

CENTRE FOR HUMAN RIGHTS  
Geneva

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PROFESSIONAL TRAINING SERIES No. 1

# Human Rights and Social Work

*A Manual for Schools of Social Work  
and the Social Work Profession*



UNITED NATIONS  
New York and Geneva, 1994



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#### ABBREVIATIONS

CSCE	Conference on Security and Cooperation in Europe
IASSW	International Association of Schools of Social Work
IFSW	International Federation of Social Workers
ILO	International Labour Organisation
OAS	Organization of American States
OAU	Organization of African Unity
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization
World Bank	International Bank for Reconstruction and Development



Part one

**SOCIAL WORK AND HUMAN RIGHTS**



## I. RATIONALE

### A. Purpose of the Manual

1. The purpose of this Manual is to provide social work students, teaching staff and practising social workers with an understanding and awareness of human rights issues and concerns for social justice. Throughout the Manual, the term "human rights" is used to convey an idea of the totality of rights as identified by the United Nations.

2. The International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) consider it imperative that those involved in the field of social work education and practice have a clear and unreserved commitment to the promotion and protection of human rights and to the satisfaction of fundamental social aspirations. The Manual has therefore been designed to contain comprehensive material and information for reference and teaching purposes. It should also help the social work profession to become familiar with existing international and regional human rights instruments.

3. While it could be said that

★ social work has, from its conception, been a human rights profession, having as its basic tenet the intrinsic value of every human being and as one of its main aims the promotion of equitable social structures, which can offer people security and development while upholding their dignity.

IFSW and IASSW believe that greater knowledge and understanding of human rights will improve the actions and interventions of social work professionals for the benefit of those who require their services.

4. Social workers work with their clients on a variety of levels: the micro level of individual and family; the meso level of community; and the macro level of society—nationally and internationally. Concern for human rights must be manifested by social workers at all levels and at all times. It is the purpose of this Manual to provide that perspective.

### B. Uses of the Manual

5. The materials provided in this Manual are appropriate for all levels of professional social work education, including continuing education for practitioners. The intended audience is thus a broad one: teachers, students and practising social workers. However, the contents of the Manual can, of course, be adapted as appropriate for the education of other human service professionals and volunteers.

6. The materials can be used in a variety of ways. An elective or required course on human rights for schools of social work could be developed using the Manual as a guide for teachers and as a text for students. The materials could also be adapted for a workshop or seminar or for a short continuing education course. Another approach to the use of the materials might be to infuse some of the human rights content into existing courses within the required foundation courses in schools of social work. This would involve identifying ways of integrating human rights education with practice issues and within micro (direct practice) and macro (e.g. policy advocacy, research, social action, conscientization) professional social work roles. The idea of the infusion approach is to enrich the content already in the curriculum by adding specific human rights concepts and assignments. With the incorporation of human rights elements throughout social work courses, teachers and students are encouraged to examine the world and their role through a social justice lens.

7. Schools of social work are strongly encouraged to develop creative ways of incorporating human rights content into their curricula. Some schools may offer a separate elective course, some may require students to pursue a course on human rights, and others may integrate human rights content into all their required foundation courses. These approaches need not be mutually exclusive, since there are advantages and disadvantages to each. A separate human rights course provides the opportunity to study the issues in depth as they apply to social work. If the course is an elective one, however, only the students who choose to take the course are reached. Infusing the content into all foundation courses has the advantage of reaching all students, as would a required course; in addition, this demonstrates the interconnectedness of human rights with all forms and settings of social work practice in its myriad expressions. There are many challenges in incorporating human rights into already overcrowded courses. Teachers' commitment and knowledge must be enhanced.

8. However the human rights curriculum materials are used, it is essential that the philosophy, the teaching and the structure of the educational process, as well as the content, reflect the human rights and social justice dimensions. Four broad areas require attention with regard to the learning process. First, the philosophy and mission of the schools need to be explicit and must be seen to permeate and inspire the learning process. Secondly, the structure of the schools must reflect human rights concerns in terms of policies, procedures and organizational factors relating to admissions, advising, grading and evaluation of students, on the one hand, and issues affecting faculty, such as hiring practices, assessments and promotions, on the other. An institutional structure where sexism, racism, religious and other

<sup>1</sup> IFSW, *International Policy Papers* (1988), Introduction.



forms of oppression are challenged is imperative for a true human rights perspective in the curriculum. The third area is that of faculty-student relations. Creating an open environment is important in the classroom and in developing a sense of equality among students and between students and faculty. Using teaching/learning methods that help students become empowered to work as social justice advocates is equally important. In short, if one is to teach about human rights, one must respect and uphold students' rights. A fourth area for attention concerns the social work practice methods being taught in the classroom. If one is to engender a commitment to human rights, the methods by which social work is taught must themselves uphold human rights.

9. The challenge for social work education is great as education programmes move towards making explicit the indivisible connection between social work and human rights. The materials in this curriculum Manual are designed to provide a resource for responding successfully to this challenge.

### C. What rights are human rights?

10. In its 1987 publication *Human Rights: Questions and Answers*, the United Nations describes human rights as follows:

\* Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

11. The same publication states:

The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. As the first sentence of the Universal Declaration of Human Rights states, "respect for human rights and human dignity is the foundation of freedom, justice and peace in the world."

\* 12. Human rights are universal and apply to all persons without discrimination. Respect for individual rights needs to be upheld at all times, irrespective of circumstances or political systems. The rights of any particular individual or group in any particular circumstances can be restricted only if they threaten to curtail similar or comparable rights of others. *generations of human rights*

13. It is important to consider the widespread notion of three human rights generations, of which the first, labelled "negative rights", represents civil and political rights as set forth in articles 2 to 21 of the Universal Declaration of Human Rights. These are rights devised to ensure freedom from any curtailment of individual liberty. The second generation encompasses the so-called "positive" (economic, social and cultural) rights found in articles 22 to 27 of the Declaration, which are aimed at ensuring social justice, freedom from want and

participation in the social, economic and cultural aspects of life. The third generation comprises the "collective" rights embryonically indicated in article 28 of the Declaration, which states that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized" The evolution from a defensive stand against oppression to an affirmation of the right to satisfaction of material and non-material human needs and equitable participation in the production and distribution of resources is the logical outcome of an increasing sociopolitical consciousness and economic development mainly, but not exclusively, in industrialized nations. In developing countries, the sheer proportion of need, and possibly of exploitation, leads to the collective vision of the right to social and economic development beyond the personal level to the national and regional levels, with a system of international solidarity for development as its ultimate aim.

14. In an increasingly interdependent world, recognition of the interdependence of the three human rights generations is gaining momentum. Although human rights are enshrined in separate international instruments, they are perceived as forming a whole. A definition of human duties to be observed alongside human rights needs to be added to this perception. A charter of human duties may come into being before long to complement the principle of the indivisibility of all human rights which is gaining momentum at the close of the twentieth century.

### D. What is social work?

15. Social work originates variously from humanitarian and democratic ideals. Social work practice has since its beginning been focused on meeting human needs and on developing human potential and resources. "Social work is a profession whose purpose is to bring about social changes in society in general and in its individual forms of development."<sup>3</sup> Professional social workers

are dedicated to service for the welfare and self-fulfilment of human beings; to the development and disciplined use of scientific knowledge regarding human and societal behaviour; to the development of resources to meet individual, group, national and international needs and aspirations; and to the achievement of social justice.<sup>4</sup>

16. Social workers are involved in planning, estimating, applying, evaluating and modifying preventive social policies and services to groups and communities. They intervene in numerous functional sectors, using various methodological approaches, working within a broad organizational framework and providing social services to various sectors of the population at micro, meso and macro levels.<sup>5</sup> Social work education is aimed at promoting social development and worldwide quality education, training and knowledge for social work practice, social services, and social welfare policies.<sup>6</sup>

<sup>3</sup> IFSW, *Definition of the Social Work Profession* (1982).

<sup>4</sup> IFSW, *International Code of Ethics* (1976).

<sup>5</sup> See IFSW, *Definition of the Social Work Profession*.

<sup>6</sup> Draft mission statement of IASSW.

17. Social work is always practised in five contexts which, while they may be analysed separately, are part of a whole. These contexts are geographical, political, socio-economic, cultural and spiritual.

(a) *Geographical*. All practice is located within some set of boundaries: agency, nation, State, region.

(b) *Political*. Every country has a political system. This sets the context for practice, whether the system is liberal or repressive, socialist, social democratic or capitalist.

(c) *Socio-economic*. An adequate livelihood, work, health and facilities, education and, if possible, access to social security and social services are basic human aspirations. The social cohesion of any group or nation depends, to a large extent, on an equitable sharing of available resources.

(d) *Cultural*. The practices, beliefs, aspirations and culture of individuals, families, groups, communities and nations have to be respected, though without prejudice to the evolution of certain practices and beliefs. Unless this is done, discriminatory acts that are destructive for society will occur.

(e) *Spiritual*. No society in which social work is practised is value-free. It is central to social work/human practice that attention is paid to the spirit, the values, the philosophies, the ethics, and the hopes and ideals of those with whom social workers work and, at the same time, to social workers' own values.

18. Analysis of these five contexts reinforces the essential connectedness and coherence of social workers' efforts (big or small, global or local) and the solidarity and energy of those who join in common cause in human rights work. Paying attention to geographical, political, socio-economic, cultural and spiritual contexts gives conscious direction to social work striving and practice, and makes manifest the human rights components in social work.

Needs orientation → rights affirmation.  
E. Social work and human rights

19. The profession's focus on human needs shapes its conviction that the fundamental nature of these needs requires that they be met not as a matter of choice but as an imperative of basic justice. Thus social work moves to a consideration of human rights as the other organizing principle for its professional practice. The transition from needs orientation to rights affirmation has been made necessary because of tangible substantive needs that have to be met. A substantive need can be translated into an equivalent positive right, and entitlement to the benefits of that right is sought from the State and beyond.

20. Positive Rights It follows that the search for and realization of positive rights and entitlements is an inseparable twin to the meeting of needs. Working within different political systems, social workers uphold and defend the rights of their individual or collective clients while attempting to meet their needs. They do this while often employed by established, sanctioned authority; and their position as agents of the State, or employees of powerful institutions or agencies, has placed many in a precarious role. The

profession's need to serve as a faithful employee has had to live alongside its obligation to serve the consumer of its practice. According to the profession's code of ethics and mission statements of schools of social work, service to people is the higher consideration.

21. Social work is concerned with the protection of individual and group differences. It is often forced to mediate between the people and the State and other authorities, to champion particular causes, and to provide protection when State action for the public good threatens the rights and freedoms of particular persons or groups (e.g. in cases of the removal of children from their families; of denial of assistance; of institutionalization of elderly or disabled people; or of housing conflicts resulting in homelessness).

22. As a bridging profession, social work has to be conscious of its values and possess a solid knowledge base, not least in the field of human rights, to guide it in many conflicting situations throughout its practice. While social workers through their actions may well reinforce the rights of clients, faulty judgement can lead them to jeopardize those rights. Viewing its work from a global human rights perspective helps the profession by providing a sense of unity and solidarity, without losing sight of the local perspectives, conditions and needs which constitute the framework within which social workers operate.

23. More than many professionals, social work educators and practitioners are conscious that their concerns are closely linked to respect for human rights. They accept the premise that human rights and fundamental freedoms are indivisible, and that the full realization of civil and political rights is impossible without enjoyment of economic, social and cultural rights. They believe that the achievement of lasting progress in the implementation of human rights depends on effective national and international policies of economic and social development. Their direct knowledge of the conditions of the vulnerable sectors of society makes social work educators and practitioners valuable in the formulation of social policies.

24. Human rights are inseparable from social work theory, values and ethics, and practice. Rights corresponding to human needs have to be upheld and fostered, and they embody the justification and motivation for social work action. Advocacy of such rights must therefore be an integral part of social work, even if in countries living under authoritarian regimes such advocacy can have serious consequences for social work professionals.

### F. The context

25. Human rights and social work have to be considered within the context of conditions faced by the majority of people on Earth at the close of the twentieth century. It is estimated that, in the past decade alone, more people lost their lives as a result of economic and social deprivation than perished in the Second World War.

<sup>2</sup> United Nations, *Human Rights: Questions and Answers* (New York, 1987), p. 4.



26. Countless people have been killed or tortured or have disappeared in a world subjected to domination and oppression. Exploitative and oppressive systems and structures give rise to dictatorships and authoritarian regimes under which millions become victims of human rights violations as the price of their struggle for freedom and survival.

27. Each year 12.9 million children from developing countries die before the age of five and, in many of these countries, almost half the adult population is illiterate.<sup>7</sup> According to figures released by the World Health Organization, in the developing world alone there are over 1 billion people living in inadequate housing, with 100 million of these living in conditions classified as homelessness.<sup>8</sup> Worldwide there are an estimated 17.5 million refugees and more than 25 million people displaced within their own countries because of civil strife, famine or other disaster. Close to 80 per cent of all refugees are women and children and, in some countries, women and children constitute 90 per cent of the refugee population.<sup>9</sup>

28. Women are prominent in the statistics of poverty and deprivation. Two-thirds of the world's illiterate people are women.<sup>10</sup> Maternal mortality rates are high in most developing countries: an African woman, for example, has one chance in 20 of dying in childbirth; an Asian woman, one chance in 54; a South American woman, one chance in 73. In contrast, a North American woman has one chance in over 10,000.<sup>11</sup>

29. While there are a few signs of progress following the end of the cold war, on the whole the crisis continues unabated, and in some parts of the world it has escalated. Almost one third of the total population in developing countries, or 1.3 billion people, live in absolute poverty, while nearly 1 billion are illiterate.<sup>12</sup> Mili-

tary spending is about 15 per cent of gross national product in the industrialized countries as well as in the developing countries. However, whereas military spending in the industrialized countries is about half the spending on health and education combined, the two figures are about the same in developing countries.<sup>13</sup> In 1993, the developing world must devote 20 per cent of its export earnings to servicing its debts. Each year, capital and interest repayments of \$143 billion fall due.<sup>14</sup> Even partial repayments made by the poorer nations jeopardize their social and economic development and cause great hardship to the poorest segments of their populations. According to World Bank estimates, the staggering debt burden of the developing countries (including the debts of Eastern Europe), amounting to \$1.3 trillion,<sup>15</sup> is likely to increase further.

30. Bilateral and multilateral aid programmes serve to stave off some of the nefarious effects of the world recession on low-income countries. However, the World Bank predicts a "limited aid pie" in real terms throughout the 1990s.<sup>16</sup> On the positive side, the Bank notes changed donor considerations, including environmental protection, efficient economic management, reduced military spending and the observance of human rights and the rule of law.<sup>17</sup> The fact that global military expenditures have declined by about \$240 billion since 1987, and that defence industries are expected to have cut their workforce by one quarter by 1998, are similarly hopeful signs.<sup>18</sup>

31. Facts and figures cited above are likely to remain accurate for a number of years. Attitudes, however, are changing. Ultimately, hope for improvement lies in human rights instruments and their implementation, and in ever-growing international consciousness and solidarity. Social workers have a role to play in strengthening such solidarity and ensuring that the principles enshrined in the texts of human rights instruments are gradually translated into reality, paving the way for a world in which people's most urgent and legitimate needs are satisfied.

