

LEARNING UNIT PLAN

Title		Human Rights	
Learning number	unit	8	Duration 1 hour

General objective	To learn the basics about Human Rights, definitions, history, importance and relevant terminology.
Specific objectives	<ul style="list-style-type: none"> • Enhance the knowledge and understanding of human rights. • Encourage attitudes of tolerance, respect, solidarity and responsibility. • Promote awareness of how human rights can be translated into social, cultural and political realities. • Develop skills for protecting human rights.
Learning outcomes (at least 2 of each): Knowledge, Skills, Responsibility and Autonomy	<p>Knowledge:</p> <ol style="list-style-type: none"> 1. Participants will understand what human rights are and how they are protected 2. Participants will be able to identify situations, where human rights are being transgressed. <p>Skills:</p> <ol style="list-style-type: none"> 1. Teamwork 2. Awareness of others 3. Decision making skills 4. Problem solving skills <p>Responsibility and Autonomy:</p> <ol style="list-style-type: none"> 1. Participants should be able to autonomously reflect upon their knowledge of Human Rights.

2. Participants should identify the most useful areas and practices for themselves.

Learning unit summary (abstract – half a page)

Human Rights are fundamental rights, which empower human beings to shape their lives in accordance with liberty, equality and respect for human dignity. They are the only universally recognized value system under present international law comprising elements of liberalism, democracy, popular participation, social justice, the rule of law and good governance. The Universal Declaration of Human Rights (UDHR) was adopted by the 56 members of the United Nations on December 10, 1948 . There are 30 articles that compose the Universal Declaration of Human Rights. Human Rights are universal, inalienable, interconnected, and non-discriminatory.

List of resources, tools and methods¹

What are the universal human rights? - Benedetta Berti (TED conference about human rights.) <https://youtu.be/nDglVseTkuE>

Human Rights Explained In A Beautiful Two Minute Animation
<https://www.youtube.com/watch?v=pRGhrYmUjU4>

¹ Example: videos; ppt; exercises; check list; case study; etc

References and Bibliography

Evans, M. (2019). *Blackstone's international law documents* (14th ed.). Black Stone Press.

United Nations. n.d. *Universal Declaration of Human Rights*. [online] Available at: <<https://www.un.org/en/universal-declaration-human-rights/index.html>> [Accessed 11 September 2020].

Özler, Ş., 2020. *The Universal Declaration of Human Rights at Seventy: Progress And Challenges - Ethics & International Affairs*. [online] Ethics & International Affairs. Available at: <<https://www.ethicsandinternationalaffairs.org/2018/udhr-at-seventy-progress-and-challenges/>> [Accessed 22 September 2020].

University of Melbourne: Library Guides. 2020. *Library Guides: Public International Law: Treaties*. [online] Available at: <<https://unimelb.libguides.com/internationallaw>> [Accessed 10 October 2020].

8. HUMAN RIGHTS

Introduction

The subject of what we label as “Human Rights” will be discussed along this learning unit. Information concerning this topic, such as definitions, importance and relevant terminology. Learning about human rights is largely cognitive and important, learning includes human rights history, documents, and implementation mechanisms. It is necessary that society understands the provisions of the UDHR and how these international standards affect everyone, individuals, policy making and governments.

8.1 What are Human Rights?

- Fundamental right, which empower human beings to shape their lives in accordance with liberty, equality and respect for human dignity.
- The only **universally recognized value system** under present **international law** comprising elements of liberalism, democracy, popular participation, social justice, the rule of law and good governance.
- The sum of civil, political, economic, social, cultural, and collective rights laid down in **international and regional human right instruments**, and in constitutions of states.

Some terminology varies according to context, under international law these rights are referred to as Human Rights, which are also mentioned as Fundamental Rights under national constitution law.

8.1.1 History of Human Rights

The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is rather recent. Its roots, however, lie in earlier tradition and documents of many cultures; it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.

Along the years people have acquired rights and responsibilities through their membership in a group, affinity or relatedness to a group (family, nation, religion, or community). The “golden rule” or some variation of it, serves an example that widely predominates in different cultures or religions:

<i>“Do unto others as you would have them do unto you.”</i>	Christianity
<i>“No one of you is a believer until he desires for his brother that which he desires for himself.”</i>	Islam
<i>“Hurt not others in other ways that you yourself would find hurtful.”</i>	Buddhism
<i>“Do naught to others which, if done to thee would cause thee pain: this is the sum of duty.”</i>	Hinduism
<i>“What is hateful to you, do not your fellow man. That is the entire law; all the rest is commentary.”</i>	Judaism



The United Nations

After World War II the idea of Human Rights and the need for them became

even more evident, after the Holocaust and the crimes committed against peace and humanity. Therefore, an intergovernmental organization was created with the primary goal to maintain international peace, preventing conflict, develop international cooperation and good relations among nations. The United Nations Charter was established in 1945.

