

Issue One: Human Rights

The Search for Dignity

The Second World War was a traumatic period in human history. The atrocities committed during the war—genocide in particular—shocked the world’s collective conscience. This led the major powers of the time to approve the Universal Declaration of Human Rights (UDHR) as a central part of the United Nations Charter in 1948. The aim of the declaration was to usher in a new era where no one should be subjected to inhuman or degrading treatment and where all people would be entitled to equal protection under the law without any discrimination.

Sixty years later, the concept of human rights has significantly broadened in terms of categories of rights and affected populations. Human rights discussions now include the rights of women, children, refugees, prisoners, indigenous populations, migrants, and minorities. Human rights debates have now become global. However, while some major improvements have been made, violations of human rights are still numerous.

The increase in awareness of human rights practices around the world is largely due to improvements in communication and to the activities of an international coalition of Non-Governmental Organizations (NGOs) committed to these issues. Although the debate about human rights has spread worldwide, it is still a contentious issue. There are major differences of opinion as to whether different cultures can have different human rights standards. There are still many debates about whether one country has a right to tell another how to conduct its internal affairs.

HUMAN RIGHTS: CHILD LABOR

Child labor is work that is harmful to children’s well being, either by harming them physically or by interfering with their education. With increased awareness of the problem, the actual number of child laborers worldwide fell by 11% between 2000 and 2004. Among child laborers age 5-14, decreased by 33%.

It is estimated that there are around 218 million child workers worldwide. These children work in various kinds of jobs, from agriculture in rural areas to households, factories, and even prostitution in urban areas. Each year more than a million children (mostly from developing countries in Asia) are reportedly forced into prostitution, transported and sold for sexual purposes, or used in child pornography.

The primary cause of child labor is poverty, but there are other important contributing factors such as a lack of education, social attitudes that do not consider child labor a serious problem, and a lack of adequate enforcement of anti-child labor laws. One of the most distressing aspects of child labor is that it perpetuates the cycle of poverty by greatly reducing children’s future economic potential.

QUESTIONS FOR NEGOTIATION Child Labor

Guiding Question

1. How should child labor be dealt with?

Related Questions

2. Is it ever justifiable for a country to permit child labor to take place? If so, under what circumstances?
3. What common standards should the international community develop on child labor?
4. What should countries do about goods produced with child labor?
5. How can monitoring of child labor laws be improved?

International agreements are seen as one way of helping to reduce this problem, and many agreements that address child labor have been signed. One of these is the UN's *Convention of the Rights of the Child* (CRC), a comprehensive agreement signed in 1990 that deals with many aspects of children's welfare. A major challenge of international negotiation on child labor, however, is having all of the world's countries participate in the agreements. This is especially true for Asian countries because Asia is where most child workers live.

ESSENTIAL BACKGROUND KNOWLEDGE

Child labor is work children do to ensure their own or their families' survival. It is not working a part-time job to raise pocket money. Child labor is work that is harmful to children's well being. It deprives them of educational opportunities and is detrimental to their health and development. Child labor occurs in many countries of the world. These child workers are found mostly in developing countries—60% in Asia, 32% in Africa, and 7% in Latin America. Child labor also exists in developed countries, but to a smaller extent. In developed countries, child labor primarily affects the children of ethnic minorities, immigrants and marginalized groups.

Different Types of Child Labor

The popular image of child labor in the news media is that of children working in factories. These children are shown working in very poor conditions. Usually the children are making products that will be shipped to the US and other developed countries. However, children working in factories make up only about 5% of the total population of child workers. Child workers are employed in a range of different jobs. Most work as farm laborers, in households as domestic servants, or in small workshops that manufacture goods such as carpets, clothes or furniture. In urban areas, children can also be found working as street vendors, as servers in restaurants, or as prostitutes. In many of these cases, the children work in terrible conditions and are badly mistreated. Some children also work in forced slavery or bonded labor in order to pay the debts of their parents.

