

CHAPTER 5

Human Rights and Vulnerable Groups

The initial documents outlining human rights principles do not single out any particular group for special treatment. The Universal Declaration of Human Rights and international covenants on political and economic rights generally do not contain provisions that favor a particular group. Certainly those documents prohibit discrimination on the basis of gender, age, national origin, property, and other classifications. The documents also promote families, motherhood, and children. However, nothing within those documents details special human rights treatment for any particular group. After all, considering the universal nature of human rights, why should a particular group be given additional attention? Would not this defeat the purpose of viewing human rights as something for everyone, and not restricted to a special group?

Within the United States, laws exist to protect women, children, and the elderly; persons with disabilities; cultural, ethnic, and religious minorities; and others against discrimination. In some states, agencies in charge of investigating discrimination have titles that include the term “human rights” (e.g., in Illinois there is a Department of Human Rights). Without considering the competency of those agencies in determining discrimination, the notion that human rights refers only to discrimination is misleading. Human rights cover a vast range of human needs essential for a meaningful existence. Why focus on human rights as something that resembles a crutch for those more susceptible to negative treatment? Unfortunately, this use of human rights in a purely discriminatory context does little to explain the true meaning of human rights. Instead, human rights may even take on an unintended derogatory meaning when viewed only in the context of discrimination.

Yet, despite the importance of viewing human rights within a universal context and not simply as something for the disadvantaged, instances arise when particular groups often require more attention to ensure human rights of those groups. This does not mean that these groups are being elevated above others. The term

vulnerable refers to the harsh reality that these groups are more likely to encounter discrimination or other human rights violations than others.

What Is a Vulnerable Group?

In a human rights sense, certain population groups often encounter discriminatory treatment or need special attention to avoid potential exploitation. These populations make up what can be referred to as vulnerable groups. For example, consider the following:

In the United States, only 6 percent of board seats within public companies are held by minorities, with only 13.6 percent held by women (“Who Is Running the Show?” 2004);

Child abuse by parents and others is a major problem throughout much of the world, with special departments having been created to investigate complaints of child abuse (United Nations, 1989);

Within the United States, African Americans continue to experience subtle, if not overt, discrimination in the form of inadequate educational facilities, lower incomes than others, disproportionate number of males in prison, and so on;

Elderly persons frequently find themselves victims of scams and other schemes that cost them dearly financially and otherwise (United Nations, 1999);

Ethnic cleansing or even genocide continues to occur in some parts of the world, with milder forms of discrimination on the basis of national or ethnic origin occurring elsewhere;

Persons with disabilities often have no recourse to decent employment or adequate treatment; and

HIV-AIDS afflicts large numbers of populations in many countries (United Nations, 2004).

Circumstances in which a particular group encounters obstacles or impediments to the enjoyment of human rights could continue indefinitely. The idea that all things are equal within the application or distribution of human rights remains idealistic and outright naïve. For these reasons, human rights advocates have emphasized the significance of vulnerable groups and the need to pay special attention to the human rights of those groups. When people are in unequal situations, treating them in the same manner invariably perpetuates, rather than eradicates, injustices (van Wormer, 2001).

Women as a Vulnerable Group

In societies around the world, female status generally is viewed as inferior and subordinate to male status (Bunch, 1991). Societies have modeled their gender-role expectations on these assumptions of the “natural order” of humankind. Historic

social structures reflect a subordination of females to males. This subordination occurs within

the organization and conduct of warfare,
the hierarchical ordering of influential religious institutions,
attribution of political power,
authority of the judiciary, and
influences that shape the content of the law (Bunch, 1991).

The historic subordination, silencing, and imposed inferiority of women are not simply features of society but a condition of society (Cook, 1995). Legal precepts traditionally exclude women from centers of male-gendered power, including legislatures, military institutions, religious orders, universities, medicine, and law.

Women's Rights Are Human Rights

Soon after the adoption of the Universal Declaration of Human Rights in 1948, criticism of its language arose. The declaration refers to "man" and uses the pronoun "he" when discussing individuals. While drafters of the declaration did not appear to intentionally exclude women from human rights, central concerns about the male focus have persisted (Morsink, 1999). Subsequent human rights documents did little to correct the male orientation of human rights until 1980, when delegates from the United Nations endorsed the Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1980). Since then, the concept that human rights are for women, as well as men, has gained significant momentum, if not always put into practice.

Convention on the Elimination of All Forms of Discrimination Against Women

The most prominent human rights document concerning the human rights of women is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This convention became effective in September 1981, and at least 170 countries have approved the convention. The United States is one of the few countries that has not ratified the convention.

Provisions of CEDAW

The focus of CEDAW is elevating the status of women to that of men in the area of human rights. Countries that agree to follow human rights principles contained in CEDAW recognize that the "full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women on equal terms with men in all fields" (United Nations, 1981, preamble). Adherents to CEDAW note "the great contribution of women to the welfare of the family and to the development of society," which so far is not fully recognized.

