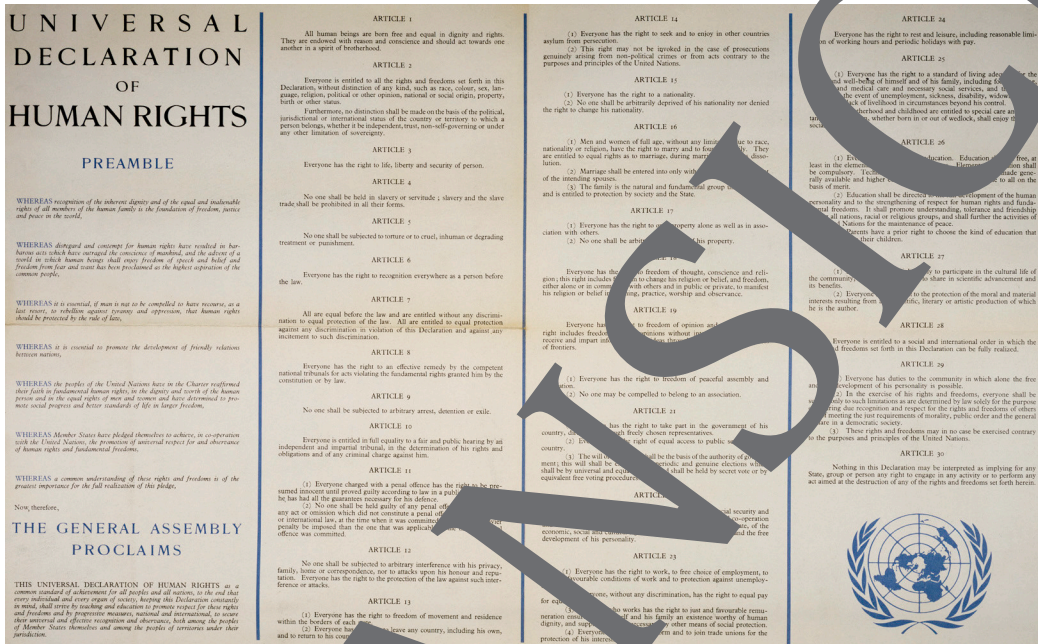


# II.G.7

## The Other Side of Modernity

# The Development of Human Rights – im Spiegel von Geschichte und Politik

Dr. Bernd Klewitz, Marburg



Durchsetzung und Wahrung der Menschenrechte sind in lange historische Tradition, setzen sich aber erst im Zeitalter der Aufklärung durch. Nach dem Ende der beiden Weltkriege im 20. Jahrhundert bilden Menschenrechte die Grundlage der Internationalen Beziehungen, aber globale Krisen und Konflikte gefährden die bereits erreichten humanitären Fortschritte und generieren neue Herausforderungen. Davon ist auch der unmittelbare Erfahrungsbereich der jungen, lernenden Generation betroffen, wenn Klimakrise, Flüchtlingselend und Rechte der indigenen Völker den politischen Diskurs nachhaltig beeinflussen; gleichzeitig ist eine positive Gegenwehr sichtbar, mit der *Fridays-for-Future*- und anderen *Grass-roots*-Bewegungen.

### KOMPETENZPROFIL

**Klassenstufe:**

11–13

**Dauer:**

14 Unterrichtsstunden + LEK

**Kompetenzen:**

Dokumenten- und Quellenanalyse; Hintergrundinformationen strukturieren; Ereignisse und Probleme beschreiben; Stellungnahmen formulieren, Concept Maps erstellen, Präsentationen durchführen

**Thematische Bereiche:**

Entwicklung und Funktion der Menschenrechte (historisch und zeitnah), Internationale Beziehungen, Klimakrise und Migration

**Medien:**

Texte, Bilder, Arbeitsblätter, Karten, Videoclips, TED lesson

**Zusatzmaterial:**

Glossary, LEK

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## The UN Convention on the Rights of the Child

M 1

Adopted on 20 November 1989, the Convention<sup>1</sup> on the Rights of the Child (CRC) is an international human rights treaty outlining the civil, economic, social, political and cultural rights of children – without discrimination of any kind. It is the most widely ratified human rights treaty in history. Complaints<sup>2</sup> filed under the CRC's Third Optional Protocol are adjudicated<sup>3</sup> upon by the Committee on the Rights of the Child – a group of independent experts. The Committee is able to receive complaints from children, groups of children or their representatives against any State that has ratified the Protocol. The Committee is also able to launch<sup>4</sup> investigations into grave or systematic violations.

