Human Rights; and the other was the formation of an International Criminal Court. Eventually we were successful with the first goal, despite strong opposition from the United Nations Secretary General, who did not want another high official under his administration, or potentially somewhat independent of him. We also supported the organization of the International Criminal Court despite opposition to it by the George W. Bush Administration. The achievement of these two goals demonstrated that some progress was being made.

I would say on a global basis, after the terrorist attacks on September 11, 2001, the U.S. government, my government, abandoned its role as a champion of human rights. The U.S. government condoned or perpetrated terrible or illegal abuses in Abu Ghraib and Guantánamo prisons. Our government secretly sent prisoners to other nations to be tortured.¹⁴ We denied applicability of the Geneva Conventions that protect the rights of prisoners, including our own prisoners if they are incarcerated in the future.¹⁵ And our government severely restricted personal privacy and other time-honored civil liberties within our own country.¹⁶ Other political leaders around the world who were inclined to perpetrate human rights oppression to quiet dissenting voices in their countries, or who were previously restrained by the example that the United States set, now felt free to emulate or exceed the abuses that were approved by American leaders.

¹³ See The Carter Center, A Special Prize of the Carter-Menil Human Rights Foundation, May 18, 1994, <http://www.cartercenter.org/news/documents/doc181.html>.

¹⁴ Douglas Jehl & David Johnston, *Rule Change Lets C.I.A. Freely Send Suspects Abroad*, N.Y. TIMES, Mar. 6, 2005, at A1.

¹⁵ Erin Chlopak, *Dealing With the Detainees at Guantanamo Bay: Humanitarian and Human Rights Obligations Under the Geneva Conventions*, 9 NO. 3 HUM. RTS. BRIEF 6 (2002).

¹⁶ See Sheryl Gay Stolberg, *Once-Lone Foe of Patriot Act Has Company*, N.Y. TIMES, Dec. 19, 2005, at A28.

In November 2003, not long after the Iraq war began, we at the Carter Center convened our first human rights defenders conference. “Defender” is my word for hero. These activists who attended were reeling from the consequences of this change in American policy. At our conference, we heard devastating stories from participants from 41 countries. We learned that lawyers were being accused of abetting treason just because they defended clients who might have done something that was against the policies of the government. Egypt and some other countries adopted abusive policies toward people who criticized the government or might have the temerity to seek public office. The defenders said that all the gains they had made in advancing human rights in their countries through decades of sacrifice, risk, and punishment were being lost as their governments adopted or renewed abusive policies that they had had in the past. These governments now felt they no longer had to bow to international condemnation of human rights violations, which in the past had been led by the United States.

To address this continuing challenge, the Carter Center now convenes an annual meeting designed to protect and strengthen the effectiveness of human rights defenders. My co-chair is always the U.N. High Commissioner on Human Rights, and we include the key organizations that are active on an international scale. Although some of the defenders and leaders are in prison or are not permitted by their governments to leave their country, we still try to publicize their plight. We have a roundtable with CNN every year. We also take a delegation, a small group of those defenders, to Washington, D.C., to meet with public leaders in the House, Senate, and executive branch.

Another problem that became increasingly obvious to us, which was not often addressed, was the almost universal discrimination against women. The foundation for this unequal treatment is within our major religions, which are almost impervious either to criticism or to change. This abuse of females is overt, official, and well-known in many Arab countries where women must remain veiled, cannot operate an automobile, cannot compete with men for a job, and are often deliberately deprived of an education. But women in other nations are also prohibited from serving as priests in the Catholic Church and most Orthodox churches. Some Protestant denominations go even further in their discrimination against women. Quoting from very carefully selected Bible verses, which anybody can do, the Southern Baptist Convention mandates that wives must be submissive to their husbands, that women cannot serve as military chaplains, as pastors, or even as deacons in a local church.

They also teach that it is improper for women to instruct or teach men.¹⁷ That is in the United States of America. These practices serve as an excuse for the U.S. Congress to say we are not going to guarantee equal rights for women or equal pay for equal work. The practice of major religions is one of the most serious reasons for worldwide discrimination against women. In many parts of Africa, mandatory circumcisions are still pervasive as religious rites.