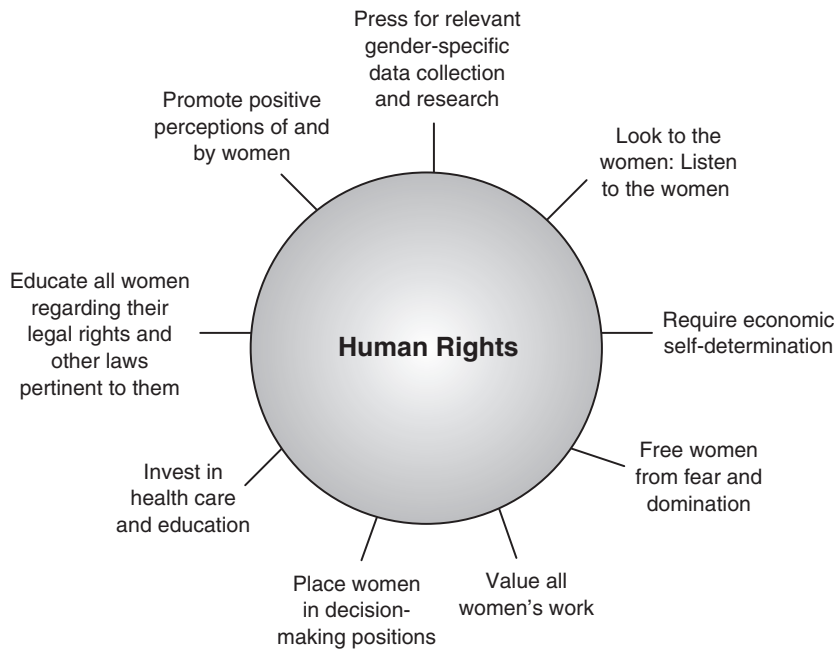


Figure 5.1 Women and Human Rights

Source: Adapted from Wood Wetzel, J. (1996). On the road to Beijing: The evolution of the international women's movement. *Affilia: Journal of Women and Social Work*, 11(22), 221–236.

States “are aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole.” Countries party to CEDAW agree to adopt measures required for elimination of gender discrimination in all its “forms and manifestations.”

How does CEDAW define gender discrimination?

Any distinction, exclusion, or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field (Article 1, para. xx).

The definition of gender discrimination contained in CEDAW appears to include more instances of possible discrimination than what U.S. laws interpret as discrimination. By stating that any distinction, exclusion, or restriction has the “effect” as well as “purpose” of discriminating, CEDAW includes unintentional as well as intentional discrimination. Courts in the United States generally have not gone so far in defining discrimination. Some actions having the effect of gender discrimination may be allowable if a legitimate reason exists for the discriminatory treatment.

Other important provisions of CEDAW include

equality of genders within political and public life, including equality in voting (Part II);

equality of men and women in the fields of education, employment, health care, and economic benefits (Part III); and

equality between men and women in civil matters, including the right to conclude contracts and administer property (Part IV).

The underlying purpose of CEDAW is to ensure that women's human rights receive the same attention as those of men. Of course, some may object to special treatment of women as a vulnerable group. The underlying concept of human rights aims to avoid favoring one group over another. However, when one group appears disadvantaged or discriminated against in respect to other groups, human rights principles suggest that assistance be provided to the vulnerable group. To simply say that women enjoy the same human rights as men does not make it so. Consequently, the human rights of women receive additional consideration within a human rights context.

Why no CEDAW in the United States?

Most countries in the world have approved CEDAW and agree to follow provisions contained in the convention. Not the United States, however. Why? Part of the U.S. resistance to approving CEDAW lies within the legal framework for adopting or ratifying international treaties or conventions. In 1980, President Carter signed CEDAW and submitted it for consideration by the U.S. Senate later that year. Ten years later, in 1990, the Senate had only begun to hold hearings on CEDAW. Another ten years passed without action on CEDAW. On International Women's Day in 2000, Jesse Helms (R-NC), the U.S. senator responsible for conducting hearings on CEDAW, vowed never to allow the Senate to vote on CEDAW. Instead, he promised to leave the treaty in the "dustbin" for several more "decades" (Human Rights Watch, 2000, p. 457). Helms even went so far as introducing a Senate resolution rejecting CEDAW (p. 457).

While not all U.S. senators reacted as negatively as Helms to CEDAW, certainly the predominantly white male composition of the Senate plays a role in attitudes toward CEDAW. Even if the Senate were to approve CEDAW, that body has placed four reservations or exceptions to the convention. The United States would not be obligated to

1. assign women to all units of the military;
2. mandate paid maternity leave;
3. legislate equality in the private sector; and
4. ensure comparable worth, or equal pay, for work of equal value.

The politics of human rights often determines the outcome of whether a particular human right has importance or gathers dust, to paraphrase Senator Helms. The Convention on the Elimination of All Forms of Discrimination Against Women provides an example of how human rights policies within the United States often have little to do with the underlying human rights.

Connection of Women's Rights to the Social Work Profession

A primary mission of the social work profession is to advocate and work on behalf of vulnerable populations. In regard to women, a human rights perspective helps to illuminate the complicated relationship between gender and other aspects of identity such as race, class, religion, age, sexual orientation, disability, culture, and refugee or migrant status (Reichert, 2003). For example, viewing domestic violence against women as a human rights violation cuts through layers of resistance to recognizing that domestic violence has no place anywhere in the world. Culture, religion, class—nothing justifies domestic violence within a human rights context. States and individuals are responsible for this abuse whether committed in public or private.

Women's rights are human rights. By promoting human rights for women, the social work profession can work toward the fulfillment of its primary mission to assist vulnerable populations.

Children as a Vulnerable Group

Perhaps even more than women, children occupy a special role within human rights protections. Children need special protection because of their fragile state of development. Children are readily susceptible to abuse and neglect and often do not have means to defend themselves against these wrongs. In its Convention on the Rights of the Child, the United Nations states that the "child, by reason of his physical and mental maturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth" (United Nations, 1989).

Most, if not all, countries have little difficulty recognizing the vulnerability of children in respect to human rights and other abuses. Throughout the United States, agencies exist with the specific goal of protecting children from abuse and neglect. States have established juvenile courts to hear allegations of abuse and neglect by adults and criminal acts by juveniles. These courts have a primary goal of assisting parents and children and, at least in theory, are not as adversarial as other court proceedings.

Convention on the Rights of the Child

Recognizing that children need special protection, the United Nations adopted the Convention on the Rights of the Child in 1989. This convention specifies basic

rights that every child should enjoy. To date, almost every member country of the United Nations has approved this convention—the United States is the exception. President Clinton signed the convention in 1993, but, as with other conventions, the U.S. Senate has failed to approve the convention.