### Rights included in the United Nations CRC (in no particular order):

- the right to be cared for by parents
- the right to be protected from all forms of violence and abuse
- the right to health and health care
- the right to live in good conditions that help you to develop
- the right to education
- the right to leisure, play and culture
- the right to express your views and have them taken into consideration
- the right to have your own thoughts, beliefs and religion
- the right to meet and join groups and organisations with other children
- the right to privacy
- the right to access to information
- the right to special protection for refugee children
- the right to life and development
- the right not to suffer from discrimination
- the right to a name and nationality

### Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable<sup>5</sup> standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - a) To diminish<sup>6</sup> infant and child mortality;
  - b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - c) To combat disease and malnutrition<sup>7</sup>, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution. [...]

<sup>7</sup>The full version can be found at <https://www.unicef.org/child-rights-convention/convention-text>

### Anotations

1 **convention**: Abkommen – 2 **complaint**: Beschwerde – 3 **to adjudicate**: entscheiden, beurteilen – 4 **to launch**: in Gang setzen – 5 **attainable**: erreichbar – 6 **to diminish**: reduzieren – 7 **malnutrition**: Mangelernährung

### Tasks

1. In tandems, tick those five rights on the list that you find most essential. Explain your choice.
2. Focusing on CRC-Article 24 above, explain how the rights of a child include the protection of the environment.
3. In groups, outline situations in which human rights were not respected (in your friends, books, TV, something you witnessed etc.). Have you ever felt that your rights were not respected? What did you do?
4. Discuss in plenary what people should do when their or other people's rights are not respected.



## M 2

### Greta's agenda?

16 children – including **Greta Thunberg** and **Alexandria Villaseñor** – file a landmark complaint on the climate crisis to the UN child rights committee. The climate petitioners protest lack of government action on climate crisis. The 16 child petitioners, aged 8–17, are from Argentina, Brazil, France, Germany, India, Marshall Islands, Nigeria, Palau, South Africa, Sweden, Tunisia and the USA.

“Change needs to happen now if we are to avoid the worst consequences. The climate crisis is not just the weather. It means also lack of food and lack of water, places that are unliveable and refugees because of it. It is scary.” – Greta Thunberg.

### The climate crisis is a child rights crisis

The climate crisis is threatening to roll back progress on child rights without sufficient urgent investment in solutions that benefit the most vulnerable<sup>1</sup> children, UNICEF said today as the UN Climate Change Conference COP26 enters its second week. “From hurricanes to droughts<sup>2</sup> to floods to wildfires the consequences of the climate crisis are all around us, affecting children the most and threatening their health, education, protection and very survival,” said Gautam Narasimhan, UNICEF Senior Adviser on Climate Change, Energy and Environment. “Children are essential actors in responding to the climate crisis. We owe it to them to put all our efforts behind solutions we know can make a difference, such as reducing vulnerability to disasters, improving the management of water resources, and ensuring that economic development does not happen at the expense of environmental sustainability.”

**Climate justice** is a term used for framing<sup>4</sup> global warming as an ethical and political issue, rather than one that is purely environmental or physical in nature. This is done by relating the effects of climate change to concepts of justice, particularly environmental justice and social justice and by connecting issues such as equality, human rights, collective rights, and the historical responsibilities for climate change. A fundamental proposition of climate justice is that those who are least responsible for climate change suffer its gravest consequences. The term climate justice is also used to mean actual legal action on climate change issues. In 2017, a report of the United Nations Environment Programme identified 894 ongoing legal actions worldwide. At the end of 2018, a series of school strikes for climate started worldwide, inspired by Greta Thunberg's original protest in Sweden. In an interview

## Migrant children

M 4

### Contemporary Human Rights Protections for Child Migrants.

There are many international legal instruments aiming at the protection of children in migration. Nonetheless, migrant and refugee children continue to suffer human rights violations. Across the globe, sizeable numbers of children and adolescents participate in cross-border migration. Their circumstances are varied, as are their needs for international legal protection. While many young people cross borders together with their parents or other relatives, a significant proportion travel completely alone or in the company of unrelated adults, including smugglers or traffickers<sup>1</sup>. There are other major differences in the types of child migration and the needs for protection that they give rise to. Some children move because of their parents' work, others are forced to flee to escape persecution or war. [...]

