

Before and Beyond the Universal Declaration of Human Rights

My country is the world and my religion is good deeds.

—Thomas Paine

This chapter provides a bridge between our initial understanding of the power of the idea of human rights, with the Universal Declaration of Human Rights as the centerpiece, and certain major developments after its endorsement with no dissent by the UN General Assembly. It is Janus-faced, looking back and forward, as in the instant when Sisyphus, who is “superior to his fate,” nears the top of the mountain and contemplates the stone rolling backward, only to have to push it up again, which “crowns his victory” (Camus, 1991, p. 121). Discussions of human rights cannot take place in a historical-philosophical vacuum; they must be attuned to history as they take up the struggle to engage in action and service in the name of social justice.

Perhaps philosopher George Santayana is right that what we learn from history is that we do not learn from history, that history books mirror only the stories of the victorious. Success has many parents, seeking credit for their roles in successful historical outcomes, but few acknowledge their roles in failures, which are orphans. We also need a dialogue of understanding among various interpretations of the historical record, fully aware that some may have simply jockeyed themselves into the limelight. Truth may remain elusive; searching for truth is always a struggle. Falsehoods can easily

become part of a people's collective consciousness—for instance, that the land now known as the Americas, and inhabited by millions of people, was “discovered” by a man with three ships and a map. Does discovery mean ownership? Is it even important? We can never know *the* definitive history of anything, but any event or place can have a number of histories. Given the vicissitudes of the human condition, one hopes that humanity will remain willing to learn from the past; we must confront it, as Santayana reminds us, so that the world is not condemned to repeat it.

Toward a History of the Idea of Human Rights

Humankind has been searching for immutable truths since time immemorial. Even in the beginning, this search for a universal, unchanging reality may have been a Western attempt to understand the world, whereas Eastern approaches acknowledged that the only certainty is uncertainty. The human species, a “flaw in the diamond of the world” (Merleau-Ponty, 1964), lacks the kind of genetic programming in other life forms (Gil, 2013) that, for example, prompts certain species, such as whales, to migrate long distances, or, like bees, to do a dance directing other members of the colony to a field of flowers containing honey. In *Homo sapiens*, that is, the human species, issues aren't as clear-cut. The human mind seems to differentiate us from other life forms; humans must *choose* ways of life that protect them from extreme vulnerability to the elements and the frailty of the human condition in general. Perhaps that explains why, as the sage Friedrich Nietzsche said, humans had to invent laughter, and Nikos Kazantzakis, through his playful character Zorba, reminds us that whatever adversity we face, humans always have the power to dance and play.

Cultures as Reflective of Human Choice

History reflects the choices humans have made in this dance of life. The myriad social structures and cultures in the world reflect the multidimensional mosaic of human choices, crystallized into ethical and legislative frameworks embedded in documents such as the Universal Declaration and major international covenants. Not surprisingly, the etymological origins of both *religion* and *constitution* (*religare* and *constitare*), which often provide the guiding principles for our ways of life and reflect the social-environmental contexts of the time, mean “to choose.” The word *religare*, however, is somewhat stronger in that it means “to moor,” much like a ship moors on a dock. Indeed, knocking down that foundation can put someone adrift in a troubled sea, perhaps a reason for many religious wars. It's worth noting, moreover, that the Greek

etymological root of the word *heresy* also means “to choose,” suggesting that one person’s freedom fighter may be another’s terrorist; one person’s iconoclast, another’s religious leader. St. Augustine, in his classic *City of God*, illustrated this paradox with the example that taking over a ship makes you a pirate, but if you take over a fleet, you are an admiral. If groups with massive, well-equipped, and well-financed armies kill close to 30 million people, as in World War II, or more recently, roughly 2 million in the war in Vietnam, they are called governments. Groups not as well-endowed are called terrorists.

Violence may be understandable, as in the Newark riots in the late 1960s—a kind of counterviolence to racist and classist structures in the United States. Yet a major theme of this work is that violence engaged in by governments, terrorists, or oppressed groups should not be condoned. Stooping to another’s level, perhaps the greatest challenge of the 21st century, will only result in more violence. It is a sad statement on the human condition and our culture that people too often begin to listen only when the channels of communication are closed. As Eric Fromm, author of the *Art of Loving* (and former patient, then husband, of the psychoanalyst Freida Fromm-Reichmann), asserts, “Unlived life leads to destruction” (Hornstein, 2000). During the time of the Newark riots, the U.S. government formed a commission whose report acknowledged that white institutions have established, condoned, and maintained racist structures in the United States.

Counterviolence needn’t be on such a grand scale, however. Another example is the senseless homicides by 20-year-old Adam Lanza at Sandy Hook Elementary School in Newtown, Connecticut, on December 14, 2012, killing 20 children and 6 adults. Not long before in 2007 there was a homicide/suicide committed by a youth proclaiming his anger toward and hatred of the wealthy that claimed 33 victims. Those individuals were ultimately responsible for these uncondonable acts. Yet society may need to come to grips with the possibility that its profit-motivated system, which subordinates human needs, rights, and dignity, creates the frustration and violence, residues of unlived lives, that lead to atrocities.

As the historical record has often shown, humanity’s greatest challenge, in groups and as individuals, is to choose nonviolence over violence; the latter, Gandhi reminds us, has not worked for centuries. Surely, a major aim of understanding historical processes is to see the interplay between the environment and human choice in ways that uncover the reasons, however elusive, for violence and to seek an alternative social justice constructed from precepts of human dignity and rights.

Although the term *human rights* was officially coined by the United Nations at its founding in 1945, the human rights concept is rooted in the complex struggle between contending choices to ensure survival of the

human species, which at times has been a violent response to oppressive structures. Violence is obvious in massive killings, such as the massacre of St. Bartholomew's Day, in which thousands of French protestant Huguenots were killed in Catholic France (Ebenstein, 1960). Soon afterward this event was celebrated at a Mass of thanksgiving. But violence is also often masked with euphemistic language. Thus, neutral words like *restructuring* and *downsizing* might really mean the firing of persons over 50, whistleblowers, marginalized groups, and the like. Talk of *forgiving* or *canceling* Third World debt easily obscures the historical violence inflicted by the rich on the poor countries of the world: centuries of enslavement in the Americas, broken promises with Indigenous Peoples, and more recently, triumph of the postindustrial First World in the Cold War that has produced a kind of global apartheid. Indeed, the so-called race to the bottom—that is, corporations searching for the lowest wages for every worker in any country, often under the auspices of international trade agreements among elites such as NAFTA or the TPP and organizations such as the World Trade Organization (WTO)¹—may actually be an orchestrated global alliance of “haves” to violate the basic human right to socially useful work, at a reasonable wage, that contributes to the development of the human personality.² Understanding history, then, may require looking at the struggle of humanity's failures and successes as it attempts to eke out a socially just, nonviolent world.

A History of Human Rights From the Humanistic Tradition

Violence does not have to exist on such a macro scale, however. People also act violently in their everyday and professional lives. For example, it is easy to view stereotypes of people as “actualities” rather than “possibilities”: that is, women are not actually good at mathematics; African Americans can actually perform only menial tasks. Such prejudicial attitudes pollute relations with others, whose human dignity and rights, and all the possibilities for human development, are thwarted in such a discriminatory atmosphere. Professionals may see Indigenous Peoples as inferior intellectually because they may have not performed well on intelligence tests, generally culturally biased toward white standards such as quick reaction times, planning for the future, or even mathematical acumen—values not traditionally associated with some cultures. If the Inupiat living in the Arctic tested whites on skill in gauging whether ice is too thin for fishing or knowledge of what to do if a moose's ears move backward,³ they would find similarly low intelligence scores.

Sartre (1993) lamented that research in the social or human sciences often seeks meaningless facts rather than meaningful essences, and perhaps we

ought to acknowledge how numbers and categorizations, though certainly useful in some contexts (e.g., in administrative functions), nevertheless can do a disservice to human dignity. It is all too easy to define a person by a score on an IQ test that measures not necessarily intellectual potential but rather class. Alfred Binet, whose work led to the development of the Stanford-Binet Intelligence Scales, expressed concern about this issue, fearing that test results could be used to further class interests, if not produce a kind of fascist mentality. It was not long after his test was developed that Hitler began gassing people with disabilities, many having scored low on intelligence tests, and with the collusion of helping and health professionals! Diagnoses, as discussed in Chapter 1, can also sanitize oppression; the poor may be diagnosed as “juvenile delinquent” or as having a “personality disorder,” whereas the wealthy are seen as “suffering from a ‘situational adjustment of adolescence’” or perhaps as “anxiety neurotic.” Health professionals know only too well that knowing people’s blood pressure, height, weight, and cholesterol levels doesn’t mean you understand them entirely. These numbers serve as markers, but the challenge is to understand an individual’s world of experience that may have played a role in producing such measurements.

Thus, we may violate people’s human rights by placing them and their multiple ways of experiencing and acting as a being-in-the-world (Heidegger, 1959), devoid of environmental-social context, into a theoretic system’s framework, whatever sanction that system might receive from the academic, professional community. People do not engage with each other solely as “schedules of reinforcement,” like Pavlov’s dogs or Skinnerian rats, shaping one another’s behavior through sophisticated processes of rewards and punishments. People can love one another with all the mysteries and intangibles such profound interconnectedness involves. The problem, however, may be that it is easier to discern such concrete entities as easily distinguishable rewards and punishments than to reflect on and try to understand the lived world of the experiencing, loving person.

What we need is a humanistic approach that is phenomenon bound rather than systems bound. This approach is discussed in more depth in Chapter 5, in the context of integrating research methodology into the helping and health professions in a human rights framework. For the time being, it is important to acknowledge that human rights do indeed emerge from this tradition, the human being constantly struggling to be seen as a potentiality with the ability to transcend any straightjacket of categorization or prejudice based, for example, on gender, class, race, national origin, or religion. Is that not what discrimination is, seeing a person as an actuality rather than as a possibility who is more than a score, a diagnosis, or a stereotyped character trait of his or her group? We may sum up the history of the idea of human rights by saying it

represents a struggle of the human race to transcend any actuality thrust upon it, to proclaim loudly that people are human beings, *more than just* numbers, diagnoses, subjects of a schedule of reinforcement, wage slaves, second-class citizens, or poor defenseless persons who must be helped by those who have no understanding of the indignity of their favors and handouts. Undeniably, this concept has a lot to do with the human need for self-actualization, which, as Abraham Maslow (1987), a major architect of the humanistic movement, asserts, is intimately intertwined with human dignity.

Human Rights Documents as Historical-Philosophical Compromises

Human rights documents are really historical-philosophical compromises in response to violence, in which human development is thwarted. These documents are indeed teaching tools (recall that *docere* means “to teach”), representing choices, kinds of constitutions, that reflect the wisdom of many members of the global community, most often governments, ideally with input from the “will of the people,” a phrase found in every state constitution in the United States (Wronka, 1998b). Indeed, some human rights documents are called conventions or covenants, whose Latin root, *convenire* means “to meet, to come together.” But in some cultures, such documents, which ultimately crystallize values into legally mandated rights, are not written down, for example, indigenous cultures in which sharing was traditionally highly valued, as in the Inupiat Ilitqusiat movement in the Arctic region of Alaska. Other handed-down values were knowledge of language, sharing, respect for elders, love for children, hard work, knowledge of one’s family tree, avoidance of conflict, respect for nature, spirituality, humor, family roles, successful hunting, domestic skills, humility, and responsibility to the tribe (Wronka, 1993). Ultimately, human rights documents are variations of a theme, representing choices in response to broadly defined violence. The Inupiaq value of sharing reflects the need for communal responsibility in a harsh environment; the U.S. Bill of Rights’ emphasis on freedom of religion reflects the colonists’ terror from the religious wars in Europe.

It would be a mistake, however, to view the history of human rights as merely a struggle between the forces of good and evil. The world is more complicated. Such a Hobson’s choice⁴ may be tempting, but it could easily result in a kind of evil imaging of the Other, which is hardly a productive way to engage in positive social action and service. Such a dichotomy could also result in a holier-than-thou attitude on the part of the human rights defender or social justice advocate. The helping and health professions may be prone to such self-righteous attitudes. The helper, for example, may feel

more self-actualized than thou, better psychoanalyzed than thou, more in touch with feelings than thou, more able to empower than thou, healthier than thou, or more organic than thou.

Indeed, a little humility might help. Historically, human rights defenders have had their share of issues. An obvious case is the beheading of an early feminist activist, Olympe de Gouges (Healy, 2001), by those supposedly concerned about human rights. Concerned that the French Declaration of the Rights of Man and Citizen, drafted soon after the French Revolution, was limited by excluding half of the human race—that is, women—she drew up a document on the Rights of Women. For her heresy, she faced the



Figure 2.1 Olympe de Gouges, author of the French Declaration on the Rights of Women and the Female Citizen, facing the guillotine.

Source: Wikimedia Commons/*Exécution d'Olympe de Gouges*; *Description:* Lavis; *Artist:* Mettais; *Year:* 1793. Public domain.

guillotine. Thus, the history of the idea of human rights involves a struggle, yes, but not necessarily between the forces of good and evil. Rather, to paraphrase Zorba, it is a story of the people's agony in making sense of their lives as they deal with the basic ontological question: What does life mean in the face of death? Shall we, asked Shakespeare, "suffer the slings and arrows of outrageous fortune" or rise against them? The story of human rights is about the struggle of the human race to ascend to the heights rather than cave in to circumstance. Indeed, human rights documents have emerged as guiding lights in a world of darkness.

The Human Rights Triptych

To get a further sense of this journey, it is now necessary to examine what René Cassin sometimes referred to as the "true father of human rights" (Szabo, 1982, p. 23), the *human rights triptych*. This triptych is akin to works of artists such as Peter Breughel and Hieronymus Bosch, in particular the latter's *Garden of Earthly Delights*, in which the central panel depicts the main theme, the descent of humanity; the right panel depicts the seven deadly sins; and the left, the Garden of Eden. The side panels elaborate on the essence of the main theme. In the human rights triptych (see Table 2.1), the central panel, the most important in understanding human rights, is the Universal Declaration of Human Rights, whose five crucial concepts are discussed in Chapter 1. (Included here also is the UN Charter, which preceded the Universal Declaration but has emerged as an extremely powerful voice in world affairs, especially because of its status as a treaty. It is important for the social activist to have some awareness of the Charter's major principles as well.) On the right side are the guiding principles, declarations, and covenants that followed it; on the left are the means of its implementation, which consist largely of filing reports pertaining to human rights committees, and world conferences. Both side panels embellish the essence of the Universal Declaration.

The following are nine major human rights instruments that came after the Universal Declaration, along with their acronyms and the dates they entered into force (that is, became law in the international community): (a) the International Covenant on Civil and Political Rights (ICCPR, 1976); (b) the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976); (c) the Convention on the Rights of the Child (CRC, 1990); (d) the Convention on the Elimination of Discrimination Against Women (CEDAW, 1981); (e) the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT, 1987); (f) the International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1969); (g) the Convention on Migrant Workers

Table 2.1 The Human Rights Triptych

<i>Implementation</i>	<i>The Authoritative Definition of Human Rights Standards</i>	<i>Documents Following the Universal Declaration</i>
1. Thematic and country-based reports for charter-based concerns	1. The United Nations Charter, which has the status of treaty	1. Nine major human rights conventions having the status of treaty
2. Dialogue with the human rights monitoring committees of major human rights conventions consisting of:	2. The Universal Declaration of Human Rights (UDHR)—the authoritative definition of human rights standards, increasingly referred to as customary international law and consisting of five crucial notions:	a. The International Covenant on Civil and Political Rights (ICCPR)
a. the filing of reports	a. human dignity	b. The International Covenant on Economic, Social and Cultural Rights (ICESCR)
b. the response of the human rights monitoring committee	b. nondiscrimination	c. The Convention on the Rights of the Child (CRC)
c. the informing of the appropriate governmental bodies of the positive aspects and concerns of the committee	c. civil and political rights	d. The Convention on the Elimination of Discrimination Against Women (CEDAW)
	d. economic, social, and cultural rights	e. The Convention Against Torture (CAT)
	e. solidarity rights	f. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
3. World conferences and action plans		g. The Convention on Migrant Workers and Their Families (CMW)
4. The Universal Periodic Review		h. International Convention on the Rights of Persons with Disabilities (CRPD)
		i. International Convention on Enforced Disappearances (CED)
		2. Other human rights protocols and documents, such as the Genocide Convention and the Draft Declaration on the Rights of Indigenous Peoples

(CMW, 2003); (h) the Convention on the Rights of People with Disabilities (CRPD, 2006); and (i) the Convention on Enforced Disappearances (CED, 2010). These conventions have the status of treaty, and, when ratified, according to Article 6 of the U.S. Constitution, the Supremacy Clause, they must be considered “Supreme Law of the Land” and “judges bound thereby” (Weissbrodt, Fitzpatrick, & Newman, 2001). As of 2015, the United States has ratified the ICCPR, CAT, and CERD, but still with the caveat that they be “non-self-executing”—that is, nonenforceable in U.S. courts (Buergethal et al., 2002). Given this notion of “non-self-executing,” the argument could easily be made that the United States has ratified none of these conventions. One hopes human rights defenders will one day succeed in removing this shameful caveat. Ratification ultimately should be more than a mere symbolic gesture, even though U.S. ratification at this time may still provide fodder for social action vis-à-vis human rights reports soon to be discussed.⁵ Symbols can move people, but legally binding documents buttressed by the will of the people are preferable.