The member states of the United Nations pledged to promote respect for the human rights of all. To advance this goal, the UN established a Commission on Human Rights and charged it with the task of drafting a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the Charter. The Commission, guided by Eleanor Roosevelt's forceful leadership, captured the world's attention.

The Universal Declaration of Human Rights (UDHR) was adopted by the 56 members of the United Nations on December 10, 1948. The vote was unanimous, although eight nations chose to abstain. Since then the UDHR has been translated into more than 500 languages.

- Human rights as the “foundation of freedom, justice and peace in the world”.
- The UDHR is incorporated into many national constitutions and referred to in many international human right treaties.
- The UDHR includes civil, political, economic, social and cultural rights and a reference to a new “social and international order” based on human rights

Every year on December 10th Human Rights Day is celebrated, in order to commemorate the United Nations General Assembly's adoption and proclamation, on 10 December 1948, of the Universal Declaration of Human Rights (UDHR), which was the first global enunciation of human rights and one of the first major achievements of the new United Nations. The day is normally marked both

by high-level political conferences and meetings and by cultural events and exhibitions dealing with human rights issues.

8.1.1 Dimensions of Humans Rights

- Civil and Political Rights
- Economic, Social and Cultural Rights
- Collective Rights

8.2 The Universal Declaration of Human Rights (UDHR)

The Declaration consists of a preamble and 30 articles, setting forth the human rights and fundamental freedoms to which all men and women in the world, are entitled, without any discrimination, here you will find a simplified version of those articles.

Article 1. All human beings are born free and equal in dignity and rights and should all be treated in the same way.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind. No discrimination.

Article 3. Everyone has the right to life, and to live in freedom and safety.

Article 4. No slavery. No one should be held in slavery or servitude. No slavery.

Article 5. No torture. No one shall be subjected to torture or to cruel, 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.

Article 8. Everyone's human rights are protected by law.

Article 9. No unfair detainment. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone has the right to a fair trial.

Article 11. Everyone is innocent until proved guilty.

Article 12. Everyone has the right to privacy.

Article 13. Everyone has the right to freedom of movement.

Article 14. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Article 15. Everyone has the right to a nationality.

Article 16. Men and women of full age, without any discrimination, have the right to marry and to start a family.

Article 17. Everyone has the right to own property.

Article 18. Everyone has the right to freedom of thought, conscience and religion.

Article 19. Everyone has the right to freedom of opinion and expression

Article 20. Everyone has the right to peacefully assemble and associate.

Article 21. Everyone has the right to take part in the government and to access to public service of his country.

Article 22. Everyone has the right to social security.

Article 23. Everyone has the right to work, the right to do a job, to a fair wage for their work, and to join a trade union.

Article 24. Everyone has the right to rest and leisure.

Article 25. Everyone has the right to a standard of living adequate for health and wellbeing. Food, shelter, clothing and medical care.

Article 26. Everyone has the right to education.

Article 27. Copyright is a special law that protects one's own artistic creations and writings; others cannot make copies without permission. Everyone has the right their own way of life and to enjoy art, science and education.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set in this Declaration can be fully realized.

Article 29. Everyone has duties and responsibilities, in protecting each other's rights and freedoms.

Article 30. No one can destroy or attempt against someone's Human Rights.

8.2.1 The Importance of Human Rights

- Human rights reflect the minimum standards necessary for people to live with dignity.
- Human rights, as seen on each of the articles, give people the freedom to choose how they live, how they express themselves, and what kind of government they want to support, among many other things.
- Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities.
- Human rights guarantee life, liberty, equality, and security by protecting people against abuse by those who are more powerful.

8.2.2 Characteristics of Human Rights

UNIVERSAL	Human rights belong to all people.
INALIENABLE	Human rights cannot be taken away.
INTERCONNECTED	Human rights are dependent on one another.
INDIVISIBLE	Human rights cannot be treated in isolation

NON-DISCRIMINATORY	Human rights should be respected without prejudice.
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8.2.3 Protecting Human Rights

