

HUMAN RIGHTS COURSE

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FRONTPAGE

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead

The world is strange, incomprehensible, unpredictable and full of contrasts. It is beautiful and fascinating, while at the same time an inconceivably large amount of cruel and bad things happen. It can often be difficult to get an overview of what is going on and the logical relationships that connect them, and one is often at a loss as to what to do when one experiences injustice, regardless of whether it is happening to you or someone else.

The most important thing we want to communicate to you is that it is possible to tackle injustice and do things in a different and better way! People and society can change. It is precisely because it is we humans who decide what we are going to do that we can decide to do the positive thing and things that create a better world. But we need knowledge. If we do not know how we can change our society for the better, we will not do it.

This is why knowledge about human rights is so important. Human rights tell us something about how we can work to make the world a better place for everyone to live in.

So, welcome to the "world of human rights". We want to take you on a journey into history and back to the present day to teach you what human rights are, how they came about, and how you and I can use them.

Everybody is important and can make a difference. By speaking out and getting involved, you can also help to change the world.

Good luck!

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1. WHAT ARE HUMAN RIGHTS?

DID YOU KNOW?

Did you know that human rights are rights we have simply because we are human beings?

Human rights are rights we have simply because we are human beings. The Universal Declaration of Human Rights states that: *“all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”* Human rights are based on the principle that human beings are of equal and intrinsic value. Even though we have our differences as far as gender, skin colour, ethnic and religious background are concerned, we have the same basic needs and the same right to protection.

The Universal Declaration of Human Rights was adopted by the member states of the worldwide organisation the UN (the United Nations) in 1948. No countries voted against its adoption. The declaration contains 30 articles that ask the authorities to observe their citizens' rights. For the first time, human rights applied to people throughout the world.

Since 1948, states have, through the UN and other international organisations, produced many human rights documents. These international conventions prove that even though people have different views about life and interests, people from across the world can still agree on some fundamental values and work together to realise them.

FACT BOX

- International Human Rights Day is observed on 10th December.
- Norway's Ministry of Foreign Affairs established a separate department for human rights, democracy and humanitarian assistance on 1st August 1999.
- More than 100 organisations in Norway work for human rights.

Human rights define the obligations authorities have with respect to individuals. Every country has a responsibility not to treat people differently based on the colour of their skin, gender, language, religion, political or other convictions, national or social origin, property, birth or other circumstances. The state also has a responsibility to ensure people social benefits such as schooling and work, as well as access to science and culture, freedom of expression, freedom of religion, freedom to organise and the right to participate in the governing of their country.

1.1 THE STATES' RESPONSIBILITIES

DID YOU KNOW?

Did you know there are about 200 states in the world?

The authorities have a great deal of power in society and to a large extent determine the conditions their citizens live under. In many countries, e.g. Norway, the majority of citizens enjoy many benefits. This is because their society is rich and both the state and individuals possess a large amount of resources. The authorities distribute the resources in such a way that most people get what they need. In other countries people may live under extremely poor conditions. This could be because the state is poor and there are simply not enough resources to go round. However, it could also be because the people in power do not treat people equally, but instead give a lot to a few and little to the others.

Human rights were devised to ensure that authorities do not discriminate and treat individuals and vulnerable groups badly. It is the states themselves that have agreed to the international conventions. The first one was the Universal Declaration of Human Rights in 1948 and since then many other conventions have been agreed. Observing human rights is primarily the responsibility of the state. When states sign (ratify) international conventions on human rights, they undertake to observe these rights for everybody within their territory.

If a state does not respect and observe human rights, other states and international organisations are entitled to criticise it. If someone believes that his or her human rights are being violated, he or she has an opportunity to start legal proceedings against the authorities in their own country in international human rights courts.

FACT BOX

- In Europe a citizen who believes that his or her rights are being violated can complain about his or her own country to the European Court of Human Rights as long as his or her country is a member of the Council of Europe, which was established in 1959. If the court finds that the state has violated its citizen's human rights, the relevant state will have a judgement made against it and can be sentenced to pay compensation to the victim. These sorts of judgements can lead to changes in practices and legislation in states.
- The authorities in Norway were criticised throughout the 1990s and as recently as in 2000 by international organisations because of their remand practices with respect to suspected criminals. Remand means that a prisoner is imprisoned without a sentence and often subjected to strict restrictions. In 1998, the UN's Human Rights Committee expressed concern about unreasonably long periods of remand in some cases. During the same year the average time spent on remand was 67 days. Norway has also been criticised by the Council of Europe's Torture Committee for using solitary imprisonment too often. Solitary imprisonment means that the suspect cannot, for example, receive letters or visits, or perhaps even read newspapers, watch TV, or spend time in the company of other prisoners.
- In 1998, the Norwegian authorities produced a "Plan of Action for Human Rights" which stated that the "*the promotion of human rights is a mainstay in the Government's efforts*".

The states are the authorities in each individual country.

1.2 DOCUMENTS

DID YOU KNOW?

Did you know that human rights are rights we have simply because we are human beings?

There are various types of international documents which obligate states to promote human rights. If a state votes for a declaration of human rights, this means that it is saying that it agrees with its contents. This is very important. When a state publicly agrees with an international declaration, other states will hold it to its word. As in relationships between people, states must be able to trust each other. It is important to know where each other stands if you are going to cooperate economically and politically. A declaration is therefore a political and morally binding document.

When states agree upon a declaration of human rights, they often take the next step and produce a **convention**. A convention is legally binding. This means that states are no longer simply saying they agree, but are through a special procedure **undertaking** to comply with the rules. This procedure is called **ratification**. Only states that ratify a convention are legally bound to comply with it:

States that ratify an international convention undertake to:

- ensure that national laws comply with the convention
- accept that other countries will monitor what the state is doing
- report to the organisation that produced the convention on how the rules are being observed
- accept the organisation assessing the conditions in the country

Even when states ratify human rights conventions, it can take some time before the rights become part of every citizen's life. This can often be due to genuine difficulties such as a lack of knowledge or limited resources. Ensuring the provision of schooling for all children, good health services and other welfare provision often require a great deal of resources. However, in some cases the rights are not implemented because the states lack the genuine will to implement them. Some people in power may ratify conventions in order to make other states believe that they are governing a free, democratic society that treats its

citizens well, while in reality they may be more interested in their own private wealth than their citizen's welfare.

Human rights are a goal one works towards; they do not change reality overnight.

FACT BOX

- When Norway ratified the UN's Convention on the Elimination of All Forms of Racial Discrimination in 1970, it had to amend its penal code to improve its protection against racism. It became illegal to commit acts that "*subject to hate, persecution or contempt a person or group of people based on their religious convictions, race, skin colour or national or ethnic origin*".
- The UN's Convention on the Rights of the Child (1989) has been ratified by 191 states and is the human rights convention with the most signatories.
- 90% of the world's countries have ratified the UN's Convention for the Elimination of All Forms of Discrimination against Women (1979)

1.3 HUMAN RIGHTS – A GOAL

DID YOU KNOW?

Did you know there are more than 100 international documents on human rights?

Human rights work is laborious and long-term. States first agree on a declaration and then often produce legally binding conventions. The third step is the states observing their obligations. This is an important stage in which words are transformed into actions.

The UN's Universal Declaration of Human Rights from 1948 was a great step forward. For the first time in history there was agreement on common rights for all people in all parts of the world. Since then more documents have been produced that develop human rights and more organisations have been set up to work to achieve the goals. Today there is a large international human rights system that works to produce better living conditions for people the world over.