<sup>13</sup> World Bank, *World Development Report, 1991* (Oxford University Press), p. 25.

<sup>14</sup> UNICEF, *The State of the World's Children, 1993*; World Bank, *World Debt Tables*.

<sup>15</sup> See footnote 13 above.

<sup>16</sup> World Bank, *Global Economic Prospects and the Developing Countries, 1993*.

<sup>17</sup> Ibid.

<sup>18</sup> *Human Development Report, 1993*, p. 2.

## II. HISTORICAL DEVELOPMENTS AND PHILOSOPHICAL VALUES

### A. Conceptual development of human rights

32. The historical development of the current concept of human rights is often traced from the eighteenth century, culminating in the American Declaration of Independence and the French Declaration of the Rights of Man. It is important, however, to recognize that many of the core elements of human rights were present and enforced in western and non-western cultures and societies from ancient times. What the eighteenth century brought was a conceptualization of human rights based on the individual rights to life and liberty. This conceptualization arose from foundations and traditions inherited from the great civilizations of the past.

33. The development of human rights has been one of evolution. A concern for civil and political rights, which was the initial spur to the conceptualization of human rights in the eighteenth century, was gradually matched by a demand for economic, social and cultural rights. Now a third generation of rights is increasingly recognized as a legitimate universal aspiration for humankind—rights to peace, development and a clean environment protected from destruction.

34. Economic, social and cultural rights progressed more slowly than civil and political rights. The extension of participation in democratic structures through suffrage, first to members of the middle and working classes, and subsequently to women, was seen as the expression of rights which would now be termed "civil and political". The consequences of the Industrial Revolution—urbanization, exploitation of labour, particularly child labour, and the grinding poverty of the working classes—first drew the attention of social reformers.

35. Initially, that response was influenced by philanthropy and individual charity. The development of any acknowledgement of collective responsibility for social ills followed those initiatives and took the form of transfer payments with the evolution of insurance schemes. Yet while the first signs of a collective responsibility can be seen in legislative developments in Western Europe in the late nineteenth century, at the same time Western Europe was extending its colonial grip on the West Indies, Asia and Africa. The impact of colonialism has been well documented. The subjugation of peoples and countries led to the destruction of social systems and structures. Social relations of traditional societies were disrupted, and the human rights of communities were ignored by the ruling powers.

36. The development of an organized concept of social welfare came as social activists recognized the inadequacy of an individual response to a collective problem. Social workers began to join together, to share ideas

and experience, to develop their practice, and to express a collective response to the issues they encountered. Parallel to this development, the First World War and its aftermath focused worldwide attention on the interdependence of humankind. There was a shared desire to condemn warfare and to develop an institutional framework for international cooperation.

37. The establishment of the League of Nations and the International Labour Organisation and the inception of social welfare organizations such as the International Conference of Social Welfare, the International Committee of Schools of Social Work and the International Permanent Secretariat of Social Workers in the 1920s were evidence of this new mood of international, regional and national collaboration. Social work organizations focused their attention on the establishment of the profession and its value base in individual countries. While human rights underpinned the value base of social work, increasingly finding formal expression in codes of ethics adopted by national professional associations, there was no formal teaching on human rights issues.

38. Ironically, it was another global conflict—the Second World War—which was to be the stimulus for the next great stage of development in human rights. The Second World War led countries throughout the world to adopt a new framework for international cooperation. There was a recognition that norms of international behaviour needed to be expressed as rights. The Universal Declaration of Human Rights has sustained progress and development since 1948. Finally, the extreme nationalism of the nineteenth century gave way to a more global consciousness where the international community would not remain silent when human rights were under threat within a given country.

39. Such new frameworks for international cooperation also had their impact on social work organizations, nationally and internationally. A global solidarity began to emerge in the profession's vision. Social work organizations grew in number, scope and geographical array across the world. They slowly came to recognize the importance of integrating human rights teaching into social work education, and that recognition has led to this Manual.

### B. Philosophical values

40. The values identified in this section of the Manual, though illustrative rather than exhaustive, are central to the role of social workers and schools of social work in pressing for values education at all levels in society, and in training for professionals. The values also underpin the human rights dimension in training for social workers and others. Many of the problems encountered

<sup>7</sup> UNICEF, *The State of the World's Children, 1993*.

<sup>8</sup> WHO, *Decade Assessment Report, 1990*.

<sup>9</sup> *Refugee Women: In the Spirit of Survival* (United Nations Focus, March 1991), p. 1.

<sup>10</sup> Preamble to the World Declaration on Education for All (World Conference on Education for All, Jomtien, Thailand, 1990).

<sup>11</sup> "From Crisis to Consensus: The United Nations and the Challenge to Development", keynote speech by Thérèse Sévigny, United Nations Under-Secretary-General for Public Information, at the inaugural conference, University of Ottawa, Institute for International Development, 14 November 1990.

<sup>12</sup> *Human Development Report, 1993* (Oxford University Press), p. 12.



by social workers at the micro, meso and macro levels in different spheres stem from an underlying crisis of values. Psychosocial or economic explanations for such problems need to be reinforced by an understanding of a different and deeper dimension and by knowledge of the interrelation of psychic, socio-economic and value structures and processes.

### 1. LIFE

41. Value for life is a *sine qua non* for all human rights work. The worth of life, human and non-human existence, is the fountain-head for all other ideals and values that follow. This implies not only opposing the negation of life, but also positive and affirming aspects. Wherever possible, the profession has not only to resist violations of human rights, but actively to support all life-promoting and nurturing activities. This is so that there can be fulfilment of human existence. Life is intrinsically connected and interdependent in all its parts and forms, human and non-human. Disruption of any of its aspects affects the social fabric or thread of life, thereby injuring humankind. Value of life implies that suffering and death are not just individual phenomena; they touch others just as joy, happiness and life do.

42. Physical health is an important aspect of the value and quality of life. Environmental deterioration, the water crisis, including pollution, and the non-existence and curtailment of health programmes are some of the major life-threatening factors.

43. In many countries social workers have to work with clients affected by these factors. They are also confronted with serious dilemmas in their practice relating to matters such as contraception, abortion, or their clients' management of terminal illness. The value and quality of life will be among the considerations which can assist them in their counselling activities.

### 2. FREEDOM AND LIBERTY

44. The principle that "all human beings are born free" is contained in the first two articles of the Universal Declaration of Human Rights. The fundamental freedoms—the right to liberty; freedom from slavery and servitude; freedom from torture and cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile; freedom from arbitrary interference with privacy, family, home or correspondence; and freedom of movement and residence—are set out in the next 19 articles.

45. To be born free and having the right to liberty presupposes that each human being has the freedom of choice in the conduct of his or her life. The enjoyment of this freedom is, however, frequently curtailed by material and other constraints. Freedom is likewise restricted by the principle of not infringing the freedom of others. Yet freedom, next to life itself, is viewed as the most precious human value, closely linked to human dignity and to the worth of human life. The quest for freedom and liberty has inspired many peoples to seek release from territorial or geographical domination. The quest for spiritual and intellectual freedom has inspired heroic acts of resistance. At a personal level, freedom

from one's own emotions can be conducive to peace and harmony. Social workers are often in the forefront of the struggle for freedom. In parts of the world where freedom does not exist, they pay a heavy price in oppression for pursuing their principles.

### 3. EQUALITY AND NON-DISCRIMINATION

46. The fundamental principle of equality of all human beings is set out in article 1 of the Universal Declaration of Human Rights. It is, however, imperfectly applied in everyday life, not least in the manifold aspects of interpersonal relations. For social workers it is a crucial concept for personal and professional attitudes. It is also the cornerstone for the all-important principle of justice, requiring serious consideration of just and unjust equality and inequality based on biological factors, on psychic, social, cultural and spiritual needs, and on individual contributions to the welfare of others.

47. Once the principle of equality is accepted, it becomes impossible to discriminate against any person or group of persons. Non-discrimination is, in fact, based on the twin principles of equality and dignity. It also implies the wholeness of the human being as discrimination defines a person in terms of particularity, be it of gender, race, colour, religion or other. Discrimination can reduce a human being to a function, a quality, an opinion, whereby a person is no longer perceived in his or her unique diversity and wholeness.

48. Discrimination can be said to be the denial of the fundamental and universally accepted rights of all human beings to persons or groups of persons who are excluded. Discrimination takes various forms. The grounds for discrimination set out in all relevant international instruments: "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" are not exhaustive. New grounds for discrimination appear constantly in a changing world (e.g. sexual orientation, HIV/AIDS infection) as additional freedoms are recognized, problems arise, and technological and other developments create changes in lifestyles and working traditions. The principle of resistance to such new grounds for discrimination means that social workers need to be constantly self-aware in respect of their own beliefs, attitudes and grounds for action.

### 4. JUSTICE

49. Various aspects of justice have to be taken into consideration: the legal, judicial, social, economic and other aspects which constitute the basis of a society upholding the dignity of its members, and ensuring security and integrity of persons. In its international instruments, the United Nations has provided valuable principles and binding commitments against, *inter alia*, arbitrary deprivation of freedom and interference with privacy, and for protection under the law. In cases of violations of the law, persons are to be assured of a prompt and fair trial by an objective judicial authority. If found guilty, they should be entitled to humane treatment whose purpose is the reform and social integration of the individual. The importance of an independent judiciary is stressed throughout.

50. Social workers have long promoted such principles and are conscious of the fact that human rights are best upheld by a law-abiding State. Impartiality in the administration of justice is an important tool to safeguard the rights of the vulnerable members of society who make up the majority of social work clients.

51. But the pursuit of justice also has wider implications, less easily codified. Social justice encompasses satisfaction of basic human needs and the equitable sharing of material resources. It aims at universal access to fundamental services in the areas of health and education, equal opportunities at the start, protection for disadvantaged persons or groups, and a degree of moderation in the areas of retribution, consumption and profit.

52. Social reformers—social workers among them—who share the desire for a greater degree of justice consider justice and social justice as the main defence against oppression in all its forms, and the basis for a fairer mode of human development.

### 5. SOLIDARITY

53. Solidarity is another fundamental intrinsic value which implies not only understanding and empathy towards humankind's pain and suffering, but also identifying and taking a stand with the sufferers and their cause. Social workers are expected not only to stand by people who are struggling, but also to express their solidarity in words and deeds in the face of any form of denial of people's political, civil, social, economic, cultural or spiritual rights. Solidarity may stretch beyond individuals to families, groups, communities, populations and entire racial or ethnic groups. The social work profession must identify itself with victims of violence, torture, expulsion or curtailment of freedom anywhere in the world.

54. Solidarity can likewise be extended in natural disasters, and is essential in the many tragedies arising from want, inequitable distribution of resources, social neglect and injustice. Poverty, hunger, starvation, homelessness and denial of the means of subsistence are perhaps some of the greatest violations of human rights that are not sufficiently recognized. Solidarity is demanded all the more in these seemingly less dramatic conditions, where the suffering is intense but, though prevalent, hidden and unseen. In the final analysis, it is the firm stand of social workers and many others with sufferers and victims of human rights violations that can make a difference by strengthening the sufferers' resolve and relieving their isolation.

### 6. SOCIAL RESPONSIBILITY

55. Social responsibility is action undertaken on behalf of sufferers and victims: standing for them, championing their cause and helping them. It could thus be said that social responsibility is the implementation corollary of solidarity. Most religious and philosophical traditions have postulated that good thoughts and good words have to be accompanied by good action. Most religions enjoin on their followers that those who are "privileged" have an obligation to the disadvantaged. The term "privilege" does not imply wealth but is relative, and can be

taken to connote a more fortunate situation in which one is placed than that of those who are disadvantaged. Enshrined in the expression "social responsibility" is also the notion of "trusteeship" wherein all that we have is given into our care to be shared with and utilized for the betterment of others. The concept of "trusteeship" transcends the sharing of wealth to the utilization and dedication of one's intellectual talent and skill potential for the advancement of humankind. The principle of social responsibility is crucial for a profession such as social work because service and commitment to the poor and the needy are its *raison d'être*.

### 7. EVOLUTION, PEACE AND NON-VIOLENCE

56. The values and principles mentioned so far are not only basic values underpinning the concept of human rights, but also determining factors for the quality of interpersonal relations. Peace as a distinct value, and not simply the absence of organized conflict, is one additional value. It is to be nurtured and striven for, with the ultimate goal of achieving harmony within the self, with others, and with the environment.

57. Conflicts in human relations are unavoidable but ways to resolve them can be either peaceful or violent, constructive or destructive. The revolutionary, "raze all and build anew" approach has held fascination for people over the centuries, invariably at the cost of imposed and untold human suffering. The evolutionary approach is slower, often less immediately rewarding but, in the end, longer lasting and therefore more effective. It is an approach often chosen by social workers for the resolution of interpersonal and inter-group conflicts. Confrontation and resistance in the quest for freedom, justice and social justice are not eschewed; violence is.

58. History has shown time and again that violence and bloodshed bring about short-lived results and pave the way for more revolutions to dislodge newly enthroned power groups—the oppressed of yesterday. Hatred breeds hatred, vengeance breeds vengeance. Steady resistance or non-violent pressure, on the other hand, can achieve more lasting results.

59. While the world is not ready to abandon the use of arms, and just causes for revolution undoubtedly exist, it should be recognized that arbitration and conciliation are effective tools to overcome seemingly irreconcilable differences provided they are practised consistently and with respect, understanding and knowledge.

60. Peaceful evolution remains the aim for human striving towards freedom, justice and social justice, and a world in which conflicts can be resolved by non-violent means.

### 8. RELATIONS BETWEEN HUMANKIND AND NATURE

61. Respect for other species and a quest for harmony with nature are beginning to permeate human consciousness on the eve of the twenty-first century.



62. Environmental degradation is too evident to be ignored. The world economic order, faulty development models, inequality with regard to all resources, nuclear, industrial and other pollution and consumption patterns in industrialized as well as developing countries are recognized as causes of the Earth's serious plight. Excessive consumerism and extreme poverty endanger nature as well as vulnerable groups of people through greed, lack of information or need for survival.

63. Comprehensive policies to halt and, where possible, repair damage to the environment need to be complemented by comprehensive environmental education programmes, both formal and informal, as well as advocacy campaigns. Social workers have an important role in this process by linking with other groups. They need to become conscious of this all-important challenge to humanity and its habitat.