Occasionally, optional protocols are added, generally to address issues that governments felt needed further articulation but were dealt with only briefly, if at all, in the document. Examples are the Optional Protocol to the ICCPR Aiming at Abolition of the Death Penalty (1991), the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (2000), and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000).⁶

Generally, documents in the right panel of the triptych elaborate on rights the Universal Declaration only touches on. Thus, whereas the Universal Declaration may say simply, “Motherhood and childhood are entitled to special care and assistance” (Article 25), CEDAW and CRC establish what this special care and assistance means. For example, CEDAW states that this special care and assistance means governments ought to “encourage the provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities” (Article 11). They should also ensure “to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation” (Article 12). Examples in CRC are the right of the child to “be registered immediately after birth . . . and the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents” (Article 7); to “assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting

the child, the views of the child being given due weight in accordance with the age and maturity of the child” (Article 12); and “the establishment of social programmes to provide necessary support for the child and for those who have the care of the child” (Article 19).

The left panel, undoubtedly the weakest part of the triptych with its emphasis on implementation, consists primarily of charter- and treaty-based approaches to implementing human rights principles. The former primarily consist of the appointment of special rapporteurs to examine and report on a particular theme and/or country that gained prominence in the global community. Such themes include racism and xenophobia (1993); violence against women (1994); extreme poverty (1998); the right to food (2000); the situation of Indigenous Peoples (2001); the highest attainable standard of physical and mental health (2004); torture and other cruel, inhuman, or degrading treatment or punishment (2006); economic reform policies and the foreign debt (2008); cultural rights (2009); democracy and an equitable order (2012); and contemporary forms of slavery (2014). The latter, treaty-based mechanisms involve a human rights monitoring committee that examines, with a spirit of creative dialogue, a country’s progress vis-à-vis each article of the nine major conventions. Such implementation mechanisms can be extremely powerful tools for creating awareness of human rights principles and, ideally, a collective change of character for entire nations. One example is the plethora of laws and policies that have arisen in roughly the last decade to combat violence against women, not long after the special rapporteur’s report on violence against women.

There are also world conferences, often under the auspices of the United Nations but in concert with numerous NGOs, that have become a powerful force governments must reckon with. Some examples are conferences, with their attendant action plans, on overpopulation in Cairo (1993), women in Beijing (1995), food in Rome (1997), racism in Durban (2001), sustainability in Johannesburg (2002), the information society in Tunisia (2005), International Water Summit in Abu Dhabi (2013), World Conference on Indigenous Peoples in New York (2014), and the World Climate Summit in Paris (2015). Implementation mechanisms are discussed later in this chapter.

This introduction to the human rights triptych gives you perspective for examining the history of the human rights concept, which has emerged in the public consciousness and remains a powerful force not only in world affairs but also in our professional and everyday lives.

The full history of human rights is beyond the scope of this book. This sketch, however, highlights some of the major developments. Although the term *human rights* was formally legitimated by the United Nations only in

1945, the concept is actually a legacy of centuries of struggle for survival of the human species against its own vulnerabilities in a sometimes inhospitable environment.⁷

Antiquity

Given that human dignity and the fulfillment of human need are at the core of human rights, one could easily say human rights began somewhere along the Tigris and Euphrates Rivers, where human civilization purportedly began. The first time one person acted decently toward another human in distress—that is, acted dutifully in ways that fulfilled human need and dignity—human rights began. Many cultures did not codify such obligations in texts, but this section arbitrarily begins with the Code of Hammurabi, which is a representative long-established ethical and legal system.

In this code, King Hammurabi (1795–1750 BC) proclaimed groups of laws that people could readily understand in relation to their communal obligations. It had a prayerful format, beginning and ending with incantations to the gods. Close to 300 laws or codes of ethical conduct included numerous admonitions against, for example, false witness, failure to pay debt, physical violence toward one's parents and others, and willful poor construction of an abode. Such infractions were to be met with death or a punishment equal to the crime. For example, if a person stole, he would be put to death (Code 22); if a son struck his father, his hands would be cut off (Code 195); and if a man put out the eye of another man, his eye would also be put out (Code 196). The code also had an air of superstition. The accused, for example, were allowed to throw themselves into the Euphrates, and if the current bore them to the shore alive, they were declared innocent (Horne, 2006). Apparently, swimming was unknown at the time.

Certainly, the harshness of the Code of Hammurabi in no way represents the Universal Declaration's call for peace, tolerance, and friendship. Yet its relatively succinct statement of laws that were understandable to the educated layperson as a means of illustrating how people ought to act toward one another may have paved the way toward precursors to the Declaration, which also succinctly stated codes of conduct in educated layperson's language.

One can see the possible influence of that code in Judaism; Exodus 21:23 says, "Life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound." Meting out justice in such a retaliatory fashion is now largely discredited. The death penalty, for one, can easily lead to a culture of violence, especially when an innocent person is executed. Legal costs to prosecute someone in capital punishment cases can

be roughly four times higher than prosecution in non-death penalty cases. Sanctioning such punishment may even lead some to view the act of murder as an action in the service of a noble cause and execution a means to their own immortalization.

The Judaic code, however, is most noteworthy for its notion of duties toward one another: "When you come upon your enemy's ox or ass going astray, see to it that it is returned to him. When you notice the ass of one who hates you lying prostrate under its burden, by no means desert him; help him, rather, to raise it up" (Exodus 23:4–5). In fact, this notion of duties is fundamental to human rights discourse. To reemphasize, the right to health care means eating foods that are nutritious, not overconsuming, and exercising. However, given the interdependency of rights, government must provide for the effective "social and international order" for the entitlement of such rights, such as the accessibility of parks for walking, swimming pools, bike paths from Maine to the Aleutians, as well as meaningful and gainful employment (also a predictor of longevity) to be able to afford foods that are nutritious and culturally acceptable (Eide, 1987).

The first crucial notion, then, is that of human dignity, with some of its religious/spiritual historical precedents part of this "Magna Carta for humanity," as Mrs. Roosevelt called the Universal Declaration. The preponderance of the Judeo-Christian-Islamic tradition appears to have paved the way for this first crucial notion of human dignity. Judaism proclaims, for example, in Genesis 1:27, that "God created man in His image. In the image of God He created him." Christianity also accepts the dignity of the person, adding in John 1:1–4, "In the beginning was the Word, and the Word was with God; He was in the beginning with God. All things were made through Him, and without Him was made nothing that has been made. In Him was life and the life was the light of men." The Koran also states succinctly in Sura 17:70, "Verily we have honored every human being."

If all humans have dignity, it goes without saying that nondiscrimination is also fundamental to these three major religions. Although it is not within the scope of this section to discuss all further references to human dignity and nondiscrimination in scripture, one can also see these notions perhaps originating in Genesis 5:1–2: "When God created man, He made him in the likeness of God. Male and female He created them, and He blessed them and called them Man when they were created." Proverbs 22:2 states that "rich and poor have a common bond: The Lord is giver of all." Revered in most if not all major religious teachings, these fundamental human rights concepts are essential to the Universal Declaration and all its progeny. And certainly, if all humans are to be honored, human dignity and its corollary nondiscrimination for every person, everywhere ought to be continually invoked.

Continuing with this synopsis of my previous study (Wronka, 1998b), major precursors to notions of civil and political rights in antiquity appear in the works of major Greek writers such as Pericles (490–429 BC) and Sophocles (469–406 BC). In his famous oration on democracy, for example, Pericles spoke of being able to “serve the state . . . not hindered by the obscurity of his condition” (Kagan, 1965, p. 125). The right to expression and civil disobedience was expressed in Sophocles’s *Antigone*, whose protagonist, in opposition to official decree, followed her conscience by burying her brother, Polynices (Palumbo, 1982). Also expressed in these ancient sources is the notion of hospitality toward beggars, who are “under Zeus’ care” (Lloyd-Jones, 1971, p. 30). To be sure, the Greeks owned slaves, who may have outnumbered freemen (Curtis, 1981), and women had very few rights, illustrating the perennial problem of the gap between words and action that exists to this day.

After conquering Greece, the Romans largely built on the foundations of Greek ethical systems. A major development was the growing popularity of Stoicism, to which the sage Cicero was a convert (Higgenbotham, 1967). Regarding its emphasis on the brotherhood of Man (finding its way into Article 1 of the Universal Declaration), Cicero expounded that “nature . . . unites man with man and joins them in bonds of speech and common life” and called for international binding principles that “ordain that no one is justified in harming another for his own advantage” (Higgenbotham, 1967, pp. 43, 144). Another influential thinker was Marcus Aurelius, whose *Meditations* paved the way for the notion of duties into human rights discourse: “What need for guesswork when the way of duty lies there before you” (Aurelius, 1984, p. 156). He also said most eloquently, “Put your whole heart into doing what is just . . . know the joy of life by piling good deed on good deed until no rift or cranny appears between them” (p. 186), and, finally, “Neither can I be angry with my brother or fall foul of him; for he and I were born to work together, like a man’s two hands, feet, or eyelids . . . to obstruct each other is against nature’s law” (p. 35).

In a nutshell, Aurelius’s words speak to the essence of what it means to live in a socially just world. It may also be said, finally, that Marcus Aurelius’s teachings exemplify a generalist model, or what in social work is more formally called an advanced generalist practice model; he was a social change advocate interested in world citizenship, an administrator as emperor of Rome, and a counselor and sage. The psychologist/ethicist Lawrence Kohlberg praised Aurelius’s extremely high, if not impeccable, ethical standards as Roman Emperor—an administrator always aware of the needs of his employees, constituents, and even enemies. He was a

precursor to the rational-emotive psychotherapy movement (Moss, 2001), which always acknowledges the importance of a person's reaction to difficult circumstance.

The Middle Ages

The most influential precursors to the Universal Declaration during the Middle Ages were the thinkers St. Augustine (354–430), St. Thomas Aquinas (1225–1274), and John of Salisbury (1120–1180). Augustine's classic work *City of God* laid the foundation for the inclusion of solidarity rights into the Universal Declaration. It notes, for instance, that people who take over a ship are called pirates. But should they take over a fleet, they are admirals. A case in point is the slaughter of millions of Indigenous People; presidents and governments do not "occupy" but rather "manage" the lands that were actually stolen. It is no wonder there is an outcry for self-determination today.

Aquinas's *Summa Theologica* reiterated the principle of human dignity. But he also added the "power of man . . . to participate intellectually and actively in the rational order of the universe" (D'Entrevies, 1959, p. 21). In fact, through reason, humans can comprehend the "divine" nature of things, an indispensable expression of the dignity of the human person (Ebenstein, 1960). John of Salisbury again emphasized the common good, comparing humankind to the body: "The eyes, ears and tongue . . . claimed by judges . . . soldiers correspond to the hands . . . husbandmen correspond to the feet" (Ebenstein, 1960, p. 200).

Undeniably, the most significant document of this period was the Magna Carta, drawn up by the barons at Runnymede in 1215 in response to the abuses of King John. This document may have also been a legacy of the *Assizes of Jerusalem* (1099), drafted during the Crusades, in which the barons subordinated the power of the king in that holy city to themselves. Many of those surrounding King John at Runnymede had already seen terrible bloodshed during the Crusades and wanted an end to violence. They could have easily killed King John and his small entourage. But instead, they drew up a document that has stood the test of time as a testimonial to the efficacy of the power of nonviolence, which Gandhi and Martin Luther King Jr. later referred to as "soul force." The document itself is replete with references to the rights incorporated into the Universal Declaration. Clause 30 of the Magna Carta, for example, states, "No person shall take the horses or carts of any free man." There is an obvious correspondence here with Article 12 of the Universal Declaration: "No one shall arbitrarily be

deprived of his property” and, for that matter, his “standard of living,” as asserted in Article 25. The safety of family life was also important in the Magna Carta, just as it is in the Universal Declaration. Clause 8 states that “no widow shall be disdained to marry herself, while she is living without a husband.” And in the Universal Declaration, Article 16 declares the right to enter into marriage “with free and full consent” and “protection” of the family by society and the state.

The Renaissance

Gutenberg’s invention of the printing press (1450), and Columbus’s landing in what has become known as the Americas (1492), helped spread the notion that some humans were merely property, as was the case with African slaves, as well as provoked debates about whether Indigenous Peoples were themselves animals (Zinn, 1990). The printing press was used largely to spread viewpoints of elites, leading to untold misery in slave ships and the massacre of millions of Indigenous Peoples. But such mistreatment has finally created some backlash, fueling a present-day *Cry of the Oppressed* (Drinan, 1987) that *never again* should such pogroms occur. Much of the art of the Renaissance period also reinforced Eurocentrism. Thus, the beauty of the smile of Da Vinci’s *Mona Lisa* or the steadfast grace, sensuality, and poise of Michelangelo’s *David* were qualities attributed to one group, an attitude still alive today, as evidenced by the gross global maldistribution of wealth between the North and South, as well as between white and nonwhite cultures.

Four major social theorists of the time addressed major human rights issues: Petrarch (1304–1374), Giovanni Pico (1463–1494), Desiderius Erasmus (1466–1536), and Martin Luther (1483–1546). Petrarch emphasized that education ought to have a “sober use”—to educate the moral and upstanding person rather than serve as merely a “glittering shackle” (Jones, 1952, p. 564). Pico, in his *Discourse on the Dignity of Man*, spoke of humans as “worthy of all admiration” (Jones, 1952, p. 565). Erasmus was extremely concerned with the corrupting influence of power, asserting that for the ruler “every effort must be directed toward providing him with a proper education” (Gilmore, 1952, pp. 129–130). His well-known *Praise of Folly* attempted to expose the snobbishness, vanity, and immorality of many of the scholastic works of the time, calling for a nonelitist approach to learning scripture. He believed one needn’t have scholastic degrees to practice virtues such as love and humility, major aspects of the Judeo-Christian-Islamic heritage. Folly was at times necessary to nourish the soul. Martin

Luther called for freedom of conscience in religious matters. According to him, faith could not be forced on anyone. These notions of human dignity, as the legacies of these thinkers, are obvious in Eleanor Roosevelt's call for a document not for the doctors of jurisprudence but for the educated layperson, educational systems that teach tolerance and appeal to one's conscience in matters of religion.

An extremely influential document of the time was *The Vindiciae Contra Tyrannos* (*Defense of Liberty Against Tyrants*), written in 1579 under the pseudonym Stephen Junius. The document was actually a mass of precepts published by French Huguenots, many later murdered and others forced into exile. It focused mainly on the problem of obedience to the state, emphasizing the priority of individual conscience. Its precepts included "the whole body of the people is above the king" (Laski, 1925, p. 124); "subjects are the king's brethren and not his slaves" (p. 156); "the aims of justice are first that none be wronged, secondly, that good be done to all" (p. 225); and "justice requires that tyrants and destroyers of the commonwealth be compelled to reason; and that charity challenges the right of relieving and restoring the oppressed" (p. 229).

The *Vindiciae*, widely distributed thanks to the invention of the printing press, became a vehicle of bearing witness to the abuse of authority, urging others to respond to the dictates of their conscience that, among other things, arbitrary executions and exile should not be tolerated. Such principles are fundamental to human rights discourse.

The Age of Enlightenment

This period is perhaps best described by the motto *Sapere aude!*—that is, "Have the courage to use your own understanding" (Goldmann, 1973, p. 3), reflecting a growing disillusion with government and ecclesiastical authorities who engaged in various forms of religion- or class-based oppression. In the United States, it must first be said that the American Founding Fathers were influenced not only by European writers such as Locke, Rousseau, and Montesquieu, as well as ideas expressed in the Magna Carta and Greek and Roman thinkers, but also by the powerful, well-organized Haudenosaunee (Iroquois) and Kaianerekowa (Great Law of Peace). The Constitution's framers, therefore, adopted certain aspects of the Iroquois Confederacy, such as equal representation of nations (states), checks and balances, and the concepts of freedom, peace, and democracy (Mihesuah, 1996). Many of those concepts also eventually found their way into the Universal Declaration. Certainly, if the international community

paid more attention to indigenous knowledge, they might lessen the global maldistribution of wealth (Wronka, 2007), a violation of solidarity rights. As Sitting Bull (Tatanka Iyotanka, 1831–1890) of the Sioux Nation observed, “The White man knows how to produce goods, but not how to distribute them” (Safransky, 1990, p. 74).

