

# Lesson Five: Human Rights

## Lesson Five - Lesson Plan

**PLTS:**

Independent enquirers, team workers

**FUNCTIONAL SKILLS:**

Speed reading and skim reading, sorting information for relevance, introduction to working with legal documents, time management and working as a team

**OBJECTIVES:**

- Students will explore what human rights are in the UK context, where they come from and how they are protected
- Students will understand the difference between absolute and non-absolute human rights, and the circumstances in which some human rights may be limited
- Students will learn to apply the rights contained in human rights treaties to relevant situations

**OUTCOMES:**

- Students will be able identify the human rights that are protected through national and international law
- Students will be to explain what human rights are for

**KEYWORDS:**

Absolute and non-absolute rights, limited rights

## 5.1 Introduction: Human Rights

Read or paraphrase the following for the class:

You may have heard the term ‘human rights’ being used in different situations, often with someone saying that a person’s human rights have been violated. In this lesson we are going to learn what human rights are, where they come from, and how they are protected.



### 5.1.1 STARTER ACTIVITY: What Are Human Rights? – Teacher-led discussion

**P** Ask the students:

*What do you consider human rights to be? Try writing down a sentence or two that explains what human rights are.*



### 5.1.2 STARTER ACTIVITY: What Are Human Rights? - Background for teachers

Students should come out of the discussion understanding that human rights are rights that everybody possesses by virtue of being human and which every person needs in order to live happily, healthily and with dignity.

## MAIN ACTIVITIES

### 5.2 Human Rights



#### 5.2.1 ACTIVITY 1: Video on Human Rights in the UK (10 minutes)

Play the video on human rights in the folder called 'Expert Interviews' on the CD-ROM.

In this video, Baroness (Helena) Kennedy QC, a leading human rights barrister in the UK, talks about human rights in the UK and beyond and their connection to the rule of law.



## 5.2.2 ACTIVITY 2: Brainstorming on Human Rights - Printouts for students

**In groups of four or five:**

What rights should all people be entitled to in order to live decently and with dignity? Try to think of four human rights that you consider important.

1.

2.

3.

4.

Now look at the student version of the Universal Declaration of Human Rights (UDHR).

In your groups, can you find similar rights in the UDHR to the four you wrote down? Write the article number from the UDHR next to your answers above.

**Class discussion:**

Compare your answers with the rest of the class.  
Of the human rights that you wrote down, which do you think is the most important and why?





### 5.2.3 Universal Declaration of Human Rights for use in Activity I: Printouts for students

Article 1—Everyone is free and should be treated in the same way.

Article 2—Everyone is equal despite differences in skin colour, sex, religion, or language for example.

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

Article 4—No one has the right to treat you as a slave nor should you make anyone your slave.

Article 5—No one has the right to hurt you or to torture you.

Article 6—Everyone has the right to be treated equally by the law.

Article 7—The law is the same for everyone and it should be applied in the same way to all.

Article 8—Everyone has the right to ask for legal help when their rights are not respected.

Article 9—No one has the right to imprison you unjustly or expel you from your own country.

Article 10—Everyone has the right to a fair and public trial.

Article 11—Everyone should be considered innocent until guilt is proved.

Article 12—No one should have their home and family life interfered with without a good reason.

Article 13—Everyone has the right to travel as they wish.

Article 14—Everyone has the right to go to another country and ask for protection if they are being persecuted or are in danger of being persecuted.

Article 15—Everyone has the right to belong to a country. No one has the right to prevent you from belonging to another country if you wish to.

Article 16—Everyone has the right to marry and have a family.

Article 17—Everyone has the right to own property and possessions.

Article 18—Everyone has the right to practise and observe all aspects of their own religion and change their religion if they want to.

Article 19—Everyone has the right to say what they think and to give and receive information.

Article 20—Everyone has the right to take part in meetings and to join associations in a peaceful way.

Article 21—Everyone has the right to help choose and take part in the government of their country.

Article 22—Everyone has the right to social security and to opportunities to develop their skills.

Article 23—Everyone has the right to work for a fair wage in a safe environment and to join a trade union.

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

Article 25—Everyone has the right to an adequate standard of living and medical help if they are ill.

Article 26—Everyone has the right to education.