## Part two

## BASIC HUMAN RIGHTS INSTRUMENTS



## I. INTRODUCTION

1. Part two of the Manual offers a guide to existing, often legally binding, international instruments. It includes a description of such instruments and is intended as a first point of reference for faculty, students and social workers who may need to pursue further details elsewhere. Analysis and use of these instruments, including combinations of the instruments where appropriate, can enable social workers and others to respond to human rights deficits or infringements by reviewing existing national standards and setting them against international norms.



## II. UNITED NATIONS STANDARD-SETTING: DECLARATIONS AND CONVENTIONS

2. United Nations bodies formulate international standards in the field of human rights by adopting or proclaiming recommendations called "declarations" or by preparing and opening for signature, ratification and accession multilateral treaties called "conventions".

3. A declaration is a formal and solemn instrument enunciating general principles and broad obligations. It is not a binding instrument and does not impose specific obligations on Member States. However, depending on the solemnity and significance of a declaration, it may be expected that members of the international community will abide by it. Consequently, a declaration may by custom become recognized as laying down rules binding upon States (e.g. the Universal Declaration of Human Rights).

4. In addition to the declaration, the United Nations soon developed international agreements (conventions) containing provisions to promote or protect specific human rights or fundamental freedoms. A convention enters into force only after having been ratified by a number of States as specified in the text and is legally binding upon those States which have become parties to it by ratification or accession.

5. In the field of human rights, United Nations bodies frequently adopt both declarations and conventions on a particular subject. In such a case, the declaration sets out general principles or general standards of human rights while the convention defines specific rights and limitations or restrictions on the use thereof, and sets out the obligations to be assumed by States which ratify or accede to it.

## III. BASIC INSTRUMENTS CONCERNING HUMAN RIGHTS<sup>1</sup>

### A. Instruments providing general protection

#### 1. CHARTER OF THE UNITED NATIONS (1945)

6. Born as the Second World War came to an end, the United Nations symbolized the determination of the world community to fashion new instruments to promote peace. Explicit for the first time was a desire to move beyond international cooperation to a framework of international law and regulation which would limit the sovereignty of individual States.

7. The international community accepted an obligation to establish guarantees for human rights which would afford protection to individuals, groups and communities whose rights were threatened by governmental action. Domestic jurisdictions were subordinated to the primacy of international jurisdiction in these key areas, and a framework developed to secure international protection.

#### 2. UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

8. The ringing phrases of the Universal Declaration represented the highest aspirations of humankind. It was expressed in terms that are non-political and set out the treatment that everyone in the world would be able to expect as a member of the human family. The instrument drew together for the first time ideas shared by many political, cultural and religious traditions.

9. The Universal Declaration sets out in its 30 articles the basic rules and freedoms for all peoples, covering civil, political, economic, social and cultural rights. Yet, in itself, the Declaration has no legal force. It is a set of moral rules. The power and impact of these moral rules, and their applicability, may be judged by their widespread acceptance and incorporation into domestic jurisdiction.

#### 3. INTERNATIONAL COVENANTS ON HUMAN RIGHTS (1966)

10. The two Covenants derived from the Universal Declaration set out an internationally recognized standard against which human rights violations can be judged. The Covenants (one dealing with civil and political rights, the other with economic, social and cultural rights) were adopted in 1966. The need for further work to secure the adherence of Member States to the principles set out in the Universal Declaration had long been recognized, but it took 18 years before the United Nations adopted the two Covenants and the implementation mechanisms attached to them.

<sup>1</sup> Dates refer to the adoption of the international instrument by the United Nations General Assembly.

11. The Covenants are of critical importance. They have three common elements: (a) the right to self-determination, a right which has led to decolonization and to many new States joining the United Nations; (b) the principle of equality between men and women, and non-discrimination on grounds of gender, race or religion; (c) the principle of indivisibility—the essential interdependence of civil and political freedoms with economic, social and cultural standards.

#### (a) *International Covenant on Civil and Political Rights (1966)*

12. This instrument came into force in 1976. The rights set out therein include:

- (a) the right to life, liberty and security (art. 6);
- (b) the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (art. 7);
- (c) the prohibition of slavery (art. 8);
- (d) the right not to be arbitrarily detained (art. 9);
- (e) the rights to freedom of expression (art. 19), religion (art. 18), assembly (art. 21) and association (art. 22), including trade union membership;
- (f) the right to freedom of movement and residence (art. 12);
- (g) the right to vote through universal suffrage (art. 25);
- (h) the right to a fair trial (art. 14); and
- (i) the rights of minorities to protection (art. 27).

#### (b) *International Covenant on Economic, Social and Cultural Rights (1966)*

13. This instrument came into force in 1976. The rights set out therein include:

- (a) the right to work (arts. 6 and 7);
- (b) the right to social security (art. 9);
- (c) the right to protection of the family (art. 10);
- (d) the right to an adequate standard of living (art. 11);
- (e) the right to education (art. 13);
- (f) the right to health (art. 12); and
- (g) the right to join trade unions (art. 8).

14. What are the key elements for social workers in these three international instruments? The threat to civil and political freedoms is recognized in the work of the IFSW Human Rights Commission, which seeks to protect social workers threatened by political oppression. The parallel IASSW Committee on the Protection of Hu-



man Rights seeks to promote a proactive stance by social workers against political oppression. But virtually every article of the three instruments raises issues relevant to social workers. The case studies in part three of this Manual are related to specific articles.

## B. Instruments providing particular protection

### 1. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (1965)

15. The full enjoyment by everyone of the principle of equality and non-discrimination is assured by the International Convention on the Elimination of All Forms of Racial Discrimination, which contains provisions for eliminating racial discrimination in all its forms and manifestations, for preventing and combating racist doctrines and practices and for building an international community free from all forms of racial segregation and discrimination.

16. The States parties to the Convention undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of a long list of human rights and fundamental freedoms. The Convention lists specifically among these the right to work, the right to join trade unions and the right to housing. Measures for the implementation of the Convention include the establishment of the Committee on the Elimination of Racial Discrimination (see subsect. G, "Implementation mechanisms", below).

### 2. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)

17. From 1974 to 1979, the competent bodies of the United Nations led by the Commission on the Status of Women worked together for the elaboration of an international convention that would forbid all forms of discrimination against women. The Commission drafted a convention which was adopted on 18 December 1979 and entered into force in 1981.

18. In article 1, the Convention defines discrimination against women as meaning

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economical, social, cultural, civil or any other field.

19. Under article 2, States that become parties to the Convention agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women, and to that end undertake:

- (a) to embody the principle of equality of men and women in their national constitutions and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) to establish legal protection of the rights of women on an equal basis with men and to ensure, through competent national tribunals, the effective protection of women against any act of discrimination;

(d) to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(e) to modify consequently or abolish laws, regulations, customs and practices which constitute discrimination against women.

In part V, the Convention establishes the Committee on the Elimination of Discrimination against Women (see subsect. G, "Implementation mechanisms", below).

### 3. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)

20. The Convention not only provides that the States parties will outlaw torture in their national legislation, but also notes explicitly that no order from a superior or exceptional circumstance may be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment. The Convention also introduces two new elements of particular importance to combat torture. The first is that, henceforth, a torturer may be prosecuted wherever he is found in the territory of any State party, since the Convention specifies that persons alleged to have committed acts of torture may be tried in any State party or be extradited for trial in the State party where they have committed their crimes. The other new element is that the Convention contains a provision allowing for an international inquiry if there is reliable information indicating that torture is being systematically practised in the territory of a State party. Such an inquiry may include a visit to the State party concerned, with its agreement.

21. The States parties to the Convention also pledge to take effective legislative, administrative, judicial and other measures to prevent acts of torture in any territory under their jurisdiction. No exceptional circumstances whatever, whether a state of war, internal political instability or any other public emergency, may be invoked as a justification of torture. The implementation of the Convention is monitored by the Committee against Torture (see subsect. G, "Implementation mechanisms", below).

### 4. CONVENTION ON THE RIGHTS OF THE CHILD (1989)

22. The Convention is the result of long negotiations between representatives of countries with different social and economic systems and various cultural, ethical and religious approaches; non-governmental organizations; and United Nations agencies. It has as its guiding spirit the best interests of the child and calls on States which ratify it to create conditions in which children may take an active and creative part in the social and political life of their countries.

23. In the Convention, a child is defined as a person under the age of 18, unless national laws determine an earlier age of majority. Encompassing the whole range

of human rights—civil, political, economic, social and cultural—the Convention recognizes that the enjoyment of a given right cannot be separated from the enjoyment of others. It demonstrates that the freedom a child needs to develop his or her intellectual, moral and spiritual capacities is dependent on a healthy and safe environment, access to care, and minimum standards of food, clothing and shelter, among other things. Non-discrimination is an important principle of the Convention: children shall enjoy all their rights without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, origin, property, disability, birth or other status.

24. The Convention enlarges the legal coverage of human rights by protecting children from all forms of exploitation in dealing with the question of children of minority and indigenous groups and the problems of drug abuse and neglect. Specific provision is made for protection of the human rights of children involved in the criminal justice system. The Convention acknowledges the primary role of the family and parents in the care and protection of children, and the obligation of the State to help them carry out these duties. The implementation of the Convention is entrusted to the Committee on the Rights of the Child (see subsect. G, "Implementation mechanisms", below).

### 5. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (1990)

25. Migrant workers and their families who are usually not citizens of the country in which they live and work have for some years been of particular concern to the United Nations and specialized agencies. In 1979, the General Assembly decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. The Convention is applicable to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, age, economic position, property, marital status, birth or other status. The Convention repeats a wide range of existing rights covered by the Covenants. The monitoring of the application of the Convention, when it enters into force, will be entrusted to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## C. Rules regarding detention and treatment of offenders

### 1. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

26. In 1955, the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a set of standard minimum rules for the treatment of prisoners and the management of penal institutions. In 1971, the General Assembly recommended that the rules be effectively implemented in the administration of penal and correctional institutions and that fa-

vourable consideration be given to their incorporation into national legislation.

### 2. PRINCIPLES OF MEDICAL ETHICS (1982)

27. In 1976, the General Assembly invited the World Health Organization to draft a code of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment. With the assistance of WHO, the Council for International Organizations of Medical Sciences and the World Medical Assembly, the General Assembly formulated and adopted in 1982 a set of Principles of Medical Ethics against torture and other cruel, inhuman or degrading treatment or punishment relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees. In 1983, the General Assembly urged all Governments to promote the application of those principles by health personnel and government officers, particularly those employed in institutions of detention or imprisonment.

### 3. UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE (1985)

28. In 1985, the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders prepared and recommended to the General Assembly for adoption the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, or the "Beijing Rules". The rules relate to such matters as the minimum age of criminal responsibility, the objectives of juvenile justice, the features of effective, fair and humane juvenile justice administration and the human rights principles to be applied. They also cover matters relating to investigation and prosecution of crimes committed by juveniles, including the question of detention pending trial. In general, they recommend the least possible use of institutionalization. They also lay down essential protection covering juvenile offenders placed in institutions. The General Assembly adopted the rules in 1985 and invited States to apply them wherever necessary and bring them to the attention of the relevant authorities and the public in general.

## D. Specialized agencies

### 1. INTERNATIONAL LABOUR ORGANISATION

29. The International Labour Organisation was established in 1919 as an autonomous institution to promote programmes to achieve full employment and raise standards of living. The organization is concerned with both economic and social rights, such as the right to work, the right to the enjoyment of just and favourable conditions of work, the right to form trade unions and join the trade union of one's choice, the right to social security and the right to an adequate standard of living. It is also concerned with civil and political rights such as freedom of expression, freedom of association and the right of peaceful assembly. It endeavours to implement the principles of its Constitution by laying down standards, supervising their application and assisting Governments to achieve ILO objectives.



30. Among the more than 170 conventions adopted by ILO, the following is a representative list of instruments with a strong human rights component:

- Forced labour, adopted in 1930
- Equal remuneration (1951)
- Abolition of forced labour (1957)
- Discrimination (1958)
- Employment policy (1964)
- Minimum age for employment and work (1973)
- Rural workers' organizations (1975)
- Migrant workers (1975)
- Workers with family responsibilities (1981)
- Indigenous and tribal peoples (1989).

## 2. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

31. The United Nations Educational, Scientific and Cultural Organization has for many years taken the lead in giving concrete meaning to the right to participate in cultural life enshrined in article 27 of the Universal Declaration of Human Rights. Thus, in 1966, the General Conference of UNESCO adopted and proclaimed the Declaration of the Principles of International Cultural Cooperation, which sets out a series of principles to serve as guidelines for Governments, authorities, organizations, associations and institutions responsible for cultural activities. Some of these principles are set out below:

(a) Each culture has a dignity and value which must be respected and preserved;

(b) Every people has the right and the duty to develop its culture;

(c) Nations shall endeavour to develop the various branches of culture side by side, and as far as possible simultaneously, so as to establish a harmonious balance between technical progress and the intellectual and moral advancement of mankind;

(d) International cultural cooperation shall cover all aspects of intellectual and creative activities relating to education, science and culture;

(e) Cultural cooperation is a right and a duty for all peoples and all nations, which should share with one another their knowledge and skills;

(f) International cooperation, while promoting the enrichment of all cultures through its beneficent action, shall respect the distinctive character of each.

32. In education, its main activity, UNESCO combines literacy programmes with a drive to make primary education universal, thereby attacking the root causes of illiteracy. It also trains teachers, educational planners and administrators to encourage local building and equipping of schools. This action is based on the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms adopted by the General Conference in 1974. In the natural sciences, UNESCO initiatives include the Man and the Biosphere programme. In the social sciences, the

organization has produced studies on subjects such as tensions leading to war, racism, the socio-economic factors of development and the relationship between mankind and the environment. In communication, it surveys needs and assists developing countries, through its international programme for the development of communication, to set up infrastructure in that field.

## 3. WORLD HEALTH ORGANIZATION

33. The World Health Organization is a specialized agency which cooperates closely with the other competent bodies in the United Nations system in dealing with matters relating to the right to health as proclaimed in article 25, paragraph 1, of the Universal Declaration of Human Rights.

34. The Constitution of WHO, adopted in 1946, states that "the enjoyment of the highest available standard of health is one of the fundamental rights of every human being without distinction as to race, religion, political belief, economic or social situation". It defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity".

35. WHO carries out important campaigns to combat communicable diseases. In developing countries, it also carries out an extensive technical assistance programme covering every aspect of public health, as well as teaching and training health personnel. It also adopts sanitary regulations. Since February 1987, WHO, through its Global Programme on AIDs, has been directing and coordinating a massive programme to prevent and control acquired immunodeficiency syndrome (AIDS). Since 1989, WHO has developed a programme on AIDS and human rights in cooperation with the United Nations Centre for Human Rights.

