

Competing Visions of Human Rights: Questions for U.S. Policy



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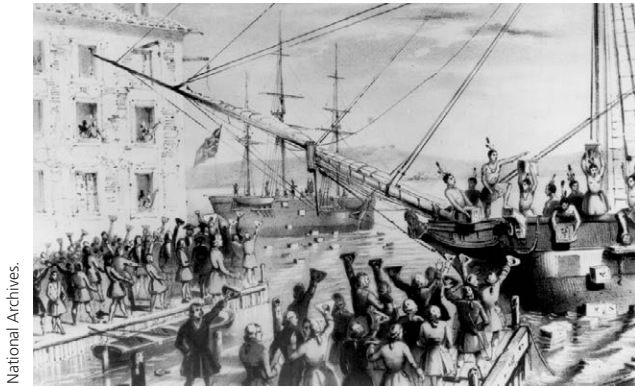
THE CHOICES FOR THE 21ST CENTURY EDUCATION PROGRAM is a program of the Watson Institute for International Studies at Brown University. CHOICES was established to help citizens think constructively about foreign policy issues, to improve participatory citizenship skills, and to encourage public judgement on policy issues.



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Human Rights in History



National Archives.

1773. The Boston Tea Party was an early event in the American Revolution. American colonists demanded and fought for civil and political rights from the King of England. In the years that followed, many peoples around the world began to demand and expect these rights from governments.



Library of Congress. Division of Prints and Photographs. LC-USZ62-50393

1915. Twenty thousand women march for the right to vote in New York City. Women received the right to vote in the United States in 1920 when the Nineteenth Amendment to the Constitution was ratified. Increased political participation has contributed to an evolving role of women in society in the United States and around the world.



Private H. Miller. National Archives. 535561.

1945. Survivors of the Nazi Holocaust at the Buchenwald concentration camp. In response to the murder of millions by the Nazi government, the international community adopted treaties and agreements to protect human rights and to hold governments and individuals accountable for violating human rights. This began what some have referred to as "the age of rights."



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2004. A boy bathes in polluted water in Jakarta, Indonesia. The idea that human rights include more than rights to political participation and protection from murderous governments is widely accepted today. Many argue that this boy has a right to clean water and safe living conditions. Others believe that these are not actually rights, but rather aspirations.

Introduction: What are Human Rights?

A political dissident is jailed in Myanmar without being given a fair trial. A massive oil leak in the Gulf of Mexico threatens the livelihood of fishermen on the Atlantic coast. A child is kidnapped, drugged, and forced to take up arms in the conflict in the Democratic Republic of the Congo. Young Muslim students are banned from wearing traditional headscarves in French public schools. A man in India without access to clean water dies of a treatable disease. A guard looks on as an inmate is assaulted in a Texas jail. A woman working at a business firm in New York is paid less than her male counterparts.

Each of these scenarios remind us of how vulnerable each human being is to injustice. The scenarios raise two fundamental questions: What are the basic freedoms and entitlements of every human being? How should we protect these freedoms and entitlements? It is within the idea of human rights that we can look for answers to these questions.

What are human rights?

Human rights are fundamental rights and freedoms that all people are entitled to simply by the fact that they are human. Today, it is generally accepted around the world that governments have a responsibility to ensure and protect certain rights for their people. Human rights laws mainly focus on how governments treat their people, but also make governments responsible for protecting individuals from abuse by other individuals.

Over the past several decades, discussion about human rights has permeated interna-

tional relations, creating a surge in treaties, institutions, and social movements. Human rights have been at the center of many political struggles, and are a means to protect the powerless from the powerful.

Yet while the general principle of human rights has been broadly accepted, human rights abuses persist and questions about the subject remain hotly contested. What exactly are human rights? Given the diversity of values held by people around the world, is it possible to agree on a definition of human rights? Should some rights take priority over other rights? What action should be taken to protect human rights? These questions have significant implications for the policy decisions of governments and ultimately for the lives of individuals.

In the coming days, you will have the opportunity to explore these questions and consider the direction of U.S. human rights policy. In Part I of the reading you will trace the historical progression of human rights, marking the influence of major events in world history. You will also consider the creation of the first international human rights agreements. In Part II you will explore current challenges and the large cast of actors that influence human rights, such as governments, the United Nations, and individuals that drive social movements. In Part III you will consider five case studies that highlight controversial topics in human rights. Ultimately, you will have the opportunity to develop your own ideas about how U.S. policy should address human rights.

Part I: A Brief History of Human Rights

There is debate about the nature and scope of human rights. Some believe that human rights only encompass individuals' civil and political freedoms. Civil and political rights include the right to life, liberty and personal security, freedom from slavery, torture and arbitrary arrest, as well as the rights to a fair trial, free speech, free movement, and privacy. Others argue that there are economic, social, and cultural rights as well. These include economic rights related to work, fair pay, and leisure; social rights concerning an adequate standard of living for health, well-being and education; and the right to participate in the cultural life of the community. International consensus is growing that human rights should encompass civil and political rights, as well as social, economic, and cultural rights. This is often referred to as the "full spectrum" of human rights.

While the idea that governments should ensure equal rights for all of their citizens is relatively new, questions about what rights are, to whom they are extended, and how they should be protected have been debated for centuries.

What are the religious and philosophical origins of human rights?

Many of the values underlying current ideas about human rights may be traced through history and across cultures and religions. For example, the world's popular religions have long promoted human dignity and individual worth. The ancient texts of

Hinduism promote the sacredness of life; Buddhist teachings emphasize equality and encourage compassion towards others; Islam highlights charity and justice; the scriptures of Judaism pose guidelines for ethical behavior; and Christianity underscores the importance of reducing human suffering and loving others as one would love oneself.

For thousands of years, secular philosophies have also addressed questions of moral responsibility. For example, many ancient Chinese philosophers, rooted in a belief of common humanity, promoted respect for others. They also articulated ideas about the duty of a government to be attentive to the well-being of its people. Many precolonial African societies emphasized the importance of the well-being of individuals and communities and sought to shield people from mistreatment by those in power. For example, the Akamba of East Africa were entitled to strip oppressive chiefs of their power.

Ideas about human dignity, efforts to improve the human condition, and attempts to be treated justly by rulers emerged and evolved throughout diverse societies and regions of the world over the course of thousands of years. But much of the world's history is darkened by brutal conquest, religious persecution, subjugation of women and minorities, and widespread systems of slavery and serfdom. It is only in the last three hundred years that governments have undertaken fundamental shifts towards protecting the rights of all individuals.

Examples of Civil and Political Rights

- freedom from slavery, discrimination, and torture
- equal protection under the law
- freedom of movement
- suffrage (the right to vote)
- freedom of thought, opinion, expression, association, and religion

Examples of Social and Economic Rights

- free basic education
- social security
- employment
- fair wages and equal pay for equal work
- an adequate standard of living (including adequate food, clothing, and housing)

Early Developments in Human Rights

Philosophies gradually emerged in some parts of the world that reframed issues of human dignity and well-being as “rights” of individuals. For example, during the seventeenth and eighteenth centuries, philosophers in Europe asserted that men are born free, equal, and entitled to certain rights and liberties.

“Man is born free, but everywhere he is in chains.”

—John-Jacques Rousseau

These new theories about the rights of individuals heavily influenced evolving ideas about the relationship between citizens and their government.

Philosophers such as John-Jacques Rousseau and John Locke argued that these “natural rights” (rights granted by God at birth) are beyond the reach of government, and therefore a government’s power over its people should not be absolute. Following this line of reasoning, some philosophers affirmed that government must also secure and protect the rights of its citizens and that individuals should be entitled to elect their leaders.

How did evolving ideas about human rights contribute to political change?

Ideas about human rights were influential in several struggles against autocratic rule, such as the American Revolution and the French Revolution. American revolutionaries justified their split from Great Britain on the basis that the king did not adequately ensure their rights; the colonists claimed this entitled them to revolt and establish a new government. The United States Declaration of Independence asserted individual rights and freedoms and proclaimed that the legitimacy of government power is dependent on public support and approval. The religious influence on the origin of the rights proclaimed in the declaration is stated clearly.

“We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government...”

—Introduction to the U.S. Declaration of Independence

The U.S. Constitution and Bill of Rights (1789-91) and the French Declaration of the Rights of Man and Citizen (1789) broke new ground by proclaiming a wide array of civil and political rights, such as freedom of expression, the right to vote, and protection against arbitrary arrest and punishment. Though these documents were revolutionary for their time, they generally extended the newly proclaimed rights to only the sliver of the population that was white, wealthy, and male. In both the United States and France, gender and racial inequality remained largely unchanged, and religious discrimination persisted. Both countries practiced slavery.

Nevertheless, these philosophies of equality and justice reverberated among oppressed people, spurring movements for change, as groups sought to claim rights for themselves. For example, the successful uprising of enslaved people in the French colony of Saint-Domingue (now the country of Haiti) was partially motivated by France’s refusal to extend the rights of the French Declaration to its colonies and abolish slavery. Haiti’s constitution of 1801 was the first in modern history to extend universal rights to all men, not just whites.

How were human rights excluded from international politics?

The French and American declarations of rights were influential in establishing rights for certain individuals within particular countries. During this time period, international law—the body of rules that governs relations among countries—dealt primarily with the behavior of countries toward other countries.

A government’s treatment of its people was considered a domestic political matter, and was seldom a topic of discussion in international politics. State sovereignty—the absolute authority of the state to govern itself free of outside interference—was widely defended as the foundation of international relations. Authoritarian rulers frequently suppressed knowledge of abuse of their citizens, and limited technology hindered international communication about atrocities and violations of rights.

Nevertheless, prior to World War II, there were a few movements for rights that attracted international attention and participation. For example, the nineteenth century campaign to abolish slavery and the slave trade and the women’s suffrage movement of the twentieth century forced international politics to consider the treatment of individuals by governments.

How did international standards evolve to protect the rights of people during wartime?

The idea that humans should be shielded from the horrors of war is a concept that can be traced far back into history. The first international laws to protect the rights of individuals focused on protection during wartime.

The International Committee of the Red Cross (ICRC) was founded in 1863 to address the troubling brutality of war. The ICRC promoted the first international treaty to protect victims of armed conflict, titled the Geneva Convention for the Amelioration of the Condi-

tion of the Wounded and Sick in Armies in the Field (1864). Subsequent international agreements established further protections. The collection of regulations that governs the laws of war is commonly known as international humanitarian law. Violations of these laws are known as war crimes. (Today, there are four Geneva Conventions that have rules intended to limit the brutality of war within and between states and regulate the treatment of prisoners of war, wounded soldiers, and civilians. One hundred and ninety-four countries, including the United States, have agreed to abide by these terms.)

State sovereignty is the absolute authority of the state to govern itself free of outside interference.

Many historians argue that the first countries to agree to these standards for war were primarily concerned with the well-being of their

own citizens and were not particularly interested in minimizing the devastation of war on others. In addition, it was not until the twentieth century that the international community would begin to grapple with the treatment and well-being of individuals during times of peace.

How did the League of Nations increase international concern for individual welfare?

After the devastation of World War I, a group of countries formed the League of Nations with the goal of promoting international peace and security. The League’s founding document did not specifically mention human rights, but the League established treaties that promoted nondiscrimination, freedom of religion, the protection of minorities, and self-determination (the right of a people to choose their own government). In doing so, the League created a forum for countries to discuss the treatment of one another’s populations.

But the League’s promotion of rights was routinely lopsided, regulating the practices of the losers of World War I and several newly independent countries while placing few constraints on the victors of the war. For example,

treaties to protect minorities applied to certain countries in Central and Eastern Europe, but the victorious powers of World War I remained shielded from international monitoring of their own conduct towards minorities.

The League had little authority to enforce its decisions and ultimately failed to achieve its goals, but it was the first organization that successfully brought many human rights issues, such as child slave labor and the unequal status of women, to the world's attention. Many organizations that promote human rights and are part of the United Nations today, such as the International Labor Organization, the International Court of Justice, and the World Health Organization, stem from organizations once affiliated with the League of Nations.

World War II

While the millions of deaths of World War I shook the world, the death toll and ferocity of World War II would eclipse what had transpired a generation earlier.

Why was World War II a turning point in human rights?

The nightmares of World War II ranged from the widespread rape and killing of civilians in Nanking, China at the hands of the Japanese, to the systematic murder of Jews, political dissidents, Romanians, homosexuals, and others in death camps orchestrated by Nazi Germany. As World War II raged on and country upon country became embroiled in what would become the deadliest conflict in world history, these and other atrocities solicited strong reactions from around the world, provoking discussion about the relationship between human rights and war. Increased communication and media coverage, including photographs, were powerful tools in mobilizing a global response. Many historians agree that World War II was the

turning point that gave rise to the modern human rights movement.

How did the Allies present human rights as a justification for their involvement in World War II?

In 1941, a little more than one year before the United States officially joined the war, President Franklin D. Roosevelt proclaimed that a secure and peaceful future would be founded upon ensuring four essential human freedoms for people everywhere in the world—freedom of speech and expression, freedom of religion, freedom from want, and freedom from fear.

“Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and keep them.”

—President Roosevelt’s State of the Union Address, January 6, 1941

Other world leaders also spoke of the mounting importance of promoting human rights in order to achieve peace. The Allies were a coalition of countries, led by Great Brit-



The Allied war leaders in 1945: British Prime Minister Winston Churchill, U.S. President Franklin Roosevelt, and Soviet Premier Josef Stalin.

Library of Congress, Division of Prints and Photographs. LC-USZ62-7449.

ain, the Soviet Union, and the United States, that fought Germany, Japan, and Italy in World War II. The Allies echoed this sentiment by proclaiming the pursuit of human rights to be a justification for their involvement in the war. In 1942, the Allies, referring to themselves as the “United Nations,” declared that,

“[C]omplete victory over...[our] enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in...[our] own lands as well as in other lands.”

—Declaration by United Nations,
January 1, 1942

The Allied response to the atrocities of World War II is highly controversial. Although the Allies proclaimed human rights to be a central objective of the war, many historians are critical of what they believe to be inadequate Allied efforts to limit the scope of the Holocaust and other massive violations of human rights.

What were the Nuremberg trials?

The Allies believed that Japanese and

German atrocities could not go unpunished. Following their victory, the Allies put twenty-four accused Nazi war criminals on trial in Nuremberg, Germany. (Many others would be tried later on; some were never tried. Separate tribunals tried Japanese officials.) The accused Nazis were charged with crimes against peace, crimes against humanity, and violating the rules of war. Numerous defendants argued that only a state and not individuals could be held responsible for these actions. They also argued that their actions were not illegal because, under the long-held international principle of state sovereignty, a country is protected from outside interference. The court rejected these arguments and sentenced twelve defendants

to death and seven to prison terms; three were acquitted. (Two of the defendants were not sentenced: one had committed suicide and the other was physically and mentally unable to stand trial.) Accusations of Allied war crimes were muffled

by the victors of the war, drawing allegations from some that Nuremberg was an unbalanced case of “victor’s justice.” For example, some people argued that the United States violated the rules of war when it dropped nuclear weapons on Hiroshima and Nagasaki, Japan in August 1945—killing some 225,000 people.

At Nuremberg, Nazi defendants argued that their actions were not illegal because, under the long-held principle of state sovereignty, a country is protected from outside interference.

Crimes Against Humanity

Crimes against humanity are defined by the UN as “...particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings.... Murder; extermination; torture; rape and political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity only if they are part of a widespread or systematic practice.”

In 1948 the United Nations unanimously passed a human rights convention addressing a specific crime against humanity—genocide. Genocide refers to widespread murder and other acts committed by governments or other groups with the intent to destroy—in whole or in part—a national, racial, religious, or ethnic group. The treaty made genocide a crime and obligated its signers to prevent, suppress, and punish genocide. The Genocide Convention further eroded the principle of sovereignty that had been weakened at Nuremberg: states could no longer expect to be free from outside interference if they were committing genocide.

What important legal principles emerged from the Nuremberg Trials?

The defendants at Nuremberg had been found guilty of crimes against humanity (see box). The Nuremberg Trials propelled the idea that certain acts are so horrendous that they should be considered crimes wherever they are committed, even if laws against the acts did not exist in the country where the acts took place. The Nuremberg Trials also established that government leaders would no longer be immune to punishment for such crimes, and that officials following orders could also bear responsibility. The Principles of the Nuremberg Tribunal were adopted into international law in 1950 and eroded the absoluteness of state sovereignty.

Nuremberg was also revolutionary because it tried German officials for the mistreatment of German citizens, and was therefore one of the first instances in which international action was taken to hold state officials accountable for violating the rights of their own citizens.

The United Nations Charter was crafted around the principle of state sovereignty, but also established human rights as an issue of international concern.

Delegates from countries such as Uruguay, Panama, Mexico, and New Zealand were vocal in pushing for specific references to human rights in the UN Charter. For example, some delegates insisted that the Charter specifically declare the promotion of self-determination and racial equality to be objectives of the new organization. This line of thinking ran contrary to the practices of the colonial powers present (such as France, Britain, Belgium, and the Netherlands) and those with legal systems of racial discrimination (such as the United States).

Also present were nongovernmental organizations (NGOs), many them U.S.-based, such as the National Association for the Advancement of Colored People, the National Council of Women, and the American Jewish Committee. These groups were instrumental in

advocating for more specific provisions of rights. They sought to empower the UN as a body that could develop and enforce human rights standards.

The Birth of the United Nations

In the waning days of World War II, the Big Four (the United States, Great Britain, Soviet Union, and China) convened at the Dumbarton Oaks estate in Washington, D.C. to sketch plans for a global organization that would help maintain peace and security through international collaboration. Their discussions, and the draft of what would become the United Nations (UN) Charter, barely mentioned human rights.

How did human rights get put on the United Nations' agenda?

When delegates representing forty-six countries gathered in San Francisco in 1945 to officially form the United Nations, the leading Allied powers came under fire for failing to follow through on their war rhetoric about the promotion of human rights.

“[N]o plea of sovereignty

shall ever again be allowed to permit any nation to deprive those within its borders of fundamental rights on the claim that they are matters of internal concern. It is now a matter of international concern to stamp out infractions of basic human rights.”

—American Jewish Committee news release, June 13, 1945

How were colonized peoples excluded from early international discussion about human rights?

The contributions of NGOs and less powerful countries were critical in promoting the cause of human rights in the postwar world. Yet it is important to acknowledge the absences at the negotiation table. At the time of the UN's birth, over 250 million people remained under colonial rule. Many had participated

in the battles of World War II on behalf of the Allies.

As the delegates met in San Francisco, numerous peoples in Africa and Asia were in the midst of struggles to cast off the shackles of colonialism. Though these voices were not present at the creation of the United Nations, some delegates echoed concerns about the discrepancies between the Allies' war rhetoric and the ongoing oppression and injustice that prevailed around the world.

“[T]he peoples of the world are on the move. They have been given a new courage by the hope of freedom for which we fought in this war. Those of us who have come from the murk and mire of the battlefields, know that we fought for freedom, not of one country, but for all peoples and for all the world.”

—Carlos Romulo, delegate from the Philippines at the San Francisco Conference, 1945

Human rights were not ultimately the centerpiece of the UN Charter, which was primarily crafted around the principle of state sovereignty. But an indelible mark was etched into the foundation of the United Nations, as the Charter established human rights as an issue of international concern. The inclusion of human rights in the UN Charter would be crucial in forging a path for international human rights standards.

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based

on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote...universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

—The Charter of the United Nations, 1945

The Universal Declaration of Human Rights

1948 marked the beginning of a new era in the history of human rights. Led by Eleanor Roosevelt, the United Nations developed the Universal Declaration of Human Rights. The Universal Declaration would become the basis for subsequent covenants that would hold countries accountable for their human rights practices.

How was the Universal Declaration of Human Rights crafted?

The Universal Declaration broke new ground. Never before had the world come



June 6, 1949. Members of the UN Commission on Human Rights discuss the draft covenant on human rights. Left to right: Charles Malik (Lebanon), René Cassin (France), and Eleanor Roosevelt (USA). Behind them are United States advisers, Marjorie Whiteman and James Simsarian.

United Nations photo library

Major Elements of the Universal Declaration of Human Rights

Everyone is entitled to:

- life
- liberty
- security
- a nationality
- freedom from slavery, discrimination, and torture
- equal protection under the law
- presumption of innocence until proven guilty
- freedom from arbitrary interference with privacy
- freedom of movement
- freedom to marry and start a family
- ownership of property
- freedom of thought, opinion, expression, association, and religion
- suffrage (the right to vote)
- social security
- work and membership in trade unions
- fair wages and equal pay for equal work
- rest and periodic holidays with pay
- an adequate standard of living
- free basic education

together to agree on universal expectations of individual rights and freedoms. The authors of the Declaration sought to encompass values and rights that would be compatible with a diverse range of religions, cultures, and political systems. They consulted with politicians, scholars, religious leaders, and philosophers from around the world. The authors believed that it would be possible for the world's countries to reach an agreement on basic principles

of human rights without seeing eye to eye on the sources or origins of these rights, be they God-given, prescribed by a particular political philosophy, or endowed by nature.

The creation of the Declaration proved to be contentious, as countries wrestled to reconcile different conceptions of human rights. Certain countries, such as the United States and Great Britain, argued that civil and political rights should be emphasized in the Declaration. Other countries, including several in Latin America as well as the Soviet Union, advocated for provisions to protect social welfare. Some delegates argued that civil and political rights may only be achieved if equal provisions are made for social, economic, and cultural rights.

Ultimately, the Declaration proclaimed a wide range of rights, and the overwhelming majority of the fifty-eight members of the UN voted in favor of the Declaration, while a few countries abstained from voting. The Declaration did not place legal obligations on its signatories, but rather put political and moral pressure on countries to modify their behavior.

How was the Universal Declaration controversial?

Supporters immediately heralded the Declaration as a landmark achievement in the advancement of human rights, and a tool of empowerment for individuals throughout the world.

“This is the first time the principles of human rights and fundamental freedoms are spelled out authoritatively and in precise detail.... I can agitate against my government, and if she does not fulfill her pledge, I shall have and feel the moral support of the entire world.”

—Charles Malik, Lebanese framer of the Universal Declaration, in a speech to the UN General Assembly, December 9, 1948

Some critics claimed that different cultures have different values, and that it was

not possible for one document to encompass the world's diverse ideas about human rights. Some skeptics questioned the universality of a document that was written without input from a large portion of the world's population whose voices remained muffled by colonialism. Accusations of Western cultural imperialism—that the powerful countries of Europe and the United States were imposing their ideas and values on others—challenged global acceptance of the declaration.

To this day, the debate over the Universal Declaration continues. Many individuals struggling for human rights use the Declaration to press for change. But some proponents of human rights continue to question the legitimacy of the global human rights system. They argue that it was born in an era when non-Western conceptions of rights were frequently excluded and shunned.

“[W]e must realize that the current human rights represent just one tradition, that of Europe.... It will remain incomplete and illegitimate in non-European societies unless it is reconstructed to create a truly multicultural mosaic.... Ideas do not become universal merely because powerful interests declare them to be so. Inclusion—not exclusion—is the key to legitimacy.”

—Makau Mutua, Kenyan-born professor of law and human rights, 2002

The Cold War and Decolonization

Although the process of preparing the Universal Declaration included countless ideological disputes among countries about the nature and scope of human rights, these disagreements would pale in comparison to the mounting tensions between the Soviet Union and the United States. At the end of World War II, U.S.-Soviet relations began to deteriorate. The hostility between the world's two superpowers would become known as the Cold War and would last for nearly four decades.

The Cold War was not the only force shaping the international landscape. Decolonization was a centuries-long process that took place across Latin America, Africa, and Asia as people successfully wrenched their freedom from the grip of foreign powers. In the wake of World War II, struggles against colonialism broke out across Africa and Asia. The Cold War and decolonization both profoundly influenced the course of human rights after World War II.

How did the Cold War influence the evolution of human rights?

As the United Nations began to create legally binding and enforceable treaties on the rights outlined in the Universal Declaration, the Cold War stalled progress. The ideological battle of the Cold War penetrated global discussions on human rights. On the one side, the United States promoted civil and political rights, while on the other side, the Soviets advocated for social, economic, and cultural rights. Differences in opinion about the scope of human rights would be absorbed into a broader battle over political ideology.

Both countries used the Universal Declaration as a weapon to deal blows to their rival. The United States, which had long promoted the ideals of individualism and liberty, accused the communist Soviet Union of suppressing freedom of expression and denying its citizens free and fair elections. In response, the Soviet Union defended its commitment to social justice and equality, chastising the capitalist United States for its racial discrimination and inadequate provisions for public welfare, such as health and employment.

Both countries frequently allowed and even encouraged their allies to violate human rights and went to great lengths to meddle in the domestic politics of other countries. The Soviet Union used military force to stamp out liberal political movements and reforms abroad, for example in Hungary (1956) and Czechoslovakia (1968). The United States contributed to overthrowing several freely elected governments that promoted social and economic equality, for example in Guatemala

Thomas J. Halloran, Library of Congress, Division of Prints and Photographs. LC-U9-10515-6A.



In September 1962, the Congress of Racial Equality (CORE) marched in memory of African-American children killed in bombings in Birmingham, Alabama. CORE was part of a larger social movement to expand and protect the civil rights of African Americans.

(1954) and Chile (1973). The United States also provided military and diplomatic backing to brutal military dictators in the name of fighting communism.

The polarization of the two fields of rights presented a challenge for those who sought to advance human rights throughout the world.

“When I give food to the poor, they call me a saint. When I ask why the poor have no food, they call me a communist.”

—Dom Hélder Câmara,
Brazilian archbishop

Ultimately, the United Nations created two legally binding treaties that tore at the cohesiveness of the Universal Declaration by separating rights into two distinct fields. In 1966, almost twenty years after the Universal Declaration, the UN adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). It would take another ten years for these treaties to obtain enough signatures to enter into force. While many countries were quite comfortable

pledging their support for the nonbinding Universal Declaration, many were hesitant to ratify these legally binding treaties that might infringe on their sovereignty by allowing international scrutiny of their internal affairs. The Universal Declaration and these two covenants make up the foundation for current international standards of human rights. Together they are known as the International Bill of Human Rights.

How did decolonization influence the course of human rights?

Decolonization also contributed to evolving ideas about human rights. Many European colonial powers were severely weakened by World War II. Proclamations about self-determination put forth by the Allies during the war propelled struggles for self-rule that had long been underway.