John Locke’s (1632–1704) writings were extremely pervasive at that time. He wrote often of the rights to “life, liberty (freedom from arbitrary rule), and property” (Weston, 1989, p. 14) and had a major influence on Thomas Jefferson’s Declaration of Independence, although the latter dropped the word *property*, substituting “the pursuit of happiness.” However, although Locke advocated natural rights to not have to submit oneself to arbitrary rule, his writings lacked any notion of positive rights. In fact, Locke saw poverty as a result of moral failure rather than symptomatic of structural malaise (Cranston, 1961)—that is, social and international disorder.

Thomas Paine (1737–1809) appears to have provided an antidote to Locke’s thinking about moral weakness as a reason for poverty. In his *Rights of Man*, he argued that government has a duty to provide for progressive taxation, education for all, and full employment so that “the haunts of the wretched will be known . . . and the number of petty crimes, the offspring of distress and poverty, will be lessened . . . and the cause and apprehension of riots and tumults will cease” (Fast, 1946, pp. 255–256).

Francois Marie Voltaire (1694–1778) was a strong proponent of freedom of the press and religious thought. To him, “Every private individual who persecutes a man, his brother, because he is not of the same opinion, is a monster” (Laquer & Rubin, 1990, pp. 79–81). Jean Jacques Rousseau (1712–1778) and Gracchus Babeuf (1760–1797) differed from their French colleague in adding compassion for the lower classes in Europe. Rousseau, in his *Social Contract*, wrote that no citizen “shall ever be wealthy enough to buy another and none poor enough to be forced to sell himself” (Ebenstein, 1960, p. 440). Babeuf, in his *Manifesto of Equals*, asserted, “We demand the communal enjoyments of the fruits of the earth: the fruits are for all” (Harrington, 1972, p. 24).

Major documents during this time were the Declaration of Independence (1776), the U.S. Constitution (1789), and the Bill of Rights (1791). Whereas the Declaration of Independence speaks of the equality of man, not only did it not recognize women, but it blatantly referred to Indigenous Peoples in the Americas as “Indian savages,” revealing once again the hypocrisy of government, if not the frailty of the human condition. Revelatory of the philosophical zeitgeist of the time, however, these documents were fundamental to negative freedoms found in the Universal Declaration. The French

Declaration of the Rights of Man and Citizen went beyond notions such as freedom of thought and conscience to more definitively assert economic rights, as in Article 6:

The law should be the same for all, whether it protects or punishes; and all being equal in its sight, are equally eligible to all honors, places and *employments* according to their different abilities, without any other distinction than that of their virtues and talents. (italics added)

In spite of the beheading of Olympe de Gouges (1745–1793), her Declaration of the Rights of Women and the Female Citizen may have had an influence at that time, however slight. Article I of that document states

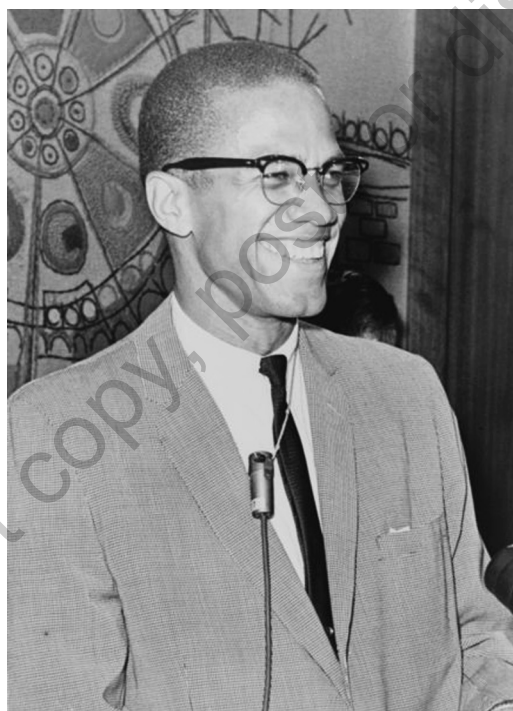


Figure 2.2 Malcolm X. Like Martin Luther King Jr., he felt that it was no longer about a civil rights struggle but a struggle for human rights. He urged oppressed peoples to use UN human rights bodies as a way of garnering the moral support of the world.

Source: Library of Congress. New York World-Telegram & Sun Collection. Public Domain. LC-USZ62-111166.

that “woman is born free and lives equal to man in her rights. Social distinctions can be based only on the common utility.”

The Age of Industrialization

A major characteristic of this epoch was the growing maldistribution of wealth, due in large measure to the rapid advancement of technology, which created limited ownership of capital and a depersonalized, if not dehumanized, workforce subject to the whims of their employers, generally the owners of capital. Perhaps the predominant theorist of this time was Karl Marx (1818–1883), who collaborated with Friedrich Engels (1820–1895) in writing the *Communist Manifesto*. Marx was aware that, by themselves, civil rights were merely the rights of “egoistic man” (Tucker, 1978, p. 42), and he viewed them as a façade of capitalism (Kolakowski, 1983). In the *Manifesto*, he advocated for a “heavy progressive or graduated income tax . . . equal obligation of all to work . . . free education for all in public schools . . . [and] abolition of child factory labor in its present form” (Ebenstein, 1960, pp. 702–703). Later, the famed Muslim African American leader Malcolm X referred to civil rights as a watering down of the true notion of human rights.

However, it was not only Marx, Engels, and later their follower Vladimir Ilyich Ulyanov (Lenin; 1870–1924) who were aware that civil, political, economic, social, cultural, and solidarity rights—that is, human rights—are interconnected with the need, expressed more recently by Malcolm X, for governments as well as an international authority to guarantee such rights. Papal encyclicals, such as Pope Leo XIII’s *Rerum Novarum* (*On the Condition of Labor*) (1891) and Pope Pius XI’s *Quadragesimo Anno* (*Reconstructing the Social Order*) (1931), have also advocated for such interconnectedness. *Rerum Novarum*, for example, states that

whenever the general interest of any particular class suffers, or is threatened with harm, which can in no other way be met or prevented, the public authority must step in to deal with it. Now, it is to the interest of the community, as well as of the individual, that peace and good order should be maintained. (Sec. 36)

Indeed, Saint John Paul II spoke of the “grain of truth in Marxism” (Kwitny, 1997).

Perhaps the major document of this time was the Soviet Constitution of 1936, a rather liberal document, written perhaps as an alternative to the economic system that led to the Depression in the United States. Its articles assert certain economic and social rights:

Article 118, the right to guaranteed employment; Article 119, the right to rest and leisure; Article 120, the right to maintenance in old age; and Article 122, that women are accorded equal rights with men. It is also replete with duties, such as those stated in Article 12: From each according to his ability, to each according to his work. (Chafee, 1952, pp. 911–916)

A major institutional development was the League of Nations, established at the Treaty of Versailles in 1919 in response to the horrors of World War I. The League later dissolved, largely over bickering about which country treated its own citizens or foreigners better. Yet it did set up a Minorities Protection System, create the International Labor Organization (ILO), and endorse the Geneva Declaration of the Rights of the Child (1925), legacies that remain, for example, in the Convention on the Rights of the Child. It is worthwhile to recall once again the hypocrisy of governments, as nation-states attempted to resolve disputes among themselves. Poland, for example, on September 13, 1934, after numerous complaints from minorities, asserted it would no longer comply with the League's minority protection system. Germany withdrew from the League on October 14, 1933, refusing to acknowledge mistreatment of its own citizens while lambasting Poland for its alleged abuse of Germans in the Polish Corridor.

After the collapse of the League and the ensuing devastations of World War II, numerous conferences were held: the London Declaration, 1941; Atlantic Charter, 1941; Moscow Declaration, 1943; Dumbarton Oaks, 1944; and Yalta, 1944. But only with the establishment of the United Nations at the San Francisco Conference in 1945 did nations begin to work formally through this new international institutional structure to acknowledge human rights violations in other countries while beginning to look at violations in their own. Confronting countries' double standards remains a challenge to this day. The phrase *human rights*, in fact, did not appear in the original UN Covenant and was later mentioned only in the UN Charter as "a passing reference" (Farer, 1989, p. 195).

Select Input Prior to the Endorsement of the Universal Declaration

Thanks largely to the 42 private organizations the United States brought in as consultants, a Human Rights Commission was specifically provided for in Article 68 of the UN Charter: "The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights" (Farer, 1989). The Commission had its first meeting on April 29,

1946, and listened to notables such as the author H. G. Wells. Previously, Wells had drawn up a draft “Declaration of the Rights of Man,” which was translated into 10 languages, dropped in microfilm to the Resistance in occupied Europe, and distributed worldwide to 300 editors in 48 countries. It was a definite forerunner to the Universal Declaration, urging, among other things, right to life, protection of minors, duties to the community, freedom of movement, and freedom from violence (Dillow, 1986).

Several articles concerned human dignity and nondiscrimination rights. South Africa felt that notions of human dignity in Article 1 might destroy the whole basis of the multiracial structure of South Africa. Regarding Article 2, Russia wanted a more definitive statement of nondiscrimination by “class” rather than by “property or other status,” which appeared in the final document (Department of Public Information, 1950). In regard to civil and political rights, it is noteworthy that the Soviet Union wanted a definitive statement in Article 3 (on the right to life, liberty, and security) on abolishing the death penalty and called public lynchings in the United States human rights violations. France, a U.S. ally, retorted that sentences in Soviet concentration camps were like slow death penalties, to which Russia responded that properly run camps led not to inmates’ death but rather to their reform. Regarding the notion of freedom of religion, thought, and conscience in Article 18, it is worth noting Russia saw many religious practices as leading to religious fanaticism, such as savage mortification and sacrifices of humans. Saudi Arabia was also concerned that missionaries had often abused the right to freedom of religion as a pretext for political intervention. Some Muslim countries also expressed much concern about the “freedom to change one’s belief,” which is forbidden by the Koran. Greece expressed concern that freedom to manifest religion might lead to unfair practices of proselytizing. In regard to freedom of speech in Article 19, the Soviet Union opposed freedom of speech for the propagation of aggression, accusing the American press of encouraging a war psychosis. In regard to freedom of assembly in Article 20, the Soviet Union wanted all antidemocratic gatherings to be forbidden by law so that the “monster of fascism” would not rise again. Haiti also felt that evildoers could easily justify their activities under this article (Department of Public Information, 1950).

Nations also responded to articles concerning economic and social rights. Commenting on Article 23 regarding the right to work, the Soviet Union described unemployment as one of the great misfortunes of the working class, a misfortune that cannot occur in the Soviet Union’s socialist economy. All states agreed that every person had the right to work but disagreed over the extent of the state’s responsibility to make that happen and whether joining a trade union should be obligatory. The right to rest and leisure in Article 24

was largely supported, although some states did not want to make it appear that such a right implied laziness. The United Kingdom wanted a definitive statement on the right to periodic holidays with pay. Concerning Article 25 on rights pertaining to a standard of living adequate for the well-being of the family, Yugoslavia urged inclusion of the equality of legitimate and illegitimate children. The United States also favored a guaranteed minimum standard of living and seemed to support the Soviet Union's notion of social insurance being provided at the expense of the state and/or the employer. In regard to the right to education, Article 26, major issues arose over the right for a parent to choose children's education, to avoid replicating the compulsory indoctrination in Nazi Germany, where children were forced to join the Hitler Youth Movement. The right to participate in the cultural life of the community (Article 27) was added following the lead of Mexico, which asserted that progress is possible through not only intellectual but also cultural life (Department of Public Information, 1950).

Duties and solidarity rights covered in other articles were also debated. The Soviet Union felt that as long as private ownership of the means of production existed, the social order mentioned in Article 28 would never be a good one. Australia believed endorsing the article did not imply an endorsement of capitalism. Cuba and India also urged definitive statements of duties to the community. But Belgium reminded the committee that mankind had yet to improve on the Ten Commandments, the cornerstone of which was "Thou shalt love thy neighbor as thyself" (Department of Public Information, 1950). Of the 56 member states of the UN at that time, on December 10, 1948, the General Assembly endorsed the Universal Declaration of Human Rights with no dissenting vote. There were eight abstentions: Byelorussia, Czechoslovakia, Poland, Ukraine, Soviet Union, Yugoslavia, Saudi Arabia, and South Africa. In brief, members of the Soviet bloc were concerned that there was insufficient stress on economic, social, and cultural rights; Saudi Arabia felt that the freedom to change one's religion was inimical to Islam; and South Africa felt members of the committee were insensitive to the plight of foreigners living in a foreign land. (United Nations, 1948–1949).

With this more in-depth understanding of some of the religious, historical, and philosophical antecedents to the Universal Declaration, it is now possible to move toward an understanding of the fundamental tenets of the major conventions following it (the right panel of the triptych). These conventions, of course, have their own history, beyond the scope of this text. The conventions on civil and political and economic, social, and cultural rights reflected deep divisions at that time (the Cold War) between the United States and its allies and the Soviet Bloc: The former generally preferred civil and political liberties, whereas the latter preferred economic, social, and cultural rights.

But these documents also arose from a general feeling among the global community that the needs of particular groups, manifested in human rights discourse, should be further addressed. The blind spot toward massive global discrimination against women, children, and people of color, for example, led to human rights documents for these respective groups. But here, too, blind spots persisted. For example, in the nine major conventions following the Universal Declaration, *indigenous* is used once, in Article 17 of the (CRC), asserting that states “should encourage the mass media to have particular regard to the linguistic needs of the child . . . who is indigenous” and briefly in the Preamble to the Convention on the Rights of People with Disabilities. No wonder Indigenous Peoples recently presented a Draft Declaration on the Rights of Indigenous People to the General Assembly calling attention to, among other things, the need to strengthen the “distinctive spiritual and material relationship with lands, waters, seas and other resources . . . [which shall include] . . . sea ice, flora, fauna” (Article 25) and the “right to traditional medicines and health practices” (Article 24). A blind spot, indeed! This declaration is discussed in more depth later in this chapter. A major criticism of this emphasis on particular groups is that it sets one group against another, a divide-and-conquer strategy. Yet acknowledging the interdependence of rights and our global interconnectedness, these progeny of the Universal Declaration taken together have much potential to construct a socially just world.

Select Major International Human Rights Initiatives

The remainder of this chapter discusses and summarizes, in tabular form, the core principles of some of the major progeny of the Universal Declaration, chosen somewhat arbitrarily but nevertheless of paramount importance: the UN Charter, six major relatively long-standing human rights conventions, the Genocide Convention, and the Draft Declaration on Indigenous Peoples. Although the UN Charter came before the Universal Declaration, it is included here because it has the status of treaty, as do the nine major human rights conventions mentioned earlier and the Genocide Convention. It is important to stress that when ratified, these documents, at least in the United States, ought to be considered the “law of the land,” according to the Supremacy Clause, Article VI, Sec. 2, of the U.S. Constitution.

The Genocide Convention is not generally considered a “major” human rights convention, primarily because it does not have ongoing monitoring committees, to be discussed later in this chapter. But it is included here

because many of the conflicts in the world today are *intranational killings* among different groups, often living in the same nation (the term *genocide* comes from the Latin *caedere*, “to cut down, to kill” and *genus*, “race, stock, family, kind”). It is an extremely important human rights document, which the United States ratified in 1988 and, therefore, must abide by. We, the people, must know about this document to ensure that our government, or any government for that matter, recognizes genocide when it occurs and implements the means to stop it. Unfortunately, this was not the case in Rwanda, when the governments of the world looked askance during the Rwandan massacres. President Clinton was reluctant to get involved then. Yet with growing pressure former president Bush referred to the pogroms in Darfur as genocide, entailing governmental obligations and international accountability. One hundred years after the killing of 1 million Armenians by the Ottoman Turks, President Obama has refused to call that action a genocide as doing so would create international obligations. Similarly, he has not declared the war against nonbelievers, primarily Christians by the extremist group ISIS, as genocide, even after the massive killings of at least 129 innocents in Paris in November 2015, apparently for similar reasons.

