

03

Human Rights & Duties

Introduction

Rights inherent to all human beings by birth without any discrimination can be called human rights. Accordingly, being aware of human rights; accepting and respecting them; executing the duties related to human rights; not only being in the formation of a democratic society the welfare of the citizens but also the establishes peace and equality in the society.

Hence, being aware of human rights and developing the skills of implementing them practically in social life are essential to live in society as a virtuous citizen. Studying this chapter thoroughly will be helpful for you to develop the competencies in you.

Human Rights

Rights inherent to all human beings by birth can be called as 'human rights'. Therefore, human rights accommodate living in the society as human beings with dignity and equality.

Being human is the primary and sole requirement to be entitled to Human Rights. We call this as humanity in common. Human Rights have become the foundation protecting the dignity and the well being of human being. In a society which obstructs the enjoyment of Human Rights, difficulties arise in the maintenance of security and completion of human development. Accordingly, Human Rights are essential to protect the dignity and existence of human life.

In addition to that, the concept of Human Rights is universal which is based on equity and equality. Safeguarding democracy, upgrading the social status of citizens, and the growth of social justice as well as equality are the main components of a society where the rights are ensured.

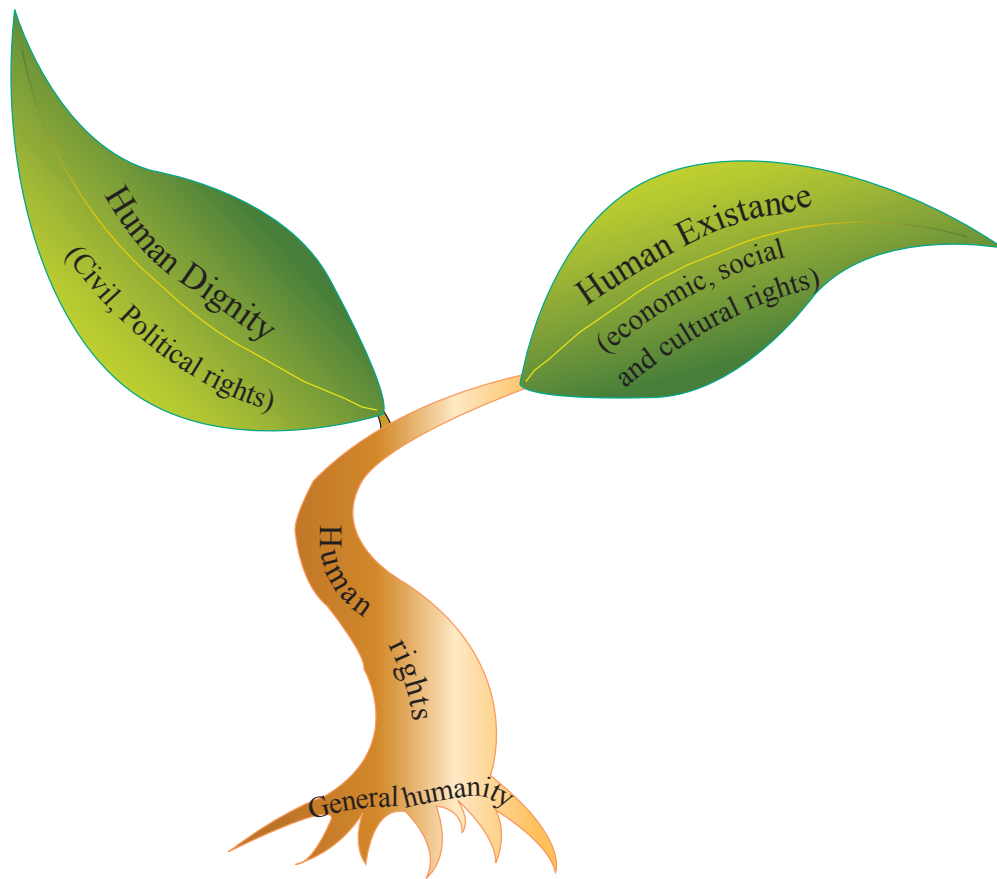


Diagram 3.1

Important historical events in relation to achieving Human Rights

Though every individual is entitled to enjoy Human Rights, man has undergone several restrictions in different periods in the history when enjoying Human Rights. The age of slavery and medieval eras provided many examples of this situation.

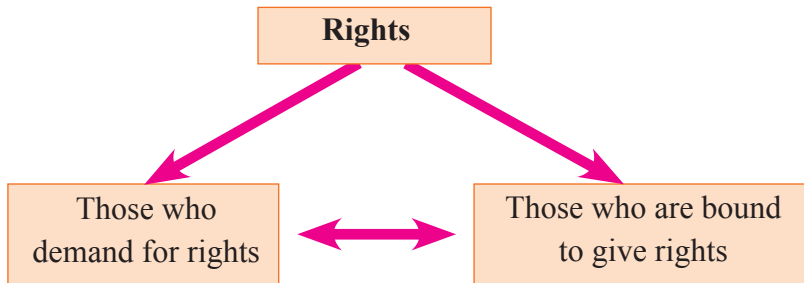
With the gradual development of human society, man has focused his attention on his rights too. He had to fight against the rulers, struggle and enter into treaties with them in order to acquire his rights. Some of those important historical events of achievements of human rights are as follows.