“[D]uring World War II, the subject peoples were taught how to resist domination with their very lives, and this lesson would not have been so thoroughly taught and so well mastered in the absence of the threatening militaristic and imperialistic Nazi regime. The big lesson learned was—DOMINATION BY ANY NATION IS WRONG—and this is still echoing throughout the world.... Here then is the paradox of history, that the Allied powers, by effectively liquidating the threat of Nazi world domination, set in motion those powerful forces which are now liquidating, with equal effectiveness, European domination in Africa.”

—Ndabaningi Sithole, author and minister from Southern Rhodesia (present-day Zimbabwe), 1959



Michel Marcheux/Creative Commons 2.5 Generic License.

Algeria fought for independence from France between 1954 and 1962. In this photo supporters of French rule barricade a street in the city of Algiers in 1960.

In April 1955, delegates from twenty-nine countries gathered in Bandung, Indonesia for the Asian-African Conference. Many of the countries present had recently achieved independence, some after long and gruelling struggles. At this time, colonialism persisted in much of Africa and parts of Asia. Many delegates argued that colonialism was not compatible with human rights, and that self-rule was a prerequisite for the achievement of other human rights. The conference issued a resounding denunciation of colonialism.

As colonialism rapidly unraveled, the newly independent countries joined the United Nations, strengthening the voting power of the developing world in the General Assembly. These new members championed the right to self-determination and sought to dismantle what remained of the colonial empires. The newly independent countries pushed the right to self-determination to the forefront of the two covenants on human rights, and were the driving force behind the landmark 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

Newly independent countries would also turn international attention towards the

economic challenges facing former colonies and problems of racial discrimination worldwide. For example, the 1965 Convention on the Elimination of All Forms of Racial Discrimination was promoted by many former colonies. These countries would also lead the international movement to condemn the institutionalized system of racial discrimination in South Africa known as apartheid.

What was the Vienna World Conference on Human Rights?

The 1993 Vienna World Conference on Human Rights was another turning point in international human rights. The Cold War had recently drawn to a close, and the collapse of the hostile competition of ideologies breathed new life into global discussion about the need for a comprehensive approach to understanding and protecting human rights. The Vienna World Conference, a meeting of delegates from 171 countries and representatives from over 840 NGOs, affirmed the commitment of the international community to human rights.

“All human rights are universal, indivisible and interdependent and interrelated.... While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

—Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, June 25, 1993

In the years following the Vienna World Conference, a series of international conferences continued global conversation about human rights. International discussion about rights has continued to evolve in response to international political developments. For example, the U.S. response to the terrorist attacks of September 11, 2001 has drawn international attention and raised questions about U.S. respect for human rights at home and abroad.

You have just read a brief history of international thinking about human rights.

Societies across the world thought about these ideas for millennia, but it is only in the last few centuries that governments and the international community have begun to take responsibility for implementing them. In Part II of the reading, you will explore how governments and other actors, such as the United Nations and international courts, grapple with the challenges of ensuring rights for individuals. You will also begin to consider what role human rights should play in U.S. policy.

Part II: Human Rights in Practice

International treaties have established widely accepted standards of human rights. Proponents claim that setting standards is the first step in improving human rights. They point to successes of treaties in securing women’s rights, labor standards, and voting rights as international standards.

The Universal Declaration laid the foundation for more than sixty UN human rights treaties that address topics such as slavery, the status of refugees and minorities, and religious tolerance. The core human rights treaties include the ICCPR, the ICESCR, conventions against torture (adopted in 1984), racial discrimination (1965), and discrimination against women (1979), and a convention proclaiming the rights of children (1989).

Supporters claim that agreement among governments about what human rights are and what responsibilities governments have to protect those rights can be a powerful influence on the quality of life of individuals around the world. For example, the Convention on the Rights of the Child declares that children have the right to express their opinions and beliefs, should be protected from physical and mental abuse, and should be shielded from participating in armed conflict.

Individuals advocating for their rights or seeking to uphold their rights in court have also invoked not only national constitutions and human rights laws, but international human rights treaties as well.

“When you expand the civil-rights struggle to the level of human rights, you can then take the case of the black man in this country before the nations in the UN. You can take it before the General Assembly. You can take Uncle Sam before a world

court. But the only level you can do it on is the level of human rights.... Human rights are something you were born with. Human rights are your God-given rights. Human rights are the rights that are recognized by all nations of this earth.”

—Malcolm X, African-American activist, Cleveland, Ohio, April 3, 1964

On the other hand, some critics question the effectiveness of international human rights laws, arguing that they do little to actually improve human rights on the ground. Critics contrast the overwhelming acceptance of many human rights treaties with the dire condition of human rights around the world.

They note that many countries with notorious human rights conditions have signed on to international agreements. For example, the Democratic Republic of the Congo—a country in which sexual violence and the use of child soldiers are immense problems—has ratified all six of the core UN human rights treaties.

The Role of National Governments

When it comes to making rights a reality for people around the world, the responsibility of complying with international standards and ensuring human rights falls on the shoulders of national governments. In many cases, the international community has been influential in encouraging and pressuring national governments to improve their human rights practices.

How do national governments ensure human rights?

International human rights documents have become guidelines for countries’ domes-

tic laws, as well as for behavior among states. The vast majority of constitutions adopted in recent decades have had clear provisions on human rights.

When a country signs and ratifies an international human rights treaty, it becomes legally obligated to respect and promote the rights set forth in that treaty. Countries have different means of ratifying international treaties. For example, in the United States, a two-thirds approval vote of the Senate is required.

International human rights treaties frequently leave space for interpretation. For example, the ICCPR proclaims the right to life. It places restrictions on capital punishment, but makes no mention of abortion or voluntary euthanasia. Some human rights treaties mandate that governments take specific steps to comply. For example, all countries that are party to the Genocide Convention must enact national laws that make genocide a crime. Most human rights treaties do not dictate how the human rights standards set forth should be put into place. This allows the diverse political systems of the world to achieve human rights in a variety of ways, such as legal reform, economic policies, or social programs.

Is it ever acceptable for governments to infringe upon human rights?

International human rights law acknowledges that during specific circumstances, some rights may be limited. For example, the ICCPR states that governments may restrict certain rights during a public emergency that “threatens the life of the nation” so long as the government does not discriminate “solely on the ground of race, colour, sex, language, religion, or social origin.” For example,

freedom of movement may be restricted during natural disasters. This provision of international law raises controversial questions about what situations qualify as a public emergency.

International law declares that certain rights, such as the prohibition of torture, the prohibition of slavery, and the freedom of thought and religion, may never be suspended.

Are the governments of poorer countries expected to achieve the same human rights standards as wealthier countries?

It is often difficult for countries to translate ideas about human rights and standards set forth in treaties into practice. Although all countries face challenges when it comes to ensuring the rights of their people, poorer countries frequently encounter significant obstacles stemming from their limited resources. International law states that civil and political rights, as well as certain social, economic, and cultural rights (such as the right to form trade unions and the right to primary education) must be provided immediately after a country signs on to these international agreements. Many social, economic, and cultural rights, such as access to proper food, shelter, and



UN Photo Library, 19901.

Many countries struggle to find the resources to make health care accessible for their citizens. This presents challenges for countless individuals, particularly in poorer countries. This Tanzanian woman’s husband died of AIDS, leaving her alone to take care of their five children. She has received some help from a local NGO assisting people with HIV/AIDS and their families.

health care, are to be achieved progressively based on available resources and international assistance.

This raises important questions about international responsibility to assist countries with fewer resources in achieving better human rights. For example, many global health problems, such as the lack of access to clean water and proper nutrition, and the devastation caused by diseases such as HIV/AIDS and tuberculosis, disproportionately affect poor people in poorer countries. To what extent should international assistance be funneled into helping countries improve human rights conditions for their people?

How have some countries integrated human rights concerns into their foreign policies?

The international community has generally accepted the idea that a government's treatment of its people is not merely an internal matter, but a legitimate concern for all countries. This has made human rights a more prominent component of many countries' foreign policies in recent decades. Efforts to influence human rights abroad may be driven by moral concern or obligation. It has also become more accepted that grave violations of human rights are a risk to international peace and stability.

Foreign policy involves prioritizing interests and concerns, and human rights is one of many issues at stake. Action may be taken by individual countries, coalitions of countries, or through the United Nations. Some countries may single-handedly adopt foreign policy measures using human rights as a justification. For example, the United States has a unilateral trade embargo against Cuba and cites the country's human rights record as a top concern. Other countries may seek to take a more collective approach to pursuing human rights objectives in their foreign policy. For example, many African countries have addressed the human rights abuses in Darfur, Sudan by committing troops to the African Union, a regional association.

Countries may use several methods to promote human rights abroad. Diplomatic means—such as expressing concern about human rights conditions, arranging meetings of government officials, and extending the offer of membership in an international organization, such as the European Union—may encourage a country to improve its human rights practices.

Economic means may also be utilized. Governments may fold human rights provisions into trade agreements, or impose trade embargoes and economic sanctions (penalties) on countries that violate human rights. Foreign aid—assistance provided by one country to another—may help meet people's basic needs if their government fails to do so, or may support local efforts to improve human rights. Military action may also be employed to prevent or halt grave abuses of human rights.

These foreign policy tools are widely disputed. For example, does cutting off trade to governments with poor human rights records cause more harm than good for the people of that country? You will explore these questions more fully when considering options for U.S. policy.

The United Nations

While several regional initiatives have emerged to promote human rights (for example, in Europe, Africa, and the Americas) the United Nations is the principal organization that promotes human rights on a global scale. The fundamental goals of the United Nations are to maintain international peace and security. In recent decades, many people have agreed that achieving human rights is a crucial step towards these goals.

How does the United Nations promote human rights?

The United Nations has two chief methods for promoting human rights: it articulates human rights standards, and it monitors conditions worldwide. In specific circumstances when the UN Security Council approves, the

UN may enact economic sanctions or intervene militarily.

The Human Rights Council (formerly the Commission on Human Rights) helps develop international treaties on human rights issues. The council investigates and monitors sites of human rights abuse, publicly reports on these abuses, and condemns the perpetrators.

The United Nations has established additional committees to monitor the compliance of countries with specific human rights treaties. The UN assigns individuals, known as special rapporteurs, to investigate human rights problems in particular countries, such as Myanmar and Iran, or to focus on particular issues in human rights, such as education, execution without trial, and extreme poverty.

Increasing concern about human rights led the UN to create the position of the High Commissioner for Human Rights in 1993. The High Commissioner leads and coordinates all UN efforts related to human rights issues. UN agencies, such as the World Health Organization (WHO), United Nations Development Program (UNDP), United Nations Children's Fund (UNICEF), and the Office of the United Nations High Commissioner for Refugees (UNHCR), provide direct assistance to individuals in need. They also work with governments to help achieve human rights standards.

“The era of declaration is now giving way, as it should, to an era of implementation.”

—Former UN Secretary General Kofi Annan, April 7, 2005

Still, the UN continues to struggle to define its role in addressing human rights. The UN has been criticized for being slow to condemn gross abuses of human rights. The UN has not, in the opinion of many, successfully enforced the ambitious agenda set by the International Bill of Human Rights. In fact, the UN has little authority to enforce its standards and resolutions. While successful in creating widely recognized standards, the United Nations often has difficulty making sure that they are put into place.

Other Promoters of Human Rights

Many other actors, such as international courts, NGOs, and individuals have also taken an active role in promoting rights around the world.

■ International Courts

While national courts continue to play a crucial role in punishing human rights abuses, the international community has sought to strengthen enforcement of human rights through international courts as well. Several of these courts have been established by the United Nations.

What international courts have been involved in promoting human rights?

The International Court of Justice (ICJ), often referred to as the World Court, was established in 1945. It is the judicial organ of the United Nations that settles disputes among countries. Only countries, not individuals, can be tried by the ICJ. The ICJ has tried a limited number of cases involving human rights.

Regional courts, such as the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights, have been established to hold nations accountable for their human rights abuses. The European Court of Human Rights was established in 1959 and is hailed as the most effective regional human rights court. Individuals or governments can take cases to the court against any of the forty-seven countries that are members of the regional European organization known as the Council of Europe.

In the late twentieth century, questions arose about how to ensure that individuals guilty of committing gross violations of human rights were punished. At various points, international criminal tribunals were established to try individuals who violated rights during a particular conflict. For example, Holocaust perpetrators were tried in the Nuremberg Trials. In 1993, an international criminal tribunal was created for violations that took place in the former Yugoslavia. The following year, a

similar tribunal was established to try individuals for crimes committed in Rwanda.

In 1998, a permanent criminal court was developed for the purpose of trying individuals accused of genocide, crimes against humanity, and war crimes. This court is known as the International Criminal Court (ICC). One hundred and eighteen countries have ratified the 1998 agreement, known as the Rome Statute, that established the court. Several of the world's most powerful countries, such as China, India, Russia, and the United States have refused to join the ICC (see box). This has drawn criticism that their resistance to international scrutiny of their human rights practices not only sets a double standard, but also weakens the court's potential.

What are different views on international courts?

The emergence of international courts has stirred great controversy. Some critics of international courts point to the fact that most cases address violations committed by leaders of less powerful countries. For example, as of May 2012, all fifteen of the cases before the ICC focus on African countries. Skeptics warn that this lopsided approach echoes past legacies of colonialism, when the world's most powerful countries justified their domination over other territories based on claims of moral superiority. They argue that international

courts should address human rights violations more even-handedly, and should not overlook the wrongs of the world's most powerful leaders.

Critics also question the effects that international courts may have on situations of ongoing conflict. They warn that the involvement of international courts may shatter chances for peace, stability, and an end to conflict. Several of the cases currently under investigation by the ICC involve countries that are in the midst of conflict. When an arrest warrant was issued for Omar al-Bashir, the president of Sudan, he responded by ejecting aid workers from the country. Additionally, some critics question the ability of international courts to fully understand the specifics of local conflicts.

Despite these criticisms, proponents assert that international courts play a crucial role in holding individuals and governments accountable for their human rights practices. Some people claim that the threat of a trial by international courts may deter future violations of rights. Supporters also argue that international courts are particularly relevant when countries are unable or unwilling to punish perpetrators of human rights violations in their national justice systems. This may happen when the accused perpetrator is the head of state or in a position of power, or when a country doesn't have a functioning court system.

U.S. Opposition to the International Criminal Court

The United States refuses to ratify the Rome Statute in its present form. The ICC's critics in the United States note that the language of the treaty is unclear and could allow for politically motivated and unfair prosecutions of U.S. citizens. In addition, they point out that certain rights protected by the U.S. Constitution, like a trial by a jury of one's peers, would be lost for a U.S. citizen tried by the international court.

Supporters of the court highlight the fact that if a nation investigates and tries its own citizens for the crimes then the ICC is not authorized to take action. They also argue that there are enough safeguards in place to ensure that U.S. citizens would receive due process. U.S. supporters of the court believe that an international system of justice like the ICC furthers the cause of international human rights and the rule of law. Whether the United States can resolve these disagreements or renegotiate parts of the treaty remains to be seen.

■ Nongovernmental Organizations

Nongovernmental organizations (NGOs) are nonprofit, private organizations with a particular interest in a public policy issue. NGOs have long been active in international discussions on human rights, advocating for the inclusion of human rights in the UN Charter, offering their expertise in the drafting of human rights treaties, and participating in international conferences.

How do NGOs promote human rights?

The number of NGOs focusing on human rights has skyrocketed in recent decades. Today, thousands of NGOs are dedicated to the promotion and protection of a variety of human rights. Some are small grassroots organizations that focus on the needs of a particular community. Others are large international groups that may address human rights across borders by lobbying governments or assisting multiple communities. Human rights NGOs operate on a local level up to a global scale in a variety of ways.

Some human rights NGOs work directly with the general public by educating people about their rights, providing support to victims, or taking legal action in response to human rights violations. NGOs such as Oxfam International and Doctors Without Borders may step in during crises or emergencies to meet people's basic needs when their government has failed or is unable to do so, for example, by providing food, shelter, or medical attention. NGOs such as Amnesty International advocate for human rights by lobbying governments and shine a spotlight on grave abuses by organizing petitions and campaigns. Human Rights Watch monitors the human rights performance of governments and corporations, and relays news of human rights abuses to the international community.

NGOs are often trusted as impartial and reliable sources of information on human rights conditions, and frequently collaborate to achieve their goals. Grassroots NGOs are essential in reaching out to populations and articulating local demands for human rights, while larger NGOs often benefit from greater

financial resources and well-established international reputations. Critics note that NGOs that work internationally may not take enough input from local populations. Still, NGOs have unquestionably played a prominent role in countless social and political movements for rights.

■ Social Movements

You have read about efforts by national governments, the United Nations, international courts, and NGOs to address human rights issues. The mobilization of individuals in social movements is also a powerful engine of human rights promotion.

How are social and political movements important in promoting human rights?

Public pressure can often force governments to modify their behavior and take action to promote human rights. Governments may reap benefits, such as political power or financial gain, by violating the rights of their citizens. The achievement of human rights principles such as nondiscrimination, equality, and justice are tremendous challenges to long-standing systems of privilege and government control. Therefore, the voices and actions of individuals demanding change are often crucial to improving human rights.

“Silence never won rights. They are not handed down from above; they are forced by pressures from below.”

—Roger Baldwin, founder of the American Civil Liberties Union (ACLU)

Social movements may address a wide array of issues, such as adequate working conditions, free and fair elections, environmental justice, indigenous rights, or women's suffrage. Social movements are not always a response to oppressive governments. Many are propelled by individuals to challenge their government's understanding of human rights. Social movements frequently draw international attention, and may incorporate the work of NGOs or agencies of the United Nations. Many human rights advocates believe that public action is a

Photograph by the Clean Clothes Campaign. Creative Commons 2.0 Generic Licence.



Workers protest in Bangladesh in September 2007.

necessary first step towards achieving rights. Even in countries that have ratified international agreements on human rights, there is often a stark discrepancy between commitments on paper and the actual human rights conditions on the ground. Individual action can be key to closing this gap.

“Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning

anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

—Eleanor Roosevelt, March 27, 1953

Current Challenges

Despite a flurry of laws, institutions, and NGOs that have emerged in recent decades to grapple with issues of human rights, abuses continue worldwide. The international landscape of human rights is also constantly changing to address new challenges. For example, in recent years, international attention has focused on the rights of migrants and indigenous peoples.

Other voices that have long been at the forefront of human rights continue their struggle. For example, although many human rights advocates proudly acknowledge the successes of women’s rights movements from the twentieth century to today, women around the world continue to face deeply ingrained

discrimination and subjugation. One extreme example is the existence of human trafficking, a highly lucrative business based on a form of modern-day slavery. Each year, hundreds of thousands to millions of individuals, the majority of which are women and children, are coerced into commercial sexual exploitation or forced labor.

New forces in international relations, such as globalization and growing environmental problems, also present many challenges to human rights today.

How has globalization raised new questions surrounding human rights?

As the global economy has expanded, some policy makers and human rights activists are reconsidering the reach of international human rights law. Historically, international law has placed legal obligations on national governments. It is a state's responsibility to prevent and punish human rights violations committed by nonstate actors (such as businesses, NGOs, or individuals) within their borders.

Today, some multinational corporations exceed countries in wealth and power, operating across international boundaries and affecting the lives of countless individuals and communities. National governments are often unwilling or unable to check corporations that violate the rights of their citizens. For example, the Nestlé corporation has been accused of using slave and child labor to produce cocoa in the Ivory Coast. Apple has been criticized for abuse of workers and unsafe conditions at factories in China. Shell has been criticized for violating the rights of the indigenous peoples in the Niger Delta, where decades of frequent oil spills have damaged local fisheries, farmland, and human health. Shell has also been accused of supporting brutal government crackdowns on protestors advocating for their rights in this region.

Issues of corporate human rights violations have attracted greater attention in recent years. While some human rights guidelines do exist for corporations, many in the international

community have called for greater measures of accountability. They argue that corporations have a responsibility to respect human rights and should be obligated to abide by international human rights standards. They also emphasize that governments have a duty to protect against corporate human rights abuses, and that victims of such abuse must be able to seek justice.

How have global environmental problems raised new questions surrounding human rights?

Just as globalization has presented new challenges in human rights, so too have mounting global environmental problems.

Environmental problems are increasingly seen as global in scope. For example, pollution emitted in one region of the world may carry across international boundaries to damage the human health of individuals abroad. The difference in environmental quality for the rich and poor is staggering. For the most part, wealthier countries, and wealthier people in those countries, experience a cleaner and safer environment than impoverished people.

Resource scarcity also poses new questions about human rights. Many of the world's natural resources that human beings depend upon are finite. As the global population passes seven billion people, questions about who has the right to critical resources such as water, food, land, and fuel become more pressing. A group of wealthy, industrialized countries, including countries such as the United States, Australia, Japan, and most of Western Europe, currently consume most of the world's resources.

Water is one crucial resource central to the debate on human rights and the environment. According to the United Nations, about one billion people do not have access to safe drinking water, either because of untreated sewage that causes disease, pollutants that harm the supply, or shortages resulting from overuse or inefficient irrigation techniques. Several thousand children, almost entirely in poor countries, die every day from contaminated water and poor sanitation.

Although environmental problems are complex and the result of numerous causes, it is generally accepted that the environmental practices of individuals and governments may directly influence the living standards and human rights conditions of other people around the world.

U.S. Human Rights Policy

Today, the United States claims to be a model and international advocate of human rights. Many people consider the United States to be a leader of the international human rights movement because it was instrumental in founding the United Nations and played an important role in creating international human rights treaties. Some people view the United States as a champion of civil and political rights. The United States issues reports every year detailing human rights abuses in other countries. Over the past decades, the U.S. government and U.S. NGOs have worked tirelessly to advance the rights of women, encourage religious freedom, and oppose tyrannical governments.

Should the United States change its behavior so that it conforms to international standards on human rights?

What is the paradox of U.S. human rights policy?

There is a paradox to U.S. human rights policy (a paradox is something that contradicts itself). While the United States has been a leader for human rights, it at times places its political interests above conforming to international human rights agreements and standards. For political, economic, or security reasons, the United States has supported undemocratic governments that abuse human rights.

The United States vigorously protects its own sovereignty when it ratifies treaties. It does this by listing reservations, which are conditions or modifications that countries can make to treaties. It took the United States over twenty-five years to ratify the ICCPR and nearly forty years to ratify the Genocide Convention. To this day, the United States refuses

to ratify the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and does not support the International Criminal Court. Although the United States is a key supporter of the regional organization in the Americas (the Organization of American States) and many of its human rights initiatives, it does not support the organization's human rights court. To some, it appears that the United States wants to set the rules for others, while refusing to play by them itself.

The United States' human rights practices at home and abroad have made other states less willing to listen to U.S. criticism of their own human rights record. For example, although the United States is an outspoken proponent of justice and the right to a fair trial, critics argue that the U.S. criminal justice system discriminates against minorities and that many prisoners are subjected to abuse. Critics also condemn the use of the death penalty in several U.S. states. One U.S. practice that created an outcry around the world was the use of "enhanced interrogation" on terrorism suspects.

What issues did the "enhanced interrogation" of terrorism suspects raise?

After the terrorist attacks on the United States on September 11, 2001, the United States began a controversial program that it referred to as the "enhanced interrogation" of terrorism suspects. Enhanced interrogation methods included water boarding, which creates the sensation of drowning. Critics of the program said that enhanced interrogation was actually torture, which is prohibited by both U.S. and international law.

The debate continues over enhanced interrogation to this day, although President Obama (2009-) ended the practice in January 2009. There are two pieces to the debate about this controversial technique. One of them has to do with whether the program gathered useful intelligence. Former Vice President Dick

Cheney has argued that the methods used helped the United States gather vital information and even saved lives. Critics argue that enhanced interrogation produced false confessions and that more reliable and better information could have been gathered without using the controversial interrogation methods.

Because much of the information is secret, it is difficult for the public to assess completely either of these claims. But the debates highlight the mixed U.S. relationship to human rights and international human rights law. This is the second part of the argument and it raises a much broader question. Should the United States change its behavior so that it conforms to international standards on human rights?

Although President Obama ended enhanced interrogation, other controversial counterterrorism policies continue. For example, there has been a rise in targeted killings by the U.S. government. In many recent cases—including the killing of Osama bin Laden in Pakistan and Anwar al-Awlaki (a U.S. citizen) in Yemen—the United States has chosen to assassinate terrorist leaders rather than capture them and put them on trial. Many critics argue that targeted killings are illegal under U.S. and international law. U.S. officials claim that the individuals on the target list are military enemies of the United States and imminent threats to the security of the country.



A terrorism suspect at Guantanamo Bay is taken to his cell in 2002 by U.S. military police.

Shane T. McCoy, United States Navy, Department of Defense.

The United States is not unique in its efforts to preserve its sovereignty and freedom to act. Other states also act in ways that contradict themselves or that others see as hypocritical.

Yet, these contradictions raise fundamental questions about the United States and the future of human rights. In the coming days, you are going to consider U.S. policy on human rights. You should keep these questions in mind as you read the case studies in Part III and the options for U.S. policy.

Can the United States lead on human rights when it is unwilling to conform to international standards? Is the United States right to preserve its sovereignty or is there value in harmonizing U.S. law with international law? What does the United States gain by more fully embracing international standards of human rights? What does it lose?

Part III: Case Studies in Human Rights

You have traced the historical progression of human rights, marking the influence of major events such as World War II and decolonization. You have explored a complicated web of international human rights treaties and laws, as well as the large cast of actors that influence human rights, such as governments, the United Nations, courts, NGOs, and individuals. You have also begun to consider what role human rights might play in U.S. policy.

Many of the concepts presented in the reading are abstract, and it is difficult to decipher how large global debates in human rights might be meaningful for the lives of people around the world. Additionally, many of the larger questions surrounding human rights remain highly controversial, and interpretations of human rights are constantly evolving.

In the coming pages, you will read five case studies that illustrate several significant

human rights issues and themes. Some of the case studies focus on a specific event or turning point in history that initiated global discussion about human rights, such as the use of military force to protect human rights in Kosovo. Other case studies look at specific rights to illuminate larger questions, such as how U.S. freedom of expression prioritizes one right over other rights.