## E. United Nations bodies

### 1. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

36. The United Nations has been concerned since its inception with the situation of refugees, displaced persons, stateless persons and returnees and has adopted a number of measures to protect their human rights and find appropriate and lasting solutions to their problems. Consequently, at its fourth session, in 1949, the General Assembly established the Office of the United Nations High Commissioner for Refugees, which replaced the International Refugee Organization set up after the Second World War. In accordance with paragraph 1 of the statute of UNHCR, the High Commissioner, acting under the authority of the General Assembly, is to provide international protection under the auspices of the United Nations to refugees falling within the scope of the statute.

37. Such protection activity is developed in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The Convention sets out in article 1 a definition of the term "refugee". Articles 2 to 11 contain general provisions and provide for non-

discrimination as to race, religion or country of origin; religious freedom at least to the extent granted to nationals; safeguarding of rights granted apart from the Convention; and equal treatment with nationals unless the Convention contains more favourable provisions. Articles 12 to 16 pertain to the juridical status of the refugee. Articles 17 to 19 concern the rights of refugees to engage in gainful employment. Articles 20 to 24 concern the welfare of the refugee in regard to such matters as rationing, housing, public education, public relief, labour legislation and social security.

38. Article 25 deals with the provision of administrative assistance to refugees and of documents to enable them to travel outside their country of lawful residence. Articles 31 to 33 contain important provisions relating to the question of asylum. According to these articles, a refugee requesting asylum in the territory of a contracting State may not be subjected to penalties on account of his illegal entry or presence, provided he presents himself without delay to the competent authorities. Furthermore, if he has resided in the territory of a contracting State he may not be expelled except on grounds of national security or public order. In any event, he may not be expelled or returned in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.

39. Article 34 of the Convention requires contracting States as far as possible to facilitate the assimilation and naturalization of refugees and, in particular, to make every effort to expedite naturalization proceedings and reduce the charges and costs of such proceedings. Lastly, article 35 requires contracting States to cooperate with UNHCR in the exercise of its functions and, in particular, to facilitate its duty of supervising the application of the provisions of the Convention.

40. In 1967, the General Assembly also adopted the Declaration on Territorial Asylum, which lays down a series of fundamental principles in regard to territorial asylum and gives expression to the basic humanitarian principle of "non-refoulement". According to that principle, no person shall be rejected at the frontier, expelled or returned to a country where he may be subjected to persecution.

### 2. UNITED NATIONS CHILDREN'S FUND

41. The United Nations Children's Fund was created by the General Assembly at its first session in 1946 to meet the emergency needs of children for food, drugs and clothing in post-war Europe and China. In 1950, the Assembly changed the main emphasis of the Fund's mandate to programmes of long-range benefits to children of developing countries. Three years later, the Assembly decided that UNICEF should continue this work indefinitely.

42. Combining humanitarian and development objectives, UNICEF cooperates with developing countries in their efforts to protect children and enable them to develop their full potential. This cooperation takes place within the context of national development efforts and

has as its goal the realization of the opportunity for every child in the world to enjoy the basic rights and privileges embodied in the Convention on the Rights of the Child. In order to respond to emergency needs of children in Central and Eastern Europe and in the former Soviet Union, UNICEF is also providing assistance to some countries in that region.

43. UNICEF collaborates closely with the Committee on the Rights of the Child, which promotes children's rights, monitors the implementation of the Convention and assists States which ratify or accede to the Convention to comply with their obligations. UNICEF is guided in its activities by the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children adopted by the World Summit for Children in New York in September 1990, which was attended by 71 heads of States and Governments and 88 other senior officials.

### 3. UNITED NATIONS ENVIRONMENT PROGRAMME

44. The United Nations Conference on the Human Environment held at Stockholm in 1972 proclaimed the right of human beings to a healthy environment and their responsibility to protect and improve that environment for future generations.

45. Later in 1972, the General Assembly created the United Nations Environment Programme to monitor the environment and encourage sound environmental practices. UNEP's main task is to act as a catalyst for the environmental activities of all United Nations agencies. It works with Governments and the scientific and business communities, as well as with non-governmental organizations, for the protection of the environment. UNEP also plays an important role in the areas of desertification control, genetic resources and water conservation.

46. In 1989, UNEP negotiated the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The main international instruments in the field of the environment were promulgated by the United Nations Conference on Environment and Development in June 1992, namely the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, as well as Agenda 21 (a plan of action for the twenty-first century) and the Rio Declaration. The Commission on Sustainable Development set up to monitor the effective implementation of Agenda 21 started its work in June 1993.

## F. United Nations bodies concerned with human rights

### 1. GENERAL ASSEMBLY AND SUBSIDIARY BODIES

47. Under Article 13 of the Charter of the United Nations, one of the functions of the General Assembly is to initiate studies and make recommendations for "promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language



or religion". Most items relating to human rights are referred by the General Assembly to its Third Committee, which deals with social, humanitarian and cultural questions.

## 2. ECONOMIC AND SOCIAL COUNCIL AND SUBSIDIARY BODIES

48. Under Article 62 of the Charter of the United Nations, the Economic and Social Council may "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all". It may also prepare draft conventions for submission to the General Assembly and call international conferences on human rights matters. Under Article 68, the Council "shall set up commissions in economic and social fields and for the promotion of human rights". To assist it in dealing with items relating to human rights, the Council has established the Commission on Human Rights.

### (a) Commission on Human Rights

49. Established by the Economic and Social Council in 1946, the Commission on Human Rights, composed of representatives of 56 member States elected for three-year terms, meets each year for a period of six weeks. The Commission makes studies, prepares recommendations and drafts international instruments relating to human rights. It also undertakes special tasks assigned to it by the General Assembly and the Economic and Social Council.

50. During their annual sessions, the Commission on Human Rights, the Economic and Social Council and the General Assembly discuss situations and practices involving serious and systematic violations of human rights. If a particular "country" situation or a particular practice is deemed sufficiently serious, they may decide to order an investigation by either a group of independent and objective experts (working group) or an individual (special rapporteur). In addition to reporting and making recommendations to the Commission and the General Assembly, these special bodies are also entitled to take action in relation to cases where the rights of an individual, group or community are being violated. In special cases requiring urgent attention, the special rapporteur or working group may even be able to communicate immediately with the Government concerned in an effort to protect the individual, group or community under threat.

51. The first special procedure—established in 1967—was the Ad Hoc Working Group on Human Rights in Southern Africa. This group still exists, as does the Special Committee to Investigate Israeli Practices Affecting the Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was established in 1968. Several other special procedures established by the Commission were discontinued when human rights in the countries concerned improved. As of 1993, special rapporteurs are examining and monitoring the human rights situation in Afghanistan, Cuba, El Salvador, Equatorial Guinea, Haiti, Iran, Iraq, Myanmar, Sudan, and the territories of the Former Yugoslavia.

52. Since 1980, the Commission has established special procedures to study and take action in relation to practices involving grave human rights violations all over the world. These are called "thematic mandates". At present, there are two thematic working groups: one on enforced or involuntary disappearances and the other on arbitrary detention. There are also eight thematic special rapporteurs: on extrajudicial, summary or arbitrary executions; on torture and other cruel, inhuman or degrading treatment or punishment; on sale of children, child prostitution and child pornography; on internally displaced persons; on religious intolerance; on racism, racial discrimination and xenophobia; on freedom of opinion and expression; and on the use of mercenaries as a means of impeding the right of peoples to self-determination.

53. The reports submitted to the Commission on Human Rights and to the General Assembly by the special bodies described above are discussed in public sessions and constitute an important element for any decision the Commission may take on the relevant item.

### (b) Sub-Commission on Prevention of Discrimination and Protection of Minorities

54. In order to carry out its work more efficiently, the Commission on Human Rights established, in 1947, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, religious and linguistic minorities. Composed of 26 experts elected by the Commission who act in their personal capacity, and not as representatives of States, the Sub-Commission meets once a year for four weeks and is attended by observers from United Nations Member States and by representatives of intergovernmental organizations, non-governmental organizations, United Nations specialized agencies and national liberation movements concerned with issues on its agenda.

### (c) Commission on the Status of Women

55. The Commission on the Status of Women was established by the Economic and Social Council in 1946. Its functions are to prepare recommendations and reports to the Council on promoting women's rights in the political, economic, civil, social and educational fields, and to make recommendations and proposals for action on urgent problems in the field of women's rights with the object of implementing the principle that women and men shall have equal rights. The Commission has been given the task of monitoring, reviewing and appraising the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women adopted by the 1985 World Conference on women. The Commission may receive communications from individuals and groups concerning discrimination against women. No action is taken on individual complaints. Instead, the procedure aims to discern emerging trends and patterns of discrimination against women in order to develop policy recommendations for solving widespread problems.

## 3. CENTRE FOR HUMAN RIGHTS

56. Secretariat services for United Nations bodies dealing with human rights are provided by the Centre for Human Rights, which is located at the United Nations Office at Geneva with a small liaison office at United Nations Headquarters in New York. The main functions of the Centre for Human Rights are to assist the General Assembly, the Economic and Social Council, the Commission on Human Rights and other organs of the United Nations in the promotion and protection of human rights and fundamental freedoms as envisaged in the Charter of the United Nations, the Universal Declaration of Human Rights and international conventions in the field of human rights.

57. The Centre serves as the focal point of the United Nations in the field of human rights. It carries out research and studies on human rights at the request of other organs, follows up and prepares reports on the implementation of human rights, and administers the programme of advisory services and technical assistance in the field of human rights. In addition, it coordinates liaison with non-governmental, intergovernmental and governmental organizations active in the field of human rights and with the media. It collects and disseminates information and prepares publications relating to human rights.

## G. Implementation mechanisms

### 1. HUMAN RIGHTS COMMITTEE

58. Established in 1977, the Human Rights Committee monitors the implementation of the International Covenant on Civil and Political Rights. It is composed of 18 members, elected by States parties to the Covenant from among their nationals, who serve in their personal capacity. Under the Optional Protocol to the International Covenant on Civil and Political Rights, the Committee may consider communications or complaints of violation of rights set out in the Covenant received from individuals who are subject to the jurisdiction of a State party which has recognized the competence of the Committee. The Committee holds three sessions a year to consider reports from States parties to the Covenant on measures adopted and progress made towards achieving observance of the rights recognized in the Covenant.

### 2. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

59. The Committee on Economic, Social and Cultural Rights monitors the implementation of the International Covenant on Economic, Social and Cultural Rights. It held its first session in 1987 and is composed of 18 experts with recognized competence in the field of human rights who serve in their personal capacity. In accordance with article 16 of the Covenant, the Committee considers reports from States parties to the Covenant on measures adopted and progress made in achieving observance of the rights recognized in the Covenant.

### 3. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

60. The Committee on the Elimination of Racial Discrimination, which monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, is composed of 18 members elected by States parties to the Convention for a four-year term. The Committee examines reports submitted by States parties on measures taken and success achieved in relation to the provisions of the Convention. The Committee is also authorized to establish permanent working groups and/or ad hoc conciliation commissions to consider communications from individuals and inter-State disputes relating to obligations contained in the Convention.

### 4. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

61. The Committee on the Elimination of Discrimination against Women was established to oversee the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It is composed of 23 experts elected by secret ballot from a list of persons of high moral standing and competence in the field of the human rights of women nominated by States parties to the Convention. The Committee meets regularly to examine reports and any other information submitted by States parties. This examination forms the basis of suggestions and recommendations made by the Committee. The Committee may also make general recommendations on steps which might be taken by States to fulfil their obligations under the Convention.

### 5. COMMITTEE AGAINST TORTURE

62. The Committee against Torture is composed of 10 experts elected for a four-year term to consider reports submitted by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on measures taken to honour their undertakings under the Convention. In addition to considering these reports, investigating them and forwarding them to the States parties and to the General Assembly with comments, the Committee is authorized to make confidential inquiries. These may include on-the-spot inquiries, in agreement with the State party concerned, when the Committee receives reliable information indicating that torture is being systematically practised in the territory of that State party.

63. The United Nations Voluntary Fund for Victims of Torture was set up in 1981 to receive voluntary contributions for distribution through established channels of assistance as humanitarian, legal and financial aid to persons who have been tortured and to members of their families. The Fund depends entirely on voluntary contributions from Governments, private organizations, institutions and individuals. It is administered by the Secretary-General of the United Nations with the assistance of a board of trustees composed of a chairperson and four members with wide experience in the field of human rights. Most of the subsidies are used to finance therapy and rehabilitation projects and training projects. The purpose of these projects is to enable victims and



their families to lead productive, normal lives within their community.

## 6. COMMITTEE ON THE RIGHTS OF THE CHILD

64. The Committee on the Rights of the Child first met in 1991. It is composed of 10 experts and is entrusted with the task of generating a permanent dialogue involving all parties concerned with the promotion of children's rights. The Committee will identify dangers to the well-being of the world's children; look for practical answers to specific problems; mobilize the human and financial resources needed to solve them; and raise the level of public awareness and concern for the protection and promotion of the rights of the child. In this task the Committee will be open to collaboration with other organizations active in the same field. The Committee will monitor the progress made by States which ratify or accede to the 1989 Convention on the Rights of the Child to comply with their obligations. States parties to the Convention accept the duty to submit regular reports directly to the Committee on the steps they have taken to put the Convention into effect and on progress in securing the enjoyment of children's rights. These reports are to be made public and given wide national distribution.

## H. Regional instruments in the field of human rights

### 1. AFRICA

#### (a) *Charter of the Organization of African Unity (1963)*

65. The OAU Charter was the first instrument of a regional organization to refer to the Universal Declaration of Human Rights. Its preamble reaffirms the attachment of the African States to the principles of the Charter of the United Nations and the Universal Declaration of Human Rights as a solid foundation for peaceful and positive cooperation among States. Article II provides for the promotion of international cooperation with regard to the United Nations Charter and the Universal Declaration. Other human rights provisions in the OAU Charter relate generally to the commitment of African States to eradicate colonialism in all its forms and manifestations, as well as to the creation of necessary economic conditions for the advancement of African peoples.

#### (b) *African Charter on Human and Peoples' Rights (1981)*

66. The African Charter on Human and Peoples' Rights comprises a preamble and three substantive parts containing 68 articles. Part I, dealing with rights and duties, is subdivided into two chapters on human and peoples' rights (arts. 1-26) and duties (arts. 27-29). Part II, containing measures of safeguard, is subdivided into four chapters dealing with the creation of the African Commission on Human and Peoples' Rights (arts. 30-44), the mandate of the Commission, its procedure and applicable principles.

#### (c) *African Commission on Human and Peoples' Rights*

67. The main functions of the Commission are promotional and standard-setting. The Commission also receives and considers inter-State and "other communications". The latter term includes communications from individuals or groups of individuals and from organizations or institutions dealing with human rights issues.

