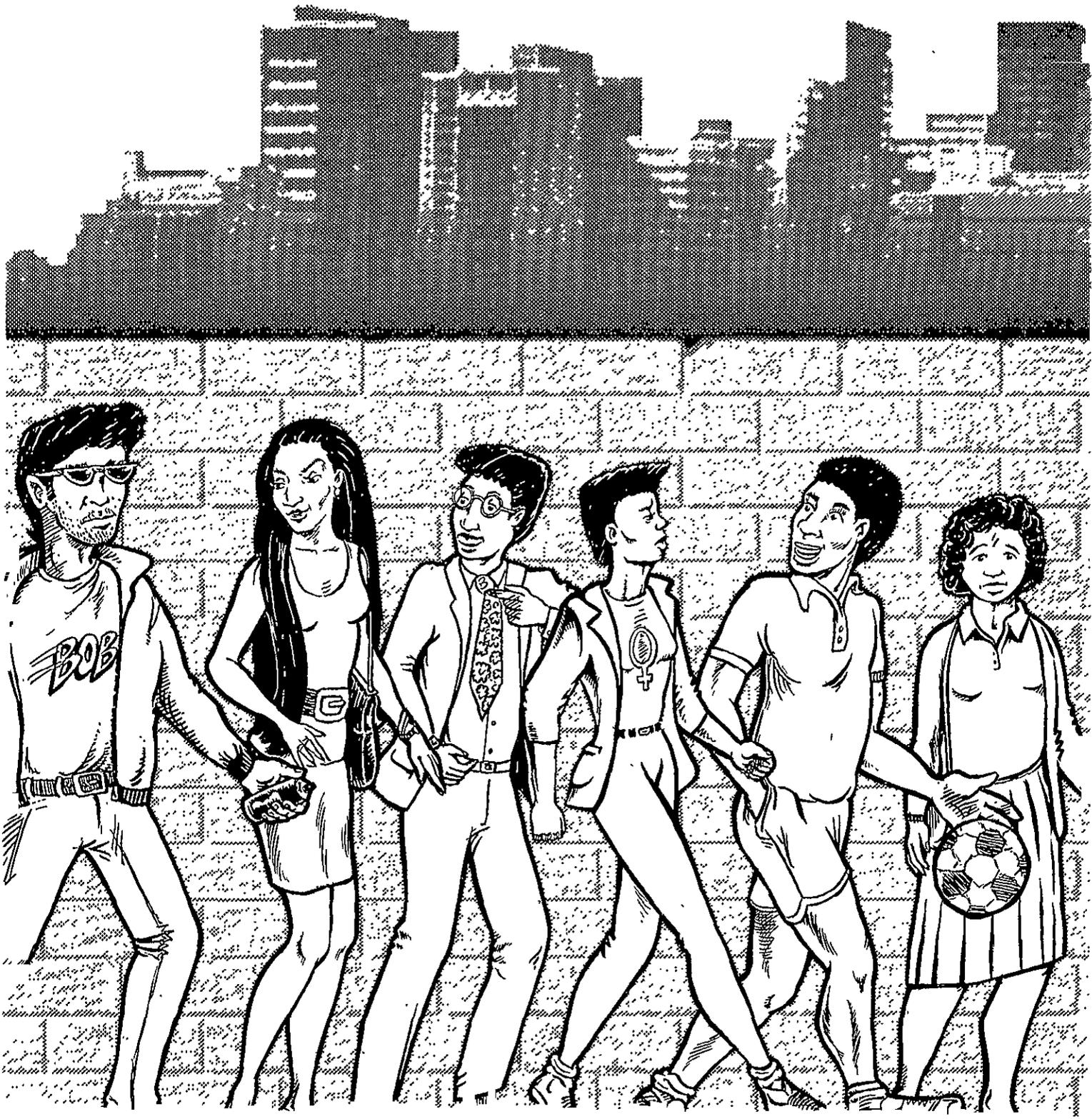


Education towards a rights culture





HUMAN RIGHTS FOR ALL

Education towards a rights culture

by

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Lawyers for Human Rights (LHR) (South Africa)

Lawyers for Human Rights, established in 1979, has consistently worked to uphold and strengthen human rights associated with the rule of law and administration of justice and the protection of fundamental liberties in accordance with the Universal Declaration of Human Rights.

In 1987 a full-time Directorate was instituted and a number of projects initiated in the areas of research; human rights education and promotion; the monitoring of infringements and campaigns lobbying for the protection and enforcement of fundamental human rights; and legal and quasi-legal assistance through litigation to victims of human rights abuses.

LHR identifies with the international human rights movement and has ongoing contact with international human rights groups by attending conferences and delivering papers worldwide.

LHR's objective is to represent the rights and interests of the individual and to ensure that LHR's services are accessible to the oppressed. Currently LHR has 18 regional offices operating throughout the country. They are staffed by competent para-legals who work in conjunction with Regional Directors as well as the local regional committees of lawyers.

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1. WHAT ARE HUMAN RIGHTS?

CONTENTS OF THIS CHAPTER:

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OBJECTIVES OF THIS CHAPTER:

After reading of this chapter you should be able to:

1. Examine what human rights mean to you
2. Recognize the different kinds of human rights and see that conflicts may exist between them
3. Become familiar with the words and meaning of the Universal Declaration of Human Rights (UDHR).

A *Introduction*

The aim of this book is to educate everyone about “human rights.” Are there certain rights which “the law of nature” gives to each of us as “human beings?” If so, what exactly are they and why do we have them? Most people would say that “everyone should be free.” Is freedom a human right? If you answered yes, what did you mean? Can a person act any way he or she wants? Is this freedom?

Laws that protect people and help to make an orderly society are sometimes seen as restricting human freedom.

Laws that protect people and help to make an orderly society are sometimes seen as restricting human freedom. For example, people who commit violent acts against others must be stopped even if it means that their freedom to commit these acts is being restricted. Understanding human rights includes knowing what rights we should have as humans and deciding if these rights should or should not be restricted.

One of the main aims of this book is to help people learn about human rights by discussing them with each other. In order to do this, people must not only think about what human rights mean to them, they must talk about them with others, and listen to others’ ideas. If people listen to and understand views with which they do not agree, then human rights have a much better chance of being recognized and encouraged.

WORDS TO KNOW:

legal rights

economic rights

genocide

covenant

natural rights

declaration

social rights

human rights

political rights

civil rights

moral rights

cultural rights

ONE WHAT ARE HUMAN RIGHTS?

It is often difficult, but very important in a democracy for people to listen to and tolerate opinions with which they disagree. An especially important time to do this thinking and talking about human rights is when people are making important decisions about how their country will be run.

It is also hoped that this book will help people to use non-violent ways to solve human rights problems. Unfortunately, many people and governments have

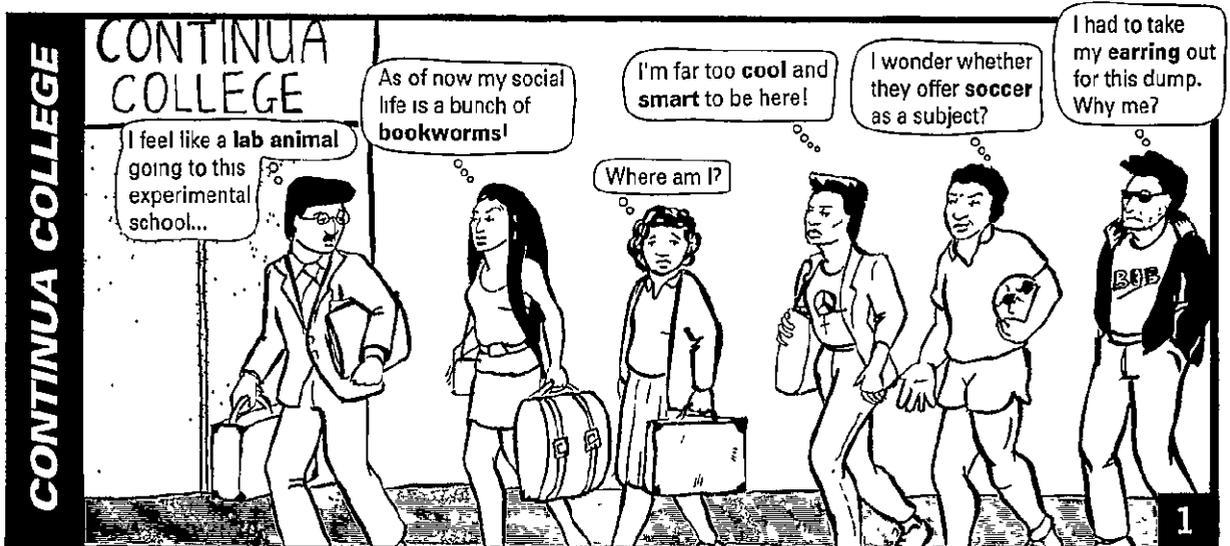
It is hoped that this book will help people to use non-violent ways to solve human rights problems.

committed and continue to commit violent acts such as torture, murder and other human rights abuses against individuals. Though sometimes people find it necessary to use violence to defend themselves against these actions, the idea

behind this book is to show that there are usually better, non-violent ways of solving disputes that could and should be used.

The study of human rights is important because human rights affect us in our daily lives. We will try to provide a better understanding of which human rights issues concern all of us, and what governments and people can do to prevent abuses from taking place. We will look at how to solve human rights problems so that they are less likely to happen again.

One writer defined human rights as “generally accepted principles of fairness and justice.” Human rights have also been defined as “universal moral rights that belong equally to all people simply because they are human beings” (see page 14). It is an aim of this book to help all of us agree on what human rights should be recognized. It is hoped that this book will help make human rights better understood by our families, communities, nations, and the world.



ONE WHAT ARE HUMAN RIGHTS?

PROBLEM ONE

Some questions on human rights

1. What do you mean by human rights?
2. List three reasons for learning about human rights.
3. What do you think society would be like if everyone agreed about human rights? Is this possible?

B *Life in a new country:*

What rights would you choose?

PROBLEM TWO

You have decided to leave the country in which you have been living in order to go, with others, to a new country where no people have lived before. In order to set up the best possible society, you and your group decide to make a list of the rights which everyone in the new country will be guaranteed.

Choosing rights for a new country

1. On your own, list at least three rights you think should be guaranteed.
2. Next, working in small groups, share and discuss your individual lists. Then select no more than ten rights you all agree are important.
3. List your group's choices on newsprint or a blackboard so that everyone in the group can see them. Read the rights selected by other groups. Which rights do all groups have? Which ones do only some groups have? Why?
4. Can some of the rights be put together under the same heading? If so, which?
5. Do any rights on the combined lists clash with one another? If so, which?

C *The Universal Declaration of Human Rights and other human rights documents*

Human rights are not new. History shows that people have been thinking about human rights for hundreds of years. The roots of human rights can be found in most of the world's religions and philosophies. There were – and are – important differences between what societies in the world believe. In some cultures the individual person is seen as the main unit of society, while in other cultures, the group – like a clan, tribe or community – is the main unit.

In spite of the cultural differences that exist, there seems to be general agreement about certain basic values. These values include respect for human life and human dignity. All societies limit the use of force and violence by their

All societies limit the use of force and violence by their members and all have penalties against those who break society's rules.

members and all have penalties against those who break society's rules. Many societies value tolerance for those who are different or have different ideas. Most also support the importance of enforcing agreements (often called contracts) between people.

It is sometimes difficult for a group of people from many different countries and backgrounds to reach an agreement on what the most important human rights are. That is what happened in 1948 when members from 14 nations representing all the political systems and geographical areas of the United Nations (UN) met to write the Universal Declaration of Human Rights (UDHR). This group was called the Commission on Human Rights, and the Declaration which they wrote was adopted by the UN General Assembly in 1948.

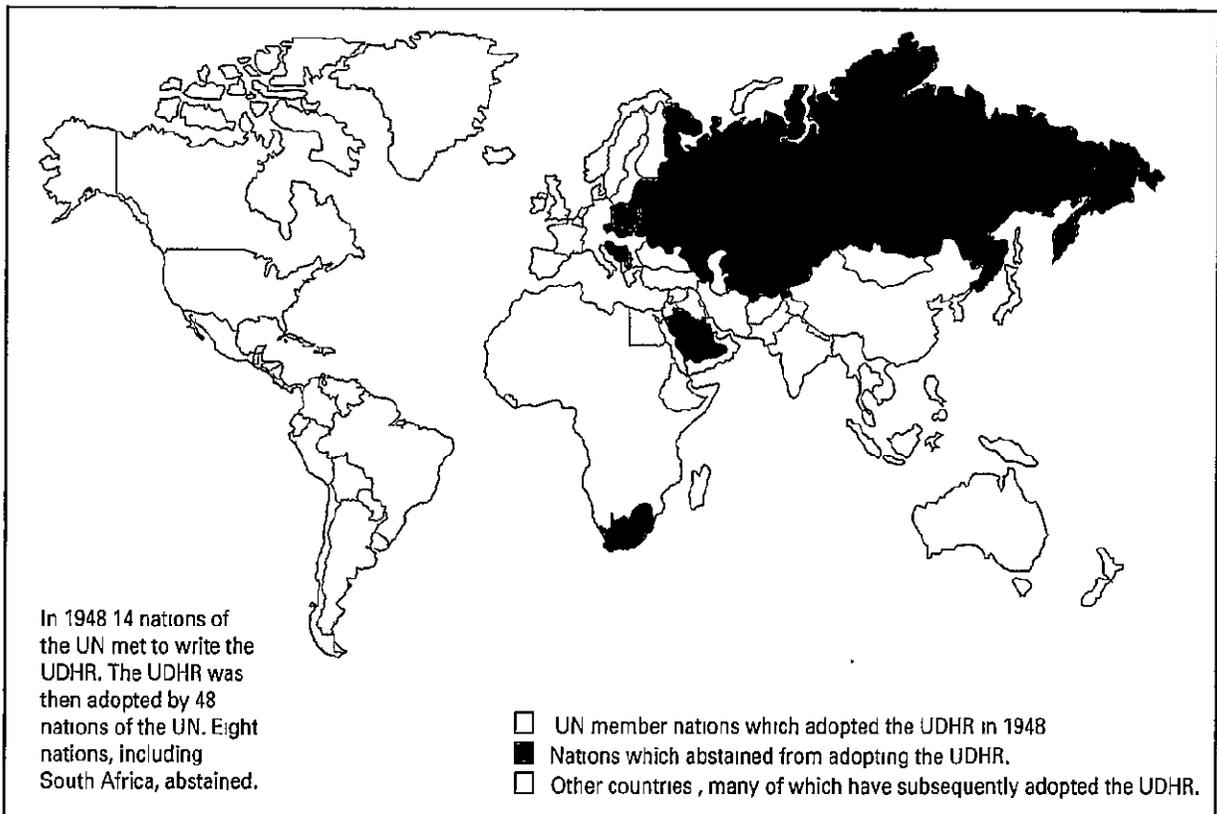
The Universal Declaration of Human Rights (UDHR) was a protest against the terrible atrocities which had occurred during World War II.



ONE WHAT ARE HUMAN RIGHTS?

The Universal Declaration (UDHR) was a protest against the terrible atrocities which had occurred during World War II. The world saw the results of the Nazi policy of genocide. Genocide is the planned killing of a people not for anything they have done, but for who they are. Six million Jews were killed between 1939 and 1945 just because they were Jews. The nations and the people of the world wrote the UDHR with the hope that this type of human rights abuse would never happen again.

The UDHR stated the basic hopes and wishes that are common to all humanity. The UDHR recorded the wishes not only of people from countries which had already reached a certain economic standard of living. It also set out the rights of people in countries where hundreds of millions of human beings were still weighed down by oppression, poverty and lack of adequate education.



The UDHR was intended to be “a common standard of achievement for all peoples and all nations.” It has 30 Articles which include civil, political, economic, social and cultural rights, and fundamental freedoms to which every human being is entitled. It is, therefore, a kind of a measuring stick to see how individuals, communities and countries throughout the world respect human rights. On December 10, 1948, the UDHR was adopted by the General

ONE WHAT ARE HUMAN RIGHTS?

Assembly of the UN. At that time, the UN had 56 members: 48 voted in favour, none against, and 8 (Byelorussia, Czechoslovakia, Poland, Saudi Arabia, South Africa, Ukraine, the USSR, and Yugoslavia) abstained. The UDHR is not a

The UDHR is not a legal agreement between countries, but rather a declaration or statement of intent.

treaty, a legal agreement between countries, or binding legal document. It is rather a declaration, a statement of intent or principle. Under the UN Charter member states promise to take joint and separate actions to promote universal respect for and observance of human rights. Therefore, the UDHR should be followed by member states of the UN (presently 160 countries).

The UDHR is also important because:

- a) It is used as a standard of behaviour and as a basis for appeals calling on governments to observe human rights.
- b) It has been made into law by several global and regional treaties or “covenants”, legally binding agreements and contracts between individuals, groups and countries.
- c) It has influenced the constitutions, laws and court decisions of many nations and international organizations since it was written.

In order to strengthen the UDHR, the General Assembly of the UN in 1966 adopted two additional documents, called covenants – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Though not as well known as the UDHR, these covenants may be even more important. This is because the countries which have signed them have actually agreed to follow them. Fewer than half of the countries which signed the UDHR have signed these covenants.

Countries in three regions of the world have used the UDHR as a model to create their own versions of treaties which protect human rights. These include: the European Convention on the Protection of Human Rights (1953), the American Convention on Human Rights (1979) and the African Charter on Human and Peoples’ Rights (1986). Each region also has a regional human rights agency to help in protecting human rights. These include the European Court on Human Rights, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples’ Rights. To date, the European Court has been the most effective in hearing cases and making sure that member countries follow human rights standards.

PROBLEM THREE

Some questions on the UDHR

1. Find and read the abbreviated version of the UDHR which is included in Appendix A.
2. Compare this version of the UDHR to the list of rights which your large group created in Problem Two. Which human rights do the two lists have in common? Which rights listed in the UDHR did your group not include? Which rights did your group list that are not included in the UDHR?
3. What was the UDHR a protest against?
4. Why is the UDHR important?
5. Do you think countries of the world should work together to agree on human rights standards? If so, should they set up ways (such as courts or commissions) to attempt to pressure or force countries to follow them?

D *Ways to classify human rights and duties*

You and others in your group may have had different opinions about different kinds of rights, and which rights are most important, when answering Problem Two above. There are several ways of classifying rights. One way classifies rights into legal, moral and human rights.

LEGAL RIGHTS: These are rights that are laid down in law and can be defended in a country's courts of law. Most but not all legal rights are written

Legal rights are laid down in law and can be defended in a court of law.

down. In some countries which do not have a written "bill of rights" the unwritten law protects people from being illegally assaulted or tortured. Sometimes legal rights are not regarded as moral by large numbers of people in a country. This happens for example when the law allows some people to discriminate against others because of their sex, race, colour, language or religion. Many would view such laws as immoral. People often disagree on what should be a legal right, and law-makers and courts must think about these different opinions and decide what to do. Many argue that human rights are meaningless unless they are included in a bill of rights in a country's laws and can actually be enforced.

ONE WHAT ARE HUMAN RIGHTS?

MORAL RIGHTS: These rights are based on general principles of fairness and justice. They are often, though not always, based on religious beliefs. A moral right may or may not be a legal right. A moral right which is not a legal right sometimes cannot be defended in a court of law. When a mother says to her child: "You lied and I have a right to punish you", she is not basing her claim on the law of the land. She is appealing instead to the idea – or moral right – that people should always tell the truth. People sometimes disagree on what is moral and what is not. For example, some people believe it is immoral to drink alcohol, while others do not.

Moral rights are based on general principles of fairness and justice.

Even though people over a certain age may have a legal right to drink alcohol, others may believe that they do not have a moral right to do so.



Even though people over a certain age may have a legal right to drink alcohol, others may believe that they do not have a moral right to do so. Some people may also believe that they have a moral right to do something even though they do not have a legal right to do so. For example, during civil rights campaigns people of colour may decide to swim in a pool which is "reserved" by law for whites. This is sometimes referred to as "civil disobedience" – the intentional breaking of a law one believes is immoral. This is an action often taken by human rights activists to gain support against particular laws they believe violate human rights.

HUMAN RIGHTS: These rights are universal moral rights. These are also called natural rights and they belong to people simply because they are human. They do not have to be earned, bought or inherited. People are equally entitled to them regardless of their sex, race, colour, language, national origin, age, class or religious or political beliefs.

Human, or natural, rights belong to people simply because they are human.

ONE WHAT ARE HUMAN RIGHTS?

People still have human rights even when the laws of their own countries do not recognise or protect them.

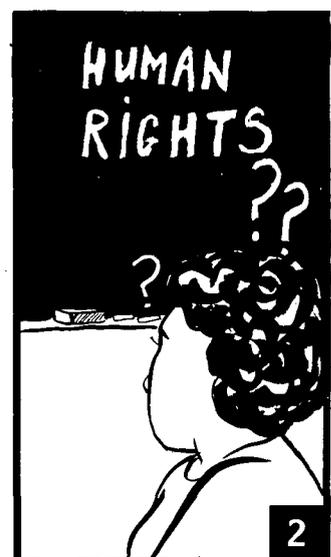
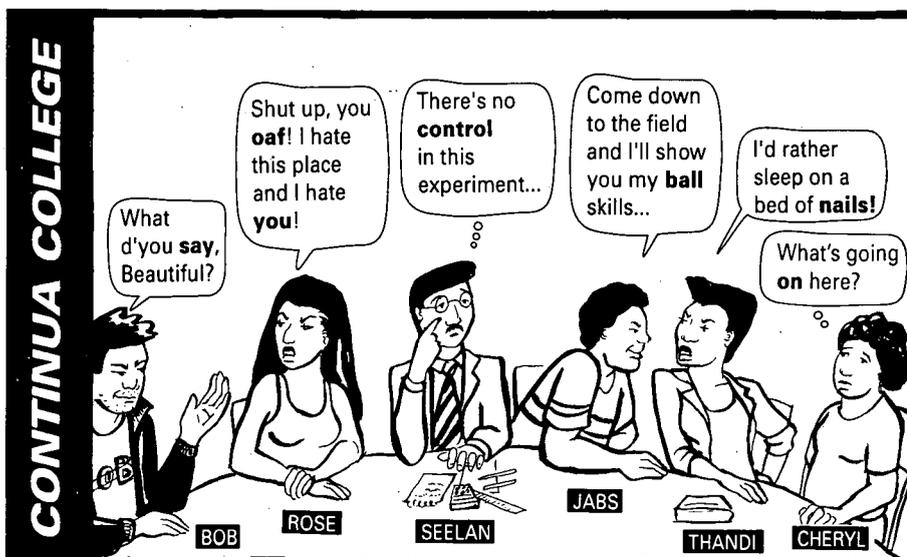
Most people believe that people can have human rights even when the laws of their own countries do not recognize or protect them. For example, in the United States of America and in a number of other countries, it was once legal for people to be held as slaves. However, the people who were slaves had the human right not to be held in slavery even when the government did not recognize and protect that right by law.

When people consider the subject of human rights, they do not always agree on which human rights are most important and which are less important. Sometimes they disagree on whether a right is a human right at all. The right to life is the most basic human right of all, for without it all other rights are meaningless. But there is a disagreement about whether a human being who commits murder has a right never to be killed by the State, or whether the State has the right to punish people by killing them (the death penalty).

PROBLEM FOUR

Some questions on legal and moral rights

1. What is the difference between a legal and moral right?
2. Can you think of a legal right that many people may not regard as a moral right?
3. Give an example of a moral right that may not be a legal right.



Three categories of rights

Rights are frequently classified into three categories:

- (a) civil and political rights;
- (b) social and economic rights; and
- (c) environmental, cultural and developmental rights.

These have been called “first, second and third generation” rights, but may sometimes overlap.

(a) Civil and political rights

These are sometimes referred to as “liberty-orientated” or “first generation” rights. They give people the freedom to think and have access to information, the freedom to act and to choose what to do, and freedom to join in the political life of their community and society. An example is the right of people to vote for the people in their government.

(b) Social and economic rights

These are sometimes referred to as “security-orientated” or second generation rights and give people social, economic and cultural security. These rights provide people with protection against having basic things in life taken away from them, such as food, shelter and health care. There is some disagreement about whether this means that the government should be forced to provide food, shelter and health care even if it cannot afford to do so.



(c) Environmental, cultural and developmental rights

These have been referred to as “third generation” rights. They recognize that people have the right to live in an environment that is clean and free from pollution and protected from destruction. They also recognize that groups of people should have the right to cultural, political and economic development.