The Declaration on Indigenous Peoples, although presently not a treaty, is also included in this discussion, given its extreme importance to populations traditionally disregarded and a substantive achievement of the relatively recent Human Rights Council. These populations often live in environmentally threatened areas and increasingly bear the burdens these threats pose, such as the loss of traditional cultural practices of a subsistence lifestyle of hunting and fishing, the use of traditional medicines in healing, and communal helping practices in general (Katz, 1982). There are also the Final Draft of the Guiding Principles to Eradicate Extreme Poverty and the Convention on People with Disabilities. The former document is timely considering the world may have broken its “spell” on being dulled to the chasm of wealth between the world’s rich and poor, given a recent UN push to examine this issue; the latter is timely given high unemployment rates among persons with disabilities, let alone high violence like rape, and inability to obtain legal recourse.

In creating the tables in this chapter, which assess the core principles and essential themes of the documents under discussion, I have attempted to keep the original wording, including such technical terms as *self-government* and *self-determination* and, at times, legalese like *nonrefoulement*. These nine tables, then, summarize for an educated layperson the documents’ major principles that should be readily understandable to the general public. The article numbers in parentheses after the principles indicate where one can find them discussed in the documents. Given that these documents tend

to be rather lengthy, at times 10 pages or more, these synopses can make major human rights principles accessible to more people and make them aware of how their government complies with them. I omitted the lengthy organizational procedures in some documents, such as reporting qualifications for membership in monitoring committees and the like.

My essential aim is to relay for the educated layperson principles based on the five core human rights concepts of the Universal Declaration—human dignity, nondiscrimination, negative rights, positive rights, and solidarity rights. It would be worthwhile, as you read them, to think about how to make these principles a reality in the nation and the world (the macro); in local communities and workplaces (the mezzo); and in clinical practices and everyday life (the micro), points elaborated on with select examples in Part II. What are the implications for the helping and health professional, for example, of CEDAW's call for states to engage in the "encouragement of the provision of necessary social services to enable parents to combine family obligations with work responsibilities and participation in public life in particular through the development of child-care facilities"? Should helping professionals, as administrators, help employees juggle family with work life? Or is the UN Charter's call for a "due respect for the culture of peoples" not so much a state obligation as the obligation of helping and health professionals to respect the cultures of workers and clients, as they work collaboratively toward individual transformation and social change to create a socially just world? Also, phrases such as "self-determination," "respect for culture," "the elimination of stereotyped concepts of men's and women's abilities," "the promotion of understanding, tolerance, and friendship," "right to due process," "freedom of conscience and thought," "right to self-help groups," and "the treatment with humanity and respect for the inherent dignity of the human person" are integral to these documents. The challenge for helping and health professionals, or for any educated layperson, is to implement such concepts in the mutual struggle for social justice.

Occasionally, there is also some commentary, usually around issues of ratification of the document. Later chapters examine other documents pertaining to medical ethics and protections of persons with mental illness that have more specific implications for the helping and health professions. Client empowerment and cultural, racial, and gender biases integral to the helping and health professions are just a few topics more specific human rights documents entertain. Yet the documents discussed in this chapter certainly provide a catalog of guiding principles in service of social justice. One may intuitively sense that no person should be homeless, lacking in health care, or insecure in old age, but these documents legitimize, if not enshrine, social justice concerns in the language of human rights, a powerful idea whose time has come.

Select Core Principles of Some Major Human Rights Documents

The UN Charter

The United Nations Charter (see Table 2.2) entered into force⁸ in 1945. This Charter, like the nine major conventions following it, has the status of law, by which the United States is bound, according to the Constitution's Supremacy Clause. The United States has ratified three conventions with monitoring committees that followed the Charter—ICCPR, CERD, and CAT; CEDAW, CESC, CRC, and the CPD were signed by the United States and are being considered for ratification in its legislative framework. The United States has not yet ratified the CMW and the CED. Finally, the Genocide

Table 2.2 Select Core Principles of the United Nations Charter

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
The maintenance of peace and security (1)	This shall take effective collective measures for the prevention and removal of threats of peace and to bring about by peaceful means, in conformity with principles of justice and international law, the settlement of international disputes.
The development of friendly relations among nations (1)	This shall be based on respect for the principle of equal rights and self-determination of peoples.
International cooperation in solving international problems of an economic, social, cultural, or humanitarian character (1, 55)	This shall be done by promoting respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.
The promotion of full employment (55)	This shall include the promotion of higher standards of living and the development of conditions of economic and social progress.
A due respect for the culture of peoples (73)	This shall include their political, economic, social, scientific, and educational advancement; their just treatment; their protection against abuses; and the encouragement of research to enhance development.
The development of self-government (73)	This shall take into account the political aspirations of the peoples and the progressive development of free political institutions.

Convention, the Draft Declaration on Indigenous Peoples, and the Final Draft of Guiding Principles to Eradicate Extreme Poverty are very important and timely human rights initiatives.

Questions to ask in relation to the UN Charter are whether the United States⁹ promotes the development of friendly relations among nations and full employment, engages in international cooperation, and has due respect for the culture of different peoples. Ultimately, these questions must be translated into social actions, to eradicate gaps between a country's words and actions.

Conventions With Monitoring Committees That the United States Has Ratified

The International Covenant on Civil and Political Rights (ICCPR; see Table 2.3) entered into force in 1976.

Table 2.3 Select Core Principles of the International Covenant on Civil and Political Rights (ICCPR)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
The right to self-determination (1, 27)	The right of people to freely determine their political status; freely pursue their economic, social, and cultural development; and dispose of their natural wealth based on the principle of mutual benefit; persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right to enjoy their own culture or to use their own language.
The obligation of states to take necessary steps to realize civil and political rights through legislative and other means (2–5)	States must provide effective remedies by competent authorities if rights are violated; there shall be nondiscrimination of all people in regard to the law, in particular the equality of men and women.
The right to life (6–7)	No one shall arbitrarily be deprived of the right to life; those sentenced to death shall have the right to seek pardon; no person who committed a crime younger than age 18 or a pregnant woman shall be given the death penalty; no one shall be subjected to torture or cruel and unusual punishment; medical experimentation shall require free consent.
The prohibition of slavery (5)	The slave trade in all its forms and forced or compulsory labor are prohibited.

The ICCPR has two optional protocols. The first, entering into force in 1976, relates to receiving individual complaints concerning human rights violations, and the other, adopted by the General Assembly in 1989, deals with the abolishment of the death penalty. The United States has ratified neither. As with CERD (see Table 2.4), the United States has expressed

Table 2.4 Select Core Principles of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Definition of racial discrimination (1, 5)	Exclusion based on race, color, descent, and national or ethnic origin having the effect of nullifying the recognition on equal footing of human rights in the political, economic, social, cultural, or any other field of public life.
Special measures to secure advancement shall not be construed as racial discrimination (1, 2)	When circumstances warrant, states shall take special and concrete measure to ensure the adequate development and protection of certain racial groups; after objectives have been achieved, such measures shall discontinue; measures must not lead to the maintenance of separate rights of different racial groups.
The condemnation of racial discrimination and apartheid and the promotion of understanding among all races (2–3)	States will not sponsor, defend, or support racial discrimination, taking effective measures to nullify any laws that have that effect; states will encourage, where appropriate, means of eliminating barriers among races and discourage anything strengthening racial division.
The condemnation of propaganda and organizations based on ideas or theories of superiority and the adoption of immediate and positive measures to eradicate all incitement to this end (4)	Public authorities shall not permit, promote, or incite racial discrimination; dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, acts of violence, and provision of assistance, including financing, shall be prohibited by law.
The equal enjoyment of civil and political rights (5)	The right of equal access to participate, vote, and stand for election; equal treatment before tribunals; rights to travel, nationality, marriage and choice of spouse, inheritance, freedom of thought, conscience, and religion, freedom of opinion and expression, peaceful assembly and association, and to own property alone and in association with others.

(Continued)

Table 2.4 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
The equal enjoyment of economic and social rights (5)	Rights to work, just and favorable conditions for work, protection against unemployment, equal pay for equal work, just remuneration, form and join trade unions, housing, public health, medical care, social security, social services, education and training, and equal participation in cultural activities.
Equal access to any place or service intended for use by the general public (5)	Examples of such places are transport, hotels, restaurants, cafes, theaters, and parks.
Rights to effective remedies, if right is violated (6)	Rights shall include competent national tribunals and other state institutions to assist in remediation of rights.
The undertaking of immediate and effective measures (7)	These measures should be particularly in the fields of teaching, education, culture, and information to promote understanding, tolerance, and friendship among nations and racial or ethnic groups.

concerns, preferring a broader reading of freedoms of speech than that enunciated in the ICCPR.

The Convention on the Elimination of Racial Discrimination (CERD) entered into force in 1969.

The United States had the following reservation regarding this document:

The laws of the U.S. contain extensive protections of individual freedom of speech, expression, and association. Accordingly, the U.S. does not accept any obligation under this Convention, in particular under Articles 4 and 7, to restrict those rights, through the adoption of legislation or any other measures. [And] the laws of the U.S. establish extensive protections against discrimination, reaching significant areas of non-governmental activity. Individual privacy and freedom from governmental interference in private conduct, however, are also recognized as among the fundamental values which shape our free and democratic society. To the extent that the Convention calls for a broader regulation of private conduct, the U.S. does not accept any obligation under the Convention to enact legislation or take other measure under paragraph (1) of Article 2. . . . The specific consent of the U.S. is required [before] a dispute . . . may be submitted to the jurisdiction of the International Court of Justice. (Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001, pp. 285–286)

Some of these reservations are legalese, yet a major issue appears to be problems of hate speech that might incite to violence, if not war. The United States has acknowledged that hate speech is the “cancer of the soul” at the ICCPR hearing, which I attended, yet it is well known that, in the United States, Nazis can have rallies. In some countries, like Germany, such rallies are forbidden, as is Holocaust denial. It is obvious how these documents expand the debates. In the United States, for one, it is often argued that an idea, however repugnant, should not be repressed. The challenge is to discuss and debate ideas in such a way that moves toward dignity and tolerance for all. Debate does not need to mean one party wins and the other loses. Rather, frank discussions and open debates are ways that persons can collectively seek truth by eliciting and responding to questions while moving toward a socially just society.

Next in Table 2.5 is the Convention Against Torture (CAT), which entered into force in 1987.

Table 2.5 Select Essential Themes of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Definition of torture (1, 4, 16)	Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted for the purposes of obtaining information, administering punishment for a crime someone or a third person has committed or is suspected of committing, intimidation, or discrimination of any kind. This act is done by the consent, acquiescence, or complicity of an official or other person acting in an official capacity. States shall also undertake to prevent other acts of cruel, inhuman, or degrading treatment or punishment.
The noninvocation of exceptional circumstances (2)	States or threats of war, internal political instability, any other public emergency, and order from a superior officer or public authority cannot justify torture.
The principle of nonrefoulement (no return) (3)	No state shall extradite a person if there are substantial grounds for believing there is danger of that person being tortured. Competent authorities will take into account the state’s consistent pattern of gross, flagrant, or mass violations of human rights.

(Continued)

Table 2.5 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Principle of due process for the accused (6–9)	On examination of information, the accused shall be taken into custody and should be assisted in communicating immediately with the nearest appropriate representative of his or her national state. Time in custody shall only be the necessary time to enable criminal prosecution or extradition. If not extradited, the accused shall be guaranteed fair treatment in all proceedings in the state where the offense was committed. States shall engage in the greatest measure of assistance with criminal proceedings.
Education regarding the prohibition against torture in the training of law enforcement, military, medical personnel, and public officials involved in custody and interrogation (10)	States shall keep systematic review of interrogation rules, methods, and practices used in the arrest, detention, and imprisonment of persons.
The right of due process to a person alleging torture (13–14, 16)	This right shall include the right to complain and to a prompt and impartial hearing. States shall ensure that the complainant and witnesses are protected. The victim shall have a right to fair and adequate compensation, including the means of full rehabilitation. In the event of death, defendants shall be entitled to full compensation. Any statement made under torture shall not be invoked as evidence.

The United States has asserted its understanding that the following constitutes torture: an act must be specifically intended to inflict severe physical or mental pain resulting from prolonged mental harm; the intentional infliction or threatened infliction of severe physical pain or suffering; the administration or application or threatened administration or application of mind-altering substances or other procedures calculated to profoundly disrupt the senses or the personality; the threat of imminent death; and the threat that another person will imminently be subjected to death, severe physical pain, or suffering. The United States has also asserted that it “does not consider this Convention to restrict or prohibit the U.S. from applying the death penalty consistent with the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution, including any constitutional period of

confinement prior to the imposition of the death penalty” (Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001, pp. 282–283).

The General Assembly adopted an optional protocol to CAT in 2000 that would allow for “a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.” The United States has not ratified it.

Conventions With Monitoring Committees That the United States Has Signed

Signing a document is a major step a country takes to consider ratification in its legislative bodies. Of the human rights conventions with monitoring committees that the United States has signed, the first to be discussed in Table 2.6 is the Covenant on Economic, Social and Cultural Rights (CESCR), which entered into force in 1976. Although the United States has not ratified it, it is an extremely important document, considering the country’s widespread poverty, lack of health care, and homelessness, in the midst of plenty—major human rights violations.

The United States has failed to ratify this convention largely because it does not perceive such economic and social rights as rights, per se, but the responsibility of the individual and the family. In effect, the United States does

Table 2.6 Select Core Principles of the International Covenant on Economic, Social, and Cultural Rights (CESCR)

<i>Essential Theme (Article[s])</i>	<i>Elaborations</i>
Right to self-determination (1)	Full and productive employment; fair wages to ensure a decent living for families; just and favorable conditions of work; the opportunity to gain a living by work; safe and healthy working conditions; opportunity for promotion based on seniority and competence; the right to rest and leisure, including reasonable limitation of working hours, such as periodic holidays with pay; the right to protect workers’ interests through trade unions; fair wages and equal remuneration for work.
The progressive realization of human rights principles (2)	Paid leave for working mothers before and after childbirth; the prohibition of economic and social exploitation of children harmful to morals or health, likely to hamper normal development.

(Continued)

Table 2.6 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaborations</i>
The right to work (6–8)	The right to social security, including social insurance; adequate food, clothing, and housing and the continuous improvement of living conditions; the improvement of the methods of production, conservation, and distribution of food and the dissemination of the principles of nutrition.
Protections for the family, particularly while responsible for the care and education of dependent children (10)	The reduction of the infant mortality rate; the improvement of environmental hygiene; the prevention, treatment, and control of epidemic, occupational, and other diseases; the assurance of medical attention in the event of sickness.
The right to an adequate standard of living for a person and her or his family (9, 11)	Education ought to be directed to the full development of the human personality and the sense of its dignity and the respect for human rights; it shall enable all to participate in society and promote tolerance among all nations and racial, ethnic, and religious groups; primary education shall be compulsory; secondary education shall be generally available and accessible to all; higher education shall be made equally accessible on the basis of capacity and in particular by the progressive introduction of free education.
The right to the highest attainable standard of physical and mental health (12)	Steps must be taken to conserve, develop, and diffuse culture consistent with the goals of this Covenant; states must respect the freedom indispensable for scientific research and creative activity and encourage the development of international cooperation in the scientific and cultural fields; everyone has the right to benefit from scientific progress and its applications.
The right to education (13)	The right of people to freely determine their political status; freely pursue their economic, social, and cultural development; and dispose of their natural wealth based on the principle of mutual benefit.
The right to take part in cultural life and benefit in the advancement of science (15)	Through the undertaking of steps individually and through international cooperation and assistance, a view toward achieving progressively the full realization of rights in this Covenant, particularly through legislative measures. States shall undertake to guarantee nondiscrimination in the enjoyment of economic, social, and cultural rights.

not acknowledge government financial obligations to take care of such human needs as the right to the highest attainable standard of physical and mental health. Human needs in the current economic system, with its emphasis on privatization, profit, and capital, are commodified—that is, treated like a commodity to be traded in the marketplace. In the most austere sense, good health care would thus go to the highest bidder; those unable to pay would have to go without.

The Convention on the Elimination of Discrimination Against Women (CEDAW) entered into force in 1981 (see Table 2.7).

Table 2.7 Select Core Principles of the Convention on the Elimination of Discrimination Against Women (CEDAW)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Definition of discrimination against women (1)	Exclusion of women that nullifies their recognition of civil, political, economic, social, and cultural rights.
The equality of men and women (2–3)	States must adopt appropriate legislation, legal protections, and competent tribunals to eliminate discrimination and ensure the full development and advancement of women.
The modification of social and cultural patterns of conduct to eliminate the idea of superiority or inferiority of either sex (5)	The common responsibility of men and women in the raising of children with the interest of the children as the primordial consideration.
Participation of women in policy formulation (7)	The right to vote, right to be eligible for public office, and right to participate in nongovernmental organizations.
Equality of men and women in education (10, 13)	Similar access to same curricula, teaching staff, scholarships, and studies from the preschool to the professional, higher technical levels; the elimination of stereotyped concept of men's and women's abilities; enactment at the earliest possible time of programs to eliminate any gap in functional literacy; same opportunities to participate in sports; information and advice on family planning.
Equality of men and women in employment (11)	Similar access to all benefits and conditions of service, promotion, job security; the right to equal remuneration and the protection of health and safety, including safeguarding the function of reproduction.