Human Rights Charter

- 1215 AD - Magna Carta Treaty of Britain
- 1689 AD - British Bill of rights Act

- 1776 AD - United States Declaration of Independence
- 1789 AD - French Declaration of man and citizen
- 1917 AD - Russian Revolution

Thus it is obvious that man demands rights mainly due to his desire to spend a free and independent life. Therefore the process related to rights consists of two main aspects.



Digram 3.2 : The Process related to Rights

The First World War began in 1914 and continued up to 1918. Then two decades later the Second World War began. It continued from 1939 to 1945. The result of these wars was destructive.

Hundreds of thousands of people died. Another large number of people became disabled. Millions of children and women became helpless. Destruction of the property was immense. Therefore the world wars can be named as a situation where human rights were severely violated.

Therefore the leaders of the world paid attention on maintaining world peace, improving co-existence among nations and safeguarding human rights. United Nations Organization was established in 1945 in order to full fill these objectives. The organization paid great attention on safeguarding human rights. As a result, the Universal Declaration on Human Rights was passed in the General Assembly on the 10th Of February 1948. It was an important step for safeguarding human rights.

Universal Declaration of Human Rights of UNO – Article 01

- All human beings are born free
- They are equal in terms of dignity and rights
- They should act towards one another in a spirit of brotherhood
- They are endowed with reason and conscience

This declaration has clearly mentioned the fact that all human beings should be given rights on an equitable basis. It also emphasizes the duties to be fulfilled by man while enjoying these rights.

It is the duty of all of us to accept the fact that all are equally entitled to rights and our obligation is to enjoy these rights with responsibility and understanding. Fulfilling duties while enjoying rights directly contributes to social development. It ensures the existence of a democratic society. Therefore it is essential in social life to have knowledge about rights and duties as well as the way they are fulfilled.

United Nations General Assembly has made a request from school and educational institutions to exhibit these rights in order to raise awareness among people.

This request clearly indicates you, as students the importance of having knowledge about human rights. This knowledge provides an opportunity for you to spend a good life while enjoying rights. Performing one's duties related to rights contributes to safeguard rights of the other members of the society. By doing that, you can ensure the establishment of a democratic and peaceful society.

Activity 3.1



- Prepare an article on the topic " the importance of raising awareness among students about Human Rights", to be displayed on school wall paper.
- Select some important historical events important for achieving Human Rights and collect information about the rights achieved in those events.

Classification of Rights

Based on law, rights can be classified as follows.



Diagram 3.3 : Classification of Rights

Out of the Human rights which are essential to the human being, some of the main selected rights have been added to the constitutions by most of the countries. They are known as fundamental rights.

Accordingly every fundamental right is a human right but every human right is not a fundamental right. Once the fundamental rights are violated, One can get the refuge of the law.

Fundamental rights are mentioned in chapter III of the present constitution. Article 126 ensures the actions to be taken once the rights are violated.

Everyone is equally entitled to human rights and United Nations organization has taken steps to safeguard the rights of special groups.

E.g. The steps taken to safeguard the rights of children and women

On the basis of the nature of the rights they can be classified as Civil, Political, Economic and Social rights.

Universal Declaration of Human Rights - UDHR

Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10th of December 1948. This Declaration consists of a Preamble and 30 Articles. The objectives of this Declaration can be understood by studying the Preamble. These objectives are as follows.

- Human Rights should be protected by Law.
 - It is essential to promote friendly relations between nations.
 - Determination to promote social progress and a better standard of life
30 Articles of UN Human Rights Declaration are given in simple language below.
1. All human beings are born free and equal in dignity and rights.
 2. Everyone is entitled to all rights and freedom set forth in this declaration without distinction of any kind such as race, colour, sex, language, religion, politics, property, birth or other status.
 3. Everyone has the right to life, liberty and security of person.
 4. No one shall be held slavery, or servitude.
 5. No one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment.
 6. Everyone has the right to recognition as a person before the law.
 7. All are equal before the law and are entitled without any discrimination to equal protection of the law.
 8. Everyone has the right to an effective remedy by the competent nations tribunals for acts violating fundamental rights granted him by the constitution or by law.
 9. No one shall be subjected to arbitrary arrest, detention or exile.