Article 27—Everyone has the right to share in their community's cultural life.

Article 28—Everyone must respect the social order that is necessary for all these rights to be enjoyed.

Article 29—Everyone has duties to the community. Each person's right will only be limited to the extent necessary to protecting the rights of others in the community.

Article 30—No one has the right to take away any of the rights in this declaration.



## 5.2.4 ACTIVITY 2: Brainstorming On Human Rights - Instructions for teachers (15 minutes)

1. Draw out from the class one or two human rights that the students are already familiar with.
2. Divide students into groups of four or five to brainstorm on four more rights amongst themselves.
- P** 3. Stick a few copies of the UDHR to the board/wall and ask the students to get up from their desks to check their answers. This encourages speed reading. Otherwise distribute one copy for each group so they can check their answers sitting down. Ask students to use the UDHR to check their answers. Tell the students that they only need to skim or speed read the UDHR rather than read in detail. Give them 5 minutes to complete this task.
4. Get feedback on their answers as a class. As they feed back, use the set of cards and write the relevant articles on the board as they mention them, so students are able to visualise their existing knowledge.
5. Based on the cards you have put on the board, lead a class discussion on which human rights the students consider to be important and why.

The point of the exercise is to find out what students' concepts of human rights are and to understand that different people may prioritise rights differently according to their individual needs and perspectives. There is no right or wrong answer to which of the rights should be included in the list, but an important point to make is that many rights are interconnected and being deprived of one right may impact on the ability to enjoy another. For example, without the right to life, none of the other rights can be enjoyed. Without the right to education, the right to work may be affected.



## 5.2.5 ACTIVITY 2: Brainstorming On Human Rights - Background for teachers

### The three broad categories of human rights

There are three broad categories of human rights: civil and political rights, socio-economic rights and collective rights.

Although there is a small overlap between the categories, in general:

Civil and political rights<sup>1</sup> are rights that protect individual liberty and security and also protect individuals from an abuse of power by the state. They allow individuals to take part equally and without discrimination in the civil and political life of their countries. Examples of civil and political rights include: right to life, freedom from torture and slavery, right to liberty, freedom of thought, freedom of expression.

Socio-economic rights<sup>2</sup> are rights that allow individuals to enjoy social, economic and cultural development equally and without discrimination. Countries are required to implement socio-economic rights progressively, to the maximum extent possible as permitted by their resources. Examples of socio-economic rights include: the right to work and decent working conditions, the right to a decent standard of living and social security, the right to education and the right to be free from hunger.

Collective rights<sup>3</sup> can be described as the collective-developmental rights of people. They consist of rights that allow people to determine their future development (self-determination) as well as certain special rights of ethnic and religious minorities to enjoy their culture, religion and language. Examples of collective rights include: the right to enjoyment of one's environment and natural resources, the right to communicate, the right to enjoyment of cultural heritage, language and religion.

## 5.3 Absolute and Non-Absolute Rights



### 5.3.1 Absolute and Non-Absolute Rights – Teacher-led introduction

1. Read or paraphrase the following to the class:

**The human rights framework we have in the UK:** *In the UK, the main legal framework that governs human rights is the Human Rights Act 1998<sup>4</sup>. Its purpose is to set out the rights that everyone within the UK is entitled to and to provide legal remedies for victims of violations of these rights. The Human Rights Act gives effect to the European Convention on Human Rights ('ECHR'). Everyone within the Council of Europe is entitled to ECHR rights.*

*The content of the rights in the Human Rights Act are mainly civil and political rights. However, some people argue that socio-economic rights are also vital in order to live happily, healthily and with dignity and so should have the same legal protection as civil and political rights.*

2. Ask the class the following question:

Can we always be guaranteed all of our rights all the time?

3. Read or paraphrase the following:

*Absolute rights are those that must be fully guaranteed all the time. Non-absolute rights are those which it might not be appropriate to apply in some circumstances or that need to be limited in some circumstances.*

You may wish to refer students to Articles 29 and 30 of the UDHR which they will have in their student printouts to explain why rights have limitations.

Article 29—Everyone must respect the rights of others, the community and public property.

Article 30—No one has the right to take away any of the rights in this declaration.

