

## Social Studies - World Topics

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# HUMAN RIGHTS AND WRONGS

By Harry Jivenmukta

# WHAT ARE HUMAN RIGHTS?

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A right may be defined as something to which an individual has a just claim. In the USA the Declaration of Independence states that "all men . . . are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." This is a brief statement about human rights in contrast to civil rights. **Human rights are those that individuals have by virtue of their existence as human beings.** The right to life itself and the basic necessities of food and clothing may be considered fundamental human rights.

Civil, or legal, rights are those granted by a government. The right to vote at age 18 is a civil right, not a human right. In the course of the 19th and 20th centuries there was a broadening of the concept of human rights to include many rights formerly regarded as civil.

The term human rights came into common use only after World War II. It was made current by the United Nations **Universal Declaration of Human Rights**, published in 1948.

The general acceptance of human rights led to a widespread agreement on certain fundamental assumptions about them:

- z If a right is affirmed as a human right rather than a civil right, it is understood to be universal, something that applies to all human beings everywhere.
- z Rights are understood to represent individual and group demands for the sharing of political and economic power.
- z It is agreed that human rights are not always absolute: they may be limited or restrained for the sake of the common good or to secure the rights of others.
- z Human rights is not an umbrella term to cover all personal desires.
- z The concept of rights often implies related obligations.

Thomas Jefferson noted that eternal vigilance is the price of liberty. Therefore, if individuals are to maintain their freedom, their duty is to guard against political, religious, and social activities that may restrict their rights and the rights of others.

Acceptance of fundamental assumptions has not lessened disagreement on which rights can be classified as human rights. Historically the debate has been carried on about three categories: individual, social, and collective:

- z Individual rights refers to the basic rights to life and liberty.
- z Social rights broadens this concept to include economic, social, and cultural rights.
- z Collective rights has come into prominence since the end of World War II, and the emergence of many new nation-states.

## Questions...

1. What are human rights?
2. How do human rights differ from civil or legal rights?
3. Why is it important that people should have human rights?

# UNIVERSAL DECLARATION OF HUMAN RIGHTS

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**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 the 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.

**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.

**Article 14** 1. Everyone has the right to seek and to 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.

# UNIVERSAL DECLARATION OF HUMAN RIGHTS

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**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.

**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.

**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 limitations 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.

Many people see the issue of human rights as a political issue which seems to be debated over and over again. For people who are suffering, talk is irrelevant. They see human rights more in terms of social provision. The stereotypical view of human rights abuse is of people tortured because of their political beliefs. For most people the reality is not this, but more to do with having the basic services and provisions which make their lives bearable. Defined as basic needs, these include:

- z **Health care** - today more than 75% of the population in developing countries can expect to survive to more than the age of 40. This still means that more than 500 million people do not survive to that age. Human rights in this case is all about equality of opportunity simply to survive. In the West, the average age of survival in some countries is over 80 years.
- z **Literacy** - people who can read and write can take care of their own interests and are less likely to depend on others or be misinformed. Literacy rates in developing nations are about 50-60%. Education is a key to unlock human rights. People who can read and write may also understand the law and their rights better. Women make up 66% of illiterate adults. This means that an equal opportunity clearly does not exist for women in education in these nations.
- z **Clean water** - provisions for better water supplies and sewage disposal are important. Many illnesses and diseases are caused by poor water supplies, and especially small children are in danger. In 1993 more than 12 million children under the age of 12 died, some because of simple lack of hygiene.

In order for people in developing countries to take advantage of human rights laws there needs to be a basic level of life and understanding. 'The God of starving people is food' - if people are not nourished properly, or if they are ill or do not have the basic provisions to make life bearable how can they be expected to fight for their rights? People only take an interest in these matters if other basic needs are firstly fulfilled.

## Questions...

1. What are **basic needs**?
2. Why are basic needs important in relation to human rights?
3. Are basic needs more to do with alleviating poverty than ensuring human rights?
4. What is the relationship of poverty to human rights?