## 2. THE AMERICAS

#### (a) *Charter of the Organization of American States—American Declaration of the Rights and Duties of Man (1948)*

68. The OAS Charter, which entered into force in 1951, makes very few references to human rights. One provision of importance is article 3 (j), now article 5 (j), proclaiming the fundamental rights of the individual without distinction as to race, nationality, creed or sex among the principles to which signatories are committed. Another important reference to human rights appears in article 13, now article 16. The same Conference that adopted the OAS Charter also promulgated the American Declaration of the Rights and Duties of Man, which proclaims a list of 27 human rights and 10 duties.

#### (b) *American Convention on Human Rights (1969)*

69. The American Convention on Human Rights guarantees a dozen broad categories of civil and political rights, such as the right to judicial personality and the right to life, to humane treatment, to a fair trial, to property, and to freedom of association, among others. An additional protocol to the Convention, relating to economic, social and cultural rights and known as the San Salvador Protocol, was adopted in 1988.

#### (c) *Supervisory organs*

##### (i) *Inter-American Commission on Human Rights*

70. The functions of the Commission are spelled out in article 41 of the American Convention on Human Rights. It codifies the Commission's pre-existing functions as an OAS organ and mandates it "to take action on petitions and other communications pursuant to its authority" under articles 44 to 51 of the Convention. The Convention empowers the Commission to deal with individual petitions and inter-State communications. The admissibility of a petition is conditional, *inter alia*, on the exhaustion of domestic remedies, in accordance with the generally recognized principles of international law. There is a requirement that the petition be submitted to the Commission within a period of six months from the date on which the victim of the alleged violation was notified of the final domestic judgement in the case. When a complaint is admissible, the Commission examines the allegations, seeks information from the Government concerned and investigates the facts. As part of this process, the Commission may hold hearings in which the Government and the petitioner(s) participate.

##### (ii) *Inter-American Court of Human Rights*

71. The Court has contentious jurisdiction, which is jurisdiction to adjudicate cases involving charges that a State party has violated the American Convention on Human Rights. It also has jurisdiction to render advisory opinions concerning the Convention and certain human rights treaties. Once a case has been referred to it, the Court has the power fully to review the findings of fact and law of the Inter-American Commission on Human Rights. The Court is empowered to award money damages and render declaratory judgements specifying not only what rights have been violated, but also how States should remedy the violation.

## 3. EUROPE

#### (a) *European Convention on Human Rights<sup>2</sup> (1950)*

72. As originally adopted, the European Convention on Human Rights guaranteed a wide range of rights, such as the right to life, the right not to be subjected to torture, and freedom from slavery, among others. This range has been expanded by additional protocols to add the right to property and the right to education (first protocol). Protocols 4 and 5 expand the list further by prohibiting deprivation of liberty for failure to comply with contractual obligations and guaranteeing the right to liberty of movement. Protocol 6 requires abolition of the death penalty, and Protocol 7 requires that aliens must be accorded various due procedural safeguards in determining whether they may be expelled from a country where they are residing. This instrument also provides for the right of appeal in criminal proceedings, compensation in cases of miscarriage of justice, the right not to be subject to double jeopardy, and equal rights and responsibilities between spouses.

#### (b) *European Social Charter (1961)*

73. Like the European Convention, the European Social Charter was prepared under the auspices of the Council of Europe. It complements the Convention, which guarantees civil and political rights, by establishing a regional European system for the protection of economic and social rights. More than half the member States of the Council of Europe are parties to the Charter. The Charter establishes a reporting system designed to monitor whether States are complying with their obligations.

#### (c) *Conference on Security and Cooperation in Europe*

74. The Helsinki Final Act, signed in 1975, grew out of the Conference on Security and Cooperation in Europe (CSCE), which grouped all sovereign States of Eastern and Western Europe (then, but no longer, with the single exception of Albania), together with the United States of America and Canada. It is not binding on Governments, although it has had considerable political impact. Principle VII of the Final Act's 10 principles states that the participating States "will respect human

<sup>2</sup> Convention for the Protection of Human Rights and Fundamental Freedoms.

rights and fundamental freedoms" and will also fulfil their obligations as set forth in the international declarations and agreements in that field. Among subsequent important CSCE documents are the concluding documents of the Vienna (1989) and Copenhagen (1990) conferences, as well as the Charter of Paris for a New Europe (1990).

#### (d) *European Court of Human Rights*

75. Initially, the European Convention conferred only contentious jurisdiction on the European Court of Human Rights. The Court obtained advisory jurisdiction in 1970, with the entry into force of Protocol 2 to the Convention. The Convention empowers only States and the European Commission of Human Rights, not individuals, to file cases with the Court. However, the individual claimant has gradually acquired a more important status before the Court. The Court can be said to have become the constitutional court for civil liberties in Western Europe. Its case-law is vast in terms of the range of subjects the Court has addressed, and its impact is increasing.

## I. Other human rights instruments

### 1. DECLARATION ON THE RIGHT TO DEVELOPMENT (1986)

76. In 1986, the General Assembly adopted the Declaration on the Right to Development, which proclaims that development is an inalienable human right, entitling all persons to participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized. The Declaration also states that the human person is the central subject of development and should be an active participant and beneficiary of the right to development.

### 2. DECLARATION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (1981)

77. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was adopted by the General Assembly in 1981. It states that everyone shall have the right to freedom of thought, conscience and religion and that no one shall be subject to discrimination on the grounds of religion or other belief.

### 3. DECLARATION ON THE PROTECTION OF WOMEN AND CHILDREN IN EMERGENCY AND ARMED CONFLICT (1974)

78. In 1974, the General Assembly proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. The Declaration states that attacks and bombings on civilians, "especially on women and children, who are the most vulnerable members of the population", shall be prohibited and condemned, and that States involved in armed conflicts shall make all efforts "to spare women and children from the ravages of war".



4. DECLARATION ON THE RIGHTS OF  
MENTALLY RETARDED PERSONS (1971)

79. In 1971, the General Assembly proclaimed the Declaration on the Rights of Mentally Retarded Persons and called for national and international action to ensure that the Declaration would be used as a common basis and frame of reference for the protection of the rights set forth therein. In doing so, the Assembly bore in mind the necessity of assisting mentally retarded persons to develop their abilities in various fields of activity, and of promoting their integration as far as possible in normal life.

**J. Legal instruments not promulgated  
by the United Nations**

80. Other instruments not promulgated by the United Nations which have an impact on the rights of families and children and which are therefore of great interest to social work professionals are those developed

under the auspices of the Hague Conference on Private International Law: *inter alia*, the Convention on Civil Aspects of International Child Abduction (1980) and the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (1993).

**K. Instruments in preparation**

81. In addition to the instruments described above, there are several relevant instruments in the process of being elaborated. These include the draft declaration on the rights of indigenous peoples, entrusted to the United Nations Working Group on Indigenous Populations. At its 1993 session, the Working Group completed its final reading of the draft declaration, which was transmitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for consideration. Another instrument is the convention on the rights of disabled persons, the elaboration of which was postponed by the General Assembly at its forty-second session in 1987.

Part three

ISSUES FOR PRACTICE REALITY



## I. INTRODUCTION

Part three of the Manual discusses general "themes" important in analysing and responding to human rights issues in social work and social work education. First we identify an analytical framework, then some specific themes are viewed in the light of the framework. To promote discussion and learning, large portions of this part are put in the form of questions.



## II. PROBLEMS: IDENTIFICATION AND RESPONSE

### A. Problem identification

1. What is the incidence of the problem and what possible data exist?
2. What elements/proportion of the population are affected?
3. How is the problem manifested in various segments of the population?
4. What national instruments exist to safeguard human rights in respect of the problem, and how far do they match international instruments?
5. What existing government and non-governmental organizations' programmes are aimed at responding to the problem?

### B. Response to problems

1. Guiding the response by social workers should be the awareness of micro, meso and macro levels of analysis and response (individual, group, region, nation, international).
2. Social workers use the elements of remedial, preventive and developmental work as a framework for analysis of tasks in relation to human rights.
3. A question, therefore, would be: what are the scope for, and the limitations of, social work intervention at the different levels (micro, meso, macro) and with the different orientations (remedial, preventive, developmental)?
4. The reasons for constraints and limitations need to be analysed, and ways of overcoming them explored. For example: what can be the role of the professional association of social workers and schools of social work in pursuing and enhancing human rights?

## III. EXAMPLES OF THE USE OF THE CONCEPTUAL FRAMEWORK

The conceptual tools referred to above are vital for both learning and practice. The following examples of conceptual dichotomies can supplement the general framework of analysis and response to human rights issues.

### A. Examples of conceptual dichotomies

Needs	↔	Wants
Satisfaction	↔	Deprivation
Rights	↔	Discretion
Justice	↔	Injustice
Individual	↔	Collective
Solidarity	↔	Individualization
Power	↔	Lack of power
Responsibility	↔	Non-responsibility
Conflict	↔	Resolution
Autonomy	↔	Control

Although these are expressed as dichotomies, they could be regarded as points on a continuum, in which a given problem can be located.

### B. Questions for student discussion

1. Analyse specific problem situations known to you, and place them in the conceptual framework suggested. What points are they at on the spectrum in each dimension?
2. How can you envisage changing the positions of individuals and groups in these dimensions (e.g. from injustice to justice)?
3. What relationships are there between these different concepts (e.g. between individualism and solidarity); and how can the positions of individuals or groups be reconceptualized (e.g. needs and fulfilment)?



#### IV. THEMES

The following themes can be considered using the analytical framework described in section II above. Another useful approach might be the analysis of causes, symptoms, shortfalls and the potential of the population for action and solutions. It is proposed, in every case, to build on existing analyses of political, economic, psychosocial, cultural, geographical and religious aspects of problems within countries from a perspective of respect or non-respect of human rights.

The 12 sample themes proposed below are illustrative rather than exhaustive and address general as well as specific aspects of human existence. They have been divided into two groups, generic themes and vulnerable groups, and many are interconnected.

Generic themes	Vulnerable groups
Poverty	Children
Gender discrimination	Women
Racism	Elderly persons
Religion	Disabled persons
Environment and development	Prisoners, including restricted persons
	Refugees
	Migrants

##### A. Generic themes

###### 1. POVERTY

###### (a) Aspects

- Quality of life
- Food
- Employment
- Housing
- Health
- Education
- Environment
- Access to property (land, housing)
- Other aspects, including structural adjustment

##### (b) Analysis

- (i) *Causes*  
e.g. inequality in global resource distribution.
- (ii) *Symptoms*  
e.g. street children, powerlessness.
- (iii) *Shortfalls*  
e.g. in social security provision and legislation.
- (iv) *Potential for solutions*  
e.g. self-help groups, bulk purchases of products, political mobilization.

Apart from the causes, symptoms, shortfalls and potential of the population for action, consideration must be given to statistical data, preventive and redistributive legislation, and the adequacy or inadequacy of social policy and social action as well as government programmes and actions of the voluntary sector, among other things.

##### (c) Social work intervention

Social work intervention has a long tradition and has spearheaded innovative action. Cooperation with poor people themselves, non-governmental organizations and other partners reinforces advocacy and a concerted thrust to combat this increasing social scourge.

##### (d) International instruments

The main international instruments addressing the theme of poverty are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Declaration on the Right to Development (1986); ILO Conventions/Recommendations.

##### (e) Regional instruments

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

1.1. What particular human rights issues are linked to the issue of poverty (e.g. right to life; right to work; right to an adequate standard of living)?

1.2. What attitudes of social discrimination, marginalization, stigmatization and injustice need to be combated?

1.3. In what way can clients—individuals, families, communities—be empowered to bring about change in their own situation and in the attitudes of others towards them?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

#### 2. GENDER DISCRIMINATION

##### (a) Aspects

- Equality/inequality: health, education, work, pay
- Role models
- Competition versus complementarity
- Cultural/traditional aspects of gender
- Marriage and other forms of shared life
- Sexual orientation
- Other aspects

##### (b) Analysis

Cultural heritage, customs and traditions as well as legislation and the evolution of a country's society might be scrutinized.

##### (c) Social work intervention

Possibilities for action by social workers in promoting gender-equitable legislation and in raising awareness of

gender-related issues could be described and studied. Other avenues could be work with self-help groups, women's groups and others.

##### (d) International instruments

The main international instruments for gender issues are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962); ILO Conventions.

##### (e) Regional instruments

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

2.1. What human rights issues are raised in gender-related issues (e.g. equality before the law; equal rights to marriage and during marriage; right to choice of spouse; equal pay for equal work)?

2.2. What advocacy can be undertaken by social workers to promote change in gender-related issues and attitudes, including those concerning sexual orientation?

2.3. What gender issues can be seen within the social work profession?

2.4. How can the social work profession promote change in gender issues with respect for cultural traditions?

Devise further questions based upon reading of the instruments, especially those particular to given regions.



### 3. RACISM

#### (a) Aspects

- Hidden and unavowed attitudes
- Open racist antagonism
- Integration: a multiracial society
- Voluntary segregation
- Imposed segregation (apartheid)
- Positive racial self- or group-image
- Racial minorities' relations with the majority population and with other minorities
- Other aspects

#### (b) Analysis

In the case of racism, causes, symptoms, shortfalls and the potential of the population for action can and should be analysed. Discrimination and disregard would obviously head the list of symptoms, since both are painfully present in the life and treatment of racial minorities. Deficiencies in housing, education, employment and pay, among other things, are likewise common.

Special attention should be devoted to the potential of the affected groups for attaining full enjoyment of their rights.

#### Questions for social workers and social work students

- 3.1. What human rights issues are raised by racism (e.g. rights of minorities; right to respect for one's own culture; right to just and favourable remuneration; right of access to any place or service intended for use by the public)?
- 3.2. Have social work educators, practitioners or students detected symptoms of racism and exclusion in their school or professional association?
- 3.3. What advocacy and/or action can be undertaken by social workers with regard to race, and how are those views reflected in their personal lives?
- 3.4. What is the extent of the knowledge of social work educators, practitioners and students about cultures other than their own?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

### 4. RELIGION

#### (a) Aspects

- Freedom of worship/restrictions on worship
- Development of sects and cults
- Fundamentalism and conservative trends
- Interreligious conflicts and violence

- Persecutions and expulsions
- Secular/religious States
- Conflict with national legislation
- Conflict with national/local customs
- Mixed marriages/mixed families
- Other aspects

#### (c) Social work intervention

A thorough analysis of racism can best be undertaken by a multiracial group of social work educators, practitioners and students. Action will be most effective if carried out in conjunction with other groups who may benefit from social work intervention skills. Schools of social work, practitioners and the professional associations must themselves strive to be free of racial bias, and thus be convincing by their example as much as by their words and action.

#### (d) International instruments

The main international instruments relating to racial issues are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973); the Convention on the Rights of the Child (1989); the UNESCO Convention against Discrimination in Education (1960).