(Continued)

Table 2.7 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Nondiscrimination on the grounds of maternity and marital status (11–12)	Introduction of maternity leave with pay without loss of former employment or seniority; prohibition against dismissal on the basis of pregnancy or marital situation; encouragement of the provision of necessary social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through the development of child care facilities; appropriate services in connection with pregnancy, confinement, and the postnatal period, granting free services when necessary and adequate nutrition during pregnancy and lactation.
Elimination of discrimination in areas of economic and social life (13)	Rights to family benefits, bank loans, mortgages, other forms of financial credit, and participation in recreational activities and all aspects of cultural life.
Particular attention to the situation of rural women, including their work in nonmonetized sectors of the economy (14)	Right to obtain all types of training and education, formal and nonformal, as pertaining to technical proficiency and functional literacy; right to self-help groups and cooperatives to obtain equal access to economic opportunities through employment or self-employment; access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform and land resettlement; right to enjoyment of adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport, and communications.
Equality of men and women before the law (15)	Equal rights to conclude contracts and administer property; equal treatment in all stages of procedure in courts; equal rights in regard to movement of persons and freedom to choose residence; the nullification of all instruments restricting the legal capacity of women.
Equality in marriage and the family (16)	Rights to marry and freely choose a spouse with free and full consent; similar rights, irrespective of marital status in matters relating to their children, with the interests of the child as paramount; right to decide freely and responsibly the number and spacing of children and access to information and the means to secure this right; right to choose a family name, profession, occupation; similar rights in respect to ownership, acquisition, management, administration, enjoyment, and disposition of property; compulsory official registration of marriage.

Given the failure to pass the Equal Rights Amendment, and that there are antidiscrimination clauses pertaining to gender in the constitutions of only 11 states (Wronka, 1998b), the United States' failure to ratify CEDAW reflects a culture perhaps inimical to gender issues. Also, the United States expressed a concern that (a) it "would not be required to provide paid maternity leave or ensure the continuation of other benefits" under the convention, (b) an understanding that the convention did not establish a right to an abortion, and (c) an understanding that it "would be able to determine which health care service was appropriate and which services would be free" (Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001, p. 128). The United States has also not ratified the Optional Protocol to CEDAW, adopted by the General Assembly in 1999 and entered into force in 2000. This protocol would allow for the human rights monitoring committee to hear complaints from individuals and groups who felt they were discriminated against on the basis of gender.

The sixth major human rights convention that has a human rights monitoring committee is the Convention on the Rights of the Child (CRC) in Table 2.8. Only the United States has not ratified this document.

Table 2.8 Select Core Principles of the International Convention on the Rights of the Child (CRC)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Nondiscrimination of the child (1–2)	Generally, every human being younger than age 18 shall be respected irrespective of the child's, parents', or legal guardian's race, color, sex, language, religion, political opinion, nationality, ethnicity, social origin, property, disability, birth, or other status.
Best interests of the child as the primary consideration (3, 5, 9, 18)	Parents, legal guardians, and where applicable members of the extended family or community as provided by local custom; all public and private social welfare institutions, services, and facilities responsible for the care of children shall conform to standards established by competent authorities, particularly in areas of safety and health; separation shall take place against the child's will only if by competent authorities it is seen as in the child's best interest and all parties are given due process; the child must also have the right to maintain contact and personal relations with both parents, unless contrary to the child's best interests; in cases of imprisonment or

(Continued)

Table 2.8 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
	detention, information must be given to the child of the parents' whereabouts unless it is detrimental to the child's well-being.
Economic, social, and cultural rights for all children (4–5, 24, 26–29)	Measures must be undertaken to the maximum extent of available resources and where needed within the framework of international cooperation to ensure the maximum survival and development of the child; this shall include recognition of the right of the child to the enjoyment of the highest attainable standard of health; the state shall ensure provision of necessary medical assistance, with emphasis on the development of primary health care, including attempts to diminish infant and child mortality and to combat disease and malnutrition, applying readily available technology, the provision of adequate nutritious foods and clean drinking water, the provision of appropriate prenatal and postnatal health care for mothers, and the provision of appropriate health care information, such as the advantages of breastfeeding, hygiene, environmental sanitation, and the prevention of accidents; traditional practices prejudicial to the health of children must be abolished; every child has the right to social insurance and a standard of living adequate for the child's physical, mental, spiritual, moral, and social development; states shall take appropriate measures to assist parents unable to financially take care of their children, particularly in regard to nutrition, clothing, and housing; the child shall have the right to education, including, among other things, free and compulsory primary education and the availability of secondary education; states shall offer financial assistance if not free education, make higher education accessible to all on the basis of capacity, make educational and vocational information and guidance available, and encourage regular attendance and the reduction of dropout rates; school discipline must be consistent with the child's dignity; education of the child shall be directed to the respect for the child's parents, his or her cultural identity, language, the country from which he or she may originate, and for civilizations different from his or her own; the preparation of the child for responsible life in a free society with respect for human rights and in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, and development and respect for the national environment.

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Right to registration and respect of identity (7, 8, 30)	This shall be carried out immediately after birth, which shall include the right to a name, nationality, and as far as possible, the right to know and be cared for by his or her parents; identity, including nationality, name, and family relations, must be preserved and speedily reestablished if illegally deprived; minorities or Indigenous People shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language.
All treatment of the child shall be done in a positive, humane, and expeditious manner (10–11)	This is particularly important in regard to family reunification; there shall be no illicit transfer and nonreturn of children.
Respect for the views of the child (12)	In any issue pertaining to the well-being of the child, his or her views, expressed freely, must be taken into account, giving due weight to the maturity of the child.
Respect for the civil and political rights of children (13–16)	This includes the right to freedom of expression, regardless of frontiers, either orally, in writing, in art, or any other media of the child's choice, restricted in part for the rights or reputations of others and the protection of public health or morals; the child shall have the right to freedom of thought, conscience, and religion; regarding religion, the rights of parents need to be respected; the child also has the right to freedom of association and peaceful assembly; no child shall be subjected to arbitrary interference with his or her privacy, family, home, or correspondence or to unlawful attacks on his or her reputation.
Respect of rights and duties of parents and when applicable, legal guardians (14)	This right particularly concerns the need to provide direction to the child in a manner consistent with the child's evolving capacities.
The importance of the media in the promotion of the child's social, cultural, spiritual, and moral well-being and physical and mental health (17)	Material in the media must be available from a diversity of national and international resources; the media must have particular regard to the linguistic needs of the child who belongs to a minority or is indigenous; the child must be protected from materials injurious to his or her well-being; children's books must be encouraged, produced, and disseminated.

(Continued)

Table 2.8 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
States shall render assistance to parents and legal guardians in the performance of child-rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children (18)	This right acknowledges that states must recognize that both parents have common and primary responsibilities for the upbringing of children, where the best interest of the child shall be the primary concern; this assistance shall include the right to benefit from child care services for working parents.
The state shall take appropriate measures to protect the child from mental and physical abuse and to provide care for the child in the event of being deprived of his or her family (19, 20, 25, 33, 39)	Abuse shall include any neglect or negligent treatment, maltreatment, exploitation, sexual abuse; protective measures shall include social programs to provide necessary support for the child and for those who have care of the child, as well as other forms of prevention, identification, reporting, referral, investigation, treatment, and follow-up; all children have the right to periodic review of treatment; if the child is temporarily or permanently deprived of his or her family, the state shall ensure alternative care for such a child, which shall include, among other things, foster placement, <i>kafalah</i> of Islamic law, adoption, or, if necessary, placement in suitable institutions; due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural, and linguistic background; states shall protect children from the production, illicit use, and trafficking of narcotics and psychotropic substances; any child abused has the right to recovery and social reintegration in a manner fostering health, self-respect, and dignity.
States shall take appropriate measures to give humanitarian assistance and appropriate protection for refugee children (22)	The child shall be treated with appropriate protections and with humanitarian assistance with the cooperation of the United Nations and other competent inter- and nongovernmental organizations to protect and assist the child and to obtain necessary information with an eye toward reunification; if no family can be found, the child shall be given the same protections as a child deprived of his or her family environment.

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
A child physically or mentally disabled should enjoy a full and decent life (23)	Such a life would ensure dignity, promote self-reliance, and facilitate the child's active participation in the community; assistance to the child shall be extended to those in care of her or him free of charge whenever possible, taking into account the financial resources of those caring for the child; the child shall receive education, training, health care, rehabilitation, preparation for employment, and recreational opportunities in a manner conducive to the child's fullest possible social integration and human development; states will, in the spirit of international cooperation and taking particular account of developing countries, share information about the preventive health care and rehabilitation in general in this regard.
The right to rest and leisure (31)	This shall include the rights to engage in play and recreational activities appropriate to the age of the child and to participate fully in cultural and artistic life with equal opportunities for cultural, artistic, and recreational and leisure activity.
The right to be protected from exploitation of any kind (32, 34)	This shall include economic exploitation in work that is hazardous or will interfere with a child's education; this will include appropriate regulation, among other things, of hours and conditions of employment; sexual exploitation of children is strictly forbidden, including, but not limited to, prostitution, use of children in pornographic materials or performances, and any unlawful sexual activity.
A child must be treated with dignity if alleged or accused of infringing penal law (37, 40)	No child shall be subjected to torture, degrading punishment, nor life imprisonment without the possibility of parole; he or she shall be given due process, including, but not limited to, presumption of innocence, treatment with worth that reinforces the child's respect for human rights, to have legal and appropriate assistance, free assistance of an interpreter, if necessary, and a speedy trial; a variety of dispositions must be made available, such as counseling, probation, and educational and vocational training programs to ensure children are dealt with in a manner appropriate to their well-being and proportionate to their circumstances, and the offense detention must be a last resort and for the shortest possible period; given the best interests of the child standard, he or she shall be separated from adults and have the right to maintain contact with his or her family.

Although lengthy, this document’s lucidity and thoroughness can be particularly helpful as a set of good and solid guiding principles for the helping and health professions and certainly for anyone aspiring to a socially just world for these defenseless ones, who will eventually inherit the earth.

Some of the major reasons for the U.S. refusal to ratify the CRC are (a) child labor limitations may be broader than current U.S. standards; (b) an acknowledgment that it is not the state’s duty to provide for the “promise of economic/health/special needs/education support” of children as enunciated throughout the convention; and (c) the subsequent limitations on state control over policy on ratification (Fellmeth, 2002, p. 587). The United States, however, did ratify the two optional protocols to the CRC—one in 2002 on Children in Armed Conflict, prohibiting persons younger than age 18 to participate in hostilities, and the other in 2003 on the Sale of Children, Child Prostitution, and Child Pornography. Regarding the latter protocol, the United States was a major player in its initiation, development, and the urging of governments to ratify it.

In 2009 the United States signed the Convention on the Rights of People with Disabilities. On December 4, 2012, it came up for ratification but fell five votes short of the necessary majority, in large measure because some felt that ratification would hand over domestic sovereignty to the UN.

An excellent training guide on the CRPD is *The Convention on the Rights of Persons with Disabilities: No 19* by the UN Office of the High Commissioner for Human Rights (2014), which can be accessed at

Table 2.9 Select Core Principles of the Convention on the Rights of People With Disabilities (CRPD)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Respect for inherent dignity (1, 3, 14, 24)	Includes individual autonomy, freedom to make one’s choices, independence of persons, and liberty and security of person; sense of dignity and self-worth in pursuing one’s education.
Full and effective participation and inclusion (3, 16, 24, 27, 29, 30)	Includes freedom from exploitation, violence, and abuse; if victimized, physical, psychological recovery, rehabilitation, and social reintegration in an environment fostering health, welfare, self-respect, and dignity; the development of their personality, talents, and creativity; the right to the opportunity to gain a living by work and reasonable accommodation in the workplace; the right to vote and be elected and to take part in cultural life, recreation, and sport.

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Respect for difference and acceptance as part of human diversity (1, 2, 8)	Those with long-term physical, mental, intellectual, or sensory impairments that in interaction with various barriers may hinder full and effective participation; the need for reasonable accommodation and universal design as appropriate; the combating of stereotypes, prejudices, and harmful practices; the promotion of the recognition of skills, merits, and abilities of persons with disabilities and their contributions.
Equality of opportunity (27)	The right of opportunity to gain a living by work, prohibiting discrimination concerning all forms of employment, such as career advancement and safe and healthy working conditions; effective access to general, technical, and vocational guidance and opportunities for self-employment, entrepreneurship, and the development of cooperatives; assistance from the state with disability-related expenses, like adequate training, counseling, and respite care.
Accessibility (20, 21, 24)	Facilitating access to quality mobility aids, devices, assistive technologies, and forms of live assistance and intermediaries; accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication; access to an inclusive, quality, and free primary education.
A special situation of women and girls (6, 28)	Women and girls are subject to multiple discrimination; states shall ensure their full development and empowerment; to ensure access by persons with disabilities, particularly women and girls, to social protection programs and poverty-reduction programs.
Respect for evolving capacities of children and preservation of their identities (7, 8)	In all actions, the best interest of the child shall be the primary consideration; they have a right to express their views freely, their views given due weight in accordance with their age and maturity on an equal basis with other children; fostering at all levels of the education system, including in all children at an early age, an attitude of respect for persons with disabilities.

http://www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf.

Three Select Timely Human Rights Documents

The Convention on the Prevention and Punishment of the Crime of Genocide (CPPG), or the Genocide Convention, in Table 2.10 entered into force in 1948; the United States ratified it in 1988. Although it does not have a human rights monitoring committee, the Convention’s importance is obvious considering present-day attempts at ethnic cleansing, such as in Rwanda, Bosnia, Iraq, Darfur, and now Syria, not to mention historical precedents such as slavery and the extermination of Indigenous Peoples.

The United States had a reservation about this document, requiring the specific consent of the United States in each case before any dispute is submitted to the International Court of Justice. It had also asserted that the term *mental harm* should be defined as “permanent impairment of mental faculties through drugs, torture or similar techniques” and that acts committed

Table 2.10 Select Core Principles of the Convention on the Prevention and Punishment of the Crime of Genocide (CPPG)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Genocide must be prevented and perpetrators punished (1, 3, 4–6)	Genocide is a crime under international law, whether in time of peace or war. Punishment shall also be for conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, or complicity in genocide; perpetrators shall include constitutionally responsible rulers, public officials, or private individuals and shall be tried by competent tribunals; states will enact necessary legislation to provide effective penalties.
Definition of genocide (2)	Acts with intent to destroy, in whole or in part, a national ethnic, racial, or religious group, such as killing members of the group, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group’s physical destruction in whole or in part, imposing measures intended to prevent births within the group, transferring children of the group to another group.

“in the course of armed conflicts committed without the specific intent” are not sufficient to constitute genocide as defined by this Convention (Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001, p. 181).

Next is the document pertaining to Indigenous Peoples, the Draft Declaration on the Rights of Indigenous Peoples (see Table 2.11) endorsed by the General Assembly in September 2007. This document is a major achievement of the new Human Rights Council, reflecting extensive input from Indigenous Peoples. On December 15, 2010, at a White House Tribal Conference, the United States officially endorsed it, President Obama saying that “the U.S. lends support . . . to the aspirations it affirms.”

The General Assembly adopted the Final Draft of the Guiding Principles on Extreme Poverty and Human Rights in December 2012. President Obama has stated that ending poverty is within our reach, and USAID, the organization largely responsible for these efforts, has expressed its support

Table 2.11 Select Core Principles of the Declaration on the Rights of Indigenous Peoples (DRIP)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Right to self-determination (3–4, 8, 12, 14, 18–19, 21, 31, 32–39)	Free determination of political status and the pursuit of economic and social development; right to strengthen distinct cultural characteristics, yet should they choose, to participate in the political, economic, social, and cultural life of the state; right to be recognized as indigenous; right to develop past, present, and future manifestations of culture, such as archeological sites, artifacts, ceremonies, literature, and visual and performing arts; right to revitalize, develop, and transmit languages, oral traditions, philosophies, literatures and to retain own names for communities, places, and persons; right to participate fully in all levels of decision making affecting their rights, lives, and destinies; right to maintain indigenous decision-making institutions and participate fully at all levels of decision making; right to develop their own political, economic, and social systems; right to autonomy and self-government regarding culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources, environment, and entry by nonmembers; right to retain own citizenship and citizenship of the state; right to develop institutional structures; right to determine responsibilities; right to develop contacts and cooperation across borders; shall include cooperation by the state to achieve these rights.