These case studies are not meant to be exhaustive or comprehensive. They are designed as brief studies of specific events and trends that will help make human rights more tangible. All of the case studies reveal challenges, controversies and disagreements that are relevant to broader debates on human rights today. Think carefully about the questions at the end of each case study. They will help you as you consider what direction U.S. human rights policy should take.

Balancing Rights—Freedom of Expression

In this case study, you will explore how freedom of speech is interpreted and protected differently from country to country, and consider how certain rights may infringe on other rights. You will also examine the United States' unique approach to human rights, known as "U.S. exceptionalism."

On March 8, 2010, the Iranian border police prevented the eighty-two-year-old Iranian poet Simin Behrbani from leaving Iran to go speak in Paris. She was stopped at the airport and her passport was taken from her. She was stopped because some of the ideas in her poems criticize the policies of the Iranian government.

Most U.S. citizens cannot imagine being arrested or detained for political ideas that they express in a poem or in a newspaper article or in any other way for that matter. Today, citizens of many countries share the same expectation: that they are free to express their ideas. Freedom of expression is a basic human right.

Freedom of expression is not protected equally in all societies. In some cases, like the example of Iran, governments suppress the

expression of ideas that criticize or suggest alternatives to their policies. Other governments' constitutions claim to protect freedom of expression, but the reality is often different. For example, journalists in Russia face pressure and even violence for expressing political ideas that criticize the government.

There are limits to freedom of expression even in countries that protect it as a general principle. This is often done to prioritize other rights that governments believe are more important. For example, some countries prohibit speech that is hateful or meant to intimidate ethnic or religious groups.

How is the U.S. protection of free speech different than in other democracies?

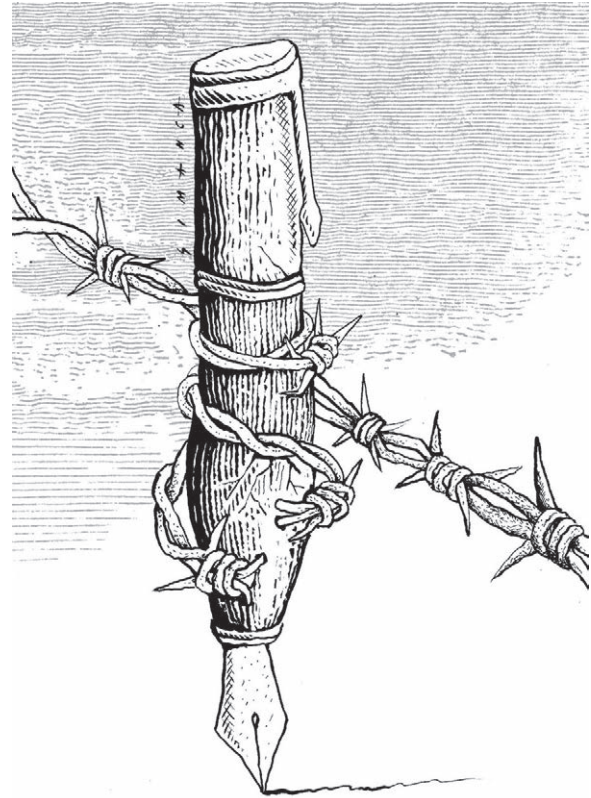
For many U.S. citizens, the rights in the First Amendment of the Constitution remain

sacrosanct and absolute. For them, freedom of expression and speech embodies the bedrock idea of human rights. Today the U.S. interpretation about what speech is protected is much broader, and could even be considered radical when compared to other countries' interpretations.

In a famous example, in 1977 a group of Nazis from the National Socialist Party of America proposed to march in uniform through Skokie, Illinois, a small city with

When one set of rights infringes on another, how should we decide whose rights and which rights take priority? Should freedom of expression be limited in certain cases?

many Jewish survivors of the Holocaust. Even though the city of Skokie wanted to prevent the march, local and federal courts ruled that the First Amendment protected the group's right to march. U.S. courts have ruled that the only kind of speech that is not protected is speech that incites immediate violence. Speech that is directed at ethnic or religious groups and that could be considered offensive or intimidating is protected by the First



“Censorship.”

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Amendment. In short, speech that promotes hatred is permitted, while speech that promotes immediate violence is not. Even speech promoting the overthrow of the U.S. government is permitted, provided it is not intended to incite immediate violence.

What is U.S. exceptionalism?

The different interpretations of what the limits of free speech are between the United States and other democracies illustrate an important point about international human rights and how human rights are regarded by the United States. The U.S. interpretation of human rights and human rights law can—and often does—differ from the international community. Scholars who study human rights often refer to the unique or unusual U.S. interpretations of human rights as “U.S. exceptionalism.”

The United States' broad interpretation of the right of free speech is a good example of exceptionalism. Another example is the U.S. unwillingness to comply with portions of international human rights agreements and refusal to ratify several widely accepted treaties, such as the Convention on the Rights of the Child. In addition, U.S. courts have been unwilling to use legal reasoning developed in courts in other parts of the world. There is debate about whether U.S. exceptionalism is necessary because the United States is truly “exceptional,” or if it is a missed opportunity to learn from others.

This is sharply different than in other democracies. Other constitutions grant the freedom of speech, but also include provisions when it can be limited. For example the constitution of South Africa prohibits “advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.” In the Netherlands it is illegal to insult someone publicly on the basis of race, religion, or sexual preference. In Germany, the Nazi party is outlawed, as is the sale or distribution of Nazi symbols and Adolf Hitler’s book, *Mein Kampf*. The International Covenant of Civil and Political Rights states that any expression of national, religious, or racial hatred that is intended to cause discrimination, hostility, or violence should be prohibited.

“In much of the...world, one uses racial epithets at one’s legal peril, one displays Nazi regalia and the other trappings of ethnic hatred at significant legal risk, and one urges discrimination against religious minorities under the threat of fine or imprisonment. But in the United States, all such speech remains constitutionally protected.”

—Frederick Schauer, U.S. professor of constitutional law, 2005

The broad interpretation of freedom of expression in the United States is not limited to speech, but also gives more latitude to what the press can publish than in other countries.

What are arguments behind the different interpretations of the limitations of speech?

One rationale behind prohibiting certain kinds of speech is the desire of governments to promote social harmony. For example, South Africa’s leaders hoped to minimize social and racial tensions, and the violence that might come with them, after the end of South Africa’s racially based and discriminatory apartheid system. Germany’s decision to ban

the Nazi party and Nazi symbols came after tens of millions of people died because of the actions of the Nazis. Nevertheless, many other countries without the convulsive historical experiences of South Africa and Germany also limit speech more than the United States.

The U.S. interpretation of what speech should be protected evolved a great deal during the twentieth century. U.S. courts became more and more unwilling to limit the expression of political ideas, even ideas that advocated changing or ending the U.S. political system. In part, this may be because there is a political tradition of being critical of government and an emphasis on individual freedom and responsibility in the United States.

“The best test of truth is the power of the thought to get itself accepted in the competition of the market.... I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death.”

—Supreme Court Justice Oliver Wendell Holmes, 1919

Advocates for the U.S. interpretation of what speech should be permitted echo Justice Holmes. They argue that the responsibility for regulating opinion should rest with the public, not with the government.

The issues surrounding the differing interpretations of freedom of expression raise important questions for all to consider. Should freedom of expression be prioritized above the right to be free from discrimination, intimidation, or threats of violence? When one set of rights infringes on another, how should we decide whose rights and which rights take priority? Is U.S. “exceptionalism” regarding human rights desirable, justifiable, a hindrance to international human rights, or something else?

The Right to Health—Brazil

You have just read about how the United States defines and prioritizes freedom of expression (prioritization means determining which rights are most important). In this case study, you will investigate how human rights are defined and interpreted by exploring Brazil's efforts to ensure the right to health. You will explore some of the challenges that governments face when translating ideas and laws about human rights into a reality for their people. You will also consider a larger debate about the scope and prioritization of human rights.

In 1988, after decades of repressive military rule, Brazil adopted a new democratic constitution. The constitution sought to end government oppression that had stifled civil liberties, freedom of expression, and other human rights. It articulated a wide range of individual rights and liberties that would be the centerpiece of the new government.

Brazil's transition to democracy took place against the backdrop of an emerging public health crisis. HIV/AIDS was becoming more prevalent, and the fledgling democracy was faced with the challenge of a growing pandemic. The constitution proclaimed health care to be a basic right of all Brazilian citizens and created a national health system called the Sistema Único de Saúde, or Unified Health System.

“Health is a right of all and a duty of the State and shall be guaranteed by means of social and economic policies aimed at reducing the risk of illness and other hazards and at the universal and equal access to actions and services for its promotion, protection, and recovery.”

—Article 196 of the 1988 Brazilian Constitution

Brazil became engulfed in debates about how to interpret and implement many of the rights outlined in the Constitution, and the right to health was no exception. What exactly would the right to health entail? Which services should the government be responsible for providing? How should the government deal with financial restrictions?

How did the HIV/AIDS pandemic raise questions about the right to health in Brazil?

During the 1980s and 90s, major pharmaceutical companies developed a combination of drugs that slow the progression of HIV to AIDS and significantly extend the life expectancy of those infected with HIV. The staggering costs of these drugs put treatment beyond the reach of many of those in need.

Brazilian AIDS advocates began calling on the government to provide free and universal

access to treatment, a response that advocates claimed would be in line with the guarantees outlined by the Constitution.

Many government officials also supported the idea that the government had a responsibility to provide HIV/AIDS treatment for those in need.

The organization and protests of people living with HIV/AIDS and other activists drew public attention and framed AIDS as a human rights issue. The Brazilian courts were a powerful tool in the movement's struggle. NGOs and individuals sought to hold the government accountable for ensuring the right to health by taking legal action. Since 1992, the Brazilian courts have consistently ruled in favor of HIV/AIDS patients seeking government provision of medical treatment. In 1996, the Brazilian Congress enacted a landmark law guaranteeing universal and free access to HIV/AIDS treatment.

How did Brazil's approach to HIV/AIDS stir international controversy?

Brazil's 1996 commitment to providing universal treatment for HIV/AIDS was revolutionary for its time. The World Bank and other

Should human rights include the full spectrum of rights?

international donor agencies warned that treating AIDS patients was not a cost-effective approach to dealing with the pandemic. Instead, they urged developing countries to focus their efforts and limited funds on preventing new infections. But Brazil surged ahead, and became the first developing country to successfully provide free universal access to HIV/AIDS treatment.

Brazil's initiative also provoked a harsh response from multinational pharmaceutical companies. During the 1990s, antiretroviral treatment often cost more than US\$10,000 per person each year. Brazil requested that multinational drug companies lower their prices for AIDS drugs. When they refused, Brazil threatened to produce generic "copies" of the patented drugs in Brazil. According to international trade rules, countries may produce drugs locally without the permission of multinational pharmaceutical companies during cases of public emergency.

Brazil's approach provoked a backlash from the United States, which claimed that Brazil was violating international trade rules. Some critics condemned the Brazilian government's prioritization of its citizens' right to health over the intellectual property rights of pharmaceutical companies. In June 2001, the United States dropped its trade dispute. Brazil successfully negotiated with several multinational pharmaceutical companies to lower their prices to more affordable levels.

"A strong global alliance of NGOs, scientists and organizations of people living with HIV/AIDS defended our policies to promote affordable access to life-saving AIDS treatment. These groups mobilized and helped sway



A child receives health care at the Policlínica Regional de Itaipu, a health clinic in Itaipu, a neighbourhood of Niterói, Brazil.

Claudia Jurberg, WHO photo.

global public opinion in our favor."

—Fernando Henrique Cardoso, president of
Brazil, 1995-2002

Current levels of HIV/AIDS in Brazil are a fraction of what was once projected. Although Brazil struggles with the financial challenges of providing health care to a population approaching 200 million, its HIV/AIDS policies are widely considered to be successful. Some experts estimate that Brazil saved roughly \$1.2 billion by challenging pharmaceutical companies and producing drugs locally, paving the way for other countries to take similar action. Brazil's efforts have caused a global price reduction in treatment, which has made AIDS treatment more accessible in other developing countries.

How have Brazil's health policies raised larger questions about the scope of human rights?

Brazil's comprehensive response—aimed at both stopping the spread of the disease and treating those already infected—has invigorated global debate about different approaches to public health and what exactly the right to health entails. Brazil's approach is firmly

rooted in the notion that health is a fundamental human right. Although many believe that human rights should encompass the full spectrum of not only civil and political rights, but also social, economic, and cultural rights (such as the right to health), there is debate about this topic.

Some people argue that there should be a hierarchy of rights, and that civil and political rights should be prioritized above social, economic, and cultural rights. Others take this argument further, claiming that civil and political rights are the only true rights, and that social and economic aims, such as proper health, education, housing, and employment are not rights, but aspirations or ideals that governments may pursue. They argue that it is not the responsibility of the government to ensure that everyone has food, shelter, and health care. They claim that raising social, economic and cultural needs to the level of rights downgrades the importance of civil and political rights. This viewpoint is more common in the United States than in many other parts of the world.

Others argue that human rights cover a broader spectrum, and that rights are indi-

visible and complementary. In other words, civil and political rights cannot be achieved if social and economic rights are not also ensured, and vice versa. Consider two civil and political rights: the right to vote and the right to life. Can an individual who is deprived of education and is illiterate and homeless ever truly participate in the political life of society? If an individual dies of a treatable disease, or an infant dies because his or her mother does not have access to proper health care, is their right to life actually being respected?

In recent years, international human rights agreements have overwhelmingly supported the view that human rights include a comprehensive list of civil, political, social, economic, and cultural rights. For example, the right to health is explicitly enshrined in a number of international laws and agreements.

Should human rights include the full spectrum of rights? Who should decide if certain rights are more important than others? Should the United States embrace a more comprehensive interpretation of human rights, including the right to health?

Universal Rights?—The Rights of Children

This case study looks at the rights of children as a way to explore the debate about whether human rights are truly universal. You will read about how the most widely ratified human rights treaty stirs controversy by raising questions of cultural difference and diverse understandings of childhood. You will also consider the United States' opposition to the Convention on the Rights of the Child.

The UN Convention on the Rights of the Child (CRC), which the UN General Assembly passed in 1989, was the first binding international treaty dedicated exclusively to protecting and promoting the rights of children. The CRC was put into effect within seven months and was ratified by all but two UN member states (the United States and Somalia) within a decade. The speed of the Convention's ratification—and its near-universal acceptance—was

unparalleled in the history of international human rights treaties.

Is it possible to agree on a definition of human rights given the diversity of values held by people around the world?

At the same time, the specific rights that should be protected and promoted for children are hotly contested by philosophers, lawyers, psychologists, and politicians alike. In fact, the specifics of the Convention were only settled upon after ten years of debate and disagreement among UN

delegates. Some observers have questioned how universal the rights enshrined in the Convention really are. Many argue that the CRC is a document based on U.S. and European values and ideas about childhood—ideas that they say are not shared by all societies. Others point to the Convention’s wide acceptance as proof of an international consensus about the rights of children.

How do people understand childhood differently?

Supporters of the Convention claim that childhood is a universal stage of life based on stages of development experienced by all children, no matter where they live or what their culture. They believe that the CRC, which lays out a set of rights and protections, is key to improving the lives of children worldwide.

But critics argue that ideas about childhood are not the same across the globe. They contend that childhood is based in large part on the circumstances of a child’s family and on the values of the society in which the child lives. These critics claim that the CRC is trying to change the values of societies around the world to follow a U.S. or European model of childhood. In this case, “childhood” is understood as a time that is separate from adulthood, in which children are dependent on their parents and need to be protected from the adult world.

Critics argue that not all people around the world understand “childhood” in this way. In many cultures, children are viewed as contributing members of society who have responsibilities to their families and communities. They argue that one form of childhood is not necessarily “right” or

better for a child than another. For example, they argue that the childhood of a poor boy in Romania who must work to help support his family is not necessarily harmful, despite its difference from the childhood of a middle class girl in Nebraska who goes to high school every day.

Other child’s rights activists criticize the CRC because they argue that children should not be the passive recipients of rights but should be able to make decisions for themselves. In addition, the reality for many children is that they take on roles—including becoming parents, spouses, breadwinners, or soldiers—that do not match the idea of “childhood” promoted by the CRC. While universal rights activists claim that the CRC is an ideal that all societies should strive for, others claim that there is no such thing as a universal childhood.

What is the African Charter on the Rights and Welfare of the Child?

In 1990, the Organization of African Unity



UN Photo/Jean Pierre Laffont.

In this photograph from 1978, two boys work in a carpentry workshop in Casablanca, Morocco. Work, whether inside or outside the home, is an important feature of childhood in many countries. The CRC is intentionally vague on the point of child labor because UN delegates disagreed over a number of points, including the age at which children should be allowed to work and whether there can be one standard on this issue across rich and poor countries alike.

(OAU), a regional body that included nearly all African states, drew up its own treaty on the rights of children called the African Charter on the Rights and Welfare of the Child. This charter is one of a number of OAU documents that promotes human rights in a way that is specific to Africa's colonial history, legal heritage, and local philosophies. These documents emphasize community, and lay out not only the rights that individuals are entitled to, but also the corresponding duties that individuals are responsible for as members of the group.

Some have argued that this charter is proof that the CRC has helped spread concern for the human rights of children around the world. Others have argued that the OAU wrote this charter because the CRC did not adequately reflect the social and cultural realities of children on the African continent. Some African countries have claimed that certain principles of the CRC—including the right to a private life and the right to express one's views even if they contradict an adult's—are ideas that are foreign to their traditions.

“Despite the important place granted to the child in Africa, the question of the rights of the child does not receive the spontaneous support of adults who perceive it as an imported idea.”

—Ivorian Coast delegation, in their initial report on the implementation of the Convention, 2000

What is the U.S. position on the Convention?

There has also been opposition to elements of the Convention in the United States and Europe. For example, although the United States signed the CRC, the U.S. Senate has not yet ratified it. Some observers have found this confusing, because participants from the United States played a major role in drafting this document. In fact, U.S. public opinion is split, with groups vigorously arguing both for and against the CRC's adoption.

Critics of the CRC oppose the Convention for a number of reasons. Some argue

that it goes against traditional U.S. values and deprives parents of their authority over their children. They argue that the CRC gives children too much autonomy to make decisions, for example about things like religion or schooling, that children are not yet equipped to make. They argue that treaties decided internationally should not determine what happens within the home. In addition, the CRC gives children socioeconomic rights such as the right to health care, housing, and nutrition. In the United States, these principles are not protected as rights.

Supporters of the CRC contend that the Convention, in fact, preserves the role of parents as protectors, providers, and guiders of their children. They also argue that U.S. reluctance to ratify the CRC has weakened the power of the Convention worldwide. They claim that ratification by the United States would add legitimacy to what is, to date, the most widely ratified human rights treaty in history.

“It's important that the United States return to its position as a respected global leader and promoter of human rights. It's embarrassing to find ourselves in the company of Somalia, a lawless land. I will review this and other treaties and ensure that the United States resumes its global leadership in human rights.”

—Barack Obama during his presidential campaign, 2008

What are the arguments for and against universal rights for children?

Critics claim that the Convention's wide acceptance masks the significant disagreements that still exist. They argue that states are under pressure to adhere to international standards of human rights, whether or not these standards align with the values and traditions of their local communities. States do not want to be seen as opposed to children's rights.

At the same time, states have difficulty implementing many of the rights enshrined in the document—including universal education

for girls as well as boys, and access to health care for all children—because of challenges including lack of resources and lack of support among local populations. Many observers have noted that children continue to be the most vulnerable members of society, despite the broad acceptance of the CRC.

Supporters argue that the wide support for the CRC indicates a desire on the part of the international community to protect and promote the rights of children. They argue that an international set of universal human rights does not mean that all countries have to take the same approach to achieving human rights, but rather that there are certain basic rights and protections to which all children are entitled.

What are the arguments about whether human rights are universal?

The debate about the CRC reflects a wider debate about whether human rights can be universal. Critics of universal rights argue that conceptions of human rights are culturally specific, that is, influenced by culture and life circumstance. Coming up with a universal set of rights for people around the world means that the values of certain people or societies are judged to be more valid than the values of

others. For example, a number of Latin American indigenous groups that are criticized by international human rights organizations for using the death penalty proclaim that their culture’s values, practices, and right to autonomy must be respected. But others contend that arguments against universal human rights protect culture at the cost of abuse or human rights violations. They argue that some leaders claim that their societies understand rights differently so that they can justify oppression that exists in their societies. They point to practices such as female genital mutilation as evidence that tradition can be oppressive. They argue that there are certain inalienable rights that all people are entitled to, regardless of culture, national origin, or background.

The debate about universality continues to influence the role of human rights in international politics. These questions will help you think about the debate: Is it possible to agree on a definition of human rights given the diversity of values held by people around the world? Are there certain rights that are universal? Are there rights that are dependent on culture or life circumstance? In what ways can promoting universal rights be detrimental or harmful? In what ways can opposing universal rights be detrimental or harmful?

International Justice—Augusto Pinochet and Chile

This case study will examine the dictatorship of Augusto Pinochet in Chile to demonstrate ideas about international justice. You will examine both why and how massive violations of human rights were committed, and will explore domestic and international efforts to grapple with the aftermath of the abuses. You will consider the larger debate surrounding state sovereignty and the role of international courts in seeking justice after gross violations of human rights.

In September 1998, Augusto Pinochet, the leader of Chile from 1973-1990, traveled to London to meet with his friend Margaret Thatcher, the former prime minister of the United Kingdom. He had scheduled an appointment at the London Clinic into his European travels, and arrived at the hospital in

early October for back surgery. Just a few days later, eighty-two-year-old Pinochet was placed under arrest in his hospital room on charges of murder and torture. International efforts to bring the former Chilean leader to justice for crimes committed during his rule would become a watershed in human rights history.

Should the international community have the authority to try human rights violators?



Photo by Marcelo Montecino. All rights reserved.

Women marching in Santiago, Chile in 1988. They hold pictures of their “disappeared” relatives. The signs say, “Where are they?”

Augusto Pinochet rose to power in 1973 when the Chilean military—with U.S. support—ousted the democratically elected, socialist president, Salvador Allende. Under Pinochet’s rule, the military government led a brutal campaign to eradicate communism from Chile. Pinochet dissolved Congress, fiercely censored the media, and suppressed political groups, labor organizations, and student organizations. He ordered the military and his secret police to use kidnapping, torture, and murder to instill fear and quell opposition movements. Although estimates vary, it is suspected that several thousand people were killed or “disappeared,” and tens of thousands more tortured during the period of Pinochet’s rule.

How did Chile address Pinochet’s human rights abuses?

In 1990, after a relatively peaceful transition to democracy, Patricio Aylwin Azócar came to power. The new government pressed

for investigation and prosecution of human rights violations, but the military strongly resisted and Chilean courts generally dismissed cases of human rights abuse that occurred during the period of military rule.

In 1991 President Aylwin created the Commission of Truth and Reconciliation, which investigated killings and disappearances and compiled public testimony about the abuses of the Pinochet period. The new president issued a public apology to victims and their families on behalf of the government, and offered reparations in the form of financial assistance, health care, and education benefits. The military rejected the findings of the Truth and Reconciliation report and refused to publicly accept responsibility for past crimes. Despite reconciliation efforts, tensions continued to simmer in Chile. Pinochet remained commander-in-chief of the military and became a senator-for-life in 1998 when he relinquished his military position.

How were European authorities able to arrest Pinochet?

British authorities arrested Pinochet at the London Clinic in 1998 after Spanish judges issued a warrant and requested that he be extradited to Spain to stand trial. While Spanish prosecutors initially filed charges against Pinochet for crimes against Spanish citizens that were victims of Pinochet's rule, subsequent charges focused on the human rights violations inflicted upon Chilean citizens. The attempt to try Pinochet in a Spanish court for crimes committed in Chile against Chilean victims was based on the controversial principle of universal jurisdiction.

What is universal jurisdiction?

Universal jurisdiction is a principle of international law that allows any state to prosecute certain crimes in their national courts, regardless of where the crime took place and the nationality of the suspect or victim. The rationale behind this principle is that certain crimes are so atrocious that they are an affront to all of humanity, and therefore can be punished by any country. Additionally, because certain states may be unwilling or unable to prosecute crimes that are committed in their territories, universal jurisdiction denies perpetrators a safe haven. Some international human rights treaties incorporate elements of universal jurisdiction. For example, the Convention against Torture requires that, regardless of the location where acts of torture occur, states must either prosecute suspected torturers that are found within their borders or hand them over to another country that will do so. Many supporters of Pinochet's arrest evoked the Convention against Torture as a justification, though the arrest instantly sparked controversy within Chile and around the world.

Why was Pinochet's arrest controversial?

Chilean society was divided over Pinochet's arrest. Some Chilean politicians, including then-President Eduardo Frei Ruíz-Tagle, claimed that Spain's attempts to bring Pinochet to justice infringed on Chile's sovereignty and would interfere with domestic

efforts to confront the country's dark past and continue on its peaceful path to democracy.

“Chile has its own laws, and lives in democracy, it has jurisdiction and does not recognize the jurisdiction of the courts of other countries to judge events that occurred here.”

—Chilean Minister of Foreign Affairs José Miguel Insulza, responding to the Spanish investigation of Pinochet's rule, June 1997

Some critics were outraged that Spain would seek to bring Chilean perpetrators to justice, while hypocritically turning a blind eye to its own oppressive past that included human rights violations during the Spanish Civil War and the military dictatorship of General Francisco Franco.

Other Chilean politicians and many citizens were supportive of the attempt to seek justice that they considered to be long overdue. A large network of Chileans that had been exiled during Pinochet's rule actively encouraged Spain's efforts to bring Pinochet to justice and sought to garner international approval and attention.

Although Pinochet argued that he should be immune from prosecution, the British House of Lords found that the former head of state could be extradited to Spain on charges of torture. But Britain subsequently declared that Pinochet was unfit to stand trial due to deteriorating physical and mental health. Although Spain's attempts to prosecute Pinochet were ultimately unsuccessful, many human rights activists hailed the House of Lord's ruling to be a watershed case. The decision that a former head of state who had violated human rights could be held accountable in foreign courts was trumpeted as a monumental victory and a resounding warning to leaders worldwide.

How has Pinochet's arrest raised larger questions about the role of international justice?