Who Is a Child?

Under the convention, a child “means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier” (Article 1). This definition of *child* allows states to define a child as having reached adulthood before the age of 18 years if, in a particular instance, the law allows this earlier age of adulthood. In the United States, children are sometimes treated as adults before the age of 18 in the prosecution of serious felony cases.

What Rights Does a Child Have Under the Convention?

The following list summarizes important rights contained in the Convention on the Rights of the Child:

States may not discriminate against a child on the basis of “race, color, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth, or other social status” (Article 2, para. 1).

In all actions concerning children, the best interests of the child shall be a primary consideration (Article 3, para. 1). The convention does not expressly define the term “best interest,” but leaves the matter open to individual countries. However, states are expected to follow established human rights principles in matters relating to children.

Parents and guardians have primary responsibility for the upbringing of their children but are expected to carry out those responsibilities in a manner consistent with the evolving capacities of the child (Article 5).

A child has the right to a name, nationality, and, as far as possible, to know and be cared for by his or her parents (Article 7, para. 1).

A child has the right to maintain contact with both parents unless that contact is contrary to the child’s best interest (Article 10, para. 2).

A child capable of forming his or her own views has the right to express those views with due weight given to the age and maturity of the child (Article 12, para. 1).

A child has the right to “freedom of expression,” including the freedom to “seek, receive, and impart information and ideas of all kinds” (Article 13, para. 1). However, a state may restrict this right to protect the reputations of others and the national security, public order, public health, or morals (para. 2).

A child has the right to be free from arbitrary or unlawful interference with his or her privacy, family home, or correspondence (Article 16).

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A child has the right to adequate health care (Article 24); treatment for mental health (Article 25); social security (Article 26); adequate standard of living, including nutrition, clothing, and housing (Article 27); and primary education (Article 28).

Education of a child shall include development of the child's personality, talents, and mental and physical abilities to their fullest potential (Article 29, para. 1[a]); respect for human rights (1[b]); development of respect for the child's parents, his or her own cultural identity, language, and values, and his or her own country and other civilizations (1[c]); preparation of the child for responsible life in a free society (1[d]); and development of respect for the natural environment (1[e]).

A child has the right to rest and leisure, recreation, and participation in cultural and artistic life (Article 31).

States must protect the child from hazardous work (Article 32), improper drug use (Article 33), sexual exploitation and abuse (Article 34), and abduction and sale of children (Article 35).

No child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment (Article 37[a]).

Neither capital punishment nor life imprisonment without possibility of release shall be imposed for an offense committed by persons younger than 18 years of age (Article 37[a]).

States shall use all feasible measures to prevent children under the age of 15 from participating in hostilities (Article 38, para. 2).

States shall take measures to protect children who are affected by armed conflict (Article 38, para. 4).

A child has the right to be treated with dignity and worth during criminal proceedings against the child (Article 40, para. 1).

The range of rights contained in the convention is broad and far reaching. While almost every country has adopted the convention, respect for all these rights obviously raises issues. Where are the resources to provide every child with adequate health care, including mental health treatment, social security, and an adequate standard of living? Some countries would have difficulties with these rights of the child. Also, does the convention give too much freedom to a child? Under the convention, does a child have the right to tell his or her parents to get lost if he or she gets angry? This interpretation of the convention seems too loose.

Why doesn't the United States adopt the convention, when almost every other country has? Clearly, provisions requiring adequate health care and standard of living run afoul of U.S. policies, as do the restrictions on juvenile executions. Essentially, the failure of the U.S. Senate to adopt the convention illustrates (once again) the reluctance of the Senate to adopt laws that would require a rethinking of the status quo. In the meantime, the United States distances itself ever further from other countries in the area of children and human rights.

Victims of Racism as a Vulnerable Group

No violation of human dignity ranks as destructive as that of racism, which can manifest itself from discrimination at the workplace to outright genocide. In 1978, the United Nations, through its branch known as the UN Educational, Scientific and Cultural Organization (UNESCO), addressed the problems associated with racism:

All human groups, whatever their composition or ethnic origin, contribute according to their own genius to the progress of the civilizations and cultures. However, racism, racial discrimination, colonialism, and apartheid continue to afflict the world in ever-changing forms, a result of government and administrative practices contrary to the principles of human rights. Injustice and contempt for human beings leads to the exclusion, humiliation, and exploitation, or to the forced assimilation, of the members of disadvantaged groups. (United Nations, 1978, preamble).

Specific provisions to fight racism include recognition of the following:

All human beings belong to a single species and are descended from a common stock. They are born equal in dignity and rights and all form an integral part of humanity (United Nations, 1978, Article 1, para. 1).

All individuals and groups have the right to be different, to consider themselves as different, and to be regarded as such. However, the diversity of lifestyles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify any discriminatory practice, nor provide a ground for the policy of apartheid, which is the extreme form of racism (para. 2).

Differences between achievements of the different peoples are entirely attributable to geographical, historical, political, economic, social, and cultural factors. Such differences can in no case serve as a pretext for any rank-ordered classifications of nations or peoples (para. 5).

The purpose of these provisions is to make the point that no race or group may elevate itself over another. Yet, from birth many people are taught to compare themselves to others from different ethnic groups and countries, with a hidden or even open agenda of highlighting superior traits. This type of education ensures the continuation of discrimination against other people on the basis of being racially different.

The United States: Greatest Country in the World!

Almost from their day of birth, U.S. citizens hear about the greatness of the United States. Politicians and citizens are constantly saying that the United

States is the greatest country on Earth. The implication is that, because Americans are citizens of the United States, they are the greatest people. Considering the UNESCO declaration on race and racial prejudice, should U.S. politicians really go around bragging about the superiority of the United States and, by extension, U.S. citizens? Probably not.