Nonetheless, everyday we read of people who are suffering distress and being oppressed in newspapers and see them on TV. There are still many states that discriminate and do not ensure their citizens social benefits, and even if a state wants to develop its health service and education provision, it may lack the resources to do so. The implementation of some rights requires more resources than others. It is more "expensive" to ensure universal schooling, health services and social benefits than it is to ensure universal freedom of expression and religion.

Many people therefore say that the world community has come a long way as far as defining human rights is concerned, but there is a shortage of putting them into action.

Change takes time. But work is being done every day, by the UN and other international organisations, by states and by voluntary organisations to ensure that more people's human rights are observed. All of them use the international documents on human rights as tools. It is therefore important to learn about human rights because we can only demand them if we know what they are. And only by knowing what they are can we learn to respect other people's human rights, show solidarity and work for a better and fairer world.

FACT BOX

- At the start of the new millennium, UN member states agreed on some specific goals. These were called the UN's Millennium Development Goals. Thus, by 2015 the world community has pledged to have:
 - Eradicated extreme poverty and hunger
 - Achieved universal primary education
 - Achieved gender equality at all levels of education
 - Reduced child mortality

- Reduced maternal mortality
- Halted the spread of HIV/AIDS and malaria
- Ensured environmentally friendly and sustainable development
- Developed a global partnership for development

We have come a long way as far as defining human rights is concerned, but not as far in implementing them.

2.0 THE HISTORY OF HUMAN RIGHTS

DID YOU KNOW?

Did you know that human rights are a result of the struggles of individual people and groups throughout history to improve their living conditions?

International human rights saw the light of day in the UN in 1948 when the Universal Declaration of Human Rights was adopted. This was the first time rights were declared that applied to everyone in the world. However, the history of human rights is much older.

Human rights are a result of the struggles of individual people and groups throughout history to improve their own and their fellow human beings' living conditions. People have manned barricades and fought against arbitrary and poor treatment by rulers. Injustice has sparked off many popular uprisings and revolutions throughout history, because people have not been willing to accept being treated badly by the people in power. People have slowly but surely improved their rights. These struggles have often been based on the idea that we are basically pretty alike and that we all share the same human needs.

In this historical review we have chosen to start in the distant past when philosophers first developed a view of people that claimed that everyone was endowed with the faculties of reason and conscience, and that therefore there had to be "natural laws" that applied to everyone. After this we will look at the stratified social system in the Middle Ages when the individual was of little importance, before moving on to the Renaissance when the individual was placed centre stage in art, literature and philosophy. The 1700s saw the formulation of human rights in written documents in Great Britain, France and America. In these states the authorities undertook to grant the people certain human rights. Other states followed suit and over time many countries incorporated human rights into their laws. However, human rights were not yet universal, i.e. they did not apply to everyone on the planet. In order to understand this development we have to look at World War II and the establishment of a worldwide organisation, the UN. Since 1948 this has developed into a global human rights system.

FACT BOX

- Antiquity is the period between 700 BC and 500 AC. Europe was dominated by the Greeks and Romans, two peoples who based their economies on slavery. However, ancient Greece is also called the "cradle of democracy" and it was during this time that the philosophy of human rights was born.
- In the 1600s-1700s many countries experienced conflicts relating to their form of government. Many kings wanted to be absolute rulers. The nobility was against this because they were afraid of having less influence. Merchants became more important to economies and wanted power equal to their importance. Many of them wanted republics.
- On 17th May 1814 the national assembly at Eidsvoll adopted the Norwegian Constitution. This was based on the principle of the sovereignty of the people and divided power between the legislature (parliament), the executive (the government) and the judiciary (the courts). The Constitution gave a quarter of the country's male population over the age of 25 the right to vote in parliamentary elections. It would take almost 100 years before women gained the right to vote!

2.1 IN THE REALLY OLD DAYS...

DID YOU KNOW?

Did you know that the history of human rights stretches back more than 2000 years?

In antiquity, as early as 300 BC, the Stoics (a group of Greek and Roman philosophers) said that "natural laws" existed that applied to all people, regardless of time, location and culture. All people were fundamentally equal because they were born with the same faculties of reason and conscience. Every human being was important and therefore "the natural laws and rights" should apply to everyone. Nonetheless, it is incorrect to say that the Roman's "natural" rights were the same as our time's human rights. They also saw namely slavery as part of the "natural" order of things.

Right up until around the 1500s the organisation of European societies was based on big differences between people. In the Middle Ages (500-1300 AD), the church gained a great deal of political power – often greater than the realms of the princes and kings. The church believed that God wanted people to be placed in groups above and below each other, and that the social system should therefore not be changed. In the 1300s, philosophers, theologians and scientists started to readopt the concepts of individual people's natural liberty and dignity. From this time the Middle Ages' social system with its strict stratification slowly but surely began to change. People would no longer primarily be members of groups with duties, but individuals with rights. This new era was called the Renaissance (1300-1600 AD).

The ideas of philosopher John Locke (1632-1704) became important to the argument about why the individual should have some fundamental rights. He believed that it was the state that should ensure that the people's right to life and liberty was observed: the state should work for the people, not the other way round. Society should be regulated by laws, not by the people in power at any given time. The law should be superior to the people in power and apply to them too.

FACT BOX

- The Roman philosopher Marcus Tullius Cicero lived between 106-43 BC. He is known for his writings about natural rights and said that the *"welfare of the people is the highest law"*.
- The Magna Carta written in England in 1215 is known as the "first document protecting liberty". For the first time in Europe, individual people's rights were written down in the form of laws. It guaranteed so-called "freemen" certain rights with respect to the King.
- John Locke's influence has survived right up to the present day. In the state of North Carolina in the USA there is an organisation called the John Locke Foundation. It was founded in 1990 and works *"for truth, for freedom, and for the future of North Carolina"*.

"All people are born free, equal and independent with an innate right to life and liberty" – John Locke

2.2 THE MIDDLE CLASS AND THE DEVELOPMENT OF CIVIL AND POLITICAL RIGHTS

DID YOU KNOW?

Did you know that the Norwegian Constitution guaranteed citizens some human rights as early as 1814?

As industry became as common as agriculture a new social class emerged. The middle class, as it was called, earned its own money and consisted of factory owners, engineers, lawyers, doctors and others. They fought for their right to more freedom: freedom of expression, freedom of religion, and, not least, economic freedom, i.e. the right to trade and run their own businesses without interference from the state.

At the end of the 1700s these new social groups rebelled in America and France, and demanded more rights. After these two "freedom revolutions" as they were called, human rights were transformed into law in these countries. The new governments wrote two important documents: "the American Declaration of Independence in 1776" and "the French Declaration of the Rights of Man and the Citizen in 1789". Modern American and French societies are based on these documents.

The documents also heavily influenced the rest of the world and several countries followed their lead. Human rights were incorporated into many European constitutions. The Norwegian Constitution from 1814, for example, ensures individual rights such as freedom of expression, commercial freedom, the protection of property rights, the right not to be punished without being convicted, and so on.

Even though human rights gained a place in very influential documents there were still more theory than practice at that time, and they did not apply to everyone. In many countries only freemen with property, i.e. the upper class and the new middle class, had rights. Women were completely ignored.