In order to ensure that everyone can have their rights protected, and that the interests of a community can be served, sometimes this means certain rights of individuals must be limited. For example, when a dangerous criminal has his right to liberty curtailed by being sent to prison, this helps to ensure the enjoyment of the rights of other individuals and the interest of the community at large.

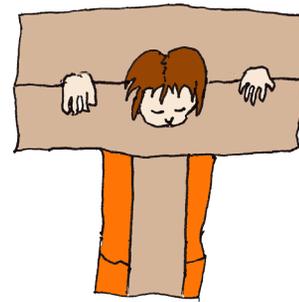


### 5.3.2 ACTIVITY 3: Absolute and Non-Absolute Rights - Printouts for students

The right to life



The right not to be tortured



The right to liberty





### 5.3.3 ACTIVITY 3: Absolute and Non-Absolute Rights - Instructions for Teachers (15 minutes)

**P** You may choose to do this activity if there is time.

1. Put the class into groups of four or five. Give one set of cards to each group. Ask them to think about whether the right on each card is absolute or non-absolute. Ask them to think about when and why these rights might be limited.
2. Discuss the answers as a class. As a class, think about and discuss circumstances in which the right should not be applied or where the right is limited.



### 5.3.4 ACTIVITY 3: Absolute and Non-Absolute Rights - Background for teachers

Absolute rights are rights that are guaranteed all the time and which may not be limited in any way, for example the prohibition of torture and inhuman or degrading treatment or punishment; prohibition of slavery and forced labour; no punishment without law and the right to marry.

Non-absolute rights are 'derogable' and some of those 'derogable' rights are also 'limited'. A right that is 'derogable' may be suspended for the greater good in times of public emergency. Most of the rights in the Human Rights Act are derogable rights. The criteria for derogating from rights is that it should be necessary and proportionate to do so (in light of the emergency that the country is facing) and the derogation must be in accordance with the country's other international law obligations. For example, a country may be facing a terrorism threat and so a government may suspend the right to liberty for security reasons such as imposing a curfew on people.

Some of the derogable rights are also limited. Limited rights are those whose scope may be limited by law in certain circumstances prescribed by the law in normal times (that is, where there is no public emergency.) For example, the right to liberty is a derogable right and also a limited right. Even where there is no public emergency people may have their liberty deprived by being imprisoned in accordance with the law where they have committed an offence. (This is explained further below in the answers to the exercise.)

### Sample answers, explanations and examples

**The right to life is not an absolute right. It is both derogable and limited.**<sup>5</sup>

#### Derogation

The right may be derogated from in lawful acts of war, which in the UK, means that the Secretary of State will order derogation where he/she considers necessary.

#### Limitation

The right can be limited for lawful exceptions: the death penalty for committing a crime if that is in accordance with a country's law, (but in practice, all European states have agreed to abolish the use of the death penalty), for death resulting from defending oneself or others, arresting a suspect or fugitive, or suppressing riots or insurrections, when the use of force involved is 'no more than absolutely necessary.'<sup>6</sup>

**The right not to be tortured is an absolute right. Therefore under no circumstances is it legal to torture someone. This absolute prohibition on torture is also a principle of customary international law (meaning that most countries around the world recognise this absolute prohibition).**

### Case study on risk of torture and unfair trial

(You may wish to present the case study to students on paper or simply explain the facts to them.)

Jordanian national Abu Qatada arrived in the UK in 1993. He was recognised as a refugee and allowed to stay in Britain. The UK government suspected him of having links with Al-Qaeda, a group considered to be a terrorist organisation by both the UK and the EU. In August 2005, the government tried to deport Abu Qatada to Jordan to face trial for terrorism. Abu Qatada appealed the deportation on several grounds including that he faced a **risk of torture** if he was sent back to Jordan as well as a **violation of the right to a fair trial**. The case went back and forth in the UK courts. In 2012 the case was heard by the European Court of Human Rights, which ruled that Abu Qatada could not be deported while there remained a real risk that evidence obtained by torture would be used against him. The only way in which he could be sent back was if Jordan gave the UK government diplomatic assurances that this would not happen.

While negotiating a deportation agreement with the Jordanian government, the UK government made further attempts to deport Abu Qatada, but was unsuccessful, with the English courts ruling that if deported, he could face an unfair trial involving evidence obtained by torture.