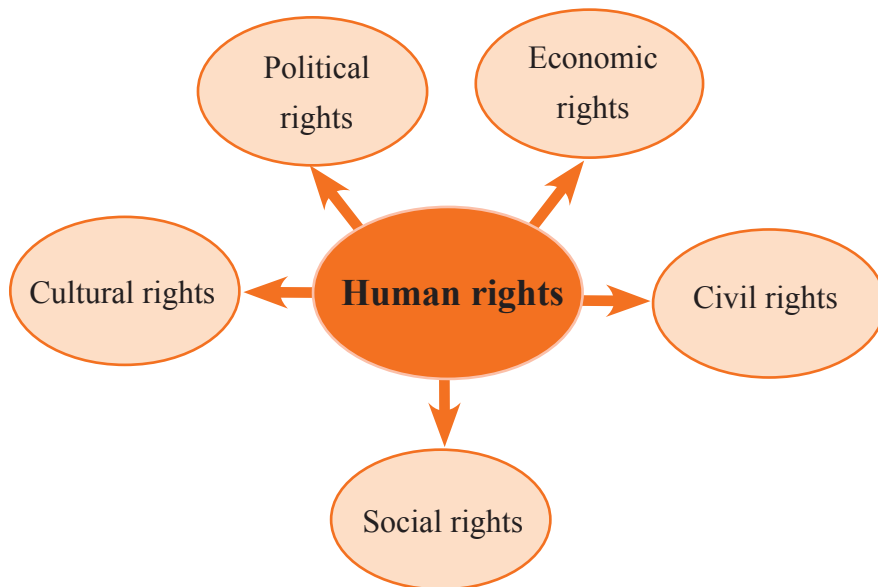
10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations and of any criminal charge against him.
11. (i) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty.
(ii) No heavier penalty shall be imposed than the one that was applicable at the time the penal offence was committed.
12. Right to privacy
13. (i) Right to freedom of movement and residence within the borders of each state.
(ii) Right to leave any country including his own and to return to his country.
14. Right to seek and enjoy in other countries asylum from prosecution.
15. Everyone has the right to a nationality.
16. Right to marry and found a family and entitled to protection by society and the State.
17. (i) Right to own property.
(ii) No one should be arbitrarily deprived of his property.
18. Right to freedom of thoughts conscience and religion.
19. Right to freedom of opinion and expression, and the right to freedom of seeking, receiving and imparting information.
20. Right to freedom of peaceful assembly and association.
21. Rights to take part in the government of his own country directly or freely chosen representatives and the right to equal access to public service in his country.
22. Right to social security.
23. Right to equal pay for equal work, and join trade unions.
24. Right to rest and leisure.
25. Right to a standard of living including food, clothing, housing, medical care and necessary social services.

26. Right to education. Only primary and secondary education should be provided free of charge.
27. Right to participate in cultural, scientific and aesthetic affairs.
28. Right to a social and international order in which the rights and freedoms set forth dependence mentioned in this declaration.
29. (i) The fact that there are several social obligations to be fulfilled by every individual.

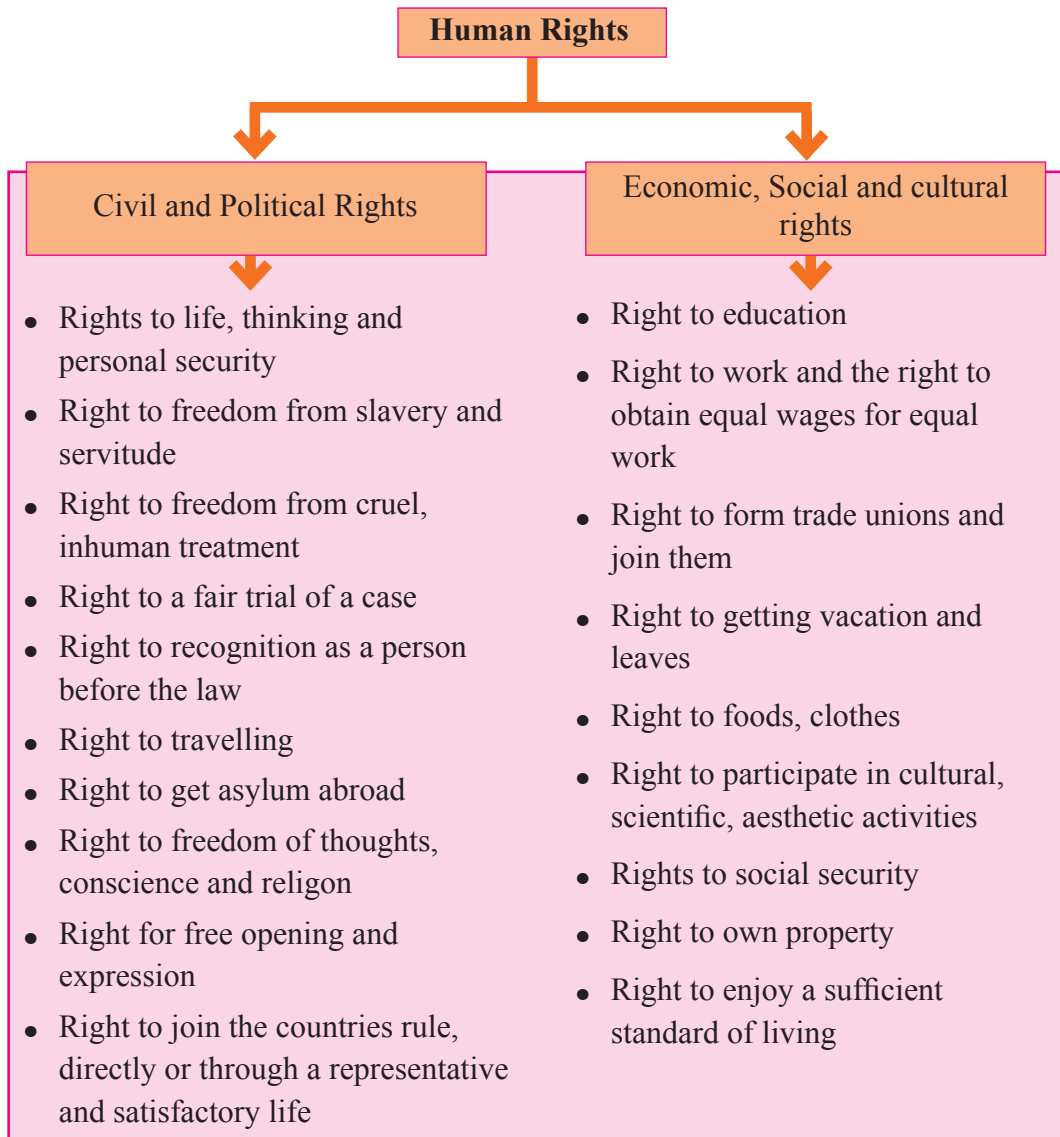
(ii) Rights and independence of the individuals should be enjoyed so that those of the others are safeguarded.
30. No actions should be taken in order to violate the rights and obligations of the declaration.