The Pinochet case brings to light significant questions about the role of the

international community in seeking justice after human rights violations. International mechanisms to seek justice include not only national courts utilizing universal jurisdiction, but also international criminal tribunals that have been established for particular conflicts, such as in Rwanda and Yugoslavia, as well as the International Criminal Court (ICC).

Supporters of international justice argue that in many cases, this approach is the only way to hold individuals accountable, offer recourse for victims, and help prevent future human rights violations. International efforts are frequently supported by victims and local human rights groups, and often work with affected communities to coordinate an international response with a local response.

Supporters also claim that international efforts may empower and grant momentum to domestic efforts. For example, some human rights activists and lawyers assert that Spain and England's initiative triggered subsequent Chilean efforts to try military officers for abuses committed during Pinochet's rule. In March 2000, Pinochet returned to Chile, was stripped of his immunity and placed under house arrest by the Chilean government. Pinochet died in 2006 before standing trial.

On the other hand, many people are troubled by the expansion of international justice. Some argue that the society in which human rights violations took place should be the principle decision maker when it comes to grappling with past abuses. They contend that

foreign courts and the ICC shouldn't have the authority to dictate what is best for any particular society. Skeptics claim that international involvement infringes on state sovereignty, inflames societal divisions and conflict, and interferes with national governments' efforts for justice and reconciliation.

Governments may use a variety of methods to confront systematic human rights abuses of their past, as well as ongoing violence and abuse, in a way that enables a transition to a more peaceful and stable society. For example, some governments, such as Chile and South Africa, establish truth commissions to investigate abuses and allow victims and their families, as well as perpetrators, to recount their experiences. Some governments reform their courts, police, or military to prevent abuses from reoccurring. If criminal prosecutions will aggravate societal divisions or spoil the possibility of negotiations among warring groups, governments can also decide to grant amnesty to alleged perpetrators in an attempt to move forward towards a more peaceful and just society.

The debate about international justice raises important questions. Should the international community have the authority to try human rights violators? Under what circumstances? Does international justice contribute to or interfere with national reconciliation? Does the threat of international justice actually promote the rule of law and deter leaders from committing grave violations of human rights?

Military Intervention for Human Rights—Kosovo

You have just read about international involvement in response to human rights violations in Chile. On the same day that the British issued their landmark ruling on Pinochet (March 24, 1999), an alliance of countries took military action in an attempt to prevent atrocities in Kosovo, Yugoslavia. Both of these cases raise important questions about the role of the international community in preventing and responding to human rights violations, and reveal tensions between human rights and state sovereignty.

Perhaps the most fundamental human right is the right to life. And no other violation of this human right is more shocking than genocide. Genocide refers to widespread mur-

der and other acts committed by governments or other groups with the intent to destroy—in whole or in part—a national, racial, religious, or ethnic group.

Despite widespread agreement that genocide should not be tolerated, for a variety of reasons both the United States and the world have struggled to respond to this recurring problem.

Why has the international community struggled to prevent genocide?

After the genocide of Jews and others by the Nazis during the Second World War, leaders worldwide pledged that such an event would never again happen. The formation of the UN and the adoption of treaties protecting human rights were among the steps taken to prevent widespread violations of human rights. Tragically, the promise of “never again” has been broken time after time since then. These repeated genocides illustrate the limits of the international community when it comes to preventing massive violations of basic human rights. An effort in 1999 to prevent genocide against ethnic Albanians in Kosovo was significant because it raised important questions about the priorities of the international community when dealing with widespread and serious human rights violations.

Why was the Kosovo conflict important?

In 1998-99, the Yugoslav government led by President Slobadan Milosevic directed a campaign that forced up to one million ethnic Albanians to flee their homes and murdered some ten thousand. The Albanians lived in a region of Yugoslavia known as Kosovo, where they made up the majority of the population.

Milosevic’s government, dominated by ethnic Serbians, had also been responsible for genocide against Bosnian Muslims and Croats in another region of Yugoslavia several years before. The UN had proved unable to prevent the Bosnian genocide. It was only after years of violence and fighting that the UN supported a NATO-led bombing campaign in 1995 that turned the tide against the Serbian army.

When Milosevic’s government seemed poised to commit another genocide in Kosovo the United States took dramatic steps. The United States and its NATO allies used air power again to stop the Milosevic government from committing human rights violations and genocide against ethnic Albanians. In this case, NATO military forces acted without approval of the UN Security Council.

The war against President Milosevic’s government in 1999 broke new ground. For the first time in history, an international coalition, led by the United States, launched a war to stop a government from carrying out human rights violations and genocide within its own borders. Yet the war highlighted some unresolved issues about protecting human rights.

Should there be limits to state sovereignty when basic human rights are threatened by genocide?

What were some of the issues raised by the war in Kosovo?

Due to opposition from China and Russia, this war against Yugoslavia did not have the required support of the UN Security Council. Without approval, the U.S.-led intervention violated the UN Charter, which prohibits the use of force except in certain circumstances. It was, critics pointed out, an illegal war.

A second issue has to do with the priority given to sovereignty. China and Russia maintained that the military intervention against Yugoslavia violated the principle of state sovereignty protected by the UN Charter. More generally, China, Russia, and conservative critics in the United States contend that an emphasis on human rights could topple a crucial pillar of the international system—the principle of state sovereignty.

A third issue had to do with the motivations of the United States and its NATO allies. Chinese and Russian leaders argued that this concern for human rights was simply a ploy to bolster the political influence of the United States and its NATO allies. Other critics of the

intervention in Kosovo point to a double standard in promoting human rights or preventing genocide. They note that the United States and its allies have been reluctant to intervene in regions where they lack financial interests and military bases. In 1994, for example, the United States stood on the sidelines as the Rwandan Genocide claimed nearly one million lives.

Finally, others wondered whether the use of force did more harm than good. NATO bombings killed a number of Serbian civilians and targeted Yugoslavia's water and electrical infrastructure. Was it hypocritical to harm one group of civilians, while protecting another group of civilians in the name of human rights?

What was the result of the intervention?

In mid-1999, Yugoslavia agreed to withdraw its military forces and the UN placed Kosovo under UN administration. In 2008, Kosovo declared itself an independent country.

The former leader of Yugoslavia, Slobodan Milosevic, was charged with crimes against humanity, "violations of the laws or customs of war," and genocide by the United Nations' International Criminal Tribunal for Yugoslavia (ICTY). He died in March 2006, having been held since 2001. In 2007, the UN's International Court of Justice ruled that the Serbian government was not directly responsible for the genocide in Bosnia but also ruled that the government could have prevented a notorious massacre of eight thousand Bosnians in the town of Srebrenica. This was the first time the UN tried a state for genocide. In 2010, Serbia (now an independent country) apologized for the massacre at Srebrenica.



Refugees fleeing Kosovo in March 1999.

UN Photo/fr. LeMoyné.

What questions remain?

Although international cooperation and the value placed on human rights have increased significantly in the past half-century, they rest on disputed underpinnings. How far the protection of human rights will be extended remains an open question. After Kosovo, the UN's secretary general noted that the international system was changing and that the world needed to address the tensions between protecting human rights and state sovereignty.

“The concept of national sovereignty was itself conceived in order to protect the individual: this, and not the inverse, is the raison d’être [most important purpose] of the state. This however does not mean that national sovereignty is no longer relevant. Time will be needed to reconcile sovereignty and individual rights.”

—Former UN Secretary General Kofi Annan, June 19, 1999

After the Kosovo war, a UN panel developed a series of recommendations to address the tensions between state sovereignty and protecting human rights. The recommendations, known as “The Responsibility to Protect,” say that states are responsible for

protecting their populations from genocide, war crimes, ethnic cleansing and mass atrocities. They also say that the international community must take action to prevent and stop these crimes if an individual state fails to do so, although military intervention must remain a last resort. After any military intervention, the international community must remain engaged and help rebuild the state. Whether all members of the UN can unite around these principles remains to be seen.

When another human rights crisis arises, the following questions will surface once again. Should state sovereignty remain a basic pillar of the international system so that states remain free from external interference in internal matters—even violations of human rights? Or should there be limits to state sovereignty, particularly when basic human rights are threatened by genocide?



These ethnic Albanian boys are refugees from Kosovo. They are carrying their families' bread rations.

If the UN is unable to agree to act to prevent or stop terrible violations of human rights, should governments act on their own? Would military intervention without UN approval damage the ability of the UN to preserve international peace and security? How can one be sure that governments are acting to protect human rights and not merely for self-interest or political reasons?

In the coming days, you will have an opportunity to consider four distinct options for U.S. human rights policy. Each of the four options that you will explore is based on a distinct set of values and beliefs. You should think of the options as a tool designed to help you better understand the contrasting strategies that people in the United States may use to craft future policy.

After you have considered the four options, you will be asked to create an option that reflects your own beliefs and opinions about where U.S. policy should be heading. You may borrow heavily from one option, combine ideas from two or three options, or take a new approach altogether. You will need to weigh the risks and trade-offs of whatever you decide.

Options in Brief

Option 1: Lead the World to Freedom

The United States was founded on the notion that individuals are entitled to liberty and the right to choose their government. These are the human rights that every human being is entitled to. Our ideas about human rights continue to inspire oppressed peoples around the world who desperately seek freedom from tyranny. As the world's superpower, we have both the opportunity and the responsibility to stand up for the human rights of liberty and democracy in every corner of the earth. We must be prepared to hold the world's perpetrators of gross human rights violations accountable for their actions. A powerful, determined United States leading the charge is the only hope for spreading liberty throughout our world.

Option 2: Work with the International Community

A strong and unified global commitment to promoting and protecting human rights is our best hope for improving the well-being of individuals and maintaining peace and security across the globe. The time has come for the United States to take a fresh approach to rights. We can begin by embracing a wider understanding of human rights, including economic, social, and cultural rights. Nothing sends a stronger message than a unified international commitment to human rights. The United Nations has the legitimacy and capacity to develop and maintain a long-term effort to promote human rights. We must increase our commitment to the UN, and take a leadership role to strengthen and support its effectiveness in promoting human rights. We must stand together with the international community against gross violations of human rights whenever and wherever they surface, and bring perpetrators to justice.

Option 3: Act Only When U.S. Interests are Directly Threatened

We should not be swept up in the international human rights frenzy that is dominating world politics. Human rights are nothing more than a distraction. By focusing on the international community's idea of human rights, we risk losing sight of what is truly important for our country: a strong economy, national security, and protecting our own constitutional freedoms and way of life. Our top priority should be to make our country stronger and safer, not to seek to change the world. We can speak out against human rights abuses, but unless abuses directly threaten our security, risking U.S. lives and spending huge sums of money is not sensible. We must always approach global human rights problems by placing the interests of our country first.

Option 4: Focus Our Efforts at Home

The only place that we can truly improve human rights is on our own soil. Throughout our country, citizens are demanding change, calling for better education, access to health care, and improved working conditions. These economic, social, and cultural rights are human rights that every U.S. citizen deserves. There are other good reasons to focus on human rights at home. The U.S. quest to promote human rights abroad has too often led us into costly foreign policy failures. We should speak out against violations of human rights around the world. But just as we would never accept another country telling us how to govern ourselves, we must refrain from the temptation to impose any single system on other countries. So let us begin at home and make human rights our top domestic priority. We can lead by example, ensuring that every U.S. citizen enjoys a life of dignity, freedom, and equality.

Option 1: Lead the World to Freedom

The United States was born out of a revolution for human rights. Our government was founded on the notion that individuals are entitled to liberty and the right to choose their government. We cherish freedom of expression, the right to vote, and other civil and political rights. These are the human rights that every human being is entitled to. Our ideas about human rights continue to inspire oppressed peoples around the world who desperately seek freedom from tyranny. Today, countless people struggle under stubborn governments that silence citizens' demands for change. History tells us that promoting these rights benefits individuals and contributes to a more peaceful and stable world. As the world's superpower, we have both the opportunity and the responsibility to stand up for the human rights of liberty and democracy in every corner of the earth.

The United States has built a reputation since 1776 as an exceptional model and benevolent trailblazer for human rights, and should be trusted as such. We need not look any further than our own Constitution to define what human rights are. Our judicial system is fully capable of addressing human rights abuse within the United States or by U.S. citizens abroad. Foreign ideas about rights and international courts are unnecessary and infringe on our right to chart our own course. The idea that we should be subjected to the same international scrutiny as the world's worst dictators and tyrants is insulting and unnecessary. At the same time we must be prepared to hold the world's perpetrators of gross human rights violations accountable for their actions. A powerful, determined United States leading the charge is the only hope for spreading liberty throughout our world.

Option 1 is based on the following beliefs

- Human rights are universal. They consist of the civil and political rights that are the foundation of the U.S. Constitution.

- As the world's superpower and a beacon of liberty and human rights, the United States should promote and protect the rights of individuals around the world.

- The human rights of liberty and democracy are key to maintaining

international peace and security, because the effects of human rights violations cannot be contained by borders.

- A state that fails to protect its own people from gross violations of human rights like genocide or mass murder cannot expect to preserve its sovereignty.

- The ICC would violate U.S. citizens' constitutional rights.

What should we do?

- We should place spreading freedom and democracy at the forefront of our foreign policy. We should pursue these goals through diplomacy, trade, aid, sanctions, and even military action in extreme circumstances.
- We should welcome international support for our human rights policies, but if other countries don't join us we should act on our own.
- We should announce that the United States will not allow tyrants to hide behind the cloak of state sovereignty if they are committing or allowing human rights violations.

- We should only support international treaties that promote the civil and political rights declared in the U.S. Constitution.
- We should refuse to join the ICC because it threatens our sovereignty. In certain circumstances, we should help to establish international criminal tribunals that will try individuals for gross human rights violations committed during a particular conflict or in a specific country.
- We should support those who promote civil and political rights around the world, such as NGOs, regional human rights organizations, and individuals.

Arguments for

1. Promoting freedom and democracy provides a clear moral purpose to our foreign policy.
2. Increasing the number of countries that respect rights and liberty will increase international stability and protect the security of the United States.
3. Individuals around the world that yearn for rights and liberty will welcome and support our policies.

Arguments against

1. Insisting that human rights include only civil and political rights and not economic, social, and cultural rights reflects an outdated and unrealistic understanding of human rights. If someone is starving, what good is a right to vote?
2. Intervening in the internal affairs of another country, no matter how noble the cause, will provide a precedent for other nations to intervene in our internal affairs.
3. The United States does not have the resources, nor the right, to be the world's police officer. Our values are not necessarily universal.
4. While promoting human rights is a noble idea, we must focus our foreign policy efforts on those issues that directly affect U.S. economic and political interests.

Option 2: Work with the International Community

A strong and unified global commitment to promoting and protecting human rights is our best hope for improving the well-being of individuals and maintaining peace and security across the globe. Sixty years ago the United States was at the forefront of a global commitment to international human rights. But now we in the United States are in danger of being left behind. It is time to return to a position of leadership. We can begin by embracing a wider understanding of human rights, including economic, social, and cultural rights. These rights will not erode the rights set forth in our Constitution; they will enhance them. Throughout our history, we have benefitted tremendously from reconsidering our understanding of human rights. For example, abolitionists' demands for an end to slavery and the struggle of women for the right to vote taught us that our country's debate about human rights did not end when Congress approved the Bill of Rights in 1789. The time has come for us to take a fresh approach to rights and revitalize our position as a leader of the global campaign for human rights.

Nothing sends a stronger message than a clear and unified international commitment to human rights. The United Nations has the legitimacy and capacity to continue to develop and maintain a long-term, international effort to promote human rights. As the world's only superpower, we must increase our commitment to the UN, and take a leadership role to strengthen and support its effectiveness in promoting human rights. We must stand together with the international community against gross violations of human rights whenever and wherever they surface, and bring perpetrators to justice.

Option 2 is based on the following beliefs

- Human rights are universal, and encompass a full spectrum of civil, political, social, economic, and cultural rights.
- The effects of human rights violations are felt across international boundaries. Human rights are crucial for global peace and security.
- The United Nations is the world's best hope for resolving international problems.

- The international community must carefully balance human rights concerns and respect for state sovereignty. Although state sovereignty remains an important principle in international relations, it is not an excuse for violations of human rights.
- All countries, including the United States and its allies, should be held accountable for their human rights practices.

What should we do?

- We should ratify all major human rights treaties, including the International Covenant on Economic, Social, and Cultural Rights, and the Convention on the Rights of the Child, and join the ICC.

- We should increase financial support to UN activities that promote and protect human rights.

- We must improve our own human rights practices at home in order to promote effectively human rights abroad.

- We should use a wide range of foreign policy tools, including diplomacy, aid, and

trade, to pressure other countries to improve their human rights practices. For example, we should stop trading with countries that have poor human rights records.

- We should align our policies with UN recommendations and coordinate our efforts with other countries.

- Military force should only be used as a last resort to stop or prevent severe human rights abuses, such as genocide, when the UN Security Council approves.

Arguments for

1. Prioritizing human rights is a clear goal that many nations will support. Success in this area could help improve international cooperation on other issues.

2. Human rights offers a clear and coherent way to analyze and solve the many challenges facing the international community.

3. Embracing a full spectrum of rights increases our legitimacy in promoting rights on the world stage.

Arguments against

1. The UN operates slowly and inefficiently. Relying on the UN and hazy notions of human rights will interfere with our ability to address critical foreign policy issues.

2. Giving jurisdiction to the ICC will subject U.S. citizens and soldiers to politically motivated prosecutions and violate their constitutional rights.

3. Ignoring state sovereignty will undermine the basis of the international system and threaten U.S. autonomy.

4. Focusing too much attention on human rights will take away resources from other more important U.S. foreign policy issues such as the health of our economy and national security.

Option 3: Act Only When U.S. Interests are Directly Threatened

We should not be swept up in the international human rights frenzy that is dominating world politics. Human rights are nothing more than a distraction. By focusing on the international community's idea of human rights, we risk losing sight of what is truly important for our country: a strong economy, national security, and protecting our own freedoms and way of life. Let us remember what our founding fathers valued: life, liberty, and the pursuit of happiness. Beyond those things, human rights should not be a policy priority.

Our top priority should be to make our country stronger and safer, not to seek to change the world. We must focus on our economic health, military strength, and other urgent priorities such as combatting terrorism. We cannot afford to sacrifice our economic interests or risk creating resentment abroad by sticking our noses into other people's problems, especially in societies and cultures that do not share our values. We can speak out against human rights abuses, but unless abuses directly threaten our security, risking U.S. lives and spending huge sums of money is not sensible. All human rights violations are tragic, but we must be precise and strategic about when to become involved. We must always approach global human rights problems by placing the interests of our country first.

Option 3 is based on the following beliefs

- In the United States, human rights encompass the civil and political rights that are the foundation of the U.S. Constitution.

- Human rights concerns should not be elevated above other U.S. interests.

- Our government's resources are limited and must be devoted to protecting the interests and people of the United States.

- We cannot expect other nations to share the same values as the United States. We should respect other cultures' interpretations

of human rights. Human rights are not universal.

- State sovereignty should be a guiding principle of our foreign policy. Only in cases when U.S. interests are directly threatened should we infringe on other countries' sovereignty.

- Human rights treaties and the ICC threaten the sovereignty and Constitution of the United States.

What should we do?

- Our government should shift its focus away from international human rights and focus more on protecting our country and its interests.
- The United States should free itself from international human rights laws that erode our sovereignty, and encourage others to do the same. We should refuse to join the ICC.
- We should not stop doing business with countries just because their human rights records are less than perfect.

- We should work to strengthen regional organizations and encourage them to deal with their own human rights problems.
- We should take action regarding human rights issues only when our own interests, such as economic stability and national security, are at stake.

Arguments for

1. Basing decisions on a clear calculation of U.S. interests will enable our country to concentrate resources on issues that matter most to the United States.
2. By respecting the values of others, we will generate goodwill and increase cooperation with other countries on two critical issues: our economy and our security.
3. Encouraging the UN, regional organizations, and other governments to take more responsibility for global human rights problems lessens the burden on the United States.

Arguments against

1. True international cooperation is needed to improve global human rights. If all countries only acted in their own immediate interests, little progress would be made.
2. Prioritizing our economic and security interests over the human rights and dignity of those suffering from injustice around the world is selfish and irresponsible.
3. Working with other countries to promote human rights even when traditional U.S. economic and security interests are not affected can help build a more cooperative international community. In the long run, this would benefit the United States.
4. It is foolish to cling to a narrow definition of human rights that excludes social and economic rights. This approach is damaging to the lives and well-being of people in the United States.

Option 4: Focus Our Efforts at Home

The only place that we can truly improve human rights is on our own soil. The primary responsibility of government must be to provide for its own citizens; we must focus our efforts at home. The United States may be a superpower, but our resources are not infinite. How can we justify spending resources promoting human rights abroad when so many of our fellow citizens are stricken by homelessness, hunger, and unemployment? Throughout our country, citizens are demanding change, calling for better education, access to health care, and improved working conditions. These economic, social, and cultural rights are human rights that every U.S. citizen deserves.

There are other good reasons to focus on human rights at home. The U.S. quest to promote human rights abroad has too often led us into costly foreign policy failures. Foreign campaigns to try to impose our values on others have backfired. From now on, we must respect other cultures' interpretations of human rights and honor their sovereignty at the same time. We should speak out against what we believe to be violations of human rights around the world. But just as we would never accept another country telling us how to govern ourselves, we must refrain from the temptation to impose any single system on other countries. Successful movements for human rights must be homegrown, and cannot be imposed by foreign powers. So let us begin at home and make human rights our top domestic priority. We can lead by example, ensuring that every U.S. citizen enjoys a life of dignity, freedom, and equality.

Option 4 is based on the following beliefs

- In the United States, human rights should encompass a full spectrum of civil, political, social, economic, and cultural rights.
- Each nation must retain the right to decide the laws that govern its people.
- It is impossible to ensure liberty, freedom, and a high quality of life for both

people in the United States and the rest of the world's population.

- International human rights agreements and courts like the ICC threaten our sovereignty and do not respect our unique situation and beliefs.

What should we do?

- We should expand domestic programs and laws to provide and protect economic, social, and cultural rights as well as civil and political rights.
- We should focus our limited resources on improving conditions at home, and should place human rights at the forefront of the domestic agenda. We should support human rights NGOs and local initiatives in the United States.
- We should only use diplomacy to encourage nations to improve conditions within their own borders.

- We should reaffirm the right of countries to govern themselves according to their own values, free from outside interference.
- We should refuse to join the ICC, because it threatens our sovereignty. We should reject human rights treaties that try to force us to change our values.

Arguments for

1. Increasing resources to provide and protect economic and social rights for our fellow citizens will improve the lives of people in the United States.
2. Preserving state sovereignty and respecting the values of other countries will help foster stability and predictability in the world.
3. We are best equipped to improve conditions in our own country. Imposing our values and methods on others is likely to meet resistance.

Arguments against

1. State sovereignty can be preserved up to a point, but not at the expense of looking the other way if extreme abuse is taking place. Human lives and well-being are more important than abstract principles, and we must not let tyrants think that they can act without fear of consequences.
2. Refusing to join the ICC weakens international efforts to hold perpetrators accountable for their crimes.
3. Arguing that the United States, a country of tremendous liberty and wealth, cannot lend a hand to improve the lives of others around the world makes the United States appear callous and selfish.
4. Human rights issues affect our economic and security interests. In this era of globalization, no country can choose to ignore human rights issues abroad.

Supplementary Resources

Books

Burke, Roland. *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010). 264 pages.

Donnelly, Jack. *International Human Rights* (Boulder: Westview Press, 2006). 272 pages.

Glendon, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House Trade Paperbacks, 2002). 368 pages.

Ignatieff, Michael (ed.). *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005). 392 pages.

Lauren, Paul Gordon. *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003). 416 pages.

World Wide Web

United Nations: Human Rights page <<http://www.un.org/en/rights/>> Provides information about UN human rights treaties, conferences, courts, and major topics in human rights.

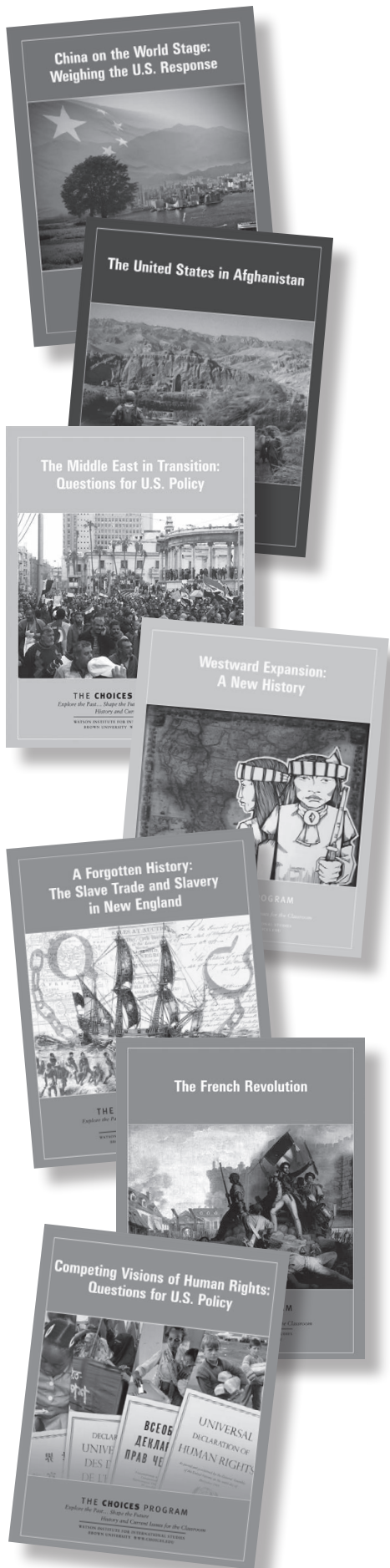
Human Rights Watch <<http://www.hrw.org/>> Provides current reports on human rights conditions around the world. Reports are organized by topic and location.

PBS Wide Angle: Human Rights <<http://www.pbs.org/wnet/wideangle/category/episodes/by-topic/human-rights/>> Provides a collection of international current affairs documentaries focused on human rights.

Global Voices Online: Human Rights <<http://globalvoicesonline.org/-/topics/human-rights/>> Provides reporting on a compilation of blogs, images, videos, and other forms of citizen media created by individuals around the world.

Council on Foreign Relations: Democracy and Human Rights page <<http://www.cfr.org/issue/democracy-and-human-rights/ri73>> Provides up-to-date articles and reports on democracy and human rights.