**The right to liberty is not an absolute right.** It is both **derogable** in times of public emergency and **limited** even in peace time.<sup>7</sup>

**Derogation**

The right may be derogated from in times of public emergency which, in the UK, means that the Secretary of State orders derogation where he/she considers necessary. For example, two months after the 9/11 attacks in New York, the UK Government introduced a derogation order to the effect that it intended, because of the threat of terrorism, to derogate from the Article 5 right to liberty under the European Convention on Human Rights in certain terrorism-related circumstances.

**Limitation**

The right to liberty is limited. A person may be deprived of his liberty in the following circumstances:

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
- (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

**Case study on indefinite detention without trial**

(You may wish to present the case study to students on paper or simply explain the facts to them.)

In 2004, the House of Lords ruled on a case<sup>8</sup> concerning nine foreigners who were being detained indefinitely in the UK on suspicion of terrorism links. The detainees argued that their detention infringed their right to liberty in Article 5 of the European Convention on Human Rights. Although a derogation from this right is possible, this is only allowed in times of emergency and must be necessary and proportionate to the threat. The House of Lords ruled that indefinite detention was not necessary and proportionate in this case and that the test of emergency was whether there was 'threat to the life of the nation' which was not fulfilled in this case.

## 5.4 Where do the rights contained in the Human Rights Act come from?



### 5.4.1 Where do the rights contained in the Human Rights Act come from? - Teacher-led introduction (5-15 minutes)

Points 2, 3 and 4 are optional.

1. Read or paraphrase the following:

*Following the two World Wars, there was general recognition among countries that such widespread suffering and loss of human dignity should be prevented from happening again. The modern framework for human rights emerged after the Second World War in the form of the Universal Declaration of Human Rights (“UDHR”) which was agreed through the framework of the United Nations in 1948 as a common standard of rights that all human beings in the world are entitled to by virtue of being human. Although the UDHR did not start out as a binding legal document (ie, of itself enforceable), some of its content has now become part of customary international law (ie, law that has become so reflective of how states actually behave that it is generally applicable to all countries whether or not they have formally signed a treaty concerning it). It has also gone on to inspire many human rights treaties both internationally and regionally that commit states which have signed up to them to upholding the rights they contain eg the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and indeed the European Convention on Human Rights.*

2. Ask the class the question:

*Which other international human rights treaties can you name?*

3. Ask the class the following question and discuss as a class:

*How exactly do these treaties protect our rights? You may think, for example, that is all very well that children’s rights are set out in the UN Convention on the Rights of the Child, but how does that actually result in protection for children all around the world?*

**P** 4. Draw the following diagram on the board:





## 5.4.2 Where do the rights contained in the Human Rights Act come from? – Background for teachers

2. Ask the class the question:

*Which other international human rights treaties can you name?*

Students may name any of the following:

International Convention on the Elimination of All Forms of Racial Discrimination

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

Convention on the Elimination of All Forms of Discrimination against Women

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

International Convention for the Protection of All Persons from Enforced Disappearance

Convention on the Rights of Persons with Disabilities

European Convention on Human Rights

American Convention on Human Rights

African Charter on Human and Peoples' Rights

Arab Charter on Human Rights

3. Ask the class the following question and discuss as a class:

*How exactly do these treaties protect our rights? You may think, for example, that is all very well that children's rights are set out in the UN Convention on the Rights of the Child, but how does that actually result in protection for children all around the world?*

It is up to the countries that have signed up to international treaties to make sure that the rights in the treaties are ensured for the people within their countries. In some countries, international treaties automatically become part of national law without the country having to do anything to make them enforceable.<sup>9</sup> In the UK (and some other countries) a new national law has to be passed in order for the international law rights to be enforceable.<sup>10</sup> A right being enforceable means that if that right were violated, you'd be able to do something about it: stopping the violation and/or making sure the offender is punished and/or you are compensated. The responsibility for the protection lies with the country that is party to the treaty.

For example, the rights contained in the European Convention on Human Rights (a regional treaty) are brought into national law by the Human Rights Act (a piece of

national law) whereas much (but not all) of the content of the UN Convention on the Rights of the Child is reflected in different pieces of legislation.

