

Chapter - 03

Human rights and Obligations

Introduction

All born as humans have a right to enjoy human dignity and equal rights. No one soars up to a high status or stoops to a low state by birth. Yet we often hear and see that people in various countries around the world are subjected to oppression harassment and cruel inhuman punishment. (torture)

At the beginning of human history much attention was not paid to human rights. As man made progress he began to show interest in his rights when he realized that his rights were being violated by another or when he was not treated equally. A main factor that affected this is the acceptance that man should not be subjected to servitude by another or a group. The violation of human rights was found to be great in the use of human as slaves and servants providing them with only limited basic needs. This persisted through periods of feudalistic, capitalist and socialist economies and people engaged in various struggles to win their rights. There are a number of occasions that they struggled to win their rights.

A few examples are given below;

- | | |
|--------------|---|
| • In 1215 AC | - Magna Carta agreement in Britain. |
| • In 1679 AC | - Writ of Habeas Corpus |
| • In 1689 AC | - Statute on Rights in Britain |
| • In 1776 AC | - Declaration of American Independence |
| • In 1789 AC | - French Declaration on Humans and Citizens |
| • In 1791 AC | - American Declaration on Rights |
| • In 1917 AC | - Great Russian Revolution |
| • In 1948 AC | - Universal Declaration of Human Rights |

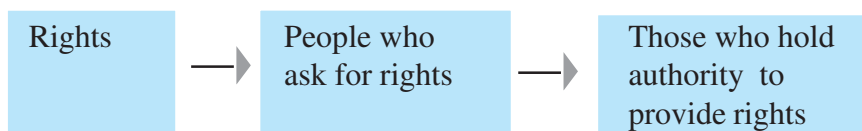
When discussing about rights we tend to think only about human beings. The animals, rivers, sea, trees and the environment too have their own rights. So we remind you that we have a right to protect our environment and the species.

When we consider human rights a good situation or correct decisions for one society can be considered as bad or wrong by another society. Rights can differ according to various beliefs of people.

However, Rights that we take into consideration should have a universal value and acceptance.

Rights are essential for the welfare of democracy and for the protection of all humans irrespective of race, caste, creed or sex.

Rights have acquired a legal touch at present. There are three aspects in this process.



The ruled are ones who ask for rights while the rulers are those who hold authority to provide the rights.

Human rights are unbiased. They are common to all. All religions respect them. All should possess a knowledge of their rights.

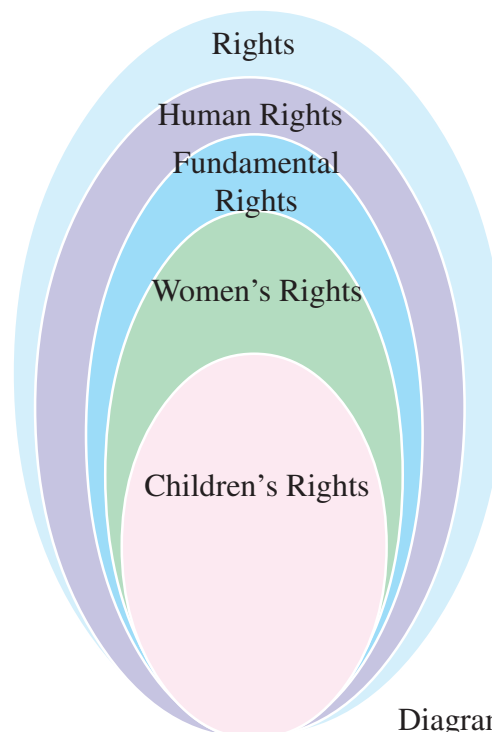


Diagram 3.1

Classification of Human Rights

Human rights could be categorized as follows, based on rights and their legal base.

- Human rights
- Fundamental rights
- Women's rights
- Children's rights

Human Rights are a common concept to the entire world. The Laws of a country are called Fundamental rights. All human rights are included in the law of a country.

Women's rights and children's rights are two aspects widely discussed under human rights. Human rights can also be categorised as civil, political, economic, social and cultural rights.