FACT BOX

- The French revolution in 1789 was a class war. The rebels wanted to get rid of the absolute monarchy and transfer the King's power to the people. Their slogan was "liberty, equality and fraternity". France adopted the world's first declaration of human rights and, in 1791, a new constitution. The richest men gained most of the power.
- When Europeans first started to settle in North America in the 1600s they were welcomed by the Native Americans who already lived there. However, conflicts broke out when the Europeans began to take areas of land from the Native Americans. The conflicts developed into one of history's most glaring examples of racial discrimination and genocide.
- At the end of the 1700s the British ruled the coastal areas of North America where European immigrants had already lived for more than 100 years. They demanded tax from the people, which led to the American War of Independence starting in 1775. The Declaration of Independence was signed one year later.

2.3 THE WORKING CLASS AND THE DEVELOPMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

DID YOU KNOW?

Did you know that at the beginning of the 1900s in Britain women suffragettes fought for the right to vote and equality? (Suffrage means the right to vote)

The struggle for human rights in the era of enlightenment and revolution was about individual liberty and the right to participate in the governing of society. This is what the new middle class wanted. As the middle class gained more power and society developed, another new social group emerged with new needs, namely the workers. The workers worked in the factories and companies of the middle class, and were dependent on them like the peasantry was dependent on the landowners. In the same way as the middle class had demanded that the power elite observe their right to liberty, the working class now demanded that their social and economic needs be met. They organised across national borders and fought for higher pay, better working conditions, shorter working hours, the right to strike and organise, the right of all children to an education and other social benefits. As time passed these economic, social and cultural rights were also incorporated into many states' laws.

In parallel with the struggle of labour movements, there was also a struggle for the rights of particular groups. One of these groups was women. The last 2,000 years of theories about democracy and natural rights had quite simply ignored women's rights.

FACT BOX

- In 1792, Mary Wollstonecraft, an Englishwoman, wrote a book called "A Vindication of the Rights of Woman". The book became a classic and today is one of the most famous books about feminism.
- Marcus Thrane organised the first labour movement in Norway in the 1840s. Thrane demanded that all men be given the right to vote, regardless of their income. He also believed that work is a human right. These demands shocked the middle class.
- Karl Marx was the working class' most important ideologist and most prominent spokesman. He criticised the middle class' capitalism and one-sided civil and political rights.

2.4 WORLD WAR II AND THE FOUNDING OF THE UN

DID YOU KNOW?

Did you know that more than one million Germans were imprisoned in concentration camps even before the start of the war because they resisted Hitler and Nazism?

Before and during the World War II (WWII: 1939-45), the Nazis in Germany spread intense hate against Jews. Nazism was an ideology that claimed that Jews were “subhuman” and they were to blame for most of the wrongs in society. In 1935, the Nuremberg Laws made discrimination against Jews mandatory. They were no longer allowed to participate in commerce, synagogues were burnt, and they had to live apart in separate ghettos. But this was not the worst that happened. The Nazis built concentration camps where they planned the extermination of the entire Jewish population. Six million Jews were murdered together with prisoners from other countries, gypsies, homosexuals, and other citizens who disagreed with the Nazis. Anyone who did not fit into their concept of a pure Aryan race was in danger.

During the course of the war, the countries that took up the fight against Hitler's Germany agreed that they should found a worldwide organisation for peace. The result was the UN (the United Nations) – an organisation which every country in the world could join. The UN was founded in June 1945 after a 6 week conference in San Francisco. The victors of WWII dominated discussions about the rules which should apply in the organisation, and were not too interested in human rights to begin with. Other countries such as Chile, Cuba, Mexico and Panama wanted them included. But then, in the middle of the conference, photos and reports were released to the world about what had really happened to the Jews and other victims of the Nazis during the war. The mass media published written materials, photos and films from the concentration camps and gas chambers. A shocked world lobbied the heads of state who agreed that the UN should not only produce rules for how states should treat each other, but also for how states should treat individuals. What had happened in Germany must never happen again!

FACT BOX

- It is estimated that as many as 55 million people lost their lives during WWII.
- War can be defined as the organised use of armed force between groups of people with the intention of destroying an adversary or forcing the other party's will on the adversary
- In previous wars most of the casualties were soldiers, i.e. young men. Today, 90% of war casualties are civilians: women, children and older people.

Like a caricature, the war set the need to protect human dignity and liberty in sharp relief. By experiencing what is wrong, we perceive what is right. The recognition of human rights grew out of the experience of what denying them entails. In other words, they are rooted in reality.

2.5 UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)

DID YOU KNOW?

Did you know that representatives of countries from all over the world participated in the negotiations on the Universal Declaration of Human Rights?

The UN Charter from June 1945 states that the UN shall work for both peace and cooperation between states and promote human rights. However, it does not state which rights it is talking about. The UN therefore established a Commission on Human Rights which was tasked with defining human rights. Many different states participated in the work: Australia, Belgium, Chile, Egypt, the Philippines, France, India, Iran, Yugoslavia, China, Belarus, the Lebanon, Panama, the Soviet Union, Great Britain, Ukraine, the USA and Uruguay. Besides this, all UN member states could give their opinions regarding the proposals.

On 10th December 1948 the Universal Declaration of Human Rights was adopted after two long years of negotiations, compromises and fine tuning. No country voted against it. The declaration contains 30 articles that define individual human rights:

Everyone has a right to life, no one shall be subjected to torture or be treated in a degrading manner, everyone shall have the right to think and believe what they want; everyone shall have the right to express themselves and freedom of movement. Everyone shall have the right to vote, the right to work and to receive the support of the authorities when they need it, and many other rights.

For the first time in history there were universal rules concerning how states should act towards individual people. The states had thus given up some of their sovereignty. In other words, each individual state's treatment of its citizens was no longer just the business of that state alone. If a state breached human rights, the state could be criticised by others.

A Norwegian professor once said that the Universal Declaration was a stroke of good luck in history. It came about because of a completely unique global situation. The terrible things done during WWII had created an unusual feeling of togetherness between countries. This situation was unique and unfortunately did not last long. After just a few years a new long-lasting period of fear and suspicion arose between states in Eastern and Western Europe called the Cold War. However, by then the Universal Declaration of Human Rights already existed.

FACT BOX

- The UN has 191 member states. The Vatican State is the only sovereign state in the world that has chosen not to join the UN.
- Kofi Annan from Ghana has been the UN's Secretary General since 1997. In 2001, Kofi Annan and the UN were awarded the Nobel Peace Prize.
- The UN's headquarters are in New York. In addition to the 9,000 people who work there, the UN employs thousands of people throughout the world.

THE UNIVERSAL DECLARATION IS BORN:

The American representative suggested that Article 1 should read: "All men are created equal" like the American Declaration of Independence from 1776 does. However, the female representative from India did not like the formulation "all men" because she thought that it could be interpreted far too literally. What about women? And the representative from the Soviet Union did not like the formulation "created" because it invoked the idea of a creating god. The Soviet Union was supposed to be a religion-free society and could not sign anything like that! After much debate the result was arrived at: "All human beings are born free and equal in dignity and rights".

2.6 HUMAN RIGHTS IN OUR TIME

DID YOU KNOW?

Did you know that never before have so many people worked in research and knowledge development? More than 90% of all the researchers throughout the ages are alive today. At the same time, 130 million children are growing up unable to read, write and count.