When Americans claim that the United States is the greatest country on Earth, other countries obviously take offense to this claim. Not only does the ranking of the United States as superior simply antagonize others, it does not follow the spirit of the UNESCO declaration.

Even before the 1978 UNESCO declaration, the United Nations had presented a Convention on the Elimination of All Forms of Racial Discrimination (United Nations, 1966a). This convention contains provisions similar to those in the 1978 declaration.

Persons With Disabilities as a Vulnerable Group

Another group receiving special protection within a human rights context is that of persons with disabilities, including mental illness. In 1975, the United Nations adopted a declaration on the rights of persons with disabilities (United Nations, 1975). The declaration defines a person with a disability as

any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities (para 1).

Persons with disabilities are entitled to

measures designed to enable them to become as self-reliant as possible (para. 5);

medical, psychological, and functional treatment, including prosthetic and orthotic appliances (para. 6);

medical and social rehabilitations, education, vocational training and rehabilitation, counseling, placement services, and other services to assist in social integration (para. 6);

economic and social security and a decent level of living. People with disabilities have the right to secure and retain employment or to engage in a useful, productive, and remunerative occupation and to join trade unions (para. 7);

live with their families and to participate in all social, creative, or recreational activities (para. 9);

protection against exploitation and treatment of a discriminatory, abusive, or degrading nature (para. 10).

In addition to the previously listed human rights principles, in 1991, the United Nations adopted a document listing principles for persons with mental illnesses, which states that mental health care shall be part of the health and social care system (United Nations, 1991). Persons with mental illness shall also receive protection from discrimination and other exploitation (paras. 3 and 4).

As with many human rights documents, the circumstances proposed in the declaration on persons with disabilities resemble an idealistic situation. In many countries, resources simply would not be available to provide all the services required to satisfy the listed human rights. However, in other countries, the powers that be may decide not to allocate sufficient funds for persons with disabilities. Human rights policies can easily fall victim to politics and power structures that social workers inevitably find frustrating.

Persons With HIV-AIDS as a Vulnerable Group

The current prevalence of persons with HIV-AIDS has become a major concern the world over (United Nations, 2004). This disease afflicts all parts of the world, with particular severity in sub-Saharan Africa and regions of Asia. Persons with HIV-AIDS often encounter discrimination, especially because of the association with homophobia and prostitutes.

In 2001, the United Nations adopted a resolution to combat AIDS (Swarns, 2001). The resolution specified goals to be met by various timelines. By 2003, countries proposed to

- develop national strategies and financing plans that confront stigma, silence, and denial and eliminate discrimination against people living with HIV-AIDS; and

- develop programs to prevent HIV-AIDS and to treat those afflicted with the disease.

By the year 2005, countries proposed to

- institute a wide range of prevention programs, aimed at encouraging responsible sexual behavior, including abstinence and fidelity, and expanded access to male and female condoms and sterile injecting equipment;

- develop strategies to provide access to affordable medicines to treat the disease; reach a target of annual expenditures of between \$7 billion and \$10 billion in low- and middle-income countries for care, treatment, and support for those with the disease (Neuffer, 2001, p. B8).

Despite the proposed goals to be met by 2005, "rates of [HIV/AIDS] infection are still on the rise in many countries in Sub-Saharan Africa. Indeed, in 2003 alone, an estimated 3 million people in the region become newly infected. Most alarmingly, new epidemics appear to be advancing unchecked in other regions, notably Eastern Europe and Asia" (United Nations, 2004, p. 8). Clearly, to ignore the extraordinarily wide reach of the HIV problem would be disastrous.

Older Persons as a Vulnerable Group

Persons aged 60 and older often find themselves in circumstances that render them less active within society. At this time of their lives, many people begin to think about withdrawing from employment and retiring. Income levels may drop off at retirement time and, in many countries, the elderly often become dependent on children or other relatives. Attention to the needs and care of the elderly can easily subsidize, as their presence becomes diminished within the mainstream of society. In addition, older persons may lose mental and physical capabilities, leaving them vulnerable to financial, physical, and other types of exploitation.

In 1999, the United Nations issued a document known as Principles for the Older Person (United Nations, 1999). The document emphasized that “priority attention” should be given to the “situation of older persons” and referred specifically to five areas:

Independence—Older persons should have access to adequate food, water, shelter, clothing, and health care through the provision of income, family and community support, and self-help. Older persons should have the opportunity to work and to participate in determining when to retire. Older persons should be able to reside at home for as long as possible.

Participation—Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being, and share their knowledge and skills with younger generations. Older persons should be able to serve as volunteers in positions appropriate to their interests and capabilities and to form associations.

Care—Older persons should benefit from family and community care and have access to adequate and appropriate health care. Older persons should have access to social and legal services to enhance their autonomy, protection, and care.

Self-fulfillment—Older persons should be able to pursue opportunities for the full development of their potential. Older persons should have access to the educational, cultural, spiritual, and recreational resources of society.

Dignity—Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse (United Nations, 1999).

As the population of the world continues to age, voices of the elderly will become ever louder in respect to human rights. Because the vulnerability of old age afflicts every society, recognition of human rights concerning the elderly may be the easiest to accomplish.

Gays and Lesbians as a Vulnerable Group

The United Nations has yet to issue any human rights documents recognizing gays and lesbians as a vulnerable group. Because the United Nations includes many

countries that discriminate against gays and lesbians for religious or cultural reasons, finding harmony on this issue has been elusive. Countries may claim that homosexuality is against religion and culture and therefore not entitled to protection under any human rights theory.