The Brookings Institution: Human Rights page <<http://www.brookings.edu/topics/human-rights.aspx>> Provides up-to-date articles and reports on human rights.



Engage Students in Real-World Issues

Choices' inquiry-based approach to real-world issues promotes the skills required by Common Core and state standards.

Critical Thinking

Students examine historical context, analyze case studies, consider contrasting policy options, and explore the underlying values and interests that drive different perspectives.

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Students examine primary and secondary sources to assess multiple perspectives on complex international issues.

Media and Digital Literacy

Students critique editorials, audio and video sources, maps, and other visuals to identify perspective and bias. Video clips help students gather and assess information from leading scholars.

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Students engage in collaborative discussions, build on each other's ideas, formulate persuasive arguments, and express their own viewpoints.

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Students express themselves by creating political cartoons, memorializing historical events artistically, and developing original policy options.

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Competing Visions of Human Rights: Questions for U.S. Policy

Competing Visions of Human Rights: Questions for U.S. Policy draws students into the debate on the role of human rights in U.S. policy. Through readings and activities students explore a history of international human rights and consider various options for defining and protecting rights.

Competing Visions of Human Rights: Questions for U.S. Policy is part of a continuing series on current and historical international issues published by the Choices for the 21st Century Education Program at Brown University. Choices materials place special emphasis on the importance of educating students in their participatory role as citizens.

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Competing Visions of Human Rights: Questions for U.S. Policy

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The Choices Program develops curricula on current and historical international issues and offers workshops, institutes, and in-service programs for high school teachers. Course materials place special emphasis on the importance of educating students in their participatory role as citizens.

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Competing Visions of Human Rights: Questions for U.S. Policy is part of a continuing series on international public policy issues. New units are published each academic year and all units are updated regularly.

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THE CHOICES FOR THE 21ST CENTURY EDUCATION PROGRAM is a program of the Watson Institute for International Studies at Brown University. CHOICES was established to help citizens think constructively about foreign policy issues, to improve participatory citizenship skills, and to encourage public judgement on policy issues.



The Watson Institute for International Studies was established at Brown University in 1986 to serve as a forum for students, faculty, visiting scholars, and policy practitioners who are committed to analyzing contemporary global problems and developing initiatives to address them.

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The Choices Approach to Current Issues

Choices curricula are designed to make complex international issues understandable and meaningful for students. Using a student-centered approach, Choices units develop critical thinking and an understanding of the significance of history in our lives today—essential ingredients of responsible citizenship.

Teachers say the collaboration and interaction in Choices units are highly motivating for students. Studies consistently demonstrate that students of all abilities learn best when they are actively engaged with the material. Cooperative learning invites students to take pride in their own contributions and in the group product, enhancing students' confidence as learners. Research demonstrates that students using the Choices approach learn the factual information presented as well as or better than those using a lecture-discussion format. Choices units offer students with diverse abilities and learning styles the opportunity to contribute, collaborate, and achieve.

Choices units on current issues include student readings, a framework of policy options, suggested lesson plans, and resources for structuring cooperative learning, role plays, and simulations. Students are challenged to:

- recognize relationships between history and current issues
- analyze and evaluate multiple perspectives on an issue
- understand the internal logic of a viewpoint
- identify and weigh the conflicting values represented by different points of view
- engage in informed discussion
- develop and articulate original viewpoints on an issue
- communicate in written and oral presentations
- collaborate with peers

Choices curricula offer teachers a flexible resource for covering course material while actively engaging students and developing skills in critical thinking, deliberative discourse, persuasive writing, and informed civic participation. The instructional activities that are central to Choices units can be valuable components in any teacher's repertoire of effective teaching strategies.

The Organization of a Choices Unit

Introducing the Background: Each Choices curriculum resource provides historical background and student-centered lesson plans that explore critical issues. This historical foundation prepares students to analyze a range of perspectives and then to deliberate about possible approaches to contentious policy issues.

Exploring Policy Alternatives: Each Choices unit has a framework of three or four divergent policy options that challenges students to consider multiple perspectives. Students understand and analyze the options through a role play and the dialogue that follows.

• **Role Play:** The setting of the role play varies, and may be a Congressional hearing, a meeting of the National Security Council, or an election campaign forum. In groups, students explore their assigned options and plan short presentations. Each group, in turn, is challenged with questions from classmates.

• **Deliberation:** After the options have been presented and students clearly understand the differences among them, students enter into deliberative dialogue in which they analyze together the merits and trade-offs of the alternatives presented; explore shared concerns as well as conflicting values, interests, and priorities; and begin to articulate their own views.

For further information see <www.choices.edu/deliberation>.

• **Exercising Citizenship:** Armed with fresh insights from the role play and the deliberation, students articulate original, coherent policy options that reflect their own values and goals. Students' views can be expressed in letters to Congress or the White House, editorials for the school or community newspaper, persuasive speeches, or visual presentations.

Note to Teachers

Perhaps no subject is more thoroughly woven throughout international affairs than human rights. Human rights concerns and justifications permeate debates about military action, international trade, foreign aid, and security. Despite its pervasiveness in both global affairs and domestic politics, human rights remains an abstract concept for many. What exactly are human rights? How should governments protect them? How do human rights influence the lives of people around the world?

The readings in *Competing Visions of Human Rights: Questions for U.S. Policy* prepare students to consider fundamental questions about human rights and their role in U.S. policy. Part I places the development of human rights in the context of major events in history. Part II examines the international actors that promote, protect, and influence human rights and the challenges for human rights today. Part III has five case studies that highlight some of the key controversies surrounding human rights.

Students then examine four options for U.S. human rights policy in a role play. By exploring this spectrum of alternatives, students gain a deeper understanding of the values underlying specific policy recommendations.

Suggested Five-Day Lesson Plan: The Teacher Resource Book accompanying *Competing Visions of Human Rights: Questions for U.S. Policy* contains a day-by-day lesson plan and student activities.

Day One: The lesson plan opens with an exercise that helps students define human rights and raises questions about who is responsible for protecting rights. An alternative lesson helps students understand key concepts and prioritize rights according to their own values.

Day Two: The second day of the lesson plan uses primary sources to look at different social movements for human rights.

Optional: An optional lesson uses primary source documents to explore in greater depth

the controversies about human rights presented in the five case studies in the reading.

Days Three and Four: The third and fourth days feature a simulation in which students assume the role of advocates for the four options.

Day Five: Finally, on the fifth day, students apply their own policy recommendations to real-life scenarios. You may also find the “Alternative Three-Day Lesson Plan” useful.

• **Alternative Study Guides:** Each section of reading is accompanied by two study guides. The standard study guide helps students gather the information from readings in preparation for analysis and synthesis in class. It also includes a list of key terms students will encounter in the reading. The advanced study guide requires analysis and synthesis prior to class activities.

• **Vocabulary and Concepts:** The reading addresses subjects that are complex and challenging. To help your students get the most out of the text, you may want to review with them “Key Terms” found in the Teacher Resource Book (TRB) on page TRB-65 before they begin their assignment. An “Issues Toolbox” is also included on page TRB-66. This provides additional information on key concepts.

• **Assessment:** A documents-based exercise (TRB 61-64) is provided to help teachers assess students’ comprehension, analysis, evaluation, and synthesis of relevant sources. The assessment is modeled on one used by the IB Program. The assessment could also be used as a lesson.

• **Supplementary Resources:** More resources are available online at <http://www.choices.edu/resources/supplemental_human-rights.php>. There are also free online videos of scholars that can be used with lessons and readings.

The lesson plans offered here are provided as a guide. Many teachers choose to devote additional time to certain activities. We hope that these suggestions help you tailor the unit to fit the needs of your classroom.

Integrating This Unit into Your Curriculum

Competing Visions of Human Rights: Questions for U.S. Policy can be used in a variety of social studies courses. Below are a few ideas about where it might fit into your curriculum.

U.S. History/Government: In the twentieth century, the international community began to move beyond the rights and prerogatives of states to consider the rights of individuals as another important topic for international politics. New treaties and agreements were signed and ratified. The attitudes and policies of the United States shaped many of these agreements. At the same time, there has been a reluctance in the United States to accept fully international notions of human rights. The readings help students explore the paradox of simultaneous U.S. leadership and reluctance in the area of human rights. Students will enter the current debates about how international human rights policies should affect both U.S. domestic and international policy.

World History: The intellectual history of human rights stretches across centuries and cultures. Human rights have been at the center of many of the world's important events: the American, French, and Haitian Revolutions, the international campaign to end slavery, and the process of decolonization, to name a few. Why have human rights played such an important role in history? *Competing Visions of Human Rights: Questions for U.S. Policy* focuses on how the international system evolved to give increasing priority to individuals and changed the role of the state. Students will consider how human rights have affected and will continue to affect the course of world history.

Global Studies/Current Issues: Terrorism, genocide, political protests, environmental degradation, and poverty occupy leading spots in the news today. *Competing Visions of Human Rights: Questions for U.S. Policy* helps students to consider these issues through the lens of human rights. It also introduces them to the challenges faced by the international community as it seeks to define and protect human rights. Students will have the chance—through readings, case studies, and the role play—to view current controversies about human rights from a variety of perspectives before defining their own views.

International Relations: In *Competing Visions of Human Rights: Questions for U.S. Policy* students explore the profound shift in international relations from a system that focused solely on relations among states to one that gave individuals a place of consideration. Today nearly every international issue has a human rights angle. Students examine how and why these changes came to be, and begin to understand how the international system functions. The unit illustrates the challenges of organizing an international system around a set of contested ideas. A series of case studies allows students to see the challenges confronting efforts to organize international relations around the idea of human rights.

Reading Strategies and Suggestions

This unit covers a range of abstract and interrelated issues. Your students may find the readings complex. It might also be difficult for them to synthesize such a large amount of information. The following are suggestions to help your students better understand the readings.

Pre-reading strategies: Help students to prepare for the reading.

1. Be sure that students understand the purpose for their reading the text. Will you have a debate later and they need to know the information to formulate arguments? Will they create a class podcast?
2. Use the questions in the text to introduce students to the topic. Ask them to scan the reading for major headings, images, and questions so they can gain familiarity with the structure and organization of the text.
3. Preview the vocabulary and key concepts listed on each study guide and in the back of the TRB with students. The study guide asks students to identify key terms from the reading that they do not know. Establish a system to help students find definitions for these key terms.
4. Since studies show that most students are visual learners, use a visual introduction, such as photographs or a short film clip to orient your students.

5. You might create a Know/Want to Know/Learned (K-W-L) worksheet for students to record what they already know about human rights and what they want to know. As they read they can fill out the “learned” section of the worksheet. Alternatively, brainstorm their current knowledge and then create visual maps in which students link the concepts and ideas they have about the topic.

Split up readings into smaller chunks:

Assign students readings over a longer period of time or divide readings among groups of students. For example, you may want to divide the case studies among groups of students, and have groups report to the class on what they learned.

Graphic organizers: You may also wish to use graphic organizers to help your students better understand the information that they read. These organizers are located on TRB-8 and TRB-20. You may also want to use the chart in “Study Guide—Part III” on TRB 44-45 as a graphic organizer. In addition, a graphic organizer for the options is provided on TRB-51. Students can complete the graphic organizers in class in groups or as part of their homework, or you can use them as reading checks or quizzes.

Human Rights in Action

Objectives:

Students will: Consider the role of human rights in cases around the world.

Explore different categories of human rights.

Identify the challenges of protecting human rights.

Think about how the U.S. Constitution influences U.S. ideas about human rights.

Required Reading:

Students should have read the Introduction and Part I of the reading in the student text and completed “Study Guide—Introduction and Part I” in the Teacher Resource Book (TRB 5-6) or “Advanced Study Guide—Introduction and Part I” (TRB-7).

Handouts:

“Human Rights Cases” (TRB 9-10)

Note: Cases I, III, IV, and V are real events that have sparked controversy about the human rights of the main character. Students interested in the complexities of each story can find additional information online.

In the Classroom:

1. “The Wall”—Begin the class by writing the words “Human Rights are...” in the center of the blackboard or on a large piece of paper. Give students five to ten minutes to approach the board and write whatever comes to mind when they think of human rights—statements, words, questions, countries, etc. Instruct the class to do the exercise in silence. Encourage students to add to each other’s postings as well as write their own independent postings.

2. Defining Human Rights—Distribute “Human Rights Cases.” Divide students into small groups and have them read the cases out loud within their groups. Have one member of each group record their group’s responses to the questions.

3. Sharing Conclusions—After the groups have completed the worksheet, invite groups to share their conclusions. Are there points of agreement? Disagreement? How do the disagreements in the classroom mirror those policy makers might have?

Revisit the question of the protection of rights. In which cases did student think that the government was responsible for this task? What do students think should happen if the government is violating human rights? What should happen if the government is incapable of protecting these rights?

4. Exploring Definitions of Human Rights—Ask students to think about the five cases. Which of the rights fall into the category of “political and civil” rights? Which fall under the category of “economic, social, and cultural” rights?

Of these two categories of rights, which category is most protected by the U.S. Constitution? Why do students think this is the case? How might this affect U.S. attitudes about human rights? For example, the Constitution does not grant a right to an education, while the UN’s Covenant on Economic, Social, and Cultural Rights says that a primary education is a right. Do students think they have a right to an education? If so, what should that right entail? Who is responsible for providing that right?

Extra Challenge: Have students compare the rights protected by different constitutions and human rights agreements. Several constitutions and international human rights treaties can be found at <<http://www.choices.edu/humanrightsmaterials>>.

Homework:

Students should read Part II of the reading in the student text and complete “Study Guide—Part II” (TRB 17-18) or “Advanced Study Guide—Part II” (TRB-19).

Name: _____

Study Guide—Introduction and Part I

Vocabulary: Be sure that you understand these key terms from the Introduction and Part I of your reading. Circle ones that you do not know.

- | | |
|---------------------------------------|----------------------|
| civil and political rights | self-determination |
| economic, social, and cultural rights | atrocities |
| secular | war crimes |
| precolonial | colonial powers |
| serfdom | colonial rule |
| autocratic | covenants |
| legitimacy | Western |
| gender | universality |
| universal rights | ideological disputes |
| state sovereignty | polarization |
| authoritarian | self-rule |
| suffrage | |

Questions:

1. Explain what is meant by the phrase “human rights.”

2. Fill in the chart below using the information from Part I of your reading.

Religious and Philosophical Origins of Human Rights	Values Emphasized
<i>Buddhism</i>	<i>Equality and compassion towards others</i>

3. What new rights were proclaimed by the U.S. Constitution and the French Declaration of the Rights of Man and Citizen?

a.

b.

c.

4. The collection of _____ that governs the laws of war is commonly known as international _____.

5. List the four freedoms President Roosevelt said were necessary for a secure and peaceful future.

a.

b.

c.

d.

6. What rights were emphasized by the United States during the Cold War?

7. What rights were emphasized by the Soviet Union during the Cold War?

8. List three ways that decolonization affected international human rights.

a.

b.

c.

9. Why was the Vienna World Conference on Human Rights significant?

The Development of International Human Rights

Instructions: Use your reading to fill in the chart below. Do not fill in the shaded boxes.

	Why was this event important to international human rights?	What were the shortcomings?
U.S. & French Revolutions		
Haitian Constitution		
Geneva Conventions		
League of Nations		
Allies' Justification for World War II		
Nuremburg Trials		
UN Charter		
Universal Declaration of Human Rights		
	Why was this event important to international human rights?	What were the long-term consequences for international human rights?
Cold War		
Decolonization		
Vienna World Conference on Human Rights		

Human Rights Cases

Instructions: Each of the scenarios below present cases that many would consider human rights violations, although others would disagree. With your group, read the descriptions below and answer the questions that follow. Be prepared to share your responses with the class.

I. On June 20, 2009, a twenty-seven-year-old woman named Neda Agha-Soltan attended a large demonstration in Tehran, Iran. On that day, tens of thousands of Iranian were protesting the results of the recent presidential election that they believed had been stolen by the government. As Neda was standing in the street, she was struck by a sniper's bullet and killed. Although the Iranian government denies it, most believe she was killed by a member of the government's militia. Her death was captured on video and shown around the world.

1. What human right(s), if any, are highlighted in this case?

2. Has this person's human rights been violated? Explain.

3. Who should be responsible for protecting this right(s)?

II. Mapis is a nine-year-old girl who lives in a rural area of Sudan. She walks two hours every morning to collect water for her family from a muddy waterhole. Animals drink from the same waterhole. Her family members are often ill with intestinal problems and diarrhea. In fact, two of her siblings have died from these illnesses.

1. What human right(s), if any, are highlighted in this case?

2. Has this person's human rights been violated? Explain.

3. Who should be responsible for protecting this right(s)?

III. In 1979 a woman name Lilly Ledbetter began working for the Goodyear Tire and Rubber Company as an area manager in the U.S. state of Alabama. When she retired in 1998, there were fourteen other men who were area managers. She was earning \$3,727 per month. The lowest paid man was earning \$4,286 per month and the highest paid man \$5,236.

1. What human right(s), if any, are highlighted in this case?

2. Has this person's human rights been violated? Explain.

3. Who should be responsible for protecting this right(s)?

IV. On July 22, 2002, Omar Khadr, a fifteen-year-old Canadian citizen, was wounded in a battle between U.S. soldiers and members of the Taliban in Afghanistan. One U.S. soldier was killed and five wounded. Khadr was also badly wounded. He was operated on by U.S. military doctors and then held prisoner at Bagram Prison in Afghanistan. A prison medic has testified that he found Khadr crying, with his arms handcuffed above his head to the cell wall and a hood over his head. His interrogator told him that unless he cooperated he would be taken to a U.S. prison where he would be raped by other men. In October 2002, Khadr was transferred to Guantanamo Bay prison camp where he was interrogated by U.S. and Canadian officials about connections to the terrorist group al Qaeda. In 2007, he was charged with murdering a U.S. soldier "in violation of the laws of war" in the 2002 battle in Afghanistan. In October 2010, he plead guilty to murdering the U.S. soldier and was sentenced to eight more years in prison. As part of the agreement he was to serve the last seven years of his sentence in Canada, but remains at Guantanamo as of May 2012.

1. What human right(s), if any, are highlighted in this case?

2. Has this person's human rights been violated? Explain.

3. Who should be responsible for protecting this right(s)?

V. Maria-Elena is a twelve-year-old girl who lives in the Sacred Valley of Peru. She lives in a small rural village, the town Socma, with her parents who are very poor. Last year she completed elementary school at the nearest school—a two-hour walk from Socma. The nearest high school is in Ollantaytambo, a town even further away, so she cannot attend. The boys in her village often leave their families to move to Ollantaytambo, where they find work, a place to stay, and attend school. But parents are afraid to send their girls away because it is not safe. Maria-Elena's brother now lives in Ollantaytambo and works in the home of a local family in return for a place to stay. Maria-Elena cannot go to high school and must remain in her village where there are few opportunities.

1. What human right(s), if any, are highlighted in this case?

2. Has this person's human rights been violated? Explain.

3. Who should be responsible for protecting this right(s)?

Key Concepts in Human Rights

Objectives:

Students will: Review key concepts of human rights.

Gather and assess information from leading scholars and practitioners of human rights.

Explore the challenges of prioritizing rights.

Required Reading:

Before beginning the lesson, students should have read the Introduction and Part I in the student text and completed “Study Guide—Introduction and Part I” (TRB 5-6) or “Advanced Study Guide—Introduction and Part I” (TRB-7).

Note:

Teachers will need to be able to project video in their classrooms. Alternatively, students will need access to the internet to complete this activity.

Scholars Online:

You will need to use four short videos of leading human rights scholars and practitioners to complete this activity. These free videos are available at <http://www.choices.edu/resources/scholars_humanrights_lessons.php>. There are also additional videos that explore the following key concepts:

- The Law and Human Rights
- State Sovereignty and Human Rights
- Culture and Human Rights

Handouts:

“What are Human Rights?” (TRB-13)

“Prioritizing Human Rights” (TRB-14)

In the Classroom:

1. Understanding Key Issues—Place the following phrases on the board.

- What are Human Rights?

- Two Categories of Rights

- The Indivisibility of Rights

Ask students to think back to their reading and lead a short, preliminary discussion about the meaning of each, adding contributions to the board as the discussion continues.

2. Defining Terms—Distribute a copy of “What are Human Rights?” to each student. Have students watch these three videos:

“What are human rights?” answered by Susan Allee, senior political affairs officer at the United Nations.

“What are human rights?” answered by Paulo Sérgio Pinheiro, professor of political science at the Center for the Study of Violence, Universidade de São Paulo, Brazil.

“How has the human rights movement evolved to include economic, social, and cultural rights?” answered by Dennis Davis, judge at the High Court of Cape Town, South Africa.

Students should complete the chart and answer the questions. After students have completed this task, return to the categories on the board and add to any notes already there. Did students agree with what each speaker said?

3. Prioritizing Rights and Principles—Tell students that while most human rights scholars say that human rights are indivisible, governments and individuals prioritize various human rights differently. Sometimes this is for political or ideological reasons. In other cases, governments do not have the resources to provide or protect particular rights.

Distribute “Prioritizing Human Rights.” Have students separate their sheets into individual cards. Read two cards and instruct them to put these two cards in order, with the one on top being the right they consider most important. Read a third. Now have them reorder their list. Do this until each student has a stack of twelve organized in order of priority to him or her. Have students add any additional human rights from the list on the

board on the blank cards provided. Ask them to reprioritize their lists by incorporating these additional rights.

When they have finished, ask students if they found this easy or hard. What was hard? Which rights were easier to prioritize? Ask students what the basis for their decisions was. How do students define “rights” for themselves? How do student lists differ?

4. Making Connections—How might differing priorities for rights influence the work of decision makers? Can students think of any contemporary or historical situations where these questions are also relevant? Do differing definitions of rights play a role in international or domestic politics today? How?

To prompt student thinking, play the video “How can human rights laws prioritize some rights over others?” answered by Dennis Davis, judge at the High Court of Cape Town, South Africa.

Davis says that how rights are prioritized depends on our political and moral concep-

tions of the world. Ask students to explain how that might effect how different governments prioritize rights. How might it affect how individuals prioritize rights? Do students think that it affected their own prioritizations?

Extra Challenge: Ask student to revisit the rights that they have prioritized. Which ones do they think are civil and political? Which ones are economic, social, and cultural? Have students examine the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. These documents can be found at <<http://www.choices.edu/human-rightsmaterials>>.

Were they correct in how they categorized the rights? Do any rights appear in both documents?

Homework:

Students should read Part II in the student text and complete “Study Guide—Part II” (TRB 17-18) or the “Advanced Study Guide—Part II” (TRB-19).

Name: _____

What are Human Rights?

Instructions: Watch the three short videos and use them to help you answer the questions below. Use the chart to record the name and title of each speaker as well to make some notes that will help you answer the questions. Be prepared to explain your answers to the rest of the class.

Speaker and Title	Notes

1. What are human rights?

2. What are the two basic categories of human rights?

3. Explain the concept of the indivisibility of human rights.

Prioritizing Human Rights

**Right to freedom
of expression**

**Right to take part
in cultural life**

Right to health

**Right to be free
from torture and degrading
punishment**

Right to life

Right to a fair trial

**Right to a free basic
education**

Right to vote

**Right to fair wages and safe
working conditions**

**Right to worship
as you choose**

**Right to adequate food,
clothing, and housing**

**Right to marry and
have a family**

Expressing Human Rights in Social Movements

Objectives:

Students will: Explore sources that promote human rights.

Assess alternative forms of expression in movements for human rights.

Consider the role of social movements in promoting human rights.

Required Reading:

Students should have read Part II of the student text and completed “Study Guide—Part II” (TRB 17-18) or the “Advanced Study Guide—Part II” (TRB-19).

Handouts:

“Human Rights and Social Movements” (TRB-21) for each student

“Sources from Social Movements,” one set of sources per group (TRB 22-29)

Note: The sources are also available on an interactive website featuring audio recordings and color images: <http://www.choices.edu/resources/supplemental_humanrights.php>

In the Classroom:

1. Focus Question—Write the following question on the board: “What is a social movement?” Call on students to recall last night’s reading. How are social movements important in promoting human rights? Have students brainstorm any social movements for human rights that they know of. What are some examples of movements in the United States? In other countries? Encourage them to think of examples from the past as well as the present.

Tell students that the individuals and organizations that make up social movements often use a variety of means to promote their message, recruit members, and gain support for their cause. Ask students to think of how the social movements they brainstormed express or expressed their views. For example, did they use public protests, music, artwork, or email correspondence? Scholars have argued

that art—including things like music, murals, theater, and poetry—is often an important tool in social movements because it can trigger emotional reactions. Why might emotion be important to social movements? With the advent of new forms of communication, social media has also become a new arena for individuals to express their views and connect around social issues. Can students think of any present-day movements that utilize social media?

2. Preparing for Group Work—In this activity, students will be exploring a variety of sources from both current and past social movements for human rights. Divide students into four groups and distribute the handouts. Each group should have a different set of sources. Tell students to explore the sources with their group members. Each student should have their own worksheet to record answers, but groups should answer the questions together.

3. Jigsaw Groups—Reassign students to new groups, ensuring that each new group has representation from each of the old groups. Have groups consider the following question: “Why do social movements use alternative forms of expression—including art and social media—to express their views?” Have each group brainstorm as many reasons as they can. Students should use their answers on the worksheet and evidence from all the sources to support their views.

4. Large Group Discussion—After about ten minutes, bring students back to the large group setting. Call on students to list the different human rights that the individuals in these movements were (or are) advocating for. What were the different forms of expression used? Call on groups to report on their brainstorms. Why do social movements employ alternative forms of expression? How important are things like intended audience or the emotions aroused by different types of sources?

Ask students to explain what Eleanor Roosevelt meant when she said “Without concerted citizen action to uphold...[human rights]...close to home, we shall look in vain for progress in the larger world.” Do students agree with her? Why are social movements important to human rights promotion? What other actors are important in promoting and ensuring human rights? Which do students think are most important?

Suggestion:

If time permits, you may want to do this activity over two class periods and have students spend time researching their assigned social movements.