THE THREE P's

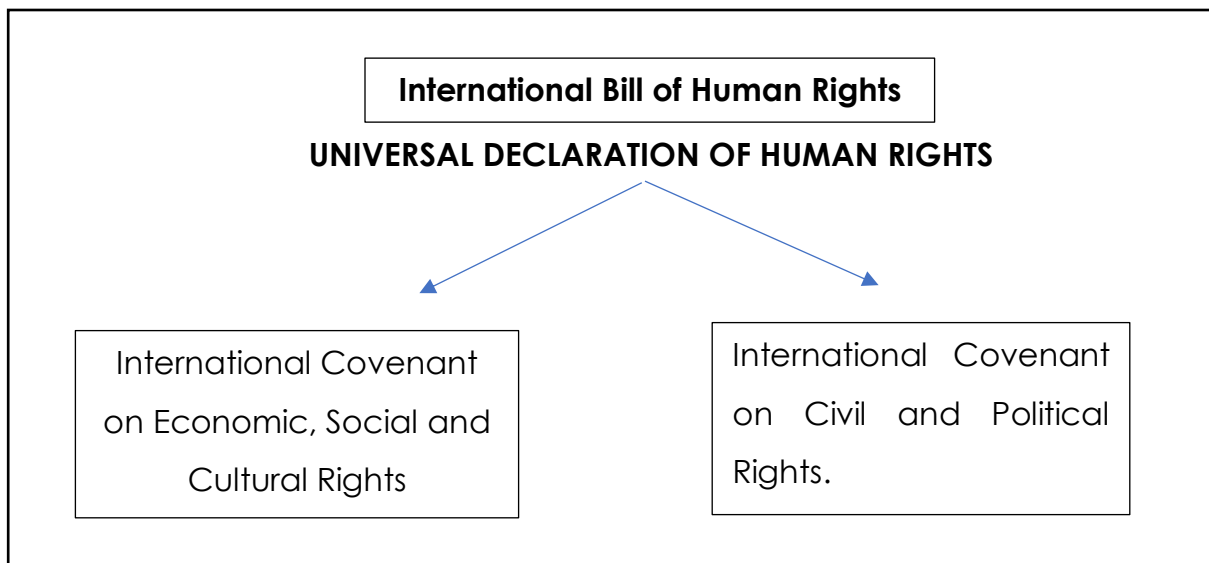
1. Protection
2. Promotion
3. Prevention

There are different institutions and instruments that help the United Nations (UN) protect and promote the human rights, some of these are:

- **High Commissioner for Human Rights:** supports the human rights components of peacekeeping, missions in several countries and has many country and regional offices and centres. The High Commissioner for Human Rights regularly comments on human rights situations in the world and has the authority to investigate situations and issue reports on them.
- **Human Rights Council:** was established in 2006, it is the key independent UN intergovernmental body responsible for human rights.
- **Human Rights Treaty Bodies:** these are committees of independent experts that monitor implementation of the core international human rights treaties.

There are also legal instruments that help protect human rights:

- **The International Bill of Human Rights:** it is composed by three instruments, a series of international human rights treaties adopted since 1945: The Universal Declaration of Human Rights (1948) was the first legal document protecting universal human rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and its two optional protocols.



- **Vienna Declaration and Programme of Action** also known as VDPA, is a human rights declaration adopted by consensus at the World Conference on Human Rights on 25 June 1993 in Vienna, Austria. It is a reaffirmation of the UDHR, and restates that human rights are universal, inalienable, interconnected, indivisible and non-discriminatory.
- **Democracy:** Democracy, based on the rule of law, is ultimately a means to achieve international peace and security, economic and social progress and development, and respect for human rights. In 2005 at the World Summit, all the world's governments reaffirmed "that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives" and stressed "that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing".

It is an obligation of States to respect, fulfil and protect human rights.

Violations or transgressions of economic, social and cultural rights occur when a State fails in its obligations to ensure that they are enjoyed without discrimination or in its obligation to respect, protect and fulfil them. Usually a violation of one of the rights is linked to a violation of other rights. Here are some examples of violations to these rights:

- Forcibly evicting people from their homes (the right to adequate housing)
- Contaminating water, for example, with waste from State-owned facilities (the right to health)
- Failure to ensure a minimum wage enough for a decent living (rights at work)
- Systematically segregating children with disabilities from mainstream schools (the right to education)
- Failure to prevent employers from discriminating in recruitment (based on sex, disability, race, political opinion, social origin, HIV status, etc.) (The right to work)
- Failure to provide for a reasonable limitation of working hours in the public and private sector (rights at work)
- Banning the use of minority or indigenous languages (the right to participate in cultural life)
- Denying social assistance to people because of their status (e.g., people without a fixed domicile, asylum-seekers) (the right to social security)
- Failure to ensure maternity leave for working mothers (protection of and assistance to the family).

