

# 2 What are human rights and why do we have them?



## What are human rights?



**Human rights are ideas about what everyone is entitled to. Basic human rights include the right to life, and the right to food and clean drinking water. Others include the right to vote and to freedom of expression.**

**In the UK, most people have their basic human rights met most of the time. However, in some countries people's freedoms may be limited. Also, in the UK, there are still areas of human rights that some people believe could be improved, such as the rights of people with disabilities (see page 13).**

**Aim** To discuss what human rights are and which rights are most important (Citizenship 1.2a, 1.2b, 1.2c, 2.1a, 2.1b, 2.1c, 3a, 3f)

### In groups

Look at the photo on the left. What rights do you think are being violated here?



## Where did human rights come from?

The modern idea of human rights was developed after the Second World War, during which many people's rights were violated. On a large scale, these human rights abuses are known as war crimes.

As a result, the United Nations (UN) was formed to provide a place for nations to resolve conflicts peacefully. It was set up by the Universal Declaration of Human Rights (UDHR), which consisted of 30 articles describing the basic rights of every person, and was signed in 1948 by 48 countries.

The first section of the Universal Declaration states:

**“All human beings are born free and equal in dignity and rights.”**

Key rights relating to being “born free” include freedom of speech and of movement, the right to a fair trial, and freedom from torture and from hunger.

Key rights relating to “being equal” include a right to an education, and the right to be treated equally, without discrimination, in all areas of public life.

The Universal Declaration was designed as a safeguard to protect the human rights of people around the world. However, it has been criticised for being too weak because, as it is only a declaration, it cannot be enforced by law.

### In groups

Discuss what you think about the law on assisted suicide. Should it be changed for cases of terminal illness? Why? Give reasons for your views.

## A legal basis for human rights

The European Convention of Human Rights was drawn up in 1963, giving a legal framework for human rights in the UK and other European countries. Here, people can complain to the European Court of Human Rights (or ECHR), based in Strasbourg, France.

In 1998, the European Union (EU) decided to update the list of human rights, to take account of changes in society and technology. The result was the European Charter of Fundamental Rights (2000). This included some newer human rights:

- The right to a private life, including a right to privacy and to confidentiality of letters and emails.
- The right to limits on working hours and to have annual paid holiday.
- The right to respect the integrity of human beings, including a ban on financial gain from the human body. This includes the sale of human organs and the cloning of human beings.
- The right to data protection, which means that if a company holds data on you, you can ask where it got the information and what it is.

## Human rights issues



The controversial Dignitas Clinic in Switzerland, which, by the beginning of 2009, had helped over 100 UK citizens to die.

In the UK, it has been against the law since 1961 for a person to help someone commit suicide. However, some campaigners have argued that this law is out of date. They argue that people who are terminally ill and want to commit suicide should have freedom of expression. Also, they argue that their families and friends should be able to help them travel to countries like Switzerland, where assisted suicide is legal.

However, other campaigners, including many religious groups, have reacted strongly against this. They argue that life is sacred, as made clear in the “right to life” section of the Universal Declaration of Human Rights. Here, it is argued that the right to life supersedes the right to freedom of expression, and you should not be allowed to commit suicide, or aid someone to do so, even if they are terminally ill.

Other campaigners argue that assisted suicide is hypocritical without a death penalty in the UK. Surely, if people are allowed to help or commit suicide when they are terminally ill, then shouldn't the state use the death penalty against murderers? If you can take life if you are terminally ill, shouldn't the state be able to take a life as a punishment?

In both the United States and China, the death penalty, or capital punishment is used as a means of punishment for severe crimes, such as murder. However, in the UK, the Government has argued that the “right to life” applies here. This is despite a majority of the UK population being consistently in favour of capital punishment in opinion polls.

### In groups

Do you think the UK ought to have capital punishment? Should the will of the majority be followed, even it goes against majority rights? Give reasons for your views.

### For your file

If you could make one new law to enforce a human right, what right would you choose and why?

*“I would create a law outlawing abortion in the UK. Everyone's entitled to the right to life.”*

*“I would create a law making it free for everyone to go to University. Education should be a right, not a privilege.”*



# The connection between rights and responsibilities

## What are responsibilities?

Responsibilities are necessary for people to protect each other's human rights. For example, you have the right to drive a car to increase your freedom of movement. However, you also have the responsibility to drive safely and to obey the Highway Code.