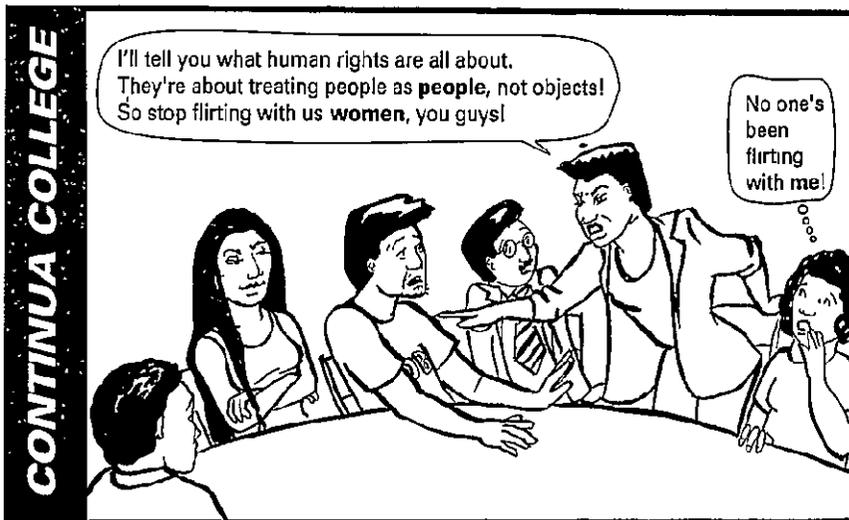
People who try to make the ideas in the UDHR into laws which require governments to protect human rights face a difficult problem. They often disagree

People from democratic nations usually stress first-generation rights, while socialist-orientated countries usually emphasize second-generation rights.

about which kinds of rights are most important. Many people from democratic and developed nations usually stress so-called “first generation” or “liberty-orientated” rights. These are the civil and political rights, such as freedom of religion and speech, that protect people from government interference. In contrast, people from more socialist-orientated countries (often develop-

ing nations) emphasize the importance of “second generation” or “security-orientated” rights. These are the social and economic rights that protect people from being deprived of basic necessities. Most recently, many people are insisting that “third-generation” or environment-orientated rights should also be seriously considered. This category includes the rights of groups and “peoples” to cultural, political and economic development. It also includes rights which people have to live in a healthy and safe environment.

Another question about human rights is whether people who have rights also have duties. Thus, if someone has a human right, do others have a duty to respect that right? Normally the answer is yes. Therefore, if Bob has a right to practise his religion, then nobody else should violate that right by interfer-



ONE WHAT ARE HUMAN RIGHTS?

Only the African Charter on Human and Peoples' Rights specifically deals with the individual's responsibilities to the family, community and nation.

ing with him or preventing him from worshipping as he pleases. In other cases, society as a whole, or the government, may have the responsibility to carry out and respect rights. For instance, if Janet has a right to an education, then the government has a duty to provide a school and pay teachers to educate her. A further question is: If children have a right to education, whose duty is it to see that each child gets educated? Is it the duty of the parents, or the community, or the nation or, perhaps, all three? And how should it be decided who fulfils this duty? Only the African Charter on Human and Peoples' Rights specifically includes articles which deal with the individual's duties and responsibilities to the family, community and nation.

PROBLEM FIVE

Some questions on classifying human rights

1. Divide into groups and use the three kinds of human rights mentioned above in (a), (b), and (c) to classify the list of human rights that your group as a whole came up with in Problem Two, as "civil and political rights", "social and economic rights" or "environmental and developmental rights".
2. Is there general agreement on classifying these rights? Are there any disagreements? Are there some rights which you would place in both categories? If so, explain.
3. Some people say that rights should also require people to carry out certain duties. What do you think they mean by this? Do you agree? If so, list some of the duties you think should be carried out by everyone.

D

Applying what you have learned about human rights

International human rights declarations and covenants provide important standards and guidelines. But it is in the small places, close to home in the lives of each person, that these rights must be understood and practised. Unless these rights have meaning here, they have little meaning anywhere. Think about the following examples which might occur in everyday life:

PROBLEM SIX

Which human rights are being violated?

Read and role-play the following situations. Then decide which human right or rights according to the abbreviated version of the UDHR (see Appendix A) are being violated.

1. a. "I am against the government's policy of separate schools for children of different races."
b. "You are under arrest!"
2. "When I do something wrong, my parents do not give me anything to eat for two days."
3. "I live and work on a farm and there's no school here."
4. "The government has bulldozed my home to make a highway. I have nowhere to live."
5. "I was told: 'You stole things from the store. You must go to prison for two years.'"
6. a. "As a child who works on this farm, I think I should get time off to eat lunch!"
b. "I am whipping you for taking time off to eat lunch without my permission."

People in governments also make important and sometimes difficult decisions that affect the human rights of others.

PROBLEM SEVEN

The government restricts travel

The rulers of a new country have passed a law to prevent people from leaving the country without permission. Anyone who attempts to do so runs the risk of serving a ten-year jail sentence. The ruling group took this action because they were alarmed to see that the number of highly trained people leaving the country had risen sharply in the last five years.

Before this law went into effect, citizens were given money to travel and study abroad. Many people did this and received degrees in business, computers, science, law and medicine. The country is relatively poor and underdeveloped. Many of the students – who often

ONE WHAT ARE HUMAN RIGHTS?

had been trained at government expense — chose to stay in countries where they believed they had more opportunities for advancement. The rulers agree that the law is harsh, but believe it is necessary to save their country from a serious loss of professional and technologically skilled people. The government believes that over a period of time the economy will be hurt by trained people leaving, and they fear that other jobs will be lost.

1. What are the main facts in this case?
2. Why did the government restrict travel from this country? What right or rights were affected by this action?
3. Was this one of the human rights on the list prepared in Problem Two? Why or why not?
4. Do you think this right should be classified as a civil, political or economic right? Explain your thinking.
5. What article(s) in the abbreviated version of the UDHR in Appendix A would apply to this case?
6. How was the government's new law intended to help the economic rights of all its citizens? Do you think the government had a good reason to restrict its citizens' freedom? Explain your thinking.
7. If you were a citizen of the country, what other solution(s) might you and fellow citizens suggest that the government consider in order to solve the problem of the loss of trained people?



2. POLITICAL RIGHTS IN A DEMOCRACY

CONTENTS OF THIS CHAPTER

- A** Is it important to participate in government? 22
- B** How can people participate in democratic government? 24
- C** Freedom of expression: What is it? Should it be limited? 28
- D** Structuring democratic government to reduce the abuse of power 33

OBJECTIVES OF THIS CHAPTER

After reading this chapter you should be able to:

1. Examine the advantages and disadvantages of participating in government
2. Recognize that participation takes many forms
3. Define freedom of expression and consider what limits should be placed on this human right
4. Identify abuses of power and consider what methods can be used to prevent them from happening
5. Discuss arguments for and against having a multi-party system
6. Consider the need to protect minority rights, collective rights and the rights of different types of people under majority rule.

A *Is it important to participate in government?*

Participation in your society can take many forms. We define participation as taking part in the public life of your community and society. Some people think it is important to participate, while others do not.

Assume you have just arrived in a newly-formed country. You are eager to get started, to get to work building a new society. You have heard that there are all kinds of possibilities to create good government. Then you overhear the following conversation among a group of your fellow new arrivals:

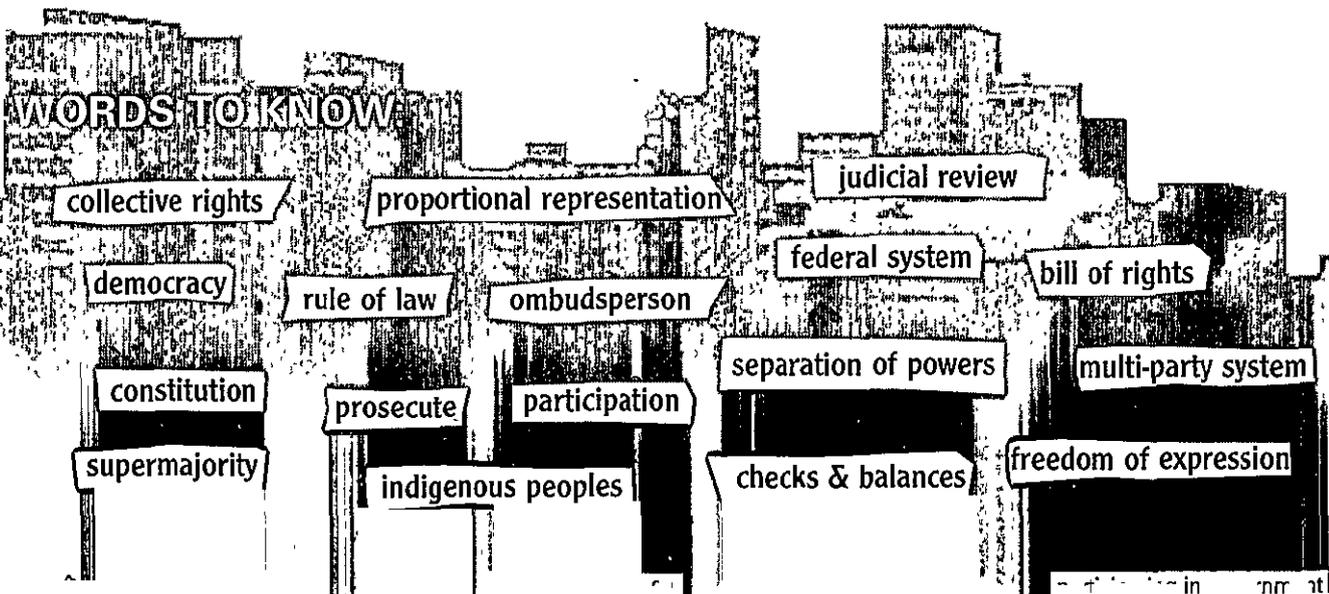
Participation is defined as taking part in the public life of your community and society.

Citizen 1: “Where I came from, no one cared much about politics and government. We were always too busy with our daily lives. So here I probably won’t want to bother with politics either.”

Citizen 2: “That’s the way it is in our country...and I never really understood what was going on among the leaders. They made it seem so complicated and made it very easy for us not to bother trying to understand.”

Citizen 3: “Well, it was different in our country: We tried but people who had power wouldn’t let us get involved and we were threatened if we did try. So finally we gave up trying to participate.”

Citizen 4: “In my country we had elections and our leaders promised us good government. But it never turned out that way. The leaders used government to get rich. All leaders are corrupt.”



PROBLEM ONE

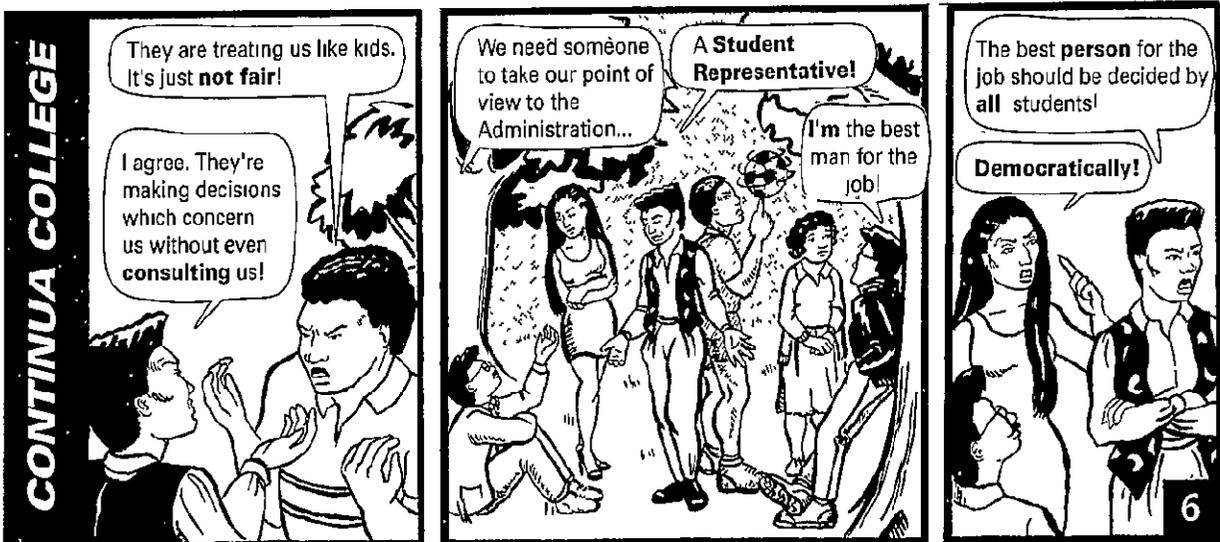
Some questions on participation

1. Role-play the above conversation.
2. What are the four main views expressed by the citizens about participation? Do you agree? Why or why not?
3. What will the four citizens lose by not participating? What benefits do you think individuals will receive from participating?
4. What benefits do you think the new country would receive from individuals participating?
5. What are the possible risks or losses involved if one chooses to participate?
6. Weighing benefits and risks, do you think it is worthwhile participating?

Government affects people's lives in a lot of ways. By participating in government people can have a voice in decisions made by the government. In every society someone is going to make the decisions. If people choose not to participate, they will not have a say in those decisions. These decisions can include such things as:

By participating in government one can have a say in the decisions it makes.

1. how much people will have to pay in taxes,
2. whether the society will get involved in a war,
3. who is going to own and control the country's natural resources.



TWO POLITICAL RIGHTS IN A DEMOCRACY

Depending on how the government is structured, decisions can be made at different levels, including national, regional and local. Some decisions (such as those about military power) are often made nationally, while others (such as those concerning transport and roads) are more often made regionally. Still others (such as those about rubbish collection) are frequently made locally.

PROBLEM TWO

How does the government affect your life?

1. Tell the story of a recent day in your life: Where you went, what you wore, saw, ate, said, learned and did. List whether each thing that you mentioned was affected by government, including national, regional and/or local government.
2. Assume that your government is a democracy where all citizens are given an equal opportunity to participate without their human rights being violated. Which of the items in your daily life which you listed as being affected by government do you think would have to change? Explain your thinking.

B **How can people participate in democratic government?**

Many people believe that the greatest opportunity to participate in government is available in a free and open democracy. This type of government means that the

Democracy means that people gain power and govern usually by the rule of the majority.

people themselves gain power and govern usually by the rule of the majority. Some countries are democracies in name only and people are not really allowed to participate. If a democracy is created, the people can choose to participate.

PROBLEM THREE

Ways of participating in democracy

Before reading the list on the next page, write down all the ways you think people can use to participate in democracy.

Participation in democratic government can involve many forms of community or political action.



Participation may take many forms including:

1. reading about issues and leaders
2. writing about issues and leaders
3. debating issues
4. working in the community in support of a particular cause or in protest against government action
5. forming or joining political parties or other community or grass roots organizations
6. attending political or community meetings
7. becoming a leader of a political party, a labour organization or community organization
8. voting in elections
9. campaigning for those standing for office
10. standing for office and serving if elected
11. paying taxes
12. lobbying
13. serving in the military
14. using existing legal channels such as contacting government officials, taking cases to court, etc.
15. protesting by demonstrations, boycotts, strikes, etc.

PROBLEM FOUR

Political participation and human rights

1. Do you believe that any or all of the above forms of political participation are human rights? Should they all be protected by law? Why or why not?
2. Which forms can you now use in your country to participate? Which forms can you not use? Explain.
3. Should laws also protect the right not to participate? Explain.

PROBLEM FIVE

The case of the school boycott

In one country, schools for one ethnic group are much worse than those for all the others. Their schools have no libraries, laboratories, gymnasiums or playgrounds, while schools for the other ethnic groups have all these things. They have no school buses, so even the youngest children usually have to walk as much as several kilometres. Old textbooks are shared among children sitting on wooden benches. Class sizes are as big as 50 pupils and more. Teachers may teach five or six classes in a single subject, and have time only to read and correct one composition a month from each student.

Because of these conditions, students of the less privileged ethnic group decide to boycott their schools. They believe boycotts are the only way to get what they want. There are some students of the same ethnic group, however, whose parents do not agree with the boycott. They demand that their children continue to attend school. Many see education as the ladder to a higher standard of living, and as the freedom road itself. Therefore, some of these students choose not to participate in the boycott.

1. Assume some students in each group wished to convince others to agree with them. Role-play a discussion between the students.
2. Why did some students want to boycott their schools?
3. Why did some students oppose this boycott? Is their refusal to participate a violation of the rights of the students who wish to boycott?
4. Was the method used to convince the students to boycott a violation of their human rights? If so, are there any methods you think would have been better to use? Describe them.

Was the refusal of some students to participate in the school boycott a violation of the rights of the boycotting students?



5. Should laws and the government protect this small number of parents and their children against threats and the use of force if these children choose not to participate in the school boycott? Why or why not? Explain your thinking.
6. Assume students who are against the boycott wish to convince other students not to boycott. If the boycotting students do not allow them to speak to others, have their human rights been violated? If yes, how?

Human rights documents and political participation

The UDHR as well as all other international and regional human rights documents state that people have the right to political participation. According to Article 21 of the UDHR: "You have the right to take part in your country's political affairs either by belonging to the government yourself or by choosing politicians who have the ideas you most agree with. Governments should be voted for regularly, you should get a vote and all votes should be equal." The African Charter, in Article 13, states: "Every citizen has the right to take part in the government of his or her country."

Both the UDHR and the African Charter protect the basic right to take part in peaceful meetings. They specifically say that it is wrong to force someone to belong to a group. And, while the UDHR, the African Charter and other human rights documents do not use the word "democracy," many people argue that the rights and freedoms they protect are actually what democracy is all about.

UDHR Article 21: You have the right to take part in your country's political affairs.

to Article 21 of the UDHR: "You have the right to take part in your country's political affairs either by belonging to the government yourself or by choosing politicians who have the ideas

PROBLEM SIX

Are equal votes required?

Assume that in a country the majority of people (e.g. 75%) are of one ethnic group and the minority (e.g. 25%) are of another. A law is passed which states that each person's vote will be equally counted in every election.

1. Do you agree with this law? Explain.
2. Assume that most of the minority group live in certain areas. Should they be able to make laws for their own areas or should the majority make laws for all?
3. The minority propose that the parliament be made up of 20 people from each of five areas. Two of the five are areas in which the minority group live and will control in an election. If the proposal is passed, will it violate anyone's human rights?

C

**Freedom of expression: What is it?
Should it be limited?**

The right to express one's opinions is essential to participation in a democracy. Freedom of expression covers all forms of communication including what is in print and in other media. It protects people's rights to receive as well as communicate

Freedom of expression protects
people's rights to receive as
well as communicate ideas.

ideas. Expression can take many forms. Sometimes one can say something without words. For example, wearing a peace symbol when a country is at war may be seen as symbolic speech against the war. Other examples of this type of speech may be waving a flag or wearing armbands, buttons, T-shirts, etc.

According to the UDHR, Article 19: "You have the right to think what you want, to say what you like, and nobody should forbid you from doing so. You should be able to share your ideas with people from any other country." The international and regional human rights treaties also have similar statements.

Many people agree that freedom of expression is essential to a democracy, yet people disagree about what kind of expression should be protected and what expression governments should be allowed to restrict. The totally free exercise of certain rights would, in some cases, restrict the rights of others. For example, suppose that someone, as a joke, shouts "Fire!" falsely in a crowded theatre. In most countries, even though there was a right to free speech,

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the person could be arrested. In such cases, the courts must balance one right or interest against another. Here, a court would weigh up the danger to the public against the individual's right to free speech. In this case, protecting the public is thought more important than protecting the individual's right to freedom of speech.

People argue over how important freedom of expression is as a human right. Many believe that it is the heart of a democratic society, and even unpopular

Some people believe that
speech must be controlled
when it causes violence, is
racist or bigoted, or
undermines the government.

ideas must be allowed. They say that all ideas should be put out into the marketplace for discussion and the best ones will be accepted by the people. Others say that too much freedom of expression can be dangerous. They also believe speech must be controlled when it causes violence by inciting riots, calling on people to revolt, is racist or bigoted, or otherwise undermines the government.

Conflicts involving freedom of expression are among the most difficult to resolve. Free expression cases often involve a clash of basic values. Sometimes people's political, religious, and personal beliefs may conflict with views held by others. Sometimes people's views may clash with the views – and needs – of the State.

PROBLEM SEVEN

Should the government be allowed to limit freedom of expression?

Consider the following situations. What type of expression is involved in each example? Should the government be allowed to limit the person's freedom of expression?

1. A religious group holds services and the religious leader says: "This government's president is corrupt and has stolen money."
2. A group which calls themselves "Nazis" wish to march peacefully through a town where many Jewish people live.
3. A young man who is protesting against his government's action in a war says: "No one should agree to serve in the army and fight in that immoral war."
4. The government closes down a newspaper that calls for the president to resign.

5. A young woman says: "If the police keep on riding through our community causing trouble, we must throw rocks at their vehicles to tell them they should not be here."
6. A teacher in a state school knows that a young girl is a member of a religion whose members believe it is wrong to dance. He tells the girl her religion is wrong and that she should attend the school dance.

One of the most difficult problems regarding freedom of expression concerns whether speech which offends others should be allowed. Consider the following case and decide whether the human right to freedom of expression has been violated.

PROBLEM EIGHT

The case where the speaker was stopped

A member of an organization which many people believe holds "racist" views is invited to speak at a university. Many students are angry and a large protest demonstration takes place. The students disrupt and stop the speech. The university disciplines the students for "disorderly conduct", and they are suspended from the campus for ten days.

1. Did the students violate the human rights of the speaker? Did they violate the human rights of the audience? Was their action justified?
2. Should the university have disciplined the students? Was this a violation of the students' human rights?



3. If the speaker made a statement that most people would consider “racist”, should he or she be prosecuted for committing a crime?

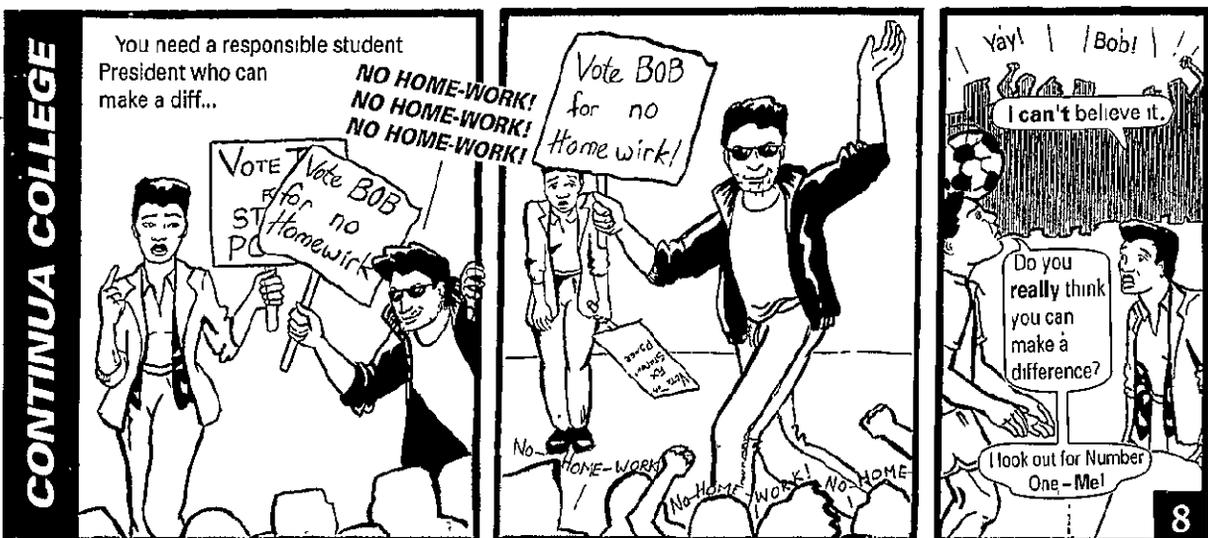
In a democratic society, one way that people often express their views is through newspapers. They also sometimes use other media such as radio, television, magazines, books and films. In many countries the government controls what is expressed by the media. These governments argue that this is necessary for the good of the country. Others argue that a truly democratic country allows anyone to have their views published or broadcast on radio or television.

PROBLEM NINE

The case of the critical newspapers

A developing country has a history of violence between different political groups. The government is trying to bring everyone together and carry out its plans to develop the country as a whole. There are some rebel groups who claim that the government is undemocratic and are beginning to organize a guerilla war against it. Inflation is soaring and many of the rural and urban poor are growing increasingly unhappy with the government. Some newspapers are criticizing the government’s policies.