(Continued)

Table 2.11 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Full guarantees against genocide (6–7, 10, 36)	Shall include the removal of indigenous children under pretext; shall include ethnic and cultural genocide; no relocation shall occur without full informed consent, agreement on just compensation and where possible, the option to return; right to enforcement of treaties.
Redress for deprivations of cultural values and ethnic identities (7, 12–13, 21, 27, 30)	Redress shall be for deprivation of lands, assimilation or integration imposed by the state, propaganda against them; restitution shall include cultural, intellectual, religious, and spiritual property taken without free and informed consent; the right to repatriation of human remains; shall include compensation for deprivation of means of subsistence; restitution shall include lands, territories, and resources traditionally owned but confiscated; shall also be redress for the exploitation of mineral and water resources.
Special protections in periods of armed conflict (11, 28)	No indigenous children shall be recruited into the armed forces; shall be no forcing of Indigenous Peoples to abandon lands for military purposes or serve in the military under discriminatory conditions; shall be no use of indigenous land for military activities or disposal of hazardous materials; shall be no recruitment of indigenous individuals against their will and in particular, for use against other Indigenous Peoples.
Right to control the education of indigenous children (15–16)	Shall include the right to be educated in own language in a manner appropriate to cultural methods of teaching and learning; the dignity and diversity of culture, traditions, histories, and aspirations shall be reflected in education and shall promote tolerance and understanding among Indigenous Peoples and all segments of society.
Right to establish own media (17)	Shall be in their own language but with access to nonindigenous media, which ought to reflect indigenous cultural diversity.
Nondiscrimination in labor (18)	Shall include labor, employment, and salary.
Special measures for immediate, effective, and continuing improvement in economic and social conditions (22–23)	Shall include areas of employment, vocational training and retraining, housing, sanitation, health, social security, and rights of indigenous elders, women, youth, children, and disabled persons; Indigenous Peoples shall determine strategies and priorities for economic and social programs and administer them as far as possible.

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Right to traditional medicines and health practices (24)	Shall include protection of vital medicinal plants, animals, and minerals and access to all medical institutions.
Right to maintain and strengthen distinctive spiritual and material relationship with lands, waters, seas, and other resources traditionally owned (25–26)	Shall also include sea ice, flora, fauna; with effective measures to prevent the state from interference, alienation, and encroachment on such rights.
Full recognition of cultural and intellectual property (29)	Special measures are necessary to control, develop, and protect human and other genetic resources, seeds, medicines, and knowledge of cultural traditions.

for the ambitious agenda of the SDGs, such as ending poverty by 2030. Yet I am unaware of any official endorsement of this document, and conversations with official U.S. representatives to the Human Rights Council have consistently mentioned that organizing to eradicate extreme poverty is considered a human right, but living in poverty per se is not considered a human rights violation.

An excellent resource to implement those Guiding Principles is *Making Human Rights Work for People Living in Extreme Poverty*. It can be downloaded at http://www.avenirsocial.ch/de/cm_data/2015-09-01-GuidingPrinplsephr-handbook-en-atd_fi_handbook_english_web-1.pdf. There are also other important documents and conventions, such as the Guiding Principles for Older Persons (GPOP), the Convention on Migrant Workers (CMW), and the Convention on Enforced Disappearances (CED). But, for the sake of expediency, I had to draw the line somewhere, relaying the documents I have here, and encouraging the reader to be aware of others as they evolve and how they relate to his or her country.

The lack of any international human rights document on discrimination based on sexual orientation must be mentioned; this is unfortunate, but it illustrates again that social justice is struggle. It is worth noting that at the Fourth Session of the Human Rights Council in Geneva, in March 2007, the United Kingdom of Great Britain and Northern Ireland urged the world

Table 2.12 Select Core Principles of the Guiding Principles to Eradicate Extreme Poverty (GPEEP)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Dignity and interdependence of rights (15–17)	Human dignity as the very foundation of human rights; extreme poverty violates all human rights.
Equal enjoyment of all human rights (18–22)	Discrimination as a cause and consequence of poverty; the right to be protected from negative stigma, prejudices, and stereotypes.
Equality between men and women (23–31)	Women in poverty are disproportionately represented; gender-based violence must stop; women must have full and equal capacity to own, control, and administer economic resources and equal access to public services; there shall be no superiority or inferiority of either gender.
Rights of the child (32–35)	Poverty in childhood as a root cause of poverty in adulthood; poor are entitled to a package of basic social services, like high-quality health care; poverty renders children, particularly girls, to exploitation; policies should be focused particularly on marginalized children, like street children, child soldiers, and those in care institutions.
Agency and autonomy of persons living in poverty (36–41)	Policies must be aimed at empowering persons in poverty with respect for their capacity to make their own decisions and fulfill their own capacities; at all stages of policy, those in poverty must participate in its development; indigenous people particularly susceptible to poverty have the right to prior informed consent concerning their lands, territories, and resources.
Transparency and access to information (42–44)	Accurate and culturally adequate information must be provided in policymaking; poor have the right to seek, receive, and impart information about decisions affecting their lives.
Accountability (45–46)	Poor are not passive recipients of programs; they must have effective remedies for violations of rights.
Implementation procedures should give priority to those in extreme poverty (48–61)	There must be comprehensive and coherent strategies based on human rights principles, especially for those of most disadvantaged groups; goods and services must be accessible, available, adaptable, affordable, and of good quality; international agreements must not exacerbate poverty.

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Right to life and physical integrity (63–64)	Poverty as a cause of preventable death, ill-health, high mortality, and low life expectancy with material deprivations like lack of food, safe water, and sanitation.
Rights of liberty and security of person (65–66)	The poor disproportionately enter the criminal justice system with difficulties exiting; laws criminalizing life-sustaining activities like sleeping, begging, eating, or performing personal hygiene must be repealed or reformed.
Right to access to justice and effective remedy (67–68)	Power imbalances, costs, or legal illiteracy as one of many obstacles where poor are unable to access the system.
Right to recognition as a person before the law (69–70)	Birth registration and legal identity as necessary to prevent discrimination.
Right to privacy and protection of the family (71–72)	Poor children are at greater risk of being removed; are unnecessary intrusions caused by overcrowded housing conditions and by law enforcement and social services.
Right to adequate standard of living (73–74)	This is an overarching right, related to limited or insecure means of livelihood and lack of sustainable and enforceable control over resources particularly for Indigenous Peoples, women, and peasants.
Right to adequate food and nutrition (75–76)	Adequate food is a precondition for social integration, cohesion, and peaceful community life; even if available, it often does not reach those in poverty due to discriminatory distribution.
Rights to water and sanitation (77–78)	Those are primary causes of diarrheal diseases; this lack seriously undermines escaping poverty; often these are denied to those without secure tenure to the land; causes include poor resource management, land contamination, and effects of climate change.
Right to adequate housing, security of tenure, and prohibition of forced eviction (79–80)	Overcrowding, disproportionate exposure to environmental hazards, and speculation by private actors, such as real estate agents and financial companies, contribute to increased vulnerability of the poor.

(Continued)

Table 2.12 (Continued)

<i>Essential Theme (Article[s])</i>	<i>Elaboration</i>
Right to the highest attainable standard of physical and mental health (81–82)	As a clear example of the vicious cycle of poverty, persons having ill health are more likely to become poor, whereas persons in poverty are more vulnerable to accidents, diseases, and disability.
Right to work (83–84)	Poor experience unreliable casual labor, often in informal workforce, with no social benefits, particularly women raising families; most of their waking hours are spent in deplorable conditions, facing arbitrary dismissal and abuse.
Right to social security (85–86)	Contributory schemes of social insurance, on which many states rely, are outside the realm of those in poverty, who often work in informal sectors.
Right to education (87–88)	It is a crucial means where persons develop talents and potentials; poor children are more likely to drop out or never attend school; economic consequences of dropping out are devastating.
Right to take part in cultural life and enjoy benefits of scientific progress (89–90)	Free cultural expression through values, beliefs, convictions, languages, and the arts enable those in poverty to express their humanity, worldview, and cultural heritage and meanings they give to their existence.
Obligations of international assistance and cooperation (91–98)	States must take deliberate, specific, and targeted steps, individually and jointly, to create an international environment conducive to poverty reduction, including matters related to trade, investment, finance, and taxation.
Role of nonstate actors, including business enterprises (99–102)	States have a duty to prevent and protect against human rights abuses by nonstate actors, in which they are in a position to regulate.
Implementation and monitoring (103–107)	States should adopt and implement a comprehensive national strategy to eliminate poverty, framed in human rights terms; they should entrust an independent national body to monitor quantitative and qualitative aspects of poverty from a human rights perspective.

community to examine persistent discrimination against this group. Citing the 40th anniversary of the Sexual Offenses Act in the United Kingdom, they state: “We pause to remember that the majority of gay people around the world still live in countries where simply being themselves is a crime. Human rights belong to everyone” (McCartney, 2007, p. 3).

The brutal killing of a gay teenager, Matthew Shepard, in 1998 in the United States is an extreme case of a human rights violation, but the refusal of some employers to hire people based on sexual orientation, which has nothing to do with bona fide occupational qualifications, is also an example of discrimination violating the rights to life and work found in almost every human rights instrument. At the December 1998 Human Rights Defenders’ Conference, commemorating the 50th anniversary of the General Assembly’s endorsement of the Universal Declaration, the general consensus of the NGOs was that such a document, though needed, was still too controversial. Unfortunately, the United States had voted to deny two gay human rights groups, the Danish National Association for Gays and Lesbians and the International Lesbian and Gay Association based in Belgium, consultative status (presently 3,000 nongovernmental organizations have such status) with the United Nations (Hoge, 2006). Such status could eventually have led to a document that would prevent further bloodshed. No person, no matter what his or her sexual orientation, should be treated without dignity as occurs in places like Iran, where in 2005 two teenagers were executed simply for engaging in gay sex and where, according to the Persian Gay and Lesbian Organization, 4,000 gays and lesbians have been executed since the 1979 revolution (“Iran, the Facts,” 2007). Surely, much work remains to be done here, and let us not forget the intersexed and transgendered. As of the writing of this edition there does not appear to be much progress in this area. Amnesty International in 2015, however, has increasingly drawn attention to The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity developed in 2006, which could serve as a source for at least a guiding principles document pertaining to sexual orientation.

Other Human Rights Regimes

Before addressing the left panel of the human rights triptych within the UN system, a word must be said about some of the so-called human rights regimes mentioned earlier, such as the Organization of American States (OAS), the African Union (AU), and the European Union (EU). These groups also have

their triptychs. The OAS, for instance, has the American Convention on Human Rights, with its Additional Protocol on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador) at the center and a number of other conventions on the right panel, such as the Inter-American Conventions to Prevent and Punish Torture, on the Prevention, Punishment and Eradication of Violence Against Women, and on the Elimination of All Forms of Discrimination Against Persons with Disabilities. Roughly 30 years ago, President Carter signed the American Convention, which his secretary of state, Warren Christopher, called “a significant advance in the development of the international law of human rights” (Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001, p. 127). As of 2015, the United States has not ratified it or any of the additional protocols and conventions that followed. On the left of this triptych are also reporting mechanisms and reports by special rapporteurs (to be discussed within the UN system) on such themes as migrant workers, freedom of expression, and the rights of women. It is difficult to generalize about the OAS human rights machinery, but, perhaps because of rampant extreme poverty predominantly in southern countries, the emphasis seems to be primarily on economic, social, and cultural rights, such as the right to social security, health care, a healthy environment, food, education, the benefits of culture, the formation and protection of families and children, protection of the elderly, and protection of the handicapped. Speaking of the family (Article 15), for example, the Protocol of San Salvador asserts that states

hereby undertake to accord adequate protection to the family . . . in particular: to provide special care and assistance to mothers during a reasonable period before and after childbirth; to guarantee adequate nutrition for children at a nursing state and during school attendance years; to adopt special measures for the protection of adolescents in order to ensure the full development of their physical, intellectual and moral capacities; [and] to undertake special programs of family training so as to help create a stable and positive environment in which children will receive and develop the values of understanding, solidarity, respect and responsibility.

The African Union has at its heart (the center of its triptych) the African Charter on Human and Peoples’ Rights, with its documents on the Rights of Women in Africa, the Establishment of an African Court on Human and Peoples’ Rights, the Convention Establishing the African Economic Community, and the African Charter on the Rights and Welfare of the Child. As expected, given the horrors of the transatlantic slave trade and in relation to major UN documents, the Union appears more concerned with rights to solidarity, noting, for instance, “the unquestionable and inalienable right to

self-determination” (Article 20) and asserting that “colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community” (Article 20). It also calls on states, for example, to “undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies” (Article 21). Various committees and reporting procedures are also included in the Charter’s left panel.

Perhaps because of the centuries of conflict and wars waged on the European landscape, and its collective scars, the European Union, through its Council of Europe, appears to be the most developed of the human rights regimes as a possible preventive strategy. For instance, the European Convention on Human Rights and Fundamental Freedoms has at least 12 protocols dealing with issues such as prohibiting the collective expulsion of aliens and general prohibitions against discrimination. The document most discussed, however, is the European Social Charter of 1999, which very strongly supports second-generation rights, asserting roughly 40 rights in areas such as safe and healthy working conditions, vocational guidance and training, social welfare services, equal opportunities and equal treatment, dignity at work, and the right to protection against poverty and social exclusion. Generally, extreme poverty in Europe is not so much viewed as a product of low wages, although that is important, nor as a sign of failure that is somehow just; rather, it is defined in terms of social exclusion—that is, the barring of individuals and groups from participation in and building of community, an essential aspect of the human condition. A case in point is that in Switzerland, at least, the price for admission to a movie for those “*en chomage*,” (unemployed) is considerably less than general admission.

Implementation

For the most part, implementation mechanisms are extremely weak and ultimately must be left to the will of the people. However, paradoxically, there may be strength in weakness. Throughout this book I emphasize that only *chosen* values—in this case, human rights principles—endure. No one can impose a human rights culture on anyone. It must make sense to people. Surely, the collective wisdom of nearly the entire global community is testimony to the importance and efficacy of a society’s commitment to human rights. It may take time, however, to implement human rights documents, and forcing them on a people will only make for superficial, if not totally artificial, change. Although theoretically and technically having the force of law, reporting mechanisms, especially conventions regarded as treaties, are

often very difficult, though possible, to implement, for example, human rights committee recommendations.

The problem is that people are unaware of these reports. For example, after attending a hearing of the human rights monitoring committee of the ICCPR, Elizabeth Evatt, an independent expert from Australia, commented that NGOs were having trouble getting the 1994 U.S. report to the committee. The United States said it would make more copies available. However, the Springfield College bookstore manager reported that, despite repeated calls, the U.S. Government Printing Office said it had never heard of the report. With the advent of the Internet, however, these reports have become available.¹⁰

These periodic reports, to be submitted roughly every 4 to 7 years, are excellent means of monitoring a government's progress toward implementing its treaty obligations. For example, the Periodic Report of the United States to the UN Human Rights Monitoring Committee on the Convention on the Elimination of Racial Discrimination (CERD), submitted in 2014, had to answer to the committee's concerns in the previous 2009 report. But it also mentions positive aspects. The monitoring committee for CERD noted, for example, the adoption of the Fair Sentencing Act to reduce disparity for more lenient sentences for powder-cocaine offenses versus more severe sentences for crack cocaine; another act mentioned was the Matthew Shepard Hate Crimes Prevention Act simplifying the prosecution of violent acts due to actual or perceived race, color, national origin, or sexual orientation. Areas of concern, some of which were in the previous report, were racial and ethnic profiling as ineffective; underreporting of hate crimes by victims; disproportionate negative impact of environmental pollution on racial and ethnic minorities; adverse effects related to exploitation of national resources by transnational corporations; discrimination and segregation in housing; proliferation of "Stand Your Ground" laws disproportionately affecting racial and ethnic minorities; and brutality and excessive use of force by police affecting racial and ethnic minorities. It is not within the scope of this book to relate each response of the United States to those allegations. One can see, however, that these reports now disseminated widely on the Internet can provide a means to provoke a public consensus and keep governments in check, should an abuse of power become evident. Regarding police brutality, as a case in point, however, the United States responded in part that

It must be recognized that law enforcement officers have challenging and often dangerous jobs and that the vast majority of their interactions with civilians involve appropriate conduct. However, when there is improper conduct, the U.S. Department of Justice (DOJ) has criminal jurisdiction to investigate and

prosecute use of excessive force by federal, state, and local officials that violates the U.S. Constitution or federal law. . . . In the last six years, DOJ has brought criminal charges against more than 350 law enforcement officials. (U.S. Department of State, 2015)

Country and Thematic Reports

These reports are sustained by Articles 55 and 56 of the UN Charter, which state that all governments “pledge themselves to take joint and separate action” to “promote . . . higher standards of living . . . full employment . . . development . . . solutions of international economic . . . and related problems; and . . . universal respect for, and observance of human rights and fundamental freedoms.” The UN, essentially through its High Commissioner of Human Rights, an office established in large measure through efforts of the Clinton administration, serves as the major overseer and facilitator of human rights initiatives and issues reports on states’ progress toward implementation of human rights documents. These reports may be discussed at the annual Human Rights Council meeting. Presently, the Council answers to the General Assembly, where each country gets one vote. The commissioner often requests the drafting of reports on a specific country’s compliance with human rights standards and/or various themes, such as violence against women, the situation of extreme poverty, and violations of the right to food. Such reports are referred to as “charter based.”