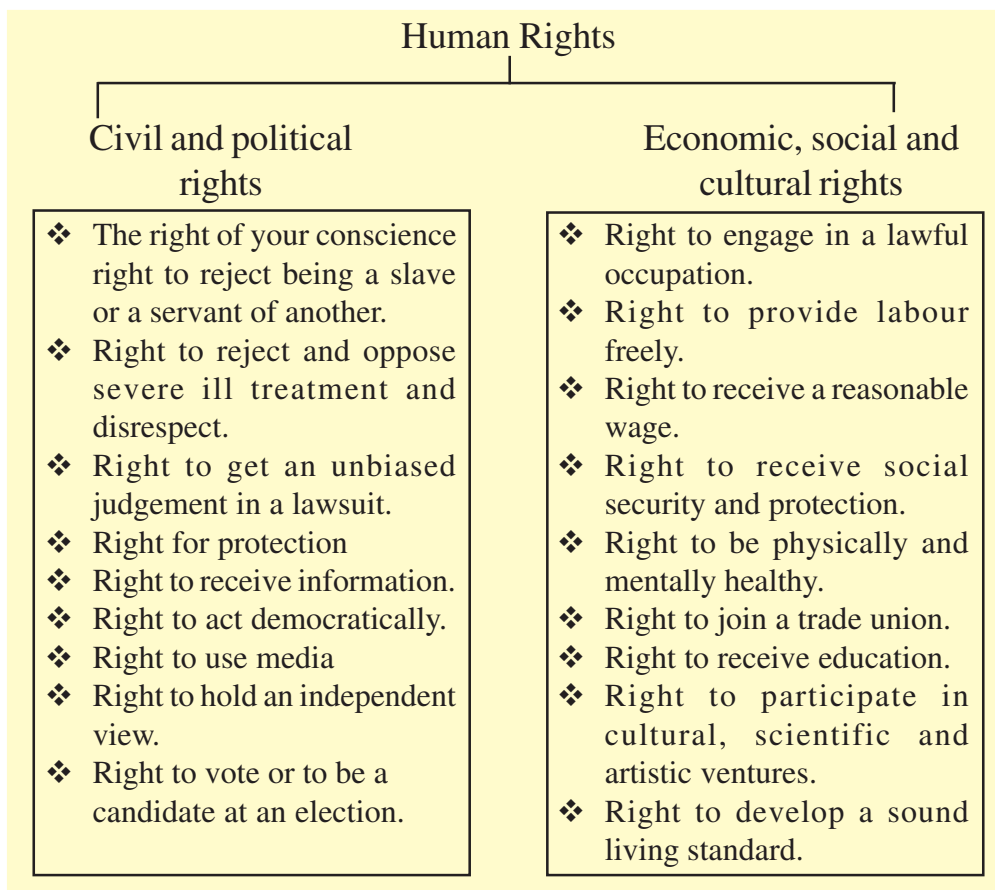


CHART 3.1

Human rights can be divided into Civil, Political, Economic, Social and Cultural rights. See diagram 3.2

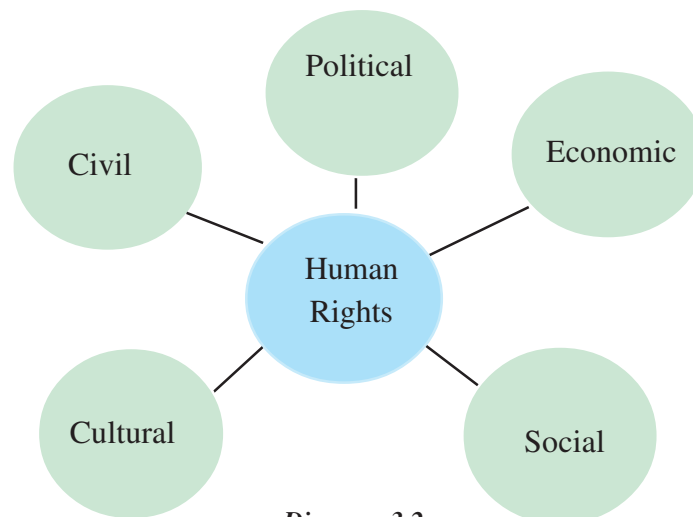


Diagram 3.2

Though we categorise these rights they are bound together. Therefore we consider these rights as an inseparable universal concept.