The government decides that the country has a serious economic crisis and that this justifies closing down some opposition newspapers. It states that the press has been printing false reports about conditions in the country and is stirring people up against the government. The government closes down these newspapers and declares that its

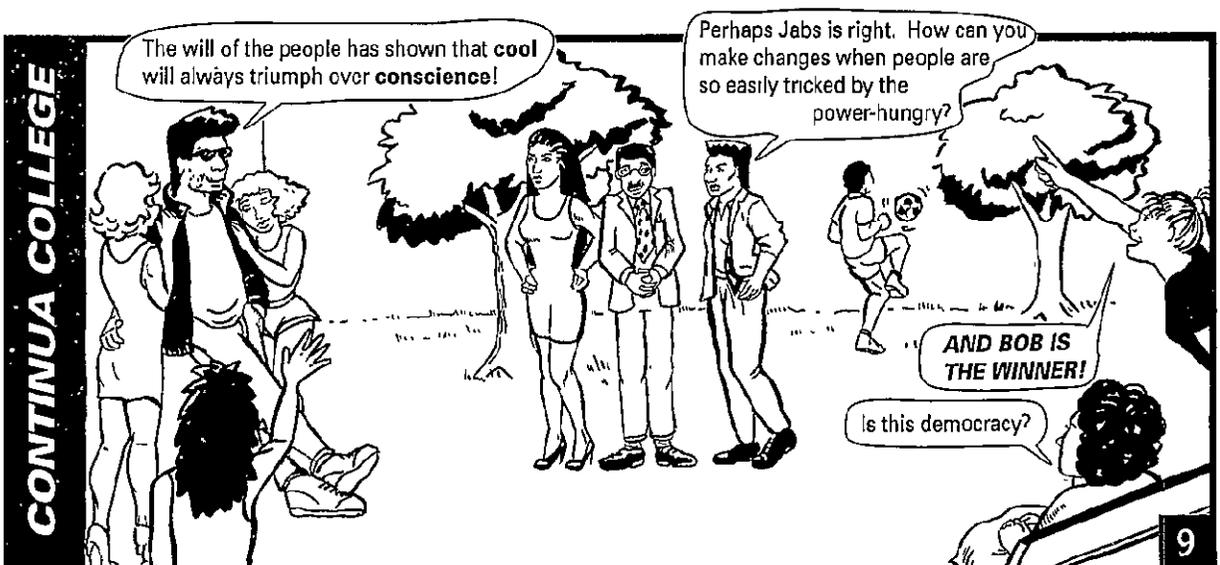


actions are for the good of the people and will only be temporary. It says that as soon as the rebels are brought under control and the economic crisis is overcome, these newspapers will be allowed to re-open and censorship will be lifted.

The government says that it wants to provide the people with all the rights found in a true democracy — and claims it will in the future. But today the people need clean water, and enough food, and proper medical care. The government says that to achieve these goals, the nation must be united. For now, it believes it must silence those whose actions might undermine the unity of the country, and threaten its national security.

Which rights have the government violated?

1. Does the government's action violate or limit a human right listed in the UDHR? If so, which one?
2. According to the UDHR, can the government justify closing down the newspapers to protect any human rights of the people?
3. Which right is the most important? Should it be protected?
4. Could the government use other ways to deal with this situation? If so, what are they? Should it be required to use them?
5. If a country is not in a crisis situation, should any restrictions be placed on freedom of the press? Should people be able to print whatever they want? Write some rules which tell the press what it can and cannot publish.



D Structuring democratic government
to reduce the abuse of power

People in many countries have recently found that the best way to deal with abuses of human rights is to prevent them from happening. Many people have shown support for changing the structure of their country's government to include

The best way to deal with human rights abuses is to prevent them from happening.

the participation of more people and have demanded free elections. New leaders have been voted into office. But merely having free elections does not protect people against the abuse of power by their new leaders.

Elected leaders often abuse power in many different ways, including appointing only friends to important positions and using their government positions to make themselves rich.

Different methods have been used by people in different countries to protect against abuse of power by those in government. This concept is sometimes referred to as "limited government." These methods can be written into a nation's constitution (a written plan of government) to prevent any leader or small group of leaders from taking too much power. They include providing for frequent elections with secret votes to choose officials and allowing for the dismissal of officials if they abuse their power.

The separation of powers

People in some countries use a system called the separation of powers which sets up three distinct branches of government:

- a legislative branch to make laws
- an executive branch headed by a president or prime minister to see that the laws are carried out
- an independent judicial branch or system of courts to punish lawbreakers, settle disputes and in some cases decide whether the laws or other actions of the executive or legislative branch are in keeping with the constitution.

According to this system, each branch of government may limit the powers of the other two branches.

To make sure that no one branch of a government can become too powerful, a system of checks and balances can be included in a country's constitution. According to this system, each branch of government has powers to check or limit the powers of the other two branches. Each branch has its own powers which no other branch can take over. An example of how this system works is that a president

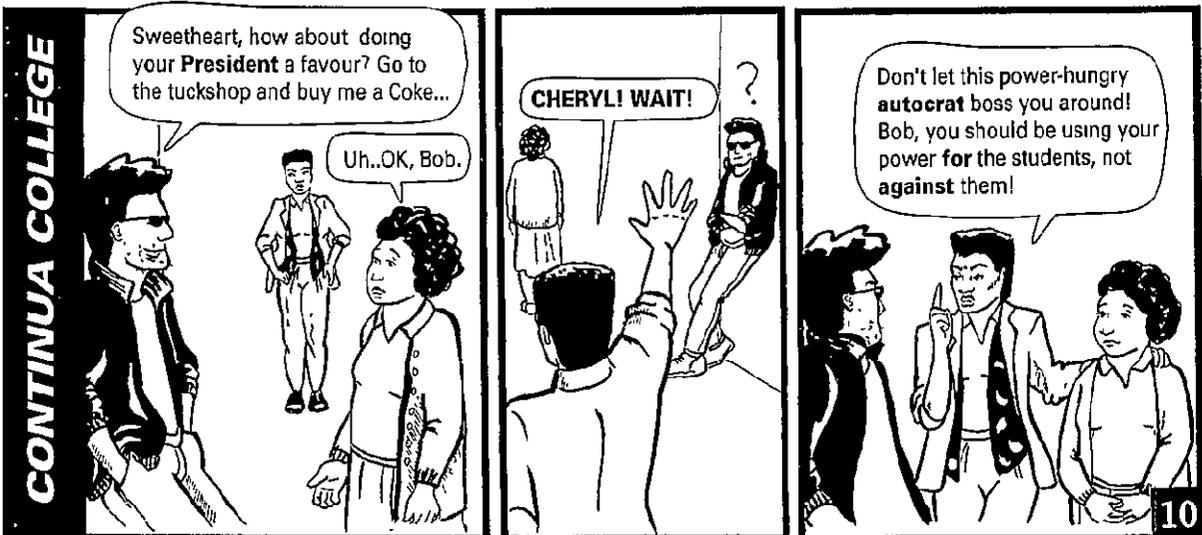
may be able to check or veto (stop) the lawmaking power of a legislature by having the power to approve or disapprove of proposed laws. But the constitution may also give the legislature the power to override a president's veto with a two-thirds majority vote. Another example is that only the legislature can declare war. A third example is that a legislature is given the power to confirm or reject the people whom the president appoints to high public office.

One of the most important ways to check abuse of power is through having an independent judiciary which can take action against an illegal action by the executive or legislative branch. Abuse can also be checked by the country's highest court, or in some cases by having a special constitutional court. These courts can be given the power to declare a law or an action by the executive branch to be in violation of a country's constitution and no longer valid. This process is called judicial review.

One of the most important ways to check the abuse of power is through having an independent judiciary.

A bill of rights

Once democratic structures have been set up or rebuilt, people in many countries also choose to protect individuals from possible abuse of power by adopting a bill of rights. A bill of rights is a list of freedoms and rights guaranteed to all people in a country. Protections of this kind are often similar to those listed in the international human rights documents. When a bill of rights becomes part of a country's laws and the courts are often given the power to enforce these rights, people have important new protections.



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Some people include in a bill of rights a list of actions which the government is forbidden to do. These might include:

1. No law can be passed to restrict freedom of religion or freedom of speech or the press.
2. The right of people to be protected against unreasonable searches cannot be violated.

In other countries people may decide that their bill of rights should require that government do certain things such as:

1. Making sure that all individuals have an adequate standard of living.
2. Providing a job or unemployment insurance for all citizens.
3. Making sure that there is free primary education for all citizens.
4. Providing medical care for all sick people.

Another method which protects people against the abuse of power is the setting up of independent commissions or an office of ombudsperson to investi-

Independent commissions or an ombudsperson may be set up to protect people against the abuse of power.

gate wrongdoing and, if necessary, prosecute government officials by bringing them to trial on criminal charges. An ombudsperson is an independent person who investigates complaints.

To be most effective it may be best to make sure that the people on the independent commissions or in the office of the ombudsperson cannot be appointed or removed by the president.

The rule of law

For any of these methods to work, a country must respect what is called "the rule of law." This means that the law will be equally, fairly and consistently enforced, and not subject to the arbitrary decisions of those in power. Most importantly, it means that no person, even an elected president or hereditary king, is above the law. As one statement puts it, "the law is king."

A number of people believe that for some governments these methods will not

The rule of law means that no person, even a president or a king, is above the law.

work to check the abuse of power. They say that violence may be needed to overthrow these type of governments, and that violence is sometimes justified. Others disagree and say that violence is always wrong and that other methods should be used.

PROBLEM TEN

How can the abuse of power be checked?

1. Examine the following situations and decide which of the following methods could be used to check the abuse of power:
 - separation of powers
 - checks and balances
 - judicial review
 - bill of rights
 - independent commissions
 - rule of law
 - violence
 - free elections
 - a. The president of a country uses public money to buy land for himself and his family in a neighbouring country.
 - b. The president of a country appoints friends and family members to high government positions for which they have little training and no experience.
 - c. Opposition party leaders are arrested for speaking out against the government and jailed.
 - d. A presidential Act declares that members of a particular ethnic group who were born in this country are no longer citizens and they are forced out of the country.
 - e. The legislature passes a law that requires newspapers to submit all news stories to the government before being printed.
 - f. A country's highest court declares that the emergency powers taken on by the government are illegal. The legislature immediately passes a law to reverse the decision of the court.
 - g. A ruler routinely orders anyone who speaks out against the government to be shot.
2. List when, if ever, you believe violence may be the best method of checking the abuse of power.

The case for political parties

Some people have argued that an important way to prevent the abuse of power is to have a multi-party system. This means that there should be two or more political parties instead of only one political party that can take part in elections and have a chance to run the government. They argue that all people are likely to have more freedom of expression if opposition candidates run in elections and are free to criticize the government in power. They claim that knowing that there are others who may get a chance to govern will make the leaders in office less likely to abuse their power.

An important way to prevent the abuse of power is to have a multi-party system.

The abuse of power by governments can lead to ethnic conflict and violence, as has happened in many parts the world.



Others argue that a multi-party system, especially in a newly formed government, will lead to disagreement and lack of unity instead of peace and tranquillity. These people believe that fighting according to old ethnic loyalties will continue and cause chaos and conflicts if a multi-party system is allowed to exist. They claim that one political party can promote the economic development of a nation faster and more successfully because a nation is more stable under a one-party than under a multi-party system.

PROBLEM ELEVEN

Which system is best?

1. What are the advantages and disadvantages of a multi-party system?
2. Which system do you think is best for your country? Could future developments change your opinion? What might they be?
3. Assume a law is passed which says that no political party may exist that seeks to promote one race, sex, or ethnic group and discriminate against others. Does this law violate the human rights of citizens? Explain.

Another major concern of people living in a democracy is whether it is necessary to protect the rights of minorities under a system of majority rule? Is it necessary to protect the rights of minorities under a system of majority rule? essential to protect the rights of minorities under a system in which the majority rules. While individual rights can be protected by having a bill of rights, some are concerned that the interests and identity of minority groups as a whole – whether they are ethnic, racial, linguistic or cultural – will disappear.

People in democracies have tried various ways of solving this problem. Read the following situation and consider the options available.

PROBLEM TWELVE

The case of a minority's rights

One ethnic group in a country makes up 80% while another group accounts for 20% of the population. Because of past conflicts, members of the minority group do not trust the majority to treat them fairly when all are given the vote and the majority gains control of the government. In order to make a peaceful transition to democracy and majority rule, representatives of both groups have decided to meet to adopt a constitution and a bill of rights.

Would you protect minority rights?

1. Assume you are a member of the minority group in this country. Decide if you would vote for or against the following proposals which have been suggested as some possible ways to protect the minority under majority rule. Explain your thinking:
 - a. **A federal system** is suggested where some issues will be decided nationally and others on a regional or local basis. In a federal system a country is divided into different areas, or territorial units, each of

which keeps control of certain things like roads and education. Other things like foreign affairs and defence are controlled by a central government. Under this system the majority would have control over most decisions except for issues which the minority finds particularly sensitive, such as the education of their own children. Choices about such issues would be left up to the minority groups in their local areas. These local areas are frequently called “states.”

- b. **Proportional representation** is proposed. According to this plan, if the minority political party received 20% of the votes in a legislative election, this party would win 20% of the seats in the legislature. Proportional representation is an attempt to give the minority some definite voice. It can be done under a federal system at either the national or local level or at both.

This differs from the situation where the majority vote of the people elects all persons from each area. Here, the party whose members get the majority of votes in each area may take all the seats for those areas. The party whose members lose will get no seats even though they only lose by one or two votes in each area. Thus even though a party wins a large minority of the votes in an election, it might not win any legislative seats. In some systems, minority political parties can also be guaranteed a certain number of seats in the legislature.

- c. **A supermajority** is suggested. This plan would be used when the legislature votes on certain issues which the minority considers especially sensitive, such as what happens to the property people own or what language everyone will use. Instead of 51% of the vote (a simple majority), 60%, 75% or even 90% of the lawmakers would have to agree to pass laws on topics which the minority considers sensitive.
- d. The use of a **bill of rights** and **judicial review** is presented as sufficient to guarantee minority rights. This approach means that all individuals – the minority and the majority – can have their rights to education, property and language and all other human rights protected in a bill of rights which specifies these rights. Under judicial review, any laws which threaten these rights can be tested and thrown out.
2. Are there other ways of protecting the minority under majority rule that you can suggest which would solve this problem? If so, what are they?
3. Is there any need to protect “minority rights”? Why or why not?

Some international human rights documents protect the rights of minorities, such as the International Covenant for Civil and Political Rights, Article 27, which declares that:

“In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

In addition to the rights of minorities, some human rights documents consider that there are times when the rights of “a people” must be protected. These collective rights are different from other human rights because other human rights belong to people as individuals, not to members of a group. The African Charter on Human and Peoples’ Rights and the two International Covenants include: “peoples’ rights to self-determination, liberation and equality; to peace and security; and, to the use of wealth and resources.” The African Charter in Article 20 also includes peoples’ rights to development and the environment.

Some human rights documents consider that there are times when the rights of “a people” must be protected. Does every group have the right to call itself “a people?”



Some experts have argued that it is hard to tell what constitutes a “people.” They want to know if every group has the right to call itself a “people” and, if not, how we can work out what this means. They note that unlike individual rights, upon which all other human rights are based, “peoples’ rights” are an abstract idea. They claim that some of the world’s worst violations of

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individual human rights have been done in the name of abstract ideas such as “the one true faith” or “the nation” or “the economy” or “the masses.” They worry that individual rights and freedoms could be seen as less important than “the rights of a people.”

Other experts point out that unless human rights laws specifically protect peoples’ or collective rights, the very existence of these peoples will be threatened. An example might be a group that lived on traditional land and was in danger of having the government take it away. A law that protects their collective right to the land would allow them to survive as a people. Further, they note that history is full of examples in which ethnic groups have been threatened by powerful nations.

PROBLEM THIRTEEN

Some questions on collective rights

1. What are the main arguments for and against collective rights?
2. Which of these arguments do you find most and least convincing?
3. Do you believe that it is necessary in your country to protect by law “the rights of a people?”

While there is much debate about collective rights, most experts seem to agree that there are certain groups that may lose their identity if they are not protected. These are indigenous peoples – people who are native to an area, who live according to traditional ways and often hold deep religious beliefs about their land. Read the case below and think about what human rights indigenous peoples should and should not have.

PROBLEM FOURTEEN

The case of the Imas

The Imas have lived in their country for many generations, long before the arrival of people who came from other countries to settle there. Even in their own region the Imas are a minority. Their way of life, which has traditionally been dependent upon the clearing of small areas of forest every few years for farming and fishing, means that they are spread thinly over a large area. The preservation of the environment is essential to the preservation of their way of life.

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In recent times, however, their environment has been put under increasing pressure because of the growth in tourism and the use of the trees on the land for timber. The most controversial development has been the government's decision to build dams on their rivers in order to increase the supply of hydro-electric power to meet the energy requirements of the people in the cities to the south. These dams have flooded large areas of land, threatening the Imas' livelihood by changing patterns of fishing and farming.

The Imas and conflicting human rights

1. What rights are in conflict here?
2. Are there any human rights violations here? If so, should they be allowed? Why or why not?
3. Which rights are more important? Why?



3. NATIONAL SECURITY & FAIR PROCEDURES FOLLOWING ARREST

CONTENTS OF THIS CHAPTER

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- B** Fair procedures: When someone is detained or arrested 47
- C** Fair procedures: When someone is put on trial 49
- D** National emergencies and torture 51
- E** Prison conditions 54
- F** The death penalty: What are its goals and consequences? 57

OBJECTIVES OF THIS CHAPTER

After reading this chapter you should be able to :

1. Define the safety of the State and recognize that opinions differ as to when it is threatened
2. Appreciate the importance of having fair procedures surrounding a person's arrest and detention
3. Describe fair procedures relating to trial and the rights of accused people
4. Examine the relationship between torture, interrogation and national security
5. List and explain what human rights should be provided to prisoners
6. Discuss the arguments for and against the use of the death penalty.

A Limiting human rights because of national security

In this chapter we will consider if and when there might be reasons to limit human rights.

While the UDHR and the African Charter on Human and Peoples' Rights say nothing about conditions for limiting these rights, many human rights treaties

Many human rights treaties
allow the limitation of some
human rights in times of
"public emergency".

and national constitutions state that "in times of public emergency which threatens the life of the nation" limits may be placed on some human rights. When governments decide that a "national emergency" or "threat to national security" (national

safety) exists they often declare the situation to be a "state of emergency" or "state of siege" and sometimes impose "martial law." They then take actions to limit human rights by:

1. Forbidding free expression in public such as demonstrations, rallies, etc.
2. Imposing curfews or times when people must be off the street.
3. Restricting what the press is allowed to report.
4. Allowing the police to arrest and search people even if they have less evidence than the law usually requires.
5. Setting aside the usual rights of accused people in court so that large numbers of people can be tried and convicted quickly.
6. Allowing people to be detained for questioning for periods of time without having to take them to court for a trial or other hearing.

WORDS TO KNOW:

"disappearances"

torture

national security

public emergency

curfew

confession

interrogation

martial law

death penalty

solitary confinement

psychological abuse

THREE NATIONAL SECURITY AND FAIR PROCEDURES FOLLOWING ARREST

Some people believe that governments should never be allowed to limit human rights. They argue that history shows that governments will use these powers when they are not needed, and human rights will be violated. Others believe certain circumstances require limitations. These include foreign invasion, civil war, serious economic crisis, natural disaster, attempted coups or revolutions, and widespread lawlessness.

Some people believe that governments should never be allowed to limit human rights.

Public emergencies such as war, economic crisis, natural disaster, revolutions and widespread lawlessness are among the reasons given for limiting human rights.



PROBLEM ONE

Would you limit certain human rights?

1. Assume you are a member of your country's new government and the following situations occur. Decide if you would limit any human rights provisions in the UDHR. If you would, what action would you take?
 - a. Farmers in an area of the country refuse to pay taxes and shoot at officials who come to collect taxes.
 - b. Large non-violent demonstrations are occurring and some speakers are calling for the overthrow of your government.
 - c. An earthquake takes place and afterwards there is widespread looting of stores.
 - d. Your country is invaded by another country.

- e. Disappointed football fans destroy property and threaten others after their team loses an important game.
 - f. Members of different political groups who live near each other in different villages begin to burn down each other's homes.
2. If you were in charge of deciding what was — and what was not — an emergency or crisis that threatens the life of your nation, what information would you want to have before you agreed to suspend human rights?
 3. If you felt that the safety of your country was seriously threatened with a takeover by the military, are there any human rights which you believe should continue to be protected under any circumstances? Why? Give your reasons.

When does a public emergency threaten the nation?

It is difficult to decide when a public emergency threatening the security of a nation is serious enough to allow the government to limit human rights which are usually protected by law. In a famous human rights case, the European Court of Human Rights decided that, to establish that a public emergency threatened the life of the nation, a government had to prove all of the following:

1. A public emergency was actual or about to happen.
2. The effect of this emergency involved the whole nation.
3. The continued life of the nation was threatened.
4. Normal measures for the maintenance of public safety, health and order were not enough.



B

Fair procedures: When someone is detained or arrested

Balancing the need to protect human rights with the need to protect the security of the nation involves a most difficult question: Which human rights need to be guaranteed no matter what threats exist to the public order? In answer to

Which human rights need to be guaranteed no matter what threats exist to the public order?

Problem One, question 3, you suggested which rights you thought should not be limited, no matter what the circumstances.

Did you or those in your group include the ideas stated in Article 9 of the UDHR? The Article states: "Nobody has the right to put you in prison, to keep you there, or to send you away from your country unjustly, without good reason."

In many countries, there is a legal way to challenge whether a person may be held in prison. This is to get a court order requiring that a person accused of a crime must be released unless the government provides a good reason to hold that person for trial.

PROBLEM TWO

Should prisoners be charged or released?

1. Should every country have a law which gives all prisoners the right to get a court order so that they can be released if they are not charged with a crime? Why or why not?
2. Are there any situations in which you think a government could justify suspending this right?
3. What could happen if this right is not respected?

PROBLEM THREE

The case of the president and the civil war

The country is at war because people in one half of the nation said they were withdrawing to set up their own new nation. The war began when the original nation would not let part of the country become independent. During this war, the president makes a rule that if any person discourages someone from enlisting in the national army or engages

in any other “disloyal practice”, that person may be arrested and imprisoned without being charged with a crime. In doing so he suspends the right of people to be “charged or released”. As a result, over 13,000 citizens of this country are being held in jail without criminal charges against them. The president has decided to re-unify the country at any price, and announces that he “regretfully sees no alternative to making this right less important than victory while the battle rages.”

1. Do you agree or disagree with the president’s actions in this case? Explain your thinking.
2. What could happen as a result of these actions?

It is precisely this question which was studied by an international court called the Inter-American Court of Human Rights in 1987. This court decided that the right of a prisoner to be brought back to court may NOT be suspended even in states of emergency. Here are some of the reasons it gave. Read them and decide what you think.

1. Does the person endanger the State?

A person should lose his or her liberty in time of war or other emergency only if there is information that the person has put or plans to put the State in danger. Bringing the prisoner to court forces the government to prove that this danger really exists.

2. Is detention of this person lawful?

In order for a prisoner to be protected by a court order, the detained person must be brought before a judge. This process is important to ensure that people’s lives are respected, and to prevent “disappearances.” (While those responsible for a “disappearance” may want it to look as if a person has “vanished”, in fact that person may have been killed or secretly imprisoned.) The fear of having to bring accused people before a judge may protect people against being tortured.

3. Is this person still alive and free from torture?

If there is such an emergency, a court order is needed to see if the person detained is still alive and if he or she has been tortured. Experience has shown in many cases that the rights to life and humane treatment are threatened whenever prisoners cannot be brought before a court.

PROBLEM FOUR

Some questions on the right to be brought to court

1. What reasons did the Inter-American Court of Human Rights give for deciding that the right to a court order to bring a prisoner before a judge should not be suspended?
2. Which of these arguments do you find most convincing? Which do you find least convincing? Why?
3. Are there any other reasons which a government could argue are more important than the right to be brought to court?
4. Is it ever justified for a government to detain a person without allowing that person to be charged in court or receive a trial?

C Fair procedures: When someone is put on trial

If a court decides that there is enough evidence to hold someone for trial and that person is charged with a crime, then a trial may occur. Many of the world's human rights treaties list procedures to make sure that an accused person's rights

The right of accused people are sometimes not respected by governments.

are protected by his or her government. These rights are sometimes not respected because governments claim that the accused person threatens national security or has committed such terrible acts that he or she doesn't deserve expensive and time-consuming procedures or trials. As you read the following case, consider which of Sam's rights are not being protected.