Although numerous procedures exist to deal with human rights violations, a prominent one is the 1503 Confidential Procedure, based on a country’s adherence to internationally accepted human rights norms. What country is considered is obviously political, but this decision is made behind closed doors. The criteria for a country to be considered are that the violation must be (a) gross and extremely severe in nature, (b) a consistent pattern and widespread, and (c) reliably attested. It must also be apparent that all domestic remedies have been exhausted—that is, every legal avenue has failed to resolve the area of contention (Steiner & Alston, 2000; Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001). Although deliberations are secretive, working groups generally get the cooperation and information they want from a country. After these deliberations, countries that continue to violate human rights are listed publicly. Since the inception of the 1503 procedure, roughly 80 countries have been considered, involving issues such as torture, political detention, summary or arbitrary killing, and disappearance (Weissbrodt, Fitzpatrick, Newman, Hoffman, & Rumsey, 2001). Although this is certainly not a perfect world, the end of *de jure*—that is, legally sanctioned—apartheid in

South Africa and the diminution of the “dirty” civil wars in Latin America may be testimony to the efficacy of this method.

Thematic procedures, moreover, can be extremely enlightening, and on occasion, such procedures also include investigation by a special rapporteur concerning the human rights situation in a particular country. If information is power, certainly knowing about disseminating and using these reports to create open dialogue within a country and among countries is an excellent way to reach proper conclusions about and a general consensus on how to rectify human rights violations. These thematic mechanisms begin a process of scrutinizing countries’ practices, which in this case, are in the public forum. In 1985, for example, the thematic procedure concerned itself with torture. The special rapporteur, who consults with NGOs as well as government bodies, uses his or her discretion, as an independent expert,⁴¹ to transmit allegations of torture to governments. Since 1985, for example, these efforts have led to international scrutiny of at least 60 countries, including El Salvador, Haiti, India, Indonesia, Jamaica, and the Philippines. These procedures appear to have led to a growing international consensus on the prohibition against torture in this new millennium; the present international furor over alleged mistreatment of prisoners in Guantanamo is a case in point.

One noteworthy country report concerning U.S. compliance with CERD, ratified in 1994, was from special rapporteur Maurice Glélé-Ahanhanzo, whose 1995 *Report on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance in the USA* mentions, for example, that

in white areas, the houses are in good state of repair, the highways and public infrastructures are well maintained and the household garbage is collected regularly—quite the opposite of what may be seen in those districts where ethnic minorities predominate. (p. 14)

In response, the U.S. Department of State (1995) asserted, “Evident in this observation is Mr. Glélé’s perception of apartheid-like ‘white areas’ in the U.S. There are no such demarcations. . . . The report fails to acknowledge the country’s civil rights enforcement efforts in the field of housing” (p. 19). The report also mentions U.S. “harassment” of African Americans, such as Julian Bond, Clarence Mitchell, Ron Dellums, Charles Rangel, Andrew Young, David Dinkins, Maynard Jackson, Marion Barry, and others: “Elected government officials . . . may face various forms of harassment. . . . A number of Black officials were placed under surveillance, their telephones tapped, subjected to investigations, spied on by cameras for corruption or embezzlement” (pp. 16–17). The Department of State (1995) responded:

[This] list of some 17 [allegedly harassed African Americans] is a curious point in light of the fact that in 1993, over 13,000 African Americans and other minorities served in elected governmental positions. This line of argument goes beyond over-simplification by deliberately ignoring the many protective and facilitating steps authorized under U.S. law to deal with obstacles to equal participation in the political life of the nation. (p. 22)

In addition to country reports, theme-oriented procedures by special rapporteurs can provide informative and productive means to investigate and rectify global concerns worldwide. Topics include reports on issues such as violence against women (1994), extreme poverty (1996), the right to food (2000), the right to adequate housing (2001), the rights of Indigenous Peoples (2001), international solidarity (2005), transnational corporations (2005), torture (2008), illicit movement of toxic waste (2008), violence against women (2009), migrants (2011), environment (2012), democratic and equitable international order (2012), contemporary forms of slavery (2014), and privacy (2015). Addressing extreme poverty, for example, Leandro Despouy's *The Realization of Economic, Social, and Cultural Rights* (1996) notes poverty as "the world's most efficient and pitiless murderer and executioner" (p. 3). He examines, among other things, "some of the fundamental principles of human rights in the light of the experiences of very poor people" (p. 24). Such principles include, but are not limited to, the equal dignity of all human beings, the principle of equality and nondiscrimination, the "concatenation of misfortunates demonstrate[ing] the indivisibility and interdependence of human rights" (p. 25), the right to a decent standard of living, and the rights to housing, work, and health care, all as asserted in varying capacities in international human rights instruments. Calling poverty "the new face of apartheid" (p. 37), he integrates the voices of those in extreme poverty. For instance,

I was in a shelter with my children. I was so closely watched by my children that I did not dare do anything. If they heard us shouting, someone from the child welfare office would come to see what was happening. . . . I was so afraid that my children would be taken away from me. (p. 31)

Another woman with a lung problem was afraid to get treatment because she feared her children would be "placed in an institution if she goes to the hospital" (p. 30). Despouy urges UNICEF (United Nations Children's Fund), WHO (World Health Organization), UNCTAD (United Nations Conference on Trade and Development), UNEP (United Nations Environment Programme), ILO (International Labor Organization), and NGOs to coordinate initiatives and work cooperatively, which is also a recommendation of

the noted economist Jeffrey Sachs (2005). Although it is difficult to state precisely the effectiveness of these country and thematic reports, Clinton's initiative on race in 1997 and the passing of the Violence Against Women Act in 1996 may have been direct consequences of such initiatives.

Noteworthy is another report on extreme poverty. The special rapporteur, Arjun Sengupta, noted the following:

Despite the economic wealth of the United States and the efforts of the government, the poverty rate remains high compared to other rich nations and there is no evidence that the incidence of poverty, and especially extreme poverty, is on the decrease. . . . Government programs and policies have not effectively remedied the vulnerable situation of those groups most at risk of extreme poverty, notably African Americans, Hispanics, immigrants and single mothers. (UN Human Rights Expert, 2006)

Alfred de Zayas, special rapporteur on the promotion of a democratic and international order, has stated, among other things, that the World Bank, the International Monetary Fund, and the World Trade Organization need to have the same scrutiny as member states of the UN and that states "often negotiate treaties in secret and exclude key stakeholders like labor unions, consumer unions, *health* and environmental protection groups [and] secret treaties are fast-tracked through parliaments so as to avoid public participation. This renders the agreements democratically illegitimate" (De Zayas, 2015a, point 10; italics added).

Where reports go from here is anybody's guess, although they are supposed to be taken up by the appropriate legislative bodies. There is definitely a need for a coordinating body between these international initiatives and domestic policies, which is why some have advocated for a Human Rights Cabinet to define human rights with the vision implicit in human rights principles rather than the narrow definitions, often riddled with hidden agenda, discussed earlier. Furthermore, the United States and other countries must respond to concerns of the committee, which now, on behalf of the United States and others, are available for the entire world to see on the Internet. Some countries do not have their reports so readily available. Those countries that do ought to be commended for being willing to air their dirty laundry, but more importantly to engage in creative dialogue with UN bodies.

It is also extremely important that NGOs provide input into those reports, because official records sometimes tell only part of the story. For example, the "real number of hate crimes in the United States is more than 15 times higher than FBI statistics reflect," according to a study by the Bureau of Justice Statistics (Southern Poverty Law Center, 2005, p. 4).

A thorough accounting of data is paramount, as this knowledge winds its way to international forums. Often, NGOs write what are called shadow reports, to fill in gaps left by official reports. One report by the Indigenous Peoples and Nations Coalition (2006) made note, for example, of the Tee-Hit-Ton decision (348 U.S. 273) and others asserting the legitimacy of the doctrines of discovery and conquest by “the superior genius of Europe,” requiring submission of “heathens” in the New World (p. 1). Another shadow report on forced drugging, use of electroshock, and overmedication of children can be found in Chapter 4. Although official human rights reports are not perfect, what is? These reports, however, can serve as a guide for social justice activists to show a country how it is doing in regard to human rights standards and to work collaboratively for adequate solutions. Certainly, activists can use them as guides for direct nonviolent actions for government implementation.

Most recently, Alfred de Zayas at a Civil Society Forum at the World Trade Organization in Geneva in September 2015, at a side event on the right to food, expressed concern that such reports are merely archived with no one doing anything. He urged an advisory opinion by the International Criminal Court on matters of human rights, which would have more weight. When hearing about these reports, one might think of the ending of Steven Spielberg’s *Indiana Jones and the Temple of Doom*. Despite urgings to the contrary, at the end, a government bureaucrat blithely stows away a mythical stone with magical and powerful qualities somewhere in a nondescript maze of storage space. The same could be said for such reports; but these reports have much potential. I cannot emphasize enough that we need to continue to heed the words of Confucius that the “wise person is someone who keeps on trying even though he [or she] knows it is useless.” Someday these reports, if not the global collective wisdom, found in UN human rights initiatives may, thanks to people like you, dear reader, take center stage.

Before concluding this section, I would like to entertain the notion again that thinking is doing and make a pitch for using the far reaches of the Internet as a means for social change. Whereas Gil Scott-Heron may have been correct decades ago that the “revolution will not be televised,” today there are many venues for communication that need to be made the most of. One example is de Zayas’s blog (2015b) where he writes:

The brave new world of market fundamentalism promises endless progress and seduces many through virtual pleasures, a festival of consumerism, digital gadgets galore, fast lanes and fast tracks to everywhere and nowhere, the illusion of doing more with less. One day, however, we may wake up with a heavy spiritual hang-over, realizing we have entered the dystopian age of

conformism, of mass surveillance and consequent self-censorship, burdened by a sense of not coping with those things that really matter, enveloped by a paralyzing meaninglessness, seemingly unable to escape, condemned to the anesthetizing *panem et circensis* [bread and circus] imposed by the Zeitgeist. We may think we can check out of the New World Hotel to join the dissident ranks, but it may be too late to exit—because there may not be anywhere for vagabonding misfits to go.

Hmm . . . *vagabonding misfits*? Another term for human rights/social justice activists? Perhaps. Just some food for thought.

World Conferences

Since the Rio Conference on the Environment and Development (the Earth Summit) in 1992, these world conferences with action plans have become a high-water mark of participation, continually opening up possibilities for fuller and deeper integration of governments with ever-growing civil society. With the proliferation of international civil society—that is, the growth of numerous groups dedicated to social justice issues—has come a chipping away at traditional notions of state sovereignty (Alston & Goodman, 2013; Steiner & Alston, 2000). In large measure, the development of technology—the Internet, videoconferencing, and the like—has strengthened the viability of global conferences as a force that the powerful need to reckon with. As the UN (2006) comments:

To some, the series of large-scale United Nations conferences held in the 1990s seemed like an extravagant talkfest. But most of the world's leaders and policymakers have viewed these events as a worthwhile investment—and even a watershed—in shaping our global future. (p. 4)

In addition to Rio, there were the World Conference on Human Rights (1993, Vienna); the International Conference on Population and Development (1994, Cairo); the World Summit for Social Development (1995, Copenhagen); the Fourth World Conference on Women (1995, Beijing); the Second UN Conference on Human Settlements (1996, Istanbul); the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (2001, Durban); the World Conference on Sustainability (2002, Johannesburg); the World Conference on the Information Society (2003, Geneva); the World Conference on Disaster Reduction (2005, Kobe, Hyogo, Japan); the UN Climate Change Conference (2009, Copenhagen); the International Water Summit (2013, Abu Dhabi); the World Conference on Indigenous Peoples (2014, New York); and the

World Climate Summit (2015, Paris). Often they have follow-up conferences, usually 5 or 10 years later, such as the 2002 World Food + 5 Summit in Rome and the 2002 Rio +10 World Conference in Johannesburg. In 2015 there was the 20-year follow-up conference to the 1995 World Conference on Women known as the Beijing +20.

A word must be said about the 1998 World Conference for Peace, which met at The Hague, Holland. It was *not* under UN auspices, perhaps because the United Nations consists of governments, separated almost entirely through lines, that is, state boundaries, most often symbolic of force and violence. NGOs, however, worldwide, decided to gather for a conference that drew Nobel Prize winners and a plethora of members of international civil society.

World conferences make their own declarations, such as the Beijing Platform of Action for the Women's Convention back in 1995. The United States, in that instance, committed itself to a platform of action that would

establish a White House Council on Women to plan for the effective implementation within the U.S. of the Platform for Action, with full participation of NGO's; launch a six year \$1.6 billion initiative to fight domestic violence and other crimes against women; lead a comprehensive assault, through the Department of Health and Human Services, on threats to women's health and security, AIDS, smoking, and breast cancer; conduct a grass-roots campaign through the Department of Labor to improve conditions for women in the workplace, including working with employers to develop more equitable pay and promotion policies and helping employees balance the twin responsibilities of family and work; have the Treasury Department take steps to promote access to financial credit for women. (Beijing Women's Conference, 1997, p. 3)

Of course, substantive principles and actions can emanate from human rights documents, such as the necessity of government to provide for the balancing of family life and work, as asserted in CEDAW, just one of many documents. Given the historical reluctance of governments to provide for human rights, it is now up to us to work toward social justice in positive, nonviolent ways, yet with direct actions to ensure that human rights are realized for every person, everywhere.

Universal Periodic Review (UPR)

The UN General Assembly created the Universal Periodic Review (UPR) in 2006, the same year it established the Human Rights Council (HRC). It is a state-driven process wherein every state is given the opportunity to declare

the actions they have taken to improve the human rights situations in their countries vis-à-vis the UN Charter, the Universal Declaration, human rights treaties the state is party to, voluntary pledges by the state, and applicable international humanitarian law. NGOs and other states can participate in the process. It is designed to ensure equal treatment for every country when their human rights situation is assessed. Roughly 48 states are reviewed each year, with each state, therefore, going before the HRC every 4 years. I would like to share with you my response, as representative for IASSW, submitted before the 30th session of the HRC in September 2015. It pertains to Agenda Item 6 on UPR Outcomes in general, which I think summarizes select important points about that procedure, particularly how it can be a means to engage in creative dialogue, implementing ultimately the spirit of Crazy Horse.

Practice Illustration 2.1 An NGO Response Pertaining to the Universal Periodic Review (UPR)

It has been said that the Universal Periodic Review is a way for countries to “air out their dirty laundry.” The International Association of Schools of Social Work (IASSW) rejects that metaphor. Rather, it sees the UPR process as akin to the spirit of Crazy Horse, named after that great Indigenous and spiritual leader of the Lakota, which has been described as “peace, humility, and everlasting love.” Reminded of the words of Gandhi, that “honest disagreement is often a good sign of progress,” the creative dialogue that the UPR fosters can move us toward peace. Humility, an awareness that other countries, as well as our own, are neither perfect nor exceptional, can help us move toward a spirit of mutual reciprocity to build on strengths and work on weaknesses as often urged by Jane Addams, Nobel Prize winner, sometimes called the mother of social work, as can everlasting love, an ethic found in some of the world’s great religions and largely mirrored in human rights documents: to love your neighbor as yourself in the Christian gospel, to do to your brother (or sister) only what you would like to be done to yourself in the Holy Koran, and to do unto others, for all the rest is commentary in the Jewish Torah.

We also urge that supranational organizations, such as the World Bank, the International Monetary Fund, and the World Trade Organization, receive the same inquiry as nation states, reminding this august body that some corporations have GNPs greater than some countries and that the word *privatization* comes from the Latin *privare*, meaning “to steal,” and structural adjustment policies may be suspect.