The most prominent situation when human rights were violated was the 1st World War. Shortly after the 1st World War the 2nd World War took place. These wars claimed many lives and properties were also lost. Children, women and a large number of men lost their lives and many were disabled.

In order to be able to take action against a similar situation in the future, the United Nations Organization was formed. The main objectives of this organization were protection of human rights and maintaining peace all over the world.

On 10th December 1948, a Universal Declaration of Human Rights was launched.

This declaration ensured dignity, equality and security for human beings. This was the first publication of this type.

Assignment



1. Gather information on various revolutions that have taken place in various countries in order to win human rights.
2. What are the reasons that prompted the establishment of the United Nations Organization? Discuss the importance of such an organization to the present society.

Universal Declaration of Human Rights (United Nations)

The foundation of peace, independence and justice of the world is the acceptance of equal, inalienable rights and dignity of the Human family.

The above mentioned saying is very important. Dignity and equal rights are common to all human beings. It becomes the foundation for independence, peace and justice. The above universal declaration passed by the General Assembly of the United Nations, on 10th December 1948, consists of a prologue and 30 articles. It is a reasonable unbiased declaration.

The objectives of this declaration

- ❖ It is important to protect human rights by Law.
- ❖ It is important to develop cordial relationships among different races.
- ❖ Importance of providing social progress and a better standard of living.

The main objectives of the general public is to build a society where you have the freedom of expression, right to enjoy privileges, freedom to have or adopt a religion or belief and freedom to live without fear and difficulties.

The summary of the 30 Articles of the Universal Declaration of Human Rights.

1. All have equal rights and dignity since they were born free.
2. All can enjoy the rights of the Universal Declaration, equally.
3. No body should be engaged in slavery.

4. All have a right to think to live and to get personal protection.
5. No person should be hurt , punished or harassed.
6. All are accepted legally as humans.
7. All are equal before the Law and subjected to protection by the Law.
8. All have a right to fight against violation of human rights.
9. No person should be kept under arrest or none should be punished except according to procedure established by Law.
10. All have a right to receive unbiased verdicts from courts.
11.
 - i. Should be considered innocent until proved guilty.
 - ii. Punishment should be limited to what prevailed when it was imposed.
12. Right of personal confidentiality.
13.
 - i. The freedom of movement and of choosing residence within the home country.
 - ii. The freedom to return to the home country.
14. Right to leave the island for security of life.
15. All have a right to Nationality.
16. The right to have a family and to receive protection from the society and the state.
17. Right to own property.
18. Right to think, to work according to conscience and to believe any religion.
19. Right to express ideas and receive information.
20. Right to hold meetings and associations.
21. Right to vote, to serve the state and be part and partial of the state.
22. Right to receive social security.
23. Right to do a job, to earn a living, to receive wages, and to join a trade union.
24. Right to take leave and vacation.
25. Right to social service security and protection.
26. Right to receive education.
27. Right to engage in art, scientific and cultural acts.
28. To protect rights and independence in a society within a social and international farmwork pattern.
29. To recognize that all have responsibilities.
30. No person should engage in illegal or unlawful acts that would disrupt the rights of the universal declaration.

To attract the attention of the member countries to this United Nations Universal Declaration of Human Rights there were two more agreements. Two more agreements were declared on 16th December 1966.

They are mentioned below

1. International Agreement on Economic, Social and Cultural Rights

This was declared to implement Economic, Social and Cultural rights as a separate agreement. It has 5 sections. There are 31 Articles. After accepting this declaration by the member countries the economic, social and cultural rights receive legal recognition and legal status.

2. International Agreement on Civil and Political Rights.

This was declared on 16th December 1966. It consists of five sections. There are 53 Articles. Once the member countries sign and accept this declaration civil and political rights receive a legal status.

Two more alternative agreements came in to effect to strengthen the above agreement. They are as follows.

1. Alternative agreement connected with the International Agreement of Civil and Political rights.

This has 14 Articles. If a human right is violated and no reasonable verdict was offered by the home country, the victim can complain to any human rights committee. For this the agreement should be accepted by the member country. Sri Lanka has signed this agreement.