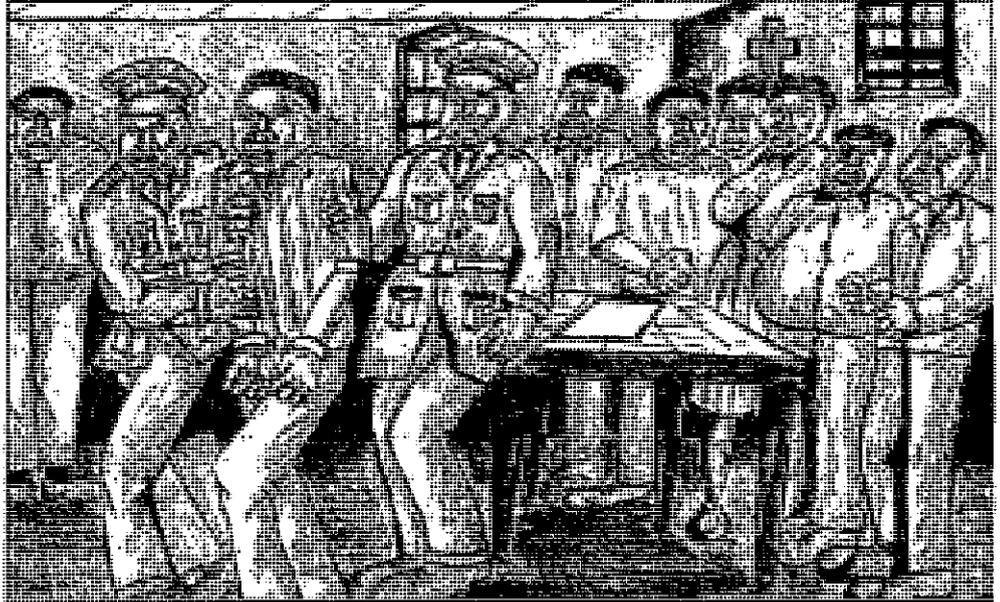
The case of Sam's petition and trial

Sam is speaking at a peaceful church meeting of about 250 people from his community who are feeling desperate about the high rents they have to pay.

Sam: "The rents set by the local government are so high that you people must choose between paying your rents and feeding your families. We are overcrowded and housing conditions are terrible. Let's not pay our rents. We should sign a petition to the local government stating that the rents are too high and the conditions are unliveable."

People line up in an orderly manner to sign the petition. Suddenly the police arrive.

Sam is arrested for encouraging people to sign a petition against high rents



Policeman: (To Sam) "You are under arrest for disturbing the public order."

Within a week Sam is brought before a judge who was recently quoted in the local newspaper as saying: "People who don't pay their rent are trying to get a free ride from the government. They are a dangerous threat to the rest of us!" Two days later Sam is brought through the back door of the court house to the Judge in his office.

Judge: "What is your defence?"

Sam does not understand what he has done wrong and doesn't understand the language spoken by the Judge. He appears confused and does not reply to the Judge.

Judge: "If you have no defence, we do not need to go to court, we can just go on with the trial right here with no one else present."

Prosecutor: "Judge, Sam is telling people not to pay their rent. He is definitely a trouble-maker."

Judge: "This is terrible." [To Sam]: "You are guilty, aren't you, Sam?"

Not understanding the language, Sam nods.

Judge: "I thought so. You are guilty and I sentence you to 4 years in prison. There is no appeal allowed in cases where the sentence is less than 5 years."

PROBLEM FIVE

Was Sam's trial fair?

1. Role-play Sam's trial.
2. Go over step by step what happened to Sam and list any rights you think he has been denied.
3. Should anyone who is arrested receive the rights you have listed? Can you think of any exceptions?
4. Should Sam have had a lawyer? What if he was too poor to afford a lawyer and the government could not afford to give him one?
5. Should it make a difference if the accused person is a murderer or a hated dictator? Should such people still receive these rights?
6. If people in a community wish to set up a local court to handle community problems, what court procedures should be followed?

According to the Universal Declaration of Human Rights, if you are an accused person you should:

1. Be treated the same as everyone else (Article 7).
2. Be free from arbitrary arrest (Article 9).
3. Receive a fair public hearing from an independent and impartial judge (Article 10).
4. Be considered innocent until proven guilty (Article 11).

D **National emergencies and torture**

Once people are arrested – and before they are put on trial – they may face interrogation or formal questioning by the police. These interrogations can result in confessions that are later used as evidence in trials. This type of questioning is generally allowed because it often results in people giving evidence about crimes committed. However, people should not be required to make confessions unless they are warned by the police and understand that the confessions may be used against them.

Sometimes interrogation can go too far. All human rights documents state that people have the right not to be tortured. Torture has been defined as planned, cruel, inhuman and degrading treatment. Innocent people have been known to confess to crimes they did not commit, as a result of harsh interrogation or torture.

All human rights documents
protect people from torture.

cruel, inhuman and degrading treatment. Innocent people have been known to confess to crimes they did not commit, as a result

THREE NATIONAL SECURITY AND FAIR PROCEDURES FOLLOWING ARREST

Not everyone agrees on what they would or would not consider to be "torture". Some people regard only physical abuse and physical pain as torture (e.g. making a person stand for long hours, electric shocks, assault, drowning, putting hoods over people's heads. etc.). Others also include mental suffering and psychological abuse (e.g. solitary confinement, fake executions, stories of betrayal, threats to people's families, etc.). Those in favour of this broader definition of torture claim that non-physical techniques of torture have recently been developed, particularly in technologically advanced countries. Some of these techniques use modern technology to deprive people of all stimulation of their senses, which has been proven to be unbearable for long periods of time (e.g. continuous electronic noise).

Torture may include mental suffering and psychological abuse.

PROBLEM SIX

The case of the bomber

A person opposed to the new government has announced the planting of a bomb somewhere in your community. The bomb may threaten people or property. Demands have been made for money and the release of certain prisoners. The bomber has been caught, but refuses to tell where the bomb is.

1. What would you do? If the bomber won't tell without your using force, would you pressurize the person? If yes, how? Would you use violence? If yes, how much? If not, why not?
2. If there is a law against torture and a police officer used it in the case of the bomber, what penalty should be imposed on the officer? Explain.



THREE NATIONAL SECURITY AND FAIR PROCEDURES FOLLOWING ARREST

People in custody should be visited regularly by outside people, including lawyers and doctors.

Most people believe it is important for all countries to adopt international standards against torture and other abuses by police. An important first step is to work out rules so that people held in custody can be visited regularly by others from the outside, including lawyers and doctors. However, these standards will be meaningless if people who have been abused or tortured cannot obtain help for their complaints.

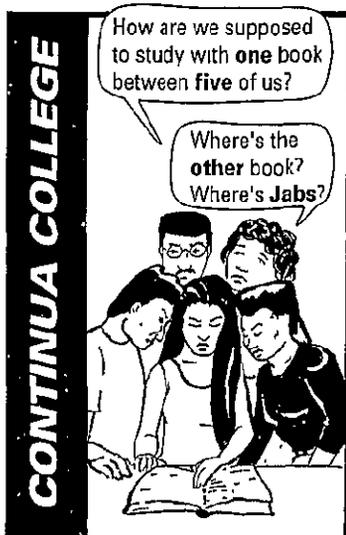
Some ways of helping people include:

1. Complaints by citizens to higher government officials who have power to take action against the person(s) committing torture or abuse.
2. Independent courts which have power to rule against government officials in criminal cases or award money damages in civil cases.
3. Independent human rights commissions or an ombudsperson with the power to investigate complaints and take action or force the government to take action.

PROBLEM SEVEN

How would you prevent torture or abuse by the police?

1. Why do you think it is important to allow people held in custody to be visited often by lawyers and doctors?
2. Write a law which provides a method for people who claim to have been tortured or abused by the police to complain and receive assistance.
3. What are the advantages and disadvantages of the methods listed in question 2 above?



THREE NATIONAL SECURITY AND FAIR PROCEDURES FOLLOWING ARREST

Torture is being used today against women and children as well as men. As more women join in the public life of their country – as union leaders, lawyers, doctors and professors – they are targeted for torture specifically directed against them as women, including rape and sexual assault by police, soldiers and guards. Also targeted for detention and torture are school children who are seen by some governments as being too active in the public life of their nation. Sometimes children are forced to watch while their parents are being tortured.

Women may be the target of torture in the form of rape and sexual assault by officials.

All human rights documents say that people have the right not to be tortured, and many individuals and groups throughout the world speak out against certain abuses. Though torture is one of the most frequently condemned human rights abuses, people in many countries continue to practise it.

E *Prison conditions*

Do people who have been imprisoned give up their basic human rights? Does it make a difference if they are adults or juveniles? What if they are being detained before trial and have not yet been convicted of a crime? If they have been convicted and sentenced, should part of the punishment involve restriction of their rights?

Imprisonment would not usually be regarded as a violation of human rights unless people are detained without trial. By its nature, imprisonment takes away people's liberty and their right to self-determination. However, imprisonment alone would usually not be regarded as a violation of human rights unless people have been arbitrarily arrested or detained, or jailed without a fair hearing as specified by Articles 9, 10 and 11 of the UDHR (see page 51 above).

All human rights documents state that people placed in prison should not be subjected to torture or to cruel, inhuman or degrading treatment. Some also say that all people who lose their liberty should be treated with humanity and with respect. They also call for the separation of convicted and unconvicted persons, as well as the separation of juveniles and adults.

The United Nations has set out the rights prisoners should have with regard to food, health, clothing, housing, exercise and medical care. The UN encourages the idea of treating sentenced prisoners humanely and attempting to return to society those people who are most likely to lead a law-abiding life. It also states that prisoners held before trial should be presumed innocent, and should be subject to fewer restrictions than those convicted of crimes.

All human rights documents state that people in prison should not be subjected to torture or to cruel, inhuman or degrading treatment.



As mentioned above, torture is outlawed by all human rights documents and most nations. The United Nations definition of torture includes the inflicting of severe pain or suffering intentionally, either to obtain a confession or to punish or intimidate a person. However, the UN does not include in this definition pain or suffering arising from lawful sanctions (punishment) which comply with its minimum rules for the treatment of prisoners. Therefore, some forms of punishment involving force may be lawful. It is sometimes difficult to decide whether prison conditions are “lawful” or whether they violate a prisoner’s human rights.

Some forms of punishment involving force may be lawful

its minimum rules for the treatment of prisoners. Therefore, some forms of punishment involving force may be lawful. It is sometimes difficult to decide whether prison conditions are “lawful” or whether they violate a prisoner’s human rights.

PROBLEM EIGHT

Were the human rights of the prisoners violated?

1. Mana has been detained for planning a violent act against the government. She is subjected to the following conditions:
 - a. She is only given two meals a day. She does not like the food but it provides her with enough nutrition to keep up her health and strength.
 - b. She is allowed one one-hour visit a week.
 - c. She is placed in a cell with one other woman who often gets into fights with other prisoners.
 - d. She is a religious person and there are no religious services in the prison.

Do you think any of these conditions violate her human rights? Explain.

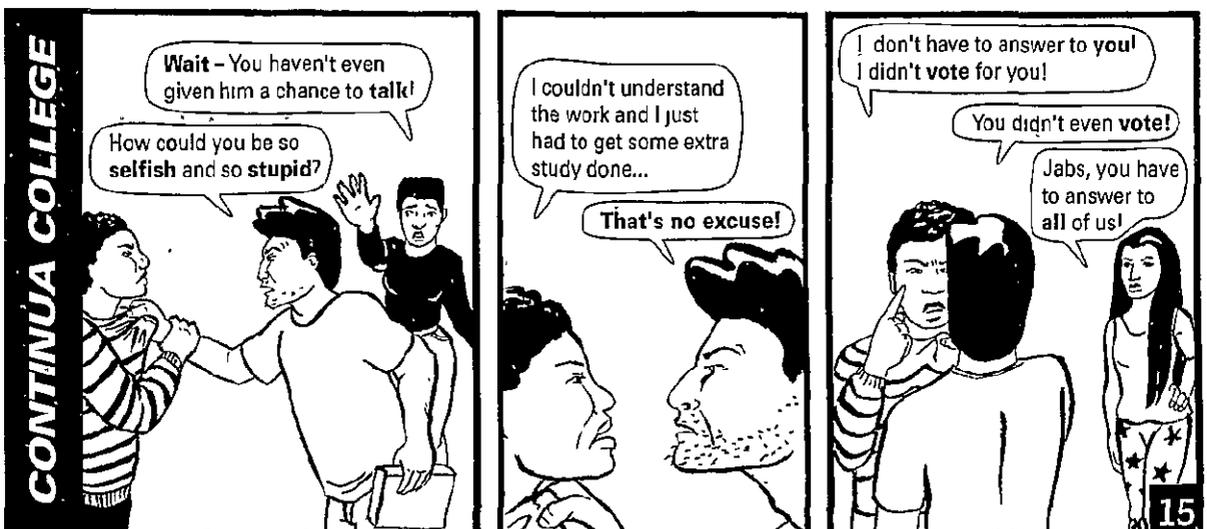
THREE NATIONAL SECURITY AND FAIR PROCEDURES FOLLOWING ARREST

2. Assume you and two other persons have been convicted of seriously assaulting a man in a fight over political differences, and you have been sentenced to five years in prison. You and other prisoners want to meet with prison officials to protest about conditions in the prison.

Role-play the meeting in which some people play the roles of the prisoners and others play prison officials. Each side should give reasons for its positions.

The conditions you are being subjected to in prison are:

- a. You are being kept in a separate area of the prison away from prisoners who belong to the political party of the man you assaulted.
- b. You are not allowed any political books or magazines.
- c. A doctor visits the prison one day a week. On other days a nurse is available.
- d. No telephone calls are allowed to anyone. Letters may be sent but are opened and read before they go out.
- e. No political organizations are allowed to organize or meet in the prison.
- f. Violation of rules can result in five days of solitary confinement with only bread and water being provided. A prison guard may fill out a written form recommending this punishment and if the Prison Commanding Officer signs it, the punishment is given.
- g. Prisoners may not vote in general elections while in prison.
- h. Visits of one hour a week are allowed, but only by people on an "approved visitor" list.



F The death penalty:
What are its aims and consequences?

Many people disagree on whether it is a violation of human rights for governments to use the death penalty. Some argue that it is necessary to protect people and countries, while others

Countries have different practices regarding the use of the death penalty.

argue that it does not protect people and is actually a threat to countries. As at 1 January, 1990, countries had the following different practices regarding the use of the death penalty:

- 38 had abolished the death penalty for all crimes;
- 17 had abolished the death penalty except for crimes under military law or in wartime;
- 30 allowed the death penalty for ordinary crimes but had not used it for 10 years or more;
- 95 retained and used the death penalty.

PROBLEM NINE

Some questions on the death penalty

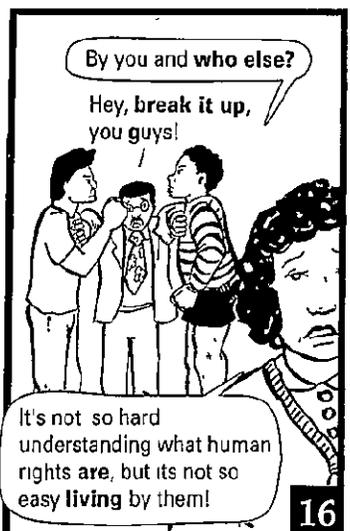
1. Taking a stand.

Where do you stand on this question? Locate yourself on the line below:

Strongly In favour of the death penalty for serious crimes such as murder	In favour	Undecided	Opposed	Strongly opposed to death penalty for any crimes

2. Think about reasons on both sides.

What are two reasons you can give to support your position? List reasons which your group can suggest under the headings "in favour" and "opposed."



THREE NATIONAL SECURITY AND FAIR PROCEDURES FOLLOWING ARREST

3. Clarify your position.

Decide if the stand you took in question 1 above would change if any of the following people and situations were involved:

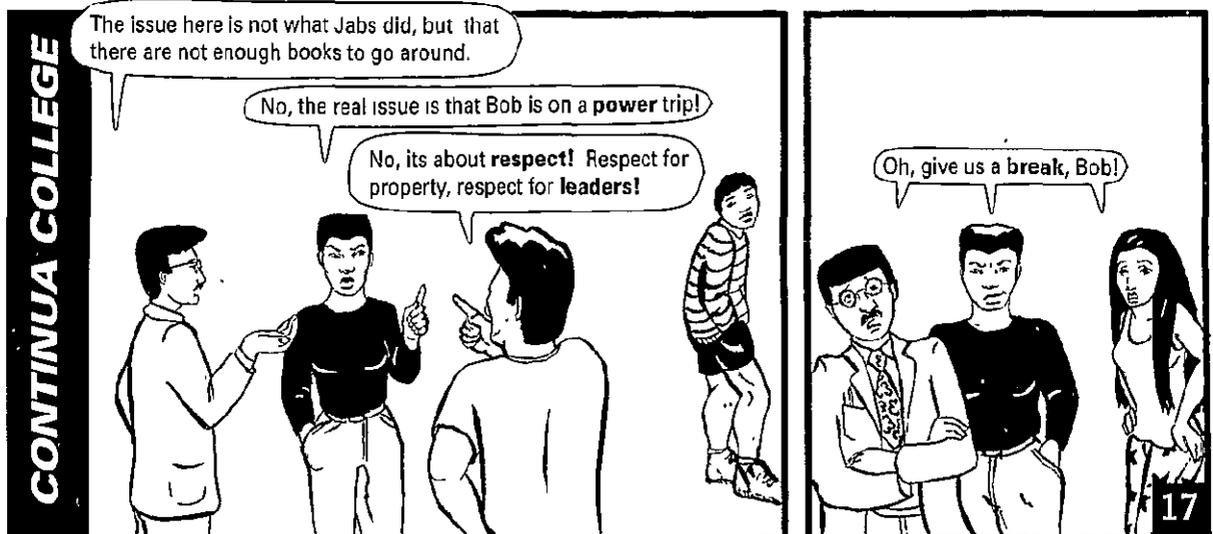
- a. A person who has committed 20 brutal murders.
- b. A 15-year-old mentally-retarded person who has killed a storeowner in a robbery.
- c. A member of a religious minority which has been persecuted by the government, who has blown up a church where 200 members of the religious majority were worshipping.
- d. A 16-year-old political activist who threw a rock and killed a policeman who was unfairly beating up his brother.
- e. A corrupt leader who has ordered the killing of many people who have criticized him and his government.
- f. A man who murdered his unfaithful wife's lover when he found them together, after she had left him and their children.
- g. A woman who was part of a mob that angrily stoned to death someone accused of being an informer for an oppressive government. The woman didn't herself hurt the informer but encouraged others to do so.

The international human rights documents do not take a direct position on the death penalty. Many human rights organizations, however, oppose it and support their oppo-

The international human rights documents do not take a direct position on the death penalty.

sition by citing the UDHR, Article 3, which states: "Everyone has the right to life, liberty and security of person." They also mention the African Charter, Article 4, which states that no one shall

be arbitrarily deprived of his or her right to life. Many others support the use of the death penalty as the only way to deter people from murder. They argue that justice sometimes demands the death of those who kill others.



4. SOCIAL & ECONOMIC RIGHTS

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- B** Right against discrimination 62
- C** Family rights and protection 69
- D** Right to adequate education 71
- E** Right to adequate food, housing and health care 76
- F** Property ownership: private rights and public need 79
- G** Right to work: conditions, pay and abuses 81

OBJECTIVES OF THIS CHAPTER

After reading this chapter you should be able to:

1. Describe social and economic rights and recognize how these are different from civil and political rights
2. Define discrimination and consider when it is a violation of human rights
3. Recognize that people disagree on what are acceptable cultural practices and what are human rights violations
4. Describe the rights people have to an adequate education and examine several ways of achieving equal access to education
5. Recognize that, while most agree that people should have adequate food, housing and health care, many disagree on whether this is a right or a goal or both
6. Define property rights and consider when these rights should or should not be limited
7. Describe people's rights to work and examine why people might have conflicting views about this right

A What are social and economic rights?

In previous chapters we have looked at civil and political, or liberty-orientated (first generation) rights. In this chapter we will focus on social and economic, or security-orientated (second generation) rights. Some people define “social” as

Social and economic rights are defined as security-orientated (second generation) rights.

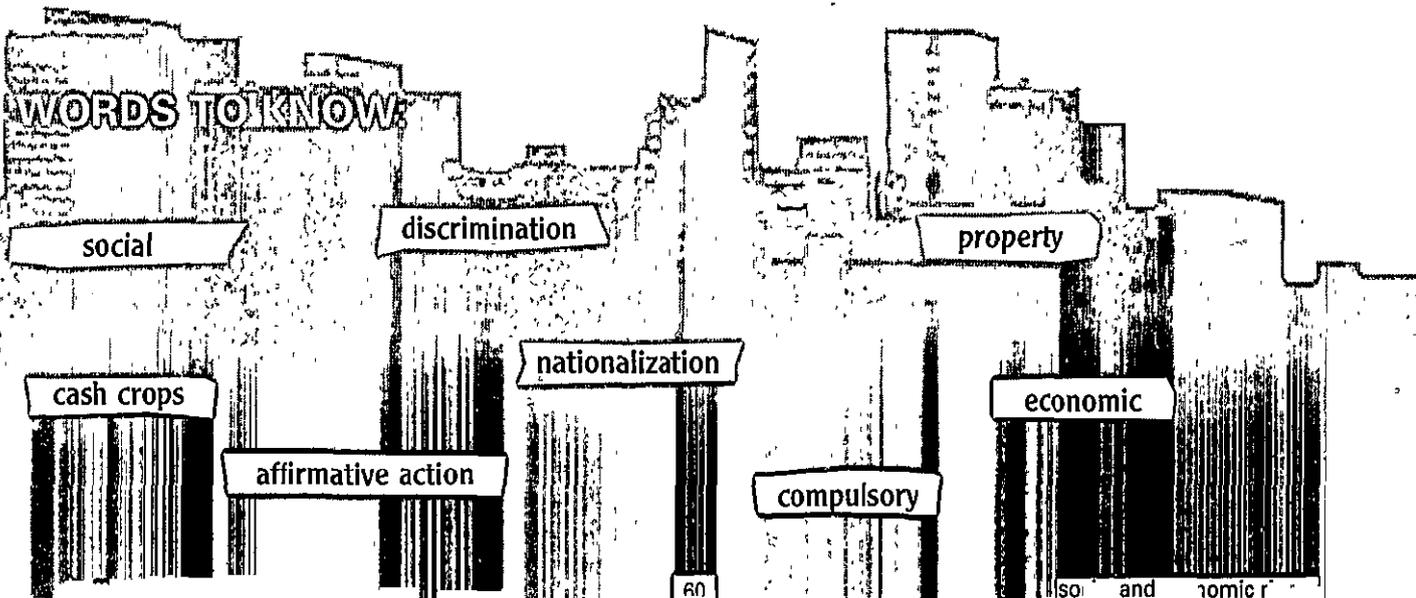
“living together in communities,” and “economic” as “concerning production, development and management of material wealth or the necessities of life.”

Social rights are human rights which give people security as they live together (for example in families), and learn together in schools and other educational institutions. Economic rights also involve security, but this kind of security concerns protecting people’s physical survival and how they earn a living. Some examples of social and economic rights mentioned in human rights documents include the right to:

1. an adequate standard of living;
2. the highest attainable standard of health;
3. just and favourable conditions of work.

As observed in chapters 2 and 3, these rights are different from civil and political rights, some of which include the rights to:

1. be presumed innocent until proven guilty;
2. freedom of thought, conscience and religion;
3. peaceful assembly.



FOUR SOCIAL AND ECONOMIC RIGHTS

Many countries include both civil and political rights and social and economic protections in their constitutions and laws.

Many countries have included both civil and political rights and social and economic protections in their constitutions and laws. Some do this in language that requires government action, such as “all people will be provided with adequate health care”. Others use language which restricts government action, such as “the government may not restrict freedom of the press”. Some governments do their best to follow these written human rights laws. Others ignore them in practice or whenever they believe there is a good reason to do so.

A debate about human rights

Let us assume that in a country people have decided to write human rights into their new constitution. Read the following debate on what types of rights are more important and decide with whom you agree.

- Speaker 1:** “Only political and civil rights like freedom of speech, press and voting should be included. We cannot afford to provide economic and social rights like education, jobs and housing for everyone. If we try to guarantee them too, the government won’t take civil and political rights seriously.”
- Speaker 2:** “You are wrong. Economic rights must come first. There can be no civil or political freedom for people who are hungry, homeless or unemployed.”
- Speaker 3:** “That sounds right but how can you force the government to guarantee everyone a job? There are not enough jobs and that’s not always the government’s fault.”
- Speaker 4:** “Economic rights should not be guarantees but should be goals that the government is required to pursue. The poor who have never had an opportunity must be given special benefits like inexpensive land or free schooling so they too can obtain economic rights.”
- Speaker 5:** “That will cause big problems. If the government has to provide all the poor people with economic rights then it will have to take away the economic rights from those who either came here with more wealth or earned it.”
- Speaker 6:** “I would not ask the government to provide people with basic needs. But I would restrict government from making matters

FOUR SOCIAL AND ECONOMIC RIGHTS

worse for people, for example by harming the environment, which affects people's health."