Despite many examples of progress over the years, I say reluctantly that acceptance and enforcement of the Universal Declaration of Human Rights has reached an all-time low. I do not believe that in the last 60 years it has ever been as bad as it is right now. Under the George W. Bush Administration, the United States government became a gross violator of key provisions of the Universal Declaration. To save time, I will only mention a few. Listen and think about what our government has been doing. Article 5 of the Universal Declaration states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment, or punishment. I read an article in the *Washington Post* yesterday morning that revealed that these crimes were approved at the highest level in the White House.¹⁸

Under Article 7, all people are equal before the law and are entitled to its equal protection. Under Article 8, everyone has the right to an effective remedy for acts that violate fundamental human rights. This has always been embedded in the consciousness of Americans, even among non-lawyers, as the habeas corpus principle. But last year, our Congress outlawed habeas corpus for the prisoners at Guantánamo.¹⁹ The Supreme Court has now overruled that law,²⁰ but the issue is still in doubt.

Under Article 9, no one shall be subjected to arbitrary arrest, detention or exile. Under Article 10, everyone is entitled in full equality to a fair and public hearing in an independent and impartial tribunal. Everyone charged with a penal offense has the right to be presumed innocent until proved guilty. Under Article 12, no one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence. Our government has been spying on the

¹⁷ See Southern Baptist Convention, *The Baptist Faith and Message* (2005), <http://www.sbc.net/filedownload.asp?file=/bfm/pdf/The%20Baptist%20Faith%20and%20Message.pdf>.

¹⁸ See Joby Warrick, *CIA Tactics Endorsed in Secret Memos*, WASH. POST, Oct. 15, 2008, at A1.

¹⁹ Military Commissions Act of 2006, Pub. L. No. 109-366, 120 Stat. 2600 (2006).

²⁰ *Boumediene v. Bush*, 128 S. Ct. 2229, 2240 (2008).

communications between our troops overseas in Iraq and Afghanistan and their loved ones at home.²¹

Under Article 13, everyone has a right to leave any country, including his own, and to return to his country. Another one not being addressed is Article 23, which provides that everyone has a right to work without discrimination, and everyone has the right to equal pay for equal work. Earlier this year, Congress rejected a law that prescribed equal pay for women.²²

Another problem is that the United States has not ratified the U.N. Convention on the Rights of the Child.²³ We are the only nation on earth that has not done so. Recently, even Somalia approved the Convention. The United States refuses to ratify the Convention because one provision of it asserts that children should not be executed.²⁴ The United States cannot yet accept that restraint.

And the International Covenant on Economic, Social and Cultural Rights, which I signed when I went to the United Nations to make my first speech, has still not been approved by the United States. It was passed in 1966 and has been ratified by 159 other nations.²⁵

These have been some very critical remarks, but I am speaking as the former President of one of the world's great democracies, just to show that all of us need to exert our renewed efforts or exert our first efforts to ensure that in the future we, Americans, will be able to celebrate, and not apologize for our lack of compliance with, the Universal Declaration of Human Rights. Beginning in January, we need once again to set an unblemished example for the rest of the world to follow.

²¹ See Brian Ross, Vic Walter & Anna Schecter, *Exclusive: Inside Account of U.S. Eavesdropping on Americans*, ABC NEWS, Oct. 9, 2008, <http://abcnews.go.com/Blotter/Story?id=5987804&page=1>.

²² See Paycheck Fairness Act, H.R. 1338, 110th Cong. (2007).

²³ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3. The latest list of ratifications is available at United Nations Treaty Collection, Multilateral Treaties Deposited with the Secretary-General, Status of Treaties, Convention on the Rights of the Child, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en (last visited June 18, 2009).

²⁴ *Id.* art. 37(a).

²⁵ As of publication, 160 countries have now ratified the International Covenant on Economic, Social and Cultural Rights. The latest list of ratifications is available at United Nations Treaty Collection, Multilateral Treaties Deposited with the Secretary-General, Status of Treaties, International Covenant on Economic, Social and Cultural Rights, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en (last visited June 18, 2009).

I hope that the outcome of this conference will spell out specifically the actions you demand from the next president to ensure that our nation does come into complete compliance with the Universal Declaration of Human Rights.

I hope that the results of this conference are a very clear signal from not only the Emory campus, but from campuses around the nation that the human rights concept and its specific requirements under the Universal Declaration will be honored much more fully and completely in our country in the future.