Even though the world is moving forwards, it is not the case that everyone automatically benefits from this development. Despite the fact that the population of the world, as a whole, has never been as rich and knowledgeable as it is today, the greatest human rights related challenge is still that people are going hungry. A total of 1.2 billion people have too little food and 800 million of these are chronically undernourished. At the same time, in just one country – the USA – in just one year, 400,000 people underwent liposuction. This illustrates the great differences and challenges that exist in our time and which we have a responsibility to do something about. Working to implement human rights the world over can change this situation.

The international human rights system has undergone immense development since the Universal Declaration was adopted in 1948. Because the declaration is not legally binding, the UN's Commission on Human Rights continued its work. This involved getting the member states to commit themselves to following these rules – i.e. turning human rights into national laws with which the states had to comply. This took 18 long years. It was not until 1966 that work on "the International Covenant on Civil and Political Rights" and "the International Covenant on Economic, Social and Cultural Rights" was completed. The process had been delayed by the Cold War. The documents did not become legally enforceable (valid) until 35 states had **ratified** them (subjected them to a special procedure and signed them) and this did not happen until 1976. So far, just under 150 of the world's almost 200 states have ratified these two conventions. The Universal Declaration of 1948 and the conventions from 1966 form the actual foundation

of the international human rights system. These three documents are collectively called “The International Bill of Human Rights”.

Other inter-governmental organisations than just the UN also work to promote human rights: the Council of Europe, the Organization of American States (OAS), and the Organisation of African Unity (OAU), among others. Thousands of voluntary organisations and individuals also work for human rights.

Perhaps you would also like to work to increase respect for human rights?

FACT BOX

- Many of the people going hungry live in countries that, as a whole, produce enough food. However the farmers who cultivate the earth sell their products to foreign countries in, for example, the West, where they can earn more for their goods than in their own countries.
- 53% of Indian children are undernourished. At the same time, the state of India spends billions of NOK on developing a nuclear arsenal. Thus, paradoxically, India is spending its money building up its military capacity to defend the greatest concentration of poor people on earth.
- Around 92% of all HIV positive people live in developing countries. More than 40 million people are infected. HIV/AIDS no longer presents a threat in industrial countries because information about the illness has reached the people. Besides this there are a lot of medicines that mean that many people can live for a long time and well, even though they are HIV positive. These medicines are too expensive for poor people in poor developing countries to buy.

3.0 WHAT RIGHTS DO WE HAVE?

DID YOU KNOW?

“Everyone has the right to life, liberty and personal security.” Article 3 of the Universal Declaration of Human Rights.

Human rights are usually divided into various categories:

- **Civil rights** protect life, integrity, religious freedom, legal protection, private and family life, freedom of expression, assembly, association and movement
- **Political rights** protect the right to participate in the governing of one’s country (the right to vote and the right to stand for election)
- **Economic rights** protect the right to work, to form and join trade unions, to strike and to an adequate standard of living
- **Social rights** protect the individual’s right to support in the event of unemployment, sickness, disability and other circumstances the individual has no control over
- **Cultural rights** protect the right to an education, to participate in the cultural life of the community and to enjoy the benefits of science and copyright

Since the adoption of the Universal Declaration of Human Rights in 1948, the UN and other inter-governmental organisations have produced many conventions on human rights.

Some conventions were produced to protect the rights of vulnerable groups. Such groups include, for example, **women, children, refugees, and aboriginal peoples.**

Other conventions were produced to improve the situation with respect to particular problems such as **racism, slavery, child labour, torture and other cruel and degrading treatment,** and so on.

There are also special rules that grant people rights during wartime. These rules are called **International Humanitarian Law.**

FACT BOX

- Freedom of expression is a civil right
- The right to vote is a political right
- The right to work is an economic right
- The right to social security in the event of disability is a social right
- The right of copyright is a cultural right

3.1 CIVIL AND POLITICAL RIGHTS

DID YOU KNOW?

Did you know that everyone has the right to freedom of thought, conscience and religion? (Universal Declaration, Article 18)

Civil and political rights are defined in articles 3 to 21 of the Universal Declaration of Human Rights. They are defined in more detail in the International Covenant on Civil and Political Rights.

The convention's articles contain provisions concerning:

- the right to life (Article 6)
- the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 7)
- a prohibition against slavery (Article 8)
- the right not to be subjected to arbitrary arrest or detention (Article 9)
- the fact that all people deprived of their liberty shall be treated humanely (Article 10)
- the freedom of movement and the right to decide yourself where you want to live (Article 12)
- the right to equality in front of courts and tribunals and guarantees regarding legal protection (Article 14)
- a prohibition against penal laws having retroactive effect (Article 15)
- everyone having the right to recognition everywhere as a person before the law (Article 16)
- the right not to be subjected to arbitrary interference regarding one's privacy, family, home or correspondence (Article 17)
- the right to freedom of thought, conscience and religion (Article 18) and freedom of opinion and expression (Article 19)
- the right to freedom of peaceful assembly and association including the right to join trade unions (Article 22)
- the right to take part in the governing of one's country (Article 25)
- the right to equality before the law (Article 26)

More than 150 states have ratified the International Covenant on Civil and Political Rights. They are legally bound to implement the rights immediately after ratification.

FACT BOX

- Amnesty International defines torture as deliberate attacks on a person's mind, body and dignity carried out by a public servant or someone else who is acting with the state's acceptance. Between 1997 and 2000, Amnesty registered torture and abuse in more than 150 countries. People died as a result of torture in more than 80 countries
- In the summer of 1996, the Norwegian police arrested a Tibetan monk, Palden Gyatso. He was participating in a peaceful demonstration against the then Chinese president, Jiang Zemin, who was visiting Norway
- Freedom of expression has its limits. In 1997, Jack Erik Kjuus, the leader of the Norwegian political party, Hvit Valgallianse (*White Election Alliance*), was sentenced to a fine of NOK 20,000 and a 60 day suspended prison sentence for his racist statements

3.2 ECONOMIC, SOCIAL AND CULTURAL RIGHTS

DID YOU KNOW?

UNIVERSAL DECLARATION, ARTICLE 23

Did you know that everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment?

Articles 22 to 27 of the Universal Declaration of Human Rights define economic, social and cultural rights. These are defined in more detail in several human rights documents. The most important of these is the International Covenant on Economic, Social and Cultural Rights, which, among other things, defines rights to:

- work (Article 6)
- a good working environment (Article 7)
- form and be a member of trade unions (Article 8)
- social security (Article 9)
- protection and help for the family (Article 10)
- an adequate standard of living, including adequate food, clothing and shelter (Article 11)
- enjoy the highest possible level of physical and mental health (Article 12)
- education aimed at fully developing a person's personality and integrity, and contributing to strengthening respect for human rights (Article 13)

More than 150 states have ratified the International Covenant on Economic, Social and Cultural Rights. Unlike civil and political rights that shall apply immediately after ratification, economic, social and cultural rights require longer and more resources, and are intended to be implemented gradually through legislation and other measures.

FACT BOX

- 70% of all the people who cannot read or write (are illiterate) in the world today are women
- In 2001, the Salvation Army reported that 15 to 35 homeless people are completely without shelter in Oslo at any given time. This means that they are outdoors day and night – including during the winter. There were also 2,000 homeless people with temporary accommodation in shelters or bedsits.
- The average Norwegian child receives around 14-17 Christmas presents. Every tenth child receives as many as 26-40 presents.

3.3 CHILDREN

DID YOU KNOW?

Did you know the UN's Convention on the Rights of the Child defines all people under 18 years old as children?