Among the many international legal protections to which child migrants are entitled, some of the most critical derive from fundamental principles applicable to all children and binding on all states that have ratified the CRC<sup>3</sup> (all states in the world except for the United States). [...] Despite the robust edifice<sup>4</sup> of applicable international law protecting the rights of migrant and refugee children, serious human rights violations continue to severely affect their lives. Across the globe, whether they are living in refugee camps or in big metropolitan centers, whether they are accompanied by family members or surviving on their own, whether they are still in transit or have arrived at their destinations, many migrant and refugee children are enduring hardship. The most dramatic evidence of rights lacunae<sup>5</sup> is the high number of child migrant fatalities<sup>6</sup> – children represented over 30 percent of the recorded deaths in the Aegean Sea in 2015; many children also die in deserts attempting entry to the US via Mexico, or in sub-Saharan Africa seeking a way away from home. Over 1,200 deaths of children have been recorded by the International Organization of Migration since 2014, "though the real figure is likely to be much higher". If children fleeing danger and conflict had safe and legal access to protection rather than sharply exclusionary border control to contend with, these deaths would be avoided.

© Jacqueline Babha: Contemporary Human Rights Protections for Child Migrants, in: www.bpb.de vom 06.11.2018, zuletzt abgerufen am 12.04.2020 unter <https://www.bpb.de/nachschlagen/gesellschaft/migration/kurzdoziers/279015/human-rights-protections>

#### Annotations

1 **traffickers**: Schleuser – 2 **applicable**: anwendbar, zutreffend – 3 **CRC**: Convention on the Rights of a Child – 4 **edifice**: Konstruktion, Aufbau – 5 **lacunae**: Lücken im Gesetz – 6 **fatality**: Todesfall

#### Tasks

1. With a partner, delineate possible hardships that migrant children face and the kind of human rights violations they may suffer from.
2. In plenary, discuss how deaths could be avoided in many cases.



## Timeline of human rights expansion

M 6

Die „Allgemeine Erklärung der Menschenrechte der Vereinten Nationen“ vom Dezember 1948 steht in der Tradition der Aufklärung. Die modernen Menschenrechte haben sich aus dem bis in die griechische Antike zurückweisenden Naturrecht entwickelt. Es leitete aus der Natur des Menschen, seiner göttlichen Abkunft oder Vernunft fundamentale Rechte ab, die für jeden Herrscher verbindlich sind. Zur Eindämmung der staatlichen Willkür entwarfen aufklärerische Denker wie John Locke und Jean-Jacques Rousseau Vertragsmodelle, in denen die Gesellschaft als freiwilliger Zusammenschluss freier Bürger konzipiert wurde, um dem Prinzip der Volkssouveränität Ausdruck zu verleihen. Mit der „Declaration of Independence“ und der von der französischen Nationalversammlung beschlossenen „Erklärung der Menschen- und Bürgerrechte“ werden erstmals die unveräußerlichen Rechte jedes Menschen verfassungsmäßig festgeschrieben.

The history of human rights covers thousands of years and draws upon religious, cultural, philosophical and legal developments throughout recorded history. Apparently, the concept of human rights is as old as civilization. This is evident from the fact that almost at all stages of mankind there have been Human Rights documents in one form or another.

Year	Event
4,000 years ago	The tablet of <b>Hammurabi</b> : the Sumerian writing code referring to individual rights, protecting people from arbitrary prosecution and punishment
539 BC	The <b>Cyrus Cylinder</b> : an ancient clay cylinder, created after the Persian conquest of Babylon, supposedly a first declaration of universal human rights
470–347 BC	<b>Ancient Greece</b> : Socrates and Plato maintain that natural law reflects the natural order of the universe, natural law principles mean universal laws for all mankind – all men (sic!) are equal and law binds all people
170–220 AD	<b>Ancient Rome</b> : natural law belong to all people whether they are Roman citizens or not
400–1500 AD	<b>Medieval Ages</b> : Feudalism and strict societal hierarchies
1215	<b>Magna Carta Libertatum</b> (Great Charter of Liberties): a charter of rights agreed by King John and, promising the protection of (baronial) rights
1648	<b>Westphalian Peace Treaty</b> : ended the Thirty Years War – beginning of the modern international system based on peaceful coexistence among sovereign states
1688/89	<b>Glorious Revolution</b> in Great Britain: overthrow of the Stuart monarchy by English Parliamentarians and the Dutch steward William III after his successful invasion of England, it was called “glorious” because it was bloodless and consensual