Speaker 7: "If you do not guarantee economic rights, the government will never make their attainment its top priority. Consequently, there will always be a large number of poor people."

PROBLEM ONE

Debating human rights

1. Role-play the debate.
2. How many different points of view are found in this debate? Explain in your own words what you think are the main arguments for each point of view.
3. Which arguments make the most sense to you, and why? Which make the least sense and why?

Most people see social and economic rights on the one hand, and civil and political rights on the other, in different ways. These different views are shown by the way these rights are enforced in international human rights law.

When a country signs the International Covenant on Civil and Political Rights (ICCPR), it is immediately required by law to carry out the provisions of this treaty.

When a country signs the International Covenant on Economic, Social and Cultural Rights (ICESCR), however, it only has "to take steps to the maximum of its available resources," in order to move towards carrying out the economic and social rights listed in this treaty. Countries are then required to give occasional progress reports to an agency of the United Nations (the Economic and Social Council).

Civil and political rights, and economic, social and cultural rights, are enforced by International Covenants .

B *Right against discrimination*

Past and present experience shows that many violations of the social and economic rights of individuals take place because one group feels it is superior to another. This often results in unfair discrimination – the decision to treat or classify people based on race, colour, belief, sex, physical handicap or characteristics other than individual merit.

The seriousness with which the problem of unfair discrimination is regarded

FOUR SOCIAL AND ECONOMIC RIGHTS

The international community takes the problem of discrimination very seriously. Many countries have signed treaties which eliminate all forms of racial discrimination.



internationally can be seen in international treaties which eliminate all forms of racial discrimination and have been signed by many countries. All human rights documents include articles protecting people from unfair discrimination. For example, the UDHR (Article 2) states that everyone is entitled to all

All human rights documents include articles protecting people from discrimination.

of the rights and freedoms in the declaration, without distinction of any kind such as a different sex or skin colour, speaking a different language or believing in a different religion. The African Charter (Article 3) states that all people shall be equal before the law.

Concern about the special dangers to women as a result of widespread human rights violations led to the writing and signing in 1981 of the Convention on the Elimination of All Forms of Discrimination Against Women. Many of the articles state specifically that women are entitled to the same legal rights and protection as men. This was already spelled out in the UDHR and many other human rights documents, but despite these documents such discrimination against women continues to exist.

As long as classifications used to discriminate between people are reasonable, they usually do not violate human rights.

If people are to be protected where they live together in communities and earn the necessities of life, they must be protected equally. However, not all types of discrimination are wrong. As long as classifications used to discriminate are reasonable, they usually do not violate human rights. For example, in most countries people must be a certain age to obtain a driver's licence, because young children are generally not considered responsible enough to drive. This classification is reasonable.

But what if the law required a person to be male or white to obtain a licence? Unreasonable discrimination most often exists when people are classified because of their sex, skin colour, language, religion or other characteristics rather than individual merit.

PROBLEM TWO**Was the discrimination reasonable?**

Read the following situations and answer these questions.

1. Decide whether you think the discrimination in the following cases is reasonable and should be allowed or is unreasonable and should not be allowed.
2. Is each a human rights violation? Give reasons for your answers:
 - a. A private club allows only people of one ethnic group to be members.
 - b. People who speak a minority language in the country are told they must learn the majority language if they want a job on national television.
 - c. The owner of an ethnic restaurant refuses to hire anyone who does not speak his language, which is spoken by only a small percentage of people in the country.
 - d. In selecting applicants for government jobs preference is given to people of one race, who have recently taken over the government. In the past the other race controlled the government and discriminated in the provision of jobs in favour of members of its own race group.
 - e. A person who is homosexual applies for a job in an office. This person is refused the job because some people in the office feel uncomfortable about homosexuals.
 - f. A lawyer who is blind applies for a job in a law firm. She is refused the position because the employer feels that she will not be able to do a proper job.

Non-discrimination benefits not only individuals, but communities and countries as a whole. A country which opens education, training and job opportunities to all its citizens is likely to increase the number of people who will have valuable skills and talents. It will then have greater wealth to draw from than a country which restricts these opportunities. Read the following case and notice what choice was made here and what resulted from that choice.

PROBLEM THREE**The case of the successful businesswoman**

In a poor country suffering from unemployment and a high foreign debt, Stella, a 32-year-old mother of four, considers herself a very lucky woman. Just five years ago she was working as a secretary and earning only a small monthly wage. Then, her husband suggested that she try sewing full-time to make a living because the colourful cotton dresses and uniforms she was producing in her spare time gained her much more satisfaction and money than her full-time job.

Stella has turned her spare-time sewing into a profitable textile and clothing business



Five years later Stella has become one of her country's most wonderful success stories. She is the owner of a profitable textile and clothing business that employs 16 full-time designers and garment workers and does a great deal of business every year. She does this in a country where average incomes are very low. When asked about her success she said:

"Most men would never allow their wives to do what I am doing. But I suppose my husband is a modern man. He always wanted me to do the best I could."

FOUR SOCIAL AND ECONOMIC RIGHTS

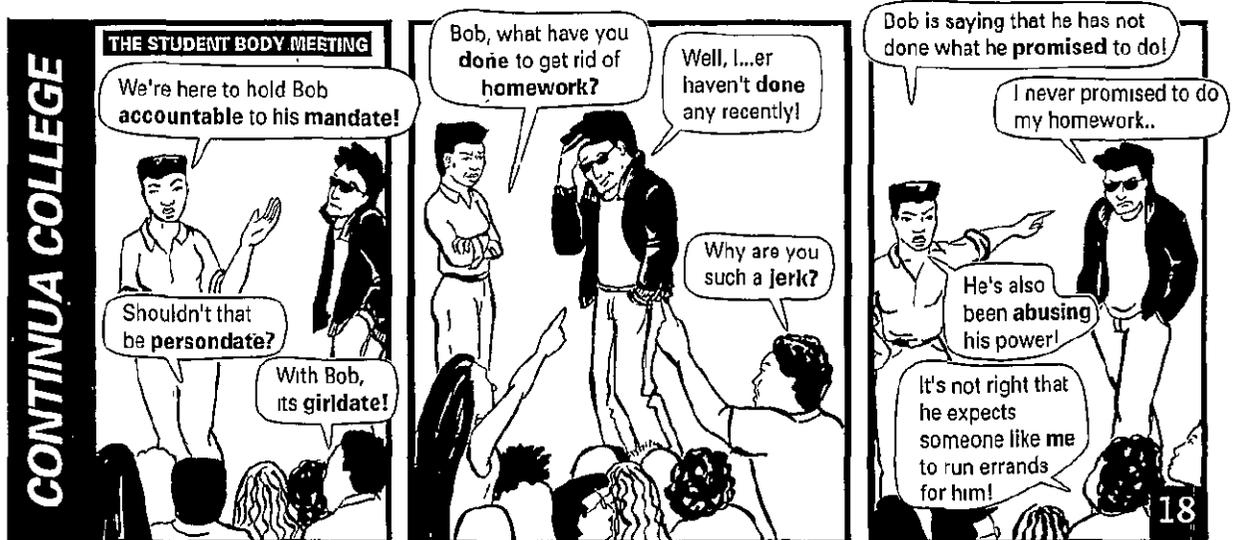
1. How has the woman in this case been successful? Who else benefits from her success?
2. Assume that in this culture it was traditional for women not to own and run businesses. If there was a law which made it illegal for a woman to own a business without her husband's consent, would this be a human rights violation? Give your reasons.
3. What arguments might there be against allowing her to start a business on her own?

There are clear gains to be made by individuals and countries when all citizens have equal access to education, training and job opportunities.

However, some people fear that they may lose out if someone else – of a different sex, skin colour, language or religion – has an equal chance. Their fears may grow stronger during times of change, when some “old rules” or discriminatory practices begin to change. Some people are afraid that others will get preference for places in universities, the nicest housing, more money spent on their health care, or better jobs. Sometimes people object when laws are passed and enforced to stop discrimination because they are no longer in a privileged position.

Some people fear that if discrimination is removed they will lose their privileged position in society.

When a certain group of people has been discriminated against for a long period of time, society must address the question of what should be done about this discrimination. Laws can be passed to protect against future discrimination with the goal of providing equal opportunity for all, but attitudes of prejudice may make change difficult. Examine the following case and decide what you think should be done.



PROBLEM FOUR

The case of the new supervisor

Simon is a member of the Zinos, an ethnic group which had been discriminated against for over a hundred years. He has been a worker for twenty years in a factory owned by members of the Tarmas, the dominant ethnic group in his country. All supervisors in his factory have always been Tarmas.

New laws make discrimination in job promotion illegal and Simon, a highly skilled worker, applies to be a supervisor. The job he has applied for is to supervise a four-person crew in which all four of the people to be supervised are Tarmas. They object to being supervised by Simon, a Zino.

1. If you were the owner of the factory, would you employ Simon? Why or why not?
2. Are there any actions the owner can take to change the attitudes of the workers? If so, what are they?
3. If the crew will be less productive because of their attitude about working under a Zino supervisor, should the law still require the factory owner to promote Simon?
4. Assume all supervisors were required to have matriculated because of paperwork and other tasks involved in their jobs. However, because of discrimination in education, Simon had not done this. Should Simon be denied the promotion or should the education requirement be changed? Are there any other alternatives? If so, what are they?

Some countries have begun affirmative action programmes. These programmes go beyond merely stopping or avoiding discrimination. These are steps taken by government or private businesses to make up for past discrimination in education, work, promotion, etc. An example would be special efforts to recruit women and people of specific races, ethnic groups, religions, and people who are disabled, for certain jobs. Another would be to offer bursaries to members of one racial group and not another.

Affirmative action programmes
involve steps to make up for
past discrimination in
education, work, promotion etc.

Affirmative action programmes sometimes cause arguments. Supporters say that such programmes are necessary to overcome the effects of past discrimination,

FOUR SOCIAL AND ECONOMIC RIGHTS

and that only strong action will help bring about needed changes. Such programmes, they maintain, would provide a chance to make up for past discrimination which may have put them behind others in education or training. They also argue that such programmes can provide role models and create hope for those who have not had either.

Opponents of affirmative action say that it is a form of reverse discrimination. They argue that sex, colour, language or religion should not be used as a basis for classification, because special treatment for some means discrimination against others. Those opposed to affirmative action believe that if everyone gets equal opportunity, then affirmative action is not needed. They believe that affirmative action may lead to less-qualified people being put in certain positions. Some also argue that those who are admitted into schools or receive jobs because of affirmative action may really be hurt, because they will always feel they did not really deserve what they got.

PROBLEM FIVE

The case of the voluntary affirmative action programme

Brian is a white worker in a metal factory. After five years at the plant, he applies for promotion to a supervisory position.

He is not selected because the factory has begun an affirmative action programme designed to increase the number of people of colour in supervisory positions. To do this, the company (because of pressure from the local union) has agreed to give 50% of these positions to blacks and 50% to whites. The company believes that this is necessary because although nearly 80% of the workers are black, only 5% of the supervisory positions are held by blacks.

Brian believes this plan is unfair. He says it discriminates against him because of his race.

1. What has happened in this case? Why has Brian been denied promotion to the supervisory position?
2. Should companies ever be allowed to use race as a factor in decision-making? If so, when and why? If not, why not?

3. What values are in conflict in this case? Is one more important than the other?
4. If you were a court deciding Brian's case, would you rule that he has been a victim of a human rights violation?
5. What is the purpose of affirmative action programmes? Do you think that these programmes benefit or harm society?

C *Family rights and protection*

Families are seen differently in various cultures. In some western and industrialized societies, people often think of the family as consisting mainly of parents and their children (known as the "nuclear" family). Other more traditional and often rural societies think of the family as "extended", made up of not only the parents and children, but also grandparents, aunts, uncles and cousins. The roles of men and women as part of the family are also defined quite differently in different societies. Yet in all societies the family – however it is defined – is a very important unit.

Families are seen differently in various cultures, from traditional "extended" families to modern "nuclear" families. But all societies see the family as the most natural and important unit in society.



It is not surprising that all human rights documents recognize and say that the State must protect the family as the natural and most important unit of society. Some human rights documents say that the family should receive economic, social and legal assistance and protection. The African Charter (Article 18) states that the "family is the custodian [keeper] of morals and traditional values recognized by the community" and that "every individual shall have duties towards his or her family."

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A number of human rights directly related to families are listed in these documents. They include:

1. The right to marry and the right to have a family.
2. The right not to marry without full and free consent.
3. Equal rights in marriage.
4. The family's right to protection.

Protection for children in families is contained in other international human rights documents, but the Convention on the Rights of the Child puts together the existing international law on protecting children. It also sets new standards

The rights of children are protected under the Convention of the Rights of the Child.

and addresses needs not previously considered. Article 19, on abuse and neglect, says that the State must "protect children from all forms of abuse, neglect and exploitation by parents or others, and undertake preventive treatment programmes in this regard." Article 24, on health care, notes that the State must "abolish traditional practices which harm children."

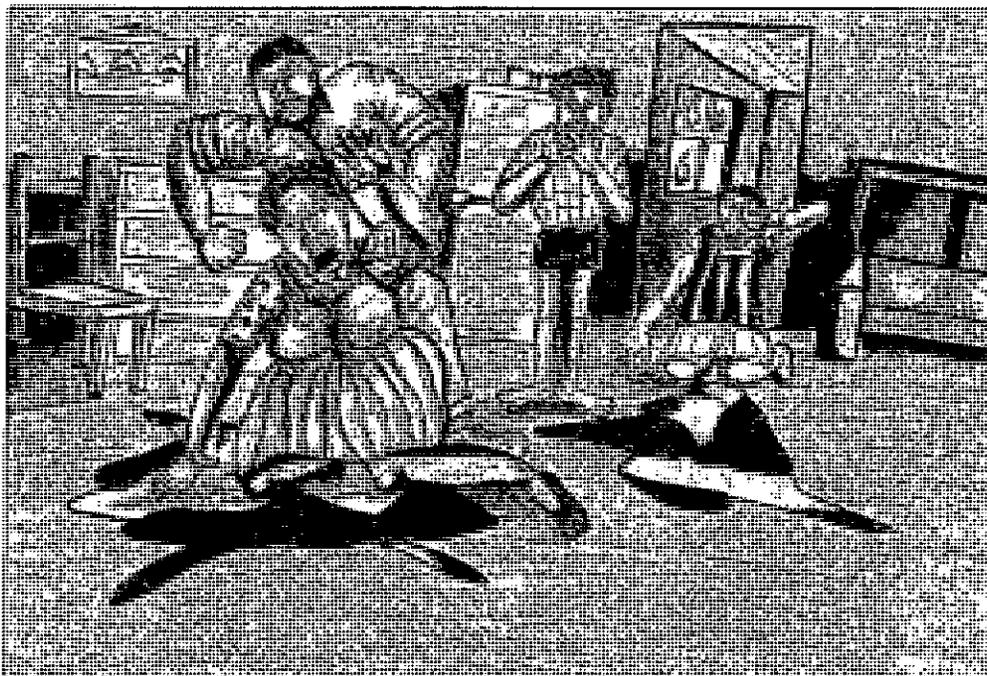
PROBLEM SIX

Is the cultural practice a violation of human rights?

Human rights documents often protect people's rights to take part in their cultures. However, sometimes family practices in certain cultures are criticized as violations of human rights. Read the following situations and decide whether you think human rights are being violated and, if so, whether the government should take action.

1. In the rural areas of a country, most marriages are arranged by the parents, and the two people getting married have no say in choosing whom they want to marry.
2. In some State-run schools of a country, children are taught to disregard some of the cultural traditions they have learned from their parents. For example, the practice of consulting traditional healers when people are sick is discouraged.
3. The cultural tradition in another country is that boys are given further education and girls are not. Therefore the government often spends more money on schools for boys. In addition, parents who have money to send only one child to school usually send a son and not a daughter.

In one country, husbands claim that it is an accepted family custom to allow them to discipline their wives by beating them.



4. In one country, many married woman are physically punished by their husbands. Some are beaten. Husbands often claim that it is an accepted family custom to allow them to discipline their wives by beating them if they think that they are not fulfilling their duties.
5. In one country boys are circumcized, in another girls are circumcized. These are cultural traditions that are required even if there is no health reason for doing so.
6. In a country, it is part of the culture that women do not hold jobs outside the home and do not drive automobiles. Law prohibits them from getting driver's licences.

D Right to adequate education

One of the essential social and economic rights is the right to an adequate education. This right is not only important to individuals, but also to families, communities and whole societies or nations. All people want to be sure that they can earn a decent living and be productive members of society. Parents want to make sure that their children receive the best opportunities possible – and are able to pass on the traditions which they consider important. Communities and states need to have a continuing supply of skilled, trained and energetic citizens.

The right to education is not only important to individuals, but also to families, communities and nations. All human rights documents protect this right.

A democracy, in particular, needs its people to be able to understand and communicate about issues so that they can participate and govern effectively.

FOUR SOCIAL AND ECONOMIC RIGHTS

These universal concerns about education are shown in all human rights documents, including the Convention on the Rights of the Child. Like the others, the UDHR (Article 26) states that:

“You have a right to go to school and everyone should go to school. Primary schooling should be free. You should be able to learn a profession or continue your studies as far as you wish.”

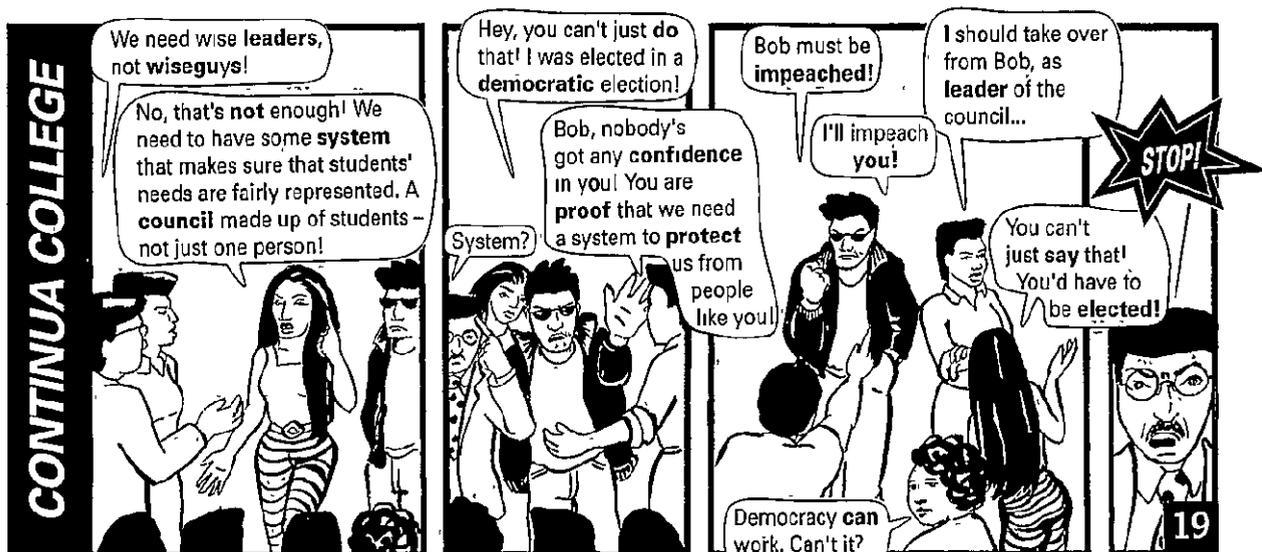
It is often in education that discrimination has done the most damage.

If all people are to receive at least an adequate free primary education, governments must spend money. School buildings, books and materials, teacher training and salaries need to be paid for. One of the most difficult problems for people to solve is how to move from unequal access to education for some people in a society to equal access for all. It is often in education that discrimination has done most damage, causing one group – whether because of skin colour, ethnic background, religion or sex – to receive an inferior education.

PROBLEM SEVEN

A debate about adequate education for all

Imagine that you are in a new country and you have decided to provide everyone with equal access to an adequate education. In the past, members of one racial group have received an inferior education in separate schools. You have called in some citizens (including students, parents and teachers) to discuss what can be done. Read the following conversation, then decide what you think.



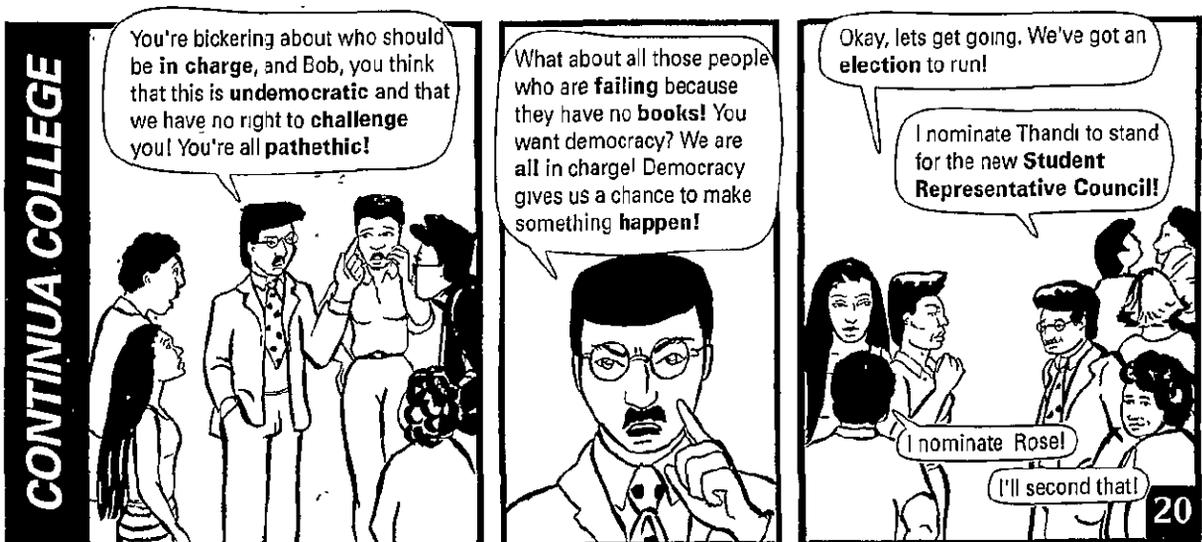
FOUR SOCIAL AND ECONOMIC RIGHTS

Parent 1: “The first thing we should do in our new country is to get rid of separate schools for different races – it’s a huge waste of money. If we put all that money into one school system for all children, then everyone would be better off.”

Student: “I agree with you. You’re right that it would help many students and their parents. We disadvantaged students would get the classrooms, books and teachers we need. And this better happen soon or it won’t do us any good!”

Parent 2: “Both of you are forgetting how this solution might look to the advantaged students and their parents. Would you want to give up your better schools to help those who have less? That’s a real problem you need to consider. Don’t you think their parents will take their children out of the State schools if they become integrated and inferior to the schools they have had?”

Teacher: (to Parent 2) “I don’t think you have all the facts. There are some schools for advantaged students that might close because of lack of students. Maybe the students and parents in these schools would choose to have non-racial schools rather than see their schools close. The real question is: Who should decide these questions: the people in particular schools, people in local areas, or the national government?”



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Non-parent: “And while we’re talking about education, what about higher education? A lot more money will be needed for bursaries and academic support to increase the number of disadvantaged students who go to the universities. Who will pay for this?”

Parent 3: (to Non-parent) “You need to get a better look at the whole picture. This is not just about who spends what money, it is about a whole country’s future. If we don’t find money to educate all our children now, we won’t have much of a future!”

Debating segregated schools

1. Role-play the above conversation.
2. What are the main ideas expressed by each speaker?
3. With which view(s) do you agree and why?
4. You may have ideas that are not mentioned here. If so, what are they?

The debate about which language to use in schools

People disagree whether all government-funded education should be conducted in the same language.

Another education question about which people disagree is what language should be used in schools. People have different views about whether, in a country where many people do not speak the same language, all government-funded education should be conducted in the same language.

Some people worry that, in a country which has many different language groups, allowing minorities to learn and speak only their own language will cause separation and disunity. They also wonder how the nation’s peoples will communicate among themselves. What about the future of minority language speakers? How can they be sure of getting a good job in the larger community without having a common language? They are also concerned that minority language speakers will not be able to vote responsibly and understand information about elections if they do not understand the majority language.