Human rights are meant to protect vulnerable groups of people. Children are one such group. Children are fully and completely reliant on how they are treated by adults. The UN's Convention on the Rights of the Child was therefore adopted in 1989. According to the Convention on the Rights of the Child all people under the age of 18 years old are children. The convention is based on four main principles:

1. All children have the right to grow up.
2. All children have the right to develop.
3. All children have the right to care and protection.
4. All children have the right to participate in matters that concern them.

Every country in the UN, except Somalia and the USA, has ratified the UN's Convention on the Rights of the Child.

Most children in Norway enjoy a family that loves them, but children can also be subjected to injustices in this country as well. They can be neglected and assaulted by family members or friends, or in an institution if they live in one. Some children come to Norway as refugees and do not get the rights to which they are entitled.

The situation of children in many poor countries can be very difficult. Many children have to work hard every day and do not have the chance to go to school. In the carpet industry in Pakistan, for example, there are many child workers who work long days and in poor conditions. Children's small fingers can weave nicer patterns than big adult hands, and children also complain less than adults. Many cynical manufacturers therefore exploit child labour to make bigger profits. There are many similar examples throughout the world.

No one is allowed to hit you! – You have the right to express your opinion and to be heard!

If children are being abused, the authorities have a responsibility to act. The Convention on the Rights of the Child says that states must “*protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*” Another important provision says that “*state parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*” Parents, teachers and other people cannot deny children this right.

If you know of a child who is being subjected to abuse, you must inform an adult.

FACT BOX

- Women and children are exploited as sex slaves all over the world. Around 1 million children are recruited into the sex industry every year – most by force
- Child labour is defined as an economic activity carried out by a person under the age of 15. The child can be a paid worker, self-employed or unpaid member of the family. There are around 200 million child workers around the world
- 20th November is Universal Children's Rights Day
- There are several reasons why the USA has not ratified the Convention on the Rights of the Child. One of them is that it still practises the death penalty for young people who were younger than 18 at the time they committed the criminal act, and the fact that children as young as 15 can be imprisoned in degrading conditions, e.g. at the notorious Guantanamo Base in Cuba. If the USA ratifies the Convention on the Rights of the Child it would have to report to its current situation to the UN every five years. They do not have to do this at the moment and therefore can avoid being “lectured” by the UN and the international community

3.4 WOMEN

DID YOU KNOW?

Did you know that right up until 1868 a Norwegian man had a statutory right to use violence against his wife if she did not behave as he wanted?

Throughout history women have been subjected to discrimination and have not had the same rights as men. Women won the right to vote later than men, and have not had the same access to education, work, income and property.

The UN Charter established that women have the same rights as men. This was also emphasised in the Universal Declaration of 1948. In 1946 the UN founded a special UN Commission on the Status of

Women, which was tasked to monitor and promote women's rights. One of its main goals has been to shed light on those areas where women are not treated equally to men. The UN Convention on the Political Rights of Women was adopted in 1952 and the Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 (the Convention on Discrimination against Women). The convention is the most important tool that exists for improving the position of women in all parts of the world. The convention says that:

"State Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

So far 174 states, or more than 90% of the UN's member states, have ratified the Convention on Discrimination against Women.

The human rights of girls and women have never been better protected than they are today, and we can also see that the situation of girls and women in Norway and internationally has improved in many areas in the last few years. More girls are starting and completing school, have paid work, the right to vote and participate in political life now than ever before.

Equally there remain many challenges. We still see girls and women being treated differently to men. They receive lower pay, get less education and cannot participate in commerce on equal terms with men. There are also great differences between countries. In poor countries in particular, many girls and women live hard, difficult lives. They can be excluded from school, education, work and political life, and be discriminated against with respect to marriage and family life. Forced marriage, female circumcision and not having the same opportunity as men to get a divorce are examples of injustices that occur in many countries today, including Norway.

FACT BOX

- It is reckoned that between 7,000 and 9,000 women are raped every year in Norway. In 2000, only 555 women reported cases of rape. Only 25 of the men involved were convicted.
- The first crisis centre for women was opened in England in 1972.
- In 1998, women employed by the real estate agent Notar Eiendom in Norway had to wear miniskirts to work – because that is what the men in the company wanted.
- In 2000, a 17 year old girl in Nigeria was sentenced to 180 lashes of the whip because she had become pregnant after being raped.

3.5 REFUGEES

DID YOU KNOW?

Did you know that around 800,000 Norwegians emigrated to the USA over a 100 year period (approx. 1825 to 1925) in the hope of a better life?

A refugee is someone who has had to leave their home because of a "well-founded fear of persecution due to race, religion, nationality, memberships of a particular social group or because of their political opinion".

It is often wars and conflicts that lead to people being chased from their homes. Refugees are experiencing an extreme life situation. You can imagine how difficult life would be if you had to leave your home, family, and friends, and had to face a new country, new surroundings and people who may speak a different language that you do not understand.

The UN adopted the Convention relating to the Status of Refugees in 1951 so that refugees would not be without rights. The convention gave refugees several inviolable rights such as the right to international

travel documents and reunification with their closest family. The convention also says that the countries that refugees arrive in shall provide them with food, shelter and opportunities for education and work.

There are currently around 14 million refugees in the world: people who have been driven from their homes and have had to flee to a foreign country. Most of them are women and children. Between 20 and 25 million people have also had to flee within their own country, they are the so-called internally displaced.

Want, political instability and poverty cause many people in poor countries to dream of a better, safer life in the West. Those who flee from poverty because they hope for a better life are often called economic refugees. However, because they do not face political persecution they are not defined as refugees in a legal sense and can therefore not be granted political asylum and residence in Norway based on this. However, many such people are allowed to stay on humanitarian grounds.

FACT BOX

- "Asylum" means "sanctuary" and an asylum seeker is a person who contacts a foreign country's authorities and asks for protection and permission to stay. An asylum seeker who is granted asylum is given "refugee status"
- Applications for asylum in Norway are handled by the Norwegian Directorate of Immigration (UDI)
- People who are refugees inside their own country's borders are called "internally displaced persons". The refugee convention does not apply to them.

Unaccompanied Minor Asylum Seekers

In 2003, almost 700 children arrived totally unaccompanied in Norway to seek asylum. Such children often come from countries where there are civil wars and internal conflicts that lead to the partition of the country and the separation of people.

Many children and parents lose each other in such situations.

Being alone in a foreign country has a strong psychological impact, especially if a child does not know what has happened to his or her parents.

Such children will often have experienced horrible things and feel very insecure. It is therefore important that they are told whether or not they can stay in Norway as quickly as possible.

3.6 HUMANS RIGHTS IN TIMES OF WAR

DID YOU KNOW?

Did you know there are rules for war?

It is said that everything is fair in love and war. This is not true. There are rules intended to protect human rights in times of war and armed conflicts. These are called International Humanitarian Law. For example, soldiers are not allowed to kidnap, rape or kill civilians, i.e. people who do not belong to the military forces. Soldiers who are captured by the enemy also have rights. They must not be tortured or killed, and the wounded must be cared for and nursed. It is also illegal to steal, even if one comes across an abandoned house.

The basis for international humanitarian law was laid long before World War II. As early as 1864, representatives from many states participated in a conference in Geneva where they agreed on rules regarding how wounded soldiers should be treated. Since then several conventions have been produced that contain rules of war that endow civilians, prisoners of war, journalists, medical personnel and other groups with rights during armed conflicts.