8.2.4 The Importance of Democracy

As mentioned before, a simple definition of democracy would be a government by the people, it as government in which the supreme power is vested in the

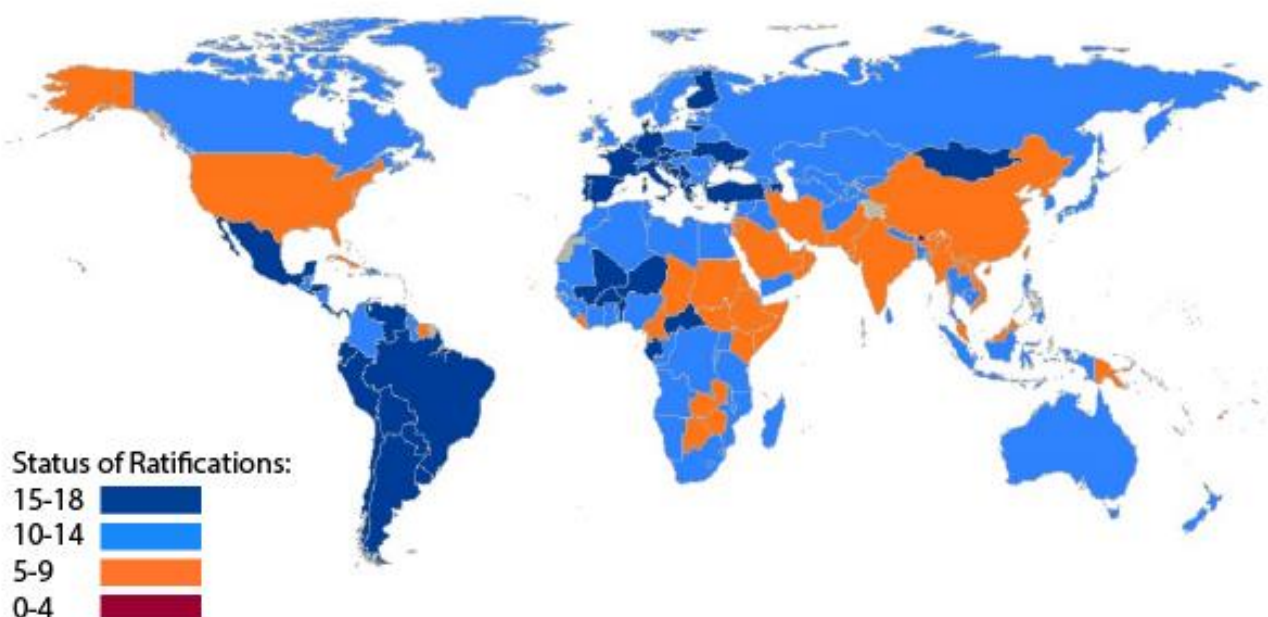
people and exercised by them directly or indirectly through a system of representation usually involving periodically held by free elections.

Democracy is highly related to various human rights; the **right of people to self-determination**, the sovereignty of the people, autonomy, independence from external control. As well as political rights everyone has the right to take part in the government and to access to public service of his country.

8.2.5 The Role of the UDHR Today

The Universal Declaration of Human Rights was thought up as "a common standard of achievement for all peoples and all nations", it has become an instrument with which one can measure the degree of respect for, and compliance with, international human rights standards. Since its creation in 1948, it has guided the development of all human rights conventions and treaties that have followed since its creation. Treaties and conventions on racial discrimination, women's rights, the rights of persons with disabilities, and the rights of children.

Ratification of 18 International Human Rights Treaties



(Photo credit: UN Office of the High Commissioner)

There have also been various major international conferences that resulted in the creation of important plans of action, which serve as international guidelines for states to follow. Conferences that have covered topics such as housing, women, reproductive rights and health, social development, and human rights in general.

From Declarations to Enforcement of Human Rights

DECLARATION

A declaration is a non-binding document between political bodies.



CONVENTION/CONVENT

A convention is a binding international treaty

- UN Covenants 1966/76
- European Convention 1950/53



IMPLEMENTATION

- Implementation of human rights treaty monitoring:
- complaints procedure
- inquiry procedure.



ENFORCEMENT

There are sanctions and enforcement measures:

- expulsion from international organizations
- economic sanctions
- international tribunals

8.2.6 Treaties

A **treaty** is a formal written agreement between two or more countries formally approved and signed by their leaders, in some cases treaties can take place between national organizations. A treaty is binding international law. Treaties can be bilateral (between two States) or multilateral (between three or more States).

Treaties are also sometimes called:

- agreement
- conventions
- protocols
- covenants



Often declarations are adopted by the UN General Assembly. It is important to



be aware that, declarations **are not** treaties, because they are not intended to be binding, but they may be part of a process that leads ultimately to the negotiation of a UN treaty. Declarations may also be used to assist in the interpretation of treaties.

Main Human Rights Treaties

- International Covenant on Civil and Political Rights -1966/76
- International Covenant of Economic, Social and Cultural Rights – 1966/76
- Convention on the Elimination of All Forms of Discriminations Against Women – 1979/81
- Convention on the Rights of the Child – 1989/90
- Convention on the Rights of the Persons with Disabilities – 2006/08