All the rights mentioned above can be classified as,

- Civil and political rights
- Economic, Social and cultural rights



Digram 3.4 : Classification of Human Rights



United Nations have passed two covenants in 1966 to give a legal status to the Declaration on Human Rights and to draw the attention of the member countries on it.

- International covenant on Civil and Political Rights.
- International covenant on Economic, Social and Cultural Rights.

An optional agreement was passed related to the international convention on civil and political rights. Details of those conventions have been given below.

International Covenant on Civil and Political Rights - (ICCPR)

This convention was passed in 1996 as a separate convention to safeguard the Civil and political rights referred to in the Universal Declaration on Human Rights. Once this convention was passed by the member countries, they are obliged to adopt it within their own countries. some of the rights certified by this convention are as follows.

- Right to life
- Right to freedom from cruel inhuman, degrading treatment or punishment
- Right to freedom from arbitrary arrest
- Right to be recognized as a person before the law
- Right to freedom from the punishments given through the laws with retrospective effects
- Right to personal freedom and security
- Right to freedom from slavery
- Right to a fair trial
- Right to follow any religion
- Right to peaceful assembly
- Right to cast votes in elections
- Right to be elected as a people's representative

An optional convention was passed in 1966 with the convention on civil and political rights. It is the first optional protocol which is related to international convention on political and civil rights.

The second optional protocol aimed at abolishing capital punishment was passed in 1989. These two optional protocols are as follows.

The First Optional Protocol to the International Convention on Civil and Political Rights (ICCPR)

This optional protocol consists of 14 articles. This optional protocol has provided an opportunity to complain the Human Rights Committee set up by the protocol, in case where a person is not satisfied with final result of the judicial process concerning the violation of Human Rights in his own country.

In order to make this kind of a complaint to the Human Rights Committee, the respective country where the particular person lives, should have signed and accepted this protocol.

The Second Optional Protocol was added to ICCPR with the objectives of abolishing capital punishment

This protocol was passed by the General Assembly of UNO on the 15th of December, 1989. This has been introduced in addition to Article 3 of Human Rights Declaration of UNO and Article 6 of ICCPR. It consists of eleven articles. This optional protocol has taken steps to abolish capital punishment.

It is strictly prohibited for the countries that accept this protocol to give any kind of a capital punishment to any person living in those countries. In place of that some alternative punishments can be imposed. Sri Lanka has not signed this protocol yet.

International covenant on Economic, Social and Cultural rights - (ICESCR)

This covenant has been passed in order to implement the following rights in Universal Declaration of Human Rights as a separate protocol.

The right to education, right to a healthy life, right to select an employment opportunity freely, right to getting a reasonable salary, right to social security. Right for a higher standard of life. Right for living in accordance with one's cultural accepted values.

Once this protocol is accepted by a country, it is bound to protect them.

Optional Protocol to the ICESCR - 2008

An Optional Protocol was signed in 2008 to strengthen the following rights recognized in ICESCR.

International Bill of Rights

There are six main legal documents passed by the United Nations to safeguard, interpret and certify Human Rights. When all these documents are taken together the Bill of Rights is formed. Accordingly the documents related to the Bill of Rights are as follows.

1. Universal Declaration of Human Rights of UNO – 1948
2. International Covenant on Economic, Social and Cultural Rights – 1966
3. International Covenant on Civil and Political Rights – 1966
4. The First Protocol to the International Covenant on Civil and Political Rights.
5. The Second Optional Protocol to the International Covenant on Civil and Political Rights.
6. Optional Protocol to Covenant on Economic, Social and Cultural Rights – 2008

Activity 3.2



- International Human Rights Day is celebrated on the 10th of December in every year. Prepare a speech to be presented in the morning assembly on the topic "International Acts on Human Rights".

In the Present day, it is accepted that the rights discussed above should be ensured with respect to each individual and as a group. Accordingly groups of people who face problems are recognized. They are paid special attention and various international documents on Human Rights have been passed to ensure their Human Rights.

Rights of Women

Family is the smallest social unit of a community of people. The functions performed by the women as a mother of the family is invaluable. Through functions like giving birth to children, giving protection to them, fulfillment of food and nutrition requirements of the family, and providing education to them, the mother performs a great service to the welfare of the family as well as the wellbeing of the society.

The labour contribution of the women with regard to the functions of the family and the national economy is commendable. She also performs a very important social service by shouldering various responsibilities associated with different roles played by her in the society.

We know about special occasions even in the past in which the women in the Oriental Countries had been regarded important. The Sapta Aparihani Dharma practised during the reign of Lichchavi in the 6th Century B.C. in India can be taken as an example. Two of the facts under Sapta Aparihani Dharma deal with the fact providing protection to women. Those two facts followed by the Lichchavi kings are given below.

1. Protection of unmarried girls of the caste
2. Protection of the married women of the caste

Fundamental reason for the society to pay much attention towards women is the respect for motherhood which has been prevailing in the society from ancient times.