Serious crimes during wars and armed conflicts:

- War crimes are serious violations of the rules of war.
- Crimes against humanity are systematic and extensive inhuman actions against a civilian population such as torture, rape, kidnapping and murder.
- Genocide is an attempt to wholly or partly exterminate a group of people because of their race, nationality or religion.

If individuals violate International Humanitarian Law and are guilty of war crimes, crimes against humanity or genocide, they can be brought before a court. National courts are primarily responsible for conducting such legal proceedings. However, if this is not done, war criminals can be brought before the International Court of Justice in The Hague in the Netherlands.

FACT BOX

- In 1987-1988, the Kurdish minority in Iraq was attacked with poisonous gas by the Iraqi authorities. A total of 250,000 people were affected.
- Up to one million people were killed in the space of a few months during Rwanda's civil war in 1994.
- During the war in and against Bosnia-Herzegovina, around 8,000 Bosnian men and boys were massacred in the city of Srebrenica in the space of a few July days in 1995.

4.0 THE PROTECTION OF HUMAN RIGHTS

DID YOU KNOW?

Did you know that in the 1900s state authorities were responsible for the deaths of more than 169 million people?

The history of man shows that people in power and state authorities have committed injustices and been responsible for the mass murder of their citizens. The book "Death by Government" looks at the most serious crimes of mass murder committed by states during the 1900s (up until 1987). It looks at Germany under Nazism, the Soviet Union under Communism, China under Communism, Cambodia during the rule of the Khmer Rouge, and all other regimes that have committed injustices of a magnitude that can be described as genocide and mass murder. The book shows that as many as 169 million people have been murdered by state authorities. The study concludes that the greater the power a state has, the greater the chance is that it will act arbitrarily and follow the whims of the political elite. The greater the power, the more warlike and the greater the number killed. The study also shows that the more the power of the state is limited, divided and decentralised, controlled and balanced, the less aggressive it will be. This is why democracies commit fewer acts of genocide and state mass murders than other regimes. The best thing one can do to prevent future acts of state mass murder is therefore to encourage and facilitate democracy and human rights.

Human rights are the rules that are intended to limit the state's arbitrary power by defining the obligations it has with respect to its citizens. Human rights are therefore primarily rules with which **states** must comply. It is the state authorities that are responsible for implementing human rights.

But other actors are also important. While they play various roles and have different types of power, they all influence society and can promote human rights.

- **Inter-governmental organisations**
- **Independent human rights organisations**
- **The press and media**

It is also important to be aware of the fact that as **individuals** we can also make a contribution. If you are young you have opportunities everyday to discuss discrimination, bullying or other problems with your family, at school or among friends. "Think globally, act locally!" is a slogan that can also be applied to human rights with good effect.

FACT BOX

- In 1930-1953, an incredible number of people were arrested, exiled or simply executed in the Soviet Union under the leadership of Josef Vissarionovitsj Stalin. All of the power was held by him and a few loyal supporters. Stalin's suspicion and fear of potential enemies lead him, during his period as the Soviet's leader, to arrest, exile and execute those who did not agree with him. It is thought that more than 20 million people were simply executed. Calculations show that more than 40 million civilians died due to Stalin's policies.
- In 2000, Native Americans received a public apology from the USA's Bureau of Indian Affairs for the many massacres, forced transfers they suffered and the destruction of Native American languages and cultures.
- The indigenous people of Australia, the Aborigines, have long been treated badly by the authorities. Even though the government now acknowledges grave human rights violations in the past, they still refuse to make a public apology. The Australian people have however established a new tradition, "Sorry Day" on 26th May.
- The Roma and Sámi are minority groups that have long been treated badly by the Norwegian state. In 1998, they received an apology from the government. On 6th February 2004, the Sámi flag was flown above all public buildings to mark Sámi National Day for the first time.

4.1 STATES

DID YOU KNOW?

Did you know that in 1981 the Norwegian government appointed a child ombudsman who was tasked with ensuring that children's rights were observed in Norway?

States bear the primary responsibility for implementing human rights. States are obliged to **respect**, **protect** and **observe** human rights. Article 3 of the Universal Declaration provides examples of what this entails. The article states that: “*Everyone has the right to life, liberty and security of person*”. States are thus responsible for:

- respecting the individual's right to life by not killing them itself
- protecting the individual's right to life against others who threaten it
- observing the individual's right to life by ensuring they are kept alive

Once a human rights convention has been ratified a state must amend the country's legislation to comply with the convention and ensure that they concur. The authorities are responsible for ensuring everybody who acts on the state's behalf (police officers, hospital staff, school authorities, child welfare services, the prison service, etc) receives information about the laws and regulations so that they know what they must do to observe people's human rights. The authorities can also set up state institutions that work for human rights and focus on areas of particular importance. Examples of these include: the children's ombudsman, the gender equality ombudsman, the Centre Against Ethnic Discrimination and the Centre for Human Rights. States also have a duty to inform their population about their rights. It is therefore important that all children and young people learn about human rights at school. If human rights are violated, the state must ensure there are ways of putting things right and compensating victims of such violations.

FACT BOX

- A civil ombudsman is a representative who on behalf of the Norwegian parliament is tasked to ensure that the public authorities do not commit injustices against individuals in Norway
- The job of the gender equality ombudsman is to enforce the Norwegian Gender Equality Act. Anyone can contact the ombudsman: women, men and organisations

4.2 INTER-GOVERNMENTAL ORGANISATIONS

DID YOU KNOW?

Did you know that there are around 1,100 inter-governmental organisations in the world?

Inter-governmental organisations also play an important role in the protection of human rights. It is the **states** that are the members of inter-governmental organisations.

It was the UN that adopted international human rights in 1948. Since then many inter-governmental organisations have worked to protect human rights. These organisations have produced their own human rights documents, all of which are based on the Universal Declaration of Human Rights. The Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) are organisations to which European states belong.

When the UN, Council of Europe or other organisations have produced a human rights convention it means that the states have reached agreement collectively. When a member state violates the contents of a convention it means that this state is not complying with what it and the other states agreed to. Because the states have given up some of their sovereignty by becoming members of the organisation, the other states are entitled to react to such violations. They are supposed to monitor each other to ensure that everything works as it is supposed to.

Once a state has ratified a human rights convention, it is supposed to **report** regularly (often every second or every fourth year) to the organisation on how the convention is being implemented. If a state violates its

obligations, this may be brought up in meetings. Thus a great deal of international pressure can build up on a state that does not respect human rights.

FACT BOX

- The Council of Europe has 41 member states, including several former communist countries. It was founded in 1949 to ensure human rights and parliamentary democracy in Europe. The council also works to ensure states are governed by laws, harmonise social legislation and promote European identity and culture. Since 1989, the Council of Europe has particularly focused on human rights and the democratisation of the former Eastern Bloc.
- The Organization for Security and Co-operation in Europe (OSCE) is an organisation in which the USA, Canada and all the European countries, including the states that were formerly part of the Soviet Union, discuss European security policy, economics and human rights. A total of 55 countries participate in it.

4.3 NON-GOVERNMENTAL ORGANISATIONS

DID YOU KNOW?

Did you know that the world's largest non-governmental organisation, Amnesty International, has more than 2 million members worldwide?