Causes of Child Labor

Child labor is caused by different and complex factors, but the most important cause of child labor is probably poverty. Many poor families need the money that their working children contribute. However, lack of educational opportunities is also a contributing factor. Some very poor parts of the world,

SUGGESTED WEBSITES

United Nations Children's Fund
<http://www.unicef.org/>

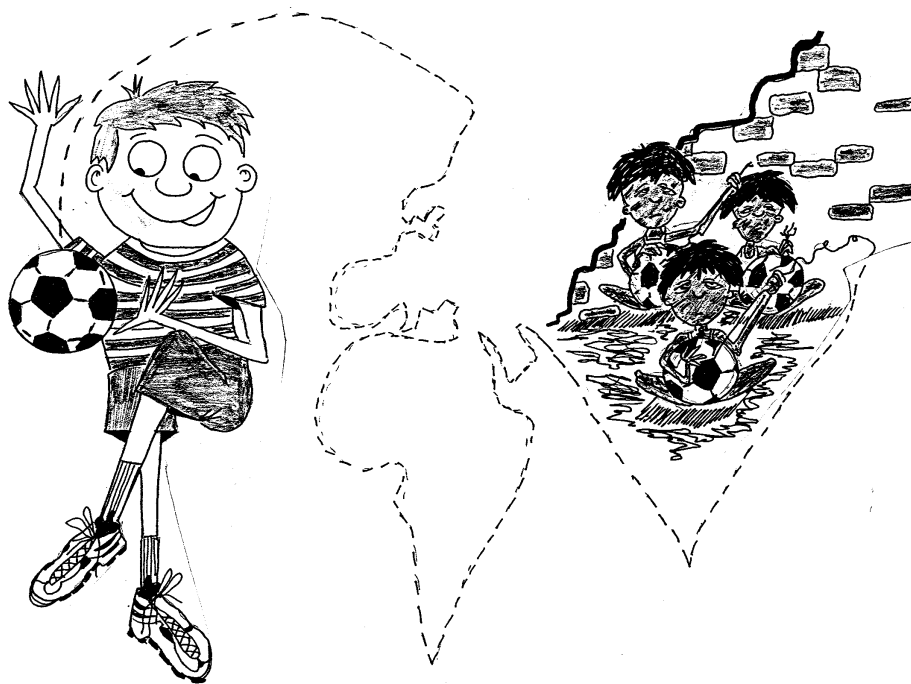
International Labor Organization: Child Labor Page
<http://www.ilo.org/ipec/lang--en/index.htm>

US State Department: Country Reports on Human Rights Practices
http://www.state.gov/www/global/human_rights/99hrp_index.html

US Department of Labor: International Child Labor Program
<http://www.dol.gov/ilab/programs/iclp/main.htm>

Global March Against Child Labour
<http://globalmarch.org/>

American Federation of Teachers: Child Labor Project
<http://www.aft.org/topics/international/child-labor/resources.htm>



like Bangladesh, have been able to reduce their levels of child labor through improvements in education.

There are other factors besides poverty and education that contribute to the occurrence of child labor. One of these factors is public opinion. In many countries, most politicians, media, and NGOs do not consider child labor a serious problem. Therefore, there is not much focus on the issue, and very little is done to address it.

A major part of the solution to child labor is government action. It is the government's responsibility to make education available to children, to pass labor laws which protect children's human rights, and to carry out proper inspections to ensure that the laws are being obeyed. In many cases children are hired because they are easier to exploit than adults. Children are less aware of their rights, less troublesome, and more naive. For these reasons, children are easier to manage than adults and also easier to manipulate.

Dangers of Child Labor

Child labor is a serious problem because it hurts the children involved. Children who are exposed to unhealthy or dangerous conditions in factories or farms are more vulnerable to sickness

or injury than are adults. Many hours of work also mean that children will spend less time in school and may be too tired to learn. In addition, a heavy workload can be harmful to children's psychological and emotional development, especially if they are abused on the job. Lastly, even though children may be working because their families are poor, child labor only continues the cycle of poverty. Families can lift themselves out of poverty by giving their children a good education, which helps them to find better employment opportunities as adults. But if children miss out on their education because they have to work, then they will likely grow up to be poor just like their parents. Their own children may face the same problem.

International Responses to Child Labor

Drawing attention to child labor in an organized way has led to some encouraging rate declines in the past eight years. Globally, the number of child laborers fell by 11%. More importantly, the number of children in hazardous work has decreased by 26%. Latin America and the Caribbean are making the greatest progress. The number of child workers in this region has fallen by 66%! The least progress has been made in Africa.

The key international agreement dealing with child labor is the ILO's *Convention No.138 on Minimum Age*, adopted in 1973, which set the minimum age for employment at age 15. The ILO has also adopted broader conventions that cover child labor like the *Abolition of Forced Labour Convention, No.105*, adopted in 1957. One problem with these standards is that not all developing countries have signed them. Indeed, *ILO Convention No.138* has not been signed by many countries in Asia, where more than half the world's child workers live. Because of this, the International Labor Organization passed the *Worst Forms of Child Labor Convention* in 1999. It strengthens the provisions of existing international agreements on child labor. This convention aims to eliminate the worst forms of child labor such as drug trafficking and prostitution. In addition to these international efforts, many countries have their own domestic laws that restrict children from doing hazardous jobs. However, enforcement varies widely.