Certainly, however, the Universal Declaration of Human Rights contradicts discrimination against gays and lesbians. After all, a major premise of that declaration states: "All people are born free and equal in dignity and rights" (United Nations, 1948). Unfortunately, many countries fail to attribute this premise to gays and lesbians. This issue will undoubtedly be a major concern of human rights advocates in future years.

Conclusion

Some human rights advocates and critics dislike the separation of particular groups for special treatment. This violates the notion that because human rights apply to everyone, no individual or group merits special attention. In theory, that makes sense. In reality, however, without providing additional protection to certain groups, it becomes too easy to discriminate or otherwise exploit those groups. For that reason, human rights principles have created the concept of vulnerable groups.

Exercises

Exercise 1: Examining the Concept of "Vulnerable" Groups

The purpose of this exercise is to examine the concept of vulnerable groups and question the need for such a category within a human rights context. You can do this exercise alone or in a group.

1. List your own definition of the word *vulnerable*. Use a dictionary or similar resource tool to create your definition. Relate that definition to an individual or group. For instance, a dictionary might define *vulnerable* as open to attack or damage. Therefore, if someone is vulnerable, he or she is open to attack or damage.
2. What is your reaction to this definition? How do you feel towards the concept of vulnerable groups or individuals? Do you support the idea of vulnerable individuals or groups within the broader society? Why or why not?
3. Do you feel that you belong to a vulnerable group? Why or why not? If you do feel that you are part of a vulnerable group, do you feel any solidarity with that group? What are your thoughts about the group? Do you wish that you were not part of that group?
4. Do you feel that a vulnerable individual or group should receive special treatment? Why or why not? If you feel that special treatment is acceptable, what type of special treatment would you grant the vulnerable individual or group?
5. Based on the vulnerable groups discussed in this chapter, are there any groups that you feel should not be considered vulnerable? Explain your reasons.

Exercise 2: Women's Rights Are Human Rights

The purpose of this exercise is to examine the statement "Women's rights are human rights" and critically analyze claims that women are not treated equally to men.

1. Discuss the meaning of the sentence "Women's rights are human rights." What do you feel this statement means? Do you believe that women are treated less equally than men? Is there any question that women's rights do not receive the same status as human rights? What rights are meant by this statement?
2. List at least five different situations in which you feel the status or circumstances of women differ from that of men within the broader society. (For instance, most nurses in hospitals are women; women occupy most clerical roles in offices; women tend to be the primary caregivers of young children.) Do these situations necessarily mean that women are discriminated against? Do some of the situations simply reflect the way things are: men are men and women are women?
3. From the list you created, select situations where you definitely believe discrimination against women is the cause of the situation. How would you remedy the situation? What measures would you take to change the situation? Would you pass a law to remedy the situation?
4. Take the position that laws are necessary to protect women from discrimination. How would you write those laws? Would you write a generic law that attempts to cover every possible instance of discrimination? Or would you write laws that deal with specific situations of discrimination?
5. Write a general law against gender discrimination of any type, including discrimination against men.
6. Write specific laws against gender discrimination that you noted in number 3 of this exercise.
7. Do you feel that laws are effective in resolving gender discrimination issues? What other remedies or tools might be as effective as laws in dealing with discrimination?

Exercise 3: Women and HIV-AIDS

The purpose of this exercise is to analyze recent statistics indicating that women are increasingly becoming the majority of HIV-infected people around the world.

1. Consider the following headline from the *Economist*, a weekly newsmagazine: "Women will soon be a majority of those infected with HIV. Male chauvinism is largely to blame" ("New Face of AIDS," 2004, p. 82). Without actually reading the article, what reaction do you have to the headline? Are you curious as to why "male chauvinism" might be the major cause of women becoming the majority of HIV victims? What reasons could you think of that would prompt such a headline?
2. The article in the *Economist* was based on a report by the United Nations (2004). Here are some details within that report:

- a. The women's rights movement and the AIDS movement must come together if the world is to win the fight against HIV.
 - b. Women and girls in all parts of the world are increasingly becoming infected by HIV, especially in less economically developed regions. However, while economic status may play a role in resources devoted to preventing and treating infected persons, many factors determine the infection rate, with gender inequality being a major factor.
 - c. Current prevention strategy means little to the millions who lack the power to say no to sex or to insist on condom use.
 - d. The inequality that women face—from poverty and stunted education to rape and denial of women's inheritance and property rights—is a major obstacle to victory over the virus.
3. After examining the details of the report, do you feel that HIV affects you in your environment? Is HIV now something that is more a "poor man's or woman's" disease? Do you feel that discrimination against women is a major cause of the HIV problem? List aspects of this discrimination.
 4. What measures would you take to assist women in preventing infection of HIV? Consider existing power structures in your answer.

Exercise 4: Women and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The purpose of this exercise is to familiarize you with provisions of CEDAW.

1. Do you feel that the United States should approve CEDAW and follow its provisions? Do you believe that the four "reservations" stated by the U.S. Senate in respect to CEDAW are reasonable?
2. Analyze the following statement: "The United States has its own laws against discrimination and does not need another set of laws such as those contained in CEDAW."
3. On a sheet of paper, write the following:

Convention on the Elimination of All Forms of Discrimination Against Women Advantages	Disadvantages
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4. Using the format in number 3, list all the advantages and disadvantages of CEDAW you can think of. Have you listed more advantages than disadvantages, or is it the other way around? If you have listed more advantages, what are the reasons? If disadvantages, why? What do you feel would be the most important advantage of CEDAW? The most important disadvantage? On what facts or statistics do you base these views?
5. Do you believe there would be any benefit to the social work profession if the United States approved CEDAW? Do you feel that much would change, or would situations stay the same?

Exercise 5: The Child and Human Rights

The purpose of this exercise is to link human rights to children. As with many of the exercises in this book, you may do the exercise alone or in a group.