One of the most important groups of actors that work for human rights are the non-governmental human rights organisations (NGOs). They are often called "independent organisations" because they can believe and say what they want without being spokespersons for a state's policies. They are also often called "non-profit organisations" because they want to change society for the better without making money from doing it. Examples of such organisations in Norway are Amnesty International Norway, the Norwegian Helsinki Committee, the Norwegian Organization for Asylum Seekers (NOAS), Save the Children, the Norwegian Federation of Organisations of Disabled People (FFO), and the Anti Racist Centre.

NGOs are founded by committed people with an interest in human rights. The organisations often become voices for vulnerable groups in society such as refugees, children, the disabled, prisoners, people involved in prostitution and others. As a rule the organisations have good contact with ordinary people and many of them have members who support them. Many NGOs are experts in their fields and are taken seriously by both the authorities and the media.

In some countries the authorities view NGOs as troublesome and a threat because they criticise the authorities' policies. Every year many human rights activists are killed because they have uncovered violations of human rights and criticised the authorities.

The organisations have different objectives and employ various methods:

- Monitoring the human rights situation and suggesting how state authorities can improve it
- Reporting human rights problems and suggested solutions to the media, which in turn report these to the people and put pressure on the authorities
- Helping people and groups who believe their human rights are often violated
- Informing and teaching about human rights
- Organising campaigns
- Supporting organisations in other countries that work for human rights

FACT BOX

- At the end of 2003, Amnesty International had as many as 47,000 members in Norway
- Save the Children raised more than NOK 150 million from Norwegian donors during its TV fundraiser in 1993. Almost NOK 4 million was raised by children holding jumble sales they had organised themselves

- The Norwegian Refugee Council has worked for displaced people since 1946 and today is one of the largest organisations in Norway

4.4 THE PRESS AND MEDIA

DID YOU KNOW?

Did you know that 31 journalists were killed around the world in 2001 just for doing their jobs?

The media also play an important role in human rights work. Individuals and NGOs often gain attention for their causes through TV, radio and newspaper reports. In a free, democratic society the media are meant to be the watchdogs who speak out when the state misuses its power. It is important that a society has a wide variety of media so that the population can gain information and an understanding of how society works from several sources.

When the media report about and focus on something that has gone wrong, both politicians and ordinary people become aware of the problem. This can often lead to the people putting pressure on the politicians and authorities to rectify problems and make changes. Unfortunately, all too often politicians and authorities are aware of problems but do not do anything about them until they "have to", and they often do not feel they "have to" until the attention being paid to a problem starts to have a negative effect and the focus turns on them personally.

It is important for human rights organisations to have good relationships with journalists so that they can write about topical cases. There are innumerable examples around the world of where the lives of individuals and groups have changed for the better after the media has focused on problems and got the authorities to change their policies.

Being a journalist can be dangerous, as can writing or talking about human rights violations in some countries. Some people in power do not like their policies being criticised in a way that focuses negative attention on them. At any given time, many journalists and writers are in prison because they have criticised the authorities' policies.

FACT BOX

- The "Lorenzo Natali Prize" is a European prize awarded each year to journalists who have produced good reports about human rights, democracy and development.
- In 2001, the organisation "Reporters Without Borders" reported that 31 journalists had been killed. At the same time an increasing number were being imprisoned, threatened or attacked. In January 2002, 110 journalists were in prison around the world.
- The Norwegian Press Association has adopted an ethical code of practice (the "Be aware-poster") for the printed press, radio, TV and online publications. The code is intended to prevent the media's right to freedom of expression having a detrimental effect on other human rights.

4.5 INTERNATIONAL CRIMINAL COURTS

DID YOU KNOW?

Did you know that the majority of people who kill a person in peacetime are punished, while people who kill hundreds or thousands during wartime often walk free?

There are many ways of promoting and protecting human rights. One of these is punishing criminals that commit atrocities and human rights violations during wartime. It is important that crimes are punished so that victims feel their suffering is being taken seriously. Besides this, punishment also has what we call a "deterrent aspect". When people know they can be punished, they will hopefully think twice and choose not to commit crimes.

States that have been through wars and conflicts are not always in a position to conduct fair and effective trials and judge people suspected of war crimes and other atrocities. Sometimes these people still hold positions of great power in the society, or they may have fled abroad. In both of these cases it can be difficult to arrest and punish them. Some states do not have the skills and resources necessary to conduct trials.

The Nuremberg Court and international ad hoc courts

Since human rights violations in a country are also an international responsibility, many people have believed that international tribunals ought to be set up and given the job of investigating and punishing the most serious atrocities in cases where states do not do this themselves.

After World War II, the USA, France, Great Britain and the then Soviet Union established an international tribunal, the **Nuremberg Court**, to judge and punish people who had committed particularly serious crimes in Nazi Germany. They did this because crimes against international law are committed by "*men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced*". Nineteen senior political and military leaders were sentenced. The Nuremberg process became very significant because it established the legal principle of punishing war criminals which the UN later used as the basis for its work.

From and including the 1990s there has been an important development in international criminal law. Due to the conflicts in the former Yugoslavia in the 1990s, the UN set up an international criminal tribunal in 1993 to investigate and judge war crimes, genocide and crimes against humanity in this region. In 1994, a similar tribunal was set up to investigate and judge those responsible for the genocide in Rwanda where as many as one million people were killed. The establishment of these **ad hoc tribunals** which are established in connection with a particular conflict and which are dissolved when they have completed their work was a big step forward. Similar tribunals have been set up for Sierra Leone, Cambodia, Eastern Timor and Kosovo.

The Permanent International Criminal Court

In 1998, the states agreed to establish a permanent international criminal court. This was very important step. If national authorities are unwilling or unable to try war criminals after wars or conflicts, the International Criminal Court can ensure that this is done. An increasing number of the world's countries are recognising the new court. It is located in The Hague in the Netherlands and started its work on 1st July 2002.

FACT BOX

- The permanent International Criminal Court has 18 judges, is located in The Hague in the Netherlands and can punish individuals
- Most countries support the establishment of the International Criminal Court. The USA, China, India and Russia do not support it
- The international online media organisation, the Institute for War and Peace Reporting (www.iwpr.net), reports daily on cases before the court in The Hague

5.0 HUMAN RIGHTS IN EVERYDAY LIFE

DID YOU KNOW?

Did you know that 53% of the Norwegian population is active in non-profit, political or other types of organisations and associations?

Every single day there are reports of human rights violations in the newspapers and on TV. It may be the disabled, homosexuals or refugees being discriminated against in Norway or it may be news from abroad about wars and atrocities against women and children. It could be about war or hunger, or the building of walls meant to separate people. You may be thinking that all this stuff about human rights is difficult – that it is about politics and the wider world – and that therefore there is not much you can do about it in your day-to-day life. You are both right and wrong.

You are right to think that human rights are a complicated legal field. On the other hand, the most important message is that all people are of equal value and that no one should be discriminated against because of their gender, skin colour, nationality, religion or some other characteristic. Many people believe that this is easy to understand because it agrees with what most of us think about justice and about right and wrong.

Norway is a multicultural society, like most other countries in the world. Its society consists of many types of people with different cultural and national backgrounds, religious affiliations and sexual orientations. One of the most important challenges is to find a collective way of living with each other with respect for our differences. Increasing respect for human rights can help to achieve this goal. It is therefore important that all people, young and old, know what human rights are. In discussions in school, wider society and with your family, you have the right to speak out when you experience unfairness or see people being discriminated against. Human rights are therefore something you can use every day. Simply speaking out makes a big difference.