## CASE STUDY

*The year began with the Taliban - the army of Islamic extremists which now controls most of the country-forcing 12,000 villagers out of their homes and on an 80 kilometre march through the snow towards Kabul. An unpropitious start for the ordinary people of Afghanistan. And especially for its women, who are being forced on another journey - back to the twelfth century, in what British journalist Maggie O' Kane has called 'the greatest assault on womanhood in nigh on a millennium'.*

*Since the Taliban overthrew the Government on 27 September 1996, a series of decrees have made women's lives nearly impossible. They are no longer allowed to work. This has meant that the Government is unable to function properly since half of its employees were women. It has meant that families for whom the woman was the main wage-earner are left without an income. Education for girls is forbidden - their schools have been closed down. And in September 1997, women were told they could not even go to hospital. A women's hospital would be built. This would, unfortunately, take months. The closure of the hospitals to women was permitted by the World Health Organization but thanks to an international outcry, it has not been carried out.*

*But Afghanistan's women have disappeared. Enveloped in burquas from head to foot, beaten for showing their ankles, stoned to death for adultery, they remain prisoners in their own homes. There are no women's voices any more. Even the sound of their feet has been silenced. They must shuffle along in special slippers.*

*Investors like Unocal, a US oil corporation and the Argentine-based Bidas, are waiting for the Taliban to win control over the whole country so they can start work on a gas pipeline.*

*The managing director of Bidas, is not concerned about the Taliban's human-rights violations. 'We are just an oil and gas company,' he said. 'We are not bothered by human rights or politics.'*

*So far only Pakistan, Saudi Arabia and the United Arab Emirates have given the Taliban official recognition, though they are actively seeking a seat at the United Nations.*

## VIOLENCE AGAINST WOMEN

Worldwide 20% of women suffer domestic violence during marriage.

In South Africa 1 in 4 women are beaten by their partner.

In the USA a woman is physically attacked or beaten every 15 seconds.

In the UK more than 25% of reported crimes are of domestic violence against women.

In war, rape is often considered as legitimate spoils of war by the victors.

In the Rwanda civil war, 1994-5, at least 250,000 women were raped.

Each year about 2 million females are undergo genital mutilation in Muslim countries.

## Questions...

1. Why is so much violence directed towards women?
2. Explain why women are often seen as part of the spoils of war?
3. How can women be protected from violence:
  - z in the home,
  - z in a war zone?

# HUMAN RIGHTS ABUSE- DEATHS AND DISAPPEARANCES

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Despite being signatories to the Geneva Convention on Human Rights, many nations still clearly and obviously flout their responsibilities, and in time of war, civil disturbances, or internal political fighting, many people are arrested without charge, kidnapped or murdered. Some statistics from a recent Amnesty International report (1997):

- z Thousands of extrajudicial executions were reported in at least 69 countries including Algeria, Colombia, India, Somalia and Turkey.
- z The fate of hundreds of thousands of people in at least 39 countries who 'disappeared' in recent years remains unknown. Many of those, in countries including Bosnia-Herzegovina, Burundi and Rwanda, Colombia, Iraq, Sri Lanka and Venezuela, may subsequently have been killed.
- z Tens of thousands of detainees were subjected to torture or ill-treatment, including rape, in at least 124 countries, such as Cuba, Egypt, Burma, the Russian Federation and Nigeria.
- z Prisoners of conscience were held in at least 94 countries, including Afghanistan, Equatorial Guinea, Greece, Peru and Tunisia.
- z More than 39 countries, including Burundi, China, Greece, Israel and the Occupied Territories, and Peru imprisoned people after unfair trials.
- z At least 78 countries, including China, Iraq, the Russian Federation, Rwanda and Venezuela held tens of thousands of people in detention without charge or trial.
- z Thousands of people were executed in at least 41 countries including China, Iraq, Nigeria, the Russian Federation and the USA.
- z Armed opposition groups committed abuses including torture, hostage-taking and deliberate and arbitrary killings in at least 38 countries including Algeria, Burundi, Colombia, Sri Lanka and the UK.