Our impressions are also that these reports need more emphasis upon eradicating structural violence. We ask nations to heed the words of Pope Francis that “human rights are not only violated by terrorism, repression, or assassination, but also by unfair economic structures that create huge inequalities” and that “unbridled

capitalism is the dung of the devil," thus implementing Article 28 of the Universal Declaration, which calls for a socially just order. Here I am speaking in part of corporate welfare, a case in point being the United States giving McDonald's millions of dollars to market Chicken McNuggets to the Third World, a food that can lead to obesity and diabetes. Yet we are reminded that the human rights monitoring committee to the ICCPR called the U.S. Bill of Rights a beacon of hope for humanity. In more general terms, we must help the homeless certainly but eradicate extreme poverty so that the homeless do not keep coming.

Thank you, Mr. President.

Summary

With the Universal Declaration of Human Rights as the centerpiece, this chapter provided a Janus-faced look back at the history of the idea of human rights and some consequent major developments. Viewing history itself as a struggle that reflects human choice and is not free from a myth of total objectivity, the chapter began by examining some major religious teachings. An arbitrary selection of such major documents as the Code of Hammurabi, the Magna Carta, the French Declaration of the Rights of Man and Citizen, and the U.S. and Soviet constitutions were reviewed as precursors to the Universal Declaration, mirroring the zeitgeist, or spirit, of their times, as voiced by philosophers and political theorists. Then it examined the core principles of the progeny of the Universal Declaration (the right panel of the human rights triptych), including but not limited to the Convention on the Elimination of Discrimination Against Women (CEDAW); the Covenant on Economic, Social and Cultural Rights (CESCR); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD). Following this review, the chapter looked at the left panel of the triptych and weakest part of the human rights framework, the means of implementation. These instruments consist of reports by special rapporteurs on themes such as Indigenous Peoples, racism, and the environment; country reports to human rights monitoring committees of major conventions; world conferences, such as the World Conference on Women in Beijing (1995) with its 20-year follow-up conference in 2015, the World Conference on Indigenous Peoples (2014), and the World Climate Summit (2015); and the Universal Periodic Review (UPR), wherein countries must submit human rights reports every four years before the HRC. Building on this preliminary knowledge, the following chapters examine how this powerful idea relates to major foci of the helping and health professions: global, whole-population, at-risk, clinical, everyday life, and research dimensions.

Questions for Discussion

1. Look at all UN human rights documents, navigating from the UN website (www.un.org) or more directly from my home page (www.human-rightsculture.org), clicking on Links and then Link to All UN Human Rights Instruments. What human rights instruments are missing from the list of documents? Is there a document, for example, on the rights of gays, lesbians, transsexuals, intersexed, or even asexual? Is there one on security in old age, the rights of men, the eradication of extreme poverty, international distributive justice, peace, or humanitarian disaster relief? What could such documents be called to form easily recognizable acronyms, like CEDAW or CERD, or CESC, that could assist in creating international social movements? How about calling it the Convention to Abolish Extreme Poverty (CAEP), a title considered at the Human Rights Council meetings in September 2007? Begin discussing what some of these documents might look like. What would be their core principles? Begin writing the documents, and go to the U.S. Human Rights Network (www.ushrnetwork.org) to engage in coalition building.

2. Presently, a priority of the Department of State—the federal agency charged with the promotion, ratification, and implementation of human rights instruments—is the ratification of CEDAW. Why? Should the Department of State have the CRC as a priority, given that the United States is one of two nations in the world that have not ratified that document? Also, given the high incidences of violence against children and their extreme vulnerability, would the “mobilization of shame,” a common action strategy among human rights defenders, be an effective strategy to ensure its ratification? How should one determine which human rights document take precedence in domestic forums? In 2006, the Human Rights Council drafted Guiding Principles for the Eradication of Extreme Poverty, with a Final Draft submitted in 2012 with an eye toward an internationally binding convention. Comment on the following statements: (a) Oh no, not another human rights document! Nothing but words, words, words. What we need to do is implement the documents we already have. (b) Public discourse rarely mentions extreme poverty that exists nationally and globally. Given its devastating effects, which can easily lead to violence and war, it is necessary to expand people’s consciousness about this issue by moving toward an internationally binding convention, which in turn would assist in its implementation. (c) If we learned how to love one another and lived together in peace, human rights documents would not be necessary. (d) Human rights documents can assist in teaching us how to love one another and live together in peace.

3. One of the most controversial aspects of CERD, at least in the United States, is what amounts to a prohibition against hate speech that can incite violence. Even in regard to the ICCPR, the human rights monitoring committee has, in the spirit of creative dialogue, urged the United States to raise hate speech to the level of an obscenity. Do neo-Nazis, the Ku Klux Klan, and/or ISIS have a right to assemble in the town common, or should a Holocaust denier be granted a forum at a university? Should they be arrested, as the law requires in some European countries? Are such arrests at best merely token efforts to compensate for a hideous past? What limitations, if any, should there be on freedom of expression?

4. How do the history books and the media deal with the historical treatment of Indigenous Peoples in the United States and elsewhere? Is genocide ever mentioned? Were the Indians the “bad guys”? Do the history books emphasize “Indian attacks” or “white attacks”? Have you heard of the Trail of Tears, a forced march by the U.S. government resulting in the displacement and deaths of thousands of Indigenous Peoples? Do you feel that the treatment of Indigenous Peoples in history books is a sin of omission, not dissimilar to denying the Holocaust? Or is it an honest mistake made by hundreds, if not thousands, of historians? Does the current situation of Indigenous Peoples meet some, if not all, of the criteria of the Genocide Convention and the Draft Declaration on the Rights of Indigenous Peoples? Are there any other similar “oversights,” such as the treatment of African Americans, women, gays, and lesbians in this country? Is it okay to forgive historians as being, for example, products of their times? Or is society slowly beginning to grapple with this issue by finally acknowledging the dignity of groups previously oppressed and now slowly moving toward a socially just community? Are museums, for example, now depicting the situation of Indigenous Peoples and other groups in a more truthful light? Have you been to the Museum of the American Indian and Alaskan Native in Washington, DC? Do you think it adequately portrays the historical past and present situation of Indigenous Peoples? (I had mentioned jokingly to the librarian there and some of my indigenous colleagues at the UN that the only thing missing was piping in the childhood tune “Ten Little Indians” as one went from room to room. I got more than one nod of approval on that comment.)

5. Given that history always has a subjective element, what does this synopsis of the history of the human rights concept leave out? Given the growing popularity of this idea of human rights, does the adage “success has many parents, but failure is an orphan” account for a preponderance of European thinkers seen here as contributing to its history? Can one

argue that many entities, including the United States in its depiction of Eleanor Roosevelt's role, are scurrying to take credit? Are there any unsung heroes or heroines in the history of human rights? How about your particular profession? Were there early pioneers advocating inclusion and adherence to human rights principles in the profession? Are you an early pioneer or latecomer?

6. Although capitalist countries generally favored passage of the ICCPR, and socialist countries were generally more favorable toward CESCR, the history of the Cold War is replete with instances of both sides taking cheap shots at one another. In the 1980s the United States would lambast the Soviet Union for the misuse of psychiatry to oppress political prisoners; the Soviet Union would condemn the United States for breaking treaties with its Indigenous Peoples. Do some historical research on this issue, using, for example, a content analysis of historical materials from the *New York Times*, available on the Internet at www.nytimes.com. How can that information be constructively used? Today, does a similar kind of "cold war" exist, divided not along political but religious lines—a kind of standoff between fundamentalist Christian and extremist Islamic religious forces—perhaps making the stakes even more powerful? Comment on the following statements: (a) Capitalism, which transfers wealth through speculation, is an example of the promotion of human dignity in action. (b) State-sponsored socialism, such as in the former Soviet Union, even with its Gulag and imprisonment of political dissidents, was necessary to promote human dignity. (c) The historical record is replete with instances of people living collectively, sharing the results of their labor in decent and meaningful ways.

7. CEDAW speaks of self-help groups as a human right, particularly among rural women. Does calling self-help groups a human right move you to (a) petition professional organizations to formally endorse their efficacy, if they haven't done so already; (b) form such groups in your communities; and/or (c) lobby your governmental agencies to form them? Do the helping and health professions tend to downplay the effectiveness of support groups because that would perhaps interfere with their practices, which are often market driven? Or do these professions support such groups because professionals are basically committed to their clients' growth, irrespective of financial threat to their practices? One would be hard-pressed, for example, to find a professional who would not recommend the many "anonymouses" out there for alcoholic, overweight, depressed, and sex- and love-addicted persons. Or do professionals committed to such groups face an ethical dilemma because they must support themselves and their families with dignity? If the latter is correct, what societal or other changes might be necessary?

8. Why might the U.S. government (or your government) refuse to take up the social and economic obligations for health care, education, and paid maternity leave enunciated in some major international human rights documents? By and large, the U.S. government sees these obligations as family obligations. Yet isn't it the domain of government to provide a social order that ensures families of the opportunities for such fundamental rights? Or is this not the domain of government? Or does the U.S. government, in fact, take up this challenge through a vast array of social welfare programs and services? Comment critically on the following statements: (a) The U.S. Bill of Rights is an exemplary document serving as a beacon of hope for humanity. (b) The United States, given its leadership in the drafting and ongoing implementation of the Universal Declaration, is a major leader in providing human rights around the world. (c) If peace is a human right, then the United States, which spends nearly half of the entire world's spending on armaments, violates this right indiscriminately and may be the worst offender of human rights.

9. Go over all of the elaborations of essential themes of all the human rights documents listed with a fine-tooth comb. Highlight themes and portions of the elaborations in which you feel your country is most negligent. Discuss your findings with classmates, noting how you disagree or agree and what can be done to rectify what appear to be major human rights violations as defined by those documents. Now go to the Internet¹² and read the U.S. (or your country's) reports to the human rights monitoring committees. After reading a report, contact the Department of State (or your own country's organization dealing with human rights matters) and ask to provide input. What do they say? Do they even respond to your phone call and/or e-mail? If they do not respond, how could one make them listen? Now read, in its entirety, one of the shadow reports found on the U.S. Human Rights Network website (www.ushrnetwork.org). Does the shadow report adequately address issues not dealt with in the official human rights reports?

10. Do the major human rights documents emphasizing race, gender, or age set one group against the others, a skillful machination of government? Or have they indeed been helpful in advancing the rights of people of color, children, women, and those with disabilities, for example? Does advancing the rights of one group, in fact, advance the rights of another? Or does it take away from the rights of other groups? Simply put, when advancing human rights, does one easily end up robbing Peter to pay Paul? How can this dilemma be resolved so that when we engage in a social action for children, for example, we are also mindful of those discriminated against on the basis of race or gender? And how about those in multiple jeopardies, simultaneously discriminated against on the basis of race, gender, age, class, national origin, political opinion, and the like?

Activities/Actions

1. Think of a group you are prejudiced against. Now find and stare at a picture or pictures of people from that group. If no pictures are available, meditate on an image of someone from that group, and let the prejudices rise within you, using a kind of active imagination developed by Carl Jung. Then try to have it out with them, not to let such demons control you. If, for some reason, you wish to hold on to these prejudices or just cannot let them go, ask where this gets you. Is dealing with such demons a lifelong process, or can individuals be rid of them overnight if they really put their minds to it? Discuss your experiences, but please be careful to share only what you deem necessary and not to be offensive in your comments. Begin doing something to combat these prejudices in your everyday life and to implement social actions to eradicate them.

2. Begin a social movement to set up a Human Rights Cabinet, similar to the cabinet agencies that answer to the president, such as the Department of Homeland Security. Would such a cabinet be a bottomless pit, in which everything might be considered a human rights violation, dulling sensitivity to the very idea of human rights as a helpful tool in the struggle for social justice? Or could such a cabinet become easily co-opted by groups interested in only some rights, particularly those that affect only elites? Can one argue, for example, that concern for a right to a clean environment, which dominates public discourse, is in line with the interests of the wealthy seeking pristine vacation spots? Should one pay more attention to the plight of those in extreme poverty, where living often just to survive is a daily effort?

3. Place a referendum on your state's ballot pertaining to the Universal Declaration of Human Rights or to other human rights documents important to you. Have it read something simple like, "Do you urge your representatives to endorse and support the principles of the Universal Declaration of Human Rights (or one of the documents following it)?" or "The people of the state of . . . urge its legislators to monitor progress toward complying with the principles of the Universal Declaration of Human Rights." It can be legally binding or nonbinding. A lot of human rights work is education, so make sure to include a paragraph or two explaining in layperson's terms that the Universal Declaration endorses rights such as medical care, security in old age, availability of college education at reasonable tuitions, and meaningful and gainful employment at a reasonable wage, which Americans are largely unaware of as rights per se. You may wish to also throw in freedoms of speech and the press, which most Americans equate with human rights.

4. Do you see a human rights violation in the United States that is gross, widespread, and reliably attested to for which domestic remedies have been exhausted—primary criteria of a human rights violation as commonly understood in international law? Write a *communication* (the preferred word in the UN system rather than *complaint*) to the United Nations. Send it to the Human Rights Commission and put on the envelope, perhaps, “Attention: 1503 Procedure.” Send it via registered mail and see what happens. Be sure to send a copy to the State Department and the president. Do you have any trepidation in doing the latter activity? Share your experience with the class. You can certainly send the communication via e-mail, but generally, written communications receive more notice.

5. Occasionally, it is possible to provide input into implementation of human rights conventions through general discussions. You can join these discussions by clicking on the appropriate convention from the Links tab on my home page (www.humanrightsculture.org). You will find, for example, an e-mail address, such as CRCgeneraldiscussion@ohchr.org, or the human rights blog at www.ushrnetwork.org. See what general discussions are currently underway and provide input. Is this an effective way to participate in community building or just a façade, giving the impression of public participation? What would be the most effective method to ensure such discussions positively affect the human rights situation in a particular country, as defined by human rights documents?

6. Try to find out who is on your country’s human rights monitoring committees for each of the conventions that it had ratified. Write them or call them; in effect, engage in some kind of relationship with them. Work on a shadow report either alone and/or with others. Share it with them. Monitor if what you said was included in the final report to the UN. Do some follow-through to ensure that your government abides by the concluding recommendations.

Notes

1. See particularly Danaher (2004) for further analysis of this issue.
2. This definition of employment is borrowed from the U.S. delegation’s definition of the right to work during the debates that led to the UN’s endorsement of the Universal Declaration (Wronka, 1998b).
3. The answer here is to be very careful, run, and seek cover if possible. I found this out when I chanced on a moose with her calf while hiking in Denali National Park. I thank my Inupiat students for instructing me about the need to take such actions.

4. Hobson sold horses. He would offer customers the choice between two horses he had in the front of the store. However, savvy customers would look around and notice in the back there were others available. The choices thrust on them, therefore, did not entirely encompass the myriad choices possible.

5. Examples of guiding principles, declarations, and covenants following these major instruments are the (a) Principles for the Protection of Persons With Mental Illness and the Improvement of Mental Health Care; (b) Declaration on the Rights of Mentally Retarded Persons; (c) Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment; (d) Geneva Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea; (e) Convention Against Discrimination in Education; (f) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; (g) Declaration on the Elimination of Violence Against Women; (h) Standard Minimum Rules for the Treatment of Prisoners; (i) Rule for the Protection of Juveniles Deprived of Their Liberty; (j) Declaration of Fundamental Principles Concerning the Contribution to the Mass Media to Strengthening Peace and International Understanding; (k) Declaration on the Right to Development; (l) Code of Conduct for Law Enforcement Officials; (m) Convention on the Reduction of Statelessness; and (n) the Genocide Convention. Obviously, this long list underscores the need for interdisciplinary understanding and collaboration while attempting to implement human rights for all.

6. A list of all these documents can be found by clicking on the Links tab at my home page, www.humanrightsculture.org. Then, click on Link to All UN Human Rights Instruments. Unless otherwise specified, other information pertaining to human rights, such as country reports to human rights monitoring committees, can be found by navigating from that website.

7. A more in-depth analysis of this history, including input from countries prior to the endorsement of the Universal Declaration, appears in my previous work, *Human Rights and Social Policy in the 21st Century* (1998b).

8. “Entered into force” simply means that members of the UN must abide by its principles. It is taken extremely seriously in UN forums.

9. As stated in the original Preface, I strongly urge that readers insert any country of interest, often their own; the United States is mentioned here and throughout the text merely as an example.

10. They can be accessed from my website, by clicking on the Links tab, then Country Reports to Human Rights Committees.

11. The aim is to be independent. Although this is often the case, disappearances of persons directly confronting their own governments have been documented. Thus, some may act independently but with trepidation for obvious reasons.

12. As in Question 1, unless otherwise specified, it is possible to access documents through the UN portal or my website.