Respond to the following questions:

- a. What are human rights?
- b. How does having human rights affect family life?
- c. What are your feelings about children having rights?
- d. What do you know about the UN Convention on the Rights of the Child?
- e. What is a basic human right that your (or any) child has?
- f. What do you feel is your responsibility in maintaining rights for your (or other) child?
- g. Do you feel that your community is "child friendly," meaning it takes into consideration needs of children? For example, are there parks with playground equipment, swimming pools, and organized activities for children?
- h. Do you feel that the state and federal governments do enough for children? What about private organizations, such as churches?
- i. What would you do to improve the community environment for children? The state and national environment?

Exercise 6: Exploring the UN Convention on the Rights of the Child

The purpose of this exercise is to familiarize you with the UN Convention on the Rights of the Child. Keep in mind that the U.S. government has refused to accept some provisions in this convention and will not approve the convention, whereas almost every other country has.

Part I: Examining the Convention

Respond the best you can to the following questions about the Convention on the Rights of the Child. To answer these questions, you can refer to information provided in this chapter, the actual convention, and other outside resources. If you feel that the convention is not necessary (in your response to Exercise b) then list your reasons for this response.

- a. What is the Convention on the Rights of the Child?
- b. Why is a document describing children's rights necessary?
- c. How does the convention define a child?
- d. Will the convention replace the laws in a particular country?
- e. Who checks to see if countries are meeting the standards set by the convention?

- f. Does the convention take responsibility for children away from their parents and give more authority to governments?
- g. Article 12 of the convention says that children have the right to express their views in all matters affecting them. Does this mean that children can now tell their parents what to do?
- h. Will the convention affect the way that parents pass on religious and moral teachings to their children?
- i. Does the convention encourage respect for others along with children's rights?
- j. Can children still be expected to help their parents with chores?
- k. What does the convention say about the ways that parents discipline their children?
- l. Will the convention affect authority and discipline in schools?
- m. Doesn't the convention raise rights issues that children are too young to understand?

After writing your answers to these questions, discuss answers with others if you are doing the exercise in a group. Consider how your answers may differ from those of others.

Part II: Responses to Questions by UNICEF

Here are responses to the above questions provided by the United Nations (UNICEF, 2005). Compare their responses with yours.

- a. What is the Convention on the Rights of the Child?

The Convention on the Rights of the Child, adopted by the United Nations in 1989, spells out the basic human rights to which children everywhere are entitled: the right to survival; the right to the development of their full physical and mental potential; the right to protection from influences that are harmful to their development; and the right to participation in family, cultural, and social life.

The convention protects these rights by setting minimum standards that governments must meet in providing health care, education, and legal and social services to children in their countries.

The convention is the result of 10 years of consultations and negotiations between government officials, lawyers, health care professionals, social workers, educators, children's support groups, NGOs, and religious groups from around the world.

More countries have ratified the convention than any other human rights treaty in history—as of November 2005, 192 countries had ratified the convention (UNICEF, 2005).

- b. Why is a document describing children's rights necessary?

Although many nations have laws relating to children's welfare and rights, the reality is that too many nations do not live up to their own minimum standards

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in these areas. Children suffer from poverty, homelessness, abuse, neglect, preventable diseases, and unequal access to education and justice systems that do not recognize their special needs; children of minority groups are often particularly affected. These are problems that occur in both industrialized and developing countries.

The convention, and its acceptance by so many countries, has heightened recognition of the fundamental human dignity of all children and the urgency of ensuring their well-being and development. The convention makes clear the idea that a basic quality of life should be the rights of all children, rather than a privilege enjoyed by a few.

- c. How does the convention define a child?

The convention defines a child as a person under the age of 18, unless the laws of a particular country set the legal age for adulthood as younger than 18.

- d. Will the convention replace the laws in a particular country?

When countries ratify the convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health, and educational systems, as well as levels of funding for these services. Governments are then required to take all necessary steps to ensure that the minimum standards set by the convention in these areas are being met. In some instances, this may require changing existing laws or creating new ones. Legislative changes to satisfy the convention are not imposed from the outside, but come about through the same process by which any law is created or reformed within a country.

- e. Who checks to see if countries are meeting the standards set by the convention?

Countries that ratify the convention must report to a Committee on the Rights of the Child. A country must submit a report to the committee within two years after the country's ratification of the convention and every five years after the initial report. The committee examines how well governments are meeting provisions of the convention and does not monitor behavior of individual parents.

- f. Does the convention take responsibility for children away from their parents and give more authority to governments?

No. The convention upholds the primary importance of the parents' role and refers to it repeatedly. The convention says that governments must respect the responsibility of parents for providing appropriate guidance to their children, including guidance as to how children exercise their rights. Governments have an obligation to protect and assist families in fulfilling their essential role as nurturers of children.

- g. Article 12 of the convention says that children have the right to express their views in all matters affecting them. Does this mean that children can now tell their parents what to do?

No. The clear intent of this article is to encourage adults to listen to the opinions of children and involve them in decision making, not to give children authority over adults. This article does not interfere with parents' right and responsibility to express their views on matters affecting their children. The convention also recognizes that participation of children in decision making must occur in a manner that is appropriate to the child's level of maturity (e.g., opinions of teenagers would usually be given more weight than preschoolers).

- h. Will the convention affect the way that parents pass on religious and moral teachings to their children?

The convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition.

At the same time, the convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The convention supports children's rights to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

- i. Does the convention encourage respect for others along with children's rights?

Yes, the convention is explicit about the fact that young people have not only rights but also the responsibility to respect the rights of others, especially of their parents. It states that one of the aims of education should be the development of respect for the child's parents and their values and culture. Rather than creating conflict between the rights of parents and the rights of children, the convention encourages an atmosphere conducive to dialogue and mutual respect.