Others argue that while these may be problems, a more serious threat to a minority community would be if it could not pass on its traditions and language to its children in schools. Those most concerned about this situation point out that being forced to speak someone else’s language might create anger and rebellion. They add that if the situation continued for generations a people’s whole culture and identity might be wiped out.

Universal concerns about education are reflected in all human rights documents. But people disagree about whether the government should fund all education, and how the language and traditions of minorities should be protected.



PROBLEM EIGHT

Which language should be used?

1. What do you think are the advantages and disadvantages of the above views about language?
2. Which one do you find more convincing?
3. What role do you think governments should play in solving this problem?
4. If you were a government leader in charge of dealing with this problem, what suggestions would you make to solve it?

The UDHR states: “Your parents have a right to choose how and what you will be taught in school.” The African Charter (Article 17) adds that: “The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.”

According to the Convention on the Rights of the Child (Article 30), children of minority communities have a right “to enjoy their own culture, to practise their own religion and to use their own language.”

E *Right to adequate food, housing and health care*

Food, housing and health care are human rights relating to basic survival. According to the UDHR (Article 25): “You have the right to have whatever you need (your standard of living) so that you and your family do not fall ill, do not go hungry,

UDHR, Article 25: “You have the right to have whatever you need so that you and your family do not fall ill, do not go hungry, have clothes and a house”.

have clothes and a house...” The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for its member countries to agree to work together through international cooperation and take steps to make sure these rights are given. The ICESCR notes especially that everyone has a basic right to be free from hunger, and that countries should share technical knowledge about development.

Most other human rights documents treat health as separate from the standard of living. The African Charter, for example, states in Article 16: “Each person has the right to health and to medical care when sick.” All human rights documents agree, however, that protecting people’s health is an essential human right. Many people have noted that one cannot be in good health without having adequate food and housing. In fact, they have said that people’s survival is threatened without adequate food, housing and health.

Most people agree that adequate food, housing and health care are basic human rights. Yet millions of people throughout the world are hungry, homeless and dying because these needs have not been met.



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While many might agree on these basic needs, there is much disagreement about just how to achieve them. People disagree about whether it is the government's responsibility to make these rights happen. They also debate whether rich and poor nations have the same responsibilities to feed and house people

While many agree on what the basic human needs are, few agree about how to achieve them for all.

and provide them with health care. Others argue that these are basic rights of survival and, until they are assured, all other rights – such as the right to free expression – are secondary and can be suspended if necessary. Even if people agree that governments are responsible, they argue about what portion of budgets should be spent to introduce these rights, noting that there are always competing needs. Read the following case and think about what decision you might reach as a government official in this country.

PROBLEM NINE

Was the International Covenant broken?

Assume a country's government signs the International Covenant on Economic, Social and Cultural Rights (ICESCR). The government fully intends to help its poor people obtain adequate food, housing and health care, but it is soon faced with demands to repair large numbers of roads which business and professional people say are needed for economic development.

People in the government are divided on this issue. Some want the country to spend money to widen the roads so that more produce can get to market and industries can get raw materials from the countryside that they need for manufacturing. They say this will improve the economy which in the long run will benefit everyone.

Other people claim that poor people in the country need enough food, housing and health care now or they will continue to die in great numbers. If adequate money is not spent now on food, these people's children will not live to benefit from long-term development. The vote is close but the decision is made to spend most of the money to improve the roads. The country has failed to carry out what it agreed to under the International Covenant which it signed.

1. Why didn't the government of the country do what it promised under the International Covenant? Do you think it was justified in its decision? Why or why not?

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2. Is it the government's job to provide food, housing and health care to all its people? If not, are there any circumstances under which it should directly provide these necessities of life? Explain your thinking.
3. Since the country signed the International Covenant agreeing to take steps to give its citizens adequate food, housing and health care, has it violated this agreement? If yes, should other countries be able to enforce the agreement?

Some people argue that there are many other ways in which people's rights to adequate food, housing and health care are threatened by the policies implemented by governments or by the failure of governments to act. Consider the following situations.

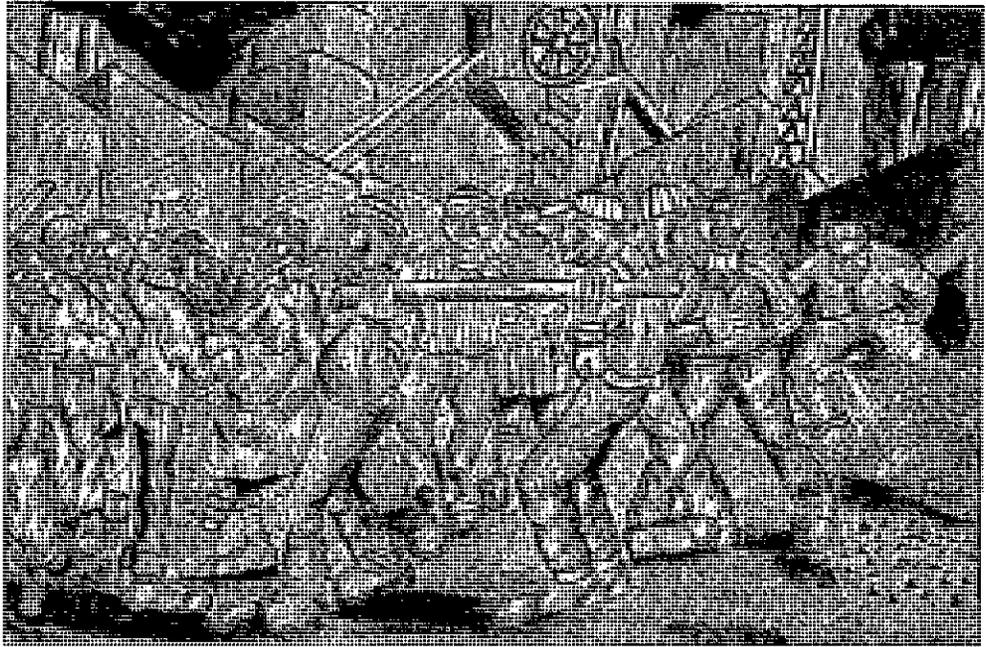
PROBLEM TEN

Are human rights being violated?

Which of these situations do you think describes a human rights violation? Why? What do you think people can do to protect themselves from such violations?

1. In one country the government has decided that the best way to help the economy is to encourage the people to grow crops mainly for export and in order to get much-needed foreign currency, instead of allowing people to grow crops which they can eat. One result of this policy is that many people go hungry.
2. Poor people who have long been discriminated against and forced to live in rural areas move to the cities to obtain jobs. Because the city does not have cheap housing, they set up shacks to live in on vacant land. The government says they do not have the right to live on the land, knocks down their shacks and evicts them.
3. A wealthy country has a long-standing government policy of giving money to its tobacco industry. Some people claim that this industry creates jobs and profits, and brings in a great deal of money in taxes. Others argue that what this industry really creates are serious health problems among those who smoke and others who breathe in their smoke.
4. The cost of medical care, doctors, hospitals, and medicine has risen to a point where people cannot afford them. The government refuses to start a system of National Health Insurance for all because of the cost of such a system. It also says that it believes that the quality of health care will deteriorate.

Is a government decision to allow coal-burning factories to operate without controlling pollution a violation of human rights?



5. In a poor country the government decides that the best way to build up industry and create jobs is to allow coal-burning factories to operate, without requiring owners to spend money on machinery to keep the surrounding air clean. This results in more jobs, but also causes serious air pollution and results in lung disease for many people living near the factories.

F Property ownership: Private rights and public need

The right to own property is considered by many as an essential human right. They argue that it is hard to imagine how people can obtain many other social and economic rights without the protection of their right to own property. Property is defined as both real property (land, buildings, crops, fences, etc.), and personal property (property that can be moved, like cars, clothing, and appliances).

According to the plain language version of the UDHR (Article 17): “You have the right to own things and nobody has the right to take these from you with-

UDHR, Article 17: “You have the right to own things and nobody has the right to take these from you without a good reason”.

out a good reason.” The same kind of view is found in human rights treaties such as the African Charter (Article 14): “Each person has the right to own property except when it is against the law because of public need or the general interest of the community.” The African Charter also states (Article 21): “All

peoples have the right to their country’s natural resources and wealth without foreign exploitation.”

FOUR SOCIAL AND ECONOMIC RIGHTS

It is interesting to note that while the right to own property is in the UDHR, it is not included in either of the international covenants which enforce the UDHR. When these treaties were written, the countries represented in the United Nations could not agree about property rights. Because they could not agree on these rights, the treaties make no mention of them. People continue to disagree about property rights.

People and cultures have different views about private property. Some believe in more of a community or collective type of ownership of land and other property. Others believe that individual ownership is necessary in order to make people work hard. Some believe in individual ownership, but suggest high taxation or other methods of distributing the wealth on a more equal basis.

People and cultures have different views about the right to own property, and whether ownership should be individual or collective.

It is seldom easy to decide if and when “public need or the general interest of the community” is more important than an individual’s property rights.

PROBLEM ELEVEN

Is it fair for the government to control or take away property?

Working in small groups, decide whether in each of the following situations you think that because of “a good reason” or “public need” or “the general interest of the community”, it would be fair to control or take away someone’s property. If so, why? If not, why not? Is the government’s action or law in each of these situations a violation of human rights?

1. According to one country’s law, landlords are not allowed to evict tenants or raise their rents when there is a shortage of inexpensive housing.
2. In another country, the government needs to build a highway linking a country’s rural area with its major trading port. A law is passed which requires landowners to sell the government the land needed for the road. The government plans to take this private property for public use and provide fair compensation.
3. In another country, poor farmers and others have demonstrated in large numbers and persuaded their government to enact a land reform law. This law requires that the few large landowners, who own most of the

land, must change from a system where workers receive only crops in exchange for work to a system which will allow workers to obtain the right to own some of the land.

4. In a country where a small number of people controlled most of the wealth, pressures from other countries and from large numbers of the poorer people finally forced a change. In order to make up for past injustices and to distribute the wealth more fairly, the new government decides to “nationalize” or take over some privately-owned businesses. The government offers to pay the owners 50% of the fair market price for their businesses.

G *Right to work: Conditions, pay and abuses*

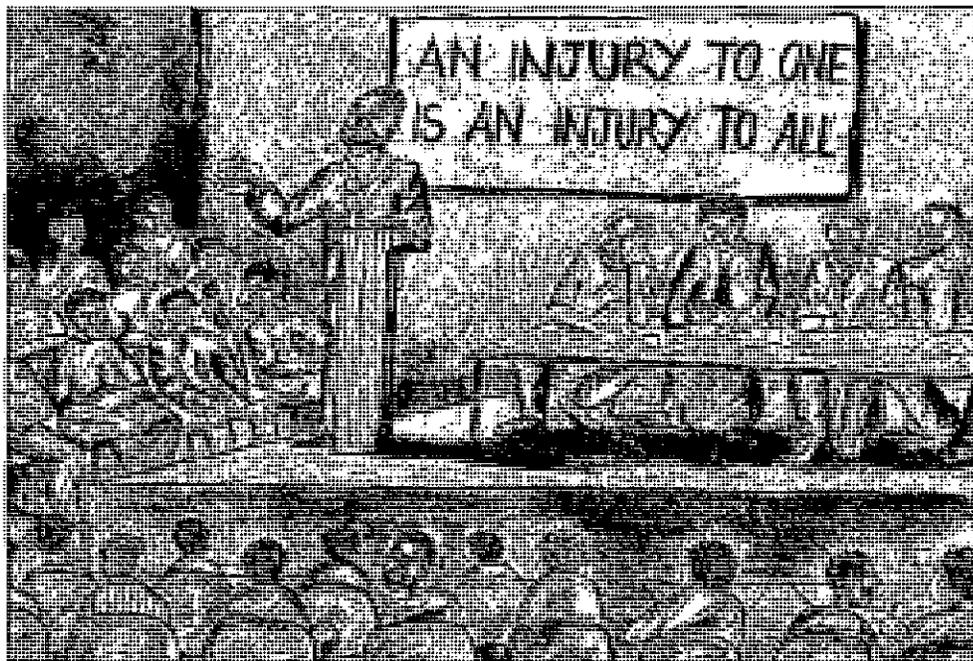
Many international human rights documents contain articles protecting everyone’s right to work, their right to fair pay and conditions, and their right not to be made slaves. These rights are considered basic human rights, and without them many of the other human rights discussed in this chapter would be at risk. Families depend on the rights of parents to work to support their children. An important value of education is that it prepares people for productive work. Provision of adequate food, housing and health care would be seriously threatened without the right to work.

UDHR, Article 23: Everyone, without any discrimination, has the right to equal pay for equal work and to join a trade union.

The plain language version of the UDHR (Article 23) states that: “You have the right to work, to be free to choose your work, to get a salary which allows you to live and support your family.” The same article in the original text of the UDHR states: “Everyone, without any discrimination, has the right to equal pay for equal work. Everyone has the right to form and join trade unions for the protection of his or her interests.” Other human rights documents like the African Charter (Article 15) contain similar words and ideas. Trade unions are membership organizations of workers which look after the interests of workers. They deal with working conditions and wages and generally try to improve the position of their members. Trade unions usually sign agreements with the owners of businesses and factories so that certain steps are followed if there is a disagreement. If these steps are not followed or negotiations between the owners and the trade unions break down, the unions may call for a strike, boycott or other action.

While there is some disagreement about what people think are “good working conditions” and some debate about how these rights or goals (depending on

UDHR, Article 23:
"Everyone has the
right to join a trade
union to protect his
or her interests
as a worker".



your point of view) can be reached, there is no disagreement on one point: All human rights documents outlaw slavery. The UDHR (Article 4) states:

All human rights documents
outlaw slavery.

"Nobody has the right to treat you as his or her slave and you should not make anyone your slave." The African Charter (Article 5) says: "No form of exploitation or degradation is allowed, especially not slavery."

Another area about which there is increasing agreement and concern is abusive child labour. In order to address this and other serious concerns about children, the Convention on the Rights of the Child has recently been signed. Article 31 states that children have the right to be protected from work which threatens their health, education and development, and that governments must set minimum ages for work and control the conditions under which children work. While abusive child labour is illegal in most countries, the law is often not enforced. This happens in both rich and poor countries.

People, however, do not all agree on some other aspects of work.

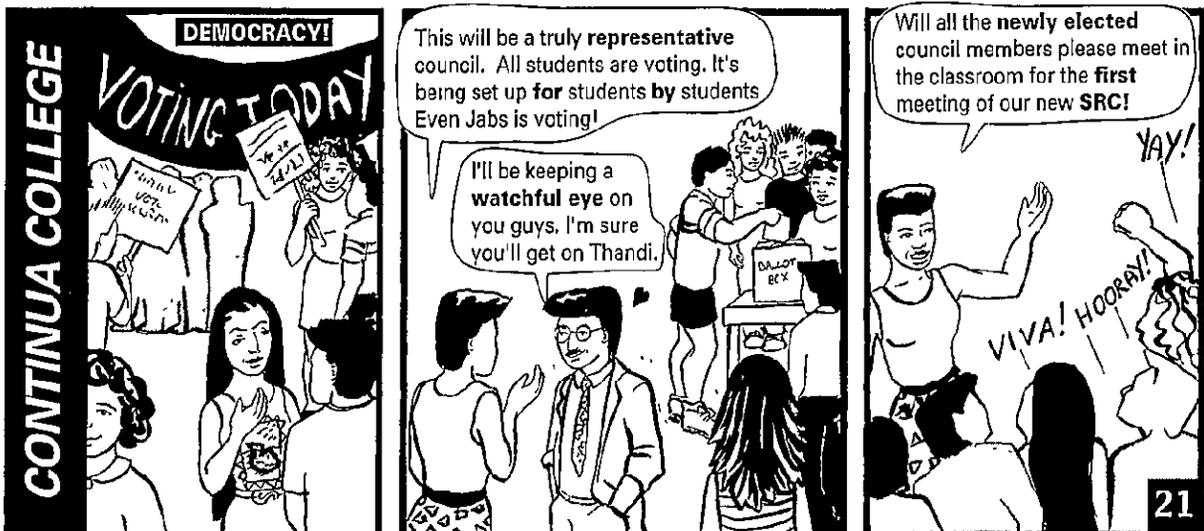
PROBLEM TWELVE

Have the human rights of the workers been violated?

After reading the human rights provisions mentioned above, do you think the following practices are human rights violations? Why or why not?

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1. Domestic workers, most of whom live far from the homes of the middle-class people they work for, must get up early in the morning and arrive home late after dark each day. Their wages are very low and insufficient to cover their basic needs of food, clothing and shelter.
2. The government states that many strikes by workers are seriously harming the economy. It outlaws strikes but creates an industrial council with business, government and union leaders on it to hear and make decisions in labour disputes.
3. Both men and women work in maintenance jobs. Men do more heavy lifting than women. Women receive 20% less pay per hour than the men.
4. Parents who own a farm will not allow their 14-year-old son to go to school. They say they need him to take care of the cows on the family farm.
5. Miners whose job it is to set off explosives in the mines ask the mine owner to buy some very expensive safety equipment. The owner refuses, saying the cost of the equipment will result in the mine losing money and in any case the miners are paid high wages because of the danger involved.
6. Labour actions such as strikes, go-slows or stayaways which are not directed at the employer but rather at the government, have been made illegal. Organizers of these actions are arrested and prosecuted.
7. A store owner refuses to hire a woman as a sales clerk because she has a disabled hand which the storeowner feels will make his customers uncomfortable.



5. WHEN HUMAN RIGHTS ABUSES OCCUR: WHAT CAN BE DONE?

OBJECTIVES OF THIS CHAPTER

After reading this chapter you should be able to:

1. Describe the methods of negotiation, arbitration and mediation, and participate in some conflict resolution situations
2. Describe a variety of groups and tactics that have been used to address human rights abuses, and evaluate their strengths and weaknesses
3. Analyse an extended case of human rights abuse and identify the steps that individuals can take to stop such abuse.

CONTENTS OF THIS CHAPTER

- A** Non-violent conflict resolution: negotiation, arbitration and mediation 85
- B** Groups and tactics on the local, national, regional and international level 94

FIVE WHEN HUMAN RIGHTS ABUSES OCCUR: WHAT CAN BE DONE?

The best way to deal with human rights abuses is to prevent them from happening. Once abuses have happened, the structures of democratic government (see above

In a democratic society it is
important to set up methods of
non-violent conflict resolution.

chapter 2), such as a bill of rights and independent courts, can often provide important protection for human rights without people having to resort to violence. In a democratic society, it is also important to set up other methods of non-violent conflict resolution.

This chapter introduces three methods of non-violent conflict resolution and describes several ways in which these methods can be used. At the end of the chapter, you will look at what can be done if governments do not agree to operate within a non-violent framework. You will see that many actions may be taken to address human rights abuses at local, national, regional and/or international levels.

A *Non-violent conflict resolution:* *Negotiation, arbitration and mediation*

Protecting human rights often involves settling disputes between people or between individuals and their governments. Sometimes these disputes result in violence, but often people are able to work them out peacefully on their own or with the help of others. In this section you will examine examples of conflicts which can lead – and have led – to human rights abuses:

1. A dispute between the police and members of a community.
2. A conflict between workers and their employer.
3. A dispute among members of a family.

WORDS TO KNOW:

arbitration

negotiation

mediation

FIVE WHEN HUMAN RIGHTS ABUSES OCCUR: WHAT CAN BE DONE?

Among the most common methods of solving disputes without violence are *negotiation*, *arbitration* and *mediation*. These methods can be used instead of courts of law. This section gives you an opportunity to experience each method and to decide how useful it is as a method of solving human rights problems.

1. Negotiation

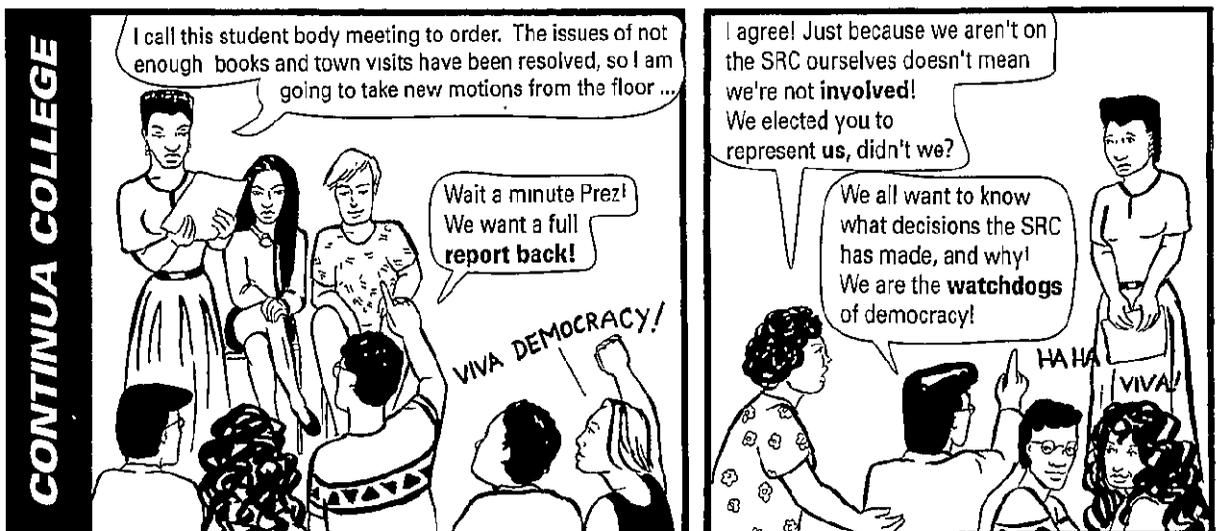
Negotiation is used by everyone including neighbours, employers and employees, tenants and landlords, and governments.

Negotiation is the process by which people involved in a dispute talk to each other about their problem and try to reach a solution acceptable to all. This informal means of settling disputes is used by everyone including neighbours, employers and employees, tenants and landlords, and the governments of countries. If governments of countries can agree to solve their problems through negotiation, it may be possible to avoid wars and prevent a great deal of human rights abuse.

PROBLEM ONE

What tactics would you use for negotiation?

1. If you were to take part in negotiations, what tactics do you think would work or help both sides to reach an agreement with which they could live?
2. What tactics do you think would not work, and should not be used while negotiating?
3. Compare your ideas to the "Negotiation Guidelines" listed in the box on page 87.



Negotiation Guidelines

1. Preparing for the negotiation

Preparation is a key part of successful negotiation. Be sure that you understand all the facts which have gone on before and any law(s) involved in the case. Decide what is your bottom line. What items are not negotiable for you? Try to imagine what it must be like to be in the other side's shoes. What items do they care most about?

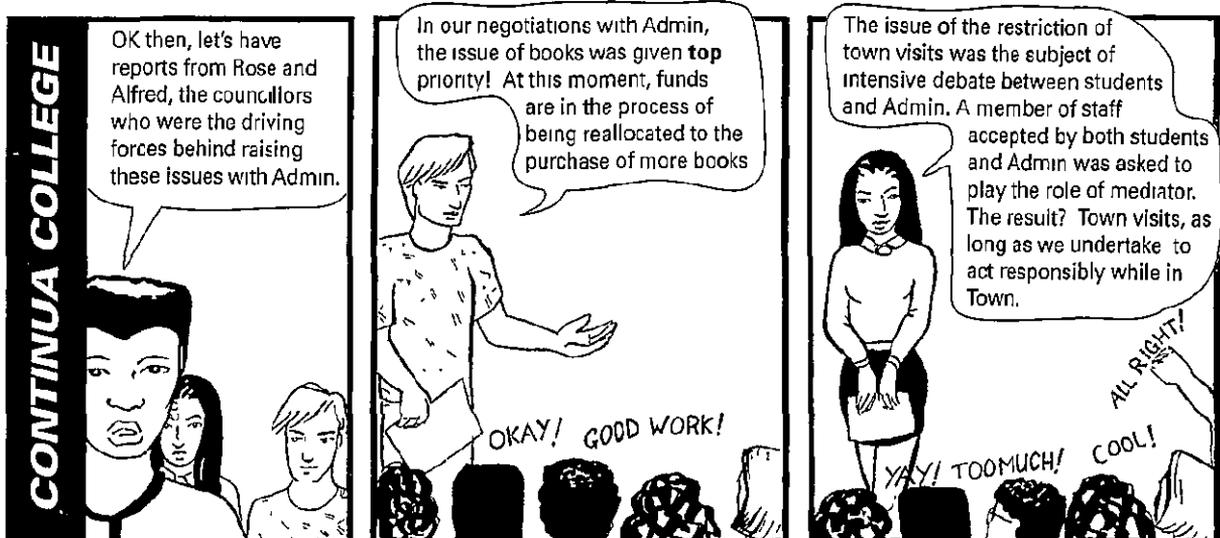
2. The negotiation itself

Try to build a good working relationship with the people with whom you are negotiating. Be friendly and cordial. Speak about yourself using phrases like "I think", "I feel" and "I would like" rather than phrases like "you did this", etc. Listen.