2. Second alternative agreement complimented to the International Agreement on Civil and Political Rights.

This was approved on 15th December 1989 by the United Nations General Assembly, and was forwarded in addition to the 3rd Article of the United Declaration of Human rights and the 6th Article of the International Agreement of Civil and Political rights. If a member country signs this alternative Agreement it cannot impose capital punishment on any victim. Sri Lanka has not signed this agreement yet.

56 nations voted for and 26 countries voted against this agreement. 48 countries have remained without using their votes. However on 11th July 1991 this agreement was made effective.

International Human Rights Act

International Agreement and the two alternative agreements discussed earlier, taken as a whole is named as the International Human Rights Act.

There are 5 sections in this act

1. United Nations Universal Declaration of Human Rights (1948)
2. International Agreement on Economic Social and Cultural Rights (1966)
3. International Agreement on Civil and Political Rights (1966)
4. 1st alternative agreement related to the International Agreement of Civil and Political Rights. (1966)
5. 2nd alternative agreement related to the International Agreement on Civil and Political Rights. (1989)

Activity



1. Write a report for a wall news paper on “The right to live is equal to all, based on the United Nations Universal Declaration on Human Rights.

Assignment

1. “Man is not the only being who has a right to life”-Write an Article on this topic considering various religious and philosophical ideas.

Women's Rights

All women have equal rights and dignity as much as men. A woman should not be looked down or tortured just because she is born a woman.

In the 6th century BC the Lichchavi kings of India mentioned two rights of women. They were considered with respect even in the past as woman is the mother of man.

The rights are as follows

1. Protect young maids.
2. Protect married ladies.

In the Asian countries a young girl is protected by her parents and a wife is protected by her husband. It is mostly because a girl child will be a mother of the future generation.

Convention on the elimination of all forms of discrimination against women (CEDAW)

This convention was introduced in order to eliminate all forms of discrimination which women experienced throughout the ages. This was effected from 03rd September 1981. This consists of 6 sections and 30 Articles.

Rights of women according to the convention

1. Political and Civil rights of women.
2. Rights of women in the family unit.
3. Right to have Education and Training.
4. Right to engage in economic activities and reap benefits.
5. Right for health and nutrition.
6. Right to be protected from discrimination.

Sri Lanka signed this convention in 1981 and has taken several steps to protect women's rights.

1. According to this convention in 1993 the Women's Charter was drawn up.
2. A special Ministry was established for Women's Affairs.
3. Launched the National Women's Committee to protect women from discrimination.
4. Inclusion of acts of harassments against women in the Penal Code.
5. House hold Violence Act was launched so that no woman can be assaulted in the house.

On the 6th of October 1999 an alternative agreement was signed by the general assembly of the United Nations in accordance with the CEDAW convention.

Activities



1. Write an essay on "Protecting women's rights and the social mission of women".
2. Provide new suggestions on protecting women's rights.

Assignment

Write an Article on the obligations of society towards women, and womens obligations towards the society in protecting women's rights.

Children's Rights

After the 1st World War special attention was focussed on child rights. Death, assassination, and harassments focussed on children were taken into consideration. However, even before any step could be taken the 2nd World War occurred. Its results were more dangerous than the 1st. When the United Nations Charter on Human Rights came into effect, it was necessary to focus on children's rights.

Child labour, sexual harassment, physical punishment and not providing opportunities to study paved the way for the Universal Child Rights Convention

Parents, teachers and adults provide your food, clothing, medicine and protection. They help you to understand what is right and what is wrong. They will lead you to a better future.

They provide you necessary instructions and guidance as you are too young to decide.