## How rights become responsibilities

The table shows three articles from the Universal Declaration of Human Rights (UDHR) and their key responsibilities:

Human rights	Key responsibilities
Everyone should be treated in the same way, and laws should apply equally to everyone (Article 7).	We should treat everyone equally, whatever their age, gender, race or religion.
Everyone is innocent until it can be proven that they are guilty. Everyone has the right to defend themselves at any public trial. (Article 11).	We must listen to both sides of an argument and not jump to conclusions. People should have a chance to explain themselves.
Everyone is entitled to privacy (Article 12).	You should respect other people's privacy and they should respect yours. No one may enter your house or read your mail without good reason.

**Aim** To discuss what responsibilities are and how they relate to human rights (Citizenship 1.2a, 1.2b, 1.2c, 2.1a, 2.1b, 2.1c, 3a, 3f)

## Equal opportunities

In order to achieve Article 8 of the UDHR, the UK government promotes the idea of equal opportunities. This means that everyone has an equal opportunity in life, including in employment, education and access to services.

## Disability rights in the UK

A disability is an impairment or medical condition that prevents someone from doing something. Physical impairments include hearing difficulties, vision impairment or mobility problems, such as being unable to walk without assistance. Other impairments, such as learning difficulties, restrict a person's mental development.

A wide variety of human rights exist to protect people with disabilities. Article 22 of the UDHR states that "Everyone, as a member of society, is entitled to realisation of their economic, social and cultural rights." This means that we, as individuals and as a society, have a responsibility to help people with disabilities lead as normal a life as possible.

## The Disability Discrimination Act 1995

This Act means that everyone has the responsibility not to discriminate against people with disabilities with regard to:

- access to goods, facilities and services.
- employment
- the management, buying or renting of land or property.

From 2004, businesses have had to make reasonable changes to their properties to accommodate people with disabilities including:

- access ramps for people in wheelchairs.
- hearing loops for those who find it difficult to hear.
- colour-coding in large buildings, such as hospitals, for people whose vision is impaired.

### In pairs

**1** Look at the table above. Which do you think are the most important rights and responsibilities? Why?

**2** Draw up your own chart of rights and responsibilities, using different examples from the Universal Declaration of Human Rights, and/or the European Fundamental Charter of Rights.

## Freedom of speech – a conflict of rights?

In June 2009, Nick Griffin of the British National Party was elected MEP for the North-west region. The BNP, a whites-only party, has a series of policies which some campaigners believe to be racist. As a result, groups such as the Anti-Nazi league believe that Nick Griffin should be banned from speaking at public events. They argue that the BNP's racist ideas go against Article 7 of the UDHR, which states that "everyone has the right to be treated equally".

After being elected, Nick Griffin tried to give a press conference outside Parliament. However, he was heckled by anti-fascist demonstrators and pelted with eggs. Nick Griffin MEP argues that he has a "right to freedom of speech" as outlined in Article 19 of the Universal Declaration of Human Rights.

In July 2009, the Equality Commission wrote to the BNP to clarify its policy of having only white members. The Commission said that this went against the Human Rights Act, which states that people should have "freedom of association" and thus be able to join any political party they like, without discrimination. The BNP denied it was breaking any laws.

### In groups

Do you think that Nick Griffin should have freedom of speech? Or should he be banned from public speaking because of his extreme views?

"I disagree with Nick Griffin. But people in the North-west of the UK elected him. Therefore, he should be allowed to express his views." **Shona, Manchester**

"The BNP has been accused of encouraging racial violence. I have the right to live peacefully. Therefore Nick Griffin should be banned from public events." **Tariq, Birmingham**

### In groups

Do you think public money should be spent on improving disabled access? Or is the money better spent on other projects? Give reasons for your views.

"The law says 'reasonable changes'. But a person shouldn't have to put a ramp in their shop. If there's a small kerb, so what?" **Kyle, Norwich**

"Disabled people should be treated equally and fairly – no more, no less." **Anna, Plymouth**

"I think more public money should be spent on improving disabled access. You only have to look down a street to see how difficult life could be if you were in a wheelchair. Or try closing your eyes and imagine what it would be like to have impaired vision." **Nazma, Bradford**