Fig. 3.1 : Social Services rendered by women

When enjoying human rights there are many occasions in which women face social discrimination at present. Being subjected to violence, facing various types of abuses and being subjected to discrimination are some examples of such situations.

Considering women as a group which should attract special attention of the society the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the United Nations General Assembly with the idea of securing the rights guaranteed by the United Nations Universal Declaration of Human Rights.

Convention on the Elimination of All Forms of Discrimination Against Women

The primary objective of this convention was the eradication of all forms of discrimination against women. This convention was adopted on the 18th of December 1979 by the United Nations and implemented on the 03rd of September 1987. Sri Lanka also ratified this convention. Article 3 of this convention is given below. Study it well.

Article 03

State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Under this convention the rights of women are arranged in several parts.

- Civil and Political Rights of women
- Rights of women within the family unit
- The right to education and training
- The right to engage in economic activities and enjoy the benefits
- The right for health and nutrition
- The right to protection against discrimination

It is emphasized that when these rights are enjoyed by women the opportunity should be given to them on the basis of elimination of all forms of discrimination against women and on gender equality.

Article 10

State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.

Article 15

State parties shall accord to women equality with men before law.

Sri Lanka has signed this Convention in 1981. Accordingly, Sri Lanka has taken several measures for the protection of women's rights.

- Preparation of a women's Charter in 1993 based on this Convention
- Establishment of a separate ministry concerning women's affairs.
- Establishment of National Women's Committee on matters relating to unfair treatment to women.
- Inclusion of provisions to the Penal Code dealing with wrongs committed against women.
- Passing of an Act of Parliament on Domestic violence dealing with violent acts that take place within home so that family members including women are protected.
- In every police station a separate section for women and children is established to investigate matters dealing with women and children.

An alternative agreement to the CEDAW Convention was adopted by the United Nations on 06th October 1999.

Activity 3.2



- Collect some poems/songs/essays that reflect good qualities of mothers/women.
- Write an essay on "The role that should be played by the society in protecting the rights of women".

Child Rights

Children are the greatest asset of parents. They are also the most valuable resource of a country and the world. The reason for this is the fact that they are considered the back bone of the nation. Therefore it is important to direct children through a better present to a beneficial future.

If children are deprived of the opportunity to enjoy their rights it becomes a barrier for their proper growth. It may hinder the child from entering the future society as a good citizen.

Employing children as child labourers, abusing them, recruiting them as child soldiers, abducting, not sending them to schools, harrassing them are examples for the instances of Child Rights violations.

Children become victims of wars in countries where they undergo harresments, lose parents, become refugees, get killed, suffer from malnutrition and exposed to severe threats. First and second world wars are examples of such dreadful situations.

Such dreadful situations compelled the world to focus its attention on the need to safeguard rights of children.

In consequence of various efforts made by countries to safeguard Child Rights, the General Assembly of the United Nations adopted the Convention on Child Rights on the 20th November 1989. This Convention came into effect since 1991. Sri Lanka also ratified this convention.

United Nations Charter on Human Rights, Geneva Declaration on Child Rights (1924) and many other international documents were considered when drafting the convention on Child Rights.



Fig. 3.2 : Children affected by war

United Nation's Convention on Child Rights

The convention on child Rights consists of a preamble and 54 articles.

When preparing this convention, special attention was paid to matters such as survival, protection development and participation of the child.



Fig. 3.3

The Convention on Child Rights has been prepared on the basis of four principles. These guiding principles represent underlying requirements of to all rights mentioned in this Convention.

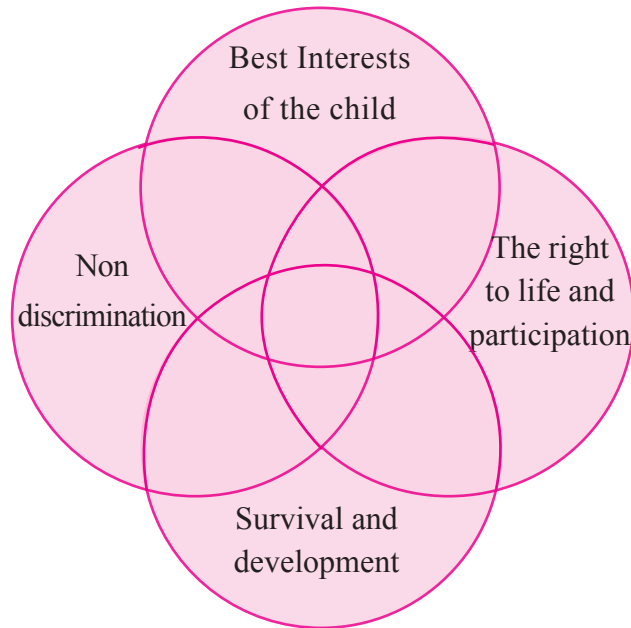


Diagram 3.5

Convention on the Rights of the Child

Article 1

A child means every human being below the age of eighteen years.

You also fall into this age limit. Therefore you should be well aware of the rights you are entitled to and when you enjoy these rights, you should also fulfill the duties and responsibilities that are given with them.

Article No 02 states that children should not be subjected to any kind of discrimination when enjoying the rights declared by this convention.

According to this Article no one should be discriminated during the enjoyment of these rights on the basis of his or her nationality, community, religion, wealth, disability or on any other circumstances.