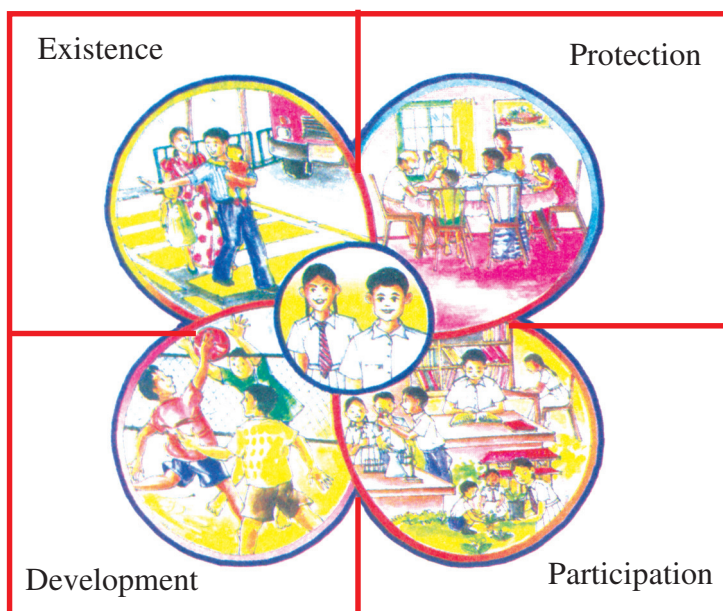


Diagram 3.3.

Convention on Children's Rights

This convention was made focussing on existence, protection, development and participation of a child. This was signed and accepted on 20th November 1989 by the United Nations and it was accepted by the member nations and came into effect in 1991. Sri Lanka has also signed this agreement.

It consists of a Prologue and 54 Articles. The rights of the child are mentioned in Articles 1 to 41. The second section from 42nd to 45th reveals how the convention was implemented.

The 3rd section consists of 9 Articles (from 46 up to 54) which describes the responsibilities of the member nations and the role of the United Nations.

According to the Convention on Children's Rights all under 18 years are considered as children **(Article 1)**

Children are the greatest wealth of parents. It is our duty to feed them, protect them, educate them and develop them to be good citizens as they are the future adults. Read some Articles of the convention given below.

Children should not be subject to discrimination. **(Articles 2 and 3)**

All children have a right to have a surname and a nationality. **(Article 7)**

A child has a right to express his or her views freely **(Article 12)**

A child should develop under the guidance of the parents. The development should be ensured by the government.

No child should be allowed to be abducted. It is the duty of the government to ensure good family ties.

There are several other Rights agreed upon by the Convention of Children's Rights

1. Freedom of speech
2. Freedom of thought
3. Freedom of conscience
4. Freedom of religion
5. Freedom of association
6. Right to protect one's individuality
7. Right to receive information
8. Right to receive a respectable living standard
9. Right to protect against discrimination
10. Right to receive health, nutrition and food

Responsibilities of the State

1. To ensure protection and development of the child.
2. Protect the family ties.
3. Protect children who are away from their families
4. Protect children with special needs, refugees
5. Ensure social security of children
6. Make laws for the complete benefit of the child
7. Should not involve them in armed struggles.

All children have a right to receive primary education and it should be provided free.

Article 28

Ensure the legal and special protection for the children with special needs before birth and after.

According to the Convention on the Rights of the Children.

Facts taken into consideration when preparing the child Rights Convention

1. Geneva Declaration of 1924 on Child Rights
2. Declaration on Human Right of 1948
3. Convention on Child Rights passed by the United Nations in 1959
4. 23rd and 24th Articles with regard to the civil and political rights in 1966.
5. 10 the Article of economic, civil and cultural rights in 1966
6. Protection of women and children in armed struggles.
7. Rights on adopting a child.

A child should be brought up in a loving and considerate atmosphere

Steps taken by Sri Lanka to protect child rights

1. To accept the Child Rights Convention.
2. To consider this convention when Laws are planned and implemented.
3. Establish the Child Protection Authority.
4. To maintain a special unit in each police station to investigate problems of children and women.
5. To make amendments to the prevailing Laws.

Development in the provisions of Human Rights in the Constitution of Sri Lanka

- ❖ In the 1st Republican Constitution of Sri Lanka in 1972 a chapter on Human Rights was included.
- ❖ In the 2nd Republican Constitution of Sri Lanka in 1978 a chapter on Human Rights was included.
- ❖ According to the Constitution a victim is eligible to file a case when Human Rights are violated.

In the 3rd chapter of the Constitution a few Special Rights are included.