Having explained the fact that the rights contained in the Human Rights Act are derived from the European Convention which is derived from international law treaties and principles, you may like to use the diagram that you drew on the board for the students showing all the different places in law where a right may exist on national, regional and international levels.



### 5.4.3 ACTIVITY 4: Anglonia and the Rights of the Child – Printouts for students



1. Maria is a 14 year-old in a fictional country called Anglonia. Until recently she lived with her mother and younger sister who has a long-term illness in a small house in a village just outside the capital. The family just managed to survive and pay for her sister's medication on her mother's wages. Her father left when she was a baby.



2. Last year, Maria's mother suddenly became very ill and died, leaving Maria and her sister to look after themselves. The sisters are not taken into care because there is no such system in Anglonia.

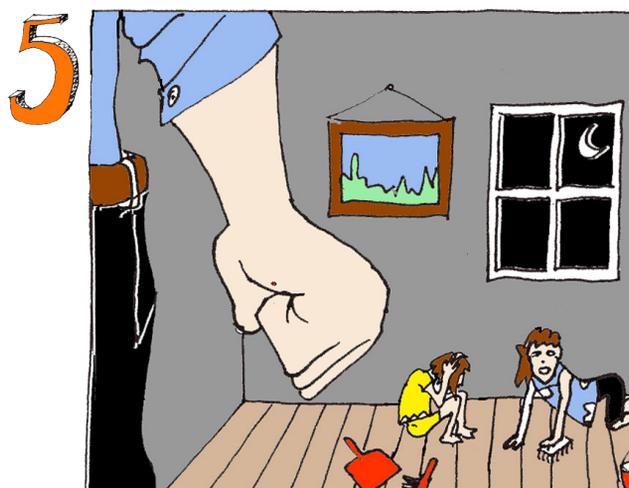


3. Soon after the death of Maria's mother, Maria's uncles take over the house Maria's family had been living in and the two girls are left on the streets. They are no longer able to go to school and have to beg to be able to get any money to buy food. Maria's sister is no longer able to pay for her medication and her condition deteriorates.

4. They are approached by a man who tells them that he will take them to the capital where they can work as maids and earn a lot of money. As the girls are desperate and have been sleeping on the streets, they agree to go with him.



5. When they get there, they are very badly treated and made to work fourteen hours a day, seven days a week, with little food.



Look at the student version of the UN Convention on the Rights of the Child. Anglonia is a country that is party to this treaty. Think about which treaty rights Anglonia is not respecting.

Write the article numbers here.:



## 5.4.4 ACTIVITY 4: Student Version of the Convention on the Rights of the Child (CRC) - Printouts for students

### United Nations Convention on the Rights of the Child (UNCRC) Set 1

Article 1—Everyone under 18 has these rights.

Article 2—All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether a boy or a girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3—When decisions are made that affect children, the interests of children should be the most important consideration. When those in government make decisions, they should think about how their decisions will affect children.

Article 4—The government has a responsibility to make sure children's rights are protected, by making laws that respect children's rights.

Article 5—A child's family has the responsibility to help him learn to exercise his rights, and to ensure that his rights are protected.

Article 6—All children have the right to life, survival, and development.

Article 7—All children have the right to a name, which will be officially recognised by the government. All children have the right to a nationality (to belong to a country).

Article 8—All children have the right to an identity—an official record of who they are. No one should take this away from them.

Article 9—All children have the right to live with their parents, unless it is not in their best interests. They have the right to live with a family who cares for them.

Article 10—If a child lives in a different country from his/her parents, they have the right to be in contact with each other.

Article 11—All children have the right to be protected from kidnapping.

Article 12—A child's views must be considered and taken into account in all matters affecting him/her.

Article 13—All children have the right to information and to share what they think with others. However, this right can be limited if it infringes the rights or harms the reputations of others, or if it is for the protection of national security, public order, or public health or morals.

## United Nations Convention on the Rights of the Child (UNCRC) Set 2

Article 14—All children have the right to choose their own religion and beliefs with their parents' help. Laws that are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others can limit this freedom.

Article 15—All children have the right to associate with whomever they choose and to demonstrate their beliefs. This right can only be restricted by laws that are in the interests of national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

Article 16—All children have the right to privacy and to freedom from interference with their home life.