#### (e) Regional instruments

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

#### (b) Analysis

Powerlessness of religious minorities and their difficulties in coexisting with predominant religious groups are symptoms of religious strife. An important parameter for the peaceful coexistence of different religions, or of believers and non-believers in a given country, is the prevailing degree of tolerance or intolerance, even under a theocratic regime. Problem areas could be legislation, the absence of a forum for interreligious dialogue, restrictions on worship, discrimination with regard to employment in the public sector and disrespect for conscientious objectors in the armed forces, among others. People's potential to counter and overcome religious discrimination, to inform and be informed about religion, and to create a climate of mutual respect for different beliefs is crucial.

#### (c) Social work intervention

Social workers could explore the potential for action by ecumenical and other organizations, such action for

#### Questions for social workers and social work students

- 4.1. What human rights issues are raised in religious issues (e.g. non-discrimination and equality before the law; right to freedom of thought, conscience, religion and belief; the inadmissibility of the use of religion or a belief for ends inconsistent with the Charter of the United Nations or with other international human rights instruments)?
- 4.2. Are denominational schools of social work and professional associations where the majority of members belong to one religion open to other religions and the manifestation of different beliefs?
- 4.3. Would social work intervention be more effective if social workers acquired some knowledge of the religions of their clients or client groups?
- 4.4. Is it difficult for social workers to be unprejudiced when faced with attitudes of clients based on their religious beliefs and practices?
- 4.5. In the light of the value crisis acknowledged today, would an understanding of the spiritual, humanistic and religious dimensions complementing psychosocial and economic factors lead to a more holistic view by social workers of the problems and challenges confronting them?

Devise further questions based upon reading of the instruments, especially those particular to given groups.

### 5. ENVIRONMENT AND DEVELOPMENT

#### (a) Aspects

- Population/demography
- Water
- Energy/fuel
- Urbanization
- Resource management
- Consumption patterns

specific and often social targets being one of the most effective ways to build mutual trust.

#### (d) International instruments

The main international human rights instruments addressing religious issues are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981).

#### (e) Regional instruments

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

#### (b) Analysis

Several of the above-mentioned aspects of the environment and development issue are among the causes of aggressive development patterns and environmental degradation. Symptoms of that degradation are all too evident, as are shortfalls in the present management of natu-



ral resources and the damaging consequences for nature and humankind. Analysis of the issue should lay great stress on the potential for action of populations to reverse the present suicidal trend. Here again one of the aspects above (environment and development education) constitutes one preventive tool. Community involvement and commitment, technology transfer, respect for indigenous and local knowledge, approaches and practices, and popular participation in policy-making are among the many roads leading to sustainable development and to potential solutions for environmental degradation.

(c) *Social work intervention*

Environment and development is a new field for social work which is being explored. Social workers active at the grass-roots level will have an important opportunity for awareness-raising, advocacy and influence on lifestyles.

(d) *International instruments*

The International Bill of Human Rights comprising the Universal Declaration of Human Rights (1948) and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966) is relevant to the issue of environment and development. Most important, however, is Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992, whose implementation is monitored by the Commission on Sustainable Development.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

*Questions for social workers and social work students*

- 5.1. What human rights issues are raised by the environment and development issue (e.g. right to life; right to safe and healthy living and working conditions; right to acceptable environmental and industrial hygiene; right to the enjoyment of the highest attainable standard of physical and mental health)?
- 5.2. What action should social workers undertake to promote sustainable development and environmental protection?
- 5.3. What should social workers do if measures to protect the environment deprive disadvantaged persons or groups of their livelihood?
- 5.4. How can social workers uphold the rights of indigenous, pastoral and nomadic peoples whose lands, forest or rangelands are gradually being removed from their use, partly as a result of environmental degradation, but also for mega-development and other projects?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

B. **Vulnerable groups**

I. **CHILDREN**

(a) *Aspects*

- Child mortality
- Health
- Education
- Children and the family, including family reunification
- Institutional placement/foster care
- Adoption, including international adoption
- Gender issues
- Children of minority communities and indigenous populations
- Physically and mentally handicapped children

- Abandoned children
- Street children
- Abuse and exploitation, including sexual abuse and exploitation, pornography and prostitution
- Sale, trafficking and abduction of children
- Teenage pregnancy
- Juvenile delinquency
- Children in armed conflict
- Refugee children
- Other aspects

(b) *Analysis*

Incidence, statistical data, legislative and protective measures, loopholes in the law, governmental programmes and the responses of the voluntary sector and of the profession might be useful indicators for the study

of the various aspects listed above. Shortfalls in service provision, institutions and the standard of services for children might also be considered. Although many children are too young to stand up for their rights, older ones can do so. There is much untapped potential for their participation in the designing and delivery of services.

(c) *Social work intervention*

Social workers should be enabled to work in partnership with young people and to help in organizing young people. Schools of social work should prepare future professionals to go beyond the "child in the family" model and traditional deviancy models, and to view the child as a person with intrinsic rights which need to be upheld.

(d) *International instruments*

The main international instruments relating to children are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights

(1966); the Declaration of the Rights of the Child (1959); the Convention on the Rights of the Child (1989); the World Declaration and the Plan of Action adopted by the World Summit for Children (1990); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules") (1985); the Convention on Civil Aspects of International Child Abduction (Hague Conference on Private International Law, 1980); the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (1993); the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974); ILO Conventions/Recommendations.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

*Questions for social workers and social work students*

- 1.1. What human rights issues are raised in relation to children (e.g. right to life; right to health and health services; right to education; right to enjoy their own culture for children of indigenous or minority populations; protection from abuse and neglect; protection from exploitation; protection and care in armed conflicts)?
- 1.2. What would social work educators, practitioners or students consider an unjust removal of a child from his or her family and how would they respond?
- 1.3. How would social work educators, practitioners or students define the concept of "the best interest of the child"? How do they envisage the application of this criterion in the case of a child's removal from the care of his or her parents, or in other cases?
- 1.4. How can social workers ensure that children who are old enough and able to have an effective say about how their rights ought to be applied in practice are allowed to express their opinion and have it taken into consideration?
- 1.5. How can social workers intervene to improve the situation of the poorest and most disadvantaged children in any of the above categories?
- 1.6. What approach do social workers favour for their work with street children?
- 1.7. What measures would social workers recommend for the protection of children at risk of drug addiction, delinquency and other destructive behaviour?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

2. **WOMEN**

(a) *Aspects*

- Inequality in the eyes of the law or established custom

- Inequality in education, work, property, inheritance
- Women's conditions in rural areas, including access to land ownership
- Women's conditions in poor urban areas, including access to credit facilities



- Violence in the family
- Women as heads of families
- The situation of the girl child (food, health, education)
- Women's values and aims
- Women's participation in decision-making and policy-making
- Discrimination against women
- Elderly and disabled women
- Other aspects

(b) *Analysis*

Traditional attitudes embodied in law and/or custom, powerlessness, societal and religious prejudice against women, impediments in decision-making, low status and double workloads are some of the main symptoms of the disadvantages faced by women. There are shortfalls in services for women, which are often planned without due consideration being given to women's perspectives on the way they are delivered (e.g. their availability for women who work). Potential for action concerns mainly women's (and men's) participation in awareness-raising and advocacy for the advancement of women. Consideration should also be given to women's potential in the area of policy and administration.

*Questions for social workers and social work students*

- 2.1. What human rights issues are raised in relation to women (e.g. right to life, in the case of infanticide of the girl child at birth; right to education; right to equal opportunities; protection against harmful traditional practices; equal pay for equal work)?
- 2.2. Is there any legislation in your country that discriminates against women in terms of nationality, inheritance, ownership and control of property, freedom of movement, and the custody and nationality of children?
- 2.3. Can you identify any discriminatory measures concerning career prospects for women within the social work profession (e.g. in the academic world, in social welfare agencies and others)?
- 2.4. Are social work students made aware of the vulnerability of girls and women among social work clients and of the special needs of elderly women?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

3. ELDERLY PERSONS

(a) *Aspects*

- Lack of preparations for old age—micro to macro levels
- Health aspects and expectations/income implications

- The untapped potential of elderly persons
- The shifting role of elderly persons within the family
- The shifting role of elderly persons in society
- Demographic trends and their implications
- The rights of elderly persons in institutions

(c) *Social work intervention*

As a predominantly female profession, social workers have great potential for women's conscientization. They are especially well placed to impart knowledge of rights to women, although they are aware that this may lead to an increase of their women clients' conflicts with their men. Research is an important tool for the advancement of women, and one which the social work profession is well equipped to undertake. For positive and concerted action, social workers should link up with women's non-governmental organizations at the local, national and international levels, not least to keep women's issues before Governments at every level.

(d) *International instruments*

The main international instruments relating to women are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Nairobi Forward-looking Strategies for the Advancement of Women (1985); ILO Conventions/Recommendations.

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

- Services to facilitate an independent life
- Ongoing training, occupation, employment
- Young and old elderly persons
- Life and death with dignity
- Other aspects

(b) *Analysis*

The main symptom faced by elderly persons is that of marginalization. By tradition, old age, except in some societies, is viewed negatively. The gradual withering away of the extended family in many countries has taken from old people the comfort of a recognized place within the family. Longevity as well as a shift from rural to urban life are underlying causes of the present crisis. Elderly persons' low self-esteem, their relative poverty, their acceptance of second-rate services in institutions and tensions with offspring, among other things, compound the crisis. Shortfalls are manifold. On the one hand, the potential of the elderly population which is not a burden is not sufficiently recognized or utilized. Mass services are produced, as it were, for a homogeneous group in which elderly persons clearly are not represented. The main deficiency, however, lies in the stigmatization of age and the categorization of people by age alone.

(c) *Social work intervention*

The social work profession must not see its role as simply responding to crises but as helping to build support systems to alleviate crises. Furthermore, social workers must try to enhance old people's self-worth and knowledge of their rights. They need forcefully to reject service-delivery methods which infringe the rights of elderly persons. They should encourage and actively assist the formation of self-help groups and cooperate with them for improvement and the self-affirmation of elderly persons.

(d) *International instruments*

The main international instruments relating to elderly persons are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the International Plan of Action of the World Assembly on Ageing (1982).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

*Questions for social workers and social work students*

- 3.1. What human rights issues are raised in relation to elderly persons (e.g. right to economic security and to an adequate standard of living; right to health services; right to participation in the cultural life of the community; right to social security and social insurance)?
- 3.2. What training or additional training is considered necessary for improved assistance to elderly people?
- 3.3. Do social workers and social work students regard elderly people merely as clients, or could they envisage them as partners and collaborators in their work?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

4. DISABLED PERSONS

(a) *Aspects*

- Rehabilitation/self-reliance
- Integration in society
- Remedial support (e.g. prosthetic and orthoptic appliances, non-institutional treatment for mentally disabled persons)
- Lack of adequate compensation/income
- Appropriate housing for physically disabled persons

- Education/training/retraining with emphasis on community-based rehabilitation
- Employment/occupation
- Forced treatment and/or institutionalization of mentally disabled persons
- Transport/access to transport
- Other aspects

(b) *Analysis*

An improvement in early detection facilities for mental illness might go some way to diminishing mental disability. Superstition and ignorance concerning mental



impairment in some societies are serious barriers to be overcome. A negative self-image is one of the symptoms common to many disabled persons. One of the most constructive ways to analyse disability might be to concentrate on the potential of disabled persons for integration into the mainstream of education, work and life as a whole.

(c) *Social work intervention*

Advocacy for recognition of the rights of disabled persons as full members of the human family is an important role for social workers to undertake with their disabled clients. Social workers' faith in the inherent capacities of their disabled clients will help those clients attain their optimum levels of performance, a balanced self-image and, ultimately, a place in society acceptable to themselves and to others.

*Questions for social workers and social work students*

- 4.1. What human rights issues are raised in disability-related issues (e.g. right to economic security and a decent standard of living; right to assistance; right to protection from exploitation, abuse and degrading treatment; right to work according to capabilities; right to have disabled people's special needs taken into consideration at all stages of economic and social planning)?
- 4.2. What steps should social workers take in collaboration with disabled people to promote the latter's rights?
- 4.3. What curriculum component is considered necessary to respond more effectively to the needs of disabled clients?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

5. PRISONERS, INCLUDING RESTRICTED PERSONS

(a) *Aspects*

- Rights of offenders detained in penal institutions
- Rehabilitation/training
- Women prisoners/children born to women prisoners
- Juvenile prisoners
- Political prisoners/prisoners of conscience
- Persons restricted for political reasons
- Probation
- Capital punishment
- Other aspects

(b) *Analysis*

Poverty, anomy, a breakdown of traditional structures and support systems, and a consumer-oriented society are linked with criminality. The focus of the criminal justice system on general enforcement rather than on

(d) *International instruments*

The main international instruments addressing the theme of disability are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Declaration on the Rights of Mentally Retarded Persons (1971); the Declaration on the Rights of Disabled Persons (1975); the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (1991).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

consideration of the specific individual might be counter-productive for minor offences. Deficiencies can be found in detention/imprisonment facilities for the various categories of offenders. There is great potential for improvement in the prison systems of most countries to counter dehumanizing effects. There is also potential for reinforcing prisoners' bonds with their families.

(c) *Social work intervention*

Probation has long been one of the areas of social work which requires specific knowledge and skills. Social work intervention during imprisonment prepares the groundwork for a possible rehabilitation and integration of prisoners into society. Work with political prisoners requires consistent advocacy, especially under authoritarian regimes, as well as provisions for the prisoners and their families. Where permitted, it can be of great importance in morale building.

(d) *International instruments*

The main international instruments addressing the issue of protection of persons subjected to detention or im-

prisonment are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child (1989); the Standard Minimum Rules for the Treatment of Prisoners (1955); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Safeguards guaranteeing protection of the rights of those facing the death penalty (1984); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("Beijing Rules")

(1985); the Basic Principles on the Independence of the Judiciary (1985).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

*Questions for social workers and social work students*

- 5.1. What human rights issues are raised for prisoners (e.g. right not to be submitted to torture and other cruel, inhuman or degrading treatment or punishment; right to equitable remuneration for work performed; right to a legal adviser or free legal aid where there is provision for such aid; right to freedom of opinion and expression; right to freedom of peaceful assembly and association)?
- 5.2. What are social workers doing for the defence of members of the profession who are restricted or imprisoned for their religious or political beliefs, colour, sex or ethnic origin?
- 5.3. Should members of the profession intervene on behalf of colleagues restricted or imprisoned for their religious or political beliefs, colour, sex or ethnic origin who have either used or advocated violence?
- 5.4. What is your stand on the death penalty in the light of your knowledge of international instruments?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

6. REFUGEES

(a) *Aspects*

- Emergency measures in the first country of asylum/family reunion
- Morale building, psychological aspects, including post-trauma stress in refugee camps
- Special needs of refugee women
- Special needs of refugee children
- Security of person and socio-economic protection, including right to work
- Preparation for resettlement
- Integration in country of resettlement
- Voluntary repatriation
- Other aspects

(b) *Analysis*

Causes for the flight of individuals, families or large segments of the population from their country of origin are easily detectable (e.g. war, persecution, conflict be-

tween national, ethnic, racial, political, religious factions). Symptoms such as sudden uprooting, total destitution, lack of status and loss of nationality are some of the tragic burdens that refugees have to bear. Deficiencies in reception facilities in countries of first asylum are possibly unavoidable. There appears to be a growing lack of political will to admit refugees on the part of countries of first asylum and countries of intended final destination. There may be some potential for preventive, economic and other action in countries of origin, which could possibly help to ease tensions and thus avoid the exodus of nationals in search of refuge and asylum elsewhere.