Extra Challenge:

Have students choose a human rights issue and ask them to express their views on

it through art or social media. For example, they might create a poem, drawing, or blog. Have students consider the audience they will be trying to reach and what they are trying to achieve by creating this source. For example, do they want to raise awareness about the issue? Do they want to create a network of people who are concerned about the issue? Do they want to influence policy makers? Do they want to organize protests or rallies?

Homework:

Students should read Part III of the reading and complete “Study Guide—Part III” (TRB 44-45) or the “Advanced Study Guide—Part III” (TRB-46). Students should also read the “Options in Brief.”

Study Guide—Part II

Vocabulary: Be sure that you understand these key terms from Part II of your reading. Circle ones that you do not know.

international treaties
labor standards
international law
foreign policy
coalitions
trade agreements
embargo

tribunal
indigenous
globalization
nonstate actors
multinational corporations
equity
industrialized countries

Questions:

1. After a national government ratifies an international human rights treaty, what is it obligated to do?

2. According to the International Covenant on Civil and Political Rights, when is it acceptable for governments to infringe upon human rights?

3. Give examples of rights that, according to international law, may never be suspended.

- a.
- b.
- c.
- d.

4. List two reasons why human rights have become a component of countries' foreign policies.

- a.
- b.

5. Use your reading to fill in the chart below.

Policies national governments use to promote human rights	Examples and purpose of this type of policy
Diplomatic	
Economic	
Military	

6. The United Nations is the _____ organization that promotes _____ rights on a _____ scale.

7. When do international courts play a role in human rights cases?

8. How do social movements promote human rights?

9. Explain what is meant by the “paradox” of U.S. human rights policy.

Name: _____

Advanced Study Guide—Part II

1. How can governments integrate human rights concerns into their foreign policies?
2. Why and how does the UN promote human rights?
3. Summarize the arguments for and against the United States joining the ICC.
4. What role does the paradox of U.S. human rights policy play in U.S. foreign policy?

Human Rights in Practice

Instructions: Use your reading to fill in the charts below about human rights today. Do not fill in the darkly shaded box.

Actors	How can they protect/promote human rights?	What are their limits or shortcomings?
National Governments		
The United Nations		
International Courts		
NGOs		
Individuals		

What challenges do these issues pose for human rights?

Current Challenges	Globalization	Global Environmental Problems

Give examples of other human rights challenges.

U.S. Human Rights Policy

In what ways has the United States promoted human rights?	Give examples of times when the United States has not made human rights a top priority.

What is the paradox of U.S. human rights policy?

Human Rights and Social Movements

Instructions: With your group, consider your assigned sources. Answer the questions below with your group members, but make sure you have your own copy of the answers.

Questions

- What types of sources are these (for example, poems, songs, etc.)?
 - When were these sources created?
 - What social movement are or were these sources a part of?
- According to the sources, what human right or rights are the people in this movement being denied or striving for?
- What emotions or attitudes are expressed in the sources? For example, are the sources' creators angry, hopeful, proud, frustrated, fearful, defiant, etc.?
- Who do you think the sources are directed towards? For example, are they meant for the government? The world community? The general population of that country? The people in the specific movement? (There may be more than one answer to this question.)
- Why do you think people in this movement chose to use this type of expression?

Sources from Social Movements

A. Songs from the African-American Civil Rights Movement

In the mid-twentieth century in the United States, efforts to end racial discrimination and achieve political rights for African Americans gave rise to a broad-based movement for civil rights. In later years, many civil rights activists expanded their aims to include not only political and civil rights, but also economic and social change. The movement involved numerous organizations throughout the country, and inspired similar movements by other groups, including Native Americans and women. While the days of mass protest are now over, many consider the struggle for an end to racial discrimination to be ongoing in the United States.

“When will we be paid for the work we’ve done?”

The Staple Singers, 1970

...We have worked this country from shore to shore
Our women cooked all your food and washed all your clothes
We picked all your cotton and laid the railroad steel
Worked our hands to the bone at your lumber mill. I say...
When will we be paid for the work we’ve done?
When will we be paid for the work we’ve done?

We fought in your wars in every land
To keep this country free, y’all, for women, children and men
But any time we ask for pay or a loan
That’s when everything seems to turn out wrong
We been beat up, called names, shot down and stoned
Every time we do right, someone say we’re wrong
When will we be paid for the work we’ve done?
When will we be paid for the work we’ve done?

We have given our sweat, and all our tears
We stumbled through this life for more than 300 years
We’ve been separated from the language we knew,
Stripped of our culture, people you know it’s true. Tell me now...
When will we be paid for the work we’ve done?
When will we be paid for the work we’ve done?...

Name: _____

“Oh Freedom”

Origin unknown (thought to date to post-Civil War era)

Oh freedom, oh freedom, oh freedom over me
 And before I'd be a slave I'll be buried in my grave
 And go home to my Lord and be free

No more mourning, no more mourning, no more mourning over me
 And before I'd be a slave I'll be buried in my grave
 And go home to my Lord and be free

No more crying, no more crying, no more crying over me
 And before I'd be a slave I'll be buried in my grave
 And go home to my Lord and be free...

“I wish I knew how it would feel to be free”

Sung by Nina Simone, written by Billy Taylor and Dick Dallas, 1967

I wish I knew how
 It would feel to be free
 I wish I could break
 All the chains holding me
 I wish I could say
 All the things that I should say
 Say 'em loud say 'em clear
 For the whole round world to hear
 I wish I could share
 All the love that's in my heart
 Remove all the bars
 That keep us apart
 I wish you could know
 What it means to be me
 Then you'd see and agree
 That every man should be free

I wish I could give
 All I'm longin' to give
 I wish I could live
 Like I'm longin' to live
 I wish I could do
 All the things that I can do
 And though I'm way overdue
 I'd be starting anew

B. Poems from the Movement of the Landless Rural Workers of Brazil (MST), 1985-today

Also known as the Landless Workers' Movement, the MST is the largest social movement in Latin America today, with approximately 1.5 million members in twenty-three of Brazil's twenty-six states. The primary aim of this movement is to encourage land reform in a country where about 10 percent of the population owns 85 percent of the land. Landless workers have carried out protests, and have also occupied and farmed unused lands.

For more poems by landless workers of the MST, go to <<http://www.landless-voices.org/vieira/archive-04.phtml?sc=1&ng=e&se=0&th=13>>.

Barbed Wire* is a Plague

By Charles Trocate

The land's womb

Weary of being

Raped by talk

By the void of barbed wire,

Is open!

Bleeding from it comes

The cry of the dispossessed

And the hand of the peasant signals

It's time!

The plough will avenge them

Turning its blanket

And life's twilight...

I plant everything

For chaos shames the land's desire

For right in front of me

Stands barbed wire

Committing

Murder!

And tons of money circulate unpunished

I plant everything

For the poem isn't apolitical

For in my hand flies

A flag

And I hold tools to compose

Notes of justice...

For openly I clasp

The pregnant flower of rebellion!

***Note:** Barbed wire is used to mark the boundaries of property, and often separates the powerful from those who do not own land. When landless workers from the MST occupy lands, the first thing they do is cut the barbed wire.

Name: _____

Aranã¹ wants land

By Aracy Cachoeira

Aranã wants his people
 Aranã wants his ground
 Aranã wants his roots
 His culture, his tradition
 Aranã wants land
 Aranã wants land
 Aranã wants land
 Aranã wants land
 Aranã’s joining up, joining up
 In the valley of Jequitinhonha²
 Aranã’s joining up
 He’s had enough of this shame
 Aranã wants earth
 Aranã wants his people
 Lost across Minas Gerais
 Aranã wants his land
 He can’t bear suffering any more.

¹ The Aranãs are an indigenous group in the valley of the Jequitinhonha River.

² The Jequitinhonha River flows through the Brazilian state of Minas Gerais.

Poem written through the march of Bahia—1998

By Ademar Bogo

What shall we tell our children?
 When the meal is over,
 When the work is done,
 What hope is there in life?
 Are we to tell that governors are good?
 That the police are the people’s friends?
 That the coffins of our murdered comrades
 Are the will of the Creator?

If we do so
 One day there’ll be
 No meal
 There’ll be no hope
 No life for our children.
 What then shall we say to them?
 That everything belongs to “Sir”?
 That we are all brothers?
 And that only dreamers die?
 No!

We can stay no longer quiet.
 The time for victory is now,
 The day has come to fight,
 And not to die.
 The only way to vanquish death
 Is to confront it.
 The only way to win is fight,
 The only road to justice,
 Is to struggle on.
 And so we’ll live forever.

C. Twitter Updates from Iran, 2009

In the summer of 2009, hundreds of thousands of Iranians protested the results of their country's presidential election. Protestors claimed that the current president, Mahmoud Ahmadinejad, and the ruling clerics had stolen the election by falsifying the vote count. Ahmadinejad's opponent, Hossein Moussavi, had broad support across Iranian society and had vowed to loosen some of the controls—for example, on freedom of expression and the rights of women—of the current regime. Some nicknamed the protests the “Twitter Revolution” because the protestors relied on social networking sites (and Twitter in particular) to communicate with each other and with the outside world during the weeks-long protests.

For more tweets from the 2009 Iranian protests, go to <http://andrewsullivan.theatlantic.com/the_daily_dish/2009/06/livetweeting-the-revolution.html>.

Tear Down This Cyberwall!

i'm rllly feeling sad & disappointed after Mr. Khamenei's speech 2day. Will Mousavi step back from his requests? What about ppl?

Protest with the Quran in your hand, sit down if they attack, while citing the Quaran 8.61, Use Gandhi method

Dear UN & NGOs, why is Iran allowed to butcher civilians without even a word from you?

Imprisoned bloggers: Mohammad Ali Abtahi. Mhsaamrabady, Arghndh Karim Pour, Emad Bhavr, Shyvanzrahary, Mohsen and Mojtaba Poor Somayeh Tvhydlv

Viva google. It added Persian/Fare->English translation. No sure about the quality but just in time :)

Internal newspapers didn't mention yesterday's rally at all

The security situation in Tehran is very dangerous - 100's arrested every day

The riot police and paramilitaries has been beaten people quite badly by baton and arrested some of them in Tabriz today

One of today's slogans:ppl didn't die, for us to back out now--- & recount the tampered ballot boxes

Facebook these days is acting as the mosques during the Islamic revolution!

Everybody is peaceful and quiet - everybody is wearing black - the number of people is unbelievable

Today's rally better be bigger than 30 years ago...however, please don't let the young boys and girls die again.

I want more than just a new president, I want an end to this brutal regime.

What is a President without a Country?

Name: _____

eyewitness, latest slogan: "Take the websites and our cell phones, we don't give our country to you!"

*2Millions ppl have gathered in Haftetire Sq&instead of saying any slogans carry flags written on it
My silence is more powerful than ur club*

*Iran's CyberPolice stated that the gov'll confront harshly with ppl who reflect "false" news about
Iran on the Net.*

@CNN You are risking lives for ratings! Stop posting Twitter names!

Security forces opening twitter accounts 2 pose as protestors n spread disinformation

24 newspapers were closed down in iran to stop the true reflection of the recent events.

Iran has banned all foreign journalists from reporting on the sts.

anyone with camera or laptop is attacked in street

good night. viva freedom. viva truth. Hope a better coverage by media. That's our only support.

People were holding signs saying: We are not sheep.

We are here in the dark, all kinds of rumors fly by; nothing is sure.

D. *Arpilleras* of Women in Pinochet's Chile, 1973-1980s

Arpilleras (pronounced “ar-pee-air-ahs”) are applique pictures or tapestries. This art developed into an important form of resistance in Chile during the dictatorship of Augusto Pinochet. Over the course of Pinochet’s repressive regime, the government killed or “disappeared” more than three thousand people and arrested and tortured tens of thousands more. Women used *arpilleras* to tell their stories and also as a way to supplement their income (particularly because so many of those missing or arrested were men). Local groups smuggled the *arpilleras* out of the country to buyers overseas. Some were bought by human rights organizations who displayed the *arpilleras* as a way of raising international awareness of the situation in Chile. In other cases, women prisoners in Chile made *arpilleras* in order to pass secret information. For many years, *arpilleras* were dismissed as insignificant “women’s work” by those in power, allowing them to become a powerful tool against the military dictatorship.

For more information and examples of *arpilleras*, go to http://cain.ulst.ac.uk/quilts/exhibit/chilean_arpilleras.html.



© CAIN (cain.ulst.ac.uk/quilts/exhibit/chilean_arpilleras.html).

While most *arpilleras* portray entire villages or scenes, this *arpillera* has just a single woman. It says *¿dónde están?* (“where are they?”) above each of the three figures at the bottom, and *justicia* (justice) next to the white dove.



© CAIN (cain.ulst.ac.uk/quilts/exhibit/chilean_arpilleras.html).

During Pinochet's dictatorship, the government forced thousands to leave the country. In this airport scene, women hold a banner that reads *Por el derecho a vivir en la patria ¡¡No al exilio!!* ("For the right to live in our homeland. No to exile!!").



© CAIN (cain.ulst.ac.uk/quilts/exhibit/chilean_arpilleras.html).

This arpillera says *La Cueca Sola*. La Cueca is a traditional Chilean dance that is danced in pairs. In this case, the women are dancing *sola*, or alone. The women are wearing pictures of their missing loved ones on their hearts.

Human Rights Controversies

Objectives:

Students will: Consider key human rights issues and themes.

Explore contrasting sources that deal with fundamental questions about human rights.

Work collectively to create posters that demonstrate human rights controversies.

Required Reading:

Students should have read Part III of the student text and completed “Study Guide—Part III” (TRB 44-45) or the “Advanced Study Guide—Part III” (TRB-46).

Scholars Online:

Short, free videos are available to provide students with scholar views on the case studies and the controversies that they raise. These can be found at http://www.choices.edu/resources/scholars_humanrights_lessons.php.

Handouts:

“Contrasting Views on Human Rights” (TRB 31-41), one case study per group and a copy of the worksheet for each group

Students may also find it helpful to have copies of their assigned case studies for reference during the activity

In the Classroom:

1. Reviewing the Case Studies—Review the previous night’s reading with students. What were the five case studies explored in the reading? Tell students that these cases look at specific events or issues to demonstrate the complexities of certain fundamental questions about human rights. What central question did each case study raise about human rights? Why do students think these issues are so controversial?

2. Working in Groups—Divide the class into five groups and assign each group a case study. Give each student a copy of the primary

sources for their assigned case study, and each group a copy of the worksheet. Tell students to read the instructions on the worksheet before reading the sources. Each group should write down the central question of their case study before reading the sources.

Note that the Rights of Children group has the most challenging sources to analyze. There are additional instructions on the source hand-out. This group should carefully read those instructions. You may wish to assign advanced students to this more challenging group.

As they read, students may find it useful to underline sections or phrases in the sources that express opinions on the central question. After they have finished reading, students should work with their groups to fill out the chart. They should list information presented in the primary sources as well as information from last night’s reading.

3. Developing Visual Aids—After groups have finished filling in their charts, they will create posters to demonstrate the controversy of their assigned issue to their classmates. Groups may wish to use drawings, slogans, or a political cartoon to get the message across. They should think of their posters as a tool to help teach their classmates about the different arguments over the central question that has been brought out by their assigned case study.

4. Large Group Discussion—After about fifteen minutes, bring students back to the large group setting. Call on groups to present their posters to their classmates. Invite other students to ask questions.

Why do students think these issues are so highly contested? What are the consequences of controversies such as these? How do they affect the promotion or enforcement of human rights around the world? Is it important for all countries or all leaders to agree on the answers to these questions? Are certain questions more important than others? What are student opinions on these issues?

Name: _____

Contrasting Views on Human Rights

Instructions: Your group has been assigned one of the five case studies. You have been given a set of primary sources that address the central question of your case study. (The central question of each case study is the bold, pulled-out question in the middle of the page of the reading.) As you read the sources, underline sections or phrases that will help you answer the central question. Then fill in the chart below with your group members, using your reading and the arguments presented in or raised by the sources.

Central Question:

Arguments in favor:

Arguments against:

Balancing Rights—Freedom of Expression

In 1977, a group of Nazis from the National Socialist Party of America proposed to march in uniform through Skokie, Illinois, a small city with many Jewish survivors of the Holocaust. Below are excerpts from local newspapers expressing contrasting views on whether the Nazis had a right to march according to the First Amendment to the U.S. Constitution, which protects U.S. citizens' right to free speech.

June 23, 1977 in *The Skokie Life*

"Boy begs: Stop Nazis"

By Diane Dubey, Correspondent

SKOKIE-A 12-year-old resident joined other Skokians on Monday, June 20, in asking the village board to do everything possible to avert a July 4 march by members of the National Socialist (Nazi) party....

"The First Amendment may say freedom of speech, but not the freedom to spread hatred," said Jack Israel, 12, of 8709 East Prairie. "This country was built of immigrants—let's not blow everything away by having people spread hatred of minorities," he added.

Reading from a prepared text, Ruth Schaffner, 9515 Leamington, thanked the board for preventing any previous Nazi activities in the village, then called the proposed July 4 march "an exhibition by a few, desiring publicity and inciting trouble."

"Since when is the killing of six million people to be considered 'free speech'? Do we not abhor pornography and other obscenities?" Schaffner asked.

She went on to say that "allowing the Nazi party to march through Skokie..." is only permitting them to curb the very fine traditions of our country....

August 16, 1977 in *The Chicago Sun-Times*

"Another side of the Nazi rights issue"

Editorial by Roger Simon

...The level of sensitivity on the subject has never been captured better than by what is now happening in Chicago. Two very respectable civil rights groups are grappling with each other and public opinion over Nazis. They are on opposite sides of a gulf that has every indication of widening.

The controversy has reached a level where a scorecard is necessary:

1. The American Civil Liberties Union—The ACLU is defending a group of Chicago Nazis who want to march in Skokie. They are suing to allow the Nazis to march in full uniform, with swastika, through the suburb.

2. The Anti-Defamation League—The ADL is suing in court to keep the Nazis from marching in Skokie, saying that Nazi speech is not protected by free speech considerations....

In between the bickering—almost all of it unnecessary—a real issue is at stake: To what extent does the speech of Nazis fall under the protection of the First Amendment?...

The ACLU position is that even though Nazi programs, slogans and uniforms may cause severe discomfort and anguish to the citizens of Skokie, that is the price to pay for a free society.

The ADL position is that the "psychic assault" on the Jews of Skokie by the Nazis is not protected by the First Amendment....

Here is the [ADL's] position as presented by Rosen [Abbot Rosen was the director of the ADL]:

"...We believe we are defending the First Amendment. We are trying to make sure the First Amendment does not receive a bad name among very concerned and good Americans.

Name: _____

“If I call you an s.o.b., that’s not free speech. You can hit me in the jaw and be absolutely free from prosecution. There is improper and illegal speech.

“The same march may be perfectly legal in Daley Plaza [a plaza in Chicago], but an assault when you take it to the Village of Skokie. Even if the Nazis are silent, that can be an assault if they show up in brown shirts, jack boots and swastikas.”

September 4, 1977 in *The Skokie Life*

“Sixty Jewish leaders voice ACLU support”

SIXTY PROMINENT Jewish business and professional people have issued a statement in support of the American Civil Liberties Union (ACLU).

The ACLU has been experiencing serious disaffection among its membership because of its legal defense of the Nazi party’s right to march in Skokie....

The text of the statement on behalf of the ACLU was the following: “No organization in the U.S. has fought more vigorously and consistently to protect our freedoms under the bill of rights than the ACLU, which is presently under attack for its representation of the Nazi party.

“We loathe the Nazis and are disgusted by all that they stand for. But as Americans, and especially as Jews, we recognize the paramount importance of preserving the rights of free expression—we recognize, as does the ACLU, that the rights of individuals are inextricably tied to the rights of all. The ACLU has fought and won many battles to protect the rights of Jews and other minorities....”

September 29, 1977 in *The Skokie Life*

“Censure ACLU position”

By Diane Dubey, Correspondent

...“THE ACLU reconsiders this (Nazi) question about every 10 minutes,” [David Hamlin, executive director of the ACLU] said....

Hamlin and the ACLU maintain that “the Village of Skokie engages in an act of censorship” in trying to prevent a public demonstration by the Nazis.

After a threatened May 1 Nazi march, Skokie trustees passed three ordinances prohibiting marchers from wearing military-style uniforms, distributing materials which incite group hatred and requiring those wishing to assemble in the village to post \$350,000 insurance bond.

“All ideas must be available for all to listen to...we citizens can then pick, choose, and reject,” Hamlin said. “Removing an idea is unconstitutional and whatever the good intentions of the village of Skokie, they are withdrawing an idea.”...

The Right to Health—Brazil

In Brazil's new constitution of 1988, the government proclaimed health care to be a basic right of all Brazilian citizens. Through public protest and legal action, this right was interpreted to include universal and free access to HIV/AIDS treatment by 1996. In the United States, the debate continues about whether health is a human right and whether the government should be obligated to provide health care for all of its citizens. Below are sources from Brazil and the United States that highlight the opposing sides of this debate.

Sources from Brazil

Brazil's Constitution, 1988

Article 196. Health is a right of all and a duty of the State and shall be guaranteed by means of social and economic policies aimed at reducing the risk of illness and other hazards and at the universal and equal access to actions and services for its promotion, protection and recovery....

Law 9.319, signed by President Cardoso on November 13, 1996

Article 1: Individuals living with HIV/AIDS will receive, free of charge, from Unified System of Health [SUS], all medication necessary for treatment. The executive branch of government, through the Health Ministry, will standardize which drugs are to be used for each stage of the disease, and will procure drugs through SUS....

Article 2: The required expenditures will be financed with resources from federal taxpayer revenue, the states, the federal district, and the municipalities in accordance with SUS regulations.

Dr. Eduardo Cortes, former director of the National AIDS Program in Brazil (1990-1992)

I began working for the AIDS program but there was no data [on AIDS prevalence]. The government wasn't willing to get involved with AIDS at the time. Provision of medical services for AIDS patients was chaos. There were no policies for AIDS care, there were lines, there were no drugs. When working as a doctor in an emergency room in Rio, I suffered each day taking care of AIDS patients, because the drugs I had in the USA I didn't have here. I'm not even talking about antiretroviral drugs. I'm talking about drugs for...opportunistic infections.

I saw hundreds of AIDS patients die, knowing there were drugs that could save them. It was overwhelmingly stressful....

Brazilian Supreme Court Minister Celso de Mello, 2000

The right to health...represents an inextricable constitutional consequence of the right to life....

Statement by Maria Luiza Ribeiro Viotti, permanent representative of Brazil to the UN, July 8, 2009

[G]lobal health underpins human development and is deeply interwoven with many other key policy areas for development. A close relationship exists between health and human rights, poverty eradication, hunger and malnutrition, education, gender equality and sustainable development....

Sources from the United States

US Ambassador George Moose, in a Speech on Access to Medication in the Context of Pandemics Such as HIV/AIDS, to the UN Commission on Human Rights in 2000

My government is...concerned by references which appear to be aimed at creating a new category of rights, such as the reference to the right to the highest attainable standard of physical and mental health. The United States does not support the creation of legally enforceable entitlements or the establishment of judicial or administrative remedies at the national or international levels to adjudicate such presumed rights.

Name: _____

Michael F. Cannon, director of health policy studies at the Cato Institute, June 2007

Suppose Congress created a legally enforceable right to health care.... The first difficulty would be to define the scope of that right. With the wide variety of tests and treatments, someone must decide where the right to health care ends, lest the nation be bankrupted.... Who should have that power?... A fourth difficulty is how to deliver all this medical care. Declaring health care to be a right does nothing to solve the problem of getting the right resources to the right place at the right time....

Finally, if health care really were a fundamental human right, Americans presumably would have no greater a right to medical care than Indians or Haitians. If we truly believe that everyone has an equal right to health care, we would have to tax Americans to provide medical care to nearly every nation in the world.

The fundamental problem with the idea of a right to health care is that it turns the idea of individual rights on its head. Individual rights don't infringe on the rights of others.... A right to health care, however, says that Smith has a right to Jones' labor. That turns the concept of individual rights from a shield into a sword.

U.S. Representative John Campbell (R-CA), July 2009

Rights are not about giving you something for free; they are about protecting natural liberties from those who would take them away from you. For instance, the Second Amendment guarantees the right to bear arms. It does not however, say that you get guns for free if you don't have one. This is analogous to the issue of health care 'rights.'

A 'right' to services without charge, that forces someone else to provide for you, does not and should not ever exist. No one in a free society should have a 'right' to anything that requires others to toil against their will on behalf of those unwilling to provide for themselves.

John David Lewis, visiting associate professor at Duke University, August 2009

[T]he very idea that health care—or any good provided by others—is a 'right' is a contradiction. The rights enshrined in the Declaration of Independence were to life, liberty, and the pursuit of happiness. Each of these is a right to act, not a right to things.... These two concepts of rights—rights as the right to liberty, versus rights as the rights to things—cannot coexist in the same respect at the same time....

U.S. Representative Dennis Kucinich (D-OH), September 2009

The Preamble to the United States Constitution and Article One, Section 8 of the U.S. Constitution both describe an originating purpose of our United States: to promote the general welfare. Health care is a legitimate function of our government. Health care is a basic right in a Democratic society. It is no more a privilege based on ability to pay than is the right to vote, which was once accorded only to property owners.

American Medical Student Association (AMSA), "The Case for Universal Healthcare"

At its root, the lack of health care for all in America is fundamentally a moral issue. The United States is the only industrialized nation that does not have some form of universal health care (defined as a basic guarantee of health care to all of its citizens). While other countries have declared health care to be a basic right, the United States treats health care as a privilege, only available to those who can afford it....

The Declaration of Independence states there are certain 'inalienable rights', including life, liberty and the pursuit of happiness. If Americans believe in an inalienable right to life, how can we tolerate a system that denies people lifesaving medications and treatments? Similarly, if Americans believe in an inalienable right to the pursuit of happiness, how can we allow millions of dreams to be smashed by the financial and physical consequences of uninsurance?

Universal Rights?—The Rights of Children

In 1989, the UN General Assembly passed the Convention on the Rights of the Child (CRC), the first binding international treaty dedicated exclusively to protecting and promoting the rights of children. In 1990, the Organization of African Unity (OAU), a regional body that included nearly all African countries, drew up its own treaty on the rights of children called the African Charter on the Rights and Welfare of the Child. Below are excerpts comparing the content of the two treaties.