Policy Options

Despite the existence of international and national laws on child labor, passing laws alone will not be enough to stop the practice of child labor. Because child labor is closely tied to social and economic conditions, a lasting solution to the child labor problem will be closely related to economic growth and improvements in peoples' standards of living. However, even in the short term, there are options being debated on how to deal with the problem. Steps governments can take include stopping the most hazardous forms of child labor, making education more available to children, and providing assistance to families to make them less dependent on the income of their children. There are other steps debated in developed countries, including boycotts on goods made with child labor. Some argue that this will help children by forcing companies to stop hiring them. But others argue that this will hurt children by compelling them to look for employment where conditions are even worse.

HUMAN RIGHTS: GENDER AND MINORITY RIGHTS

The conditions of minorities and women are major international issues. In much of the world today, ethnic, linguistic, or religious minorities are the least powerful groups in society. As a result,

QUESTIONS FOR NEGOTIATIONS

Gender and Minority Rights

Guiding Question

1. How can the international community protect the rights of women and minorities?

Related Questions

2. What does it take for a country with lots of different ethnicities to live together in peace?
3. How should states respond if their minorities demand self-determination? What role should state sovereignty play in such situations?
4. Under what circumstances, if any, would international intervention be justified or necessary in response to violations of minority rights within countries?
5. What is needed for women to fully benefit from their human rights world wide?
6. How can the international community improve the respect for women's rights?
7. What can be done to make countries accountable for the way they treat their female populations?

members of minority groups are usually poorer, and more likely to be discriminated against, than the rest of the population. In addition, tension between different ethnic and religious groups within countries is becoming a major source of violent conflict and human rights abuse. This trend can be seen across the globe.

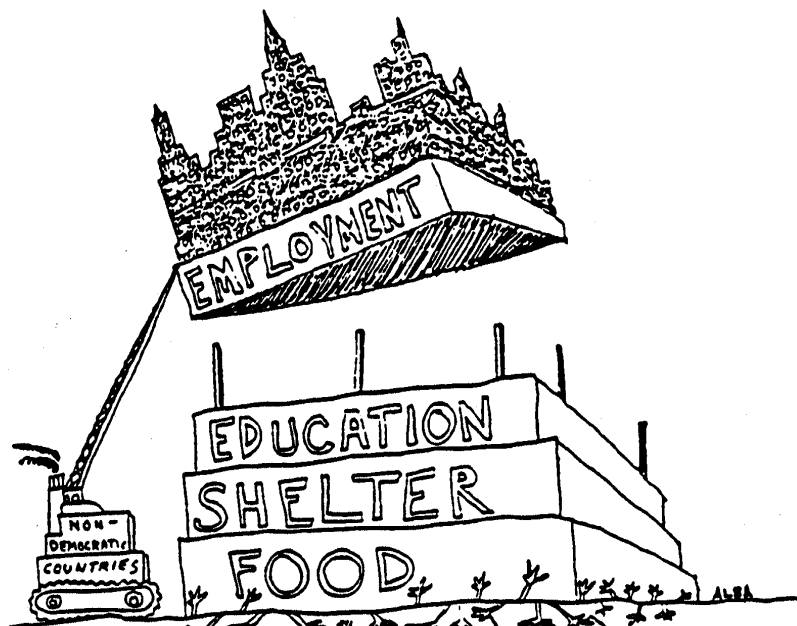
The low status of women in many countries stems from deeply rooted historical practices, customs, and attitudes. Studies have shown that the advancement of women within a society is a key indicator of progress and economic development. But in too many countries, women suffer from unequal access to resources and opportunities for education and employment; they are a clear majority of the poor, the unemployed, and the illiterate. And unfortunately, violence against women is a problem in virtually every country in the world.

Human Rights

A large part of the effort to improve women's conditions is directed at simply creating awareness of the problems that women face worldwide. NGOs have been in the forefront of that effort. They have been successful enough that many countries in the world now have programs to improve the status of women. Over the last 25 years, progress has been made in the areas of education and health care. Still, much work remains before women enjoy equal status with men. Some of the major international agreements dealing with women's human rights issues include the *Declaration on the Elimination of Violence Against Women* and the *Convention on the Elimination of Discrimination Against Women*.