## Questions...

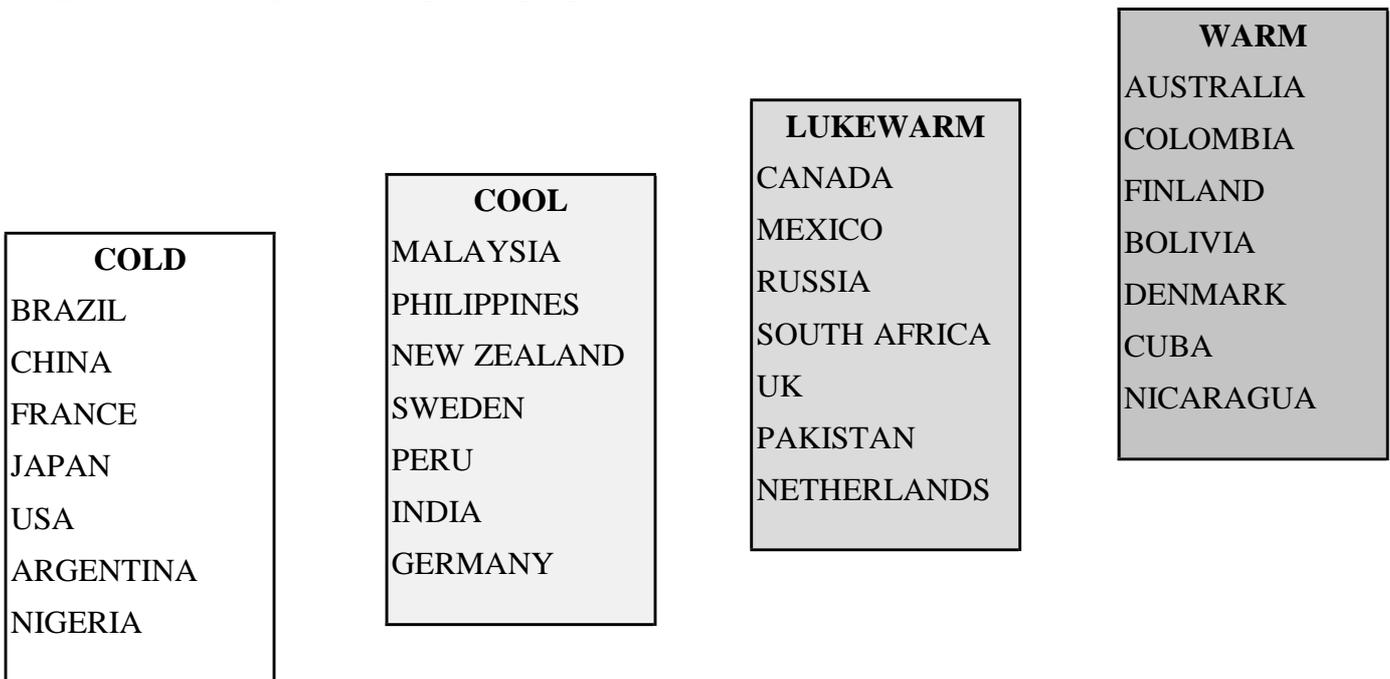
1. What does it mean for a nation to be a signatory of the Geneva convention on human rights?
2. Why do nations flout their human rights obligations? Make a list of reasons.
3. Are there ever any circumstances when nations might be justified in suspending human rights considerations?

# HUMAN RIGHTS ABUSE- INDIGENOUS PEOPLE

Indigenous people are people who originally lived in a particular country or part of a country. Usually, with the influx of other people, their way of life and in many cases their very lives were destroyed. A classic example of an indigenous people are the Native American Indians. Dubbed 'Red Indians', some tribes were all but wiped out and the remaining ones forced to live on reservations as mainly European immigrants took over the land for their own purposes.

The rights of indigenous people are often overlooked because the people who are exploiting their land are usually very much richer and representatives of large companies or governments. The lifestyles of indigenous peoples are considered primitive. Recent studies have shown how much the world has lost by destroying these traditions, with loss of languages, art, music, traditional medicines, and an insight into how people may have developed through the ages.

We can classify countries in terms of the work they have done and the sympathies they have for the cause of indigenous people. COLD refers to the nations which have done nothing or very little to recognise the rights of indigenous peoples. COOL refers to ones who have done a little more. LUKEWARM refers to those who have shown some real interest but who have not done much. WARM refers to those countries doing most for the rights of indigenous people:



## Questions...

1. What are indigenous people?
2. Is it really important to protect indigenous people and their way of life? Why?
3. Write a proposal to a country in the 'COLD' category explaining why it should be more sympathetic to the needs of indigenous people.

# HUMAN RIGHTS ABUSE- THE DEATH PENALTY

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In 1996 at least 76 countries passed the death sentence on some of their citizens. This figure shows that there are at least this many nations in the world which still have the death penalty as a deterrent in their legal system. In the same year 4,272 people were actually killed.

Nations known to have abolished the death penalty number 58. Another 15 have abolished it except for exceptional circumstances, and 27 nations have not used the death penalty for the last ten years.

The death penalty is a very emotive issue. For people who have had a member of their family killed, often they will not be happy unless the perpetrator receives the death penalty. 'An eye for an eye' attitude is still a common viewpoint held by many people. Reformers are always at a disadvantage because their arguments are not as simple as the death penalty supporters' arguments are. Reformers argue about the moral and ethical rights and wrongs of taking a life. Should we sink as low as the murderer and become killers ourselves? Surely, they argue, the law should be humane. Imprison someone for life, if necessary, but do not kill another human being. Two deaths do not make either one more palatable!