They are as follows

- ❖ All have a freedom to think, to act according to their conscience and the freedom of observing any religion.
(Article 10)
- ❖ No human being should be harassed or degraded
(Article 11)
- ❖ The Law should be equal and reasonable.
- ❖ No person should be discriminated on sex, religion, politics or place of birth
(Article 12)
- ❖ No person should be taken into custody without a valid verdict of the Judiciary and no punishment should be declared on past actions.
(Article 13)
- ❖ All possess the freedom to speak, to travel in the country, and to do a legal job.
(Article 14)

Under the 17th Article of the state Constitution if a human right mentioned in the Articles 10 to 14 was violated any person can file a case in the High Courts by himself or through a lawyer.

- ❖ You can also file a case at the Human Rights Commission on any violation of a right.
- ❖ If a human right was violated by an administrative action of the state you can also report to the High Commissioner of Parliamentary Affairs (The Ombudsman)
- ❖ If you are not satisfied with the verdict of the case on human rights as a final solution you are able to file a case at the United Nations Human Rights Commission.

Activities



- ✓ Find facts on various instances where human rights were violated and about various steps taken regarding them.
- ✓ What are the measures that can be implemented to protect human rights.

Present state of Human Rights

Human Rights are common to all. All have a right to them, but the rights of a person should not be a problem to another person

The limits of enjoying the privileges of human rights are mentioned in the Constitution of 1978.(15th Article)

According to the 12th,13th,14th Articles of the Constitution on the right of public health, national economy and protection, certain limits can be enforced by the government.

Ex- When the country is in political instability the government can enforce laws against holding meetings, expressing ideas, and engaging in picketing.

If a massive strike of a Union is disturbing the smooth functioning of the society, and if it is causing a heavy blow to the national economy the state has the power to stop them.

No person has the freedom of using their rights to disrupt the right of others, and also they should not be against the fundamental principles of the United Nations.

The Responsibilities of citizens in protecting Human Rights

Before the United Nations Human Rights Commission came into effect in 1948, the Sri Lankans were not aware of their rights. They were more concerned on performing their duties and responsibilities. Specially, the Asian culture was more concerned towards performing the duty. The culture, and their way of life intensified this fact. In the past people respected each other, were more religious and loved and protected the flora and fauna as well.

The eastern culture found its way out due to the British rule and people got a western touch to their behaviour patterns. Their main intention was to win their rights and not to perform their duties and responsibilities.

But your rights are protected if you perform your duties and responsibilities well. Just like you, the others too need to protect their rights. Therefore it is your duty to perform your duties and responsibilities in order to protect your rights as well as rights of others.

Fundamental Duties

The Constitution involves human rights as well as duties. They are known as fundamental duties. According to the 28th Article of the Constitution of 1978, the fundamental duties are as follows

- To uphold and defend the Constitution and the law.
- To further the national interest and to foster national unity.
- To work conscientiously in his chosen occupation.
- To preserve and protect public property, and to combat misuse and waste of public property.
- To respect the rights and freedoms of others.
- To protect nature and conserve its riches.

You must not question about things received by you from the country, but the services rendered by you to the country. It is important to render your services to the country and perform your duties and responsibilities to others. Then automatically your rights will be protected.

Certain instances when you perform your duties are as follows.

1. As a member of the family

It is your duty to perform your duties and responsibilities to your parents, and siblings.

You must study well, help your parents, and look after your siblings.



2. As a Pupil of the school

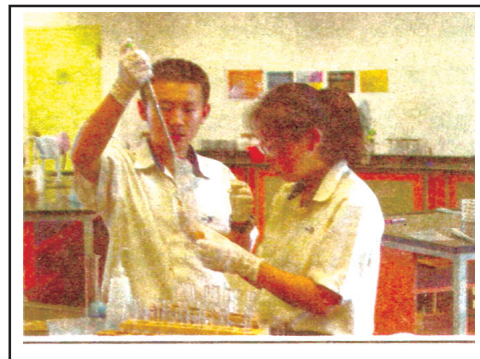
As a pupil of the school it is your duty to study, behave well, and contribute to the welfare of the school. You should protect the equipment of the school should respect the teachers. should work for the reputation of the school and should be worthy citizens of mother Lanka.



You must practice equality, dignity and should work with a team spirit with your peers.

3. As a member of the Higher Education Institutes

As a member of the Higher Education Institution you must work with dedication improving your educational standards and contributing to the good name and reputation of the Institute.