- j. Can children still be expected to help their parents with chores?

The convention protects children from economic exploitation and from work that is hazardous to their health or interferes with their education. It was never intended to regulate smaller details of home life, and there is nothing in the convention that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age.

At times, children's help can also be essential in the running of a family farm or business. However, if they involve their children in such work, parents must be aware of the laws that regulate child labor in their countries. If children help out in a family farm or business, the convention requires that the tasks they do be safe and suited to their level of development. Children's work should not jeopardize any of the other rights guaranteed by the convention, including the right to education or the right to rest, leisure, play, and recreation.

- k. What does the convention say about the ways that parents discipline their children?

The convention makes it clear that children shall be protected from all forms of mental or physical violence or maltreatment. Thus, any forms of discipline involving such violence are unacceptable. In most countries, laws are already in place that define what sorts of punishment are considered excessive or abusive. It is up to each country to review these laws in light of the convention.

The convention does not specify what discipline techniques parents should use, but it strongly supports parents in providing guidance and direction to their children. There are ways to discipline children that are nonviolent, are appropriate to the child's level of development, and take the best interests of the child into consideration. Such forms of discipline are effective in helping children learn about family and social expectations for their behavior.

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- l. Will the convention affect authority and discipline in schools?

The convention places a high value on education, devoting two articles to this issue. And common sense would indicate that schools must be run in an orderly way if children are to benefit from them. But order need not be imposed through the use of violence.

The convention specifies that any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse, or neglect.

- m. Doesn't the convention raise rights issues that children are too young to understand?

Children's interest in rights issues and the way in which parents handle those issues will vary depending on the age of the child. Helping children to understand those rights does not mean pushing them to make choices with consequences they are too young to handle. The convention encourages parents to deal with rights issues with their children in a manner consistent with the evolving capacities of the child.

Compare your responses from Part I to those from UNICEF in Part II. Do you agree with every response by UNICEF? With which responses do you agree or disagree? Do you feel that their responses give too much "power" to children?

After a careful review of the convention, do you feel that the United States should approve the convention or continue to ignore it? Give reasons for your response.

Exercise 7: Racism and Human Rights

The purpose of this exercise is to examine issues associated with racism. This is a group exercise.

1. The facilitator (professor/teacher/group leader) assigns to each member of the group an ethnic classification that must differ from the actual classification. For instance, an African American would be assigned an Asian American classification, or a white student would be assigned a Hispanic or African American classification.
2. Along with the ethnic classification, the facilitator lists an employment or other economic/social status of the member. For instance, the facilitator might assign a white student to be an African American lawyer. The more members within the group, the more diverse the classifications.
3. After assigning every group member a different ethnic classification/status, the facilitator will allow each member a few minutes to imagine and write down specific details of his or her family life, including working environment, location and type of residence, cultural activities, and hobbies. Of course, these details can only be imagined—however, the group member should draw on everything he or she knows about the new ethnic origin to create these details. In other words, the group member must try to "fill the shoes" of a member of the assigned ethnic classification.

4. After group members have “created” their new existence, the facilitator gives them about 15 minutes to interact with other members, talking about where they live, what they do for a living, and so on. Each member would have a label clearly indicating his or her ethnic classification/status.
5. After 15 minutes of interaction, the facilitator then questions group members on how they felt about their new ethnic classification/status. Specific questions for discussion would include the following:
 - a. Did anyone feel inhibited by their classification/status?
 - b. How much previous contact had a member had with individuals of the new classification?
 - c. What formed the basis for shaping a member’s new identity? Previous contact with individuals within the ethnic classification? Television or other media portrayals of those individuals? Stereotypes?
 - d. Did anyone feel that others were reluctant to approach him or her because of the classification?
 - e. Did anyone feel reluctant to approach another member because of the classification?
 - f. What reactions did members experience?
 - g. Were members proud of their new ethnic identity?
 - h. Did members of the group who actually belong to the ethnic group being portrayed by other members feel that those members portrayed their actual ethnic origins accurately?
6. After the group discussion, each member writes a short two-page essay on how they view their true ethnic classification within broader society. The essay needs to cover aspects of this exercise, with particular attention to these issues: How do you feel about your classification? feel superior, equal, inferior? Do you wish you had a different ethnic origin? If so, why? Do you perceive bias or prejudice from others on the basis of your ethnic origin? (modified from Human Rights Resource Center, 2005)

Exercise 8: Examining Disability Within a Human Rights Context

The purpose of this exercise is to analyze aspects of persons with disabilities within a human rights environment.

- Refer to the 1975 UN declaration on the rights of persons with disabilities (United Nations, 1975). Within a ranking system of 1 to 10, with 10 being the most important, how do you rank the various human rights for persons with disabilities (paras. 5 through 10)?
- Within the context of all the “vulnerable” groups discussed in this chapter, how would you rank persons with disabilities? For instance, should as much attention or resources be devoted to persons with disabilities as to children?
- How many persons do you know (include yourself if relevant) who have disabilities? From your perspective, would you consider those persons disadvantaged in comparison to those without apparent disabilities? Why or why not?
- Do you believe that the government has an obligation to provide benefits to persons with disabilities listed in the 1975 UN Declaration?
- Is it economically realistic to expect every country to take measures specified in the 1975 declaration?

Exercise 9: HIV-AIDS as a Human Rights Issue

This exercise relates to HIV-AIDS as a human rights issue.

- What specific human rights provisions from the Universal Declaration or international covenants relate to HIV-AIDS?
- Has HIV-AIDS become a poor country's problem? Do richer countries, with lower infection rates than poorer countries, have an obligation to assist the poorer countries in fighting HIV? Refer to specific human rights provisions.
- What is your reaction to this statement: "HIV-AIDS is the greatest problem faced by the world today." Do you agree with it? Use factual resource materials to support your position.