You receive these rights on equal basis with other children who live in the Sri Lankan multi cultural society. It is your duty to work in a way that the rights of other children are protected.

Article 3

In all actions concerning children the best interests of the child shall be a primary consideration.

Article 6

State Parties recognize that every child has the inherent right to life.

It is the duty of all persons living in society to respect children's right to life. All citizens should consider as it a personal duty and a responsibility of them. Then it will contribute to safeguard child rights further.

Article 7

The child should be registered immediately after birth and shall have the right from birth to a name the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.

Article 35

State parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

The abduction or detention of children results in mental depression in children, losing the right to education, deprivation of protection and love of parents, and bereavement of health facilities. Accordingly, such situations directly influence child rights violations. It is the duty and the responsibility of the entire society to prevent children facing such situations.

Article 28

Every child has a right to education. It is a responsibility of the state to make primary education compulsory and available free to all.

As a citizen of Sri Lanka you have been facilitated with free education from primary to higher education. Use this privilege to educate yourself well. Determine yourself to dedicate the knowledge and skills you gained in this manner to develop to country and the community so that you will be able to accomplish your obligations and responsibilities that accompany with those rights.

A set of rights assured by the Convention on Child Rights is given below.

- The right to freedom of expression
- The right of the child to freedom of thought, conscience and religion
- The rights of the child to freedom of association and freedom of peaceful assembly
- The right to access information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health
- The right of a mentally or physically disabled child to enjoy a full and decent life, to receive special protection, and education
- The right to benefit from social security, including social insurance
- The right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development
- The right of the child to the enjoyment of the highest attainable standard of health and nutrition
- In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.
- The right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- The right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the

child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

- The right to be protected from the illicit use of narcotic drugs and psychotropic substances
- The right to be protected from all forms of sexual exploitation and sexual abuse
- The right to protection and care of children who are affected by an armed conflict and be free from recruiting into armed forces as child soldiers

It states many responsibilities of the member states to be performed in order to offer maximum benefit to the child. A few of them are mentioned below.

- Ensure the persistence and development of the child
- Safeguarding family relationships
- Providing security for children who are deprived of family protection
- Providing social protection
- Enforcement of laws so that maximum benefit is offered to the child
- Preventing the recruitment of child soldiers for military activities.
- Ensuring the right to education

Steps taken by Sri Lanka to safeguard child rights

- Accepting and exercising United Nations Convention on Child Rights.
- Making laws on the basis of the convention on Child Rights.
- Establishment of National Child Protection Authority and empowering it to take actions against child rights violations
- Establishment of the Department of Probation and Childcare services
- Establishing a unit in every police station to investigate into the complaint related to women and children
- Establishing Child Line Sri Lanka to obtain advices on child protection
- Child line Sri Lanka 1929.

Activity 3.3



- Mention the obligations you should fulfill as a child enjoying the following rights

Rights	Obligations to be fulfilled for enjoying the rights
Freedom of religious faith	
Right to education	
Right to equality	
Right to	

- Select three rights you are entitled to from the Convention of Child Rights and explain how they can be of assistance to succeed in your life.

Persons with Disabilities

Capabilities are not equal in every person living in the society. There are some persons living with us in this society who suffer from conditions of disabilities such as physical, mental, intellectual disabilities. Perhaps these disabilities may be inborn. Or else, they may have been the result of accidents faced by them later in their life.

Eventhough they are disabled, like other ordinary people living in the society, they too have specific capabilities, proficiencies and skills. You may have heard about visually impaired persons who have excelled in certain capabilities such as in aesthetics. You may also know about situations in which persons with certain disabilities perform great service to the country after completing their education through specific methods.

By improving the capabilities of persons with disabilities they will get the ability to perform a great service to the country.

The United Nations have taken steps to protect the rights of persons with disabilities by paying special attention to them. Convention on the Rights of Persons with Disabilities adopted in 2006 is an important step taken for the protection of rights of persons with disabilities. The Convention on the Rights of Children has also taken further steps to protect the rights of persons with disabilities.

It is the responsibility of all of us as citizens to provide the persons with disabilities the opportunity to lead a satisfied social life with dignity by enjoying their rights.

Activity 3.4



- State several obligations that should be fulfilled by the society for the protection of the dignity of the persons with disabilities.
- Supply a short description of the facilities provided by the government to the persons with disabilities to lead a good life

The Indigenous and Tribal people

Indigenous people possess a culture specific to them. Food, clothing, customs, habits, language, beliefs and values, morals, etc. are examples of factors that reflect these specialities. Among them are arts like dancing and songs specific to them.

The World Labour Organization in 1989 introduced the Indigenous and Tribal People's Convention for the protection of rights of indigenous and tribal people. Recognizing the aspirations of these people to exercise control over their own institutions, ways of life and to maintain and develop their identities, languages and religions, within the framework of the States in which they live is one of the main objectives of this convention. According to this convention another main objective of it is to set up the background necessary for the maintenance of occupations, languages, customs and traditions, beliefs, ways of life further as they prevailed historically.

The aborigines living in Sri Lanka are called “Veddas”. It is the responsibility of all the citizens living in a country to treat these people as a special group and provide them with opportunities to enjoy the rights they have as aborigines and respect their rights.



Fig. 3.4 : Indigenous people in Sri Lanka

Activity 3.5

- Propose some measures to protect the rights of the indigenous people in Sri Lanka.