Brainstorm all the different possible solutions to or options for solving the problem. Don't look for one answer: Be creative. Don't make unfair or totally unrealistic demands. Do not be abusive, overly emotional or threatening. Don't give away things without getting something in return. Use "if then" questions. For example: "If I give in on this, will you give in on that?"

3. "Moving" and coming to an agreement

For a negotiation to end in an agreement, one side must show that it is ready to "move" or compromise. If the other side does not show this after a sufficient period of time, it may be to your advantage for you to do so. Agreements should be as fair as possible to both parties. Both should feel that they came away with something. Use ways of measuring that both sides can accept and consider as fair.



PROBLEM TWO

A negotiation between the police and community members

Imagine that you live in a country that is changing from an undemocratic system to democracy and the rule of law. Under the old form of government there were few controls on the police and citizens suffered as a result of widespread abuses of police powers. These included the use of torture and the detention of children. Because of this history, members of the community want to work out a plan to prevent abuse in the future and to make sure that abuses are punished when they happen. These people believe that the best way for them to prevent abuse is for the community to have the power to employ, dismiss and discipline police officers.

The police, while recognizing the need for change, are very suspicious of the community's plan for civilian control of the police. They believe that the police should control themselves and that community members do not know enough about the employment, dismissal and disciplining of police to be able to do it properly. They say that civilians do not understand what it is like to face violence constantly, and that it is not always easy to know how much force to use against a suspect. They also feel that they are very underpaid and overworked.

1. Divide into small groups. Half of the members in each group will act as members of the community and the other half will act as the police. Each



group will conduct its own negotiation. Read the above dispute between the police and the community again. Be sure that you also understand the "Negotiation Guidelines".

2. Select one or two people to act as observers of the negotiation process. They will have to report about it at the end.
3. Those representing the police and those representing the community should meet separately to plan their strategies for the negotiation. Make a list of your group's interests in this situation. Decide what your group would like to see happen in the future.
4. The police and community representatives should then meet to negotiate. Both sides' views should be presented. Consider a variety of possible solutions, and then negotiate and try to agree on the best alternative. (Keep the Guidelines in mind!)
5. The observers should report to the whole group what they noticed about the negotiating process: What worked and what did not? How did the results differ among the groups?
6. Assume that the police had refused to negotiate. Role-play a meeting of community members who are debating whether they should start non-violent protests against the police or use violent tactics. What other methods might be used to get the result the community desires?

2. Arbitration

Arbitration occurs when both parties to a dispute agree to ask another person to listen to their arguments and to make a decision for them. The arbitrator is like a judge in some ways but the arbitration process is less formal and less



FIVE WHEN HUMAN RIGHTS ABUSES OCCUR: WHAT CAN BE DONE?

The arbitrator is like a judge in some ways, but the process is less formal and less costly.

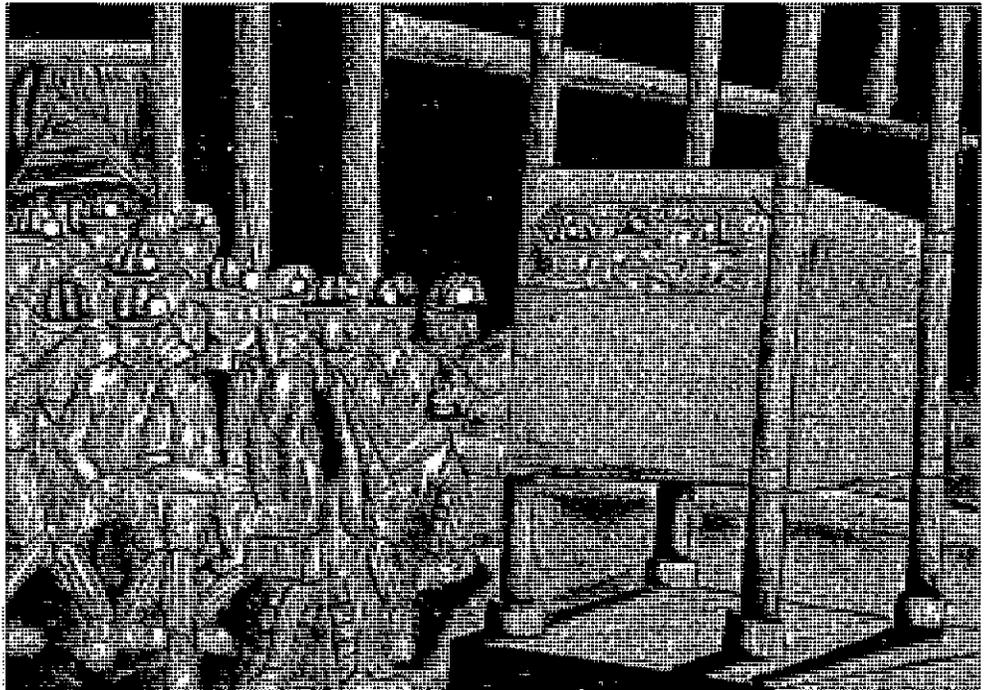
costly than court proceedings. Sometimes lawyers and witnesses are used in arbitration, at other times they are not. Arbitration is usually used in disputes between labour and management about working conditions, wages and other employment issues. It is also used to settle strikes, especially when a strike may result in serious problems such as damage to the economy or causing people to be deprived of necessities, such as heat, food or essential services. In such situations a government representative or private persons agreed upon by both parties may act as arbitrators between labour and management. Representatives of international organizations also sometimes act as arbitrators in human rights disputes, as can be seen in the Charts in the next section of this chapter.

Using the "Arbitration Guidelines" listed in the box on page 91, role-play the following situation:

PROBLEM THREE

An arbitration between mineworkers and their employer

A dispute arises in a mine because white supervisors are always lifted to the surface first, while black workers have to wait for hours underground.



Black workers in a mine complain that, because of the time taken to lift workers to the surface, they have to spend two to three hours longer in the mines each day than white supervisors. The decision about who is brought up to the surface first at the end of the shift is based on

whether one is a supervisor and who has worked there the longest (seniority). Workers claim that this is discriminatory. The management says that it is justified in the case of supervisors because they need to do paperwork in the office after they come up.

Most mineworkers are black and most supervisors are white. Until recently all the supervisory jobs were reserved for whites. Black workers have recently been promoted to supervisory jobs but are still less senior than white supervisors and continue to be the last supervisors to be brought up out of the mines each day. The country where this occurs is in the process of changing to a democracy and passes a new law stating that there must be no unreasonable discrimination in employment.

1. **Divide into small groups and ask one person to serve as arbitrator in each group. Half of the remaining members in each group should act as members of an organization representing black workers and black supervisors. The other half should act as the white owners of the mine. The**

Arbitration Guidelines

1. Both sides prepare

Representatives from both sides should each tell the story from their point of view. Each group should also have prepared questions to ask the other group about their story.

2. The complaining group tell their story

The arbitrator asks the first group's representative, – the side bringing the complaint of discrimination – to tell the story from their point of view. The arbitrator then asks questions to be sure that the story is clear and complete. The second group's representative can then question the representative from the first group about this story.

3. The other group tell their story

The arbitrator asks the second group's representative to tell the story from their point of view, after which the arbitrator asks questions to clarify their story. Next the second group's representative can question the first group's representative about the story.

4. The arbitrator makes a decision

After both stories have been heard the arbitrator reviews the facts of the situation and the law that applies. In this instance, the arbitrator should then decide whether he or she thinks that this is a case of unreasonable discrimination in employment.

FIVE WHEN HUMAN RIGHTS ABUSES OCCUR: WHAT CAN BE DONE?

- two groups – miners and owners – should review the facts and prepare their arguments.
2. Each group of miners and owners should select two representatives to take part in the arbitration session.
 3. Use the “Arbitration Guidelines” to prepare for and conduct the arbitration session between the representatives of the two groups.

3. Mediation

Mediation takes place when a third person helps the disputing parties talk about their problem and settle their differences. Mediation differs from arbitration in that mediators cannot impose a decision on the parties. The agreement is the result of the parties’ willingness to listen carefully to each other and to come up with reasonable ideas about how to settle the dispute. Mediation allows

Mediation is based on the
parties' willingness to listen
carefully to each others' point
of view.

people who disagree to speak about their feelings. It avoids placing blame on anyone, and looks at the future of the relationship between the parties. Mediation is often used between husbands and wives, landlords and tenants, and consumers and businesses. On the local level, outside mediators are often used to settle heated disputes between people of different racial groups. On the national and regional level, mediation is used to settle disputes between industries and environmental groups, in order to prevent situations from developing which could result in human rights violations.

PROBLEM FOUR

Mediating a family dispute

The father of a child leaves his country to obtain a university education elsewhere and works as a taxi driver to support himself while he is there. The job does not pay much and he does not send home any money to support his child. The mother and child live with her parents. They are angry about not receiving any maintenance money from the father and refuse to let the father’s parents visit the child. The mother also warns that she will not let the father visit the child when he returns unless he sends her some money for maintenance soon. (According to the Convention on the Rights of the Child, the State should try to recover maintenance for the child from people having financial responsibility toward it, both within the country and abroad, and all children have the right to maintain contact with both parents.)

FIVE WHEN HUMAN RIGHTS ABUSES OCCUR: WHAT CAN BE DONE?

1. Small groups should be formed, each of which is divided up into representatives of the mother and her parents and the father's parents.
2. Two people should be selected to work together as mediators for each group. Conduct a mediation session following the steps listed in the "Mediation Guidelines" in the box below.
3. Did the mediation result in an agreement? If so, what was it? If not, why not?
4. If mediation had not been used in this situation, what other methods might have been used to solve the problem? Do you think they would have been more or less effective? Why or why not?

Mediation Guidelines

1. Introduction

The mediator sets the parties at ease and explains the ground rules. The mediator's role is not to make a decision but to help the parties reach a mutual agreement. The mediator explains that he or she will not take sides.

2. Telling the story

Each party tells what happened. The person bringing the complaint tells his or her side of the story first. No interruptions are allowed. Then the other party explains his or her version of the facts.

3. Identifying the facts and issues

The mediator attempts to identify agreed-upon facts and issues. This is done by listening to each side, summarizing each party's views, and asking if these are the facts and issues as each party understands them.

4. Identifying alternative solutions

Everyone thinks of possible solutions to the problem. The mediator makes a list and asks each party to explain his or her feelings about each possible solution.

5. Revising and discussing solutions

Based on the expressed feelings of the parties, the mediator revises possible solutions and attempts to identify a solution to which both parties can agree.

6. Reaching an agreement

The mediator helps the parties to reach an agreement that both can live with. The agreement should be written down. The parties should also discuss what will happen if either of them breaks the agreement.

B **Groups and tactics on the local, national, regional and international level**

Around the world, millions of people are concerned about and involved with human rights.

There are thousands of human rights organizations. All share one common goal: To make people aware of human rights abuses so that public opinion and pressure – political, legal, economic and moral – can be brought against guilty governments to stop human rights abuses.

All human rights organizations have one common goal: To stop human rights abuses.

There are many ways of doing this. Different strategies and tactics such as private letter writing campaigns and public demonstrations have been used. But no matter what the tactic or strategy, all of these efforts start with – and are carried on by – individuals. As one statesman once said: “Unless an individual is willing to take a stand, sometimes at great risk, it is difficult to protect human rights.”

A network of human rights organizations has been developed by people and nations all over the world to support individuals and groups whose governments do not respect human rights. On the next few pages there are Charts which list some of the local, national, regional and international organizations that protect human rights. The Charts also list the tactics they use, and the advantages and disadvantages of using each organization. Read the Charts and answer the questions which follow.



CHART 1: LOCAL AND NATIONAL GROUPS

FAMILY	RELIGIOUS GROUPS	PROFESSIONAL ORGANIZATIONS:
FRIENDS	POLITICAL PARTIES	- Teachers
YOUTH GROUPS	NATIONAL HUMAN RIGHTS GROUPS	- Lawyers
WOMEN'S GROUPS		- Journalists
LABOUR GROUPS		- Doctors
BUSINESS GROUPS		- Nurses
		- Artists

Tactics

- Any or all of these tactics may be used by any or all of the listed groups:
 - Holding private and/or public meetings
 - Conducting negotiations
 - Putting on exhibits, displays, concerts, plays
 - Holding religious services
 - Circulating petitions
 - Writing letters and news articles, and placing advertisements in the press
 - Calling local radio talk shows
 - Nominating, supporting and electing people who support human rights
- Organising or participating in demonstrations — large and small
- Using economic/political pressure to support human rights, such as boycotts, stayaways, sanctions, strikes, etc
- Gathering of information about human rights abuses
- Using mediation
- Using arbitration
- Going to court
- Helping to support, and working with, human rights organizations on the international and regional level.

Advantages

- Groups and organizations already exist in many communities. They are familiar and accessible to many people.
- Members are likely to know and trust each other, speak the same language, and share similar values and interests.
- Members are likely to be knowledgeable about workings of the local community such as:
 - buying power
 - best locations for demonstrations
 - who holds what power in the area.

Disadvantages

- Family, friends and local groups are likely to be subject to the abuse of power by the same government which has caused human rights abuses in the first place.
- Government actions might include:
- Restricting access to media
 - Obstructing public and private meetings and demonstrations through threats and/or use of violence.
 - Economic actions such as threatening the loss of jobs, homes, etc

CHART 2: NON-GOVERNMENTAL ORGANIZATIONS (NGOs)

(On regional and international level)

Below are six of the more than 4000 groups:

- | | | |
|--|---------------------------------|---|
| 1. AMNESTY INTERNATIONAL | 4. HELSINKI WATCH
ASIA WATCH | 5. INTERNATIONAL COMMITTEE OF THE RED CROSS |
| 2. INTERNATIONAL COMMISSION OF JURISTS | AMERICAS WATCH
AFRICA WATCH | 6. MINORITY RIGHTS GROUP |
| 3. ANTI-SLAVERY SOCIETY | | |

Tactics

- | | |
|--|--|
| <p>1. AMNESTY INTERNATIONAL
Uses about 4000 local groups to achieve the immediate release of prisoners of conscience who have never used or advocated violence.</p> <p>Works to ensure prompt and fair trial of all political prisoners.</p> <p>Uses research and letter writing to prisoners, jailers, governments and newspapers.</p> <p>Receives considerable press coverage. Has very widespread support. Its political neutrality gains much respect. During 1988, 1,566 prisoners were released</p> | <p>3. ANTI-SLAVERY SOCIETY
Works to end slavery and protect rights of indigenous peoples. Conducts investigations.</p> <p>4. HELSINKI WATCH, ASIA WATCH, AMERICAS WATCH, AFRICA WATCH
Focus on regional human rights, publicize violations and encourage international protests against offending governments.</p> <p>5. INTERNATIONAL COMMITTEE OF THE RED CROSS
Sees that laws of warfare are observed and that standards of treatment of POWs and political prisoners are upheld. Inspects prisons and detention centres to ensure humane treatment.</p> |
| <p>2. INTERNATIONAL COMMISSION OF JURISTS
Uses distinguished foreign judges and lawyers to observe at trials of people charged with political offences to ensure due process.</p> | <p>6. MINORITY RIGHTS GROUP
Works with oppressed minorities and majorities to publish reports, run educational programmes in schools and colleges, especially counteracting bias and stereotypes.</p> |

Advantages

- | | |
|---|---|
| <ul style="list-style-type: none"> ● NGOs are in a better position than individuals to gather reliable information and prepare legal documents. ● NGOs get information which doesn't always appear in State reports. Particularly useful in dealing with closed societies. ● NGOs are less subject to political forces and pressures than government organizations. ● All major NGOs have consultative status with regional intergovernmental organizations and | <ul style="list-style-type: none"> the UN, and can focus on specific human rights violations. ● NGOs have strengthened the ways countries report under international treaties ● NGOs are better placed than anyone else to monitor the performance by national governments of their obligations under international law and to pass that information on to those who supervise, interpret, apply and enforce them. |
|---|---|

Disadvantages

<p>While NGOs perform many critically needed services in focusing public opinion on human rights abuses, they don't have power under</p>	<p>international law to enforce covenants guaranteeing human rights protection.</p>
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CHART 3: REGIONAL INTERGOVERNMENTAL ORGANIZATIONS (IGOs)

COUNCIL OF EUROPE (COE)

ORGANIZATION OF AMERICAN STATES (OAS)

ORGANIZATION OF AFRICAN UNITY (OAU)

Tactics

What these 3 organizations have in common:

- All require that a person or group bringing a complaint must first exhaust domestic remedies.
- All try to obtain a friendly settlement between those bringing a complaint and the country accused of abusing human rights.
- All are based on written documents on human rights (Charters) signed by countries in a particular region: These nations supposedly share a common culture and traditions.
- All hold confidential hearings to establish the facts of the case, and go public only if agreement can't be reached.

Differences between these 3 organizations::

- COE: Focuses on civil and political rights. Allows both states and individuals to bring complaints of violations before its commissions and courts.
- OAS: Focuses on duties as well as rights of states. Conducts on-site investigations of human rights abuses and makes country studies. Allows both individuals and states to bring complaints.
- OAU: Focuses on rights of peoples as well as individuals. Emphasizes economic, social and cultural rights as more important than civil and political rights.

Advantages

In common:

- The role of all 3 organizations is also to educate member states about human rights issues, to raise consciousness and hopefully to prevent abuse in the future.

Differences:

- COE: Has the oldest and most advanced and effective regional human rights system. Decisions reached are binding on member states.
- OAS: Its authority has grown since the 1970s. It includes civil and political as well as economic and social rights. The human rights court is empowered to render judgments and award money damages.
- OAU: Uses negotiation and mediation as well as court processes.

Disadvantages

In common:

- All 3 regional intergovernmental organizations procedures can take years to complete. This can be expensive and discouraging to those bringing complaints.
- Many nations of the world are not yet members of any regional intergovernmental organization and are therefore not subject to these concerns about human rights.
- Since national governments are members, political forces often get in the way of attaining human rights

Differences:

- COE: Does not deal with abuses of economic and social rights, though there is a European Social Charter that deals with some of these issues
- OAS: Up to 1988, the power to render binding judgments and award damages had not often been used.
- OAU: Is designed to investigate massive violations, and not individual cases, of human rights violations. There are many restrictions on the exercise of the rights the OAU proclaims. It lacks a court to render judgement and award damages.

**CHART 4.1: INTERNATIONAL GOVERNMENTAL ORGANIZATIONS
(UNITED NATIONS)**

A: COMMISSION ON HUMAN RIGHTS (CHR)

- Has 43 member states whose government representatives serve as members of the commission. They do not serve as private individuals.
- A formula ensures equitable geographic distribution.
- Set up by the UN Economic and Social Council.

Tactics

- Based on the UN charter, central policy group of UN on human rights.
- Drew up UDHR and two covenants on human rights.
- Sets up fact-finding groups and during this process keeps information confidential. If no success with country accused of violation, information is made public.
- Evidence found by it can be used as the basis of resolutions by the UN General Assembly.

Advantages

- The CHR deserves much credit for significantly broadening the legal scope and application of human rights provisions in the UN charter.
- Effective in bringing human rights issues to world-wide notice. Uses widespread media coverage.
- Offending countries can be deeply embarrassed.

Disadvantages

- The complaint process can take years to accomplish.
- The CHR relies on persuasion and world opinion but does not have the power to enforce its findings.
- Often the decision taken by a state to file a complaint against another state is motivated by political concerns that have little to do with human rights.
- It has no right of private petition which might allow individuals and NGOs to bring a complaint—only states may do so.

**CHART 4.2: INTERNATIONAL GOVERNMENTAL ORGANIZATIONS
(UNITED NATIONS)**

B: HUMAN RIGHTS COMMITTEE (HRC)

- Composed of 18 individuals chosen for their expertise in dealing with human rights. Not representatives of governments.
 - Set up by the Covenant on Civil and Political Rights.
- (Other UN groups also deal with human rights such as:
UNESCO
ILO: International Labour Organization; Subcommittee on Prevention of Discrimination)

Tactics

- One country can bring a complaint against another country only for violations of civil and political rights.
- The process is confidential so as to reach a friendly solution. If not, a public report is filed which helps bring political pressure on the offending government
- Considers individual complaints of civil and political rights only if the country is one of those that have signed the optional protocol and the Covenant on Civil and Political Rights. Otherwise the HRC considers only state-brought complaints.
- It provides for mediation.

Advantages

- The HRC is less subject to political pressures than the CHR because its members are not government representatives.
- Does consider some individual complaints.
- The HRC carries increasing weight in establishing general norms of behaviour for all nations.

Disadvantages

- The HRC's judgments are not binding on a country, there are no powers of enforcement.
- While it has an individual complaint process, it is open to a relatively small percentage of people in the world.

PROBLEM FIVE

Which human rights organization could you use?

1. On the local and national level, what are some of the groups which you could use to help you deal with human rights abuses? Which of the tactics listed are most likely to be successful?
2. On the regional and international level, how do some of the non-governmental organizations (NGOs) accomplish their goals? In your country, which of these methods do you think is most often used?
3. On the regional level, what intergovernmental organizations (IGOs) are there to protect human rights? According to the Charts, what are some of the advantages and disadvantages of these organizations?
4. Name the two major groups within the UN to which complaints about human rights abuses are brought. What are some of their strengths and weaknesses?

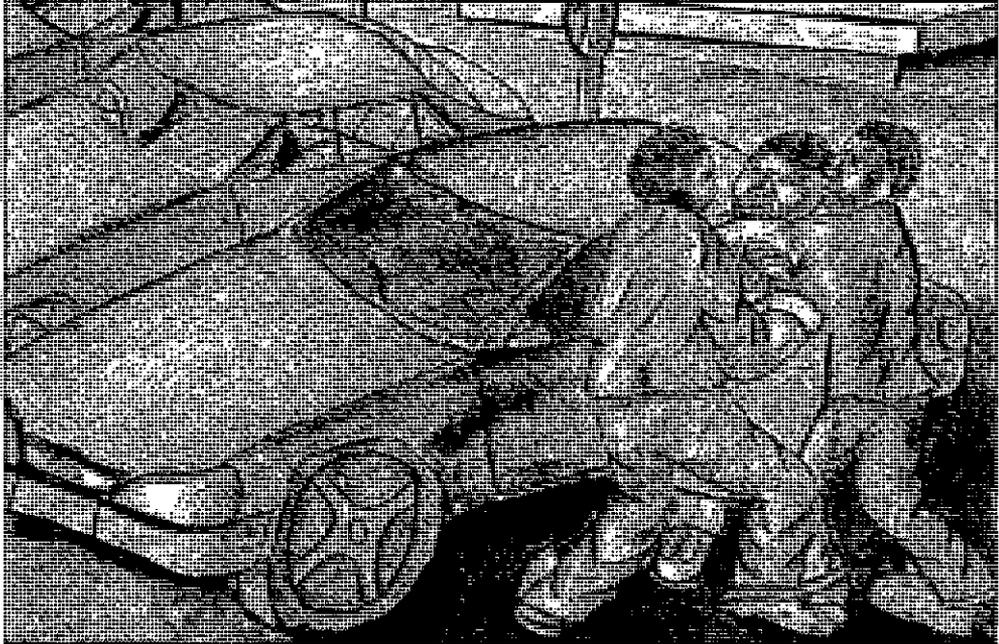
The following case is an example of people working together to deal with human rights abuses. The facts in this case are taken from several actual cases.

PROBLEM SIX

Carlos "disappears"

At the time of his "disappearance", Carlos was helping to organize poor farmers in rural areas to improve their working conditions, which included very low wages and long working hours. He wrote articles for a national newspaper describing these conditions. His government, which was supported by many of the large landowners, regarded Carlos' activities as being against the interests of the country. Carlos then mysteriously "disappears." Carlos' sister is told by an eyewitness that he has been kidnapped. The witness says that Carlos was detained between 4:30 and 5:00 pm in a parking lot in the centre of the capital city by several heavily-armed men. They were dressed in civilian clothes and used a white Ford with tinted glass windows and without licence plates. They blindfolded him and took him to an unknown place. More information is provided by other witnesses who were held in prison near him and later released. They say that Carlos was secretly tortured, killed and buried.

Carlos is kidnapped by several heavily-armed men in plain clothes, and is never seen again.