The issue of minority relations arises because most of the world's countries are made up of many different groups who have to find a way to live together. Because international law gives nations the freedom to determine how people are treated within their own borders, less powerful groups within nations are often vulnerable to discrimination.

When governments do not take steps to ensure that minority groups are fully integrated into society, these groups often seek greater autonomy to determine their own affairs. This quest for autonomy can be an important source of conflict. Lacking power within their own borders, minority groups often use international law to legitimize their claims.



International law offers protection for the rights of minorities through such documents as the *International Convention on the Elimination of All Forms of Racial Discrimination* and the *United Nations' Covenant on Civil and Political Rights* (Article 27).

ESSENTIAL BACKGROUND KNOWLEDGE

The contemporary world is organized into states, or countries, which are politically organized, sovereign bodies of people, living in a definite territory. The world is also made up of many different cultures. Most countries are made of groups of people who have different ethnicity's, languages and religious beliefs. When the population of a group is smaller than the population of the rest of the country, that smaller group is called a minority. Conversely, a majority group would be one whose numbers are larger than the rest of the population. Culture is a big factor in defining relations between groups. It is also important in defining relations within groups. For example, culture defines the relations between men and women and between people of different socioeconomic status or class.

People of different groups living within the same country have to find a way to live together. The idea of power, which is the possession of control, authority, or influence over others, is very important for understanding how relations between and within groups are conducted. Since by definition minority groups have a smaller population in most countries, majority groups usually have more power and control the government. There are cases where minority populations are in control of the government, too; South Africa under apartheid is an example. And in most countries, differences in power also define relations within groups. International human rights standards are important to ensure fair treatment for groups that are less powerful, and who are in danger of having their rights denied.

Minority Rights

The Foundation in International Law

International law recognizes the sovereignty of states. This gives countries the freedom to make their own laws and to decide what will happen to people who live within their borders. However, international law also recognizes the right to self-determination of the people within a given territory. Self-determination means that a group of people has the right to determine its own political status. Furthermore, international human rights law contains specific provisions for the rights of minorities, as given by Article 27 of the UN's *Covenant on Civil and Political Rights*:

“In those states where ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

International law also includes the principle of nondiscrimination as an important part of the treatment of minorities. The principle of nondiscrimination has also become important for relations within groups.

For example, in some countries, there are class systems where certain groups of people are considered untouchables. Untouchables are usually from the same ethnic group as the community they live in. However, they are at the bottom of the socioeconomic ladder and frequently the victims of discrimination. Although they are not a racial or ethnic minority, their rights to protection from discrimination are considered to be covered by the UN's *International Convention on the Elimination of All Forms of Racial Discrimination*.

The key issues under international law are what rights states have, what rights groups within states have, and how to draw a line between them if a distinction needs to be made. One thing that is still not clear in international law is whether the rights of groups within states to self-determination are equal to the sovereignty rights of states. Sovereignty means that states have supreme power to make their own laws as they see fit and cannot be told what to do by the outside world. This is an important issue because it is often a source of tension within states. Minority groups often want more freedom to rule themselves while states want to keep the power to rule with the central government.

Various State Policies Dealing with Minorities

Countries that have multicultural populations are faced with a challenge of how to create a shared sense of identity that can bring all their different people together as one nation. In countries that have existed for many centuries, a common sense of history may have helped to develop a shared sense of national identity among different groups. In other countries, especially countries that are former colonies of European powers, or countries that came into existence only in the 20th century, developing a sense of national identity can be difficult. A major reason why national identity and the unity of many countries are still difficult is due to the treatment of minority groups. Governments can take one of two approaches to the question of how to deal with their minority populations. They can either adopt policies that are inclusive or exclusive.

Inclusive policies are based on the idea that the best way to keep a country together is to ensure that all its different groups have access to economic opportunities and are able to participate fully in the political processes of the country. Inclusive policies are often described by the governments that adopt them as attempts at nation building. Such policies attempt to peacefully integrate racial minorities and immigrants into the mainstream. They aim to form partnerships between different groups and to reconcile them whenever tension arises. An example of an inclusive policy that is frequently used in developing countries is a government of national unity, where the members of a government are drawn from all of the country's different groups.

Exclusive policies are based on favoring one group to the detriment of others. Governments that adopt exclusive policies aim to separate different groups from each other and preserve the economic and political advantages for the preferred group. Exclusive policies include policies of discrimination, segregation, or apartheid. In their most harmful form, these types of policies aim to remove or eliminate members of the minority group from the general population. Policies like these include government sponsored violence against minorities, the dispersal or deportation of minority populations, ethnic cleansing of whole territories, and, perhaps worst of all, genocide, the killing of whole populations. Genocide against minorities is sometimes called ethnic cleansing.