The death penalty is commonly used in the USA where its use has increased almost year on year since the death penalty was reinstated in 1976. In 1995, 57 people were executed in the USA.

## Questions...

1. Is the death penalty a good or bad thing? Explain your point of view.
2. Does having the death penalty mean a nation is further away from having a good human rights record?
3. Should the death penalty be reinstated in the UK? Why?
4. What alternatives are there to the death penalty?

# HUMAN RIGHTS ABUSE- DISABILITY

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In 1992 the United Nations began a world programme of action for disabled people. Disability is now seen as a human rights issue because people with disabilities should be able to function well in order to be able to exercise their rights properly. Some facts about disability:

- z 75% of people with disabilities live in developing countries.
- z Many disabilities in these nations, (about 100 million), are originally caused by malnutrition or war.
- z For 98% of disabled people in developing countries there are no facilities for rehabilitation.
- z There are 20 million people who need wheelchairs for whom none are provided.
- z Some nations even bar disabled people from standing in political elections.
- z Only 59% of disabled people receive more than primary education in Canada and Australia.
- z In the USA and the UK, two thirds of disabled people remained unemployed.

Even in the West, discrimination against people with disabilities is widespread. There are still many places in the UK where disabled people cannot get access to if they are in wheelchairs. The number of unemployed disabled people speaks for itself and shows that it is not just legislation or goodwill which will give equal opportunities to disabled people; the attitudes of everyone have to change.

## Questions...

1. Should disability be a human rights issue? Explain your viewpoint.
2. Make a list of provisions which exist in the UK today to give disabled people an equal opportunity.
3. Could these provisions be easily transferred to a developing country?

## ...Why we should let people get away with it.

*The question which always comes to my mind is why we let people get away with abusing the human rights of others. When human rights are abused they usually happen in a very big way, against large groups of people or even nations at a time. What we need is to make a plan of how to tackle these monsters; people like Saddam Hussein in Iraq, Milosovich in Serbia.... Then there are those who don't abuse others as visibly but nevertheless undermine whole populations; like the ruling groups in countries like Afghanistan, North Korea, and Burma. These countries end up being very poor and lack basic services like health care and education except for the few faithful supporters of these corrupt regimes.*

*So, give me a five point plan on how we can stop the abuse of human rights. Some say have economic sanctions, some say bomb them into submission; what do you say?*



### MY FIVE POINT PLAN

- 1.
- 2.
- 3.
- 4.
- 5.

*I think the Declaration Of Human Rights is nothing more than a piece of well written rubbish! I think it is a tool used by everyone for different purposes but never for the benefit of individuals. Just think about it:*

- z The USA and other 'allies' attacked Slobodan Milosovic and Serbia in 1999 because of the inhuman way in which Kosovo Albanians were being treated. There was definitely abuse of human rights going on, but when the Kosovan Albanians returned after the Serbs had been driven out, they attacked and burned Serb homes and property. It can be said that one abuse of human rights was simply replaced by another. Instead of Kosovan Albanians being tortured and driven from their homes, now the same happened to Serbs. And in all this, the root cause of the problems, the Serbian Government, got away scot free!*
- z The same countries who champion human rights, USA and the West, are also the world's largest arms suppliers to other nations. People were quick to criticise both Iran and Iraq for their war in the eighties and to criticise Saddam Hussein later, but the same people had sold him the arms he was being aggressive with! It seem the West cannot lose. First sell your arms to the countries who want to buy and can afford to pay. Later, claim they are being aggressive, go to war, destroy the arms, and sell some more later on to the next government which is installed.*
- z The United Nations have imposed economic sanctions on some countries who have a bad humans rights record. Amongst the present group are Iraq. Since the sanctions were imposed it is estimated that more than 1 Million children have died. In 1995 the World Food Programme said, 'time is running out for the children of Iraq...' It is estimated that 130,000 people have died as a result of Iraq's human rights record. Who is the worse, the United Nations or Saddam Hussein?*

*There are many, many examples like these which show how 'good intentions' often result in more suffering. Sometimes it seems human rights are used as an excuse for war, or for deliberate economic actions which must result in greater tragedy.*

*I know it is easier to criticise than to offer solutions. I have no solutions, but I know the present set up is a sham.*

## Questions...

1. Is the Declaration of Human Rights good or bad in principle?
2. How does the practical implementation of human rights differ from the written commitment?
3. Is it really possible to have human rights in the same way in a poor nation as it is in the West?
4. Give examples of how human rights have been improved in recent years.

## Questions...

4. Give examples of how human rights have been improved in recent years.