Year	Event
1776	<b>Declaration of Independence:</b> the thirteen American colonies declare their freedom from Britain and quote the British government's violation of individual rights, "the history of the present King of Great Britain is a history of repeated injuries and usurpations <sup>17</sup> "
1789	<b>The French Revolution:</b> in its early days, the aim was to create a constitutional monarchy like England's. But the leaders of the National Assembly were men of the Enlightenment and had very clear liberal and humanitarian principles. Their slogan was "liberté, égalité et fraternité". The assembly issued its manifesto under the title "Déclaration des droits de l'homme et du citoyen": these were rights not just for the French, they were rights for all mankind
1848	<b>German Revolution:</b> open rebellion started in Berlin. The Prussian king seemed to concede to the revolutionaries' aim, withdrew his troops and promised a constitution and elections for a parliament. The resulting Paulskirchen-Parlament, the first almost free-elected German National Assembly, could not agree on current issues, but eventually offered the crown to the Prussian king, who rejected it and was able to re-establish his "divine" rule instead of accepting a crown of "dirt and clay"
1919	<b>Weimarer Verfassung:</b> offiziell „Verfassung des Deutschen Reiches“, die erste deutsche Verfassung, die tatsächlich in Kraft trat (im Gegensatz zur Paulskirchen-Verfassung von 1848). Da die Bismarck'sche Reichsverfassung von 1871 den gleichen Namen trug, wird die Verfassung von 1919 meist die Weimarer Verfassung genannt; mit einem starken Reichspräsidenten an der Spitze des Staates

### Annotation

1 **usurpation:** widerrechtliche Aneignung

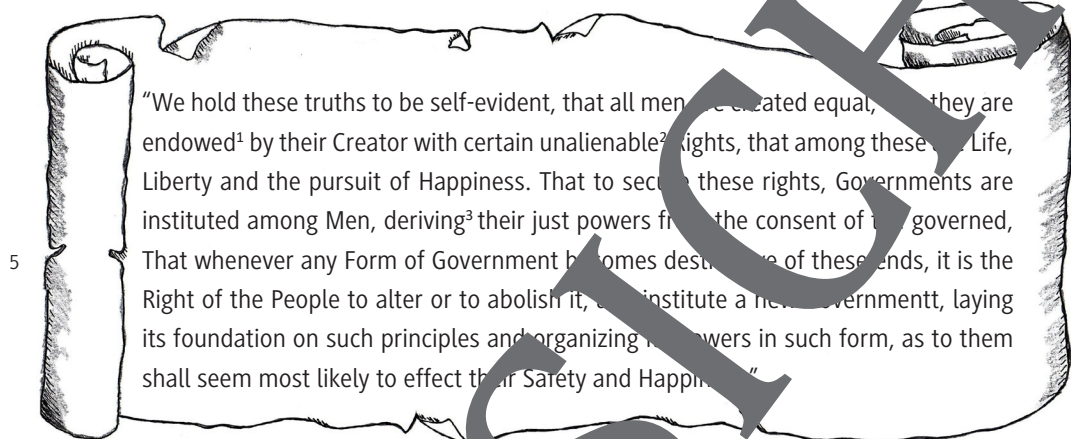
1. Outline the main stages of human rights expansion until the end of World War I (some mediation required).
2. Analyse possible progress or setbacks in this process; work in tandems and share results in plenary.



## M 9

## Declaration of Independence (1776)

This most frequently quoted passage of the “Declaration of Independence” is one of its first statement of the rights of the people. In it, the thirteen American colonies declared their freedom from Britain. The opening paragraphs state the ideal of government based on the theory of natural rights. The Declaration puts forth the fundamental principle that a government exists for the benefit<sup>4</sup> of the people (Nelson 161/162).