FACT BOX

- Norway 2004:
Around 200,000 people are bullied at work. Each year, 100 people commit suicide because they are being bullied.

5.1 NORWAY

DID YOU KNOW?

Did you know that everyone who works in the public sector – in schools, after school programmes, hospitals, prisons, child welfare services and other services – is supposed to respect human rights?

Norway is located in a peaceful part of the world and its authorities often stress that human rights should be respected. Nonetheless, one cannot take for granted that the authorities will always treat everyone with the respect human rights demand. People can also be treated in ways that violate their dignity and self-respect in well-functioning democracies as well.

Everyone who acts on behalf of the authorities is responsible for observing human rights. In Norway the state has transferred authority to county councils and local authorities, and these authorities therefore have to respect human rights. It is therefore important that people who work in prisons, hospitals, nursing homes, child welfare services, psychiatric hospitals, the police, customs and excise, asylum reception centres, and schools know about human rights. These are people who have a statutory right to exercise authority over other people in certain situations.

Compared with other countries, ours is a rich country and can provide good services, and people are, in general, treated well by public institutions and services. There is also a high level of awareness with respect to the misuse of power and should such misuse occur the media often reports it. The vast majority of us is treated well and has no reason to complain.

Human rights in Norway are therefore perhaps particularly important for those of us who are “different”, who are in a difficult situation and who stand out. It could be asylum seekers who are being cared for by the immigration authorities. It could be people with a different skin colour or who are homosexual who feel they are being discriminated against in the labour market or in clubs and restaurants, or in other contexts. It could be children and adults who come into contact with the child welfare services, homeless people, drug addicts and patients in psychiatric hospitals. It can be easier to perceive people who are “different” as more provocative than people who do not have such characteristics. This is precisely why they need the protection that human rights provide. It is often said that human rights namely protect the “right to be different”.

FACT BOX

- In 1999, the Norwegian parliament, the Storting, adopted a specific Human Rights Act which states that the European convention on human rights and the two UN conventions from 1966 shall be part of Norwegian law. Where the human rights conventions conflict with other sections of Norwegian law, human rights shall take precedence.
- In 2002 and in 2003, Norway was ranked as the best country to live in by the UN.
- You can remain detained on remand in Norway for weeks and months without being sentenced. This practice has been criticised by the Council of Europe several times.

Did you know that the word “discriminate” comes from the Latin “discriminare” meaning to distinguish, to make a distinction? To discriminate means to treat differently, usually in the sense of treating someone less well than others. The word is most often used to describe unfair or unreasonable differential treatment of other individuals, ethnic groups, nationalities, religious communities, or the like based on emotional or traditional attitudes.

6.0 HUMAN RIGHTS

Why are they your business?

Human rights affect all of our lives. They concern all of us because they are about what we are entitled to as individuals and about not being treated differently because of our nationality, ethnicity, religion or membership of a social group.

Human rights oblige people in power to respect you and value your unique life. You belong to more than one type of social group and have more than one identity. You belong to some groups simply because you are born in them, e.g. your family, nation and the community of people who share your sexual orientation. Other identities you choose yourself such as being a musician, poet, athlete, politician or priest. Other identities can be forced upon you by external circumstances such as, for example, being a displaced person, an ethnic minority, or wheelchair user. Human rights are intended to ensure your right to be who you are with your own combination of identities – even if you are completely different to everyone else.

You have the right to be who you are and who you want to be – as long as it is not at the expense of another person’s right to be who **he or she** is.

As a person you have to rely on others. You also hold a small part of other people’s lives in your hands as well. This involves both power and obligations. You have the power to ruin things for another person, and therefore have an obligation not to do so. You also have the power to help another person, and therefore have a responsibility to do so.

Individualism means you are free to decide about your own life. However, if you have the freedom to take your own decisions you also have a duty to take responsibility for them. The freedom of having rights and having responsibilities for other people’s rights are two sides of the same coin. Individualism therefore does not mean, as some people believe, that you are free of obligations and responsibilities. That is selfish and completely contrary to human rights. Individualism actually means that you have the freedom to resist when either your or other’s rights are violated.

Human rights have been implemented to a great extent in today's Norway. But we must not take them for granted. For many years people have been oppressed, persecuted and killed because they have fought for human rights. This is still the case in many places in the world.

The human rights situation in a society can be gauged by the situations of those who have the least power: children, refugees, war victims, the sick, the disabled, ethnic minorities, etc. Everyone could at some time in their lives find themselves belonging to one of these groups and relying more heavily on other people to ensure our rights. Therefore the work we do on human rights is something we do both for people who live far away and for ourselves, families and friends.

This is why human rights are your business.

6.1 WHAT CAN I DO?

DID YOU KNOW?

Did you know that if no one acts, nothing gets done?

During this course you have learnt that human rights are primarily the responsibility of states. It was states that produced the Universal Declaration, it is states that ratify conventions, it is states that have to put rights in effect, and it is only states which can violate them. You may therefore be thinking that your contribution is not needed.

It is important to be aware of the fact that states also consist of many individual people that together add up to a greater whole. Individuals can always make a difference. During this course we have learnt that it was individuals who first began to philosophise about human rights. It was individuals who formulated concepts in speeches, writings and books. It was individuals and groups who over hundreds of years appealed, protested, inspired and finally demanded that states incorporate human rights into law. If it had not been for all these individuals, there would never have been a Universal Declaration.

You have also learnt that the world still has a long way to go and that injustices occur every single day. It is still individuals who together make the greatest and most important contribution. One of the UN's constitutions puts it nicely when it says, "**since it is in people's minds that wars arise, it is in people's minds that peace must be created**". This means that the most important work for human rights takes place in ordinary people's thoughts, through ordinary people's actions and ordinary people's lives.

This means that your contribution to human rights is important. These are some of the things you can do:

- Be aware and have the courage to speak out when you think someone is being treated unfairly at school, at home in the family, when training and among friends
- Make sure you do not treat anyone unfairly
- Read and learn more on your own. There are many books, magazines and websites that discuss and debate human rights
- Tell your teachers that you want to learn more about human rights at your school. Write essays, do group work or create campaigns that deal with issues that you think are important: bullying and racism
- Write a letter to your local authority or an article for your local newspaper
- Organise collections and jumble sales, and donate the money to human rights work
- Travel and get to know people from other cultures
- Join a voluntary organisation that works for human rights. Most organisations have membership schemes through which you can support their work by paying a fixed membership fee each year. It often costs a bit less if you are a young person/student. Some also have active membership schemes, which enable you to get involved in campaigns, actions and other activities
- Join a political party and work for human rights in your local municipality or county
- Get an education. Many people work for human rights on a daily basis, both in organisations and the public sector. They may have studied human rights as a separate subject at university, but most have other qualifications. Choose an education or a combination of subjects that you think are interesting. The human rights field needs lawyers, linguists, social scientists, publicists, good writers (authors, journalists), teachers, managers, accountants, health workers and so on.

- If you have some spare time, there are organisations which occasionally need voluntary help.

FACT BOX

- 15 year old Benjamin Hermansen was murdered by neo-Nazis in Holmlia on 26th January 2001. A few days later the people of Oslo marched in a torchlight demonstration against racism. The march was the largest in Norway since WWII.
- Simon Flem Devold receives 10,000 letters a year in response to his newspaper column in Aftenposten in which he answers questions and comments from children and youngsters.