Human Rights

Policies like these violate the rights of those minorities based on international law.

International Responses to the Violation of Minority Rights

Policies towards minorities that are based on discrimination or violence not only violate human rights, but they can also lead to other problems like secession, civil war and the break-up of countries. The international community, which is made up of all the world's countries, has to respond when presented with a country violating the rights of its minority population. But what is the best way to respond when the problem applies to a country that has sovereignty over its own internal affairs?

Depending on the severity of the problem, countries have four ways that they can respond when they see human rights violations against minority populations within another country: 1) they can use diplomacy to try and negotiate a settlement to the problem; 2) they can use sanctions, breaking off economic, military, or political ties with the country whose policies they are trying to change; 3) countries can decide to intervene with military force to stop abuses from taking place; or 4) they can ignore the violation and do nothing, denying that they have the right or the ability to change the circumstances in the country where the violation is occurring. Intervening with military force is an option countries are very reluctant to use in solving international problems, in part because they are never

sure that a military solution will work, and in part because they fear conflict between their countries or loss of life by their own military forces. However, sometimes, as in Bosnia and Kosovo, military intervention may be the only way to stop horrendous acts of violence like genocide or ethnic cleansing from occurring.

Women's Human Rights

The full integration and empowerment of women in society remains a major task worldwide. International law clearly provides for women's human rights, but women's rights have not been fully realized, and violations of women's rights are still largely unrecognized in many parts of the world.

Women's Rights in International Law

There are several basic international agreements that deal with the human rights of women. The Declaration on the Elimination of Violence Against Women is aimed at eliminating various forms of physical abuse that women suffer worldwide. *The Convention on the Elimination of Discrimination Against Women* prohibits any distinctions based on sex that deny women of their human rights. The *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* establishes the principle that no woman should be forced into marriage against her will. The *Convention on the Political Rights of*

SUGGESTED WEBSITES

UN's Women Watch

<http://www.un.org/womenwatch/>

Minority Rights Group

<http://www.minorityrights.org/>

International Minorities at Risk Project

<http://www.cidcm.umd.edu/inscr/mar/>

U.S. State Department Page on International Women's Issues
Human Rights Watch: Women's Human Rights

<http://www.state.gov/g/wi/>

Bora Laskin Law Library, University of Toronto:
Women's Human Rights Resources

<http://www.law-lib.utoronto.ca/Diana/>

Minority Rights Policy Papers

<http://www.geocities.com/Athens/Delphi/6509/index.html>

Human Rights Watch: Women's Human Rights

<http://www.hrw.org/wr2k2/women.html>

Women requires member states to allow women to vote and hold public office on equal terms with men. The ILO *Equal Remuneration Convention* establishes the idea of equal pay for women. And the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* calls for punishment for people who try to sell others into prostitution. However, despite the presence of these international agreements, women's rights continue to be violated worldwide.

Continuing Violations of Women's Human Rights

Around the world, women continue to experience violence in their lives, and its continuation denies them their human rights. It is a widely unreported or unrecognized problem in part because it is not considered a major social, economic or political concern in most countries. Violence against women is committed in an alarming number of ways, and it occurs in developed and developing countries alike. There are forms of domestic violence such as spousal abuse. There are also traditional practices that are harmful to young girls and women like female genital mutilation, neglect of female children, the killing of female infants due to the preference for a son, and forced marriage. These types of violence are often overlooked because they are viewed as private, family matters. There are also forms of violence in the community like rape, sexual

harassment, forced prostitution, and violence against female migrant workers. Lastly, there are forms of state sanctioned or condoned violence such as using rape as a weapon of war or as part of a policy of ethnic cleansing.

Besides acts of violence against women, discrimination against women continues throughout much of the world. Women are usually poorer than men and do not enjoy the same access to education or employment. In some countries, women still do not have the right to vote. And in others, they are frequently denied the right to own land or to inherit anything from their parents.

International Efforts at Promoting Women's Rights

Recent progress in protecting women's rights has resulted from increased awareness of the problem's scope. Leading the effort to increase awareness have been NGOs and international organizations committed to women's human rights. Their efforts have led many of today's governments to adopt policies to try and improve the situation of women in their countries. Also, the governments of many countries, like the US and Western European countries, have made the promotion of human rights, including women's rights, an important part of their foreign policy agenda.