Article 17—All children have the right to information that is important to their well-being.

Article 18—All children have the right to be raised by their parents if possible. The government shall assist parents and legal guardians to raise children, and shall make sure that there are childcare facilities.

Article 19—All children have the right to be protected from being hurt and mistreated, in body or mind. The government shall establish social programmes to provide support for children.

Article 20—All children have the right to special care and help if they cannot live with their parents. The government shall provide alternative care, for example foster care or adoption, for such children.

Article 21—All children have the right to care and protection if they are adopted or in foster care.

Article 22—All children have the right to special protection and help if they are a refugee (if they have been forced to leave their home and live in another country).

Article 23—Children have the right to special education and care if they have a disability, as well as all the rights in this Convention, so that they can live a full life.

Article 24—All children have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help them stay well.

Article 25—If children live in care or in other situations away from home, these living arrangements should be reviewed regularly to see if they are the most appropriate.

Article 26—All children have the right to welfare benefits from the government if they are poor or in need.

Article 27—All children have the right to food, clothing, a safe place to live and to have their basic needs met.

Article 28—All children have the right to an education.

United Nations Convention on the Rights of the Child (UNCRC)  
Set 3

Article 29—A child's education should help them to use and develop their talents and abilities. It should also help them learn to respect other people's rights, their own communities and the environment.

Article 30—All children living in minority communities have the right to practice their own culture, language and religion—or any they may choose.

Article 31—All children have the right to play and rest.

Article 32—All children have the right to protection from work that harms them and is bad for their health and education. If they work, they have the right to be safe and to be paid fairly.

Article 33—All children have the right to protection from harmful drugs and from the drug trade.

Article 34—All children have the right to be free from sexual abuse.

Article 35—No one is allowed to kidnap or sell children.

Article 36—All children have the right to protection from any other kind of exploitation (being taken advantage of).

Article 37—Children may not be punished in a cruel or harmful way for a crime.

Article 38—All children have the right to protection in armed conflict. Children under 15 cannot be forced to go into the army or take part in war.

Article 39—All children have the right to help if they have been hurt, neglected or badly treated.

Article 40—All children have the right to fair treatment and fair trial in their justice systems.



### 5.4.5 ACTIVITY 4: Anglonia and the Rights of the Child - Instructions for teachers (25 minutes)

1. Divide students into groups of six. If there are the facilities to do so, play the audio slide show 'Anglonia and the Rights of the Child' in the folder called 'Videos' on the CD-ROM. Otherwise, read through the example on the printout of Anglonia with the students as a class. Ask some simple concept/comprehension questions to ensure they have listened to and understood the example.

**P** 2. Provide each group with a set of the United Nations Convention on the Rights of the Child (UNCRC) printouts. If the full UNCRC is too much information at once, each group may divide themselves into three pairs with each pair taking set 1, 2 or 3 of the rights. Ask the students to identify the UNCRC articles that are relevant to the fictional example. This should be conducted as a speed-reading activity. To ensure that they speed-read, set a time limit for the students. Ask them to find as many relevant articles as they can within the allocated time.

Alternatively the activity could be set up as a race to identify the first six relevant articles in their groups, in order to protect Maria from rights violations.

3. Check the answers as a class so that students get a full picture of all the applicable rights.



### 5.4.6 ACTIVITY 4: Anglonia and the Rights of the Child - Background and answers for teachers

It would be useful to make the point once again to students that the UNCRC is the main source of international law for the protection of rights of children, but other international treaties may also be applicable here if Anglonia is party to them. Some of the rights covered by the UNCRC will also be covered in, for example, the European Convention on Human Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women.

**Sample Answers:**

The following articles from UNCRC are applicable to the example of Maria in Anglonia:

UNCRC art 6(2) Ensuring to the maximum extent possible the survival and development of the child.

UNCRC art 16 Prevention of arbitrary or unlawful interference with the child's privacy, family, home or correspondence, or unlawful attacks on his or her honour and reputation.

UNCRC art 18 Appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and development of institutions, facilities and services for the care of children.