Instructions: In each excerpt, underline key points. Some of the excerpts only differ by a few words. Underline any points of difference with a different color pen or pencil. After you have read all the sources, answer the following questions with your group members before filling out your chart.

1. What are the key differences between these two treaties?

2.
 - a. Some argue that the African Charter is proof that the CRC has helped spread concern about the rights of children around the world. How do these excerpts support this statement?

 - b. Others argue that the OAU wrote the African Charter because the CRC did not align with the cultural values of African countries. How do these excerpts support this statement?

3. What do you think? How great are the points of difference between the excerpts here? Are they differences in interpretation or are they fundamental differences in how childhood and the rights of children are understood?

From the preambles

CRC: Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world....

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance....

African Charter: Noting with concern that the situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional, and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child's physical and mental immaturity he/she needs special safeguards and care....

Taking into consideration the virtues of their cultural heritage, historical background and the values of African civilization which should inspire and characterize their reflection on the concept of the rights and welfare of the child....

On protection of privacy

CRC, article 16: 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

African Charter, article 10: No child shall be subject to arbitrary or unlawful interference with his privacy, family home or correspondence, or to the attacks upon his honour or reputation, provided that parents or legal guardians shall have the right to exercise reasonable supervision over the

Name: _____

conduct of their children. The child has the right to the protection of the law against such interference or attacks.

On child labour

CRC, article 32: State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development....

African Charter, article 15: Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development....

On freedom of thought, conscience, and religion

CRC, article 14: 1. State Parties shall respect the rights of the child to freedom of thought, conscience and religion.

2. State Parties shall respect the rights and duties of the parents and, where applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

African Charter, article 9: 1. Every child shall have the right to freedom of thought conscience and religion.

2. Parents, and where applicable, legal guardians shall have a duty to provide guidance and direction in the exercise of these rights having regard to the evolving capacities, and best interests of the child.

3. States parties shall respect the duty of parents and where applicable, legal guardians to provide guidance and direction in the enjoyment of these rights subject to the national laws and policies.

Additional provision of the African Charter

Article 31: Responsibility of the Child

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty:

(a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need;

(b) to serve his national community by placing his physical and intellectual abilities at its service;

(c) to preserve and strengthen social and national solidarity;

(d) to preserve and strengthen African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well-being of society;

(e) to preserve and strengthen the independence and the integrity of his country;

(f) to contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African Unity.

International Justice—Augusto Pinochet and Chile

In October 1998, on a visit to London, former President of Chile Augusto Pinochet was placed under arrest on charges of murder and torture. Below are primary sources that highlight the contrasting views on the legality of Pinochet’s arrest. There are quotes from Pinochet’s two court cases in Britain. (A court in London ruled that his arrest was unlawful, but the House of Lords—the highest court in the UK—overturned this decision a month later and ruled that Pinochet could be extradited for trial in Spain.) There are also quotes from a number of leaders, individuals, and organizations.

Court rulings

Lord Chief Justice Bingham, October 28, 1998

A former head of state is clearly entitled to immunity for criminal acts committed in the course of exercising public functions.... I order that both provisional warrants be quashed.

Lord Nicholls of Birkenhead, November 25, 1998

International law has made plain that certain types of conduct, including torture and hostage-taking, are not acceptable conduct on the part of anyone.... This applies as much to heads of state, or even more so, as it does to everyone else; the contrary conclusion would make a mockery of international law.... From this time on, no head of state could have been in any doubt about his potential personal liability if he participated in acts regarded by international law as crimes against humanity.

Views on Pinochet’s arrest and the British court rulings

Juan Antonio Coloma, Chilean politician and member of the Independent Democratic Union party, October 22, 1998

Pinochet’s arrest is not a judicial issue. We’re not going to do anything from a judicial point of view. It’s absolutely a political issue.

Throughout the world, one of the most important characteristics of the nation state is that it is sovereign. One can have good or bad laws, they can be just or unjust, countries can have problems or not as the case may be. We are all different....

In Chile we have managed to consolidate a transition, a democratic conciliation, that has been exemplary and has cost us a great deal, through a mechanism that has functioned adequately.

Now a stone has been thrown into the wheels of this mechanism, in an attempt to affect the very essence of what it is to be a sovereign country....

What it is fundamentally affecting is the relationship between countries. Not just between Chile and England, though this is the worst moment in the history of relations between the two countries. There is no doubt that it is also generating very serious international doubts about what it means to be a sovereign country.

Margaret Thatcher, former prime minister of Britain, October 22, 1998

There were indeed abuses of human rights in Chile and acts of violence on both sides of the political divide.... [But] it is not for Spain, Britain, or any other country to interfere in what is an internal matter for Chile.

Exiled Chilean playwright Ariel Dorfman, October 22, 1998

It is very simple for people who are not victims, who have not disappeared, not been tortured, or exiled. It is very easy to tell those people, “well, why don’t you just keep quiet for a while, while we go around our business,” but that is not exactly the way things happen....

If General Pinochet had made a gesture towards us by showing some degree of repentance, and if he had helped us know where the bodies of our missing are, then perhaps we could say, “enough.”

Name: _____

But he has had a very different sort of attitude. It is as if Hitler had come back and said, I am glad I burned all those Jews! They deserved it!

The stability of the country has to be strong. What kind of a democracy is there when the price you have to pay for democracy is that some people are above the law?...

We will not put General Pinochet on trial, and the result is that he will continue to sit in the senate.... General Pinochet amnestied himself. He also decided to continue to work as a politician and stay in the senate because he wanted immunity from the crimes he had committed....

Vincente Alegria, from the group Chileans in Exile, October 28, 1998

It's a disgrace... Just because you're a head of state, you can kill, you can commit genocide, you can torture, you can do whatever you want as long as you declare yourself a head of state.

Amnesty International, November 3, 1998

Amnesty International's main arguments...are:

- The widespread and systematic human rights violations in Chile during the military government amount to crimes against humanity.

- Crimes against humanity are subjected to universal jurisdiction—a principle that has been recognized under international law since the establishment of the International Military Tribunal of Nuremberg.

- Any state has the ability to exercise universal jurisdiction over crimes against humanity and other crimes under international law.

- Crimes against humanity are considered as crimes of the same nature as piracy, which any state may punish.

- All states are under obligation to prosecute and punish crimes against humanity and to cooperate in the detection, arrest and punishment of persons implicated in crimes against humanity, such as widespread and systematic murder, torture, forced disappearance, arbitrary detention, forcible transfer and persecution on political grounds.

- There is a long established fundamental rule of international law that heads of state do not enjoy immunity for crimes against humanity.

- Under international law heads of state and government officials are not immune from criminal prosecution. This rule applies to national as well as international courts....

General Augusto Pinochet, November 8, 1998

A show trial in a foreign land is not justice.

Military Intervention for Human Rights—Kosovo

In 1998-99, the Yugoslav government led by President Slobadan Milosovic directed a campaign that forced up to one million ethnic Albanians to flee their homes and murdered some ten thousand. From March 24, 1999 to June 11, 1999, NATO forces conducted air strikes in Yugoslavia. The use of force was not approved by the UN Security Council. Below are sources from the UN, Human Rights Watch, and NATO, as well as a BBC news article, expressing contrasting views and consequences of NATO's bombing in Yugoslavia.

Human Rights Watch: "Humanitarian Law Violations in Kosovo," October 1998

This report documents serious breaches of international humanitarian law, the rules of war, committed in Kosovo from February to early September 1998.... The vast majority of these abuses were committed by Yugoslav government forces of the Serbian special police (MUP) and the Yugoslav Army (VJ). Under the command of Yugoslav President Slobodan Milosevic, government troops have committed extrajudicial executions and other unlawful killings, systematically destroyed civilian property, and attacked humanitarian aid workers, all of which are violations of the rules of war....

Despite the seriousness of these abuses, the international community has failed to take any serious action to stop the killing. Milosevic continues to be viewed by many as a legitimate and trustworthy negotiating partner.

The U.S. government, European Union, United Nations, and NATO have all issued strong warnings, including participating in military maneuvers in neighboring Macedonia and Albania in June and September. But threats have come and gone as the abuses mounted. Punitive measures have been slow, weak, and rapidly rescinded when Milosevic offered the slightest concession. The tentative international response has been driven by fear of either endorsing Kosovo independence or being drawn into a long-term commitment of forces to maintain a peaceful settlement within former Yugoslavia.

The consequences of this policy will be catastrophic, not only for the Albanians and Serbs in Kosovo. An ongoing conflict will have a direct and destabilizing impact on the neighboring republic of Montenegro, and on the bordering countries of Bosnia and Albania, already fragile, as well as Macedonia, where fighting could draw in Greece, Bulgaria, and Turkey. It also ensures that Milošević will remain the head of a corrupt and authoritarian Yugoslavia that will continue to be a threat to the region's stability.

UN Press Release, March 26, 1999

The Security Council this morning rejected a demand for the immediate cessation of the use of force [by NATO] against the Federal Republic of Yugoslavia and the urgent resumption of negotiations....

Speaking before action on the text, **the representative of the Russian Federation** said that attempts to justify the military action under the pretext of preventing a humanitarian catastrophe bordered on blackmail, and those who would vote against the text would place themselves in a situation of lawlessness. Indeed, the aggressive military action unleashed by the North Atlantic Treaty Organization (NATO) against a sovereign State was a real threat to international peace and security, and grossly violated the key provisions of the United Nations Charter.

The United States representative, also speaking before the vote, said the allegation contained in the draft resolution that NATO was acting in violation of the United Nations Charter had turned the truth on its head. The Charter did not sanction armed assaults on ethnic groups or imply that the world should turn a blind eye to a growing humanitarian disaster. By rejecting the resolution before it today, the Council would reaffirm the requirements it had put to the Government in Belgrade to cease their brutal attacks against the people of Kosovo and move towards peace.

Speaking after action on the text, **the representative of the Federal Republic of Yugoslavia** said

Name: _____

NATO had turned a sovereign and peaceful country and its proud people into “a killing field and a testing ground” for its most sophisticated weaponry, trampling upon international relations and defying the authority of the Security Council and its resolutions. His country had been given two alternatives: to give up part of its territory, or have it taken away by force—that was the essence of the “solution” offered at the “negotiations” in France. By attacking Yugoslavia, NATO had not solved the alleged humanitarian catastrophe, but had created one for all citizens of Yugoslavia and for peace and security in the region and beyond.

Did anyone remember the ethnic cleansing and the genocide committed against Bosnians? [Bosnia’s] representative asked. He asked whether the supporters of the draft resolution believed that an end to NATO’s action would produce anything positive for Kosovo, or Bosnia and Herzegovina, or for the region as a whole. The world community’s response to Bosnia was late, but it was welcome. He did not now wish to see a response come too late for the Kosovars....

NATO: Statement on Kosovo, April 24, 1999

The crisis in Kosovo represents a fundamental challenge to the values for which NATO has stood since its foundation: democracy, human rights and the rule of law. It is the culmination of a deliberate policy of oppression, ethnic cleansing and violence pursued by the Belgrade regime under the direction of President Milosevic. We will not allow this campaign of terror to succeed. NATO is determined to prevail....

There can be no compromise on these conditions. As long as Belgrade fails to meet the legitimate demands of the international community and continues to inflict immense human suffering, Alliance air operations against the Yugoslav war machine will continue. We hold President Milosevic and the Belgrade leadership responsible for the safety of all Kosovar citizens. We will fulfill our promise to the Kosovar people that they can return to their homes and live in peace and security.

BBC: “Nato’s Bombing Blunders,” June 1, 1999

Nato has been coming under increasingly fierce criticism amid a mounting toll of innocent people killed or injured in its bombing campaign against Yugoslavia. In its defence, the alliance has called on the world’s media to put its bombing campaign in perspective, arguing that fewer civilians have been killed or injured in the Kosovo campaign than in any other comparable conflict....

These are the key NATO mistakes which have cost the lives of innocent civilians.

5 April: Homes hit; Cause of error: Missiles fall short...

12 April: Train destroyed; Cause of error: Timing...

14 April: Refugees bombed; Cause of error: Mistaken identity...

27 April: Civilian homes struck; Cause of error: Imprecise targeting...

28 April: Sofia [capital of Bulgaria] hit; Cause of error: Stray bomb...

1 May: Bus bombing; Cause of error: Pilot did not see vehicle...

6 May: Cluster bomb hits Nis [a city]; Cause of error: Stray bomb...

7 May: Chinese embassy hit; Cause of error: Mistaken identity...

May 13: Kosovo village bombed; Cause of error: NATO defends action...

May 19: Belgrade Hospital struck; Cause of error: Missed target...

May 30: Civilians die on bridge; Cause of error: Civilians caught in “legitimate bombing”...

May 30: Nato hits old people’s home; Cause of error: Misguided bombs...

May 31: Apartment block struck; Cause of error: Bomb overshoots target...

Role-Playing the Four Options: Organization and Preparation

Objectives:

Students will: Analyze the issues that frame the current debate on U.S. human rights policy.

Identify the core underlying values of the options.

Integrate the arguments and beliefs of the options and the reading into a persuasive, coherent presentation.

Work cooperatively within groups to organize effective presentations.

Required Reading:

Students should have read Part III and the “Options in Brief” in the student text and completed “Study Guide—Part III” (TRB 44-45) or “Advanced Study Guide—Part III” (TRB-46).

Handouts:

“Presenting Your Option” (TRB-47) for option groups

“Expressing Key Values” (TRB-48) for option groups

“Human Rights Experts” (TRB-49) for the human rights experts

“Committee on Foreign Relations of the U.S. Senate” (TRB-50) for committee members

“Options: Graphic Organizer” (TRB-51) for all students

In the Classroom:

1. Planning for Group Work—In order to save time in the classroom, form student groups before beginning Day Three. During the class period of Day Three, students will be preparing for the Day Four simulation. Remind them to incorporate the reading into the development of their presentations and questions.

2a. Option Groups—Form four groups of four students. Assign an option to each group. Distribute “Presenting Your Option” and

“Expressing Key Values” to the four option groups. Inform students that each option group will be called upon in Day Four to present the case for its assigned option to members of the Committee on Foreign Relations of the U.S. Senate. Explain that option groups should follow the instructions in “Presenting Your Option.” Note that the option groups should begin by assigning each member a role.

2b. Human Rights Experts—Form groups of one or two students who will focus on one of the cases in Part III of the reading. Each group should focus on a different case.

Distribute “Human Rights Experts” to each of the case study groups. Inform the representatives that they will be called upon in Day Four to explain the relevance of their cases to U.S. policy. Note that the group should follow the instructions in “Human Rights Experts.”

2c. Committee Members—The remainder of the class will serve as members of the Committee on Foreign Relations of the U.S. Senate. Distribute “Committee on Foreign Relations of the U.S. Senate” to each committee member. While the option groups are preparing their presentations, committee members should develop clarifying questions for Day Four. (See “Committee on Foreign Relations of the U.S. Senate.”) Remind committee members that they are expected to turn in their questions at the end of the simulation.

3. Understanding the Options—Give all students a copy of “Options: Graphic Organizer.” As they prepare for the simulation, students should begin to fill in the graphic organizer and use it to help them organize their thoughts. They should complete the worksheet during the role play.

Suggestions:

See our short video for teachers “Tips for a Successful Role Play” <www.choices.edu/pd/roleplay.php>.

Extra Challenge:

Ask the option groups to design a poster or a political cartoon illustrating the best case for their options.

Homework:

Students should complete preparations for the simulation.

Study Guide—Part III

Vocabulary: Be sure that you understand these key terms from Part III of your reading. Circle ones that you do not know.

U.S. exceptionalism

prioritize

antiretroviral

intellectual property rights

indivisible and complementary

universal rights

legitimacy

socialist

communism

universal jurisdiction

Instructions: Use your reading to help you fill in the chart below. Because ideas about human rights are controversial, different actors (governments, NGOs, critics, etc.) in each case study have different answers to the central question. (The central question of each case study is the bold, pulled-out question in the reading.) Be sure to note the different groups next to each answer.

Case Study	Central Question of Case Study	Different Answers to the Central Question
Balancing Rights—Freedom of Expression	<i>When one set of rights infringes upon another, how should we decide whose rights and which rights take priority? Should freedom of expression be limited in certain cases?</i>	<p>United States:</p> <p>Iran:</p> <p>South Africa:</p> <p>The Netherlands:</p> <p>Germany:</p>
The Right to Health—Brazil		

Name: _____

Universal Rights?—The Rights of Children		
International Justice—Augusto Pinochet and Chile		
Military Intervention for Human Rights—Kosovo		

Advanced Study Guide—Part III

1. How does the prioritization of rights affect the limits on freedom of expression in different countries?
2. What are the arguments for and against governmental protection of economic, social, and cultural rights (for example, a right to health) as well as civil and political rights?
3. How has the Convention on the Rights of the Child illustrated questions about the universality of rights?
4. Why was the arrest of Augusto Pinochet controversial?
5. After the war in Kosovo, UN Secretary General Kofi Annan said “Time will be needed to reconcile sovereignty and individual rights.” Explain why he said this.

Presenting Your Option

Preparing Your Presentation

Your Assignment: Your group has been called upon to appear before the Committee on Foreign Relations of the U.S. Senate. Your assignment is to persuade the committee members that your option should be the basis for U.S. human rights policy. You will be judged on how well you present your option.

Organizing Your Group

Each member of your group will take a specific role. Below is a brief explanation of the responsibilities for each role.

1. Group Director: Your job is to organize your group's three-to-five minute presentation of its option to the Committee on Foreign Relations. In organizing your presentation, you will receive help from the other members of your group. Keep in mind that you are expected to take the lead in organizing your group. Read your option and review the reading to build a strong case for your option. The "Expressing Key Values" worksheet and "Options: Graphic Organizer" will help you organize your thoughts.

2. Legal Adviser: Your job is to explain why your group's option best addresses the legal challenges of protecting human rights. Carefully read your option and then review the reading. Make sure that your expertise is represented in the presentation. The "Expressing Key Values" worksheet and "Options: Graphic Organizer" will help you organize your thoughts.

3. Foreign Policy Adviser: Your job is to explain why your group's option best addresses the foreign policy challenges facing the United States. Carefully read your option, and then review the reading. Make sure that your area of expertise is reflected in the presentation of your group. The "Expressing Key Values" worksheet and "Options: Graphic Organizer" will help you organize your thoughts.

4. Historian: Your job is to explain what lessons can be drawn from history in support of your option. Carefully read your option, and then review the reading. Make sure that your area of expertise is reflected in the presentation of your group. The "Expressing Key Values" worksheet and "Options: Graphic Organizer" will help you organize your thoughts.

Making Your Case

After your preparations are completed, your group will deliver a three-to-five minute presentation to the Committee on Foreign Relations. The "Expressing Key Values" worksheet, "Options: Graphic Organizer," and other notes may be used, but speakers should speak clearly and convincingly. During the presentations, you should try to identify the weak points of the other options. After all of the groups have presented their options, members of the Senate committee will ask you clarifying questions. Any member of your group may respond during the question period.

Expressing Key Values

Values play a key role when defining the broad parameters of public policy. What do we believe about ourselves? What matters most to us? When strongly held values come into conflict, which is most important?

Most often, we think of values in connection with our personal lives. Our attitudes toward our families, friends, and communities are a reflection of our personal values. Values play a critical role in our civic life as well. In the United States, the country's political system and foreign policy have been shaped by a wide range of values. Since the nation's beginnings a commitment to freedom, democracy, and individual liberty have been a cornerstone of U.S. national identity. At the same time, many have fought hard for justice, equality, and the rights of others. Throughout U.S. history, people have spoken out when policies have not reflected their values and demanded that the government live up to the ideals of its citizens.

For most of the country's existence, the impulse to spread U.S. values beyond its

borders was outweighed by the desire to remain independent of foreign entanglements. But since World War II, the United States has played a larger role in world affairs than any other country. At times, U.S. leaders have emphasized the values of human rights and cooperation. On other occasions, the values of U.S. stability and security have been prioritized.

Some values fit together well. Others are in conflict. U.S. citizens are constantly forced to choose among competing values in the ongoing debate about foreign policy. Each of the four options revolves around a distinct set of values. Your job is to identify and explain the most important values underlying your option. These values should be clearly expressed by every member of your group. This worksheet will help you organize your thoughts. When you have finished the role-play activity you will be asked to construct a fifth option based on your own opinions. During this process you should consider which values matter most to you, and root your policy in those beliefs.

1. What are the two most important values underlying your option?
 - a.

 - b.

2. According to the values of your option, what should be the role of the United States in the world?

3. According to your option, why should these values be the guiding force for U.S. human rights policy?

Committee on Foreign Relations of the U.S. Senate

Your Role

As a member of the Committee on Foreign Relations of the U.S. Senate, you consider many issues relating to U.S. foreign policy. As you know, human rights have emerged as a major topic in international relations. U.S. human rights policy has a significant effect on the lives of people at home and around the world. These hearings will introduce you to four distinct approaches to U.S. human rights policy.

Your Assignment

While the four option groups are organizing their presentations, you should prepare two questions regarding each of the options. Your teacher will collect these questions at the end of the role play.

Your questions should be challenging and designed to clarify differences among the options. For example, a good question for Option 1 might be:

How can we justify spending resources promoting human rights abroad when so many human rights problems exist within our own borders?

On the day of the role play, the four option groups and the human rights experts will give their presentations. After their presentations are completed, your teacher will call on you and your fellow committee members to ask questions. The “Evaluation Form” you will receive is designed for you to record your impressions of the option groups. Part I should be filled out in class after the option groups make their presentations. Part II should be completed as homework. After this activity is concluded, you may be called upon to explain your evaluation of the option groups.

Name: _____

Options: Graphic Organizer

Should the United States prioritize human rights in foreign policy?				
Should the United States ratify international human rights treaties?				
Should the United States join the ICC?				
Can sovereignty ever be violated? If so, when?				
Are human rights universal?				
Do human rights include the full spectrum of rights or only civil and political rights?				
	Option 1	Option 2	Option 3	Option 4

Role-Playing the Four Options: Debate and Discussion

Objectives:

Students will: Articulate the leading values that frame the debate on U.S. human rights policy.

Explore, debate, and evaluate multiple perspectives on U.S. human rights policy.

Sharpen rhetorical skills through debate and discussion.

Cooperate with classmates in staging a persuasive presentation.

Handouts:

“Evaluation Form” (TRB-53) for the committee members

In the Classroom:

1. Setting the Stage—Organize the room so that the four option groups face a row of desks reserved for the Committee on Foreign Relations and the human rights experts. Distribute “Evaluation Form” to the committee members. Instruct members of the committee to fill out the first part of their “Evaluation Form” during the course of the period. The second part of the worksheet should be completed as homework.

2. Managing the Simulation—Explain that the simulation will begin with three-to-five minute presentations by each of the option groups, followed by the presentations of the human rights experts. Encourage students to speak clearly and convincingly.

3. Guiding Discussion—Following the presentations, invite members of the Committee on Foreign Relations to ask clarifying questions. Make sure that each committee member has an opportunity to ask at least one question. The questions should be evenly distributed among all four option groups. If time permits, encourage members of the option groups to challenge the positions of the other groups and invite comments from the human rights experts. During the questioning, allow any option group member to respond. (As an alternative approach, permit clarifying questions following the presentation of each option.)

Deliberation:

The consideration of alternative views is not finished when the options role play is over. After the role play, it is important for students to have an opportunity to deliberate with one another about the merits and trade-offs of alternative views. Students should then articulate their own views on the issue and create their own option for U.S. policy. See Guidelines for Deliberation <www.choices.edu/deliberation> for suggestions on deliberation.

Homework:

Students should read each of the four options in the student text, then moving beyond these options they should fill out “Focusing Your Thoughts” (TRB-56) and complete “Your Option Five” (TRB-57).

Name: _____

Evaluation Form

Committee on Foreign Relations of the U.S. Senate

Part I

What was the most persuasive argument presented in favor of this option?

What was the most persuasive argument presented against this option?

Option 1

Option 1

Option 2

Option 2

Option 3

Option 3

Option 4

Option 4

Part II

Which group presented its option most effectively? Explain your answer.

Joining the Debate on U.S. Policy

Objectives:

Students will: Articulate coherent recommendations for U.S. human rights policy based on personally held values and historical understanding.

Apply their policy recommendations to specific case studies.

Identify the leading values and trade-offs in the current policy debate.

Required Reading:

Students should have read the four options in the student text, and completed “Focusing Your Thoughts” (TRB-56) and “Your Option Five” (TRB-57).

Scholars Online:

Short, free videos that you may find useful for this lesson are available at <http://www.choices.edu/resources/scholars_humanrights_lessons.php>.

Handouts:

“Applying Your Option Five” (TRB 58-60)

In the Classroom:

1. Analyzing Beliefs—Call on members of the Senate committee to share their evaluations of the option groups. Which arguments were most convincing? Which beliefs were most appealing? What were the main concerns addressed by each of the options?

2. Comparing Viewpoints—Students should have completed “Your Option Five” prior to class. Invite them to share their policy recommendations with the class. Encourage them to clarify the connection between their values and their policy recommendations. What values resonate most strongly among students? Ask them to identify the beliefs in “Focusing Your Thoughts” that they most strongly support. What are the potential trade-offs of their options? Ask students to compare the recommendations of class members with

current U.S. policy. How would their policy recommendations change U.S. human rights policy? How might their options affect people living in the United States? People outside of the United States?

3. Applying Policy Recommendations—Distribute “Applying Your Option Five” to each student. Instruct students to read each case and record responses to the questions that follow.

After students have completed the questions, invite them to share their responses with the class. How did students assess U.S. interests in the three cases featured in the handout? According to their options, how should the United States respond to each case? What would be the consequences? Have students consider how certain policies might affect people in the United States and people in other countries, as well as how U.S. action or inaction might set a precedent for future U.S. policy.

To further student thinking, you may wish to show your students a variety of Scholars Online videos. Some present cases to which students can apply their options; others present scholar viewpoints to which students can respond. Videos include:

“Should the international community pressure China’s government to improve its human rights practices?” answered by Xu Wenli, senior fellow at the Watson Institute for International Studies, Brown University.

“What human rights issues does Brazil continue to face?” answered by Paulo Sérgio Pinheiro, research associate at the Center for the Study of Violence, Universidade de São Paulo, Brazil.

“What is the U.S. track record on human rights?” answered by Dennis Davis, judge at the High Court of Cape Town, South Africa.