4. As a professional in the office

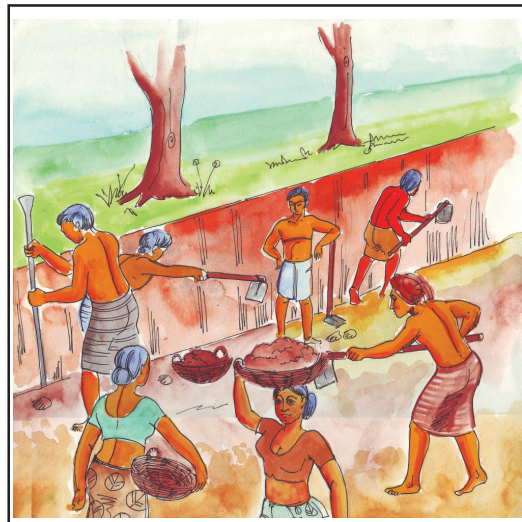
It is your duty to perform your tasks correctly in your office. It is important to contribute for the welfare of your nation by performing your duties effectively.



5. As a member of the Society

You may be a member of a social organization. It is your duty to perform your tasks with dedication and enthusiasm for the development of the society. As a good neighbour as a good relative and as a good citizen your effective contribution is very necessary.

It is also important to participate in public welfare matters and also to help and support the Forces and the Police to maintain law and order in the country.



We receive free education and the state spends a colossal amount of money to provide free education, and it is our duty to give our services back to our country.

Activities - 6

1. List out the services you could provide to the country. What are the objectives that you could gain by performing these services.
2. As a student what are your duties to the school? Explain your contribution through them for the development of the school.

The role of a member of a Democratic Society

The main roles in a democratic society are performed by the people. We too as Sri Lankans live in a democratic society. It is our duty to act democratically as it is important for the advancement of the society.

Our society is very complex. There are differences between people, religions, ethnic groups and also among different vocations. People hold different views on politics and they express their opinions on various matters, which consist of different viewpoints and ideas. It is the duty of people to respect other people's opinions and to deal with situations, peacefully aiming at correct solutions, fulfilling personal and common goals.

We have to be good members in our families, and effective students or teachers in schools, and helpful neighbours in the community, and also efficient workers at the office.

It is our duty to fulfil our obligations in making Sri Lanka a developed nation. We all must perform our tasks effectively as democratic citizens for a better Sri Lanka.

What we can do to be a good citizen

1. To be well mannered
2. To respond to others rights and fulfil your duties to others
3. Solve problems through discussion
4. Respect other people's ideas
5. To be law-abiding and peaceful

6. Protect common property

7. To protect national resources and national heritage

It is the duty of a member of a democratic society to fulfil duties for personal and common benefit.

Duties of a member of a Democratic Society

There are many duties a citizen can perform for the welfare of the society.

Some are listed below:-

Duties	
Personal duties	Legal duties
1. Look after parents	To be loyal to state
2. Respect teachers	To respect the law of the country
3. Respect clergy	Help to maintain law and order in the country
4. Respect the senior citizens	To protect public property
5. Obey customs	Pay taxes to the government
6. Help the sick and the needy	Not to support insurgency
7. Help others in need	To help the police and the to find out people who illegal acts and insurgency.
8. Protect environment forces engage in	
9. Protect national heritage and culturally important places	
10. To respect people who have sacrificed their lives for the country	

Summary

- ◆ All have fundamental rights.
- ◆ There is a legal touch to rights at present.
- ◆ Rights can be divided as Civil, Political, Economic, Social and Cultural rights.
- ◆ People engaged in riots to win their rights.
- ◆ The United Nations work towards safeguarding the rights of humans.
- ◆ The United Nations Universal Declaration was formulated to protect human rights.
- ◆ International Agreement on Economic, Social, and Cultural Rights and International Agreement on Civil and Political rights were declared to legalize the United Nations Universal Declaration on Human Rights.
- ◆ There are 2 additional Agreements for the civil and political aspects.
- ◆ The Child Rights Charter has been effected.
- ◆ CAWDAW agreement along with others also came in to effect to protect Women's Rights.
- ◆ Sri Lanka's Constitution deals with protecting fundamental human rights
- ◆ To protect rights all citizens should perform their duties.