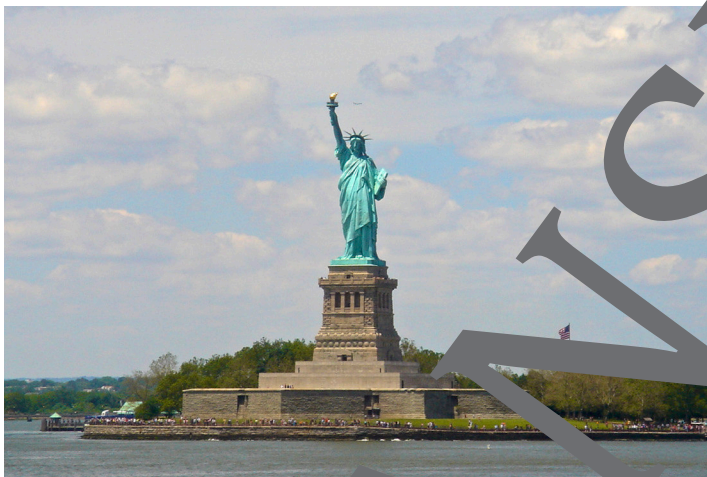
## American voices

**Thomas Paine** (1737–1809), an English-born American activist, inspired the American patriots to declare independence from Britain in his 50 pages pamphlet “Common Sense” (published January 1776). In it, he encouraged the common people, of the Thirteen Colonies to fight for an egalitarian<sup>5</sup> government and to break away from the mother country. He examined problems that monarchies had caused in the past and concluded: “In England a king hath little more to do than to make war and give away places; which in plain terms, is to impoverish the nation and set it together by the ears. A preposterous indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped into the bargain. Of more worth is one honest man to society and in the sight of God, than all the crowns and ruffians<sup>6</sup> that ever lived.” **Thomas Jefferson** (1743–1826), wrote the draft to the Declaration, which was adopted by Congress as the resolution of independence in Jefferson’s version on July 1776 – ever since a national holiday in all states and territories of the United States as Independence Day. The most debated part of the Declaration was Jefferson’s charge that the British king was profiting from the slave trade. The southern delegates, joined by northerners who were known to have profited from, in Jefferson’s own phrase, “this execrable<sup>7</sup> commerce”, deleted this section. But the question remains: How could a man who embodied the Enlightenment – who wrote so eloquently that “all Men are created equal” and are endowed by the Creator with the right of liberty – how could such a man keep black slaves, of which Jefferson (like Washington and many others in Congress) possessed many? [...] At worst, Jefferson may not have thought of slaves as men, not an unusual notion in his time. And he was a man of his times. On the evening of July 4, the “Declaration of Independence”, which explained the act of independence, was adopted. At the signing, John Hancock reportedly urged unanimity. “There must be no pulling different ways. We must hang together,” he said. “Yes,” said the inimitable Ben Franklin. “We must indeed all hang together, or most assuredly we shall all hang separately.”

Sources: Paine, *Common Sense*, excerpted from *The Thomas Paine Reader*, p. 79. Davis, Kenneth C.: *Don’t Know Much About American History*. First Perennial, New York, 2004. P. 96.

The Declaration's influence on American legal and constitutional development has been profound. By the Declaration a state, for the first time in history, founded its life on democratic idealism, pronouncing governments to exist for securing the happiness of the people, and to derive their just powers from the consent of the governed. The **Framers** [Founding Fathers] were intelligent, even brilliant men; they knew their history and their law. The Constitution they forged was then the pinnacle of thousands of years of political development. They were familiar with and could draw on, such sources and models as the Greek philosophers, the Roman republic, and the evolution of the English democratic tradition running from the Magna Carta through Parliament and the English Bill of Rights of 1689. Above all, in the Constitution – and earlier, in the Declaration – they embodied the triumph of the Enlightenment, that glorious flowering of ideas in the seventeenth and eighteenth centuries that elevated the powers of human reason and strove for new forms of government, free of tyranny. The philosophies they were striving to fulfil had been expressed by such giants of the age as Hume, Locke, Rousseau, Voltaire, and Kant.

© Davis, Kenneth C.: *Don't Know Much About American History*. First Perennial, New York, 2004. P. 115/116



“**Lady Liberty**” was a gift by the French to the American people in 1885 to commemorate the fight for liberty in both countries. The French sculptor Auguste Bartholdi (1834–1904) created the Statue of Liberty as a monument representing freedom and democracy for the United States. It was constructed in Paris and during its inauguration<sup>8</sup> (1886), Bartholdi climbed it to release the tricolor French flag that veiled Liberty's face.