1. Why do you think Carlos “disappeared”?
2. Although the term “disappearance” is not included in the UDHR, do you think Carlos’ human rights were violated? Use the first 11 articles of the plain language version of the UDHR in Appendix A to list those rights which you think have been violated.

PROBLEM SEVEN

What steps did Carlos' family take?

In Carlos’ case lawyers made efforts to protect his rights by going to court and asking the government to explain what had happened to him. These requests did not produce results from the government. What Carlos’ government did was to issue “a declaration of presumptive death”. This means that the government stated that they presumed that he was dead, but gave no details about how he had died.

Carlos’ family joined with the families of others who had “disappeared” to collect information about the “disappearances.” This action helped family members obtain evidence from witnesses, prepare documents of the cases, and put pressure on the government. Some of the mothers and grandmothers of those who had “disappeared” gathered every week in a public place in the centre of their capital city. They did this to raise people’s awareness of the problem and to demand that the

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government help find their relatives. These regular demonstrations would not have been very successful in publicising the “disappearances” if they had not received coverage from the press in their own country and internationally.

During this time, members of Carlos’ family worked closely with a national human rights organization. The organization helped by providing assistance from lawyers, publicizing “disappearances” in the press, and contacting international non-governmental organizations on behalf of those whose human rights had been violated.

1. List the steps that Carlos’ family took to deal with the violations of Carlos’ human rights.

PROBLEM EIGHT

Some more questions on Carlos’ case

Families and local groups can channel their information to international non-governmental organizations (NGOs) working for human rights. These international NGOs can investigate cases and situations, like Carlos’ “disappearance.” They can research questions of international law, make the international community aware, and pressurize the offending government. In the case of Carlos, a national human rights organization brought the details of his case to two international organizations, Americas Watch and Amnesty International. These organizations filed papers with a court which exists within one of the regional intergovernmental organizations – the Organization of American States (OAS). The OAS then heard Carlos’ case.

Eight years after his “disappearance,” the Court of Human Rights of the OAS listened to evidence provided by witnesses, some of whom had already been murdered by the time the case came before the court. The goal of international human rights law is not to punish those individuals who are guilty of violations, but rather to protect the victims and to provide for compensation by the government. The court found that the government in question had violated Carlos’ right to liberty, to humane treatment and to life. All the judges decided that the government had to pay damages to Carlos’ family.

1. What steps did the international NGOs take in Carlos’ case?
2. What was the outcome of the case?

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3. What were the advantages and disadvantages of the steps taken by Carlos' family?
4. Do you think that the result was worth what it took to reach it? Explain your thinking.
5. Why did the human rights abuse against Carlos occur? What steps might a new government in Carlos' country take to make sure that such an abuse never happens again?



WORDS TO KNOW:

- AFFIRMATIVE ACTION** Action taken by government or private businesses to make up for past discrimination in education, work, promotion, etc. against people such as women, and those of specific races, ethnic groups, religions, or disabled people.
- ARBITRATION** Where instead of going to court, disputing parties ask a third person to listen to their arguments and then to make a decision which they agree to follow.
- BILL OF RIGHTS** A statement of human or civil rights in a constitution which are protected against interference by governments.
- CASH CROPS** Crops that are sold for cash, usually in a subsistence economy.
- CHECKS AND BALANCES** A system whereby one branch of government can be checked by another.
- CIVIL RIGHTS** The rights of citizens to liberty and equality (e.g. to have the freedom to think and have access to information, the freedom to act and to choose what to do, etc.)
- COLLECTIVE RIGHTS** The rights of groups to protect their interests and identities.
- COMPULSORY** Things that have to be done.
- CONFESSION** Admitting or acknowledging that a person has done something.
- CONSTITUTION** A set of laws by which a country is governed.



WORDS TO KNOW

COVENANT	A formal legal agreement (e.g. the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights).
CULTURAL RIGHTS	Right to preserve one's cultural identity and development.
CURFEW	A law which states that people must not be on the streets during certain hours of the day or night.
DEATH PENALTY	The imposition of a sentence of death by the court.
DECLARATION	A formal statement or announcement about something.
DEMOCRACY	Government by all the people in the country - directly or by representation.
"DISAPPEARANCES"	Where people disappear or vanish because they have been killed or secretly imprisoned by the State or other organisations.
DISCRIMINATION	Distinguishing between people on the basis of their race, culture, ethnic origin, nationality, sex, belief, religion, physical handicap, or characteristics other than individual merit.
ECONOMIC	Factors concerning the production, development or management of material wealth or the necessities of life.
ECONOMIC RIGHTS	Rights that concern the production, development and management of material wealth for the necessities of life.
FEDERAL SYSTEM	A system whereby a country is divided into different areas or territorial units in which some powers are exercised by a central government, and others by the individual areas or territories.
FREEDOM OF EXPRESSION	The freedom to express one's views in print and other media, and to receive as well as communicate ideas.
GENOCIDE	The planned killing of people not for anything they have done, but for who they are.
HUMAN RIGHTS	Rights that universally belong to people regardless of their sex, race, colour, language, national origin, age, class, religion or political beliefs.
INDIGENOUS PEOPLES	People who are natives or natural inhabitants of a country.
INTERROGATION	The questioning of people in order to obtain information.
JUDICIAL REVIEW	The power of judges to review the decision of the government to change the law.
LEGAL RIGHTS	Rights that are laid down in law and can be defended and brought in a country's courts of law.
MARTIAL LAW	Law imposed by the military when the civilian legal system no longer operates.
MEDIATION	Where a third person helps disputing parties to settle their disagreement by discussing the issue until they are both satisfied with the solution.
MORAL RIGHTS	Rights based on general principles of fairness and justice.
MULTI-PARTY SYSTEM	A system in which there are two or more political parties operating in a country instead of only one political party.
NATIONAL SECURITY	The security of the State against being threatened by foreign invasion, civil war, serious economic crisis, natural disaster, attempted coups or revolutions and widespread lawlessness.

WORDS TO KNOW

NATIONALISATION	The taking over of private industries or institutions by the government for public ownership.
NATURAL RIGHTS	Rights that belong to people simply because they are human beings.
NEGOTIATION	When people in a dispute talk to each other in order to arrive at a solution to their problem.
PARTICIPATION	Taking part in the public life of a community or society.
POLITICAL RIGHTS	The right of people to participate in the political life of their community and society (e.g. by voting for their government).
PROPERTY	Things that people may own or use.
PROPORTIONAL REPRESENTATION	Where people are represented in parliament or congress according to the proportion of votes that their political party won.
PROSECUTE	Where the State brings a case against an accused person.
PSYCHOLOGICAL ABUSE	An abuse which imposes mental suffering on a person (e.g. solitary confinement, fake executions, stories of betrayal, threats to people's families, etc.)
PUBLIC EMERGENCY	An emergency which threatens the security and life of the nation.
SEPARATION OF POWERS	The separation of powers into three separate branches of government : A legislative branch to make laws; an executive branch to carry out the laws; and an independent judicial branch to punish law breakers and settle disputes.
SOCIAL	People living together in communities.
SOCIAL RIGHTS	Rights that give people security as they live together (e.g. in families) and learn together in schools and other educational institutions.
SOLITARY CONFINEMENT	The detention of a person alone without being in the company of other prisoners.
SUPER MAJORITY	A system whereby a constitution can only be changed if a large majority of law makers agree to do so (e.g. 60 or 75% or even 90%).
TORTURE	The infliction of physical or mental suffering on people against their will.





APPENDIX A.

UNIVERSAL DECLARATION OF HUMAN RIGHTS (Abbreviated)

Now, therefore, THE GENERAL ASSEMBLY proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms:

- Article 1** Right to Equality
- Article 2** Freedom from Discrimination
- Article 3** Right to Life, Liberty, Personal Security
- Article 4** Freedom from Slavery
- Article 5** Freedom from Torture, Degrading Treatment
- Article 6** Right to Recognition as a Person before the Law
- Article 7** Right to Equality before the Law
- Article 8** Right to Remedy by Competent Tribunal
- Article 9** Freedom from Arbitrary Arrest, Exile
- Article 10** Right to Fair Public Hearing
- Article 11** Right to be considered Innocent until proven Guilty
- Article 12** Freedom from Interference with Privacy, Family, Home and Correspondence
- Article 13** Right to Free Movement in and out of the Country
- Article 14** Right to Asylum in other Countries from Persecution
- Article 15** Right to a Nationality and Freedom to Change It
- Article 16** Right to Marriage and Family
- Article 17** Right to own Property
- Article 18** Freedom of Belief and Religion
- Article 19** Freedom of Opinion and Information
- Article 20** Right of Peaceful Assembly and Association
- Article 21** Right to Participate in Government and in Free Elections
- Article 22** Right to Social Security
- Article 23** Right to Desirable Work and to join Trade Unions
- Article 24** Right to Rest and Leisure
- Article 25** Right to Adequate Living Standard
- Article 26** Right to Education
- Article 27** Right to Participate in the Cultural Life of Community
- Article 28** Right to Social Order assuring Human Rights
- Article 29** Community Duties essential to Free and Full Development
- Article 30** Freedom from State or Personal Interference in the above Rights

APPENDIX B.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

PLAIN LANGUAGE VERSION

Article 1

When children are born, they are free and each should be treated in the same way. They have reason and conscience and should act towards one another in a friendly manner.

Article 2

Everyone can claim the following rights, despite

- a different sex
- a different skin colour
- speaking a different language
- thinking different things
- believing in another religion
- owning more or less
- being born in another social group
- coming from another country.

It also makes no difference whether the country you live in is independent or not.

Article 3

You have the right to live, and to live in freedom and safety.

Article 4

Nobody has the right to treat you as his or her slave and you should not make anyone your slave.

Article 5

Nobody has the right to torture you.

ORIGINAL TEXT

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

* The plain language version is only given as a guide. For an exact rendering of each principle, refer students to the original. This version is based in part on the translation of a text, prepared in 1978, for the World Association for the School as an Instrument of Peace, by a Research Group of the University of Geneva, under the responsibility of Prof. I. Massarenu. In preparing the translation, the Group used a basic vocabulary of 2,500 words in use in the French-speaking part of Switzerland. Teachers may adopt this methodology by translating the text of the Universal Declaration into the language in use in their region.

PLAIN LANGUAGE VERSION**Article 6**

You should be legally protected in the same way everywhere, and like everyone else.

Article 7

The law is the same for everyone; it should be applied in the same way to all.

Article 8

You should be able to ask for legal help when the rights your country grants you are not respected.

Article 9

Nobody has the right to put you in prison, to keep you there, or to send you away from your country unjustly, or without a good cause.

Article 10

If you must go on trial this should be done in public. The people who try you should not let themselves be influenced by others.

Article 11

You should be considered innocent until it can be proved that you are guilty. If you are accused of a crime, you should always have the right to defend yourself. Nobody has the right to condemn you and punish you for something you have not done.

Article 12

You have the right to ask to be protected if someone tries to harm your good name, enter your house, open your letters, or bother you or your family without a good reason.

Article 13

You have the right to come and go as you wish within your country. You have the right to leave your country to go to another one; and you should be able to return to your country if you want.

ORIGINAL TEXT**Article 6**

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country including his own, and to return to his country.

PLAIN LANGUAGE VERSION**Article 14**

If someone hurts you, you have the right to go to another country and ask it to protect you.

You lose this right if you have killed someone and if you, yourself, do not respect what is written here

Article 15

You have the right to belong to a country and nobody can prevent you, without a good reason, from belonging to another country if you wish.

Article 16

As soon as a person is legally entitled, he or she has the right to marry and have a family. In doing this, neither the colour of your skin, the country you come from nor your religion should be impediments. Men and women have the same rights when they are married and also when they are separated.

Nobody should force a person to marry.

The government of your country should protect your family and its members.

Article 17

You have the right to own things and nobody has the right to take these from you without a good reason.

Article 18

You have the right to profess your religion freely, to change it, and to practise it either on your own or with other people.

Article 19

You have the right to think what you want, to say what you like, and nobody should forbid you from doing so.

You should be able to share your ideas also - with people from any other country.

Article 20

You have the right to organize peaceful meetings or to take part in meetings in a peaceful way. It is wrong to force someone to belong to a group.

ORIGINAL TEXT**Article 14**

1. Everyone has the right to seek and enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

PLAIN LANGUAGE VERSION**Article 21**

You have the right to take part in your country's political affairs either by belonging to the government yourself or by choosing politicians who have the same ideas as you.

Governments should be voted for regularly and voting should be secret. You should get a vote and all votes should be equal. You also have the same right to join the public service as anyone else.

Article 22

The society in which you live should help you to develop and to make the most of all the advantages (culture, work, social and welfare) which are offered to you and to all the men and women in your country.

Article 23

You have the right to work, to be free to choose your work, to get a salary which allows you to live and support your family. If a man and a woman do the same work, they should get the same pay. All people who work have the right to join together to defend their interests.

Article 24

Each work day should not be too long, since everyone has the right to rest and should be able to take regular paid holidays.

Article 25

You have the right to have whatever you need so that you and your family do not fall ill; go hungry; have clothes and a house; and are helped if you are out of work. If you are ill, if you are old, if your wife or husband is dead, or if you do not earn a living for any other reason you cannot help. The mother who is going to have a baby, and her baby should get special help. All children have the same rights, whether or not the mother is married.

ORIGINAL TEXT**Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

PLAIN LANGUAGE VERSION**Article 26**

You have the right to go to school and everyone should go to school. Primary schooling should be free. You should be able to learn a profession or continue your studies as far as you wish. At school, you should be able to develop all your talents and you should be taught to get on with others, whatever their race, religion or the country they come from. Your parents have the right to choose how and what you will be taught at school.

Article 27

You have the right to share in your community's arts and sciences, and any good they do. Your works as an artist, a writer, or a scientist should be protected, and you should be able to benefit from them.

Article 28

So that your rights will be respected, there must be an "order" which can protect them. This "order" should be local and worldwide.

Article 29

You have duties towards the community within which your personality can only fully develop. The law should guarantee human rights. It should allow everyone to respect others and to be respected.

Article 30

In all parts of the world, no society, no human being, should take it upon her or himself to act in such a way as to destroy the rights which you have just been reading about.

ORIGINAL TEXT**Article 26**

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitation as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX C.

AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

PREAMBLE

The African States members of the Organisation of African Unity, parties to the present Convention entitled "African Charter on Human and Peoples' Rights":

Recalling - Decision 115(XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a preliminary draft on an African Charter on Human and Peoples' Rights providing, inter alia, for the establishment of bodies to promote and protect human and peoples' rights.

Considering the Charter of the Organisation of African Unity which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African Peoples".

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa and to promote international co-operation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterise their reflection on the concept of human and peoples' rights.

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings which justifies their international protection and on the other hand that the reality and respect of peoples' rights should necessarily guarantee human rights.

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone.

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic social and cultural rights in their conception as well as universality and that the satisfaction of economic social and cultural rights is a guarantee for the enjoyment of civil and political rights.

Conscious of their duty to achieve the total liberation of Africa the peoples of which are still struggling for their dignity and genuine independence and undertaking to eliminate colonialism neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination particularly those based on race, ethnic group, colour, sex, religion or political opinions.

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organisation of African Unity, the Movement of Non-Aligned Countries and the United Nations.

Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa.

HAVE AGREED AS FOLLOWS :

HUMAN AND PEOPLES' RIGHTS**Article 1**

The Member States of the Organisation of African Unity parties to the present Charter shall recognise the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms, recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law

Article 4

Human beings are inviolable Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of his rights.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law; in particular, no one may be arbitrarily arrested or detained.

Article 7

1. Every individual shall have the right to have his cause heard This comprises:
 - (a) The right to an appeal to competent national organs against acts violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force.
 - (b) The right to be presumed innocent until proved guilty by a competent court or tribunal.

- (c) The right to defence, including the right to be defended by counsel of his choice.
- (d) The right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms

Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law; in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
3. Every individual shall have the right, when persecuted to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a State party to the present Charter may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with provisions of the law.
2. Every citizen shall have the right of equal access to public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. States party to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognised by the community.

3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All people shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognised by the international community.
3. All peoples shall have the right to the assistance of the States party to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of their property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promotion of international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. States party to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.
5. States party to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources

Article 22

- 1 All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development

Article 23

- 1 All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity shall govern relations between States.
- 2 For the purpose of strengthening peace, solidarity and friendly relations. States party to the present Charter shall ensure that:
 - (a) Any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter.
 - (b) Their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

Article 25

States party to the present Charter shall have the duty to promote and ensure through teaching, education and publication respect for the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood

Article 26

States party to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty :

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family, to respect his parents at all times, to maintain them in case of need
2. To serve his national community by placing his physical and intellectual abilities at its services.
3. Not to compromise the security of the State whose national or resident he is.
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened.
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law.
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society.
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and in general, to contribute to the promotion of the moral well being of society.
8. To contribute to the best of his abilities at all times and at all levels to the promotion and achievement of African unity.

The remainder of this document deals primarily with the establishment of a Commission on Human and Peoples' Rights and the manner in which it will operate.

Adopted by the Organization of African Unity, Nairobi, Kenya 1981

APPENDIX D.

U.N. CONVENTION ON THE RIGHTS OF THE CHILD - Unofficial Summary of Articles

PART I

Abuse and Neglect - Article 19

The State must protect children from all forms of abuse, neglect and exploitation by parents or others, and undertake preventive and treatment programmes in this regard.

Adoption - Article 21

The State must regulate the process of adoption (including inter-country adoption), where it is permitted.

Armed Conflicts - Article 38

The State must respect international humanitarian law, ensure that no child under 15 takes a direct part in hostilities, refrain from recruiting any child under 15 into the armed forces and ensure that all children affected by armed conflict benefit from protection and care.

Best Interests of the Child - Article 3

The best interests of the child are to prevail in all legal and administrative decisions, the State must ensure the establishment of institutional standards for the care and protection of children.

Child Labour - Article 32

Children have the right to be protected from economic exploitation and from engaging in work that constitutes a threat to health, education and development; the State must set minimum ages for employment, regulate conditions of employment and provide sanctions for effective enforcement.

Children of Minorities - Article 30

Children of minority communities and/or of indigenous origin have the right to enjoy their own culture, practice their own religion and use their own language.

Children without Families - Article 20

Children have the right to receive special protection and assistance from the State when deprived of family environment and to be provided with alternative family care, such as foster placement or Kafala of Islamic Law, adoption or institutional placement.

Definition of Child - Article 23

Disabled children have the right to special care and training designed to help achieve self-reliance and a full and decent life in society.

Education - Article 28

Children have the right to education; the State must provide free and compulsory primary education, ensure equal access to secondary and higher education and ensure that school discipline reflects the child's human dignity.

Education Aims of - Article 29

The States party to the agreement must ensure that education is directed at: Developing the child's personality and talents; preparing the child for responsible life in a free society; developing respect for the child's parents, basic human rights, the natural environment and the child's own cultural and national values and those of others.

Exploitation, Other - Article 36

The State must protect children from all other forms of exploitation.

Exploitation, Sexual - Article 34

The State must protect the child from sexual exploitation and abuse, including prostitution and involvement in pornography.

Family Reunification - Article 10

Children have the right to leave or enter any country and to maintain contact with both parents.

Free Expression of Opinion - Article 12

Children have the right to express an opinion in matters affecting the child and to have that opinion heard.

Freedom of Association - Article 15

Children have the right to freedom of association and freedom of peaceful assembly.

Freedom of Conscience, Religion - Article 14

Children have the right to manifest religion or beliefs; the State must respect the rights of parents or guardians to provide direction in the exercise of this right

Freedom of Information - Article 13

Children have the right to seek, receive and impart information through any media.

Freedom from Discrimination - Article 2

Rights in this Convention to apply to all children without exception; the State must protect children from any form of discrimination or punishment based on their family's status, activities or beliefs.

Health Care - Article 24

Children have the right to the highest attainable standard of health and access to medical services; the State must attempt to diminish infant and child mortality, combat disease and malnutrition, ensure health care for expectant mothers, provide access to health education, develop preventive health care and abolish harmful traditional practices.

Illicit Transfer and Non-Return - Article 11

The State must combat the illicit transfer and non-return of children abroad.

Implementation of Rights - Article 4

The State must translate the rights in this Convention into actuality.

Juvenile Justice - Article 40

Accused children have the right to be treated with dignity. The State must ensure that . No child is accused by reason of acts or omissions not prohibited by law at the time committed; every accused child is informed promptly of the charges, is presumed innocent until proven guilty in a prompt and fair trial, receives legal assistance and is not compelled to give testimony or confess guilt; alternatives to institutional care are available.

Leisure and Recreation - Article 31

Children have the right to leisure, play and participation in cultural and artistic activities.

Media and Information - Article 17

The State must ensure access to information and material from a diversity of national and international sources.

Name and Nationality - Article 7

Children have the right to a name and to acquire a nationality; the right to know and be cared for by parents.

Narcotics - Article 33

The State must protect children from illegal narcotic and psychotropic drugs and from involvement in their production or distribution.

Parental Care and Non-Separation - Article 9

Children have the right to live with parents unless this is deemed incompatible with the child's best interests, the right to maintain contact with both parents; the State must provide information when separation results from State action.

Parental Responsibilities - Article 18

The State must recognise the principle that both parents are responsible for the upbringing of their children and that parents or guardians have primary responsibility; the State must assist parents or guardians in this responsibility and ensure the provision of child care for eligible working parents.

Parental Responsibility, Respect for - Article 5

The State must respect the rights of parents or guardians to provide direction to the child in the exercise of the rights in this Convention.

Periodic Review - Article 25

Children have the right to be placed by the State for reasons of care, protection or treatment and to have all aspects of that placement reviewed regularly.

Preservation of Identity - Article 8

Children have the right to preserve or re-establish their identity (name, nationality and family ties).

Protection of Privacy - Article 16

Children have the right to protection from interference with privacy, family, home or correspondence, or attacks on honour and reputation.

Refugee Children - Article 22

The State must ensure protection and assistance to children who are refugees or are seeking refugee status, and co-operate with competent organisations providing such protection and assistance.

Rehabilitative Care - Article 39

The State must promote the physical and psychological recovery and social reintegration of child victims of abuse, neglect, exploitation, torture or armed conflicts in an environment which fosters the health, self respect and dignity of the child.

Sale and Trafficking - Article 35

The State must prevent the abduction, sale and trafficking of children

Social Security - Article 26

Children have the right, where appropriate, to benefit from social security or insurance.

Standard of Living - Article 27

Children have the right to an adequate standard of living; the State must assist parents who cannot meet this responsibility and try to recover maintenance for the child from persons having financial responsibility, both within the State and from abroad.

Supremacy of Higher Standards - Article 41

The standards contained in this Convention do not supercede higher standards contained in national law or other international instruments.

Survival and Development - Article 6

Children have a right to life; the State must ensure the survival and maximum development of the child.

Torture and Capital Punishment - Article 37

The State must protect children from: Torture or other cruel, inhuman and degrading treatment; capital punishment or life imprisonment; and unlawful or arbitrary deprivation of liberty. The right of Children deprived of liberty have the right to be treated with humanity and respect, to be separated from adults, to maintain contact with family members and to have prompt access to legal assistance.

PART II***Committee on the Rights of the Child - Article 43***

A Committee on the Rights of the Child shall be elected to examine the progress made by State parties in achieving their obligations under this Convention and rules of procedure shall be established

Implementation of Convention - Article 45

It shall be the right of the specialised agencies of UNICEF to be represented at Committee proceedings; the prerogative of the Committee to invite competent bodies to provide expert advice, to request the Secretary-General to undertake studies and to make recommendations

Public Awareness - Article 42

States must make the rights in this Convention widely known to both adults and children.

Reports by States - Article 44

States must submit to the Committee reports on measures adopted which give effect to rights in this Convention and on progress made in the enjoyment of those rights, and make the reports widely available to the public in their own countries.

PART III***Accession - Article 48***

This Convention must be open for accession by any State.

Amendments - Article 50

This Convention may be amended if approved by the General Assembly of the U.N. and accepted by a two-thirds majority of State parties. It is binding on those State parties which have accepted it.

Authentic Text - Article 54

Arabic, Chinese, English, Russian and Spanish texts of this Convention are equally authentic.

Denunciation - Article 52

A denunciation of this Convention by a State party become effective one year after the date of its receipt.

Depositary - Article 53

The Secretary-General of the U.N. is designated as the depositary of this Convention.

Entry into Force - Article 49

This Convention will enter into force on the thirtieth day after the twentieth instrument of ratification or accession deposited with the Secretary-General.

Ratification - Article 47

This Convention is subject to ratification.

Reservations - Article 51

Provision exists for States to make certain permitted reservations on specific articles.

Signature - Article 46

This Convention is open for signature by all States.