(c) *Social work intervention*

In camps, in the case of mass arrivals, social workers can attempt to alleviate immediate tensions through counselling in cooperation with earlier arrivals or members of the present group. Their action is also vital in ensuring effective legal advice and in participating in relief management and humane camp administration. Social workers should be well versed in such skills and collabo-



rate with relief and other agencies on an interdisciplinary basis.

(d) *International instruments*

The main international instruments relating to refugees are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); the Convention on the Rights of the Child

(1989); the Convention relating to the Status of Refugees (1951); the Protocol relating to the Status of Refugees (1967).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

*Questions for social workers and social work students*

- 6.1. What human rights issues are raised for refugees (e.g. right to life, liberty and security of person; right to seek asylum from persecution; right to freedom from arbitrary arrest or detention; right to protection against discrimination)?
- 6.2. What educational focus is considered necessary for effective social work intervention for/with refugees?
- 6.3. What can social workers do to facilitate refugees' absorption in a country of settlement?
- 6.4. Do social workers have a special advocacy role in promoting a favourable image of refugees?

Devise further questions based upon reading of the instruments, especially those particular to given regions.

7. MIGRANTS

(a) *Aspects*

- Integration versus assimilation in the country of settlement
- Dual culture and cultural identity
- Racism
- Second generation
- Temporary migrants (for all or part of working life)
- Skills/training
- Work/employment
- Family reunion
- Returnees
- Other aspects

(b) *Analysis*

Among the main causes of migration are unfavourable conditions and surplus labour in the country of origin, and a lack of unskilled labour in the generally more developed country of settlement. Migrants usually, though not always, move in order to improve their social and economic position. However, there also exist religious, political and ethnic causes of migration. Shortfalls may concern, among other things, unsatisfactory reception facilities, housing, pay and social security in the receiving country. Exploitation and abuse can be severe.

Alongside such obvious deficiencies there exist other insidious, subtler ones. Social discrimination and racism turn migrants into second-class citizens. The potential of the population and of migrants themselves to change attitudes and to defeat a widespread bias against migrants is real but requires time and constant advocacy and action.

(c) *Social work intervention*

Apart from definite counselling roles for social workers in countries of emigration and immigration, their intervention is also required for internal migrations. The strategies for intervention in both cases are similar, since adjustment to the new habitat is a common problem. Social workers must challenge discriminatory treatment of migrants and acquaint them with their rights. They can put their skills at the disposal of migrants' associations and self-help groups if requested by them.

(d) *International instruments*

The main international instruments addressing migration are: the Universal Declaration of Human Rights (1948); the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966); ILO Conventions/Recommendations; the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (1985); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

(e) *Regional instruments*

The main regional instruments are: the African Charter on Human and Peoples' Rights (1981); the American

Convention on Human Rights (1969); the European Convention on Human Rights (1950); the Helsinki Final Act (1975); the European Social Charter (1961).

*Questions for social workers and social work students*

- 7.1. What human rights issues are raised for migrants (e.g. right to protection against discrimination; right to just and favourable conditions of work; right to equal pay for equal work; right to an adequate standard of living)?
- 7.2. Is there any prejudice against migrants in your school of social work or professional association?
- 7.3. What focus do you consider necessary for a more effective social service delivery to migrants?
- 7.4. Do social work educators, practitioners and students believe that migrants enrich their country's culture?

Devise further questions based upon reading of the instruments, especially those particular to given regions.



## V. SOME DILEMMAS FACING SOCIAL WORKERS

### A. Introduction

Social workers encounter dilemmas in practice which require decisions and the determination of priorities. They are often accompanied by value conflicts. Some of these dilemmas are present in the real-life situations, from different continents, illustrated below. Faculty and students can obviously add to these. All these situations should provoke discussion and sensitize students to the human rights issues involved in individual cases and situations.

### B. Questions

Some specific questions, intended to prepare for dialogue, are set out below. Some relate to individual situations, others to broader issues. However, discussion should focus on social work interventions and their implications, at micro, meso and macro levels. Furthermore, the general issues of human rights which are involved in these situations/questions should be explored, and existing international instruments and their applicability should be referred to.

*Question No. 1.* You are faced with a request for help from a person whose sexual orientation you do not share/find repugnant.

◆◆◆◆ How do you respond to the request? ◆◆◆◆

*Question No. 2.* You believe that people have a right to work; but the only cash crop in the area where you are a social worker is a narcotic drug, i.e. the basis of illegal and harmful traffic, when exported.

◆◆◆◆ What do you advise if there is a restriction on growing this substance? ◆◆◆◆

*Question No. 3.* Your Government has to service a large international debt and chooses to cut expenditure on social services, including the services you are working with for disadvantaged persons.

◆◆◆◆ How do you respond to this? ◆◆◆◆

*Question No. 4.* As a social worker in a hospital you find a conflict between legal and religious norms in your country regarding abortion and birth control. In addition, you believe the law and religious norms are not followed by significant numbers of women.

◆◆◆◆ How do you respond to requests for advice? ◆◆◆◆

*Question No. 5.* You have to advise childless couples about the possibility of having children by artificial insemination or adoption. Some of them have knowledge of persons who have adopted internationally, having paid large sums of money for children.

◆◆◆◆ How do you advise these couples, married or not married? ◆◆◆◆

*Question No. 6.* As a social worker in a social service office/agency you are asked to follow a new code of practice with clients. This requires you to:

- tell clients your name and how they can contact you;
- listen to clients explain their problems;
- seek clients' consent to investigate problems, as well as consent (which may be refused) to intervene on problems;
- give clients all information relevant to *their* choice and *your* decision-making (except where this would infringe the rights of others).

◆◆◆◆ How will this enhance clients' human rights? ◆◆◆◆

◆◆◆◆ What restrictions will it put on you? ◆◆◆◆

*Question No. 7.* As a social worker in the field of mental illness you have responsibility for a group of ex-patients living in a community establishment. You share this responsibility with nurses and doctors. One of the ex-patients is behaving bizarrely, and the doctor (who is newly qualified) wants to take him back to hospital. You do not agree with this, and want to investigate further.

◆◆◆◆ How do you respond to the doctor? ◆◆◆◆

◆◆◆◆ What do you discuss with the patient? ◆◆◆◆

◆◆◆◆ What safeguards do existing legal norms provide, and for whom? ◆◆◆◆

*Question No. 8.* As a social worker in a clinic you are aware of traditional practices of mutilating the sexual organs of pubertal girls (clitorectomy). A woman seeks advice on behalf of her younger sister, who fears that she will be mutilated in this way.

◆◆◆◆ How do you respond? ◆◆◆◆

*Question No. 9.* You are a social worker in a city project for street children, many of whom have been abandoned or have fled institutions. The police say they are being directed to take action against these children.

◆◆◆◆ What do you say to the police and to the children? ◆◆◆◆

◆◆◆◆ What do you do in other ways? ◆◆◆◆

*Question No. 10.* As a social worker working for a church-based non-governmental organization you are approached for advice by an elderly widow who is being urged to go and live in an institution for elderly people. She wants to know what it is like to be in such a place.

◆◆◆◆ What details do you find out to give her, particularly concerning her rights as a resident? ◆◆◆◆

*Question No. 11.* As a social worker with young persons you are told that a young boy in a residential home is having his mail opened by staff because they fear he is planning to flee the home.

◆◆◆◆ What do you do, and what human rights issues do you refer to? ◆◆◆◆

*Question No. 12.* A development project proposes to bring irrigation and hydroelectric power to a rural area. This will benefit many farmers and other people but, by submerging existing villages, it will displace many economically and socially disadvantaged persons whose means of livelihood and culture will be destroyed. In response to criticism from social activists the Government claims that the project will raise many people's living standards and help modernization. You perceive that this will be at the cost of the village communities.

◆◆◆◆ As a social worker working in the villages what do you try to do? ◆◆◆◆

### C. Conclusion

These 12 questions, as well as others prompted by such dilemmas, can be further elaborated. It would be helpful to:

(a) analyse micro, meso and macro aspects of each dilemma;

(b) identify human-aspects issues involved in each case;

(c) determine the consistency of international human rights instruments and national legislation relevant and applicable to each situation.



## VI. ISSUES IN TEACHING AND LEARNING ABOUT HUMAN RIGHTS

Teaching and learning about human rights in a social work context is not fundamentally different from other subject areas. It requires application and analysis, as well as a personal commitment to communication and understanding. This section of the Manual offers some guidance for the education process. The outline presented here is intended to illustrate elements of a framework for elaboration in the classroom and in practice.

### A. Recognition of human rights issues

Many aspects of social work, and the field of social work itself, have an implicit human rights dimension. The first requirement, for teachers and students, is to train themselves to recognize and explore these dimensions—both in theory and in practice. The themes and dilemmas in earlier sections and the case-studies below are designed to provoke recognition and aid exploration by faculty, students and supervisors/field instructors.

It is helpful always to consider the three levels of analysis (micro, meso and macro) prior to goal-setting in response to issues. Thought also needs to be given to using the preventive, developmental and social-action approaches of social work intervention.

### B. Analysis

One traditional approach in social work is to begin with the individual person, perhaps in a family context. In a parallel way, many basic human rights issues also have their starting-point in the fundamental rights of individuals. However, this level of analysis needs to be supplemented by analysis at further levels (meso, macro), involving understanding the root causes of individual and group problems, and formulating responses at all three levels.

Another approach to social problems, already practised in schools of social work, is to identify social problems or issues initially at the meso or macro level and explore the personal and organizational consequences as they impact on the work of social workers. For social work educators, practitioners and students, however, it is the range rather than the starting-point of analysis which is important, as is the incorporation of an ethical and human rights dimension. This implies that social workers have to understand the interaction of their own values and professional ethics with the values of others—mainly clients—and with the prevailing sociopolitical order.

### C. Responding to human rights issues

Following analysis, social workers need to respond. This section identifies a framework in general terms, although particular contexts will, of course, require different specifications.

#### 1. RECOGNITION

Social workers need to recognize that they are responding to a situation which includes a dimension of human rights. In other words, they need to conceptualize the situation by asking themselves questions such as: What human rights are at issue in this situation? What are the possible goals/means for changing this situation? Are these goals/means consistent with international declarations? Are the goals/means permitted by national laws? Are they permitted but limited in reality by attitudes or resource considerations?

#### 2. PRIORITIZING

There may be several human rights issues, and possibly violations, involved in a given situation. Social workers may therefore have to examine relative priorities for intervention in conjunction with the persons concerned. This will lead to a process of goal-setting in a specific context and in such a way that the achievement of goals can be evaluated. Goals will thus form part of a coherent strategy for responding to the situation from a human rights perspective, while strategies will take account of target groups at different levels, extending beyond a client's immediate problem.

#### Questions for discussion

- What guidance is or can be made available to social workers deciding how to respond practically to human rights issues?
- Are social work field instructors able to support and guide students from a position of active awareness of human rights issues in practice? Are laws, codes and international legal instruments easily available to students?
- How does a social worker respond or act in cases where there are different points of view between himself/herself and the client concerning priorities for intervention in human rights issues?
- How can the social worker become sensitive to the understandable fears consequent upon people's pursuit of their human rights, such as victimization, eviction, loss of employment and disappearance?

### D. Reference groups for the social worker

Underpinning the execution of intervention strategies there needs to be support elements for the social worker. Support may be required from individuals, organizations, groups and movements involved in similar human rights issues. They might be solidarity groups, self-help groups, trade unions, professions (such as the medical and nursing professions), law-enforcement officials, specific non-governmental organizations, political parties, the churches, or others.

#### Questions for discussion

- How can links be established and maintained between social workers and relevant organizations? Can this be helped by placements or other educational activity during the course of social work training?
- How can social workers offer their expertise to support organizations or groups so as to engender an exchange of professional awareness and support?
- How far can individual clients or groups be part of the network of support: how do social workers respond to the practical limitations there may be upon the active involvement of clients (e.g. constraints of time, pressure and other limitations)?
- What negotiation and promotional skills will be required of the social worker/member of the school of social work?

### E. Evaluation

Intervention by social workers should be evaluated, at least in conjunction with the client and the social worker's supervisor. A specific evaluation of the action taken in response to human rights issues raised by the given situation should be built into this process. Even if there has been no immediate change, the obligation to the client and groups involved is to appraise what was possible, what has been attempted and with what results.

#### Questions for discussion

- How can a client be involved in the evaluation?
- What methods and tools would be used for the evaluation (criteria, indicators)?
- How clearly were initial goals and the specification of human rights issues defined?
- Are alternatives that could have been chosen also to be evaluated?
- To what extent were existing national laws helpful or relevant (or unhelpful) in the light of international legal instruments in a particular case?

### F. Follow-up action

After the (evaluated) outcome of the particular case, future action may need to be considered by the social worker and his or her agency in the light of the success

or failure of previous strategies. Again, such action should be conceptualized at different levels and in different contexts. Thus, for example, the social worker may need to consider how to change the agency's policy to conform more closely with international human rights instruments, or there may be a need for the social worker to encourage the agency to communicate concerns to other social work or community agencies. A practical means of promoting understanding of human rights could, *inter alia*, involve the agency's offer to train supervisors in short-, medium- or long-range planning and to facilitate data collection for future research.

#### Questions for discussion

- Will the social work curriculum allow time for/provide training in analytical, planning, operational and evaluative skills to enable future action to be undertaken with social work participation?
- How can the educational programme provide training in leadership of self and others?

### G. Recognition of the consequences of human rights activity

For social workers, as for individuals, clients and groups, active engagement in promoting awareness, understanding and implementation of human rights can be harmful (because of disapproval), dangerous, or even fatal (because of criminal or military sanctions), even if successful in achieving goals or improving respect for human rights. Students should be encouraged to be realistically aware of such consequences, which in some cases can cast a threatening shadow over many aspects of their work.

At the same time, students and teachers should be encouraged to learn about responses to such dangers; for example, responding to physical danger through appropriate security precautions within agencies; self-defence; group psychological support; self-help groups; links with other persons and organizations concerned with human rights.