Adults (Senior citizens)

Even though there is no internationally recognized age limit to identify adults in Sri Lanka the retirement age for the state sector employees is between the ages of 55 - 60. This age group can be regarded as the border line to be considered as a senior citizen.

A senior citizen is a person who sacrificed his/her time and labour for the economic and social development of the country during his/her youth as a government servant, a private sector worker, a self-employed person or a person engaged in an employment abroad. They also have rendered a great service for the wellbeing of the society.

Accordingly, it is the responsibility of both the government and the society to provide them the opportunity to lead a good and satisfied life. It is quite essential to establish in the society the room for them as adults to lead a life which safeguards their freedom, independence, security and dignity. In the same way giving them the opportunity to use their knowledge, capabilities and experiences, for the benefit of

the society will help them to lead a contended life. This will also establish the right of them to take part in various social activities.

Various social insurance systems are implemented out In Sri Lanka for the benefit of adults. specially, it is the duty and responsibility of both the society and the family unit to provide opportunity for the adults to lead a happy and contended social life.

It is expected that in future, among Asian countries, including Sri Lanka the percentage of adult population will take a higher value. Therefore, more attention should be given to the protection of their rights.

Domestically, Sri Lanka has passed an Act of Parliament for the Protection of Rights of Adults (No 09, 2000). Internationally, too, special attention is paid to the protection of rights of adults.

Activity 3.6



- Name the activities you can carry out as a member of the family to provide opportunities for adults to lead a contended life.
- Mention several steps that the government of Sri Lanka has taken for the welfare of adults.

Labour Rights

The services performed by working people in the development process of a country are immense. Therefore, it is essential to establish social fairness for the working population. Proper maintenance of employer - employee relationship is also essential for the development of a country.

International Labour Organization was established in 1919 with the objective of bringing social equity for the working population. In 1946 International Labour Organization functioned as an affiliated institution to the United Nations. The main objectives of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. The ILO has adopted several Conventions with the objective of protecting

the rights of the workers. Sri Lanka has become a member of the ILO in 1948. Sri Lanka also has ratified and has taken steps to implement several conventions adopted by the ILO.

Protection of Labour Rights

Given below are the examples of some Acts passed and implemented by Sri Lanka with the objective of proper maintenance of relationship between employers and employees.

- Shops and Office Employees Act
- Maternity Benefits Ordinance
- Industrial Disputes Act
- Wages Board Ordinance
- Employees Provident Fund Act

Opportunity should be given for the employees to enjoy the rights such as wages sufficient to meet their needs (a living wage), holidays and leaves, job security, social security, health facilities, etc in order to perform their services with satisfaction.

If the employees are entitled to these rights it will lead to create healthy employer employee relationship, generate industrial peace and will also be able to maintain higher level of labour productivity.

When enjoying these rights fulfilling properly the obligations connected with them will lead to protect them further. Performing the duties and obligations towards the employees by the employers will be effective in bringing success to one's industries and business services. Maintaining proper relationships between the employer and employees in this manner will contribute to success of the production process as well as the development of the country.

Activity 3.7



- Mention in Column II the obligations that should be performed by the employees with respect to the enjoyment of the rights mentioned in column I

Column I	Column II
Rights of the Employees	Obligations that should be fulfilled by the employees
Eight hour service duration	
The right to have a fair salary	
The right for leave	
The right to join a Trade Union	

Obligations connected with the Environmental Rights

The surroundings around us can simply be called the environment. Land, water, atmosphere, soil, plants and animals include the natural environment.

Since ancient times, man has opted to change the environment in various ways in order to fulfill his needs. The Industrial Revolution which started in the 18th Century caused environmental pollution in many ways. With the growth of population and human needs becoming complex the changes that took place in the production processes, too, influenced environmental pollution.

Pure drinking water, clean air, facilities essential to live in an unpolluted environment are the basic environmental rights which are necessary to safeguard the right to live.

However, the attempts made by man in order to upgrade the living conditions of him have unfavorably influenced environmental pollution.

“Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.”

(Rio Declaration on Environment and Development: Principle 1)

This principle emphasizes both the right of man to the environment as well as obligations that man has to fulfill towards the environment. Because of this mankind is obliged to pay special attention to the fulfillment of certain duties and responsibilities in order to protect the environmental rights.

Fulfillment of moral obligations and acting in accordance with rules and regulations enacted In relation to such actions like protection of water sources, protection of forests and wild animals, proper disposal of waste matter will contribute to safeguard the environmental rights possessed by humankind.

The main law governing the environmental protection of Sri Lanka is the National Environmental Act of 1980. The central institution that deals with matters covered by this Act is the Central Environmental Authority.

Given below are some examples of institutions/departments that deal with environmental protection in Sri Lanka.

- Ministry of Environment
- Forest Conservation Department
- The Geological Survey & Mines Bureau
- The Marine Environment Protection Authority
- Department of Wildlife Conservation
- Coast Conservation & Coastal Resource Management Department

It is the duty and responsibility of all of us to act in accordance with the standards planned and implemented by these institutions and personally contributing to the conservation of the environment so as to establish the right to live in a healthy environment

Activity 3.8



- Collect some newspaper reports on occasions where environmental pollution is taking place due to human activities.
- Complete the following table.