UNCRC Article 19 Protection of children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

UNCRC Article 23 Protection and special care of mentally or physically disabled children so that they enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community

UNCRC Art 24 Ensuring the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

UNCRC Art 26 The right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realisation of this right in accordance with their national law

UNCRC Art 27 Ensurance of a standard of living adequate for the child's physical, mental, spiritual, moral and social development including provision of material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

UNCRC Art 28 and Art 29 Right to education on the basis of equal opportunity

UNCRC Art 31 Protection of the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

UNCRC Art 32 Protection of children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

UNCRC Art 35 Prevention of the abduction of, the sale of or traffic in children for any purpose or in any form.

UNCRC Art 36 Protection of the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

UNCRC Art 37 Prohibition on torture or other cruel, inhuman or degrading treatment or punishment.

## 5.5 Conclusion



### 5.5.1 Plenary

**P** 1. Ask the students to look back at the following question that they answered at the start of the lesson:

*What do you consider human rights to be? Have a go at writing down a sentence or two that explains what human rights are.*

2. Ask the students to add to the sentences that they wrote and encourage them to think about how what they have learned in Lesson 5 has changed their understanding of human rights.

#### Footnotes:

<sup>1</sup> Contained in the International Covenant on Civil and Political Rights, the European Convention on Human Rights (ECHR) and the Human Rights Act

<sup>2</sup> Contained in the International Covenant on Social, Economic and Cultural Rights

<sup>3</sup> These are not contained anywhere in law that is strictly enforceable (such as a treaty), but in instruments that are aspirational in nature, called 'soft law.' Examples include the Declaration of the 1972 United Nations Conference on the Human Environment (Stockholm Declaration), and the 1992 Rio Declaration on Environment and Development. However, courts have been more and more willing to recognise these rights.

<sup>4</sup> Moves towards a British Bill of Rights are currently being considered by the UK government as an alternative to the Human Rights Act 1998. While a new law could replace the Human Rights Act in the coming years, many of the issues discussed here will continue to be relevant in the same way.

<sup>5</sup> See Article 2 ECHR, reproduced in Schedule 1 of the Human Rights Act.

<sup>6</sup> Note that strictly speaking, this is not a permission to limit the right to life. Rather, it describes situations where it is permitted to use force which might result in the deprivation of life as the European Court of Human Rights ruled in *McCann v. United Kingdom*.

<sup>7</sup> See Article 5 ECHR, reproduced in Schedule 1 of the Human Rights Act 1998.

<sup>8</sup> *A and others v Secretary of State for the Home Department* [2004] UKHL 56

<sup>9</sup> These are called monist systems.

<sup>10</sup> These are called dualist systems.

## Lesson 5 Glossary

**Absolute rights** – rights that apply in all situations without exception and cannot be limited in any way

**Compensation** – a sum of money awarded under the law for injury or loss that a person has suffered

**Enforceable (law)** – where the compliance with a piece of law can be compelled by legal means, for example through a court judgment

**European Convention on Human Rights (ECHR)** – the Council of Europe’s human rights treaty agreed in 1953 that provides a common standard of human rights that all Council of Europe countries have signed up to and therefore have to respect

**Give effect to (a treaty)** – making the content of a treaty applicable

**Human rights** – rights that everybody possesses by virtue of being human and which every person needs in order to live happily, healthily and with dignity

**Human Rights Act** – the main piece of UK law on human rights protection. It was enacted in 1998 and gives effect in the UK to the European Convention on Human Rights.

**Legal protection** – protection under the law for people who are victims of illegal acts or have been wronged by someone, for example, compensation for personal injury

**Legal remedies** – compensation or rectification under the law of a situation where you have been wronged

**Non-absolute rights** – in this context, rights that can be disapplied (“derogable” rights) or limited in certain situations (limited rights)

**Derogable rights** – rights that can be suspended in certain emergency situations

**Limited rights** – rights whose scope can be limited in order for other rights to be applied

**Treaty** – a binding agreement between states

**United Nations Convention on the Rights of the Child (UNCRC)** – an international treaty that sets standards on children’s human rights

**Universal Declaration of Human Rights (UDHR)** – a declaration made by the countries of the world through the framework of the United Nations after the Second World War proclaiming a common standard of rights that all human beings in the world are entitled to by virtue of being human

**Violation (of rights)** – breach of rights