Students should also be encouraged to participate in national or specific committees of professional associations, or national or international non-governmental organizations in the field of human rights. Such participation will incidentally recognize the status and value of such work within this area, and counteract pressures to have it marginalized.

#### Questions for discussion

- Is there recognition within professional associations and schools of social work of the value and importance of professional support to workers addressing human rights concerns? If not, can students and staff identify ways of enhancing awareness among the professional leadership?
- What means can be envisaged for responding to threats to professional organizations or schools (financial sanctions and others) unless human rights activities cease?



## H. Maintaining the profile of human rights activity in social work

It is important that human rights activity in social work and social work education is not marginalized. This requires:

(a) Adoption of the principle of respect for human rights, and implementation in the practice of teaching human rights. This includes staff orientation and development.

(b) Maintenance of adequate teaching materials, including international human rights instruments, case-studies, innovatory research papers and other materials in schools of social work.

(c) Adequate funding for the human rights area of work.

(d) Review of existing course content, and revision/additions to take account of human rights issues included in this Manual.

(e) A programme (e.g. seminars) for teaching staff and students, including presentations by human rights activists.

(f) Encouragement of outreach links/twinning of schools of social work with human rights organizations locally, nationally and internationally. Such links can involve reciprocal visits, placements, exchange of news, etc.

(g) Creation of awards and other forms of recognition for work in human rights and social work, including work undertaken by students, and recognition of victims of human rights violations.

(h) Integration of human rights concerns in action programmes of schools of social work and professional social work organizations.

### Questions for discussion

(a) What crucial elements should be adopted by a school of social work that wishes to show its commitment to the value of human rights teaching within the school?

(b) What dilemmas could be faced by social work organizations in their decisions relating to human rights issues?

## L. Field work

Field work is an integral part of social work education which affords students the opportunity of witnessing the practical application of the theory learned from literature and in the classroom. It is therefore important that field instructors help students identify human rights aspects in everyday practice during their mandatory placements. Field assignments may vary according to the level of studies (undergraduate, graduate) and are to be found in informal community settings as well as in agencies and institutions.

While it might be possible for students especially interested in human rights to be placed in human rights organizations or in activist human rights pilot projects, it

is essential, as has been stressed throughout this Manual, that they become aware of human rights implications in all areas of social work.

Conscious emphasis on the protection of the human rights of all persons with whom contacts are established during an assignment will provide depth to the learning process. Taking care to ensure that dignity and respect as well as coping skills are preserved and enhanced in clients or client groups will shape students' professional attitudes. It might therefore be worthwhile for schools to consider asking students to write reports on their field work from a human rights perspective.

The first, or in some cases renewed, involvement with social work practice is crucial. Much will depend on the knowledge and attitudes of both instructors and students. The limits and possibilities provided by social, economic and political systems; possible constraints of organizational structures; cultural traditions; and the recourse to legal protection are, among many others, elements which will have to be explored within the microcosm of a particular individual or collective problem, not in a comfortable classroom discussion, but in the reality of life and pain.

### Questions for discussion

(a) Training and learning during practice require some adaptation and compliance from students, but conflicts might arise when students believe that the rights of clients or staff have not been sufficiently respected. What should/could be the role of the supervisor?

(b) Should innovative and creative initiatives by students be encouraged during their field assignments?

(c) Are relations between faculty and students at schools of social work likely to influence students' attitudes to clients and colleagues during their field assignments?

## J. Research

Serious academic research in the field of social work and human rights is a key element for ensuring knowledge of and respect for human rights in social work practice. This goes well beyond the evaluation of action undertaken by practitioners or students addressed earlier (see subsect. E above).

There is much research material in the field of human rights: causes of human rights violations; prevention of human rights abuses through awareness-raising, advocacy and social action, among other things; human rights education; legal measures to counter human rights abuses; sustained pressure at the political level; early-warning systems; and recognition and compensation for human rights victims are but some of the subjects which social work academics, practitioners and students could address.

Besides its scientific value, serious research could also set standards, be quoted or even be used as a yard-

stick in cases of conflict and dispute involving a human rights issue.

It is to be hoped that, in the years to come, sufficient talent and funds will be available for comprehensive research in the area of social work and human rights. As in so many other areas, its development and progress hinge on the knowledge originating from in-depth and ongoing research.

### Question for discussion

How can academic research be encouraged, and academic recognition be granted to expertise, in the area of human rights activity in social work?

## K. Activities within intervention strategies for those disadvantaged in respect of their human rights

The following activities may well be important in intervention:

(a) Working with local, regional and national bureaucracies or power structures for promoting, developing and implementing needed changes in policy, planning and programming on human rights issues;

(b) Discovering, involving and developing appropriate and qualified leaders from the community for the

identification, planning and implementation of programmes and services needed;

(c) Training and developing leadership among those disadvantaged in respect of their human rights;

(d) Developing self-help capacities of those disadvantaged in respect of their human rights;

(e) Developing campaign structures and methods to enhance awareness, including mass and folk media;

(f) Linking with like-minded movements;

(g) Organizing previously unorganized groups for self-help;

(h) Securing the cooperation of key persons in the community;

(i) Soliciting, mobilizing and coordinating local, national and international resources;

(j) Fund-raising;

(k) Documenting and presenting facts previously not recorded;

(l) Recognizing and adapting existing services;

(m) Promoting legislation benefiting the affected group;

(n) Assessing the impact of actions undertaken in conjunction with the persons and groups affected and associated groups and organizations.



## VII. CASE VIGNETTES

To help users of this Manual, the following specific case vignettes have been included. They illustrate, from specific real-life cases, how human rights issues emerge and need to be identified in learning and in social work practice. The cases presented evidently address only an infinitesimal spectrum of situations encountered in social work practice. It is therefore hoped that schools and practitioners will add and consider many other cases known to them from their regions.

### A. Case No. 1. The story of Simba

Simba is a 10-year-old boy living the life of a street child in a large African city. He is not actually homeless, but lives with his mother and eight other relatives in a two-room rented house in the high-density suburbs. Simba's father often beats him, especially when the father returns home drunk.

Early each morning Simba walks the 5 km to the city centre where he joins other boys to make money from guarding cars in a part of the centre which is their territory. Simba prefers this life—certainly it is preferable to staying at home, and he would not go to school anyway as, even without paying fees, his mother could not fit him out or buy the necessary books. Together with the other boys Simba sniffs glue; it has the effect of taking away his hunger pains, and the dizzy feeling makes him forget his problems.

Occasionally the police harass the boys, and Simba has been rounded up and taken to the social welfare authorities more than once. Last time the authorities sent him to a probation hostel for "assessment". He did not like it. He was beaten up by some of the older boys, so he absconded and returned home. Then, once again, he returned to his group of friends and the street. When business is good he makes a few dollars; and after he has bought himself a Coke and some bread there will be a little money left for his family.

#### Questions

1. What human rights issues are raised by this case?
2. What would be your response as a social worker working for the city welfare authorities?

### B. Case No. 2. The story of Hassan

Hassan, aged eight, was found by a social worker in a hut on the shore outside a city divided by civil war. He was one of eight siblings, and his father worked occasionally whenever there were opportunities. The mother

stayed at home. Hassan was on a mattress almost floating in the bad housing. He had never been able to sit or stand, and nobody had ever tried to help him. His hands were clenched and he had never been able to open and close them. He was not, however, intellectually limited.

His parents were ashamed of having a child with a disability and did not tell anybody about him. They were careful to hide him, but were otherwise not unkind to him. Because of lack of facilities in the community to help children with disabilities, there was nowhere to turn to for help. A civil war situation made it even more difficult for the family to cope with its daily chores.

A social worker offered the family training for Hassan in a special school, as well as physiotherapy provided by a non-governmental organization working in the area. The family was reluctant to allow Hassan to join the project but was eventually convinced. Hassan benefited greatly and the parents were very proud when he could walk, use his hands well and was subsequently able to start studying in an ordinary school.

#### Questions

1. What human rights issues are relevant to this case?
2. As their social worker, how would you explain these issues to Hassan's parents?

### C. Case No. 3. The case of Mrs. D.

Mrs. D., aged 82, lives in her own fifth-floor apartment in a city with her dog and two canaries. She has been a capable person all her life and did not want to be a burden for anybody. She was divorced more than 30 years ago and has no contact with her former husband's relatives. Most of her own family either live far away or are dead. She corresponds with two nieces.

Neighbours called welfare agencies because they heard the dog barking but had not seen Mrs. D. for a long time. She did not answer or come to the door when they tried to contact her. A social worker managed to reach her by telephone and got permission to ask the caretaker to open the door. It turned out that Mrs. D. had not been able to reach her bed for more than a week. She had been sitting in her chair, which she had also used as a toilet. She had not been able to prepare any food but had nibbled on crackers and fruit which she could reach from her chair. She was very worried that her dog had not been walked or properly fed. She wanted to stay at home or go to hospital but her health insurance was not enough to cover the hospital costs.

The social services supervisor decided that she should be given home-help service for three hours a week. Mrs. D. did not think she could afford that. It was also proposed to take the dog away, which Mrs. D. resented as he was her only company. She would rather be left to die. A compromise was finally reached in that she accepted some home help, had a hospital check-up, and later agreed to having a placement found for her which she could afford and accept.

#### Questions

1. How did the social workers (and supervisors) propose to enhance or restrict Mrs. D.'s human rights?
2. What are the constraints on Mrs. D.?

### D. Case No. 4. A strike

Seven hundred workers at a car components manufacturing plant went on strike. The multinational company's plant is located in a region subject to martial law. Grievances were wage levels (compared with high profits), bad working conditions, oppressive employment practices (for example, one worker was refused permission to leave his machine to get medical help when he was ill; when he did, he was fired), and insufficient medical care or insurance.

The union's attempt to negotiate ended in deadlock, and a few hours after the strike started a "return to work" order from the Ministry of Labour was received. The next morning police detained 417 of the workers, holding them without food or drink for 18 hours. Eventually the military decided to release the workers because they could not handle the large number.

#### Questions

1. What human rights issues are raised by the strike and the response to it?
2. If you were a social worker employed by the company, how would you respond to these issues?

### E. Case No. 5. Gemma's story

Justina and Ricardo are farmers living 80 km from the nearest city. Their 10-month-old daughter Gemma became seriously ill with diarrhoea, and they took her to a nearby private health clinic. Like many other impoverished people, they were turned away by the staff at the clinic because it was obvious that they could not pay the fees.

The next day, Justina took the feverish Gemma and made the long trip to the city on public transport, borrowing money from neighbours for the fare. By this time, Gemma was having convulsions because of the fever, and would not even accept water.

At the small, understaffed government hospital Justina was told that there were no beds available, and to come back the next morning. Having no relatives in the city, and no money to take a room, she found shelter at

the public market for the night. That evening, as Justina huddled with her baby on a table, Gemma died.

#### Questions

1. What and whose human rights were violated in this case?
2. What would be your role as a social worker in the private clinic or government hospital?

### F. Case No. 6. Dealing with "defectology"

The care of mentally disabled children comes under the discipline of "defectology". Such children are placed in large institutions. According to nationally accepted views among professionals in defectology, the most severely retarded children do not respond to any treatment or stimulation. Consequently, large numbers of children with severe learning difficulties in institutions are often kept in bed all day. They are given no stimulation, nor is there any physical contact, expression of affection or emotion, or the possibility to play.

At one institution, the professional leadership decided to experiment by giving all children, including the most severely retarded, basic stimulation and possibilities for activity. The experiment was extremely successful, and within a few months the children progressed and developed in a dramatic way.

#### Questions

1. What human rights were violated by the former practice of defectology?
2. What would be your role as a social worker for children with learning difficulties, working in or outside such institutions?

### G. Case No. 7. Ganga's story

Dowry is customary in many parts of the world, as are arranged marriages involving minors. Ganga, a 15-year-old girl from the country, was married to a man from the city, and the dowry as well as the expense of the wedding put her father, a poor farmer, heavily in debt.

The marriage was not a happy one. Physical abuse became frequent when the husband was convinced that no further dowry or presents could be collected from his in-laws. He also made it clear that he did not wish to have children. After finding out that his wife had complained to one of the neighbours, he gagged her, poured kerosene on her and lit a match. At the last minute, before calling the police, he pretended to save her and burnt his hand in the process. He told the police that Ganga had tried to commit suicide, and this was corroborated by his wife's statement to a magistrate at the hospital where she remained alive for two days.

Shortly before her death, Ganga told a social worker of the real events of her married life as described above, also disclosing the fact that her husband had been married before and that his wife had disappeared. However,



before this information could be submitted to the magistrate and the police, Ganga died and her previous statement was upheld. Thus no proceedings could be started against her husband.

#### Questions

1. What human rights were violated in this case?
2. What action can be taken by a social worker to prevent the occurrence of dowry deaths?

#### H. Case No. 8. The story of family "X"

John lives with Mary and their two children in sub-standard conditions and their marriage is far from stable. John's long-time unemployment has aggravated his drinking problem, and Mary's chronic depression makes it difficult for her to take care of her family and her household. What holds them together is their affection for their children: four-year-old daughter Anne, and two-and-a-half-year-old son Charles.

The social worker in charge of the case makes arrangements for the children to attend nursery school to take them out of their slum-like surroundings and provide them with one regular meal a day. Because they are found to be consistently listless and withdrawn, they are taken to be examined by a paediatrician and a child psychiatrist, who suspect sexual abuse (by the father).

Fearing that the removal of the children would cause the collapse of the family, the social welfare authorities decided to continue to monitor the family carefully for a few months and to concentrate on helping John find employment. Anne and Charles appear to be fond of their parents and, for the time being, the option of taking them into care is delayed.

#### Questions

1. What human rights issues are raised by this case for the children, the parents and the family as a whole?
2. How would you, as a social worker, act in this dilemma?

#### CONCLUSION

1. The end of this Manual should be envisaged as an opening and a beginning. With the world moving slowly towards a yardstick of human rights performance for popular acceptance of the legitimacy of Governments and political and socio-economic systems, no person or professional can remain within the confines of his particular skills without heeding the rights of his fellow inhabitants on the planet.

2. If the Manual raises questions, it will have achieved some of its goals; if it provokes controversy, it will have gone further. If it incites social work educators, students and practitioners to serious debate, research and action, the cause of human rights will have been well served.

3. In the formation of professionals it is crucial that practical applications of ethical concerns are taught and learned. Knowledge and professional as well as personal attitudes go hand in hand, and ultimately an acquired symbiosis of knowledge and ethics will permeate day-to-day professional practice.

4. The future of people and of humanity depends to a great extent on the education and training capacity of educational institutions, intergovernmental bodies and non-governmental organizations. This Manual is intended to help a particular professional group take a few steps forward on the road leading to universal respect for human rights. It is not the end of the road. There is a long way ahead.