Suggestions:

Instead of instructing students to read all of the case studies on their own, you may wish

to start by reviewing the information for Saudi Arabia with the class. Invite students to share their answers to the questions for this case. Then instruct students to address the other cases and develop their responses to “Questions for Consideration” on their own.

Extra Challenge:

As homework, instruct students to write a letter to a member of Congress or the president on their ideas for U.S. human rights policy. You may find it useful to assign students to find a news article on a current human rights issue and write a letter on the subject integrating their policy recommendations.

Focusing Your Thoughts

Ranking the Options

Which of the options below do you prefer? Rank the options “1” to “4” with “1” being your first choice.

- Option 1: Lead the World to Freedom
- Option 2: Work with the International Community
- Option 3: Act Only When U.S. Interests are Directly Threatened
- Option 4: Focus Our Efforts at Home

Beliefs

Rate each of the statements according to your personal beliefs:

1 = Strongly Support 2 = Support 3 = Oppose 4 = Strongly Oppose

- Human rights are not universal. The United States should respect other cultures’ interpretations of human rights.
- In today’s interconnected world, human rights can be addressed only through international cooperation.
- The United States should improve its own track record on human rights.
- The United States has too many problems at home to focus on those abroad.
- Promoting human rights should be the United States’ most important foreign policy.
- Trying to make deep changes in the way the world works is naive and dangerous.
- Countries do not have a right to intervene in the internal affairs of other nations.
- The United States should promote economic, social, and cultural rights as actively as it supports civil and political rights.
- The United States has a moral obligation to try to stop injustices around the globe.
- Human rights violations abroad will eventually affect U.S. interests and security.
- A strong economy and national security should be the United States’ top policy interests.
- The United States should remove itself from international agreements that threaten U.S. constitutional rights or require changes in U.S. laws.

Creating Your Own Option

Your next assignment is to create an option that reflects your own beliefs and opinions. You may borrow heavily from one option, combine ideas from two or three options, or take a new approach altogether. There is no right or wrong answer. Rather, you should strive to craft an option that is logical and persuasive.

Be careful of contradictions and keep in mind that policies should logically follow beliefs. If you believe, for instance, that human rights are best addressed through international cooperation, you would not support unilateral U.S. military action to stop grave human rights abuses.

Name: _____

Your Option Five

Instructions: In this exercise, you will offer your own recommendations for U.S. human rights policy. Your responses to “Focusing Your Thoughts” should help you identify the guiding values of your proposal.

1. What values and interests should guide U.S. human rights policy?

2. What policies should the United States pursue to put these values into action?

3. How would your option affect people living in the United States?

4. How would your option affect people outside of the United States?

5. What are the two strongest arguments opposing your option?

a.

b.

6. What are the two strongest arguments supporting your option?

a.

b.

Applying Your Option Five

Instructions: In this exercise, you are asked to decide how the United States should respond to the human rights issues raised in each case. You should use your answers to the “Your Option Five” worksheet as a guide to developing your recommendations.

1—Saudi Arabia

Saudi Arabia, a monarchy located in the Middle East with a population of over twenty-six million people, is widely criticized by the international community for its human rights record. Political parties are banned and the media is heavily censored. Women and ethnic and religious minorities face deeply ingrained discrimination. Women are prohibited from driving and must obtain permission from their male guardians (for example, a father or husband) to work, travel, or go to school. The government does not guarantee people that are arrested access to a lawyer or fair trial, and punishments including flogging, amputation, and execution by beheading.

The United States and Saudi Arabia have a complex relationship. The two countries have strong economic ties. Saudi Arabia is a major supplier of oil to the United States, and the United States is Saudi Arabia’s leading trading partner. The United States and Saudi Arabia also share a military and security relationship. Saudi Arabia’s strategic location in the Middle East is important to U.S. interests in the region. Saudi Arabia is the number one purchaser of U.S. arms, and the two countries cooperate militarily. Although U.S.-Saudi tensions were high after the attacks of September 11, 2001 (fifteen of the hijackers were Saudi), the U.S. government considers Saudi Arabia to be a key partner in the campaign against terrorism.

2—Zimbabwe

Zimbabwe is a landlocked country in Southern Africa with a population of about 12.6 million people. Today the vast majority of the population is unemployed and millions live in poverty, suffering from famine, drought,

illness, and economic hardship. Millions more have left the country, many to live illegally in neighboring South Africa. The country’s life expectancy rate is forty-eight years, one of the lowest in the world. In addition, from August 2008 to July 2009, Zimbabwe was wracked by a devastating cholera outbreak. Although the disease is usually easy to treat, Zimbabwe’s health system was unable to respond effectively to the crisis. Nearly 100,000 people were infected and 4,000 died.

Zimbabwe’s government has caused additional hardship for the population. For example, for two months in 2005 police demolished homes in shantytowns and targeted unlicensed traders who sold their goods in street markets. The government claimed that it initiated the program to end illegal housing and employment. According to the UN, more than 700,000 people lost their homes, their livelihoods, or both.

Many observers have placed the blame for Zimbabwe’s economic and humanitarian crisis on President Robert Mugabe. Mugabe has been in power since the country’s independence in 1980. His government has ruthlessly repressed opponents: politicians, the courts, the media, and even the civilian population. Recent elections and international pressure have forced Mugabe to share power with opposition parties, but so far little has changed and life remains difficult for most Zimbabweans.

According to the U.S. State Department, the U.S. government has taken a leading role in condemning Zimbabwe’s government for its human rights abuses. In 2002, the U.S. government instituted a series of measures to squeeze Zimbabwe’s government economically, including economic and travel restrictions on a number of high-ranking government officials, a ban on military assistance, and a ban on funding the government. In 2009, President Obama extended U.S. sanctions on Zimbabwe. The United States provides more than \$200 million per year to Zimbabwe in food, health, and humanitarian assistance, and to support economic and democratic reforms.

Name: _____

3—Homelessness in the United States

The United States faces questions about human rights at home as well as abroad. Homelessness is a growing problem in the United States. Each year, roughly 3.5 million people in the United States experience homelessness, 1.5 million of them children. (As of May 2012, the total U.S. population was about 313 million.) The vast majority of homeless families state that a lack of affordable housing is the main cause of their homelessness, and domestic violence is the second most commonly cited cause. The recent foreclosure crisis, economic downturn, and high unemployment rate in the United States have worsened this problem. Many veterans that suffer from war-related disabilities are also vulnerable to homelessness. In 2009, the Department of Veterans Affairs estimated that 20 percent of the U.S. homeless population was veterans.

Many people face a wide array of challenges that make it difficult to pull themselves out of homelessness. Homeless people have higher levels of many mental and physical health problems than the rest of the U.S. population, and many do not have access to adequate nutrition or affordable health services. While the average life expectancy of the general U.S. population is seventy-eight years, studies suggest that the life expectancy of the U.S. homeless population is between forty-two and fifty-two. Many homeless children frequently transfer from school to school and struggle to

obtain a proper education. Homeless people oftentimes face barriers to voting.

Homeless shelters are frequently run by nonprofit or religious groups, and sometimes offer meals, job training, counseling and health services in addition to shelter. Since the economic recession of 2008, many shelters report greater numbers of people seeking services. Due to limited space and budget cuts, shelters are frequently forced to turn people away.

Several federal programs address homelessness, such as the Emergency Food and Shelter Program and the Emergency Shelter Grant. The federal government also provides funding for state and local governments and community organizations to work towards preventing and ending homelessness. For example, the American Reinvestment and Recovery Act of 2009 provides several billion dollars to prevent homelessness and provide affordable housing.

The Universal Declaration of Human Rights and other international treaties declare housing to be a basic human right. U.S. law does not explicitly proclaim housing as a right. Some people argue that housing should be a matter of personal responsibility. Others argue that it is the responsibility of the government to ensure better living conditions for its people, including adequate shelter. They claim that it is unacceptable, particularly in a country as rich as the United States, for so many to live without housing each year.

Questions for Consideration

1. Are human rights being violated in the following cases? If so, which rights?

Saudi Arabia:

Zimbabwe:

United States:

2. Based on the recommendations you outlined in “Your Option Five,” what values should guide U.S. policy in each case?

Saudi Arabia:

Zimbabwe:

United States:

3. How should the United States respond? What would be the consequences of this response?

Saudi Arabia:

Zimbabwe:

United States:

Name: _____

Assessment Using Documents

Instructions: These questions relate to the role of human rights in U.S. policy. Answer all of the questions that follow on a separate piece of paper.

1. a. Explain President Carter's remarks about the role of human rights in U.S. foreign policy in Document 1.

b. What are the human rights that Senator McCain says are at the core of a U.S. national creed in Document 4?

2. How do Document 8 and Document 9 support the conclusions made in Document 5?

3. Assess the value and limitations of Document 6 and Document 8 for scholars studying the role of human rights in U.S. policy. Be sure to refer to the origin and purpose of each document.

4. Using these sources and your knowledge, explain how U.S. exceptionalism has affected U.S. human rights policy.

Documents

Document 1: From U.S. President Jimmy Carter, speech at Notre Dame University, May 22, 1997.

“We can no longer separate the traditional issues of war and peace from the new global questions of justice, equity, and human rights.... Our policy must reflect our belief that the world can hope for more than simple survival and our belief that dignity and freedom are fundamental spiritual requirements.... [W]e have reaffirmed America’s commitment to human rights as a fundamental tenet of our foreign policy.”

Document 2: From Michael Ignatieff, “Introduction: American Exceptionalism and Human Rights,” in *American Exceptionalism and Human Rights*, Michael Ignatieff (ed.), Princeton University Press, 2005, p. 1. Ignatieff is a historian and the leader of Canada’s Liberal Party.

“Since 1945 America has displayed exceptional leadership in promoting international human rights. At the same time, however, it has also resisted complying with human rights standards at home or aligning its foreign policy with these standards abroad.... This combination of leadership and resistance is what defines American human rights behavior as exceptional.”

Document 3: From David P. Forsythe, “U.S. Foreign Policy and Human Rights, Two Levels, Two Worlds,” *Political Studies*, 1995, vol. xliii, p. 112. Forsythe is a U.S. professor of political science.

“American political culture generates the demand, albeit inconsistently, that U.S. foreign policy should reflect the American self-image of an exceptional people who stand for freedom around the world. Unresolved, however, is choice of grand strategy. Should the U.S. promote its vision of human freedom through foreign activism, or through more passive domestic example?”

Document 4: From U.S. Senator John McCain (R-AZ), November 9, 2009.

“Most important is this: The United States has a special responsibility to champion human rights—in all places, for all peoples, and at all times. Why us? The answer, I think, is simple: It’s who we are. Human rights—the right to life and liberty, to the protection of property, and to rule by the consent of the governed—these values are the core of our national creed. And it is fidelity to these values—not ethnicity or religion, culture or class—that makes one an American.”

Name: _____

Document 5: From Louis Henkin, *The Age of Rights*, Columbia University Press, 1990, p. 66. Louis Henkin is a U.S. professor emeritus of international law.

“What is the human rights policy of the United States and what is the place of human rights in United States foreign policy generally? I suggest that the confusion of United States policy reflects not only, or principally, different policies at different times by different administrations, but, rather, more than one policy at a time—a Congressional policy and a different executive policy; one policy in respect of international human rights in some countries and another policy for other countries; one policy abroad and another at home.”

Document 6: From Harold Koh, “Jekyll-and-Hyde Exceptionalism,” in *American Exceptionalism and Human Rights*, Michael Ignatieff (ed.), Princeton University Press, 2005, p. 119. Harold Koh is a U.S. legal scholar. He is currently a legal adviser for the U.S. Department of State.

“[T]he United States has been genuinely exceptional, with regard to international affairs, international law, and promotion of human rights: namely, in its exceptional global leadership and activism. To this day, the United States remains the only superpower, capable, and at times willing to commit real resources and make real sacrifices to build, sustain, and drive an international system committed to international law, democracy, and the promotion of human rights. Experience teaches us that when the United States leads on human rights, from Nuremberg to Kosovo, other countries follow. When the United States does not lead, often nothing happens, or worse yet, as in Rwanda and Bosnia, disasters occur because the United States does not get involved.”

Document 7: From Freedom House, “Freedom in the World 2010: United States of America Report.” Freedom House is an organization based in the United States that supports expanding freedom around the world and rates countries on an index of 1 (highest degree of freedom) to 7 (lowest level).

Political Rights Score: 1 [highest score]

Civil Liberties Score: 1 [highest score]

Status: Free

Document 8: From the Center for Economic and Social Rights, “United States of America Fact Sheet No. 11,” <<http://www.cesr.org/article.php?id=862>>, 2010. The Center for Economic and Social Rights is based in Spain and New York. Its mission is to promote social justice through human rights.

“The United States has the highest national income in the world as measured by GDP (World Bank 2010). Yet, in comparison with other OECD countries, the United States has some of the worst health and other social indicators, including the highest rates of infant mortality, maternal mortality and teen pregnancy. There are also sharp gender and ethnic disparities, including in education achievements, health, salary levels, and poverty rates; in particular, black and Hispanic groups still trail whites in enjoying their full economic and social rights.”

Document 9: U.S. ratification record of international human rights agreements as of June, 2010, from the UN Treaty database <<http://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>>.

	Signed	Ratified by Senate
Convention on the Prevention and Punishment of Genocide	1948	1988
Convention the Elimination of All Forms of Racial Discrimination	1966	1994
Covenant on Civil and Political Rights	1977	1992
Covenant on Economic, Social, and Cultural Rights	1977	no
Convention on the Elimination of all Forms of Discrimination Against Women	1980	no
Convention Against Torture	1988	1994
Convention on the Rights of the Child	1995	no
Convention on the Rights of Persons with Disabilities	2009	no

Key Terms

Introduction and Part I

civil and political rights
 economic, social, and cultural rights
 secular
 precolonial
 serfdom
 autocratic
 legitimacy
 gender
 universal rights
 state sovereignty
 authoritarian
 suffrage
 self-determination
 atrocities
 war crimes
 colonial powers
 colonial rule
 covenants
 Western
 universality
 ideological disputes
 polarization
 self-rule

Part II

international treaties
 labor standards
 international law
 foreign policy
 coalitions
 trade agreements

embargo
 tribunal
 indigenous
 globalization
 nonstate actors
 multinational corporations
 equity
 industrialized countries

Part III

U.S. exceptionalism
 prioritize
 antiretroviral
 intellectual property rights
 indivisible and complementary
 universal rights
 legitimacy
 socialist
 communism
 universal jurisdiction

Issues Toolbox

Cold War:

The Cold War was the dominant foreign policy problem for the United States and the Soviet Union between the late 1940s and the late 1980s. Following the defeat of Hitler in 1945, Soviet-U.S. relations began to deteriorate. The United States adopted a policy of containing the spread of Soviet communism around the world, which led to, among other things, politicization of the global discussion about human rights. The United States promoted civil and political rights, while the Soviets advocated for social, economic and cultural rights. During this period both the Soviet Union and the United States devoted vast resources to their military, but never engaged in direct military action against each other. Because both the Soviet Union and the United States had nuclear weapons and were in competition around the world, nearly every foreign policy decision was intricately examined for its potential impact on U.S.-Soviet relations. The end of the Cold War reenergized global dialogue about human rights.

Globalization:

The term globalization is used to describe today's changing international environment. The growing role and power of multinational corporations has increased calls for these corporations to abide by international human rights standards. In the past, human rights standards and law have been designed to hold governments accountable.

Sovereignty:

The absolute right of a state to govern itself. The UN Charter prohibits external interference in the internal affairs of a sovereign state without the state's consent. The question of sovereignty is at the center of debates about the role of the international community in setting human rights standards.

Traditionally, governments—whether they be headed by democratically elected officials or self-imposed dictators—have strongly defended the principle of sovereignty. Sovereignty has served as the foundation of international organizations. Governments have supported the UN, the League of Nations, and earlier international efforts based on the assumption that their sovereignty would be protected. In practical terms, sovereignty has never been absolute. Strong countries have always influenced the policies of weaker countries.

In recent decades, sovereign states have faced pressure from two levels. From above, the principle of sovereignty has been eroded by forces and institutions that extend beyond national boundaries. The growth of world trade, multinational corporations, and NGOs such as international human rights organizations has forced governments to accept limits on their sovereignty. Meanwhile, state sovereignty has increasingly been challenged from below by minority groups and regional interests.

The UN Security Council:

The United States, Russia, Britain, France, and China are the permanent members of the UN Security Council, the UN's executive body. The Security Council has the primary responsibility for maintaining international peace and security. Each of the five permanent members of the Security Council has the right to veto UN decisions. The veto system was conceived as a safety valve that would allow the great powers to disagree without threatening the UN's existence. The framers of the UN hoped that the permanent members of the Security Council would share a common interest in maintaining global peace and spelled out procedures in the UN Charter for resolving conflict.

Making Choices Work in Your Classroom

This section of the Teacher Resource Book offers suggestions for teachers as they adapt Choices curricula on current issues to their classrooms. They are drawn from the experiences of teachers who have used Choices curricula successfully in their classrooms and from educational research on student-centered instruction.

Managing the Choices Simulation

A central activity of every Choices unit is the role-play simulation in which students advocate different options and question each other. Just as thoughtful preparation is necessary to set the stage for cooperative group learning, careful planning for the presentations can increase the effectiveness of the simulation. Time is the essential ingredient to keep in mind. A minimum of 45 to 50 minutes is necessary for the presentations. Teachers who have been able to schedule a double period or extend the length of class to one hour report that the extra time is beneficial. When necessary, the role-play simulation can be run over two days, but this disrupts momentum. The best strategy for managing the role play is to establish and enforce strict time limits, such as five minutes for each option presentation, ten minutes for questions and challenges, and the final five minutes of class for wrapping up. It is crucial to make students aware of strict time limits as they prepare their presentations.

Fostering Group Deliberation

The consideration of alternative views is not finished when the options role play is over. The options presented are framed in stark terms in order to clarify differences. In the end, students should be expected to articulate their own views on the issue. These views will be more sophisticated and nuanced if students have had an opportunity to challenge one another to think more critically about the merits and trade-offs of alternative views. See Guidelines for Deliberation <www.choices.edu/deliberation> for suggestions on deliberation.

Adjusting for Students of Differing Abilities

Teachers of students at all levels—from middle school to AP—have used Choices materials successfully. Many teachers make adjustments to the materials for their students. Here are some suggestions:

- Go over vocabulary and concepts with visual tools such as concept maps and word pictures.
- Require students to answer guiding questions in the text as checks for understanding.
- Shorten reading assignments; cut and paste sections.
- Combine reading with political cartoon analysis, map analysis, or movie-watching.
- Read some sections of the readings out loud.
- Ask students to create graphic organizers for sections of the reading, or fill in ones you have partially completed.
- Supplement with different types of readings, such as from literature or text books.
- Ask student groups to create a bumper sticker, PowerPoint presentation, or collage representing their option.
- Do only some activities and readings from the unit rather than all of them.

Adjusting for Large and Small Classes

Choices units are designed for an average class of twenty-five students. In larger classes, additional roles, such as those of newspaper reporter or member of a special interest group, can be assigned to increase student participation in the simulation. With larger option groups, additional tasks might be to create a poster, political cartoon, or public service announcement that represents the viewpoint of an option. In smaller classes, the teacher can serve as the moderator of the debate, and administrators, parents, or faculty can be invited to play the roles of congressional leaders. Another option is to combine two small classes.

Assessing Student Achievement

Grading Group Assignments: Students and teachers both know that group grades can be motivating for students, while at the same time they can create controversy. Telling students in advance that the group will receive one grade often motivates group members to hold each other accountable. This can foster group cohesion and lead to better group results. It is also important to give individual grades for group-work assignments in order to recognize an individual’s contribution to the group. The “Assessment Guide for Oral Presentations” on the following page is designed to help teachers evaluate group presentations.

Requiring Self-Evaluation: Having students complete self-evaluations is an effective way to encourage them to think about their own learning. Self-evaluations can take many forms and are useful in a variety of circumstances. They are particularly helpful in getting students to think constructively about group collaboration. In developing a self-evaluation tool for students, teachers need to pose clear and direct questions to students. Two key benefits of student self-evaluation are that it involves students in the assessment process, and that it provides teachers with valuable insights into the contributions of individual students and the dynamics of different groups. These insights can help teachers to organize groups for future cooperative assignments.

Evaluating Students’ Original Options: One important outcome of a Choices current

issues unit are the original options developed and articulated by each student after the role play. These will differ significantly from one another, as students identify different values and priorities that shape their viewpoints.

The students’ options should be evaluated on clarity of expression, logic, and thoroughness. Did the student provide reasons for his/her viewpoint along with supporting evidence? Were the values clear and consistent throughout the option? Did the student identify the risks involved? Did the student present his/her option in a convincing manner?

Testing: Teachers say that students using the Choices approach learn the factual information presented as well as or better than from lecture-discussion format. Students using Choices curricula demonstrate a greater ability to think critically, analyze multiple perspectives, and articulate original viewpoints. Teachers should hold students accountable for learning historical information, concepts, and current events presented in Choices units. A variety of types of testing questions and assessment devices can require students to demonstrate critical thinking and historical understanding.

For Further Reading

Daniels, Harvey, and Marilyn Bizar. *Teaching the Best Practice Way: Methods That Matter, K-12*. Portland, Maine: Stenhouse Publishers, 2005.

Assessment Guide for Oral Presentations

Group assignment: _____

Group members: _____

Group Assessment	<i>Excellent</i>	<i>Good</i>	<i>Average</i>	<i>Needs Improvement</i>	<i>Unsatisfactory</i>
1. The group made good use of its preparation time	5	4	3	2	1
2. The presentation reflected analysis of the issues under consideration	5	4	3	2	1
3. The presentation was coherent and persuasive	5	4	3	2	1
4. The group incorporated relevant sections of the reading into its presentation	5	4	3	2	1
5. The group's presenters spoke clearly, maintained eye contact, and made an effort to hold the attention of their audience	5	4	3	2	1
6. The presentation incorporated contributions from all the members of the group	5	4	3	2	1
 Individual Assessment					
1. The student cooperated with other group members	5	4	3	2	1
2. The student was well-prepared to meet his or her responsibilities	5	4	3	2	1
3. The student made a significant contribution to the group's presentation	5	4	3	2	1

Alternative Three Day Lesson Plan

Day 1:

See Day Two of the Suggested Five-Day Lesson Plan. (Students should have read the Introduction and Part II of the reading and completed “Study Guide: Part II” before beginning this unit.)

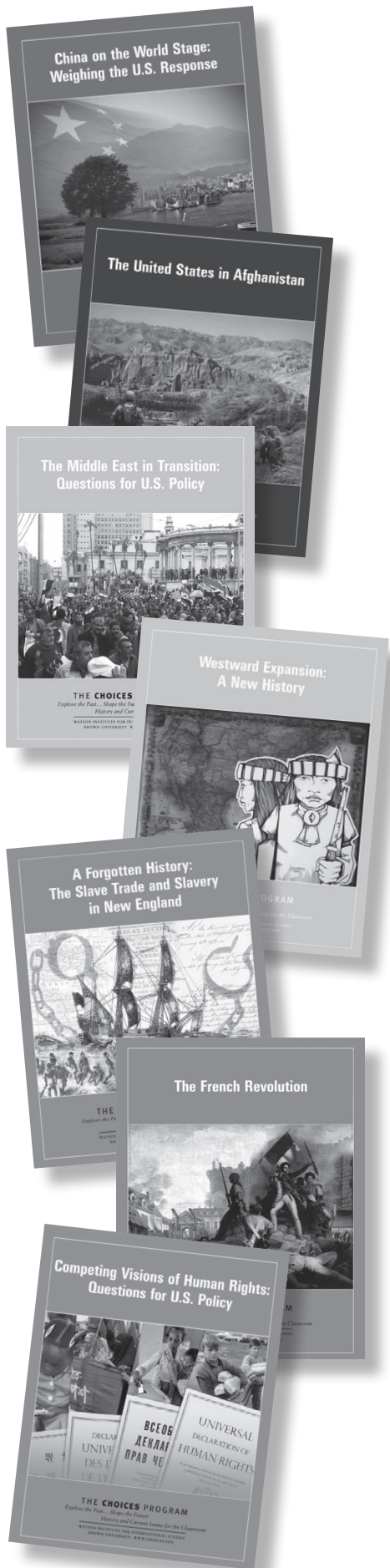
Day 2:

Assign each student one of the four options, and allow a few minutes for students to familiarize themselves with the mindsets of the options. Call on students to evaluate the benefits and trade-offs of their assigned options. How do the options differ in their assumptions about the problems and challenges facing the globe? What is the international image of the United States projected by each of the options? What are the main differences in the policy recommendations of the options? Moving beyond the options, ask students to imagine that they have been called upon to advise the president on U.S. human rights policy. What concerns would be at the top of their agendas? Which values should guide the direction of U.S. policy?

Homework: Students should complete “Focusing Your Thoughts” and “Your Option Five.”

Day 3:

See Day Five of the Suggested Five-Day Lesson Plan.



Engage Students in Real-World Issues

Choices' inquiry-based approach to real-world issues promotes the skills required by Common Core and state standards.

Critical Thinking

Students examine historical context, analyze case studies, consider contrasting policy options, and explore the underlying values and interests that drive different perspectives.

Textual Analysis

Students examine primary and secondary sources to assess multiple perspectives on complex international issues.

Media and Digital Literacy

Students critique editorials, audio and video sources, maps, and other visuals to identify perspective and bias. Video clips help students gather and assess information from leading scholars.

Communication

Students engage in collaborative discussions, build on each other's ideas, formulate persuasive arguments, and express their own viewpoints.

Creativity and Innovation

Students express themselves by creating political cartoons, memorializing historical events artistically, and developing original policy options.

Civic Literacy

Choices materials empower students with the skills and habits to actively engage with their communities and the world.

www.choices.edu

Competing Visions of Human Rights: Questions for U.S. Policy

Competing Visions of Human Rights: Questions for U.S. Policy draws students into the debate on the role of human rights in U.S. policy. Through readings and activities students explore a history of international human rights and consider various options for defining and protecting rights.

Competing Visions of Human Rights: Questions for U.S. Policy is part of a continuing series on current and historical international issues published by the Choices for the 21st Century Education Program at Brown University. Choices materials place special emphasis on the importance of educating students in their participatory role as citizens.

THE CHOICES PROGRAM

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