Exercise 10: Older Persons and Human Rights

The purpose of this exercise is to examine treatment of older persons as a vulnerable group. The exercise should be completed within a group of at least six persons.

1. A facilitator (e.g., teacher) selects four members of a group to role-play persons older than 60 years of age. The four group members are to put themselves in the positions of one of the following individuals:

Joan, who is 70 years of age, in good health, is employed by a local school as a social worker who counsels students. The school has a policy of allowing any employee to work until age 65, but then can decide whether to terminate that employment if "conditions" justify that termination. Each year, the school has reviewed the employment record of Joan to determine whether to extend her employment. Finally, the school decides to terminate Joan's employment, but Joan objects.

John, who is 67 years of age, is divorced and retired from employment because of a debilitating disease that requires daily assistance in his home. John lives alone and has to rely on others for assistance, which includes doing dishes and help with bathing, cooking, and other daily tasks. John currently receives home care, but occasionally this care is insufficient to provide all of John's needs. John's two adult children want to place John in a nursing home, something to which John vehemently objects.

Beulah and Horace are an elderly married couple in their 80s who are still able to maintain a household without outside assistance. However, maintaining this household does require significant effort by Beulah and Horace. Beulah now wishes to live in assisted living but Horace is against moving.

2. The remaining members of the group will serve as a committee of social workers assigned to help these individuals and other relevant parties to work out their differences. This committee must refer to human rights principles in assisting the individuals. Refer to the 1999 Principles for the Older Person (United Nations, 1999).

3. The facilitator will allow each member playing a role to present reasons, relying on human rights principles, before the committee as to why he or she took the stated position. For instance, Joan would state reasons why she should be allowed to keep working.
4. During the presentations, committee members can ask questions of the presenter.
5. After each of the three presentations (Horace and Beulah would be one presentation, although each would speak), the committee must evaluate the situations and provide written recommendations based on human rights principles.
6. The entire group then discusses the written recommendations of the committee. Specifically, the group should focus on the following points:
 - a. Are there any competing human rights involved in the recommendations? For instance, does self-determination conflict with safety concerns?
 - b. Should the hiring rights of an employer prevail over the desires of an elderly employee?
 - c. What issues of human dignity enter into the previously discussed situations?
 - d. Within a marriage, should one spouse be allowed to rely on human rights principles to support a decision? Does the entity of marriage exclude human rights?
 - e. What are the interests of the broader society within each of the previously discussed situations?
 - f. Do the recommendations follow human rights principles?

Exercise 11: Are Gay Rights Special?

The purpose of this exercise is to examine gay, lesbian, bisexual, and transgender (GLBT) rights as human rights.

Part I: Collecting Articles on GLBT Rights

1. About one or two weeks before beginning Part II of the exercise, collect at least five articles from newspapers, news magazines, and Web sites about GLBT rights. Articles about these rights might describe how they are denied, demanded, or respected. These articles can describe any part of the world, though most will probably focus on the United States.
2. Topics of the articles might include the following:
 - Local or state initiatives for or against gay rights
 - Child custody or adoption issues
 - Same-sex marriage
 - Gay-straight alliances or curricular issues in schools
 - Refugee or immigration issues
 - Sexual minorities in the military, ministry, or other job
 - Out or outed celebrities
 - Gay bashing or hate crimes
 - Public opinion polls
 - Reports on gay pride parades or gay pride month
 - Book, television, or movie reviews

Part II: Making a Human Rights Analysis

1. Using the articles you have collected, describe what rights were denied, demanded, or respected. Possible rights might include the following:
 - Right to privacy
 - Right to form a family
 - Right to employment
 - Right to housing
 - Right to an identity
 - Right to be equal before the law
 - Right to medical care and information
 - Right to an education
 - Right to free speech
 - Right to assembly
 - Right to be free of cruel and unusual punishment
 - Right to a fair trial

2. In addition to describing rights denied, demanded, or respected in the articles you collected, describe those rights within the following situations:
 - A mother loses custody of her child in a divorce judgment because she is a lesbian.
 - State legislators discuss amending state law to define marriage as only between a man and a woman.
 - A student is kicked out of the Naval Academy because he admits he is gay.
 - Two male sports celebrities write a book about their relationship.
 - A state review committee demands that health textbook publishers delete any references to homosexuality.
 - A woman kisses another woman on a network television show.
 - A man is “bashed” on a Saturday night by a group of teenagers shouting, “Faggot.”
 - A teacher refuses to allow students to use words like *fag* or *homo* in her classroom.
 - The police in an East European nation keep a file of men and women they suspect are gay and lesbian.
 - The military in a Latin American nation torture a man because he is gay.
 - The city grants a permit to hold a GLBT parade.
 - Amnesty International calls for state governments to drop laws that criminalize homosexuality.
 - A lesbian is fired when her boss learns about her sexual orientation.
 - Students at a local high school form a gay-straight alliance.

Part III: Connecting GLBT Rights to Human Rights

After you have completed Part II and described rights denied, demanded, or respected in your articles and situations listed earlier, look for those rights in the Universal Declaration of Human Rights. Then write down whether the Universal Declaration guarantees those rights or whether language exists in the declaration that would preclude sexual minorities from those rights. Write a final report and consider the following questions:

- What GLBT rights respected are guaranteed in the Universal Declaration?
- What GLBT rights demanded are guaranteed in the declaration?
- What GLBT rights denied are guaranteed in the declaration?
- Were any of the demanded, denied, or respected rights *not* mentioned in the declaration?
- Using the Universal Declaration as a reference, how would you respond to someone who says, "Lesbian, gay, bisexual, and transgender people are asking for special rights?" (modified from Human Rights Resource Center, 2005)