#### Annotations

1 **endowed**: ausgestattet – 2 **alienable**: unveräußerlich – 3 **to derive**: ableiten – 4 **benefit**: Nutzen – 5 **egalitarian**: mit gleichen Rechten ausgestattet – 6 **ruffian**: Schurke – 7 **excecrable**: abscheulich – 8 **inauguration**: Einweihung

#### Tasks

1. Explain the reasons for the American colonists to break away from the motherland and how instrumental the demand for human rights was in this process. Also consider which risks the Framers took: “hang together versus hang separately”. Use the think-pair-share method.
2. Describe the image of the Statue of Liberty and discuss the issue of promising freedom and restricting immigration at the same time. Use the think-pair-share method.
3. Judge on the terms “freedom” and “liberty” and their differing meanings. Compare your results in plenary.



## A TED lesson on human rights

M 17

### What are the Universal Human Rights?

The TED foundation (Technology, Entertainment, Design) is a private, non-profit organisation. Its educational branch (TED ED) presents a lesson on human rights with two messages: the mechanism to address violations are weak and the development of human rights has been heavily guided by a small number of mostly western nations with detrimental effects.

### Tasks

1. Watch the video clip (twice) and summarise the main points: <https://ed.ted.com/lessons/what-are-the-universal-human-rights-benedetta-berli>. Compile a crib sheet, working in tandems.
2. In plenary, discuss the two messages of the clip, "weak" and "detrimental".



## Military interventions

M 18

### Militärische Intervention und Menschenrechte

Mit dem Ende des Kalten Krieges wurde die Diskussion über militärische Interventionen zum Schutz der Menschenrechte wiederbelebt. Gegenwärtige Konflikte in Syrien, im Irak und in Libyen werfen wieder die Frage auf, ob und inwieweit militärische Interventionen völkerrechtsgemäß gerechtfertigt sind? Sind sie die richtige Antwort auf schwere Menschenrechtsverletzungen?

Die Idee der Intervention zum Schutz der Menschenrechte ist nicht neu. Sie wurde von den Völkerrechtlern des 17. Jahrhunderts, insbesondere von Hugo Grotius, in das Völkerrecht eingeführt und gilt heute als Vorläufer des modernen Menschenrechtsschutzes.<sup>2</sup> Nach dem Völkerrecht der Gegenwart ist eine Intervention, also ein Eingreifen in die inneren Angelegenheiten<sup>3</sup> eines Staates, durch die UN-Charta der Organisation der Vereinten Nationen – und damit allen Staaten – verboten (Art. 2 Ziff. 7). Das Interventionsverbot hängen Zusammenhang mit dem Prinzip der souveränen Gleichheit der Staaten zusammen (gem. Art. 2 Ziff. 1 der UN-Charta). Souveränität bedeutet rechtliche Unabhängigkeit bei der Ausübung der Staatsgewalt, also auch Unabhängigkeit der inneren Ordnung. Unabhängigkeit schließt Intervention, das heißt die Einmischung in die inneren Angelegenheiten, aus. Doch Souveränitätsausübung bedeutet auch, Verantwortung für die inneren Angelegenheiten zu übernehmen, was entspricht dem Grundverständnis des Völkerrechts der Gegenwart. Neu ist das zunehmende Gewicht der Verantwortung des Staates gegenüber seinen Bürgern und für deren Menschenrechtsschutz. Neu ist auch, dass diese Verantwortung als gemeinsame Verantwortung begriffen wird. Die Staaten tragen nicht nur für ihre eigenen Angelegenheiten Verantwortung, sondern auch für andere Staaten, wenn diese ihre Verantwortung nicht wahrnehmen oder nicht wahrnehmen können.

Insgesamt gibt es **drei verschiedene Szenarien militärischer Intervention**. Das ist zum einen die militärische Intervention zum Schutz der Menschenrechte bei internationalen Konflikten, die durch das Handeln der Staaten nach einem Beschluss des Sicherheitsrats ohne Weiteres von Kapitel VII UN-Charta erfasst ist. Zum anderen diejenige militärische Intervention zum Schutz der Menschenrechte bei internen Konflikten, die durch den Sicherheitsrat autorisiert werden – unter der Voraussetzung, dass auch hier der Frieden und die internationale Sicherheit bedroht sind. Weiterhin ist von humanitärer Intervention die Rede, wenn das militärische Eingreifen zum Schutz der Menschenrechte in einem Staat nicht vom Sicherheitsrat mandatiert ist.