Column I	Column II	Column III	Column IV
Components of the Environment	Human Activities that cause Environmental Pollution	Results of Environmental Pollution	Measures that can be taken to prevent Environmental Pollution
Water			
Land			
Atmosphere			

Growth of the statutory provisions of Human Rights in Sri Lanka

Inclusion of Fundamental Rights chapter in the First Republican Constitution of Sri Lanka (1972) can be considered as an important step in relation to this. Article 18 of the First Republican Constitution of Sri Lanka includes provisions related to Fundamental Rights.

However, this Constitution does not mention provisions for the protection of the Fundamental Rights or measures that can be taken in instances of violating these rights.

The Third Chapter of the Democratic Socialist Republic of Sri Lanka (The Second Republican constitution) contains Fundamental Rights. Article 10 to 14 of the Constitution deal with Fundamental Rights

Fundamental Rights

Article 10

- Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

Article 11

- No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 12

- All persons are equal before the law and are entitled to the equal protection of the law.
- No citizen shall be discriminated on the ground of race, religion, language, caste, sex, political opinion, place of birth or any other of this nature.

Article 13

- No person shall be arrested arbitrarily. Retrospective penal legislation shall not be implemented.

Article 14

- Freedom of speech, assembly, association, occupation, movement.
- Freedom to form and join a trade union.
- Freedom of choosing his residence within Sri Lanka.

Measures that can be taken when Fundamental Rights are violated

- As stated in Article 17 and 126 of the 1978 Constitution, a person is entitled to make an application to the Supreme Court regarding the violation or imminent violation of a Fundamental Right over Executive or Administrative action.
- Complaints about violation of fundamental rights can be forwarded to the Human Rights Commission of Sri Lanka.
- A complaint can be made to the Parliamentary Commissioner for Administration or Ombudsman regarding a violation of a Fundamental Right by an Administrative Action.

Since Sri Lanka has also signed and accepted the First Optional Protocol to the International Covenant on Civil and Political Rights that we discussed earlier, in a legal case dealing with the violation of human rights, an individual who has exhausted all available domestic remedies should complain to the United Nations Human Rights Committee.

Present situation of the enjoyment of Human Rights in Sri Lanka

The Constitution of Sri Lanka provides opportunity for an individual to seek the interference the Supreme Court of Sri Lanka to redress of a violation or imminent violation the Fundamental Right guaranteed by the Constitution by Executive or Administrative Action.

The Supreme Court takes action to inquire into and determine the petitions presented to in this manner and deliver fair decisions by providing suitable remedies.

The task of inquiring into and reporting, subjected to the provisions of law, of the Violation of Fundamental Rights by the State officers and officers attached to government affiliated corporations, Local Government and other such institutions is carried out by the Parliamentary Commissioner for Administration or Ombudsman.

Citizens are given the opportunity of complaining about violation of fundamental rights to the Human Rights Commission. The function of The Human Rights Commission is to inquire into the complaints of violation of Human Rights and suggest appropriate recommendations. This process also guarantees the Fundamental Rights of the citizens of Sri Lanka. Other than these processes there are various strategies operated in Sri Lanka to raise awaren citizens among for of the fulfillment of human rights and obligations.

Through the inclusion of sections of the subject of Human Rights in the syllabi of the National Institute of Education, Schools and Colleges of Education the student community is made aware of Human Rights and obligations. These strategies will contribute to build up a future generation who will respect Human Rights and fulfills duties and responsibilities connected with them.

Steps have been taken to raise awareness among student population about Human Rights and obligations through academic courses conducted by

the universities and other educational institutions. Furthermore, steps have been taken to raise awareness among officers attached to law, peace and public security and government officers attached to various other spheres by organizing training courses about. upliftment of conditions regarding human rights in Sri Lanka.

In this manner, awareness about human rights and duties by the general public will establish good governance in a democratic society.

Activity 3.9



- Collect newspaper articles which contain information about Supreme Court determinations on petitions on the incidents of violation of Fundamental Rights.
- Study those reports well.

Limitations of the enjoyment of Fundamental Rights

The concept of Human Rights is important as a moral concept. On the basis of freedom and equality, laws and other provisions are implemented for the provision of equal enjoyment of Human Rights by all.

At the same time, we are subjected to certain restrictions and limitations when enjoying Human Rights. Nobody can restrict the rights enjoyed by another.

Even though a person can walk along the road by waving his walking stick the freedom should end at the tip of the other person's nose

Harold Laski

Article 15 of the 1978 Constitution states the limitations of enjoying the Fundamental Rights. Accordingly, the power to impose restrictions on the grounds of national defense, promotion of ethnic and religious harmony, safeguarding the national economy, public health, protection and respect of the rights of others are stated in the Constitution.

As an example of such a situation is that when there are military or civil struggles or violence in the country the government has the authority to control media for the benefit of the public.

Role of citizens in safeguarding Human Rights

Evidence can be presented to show the fact that since ancient times it had been a habit of Sri Lankans to fulfill their duties and responsibilities. Looking after the elders by the family members, fulfillment of one's duties and responsibilities towards them has become a tradition since ancient times. In the same way our ancient cultural heritage witnesses that Sri Lankans have sacrificed their labour, capabilities, and skills for the country.

Even when they enjoy resources found in the environment they paid special attention to perform human activities while protecting the natural environment.

Fulfillment of duties and responsibilities connected with rights is a fundamental feature of a democratic way of living. Fulfillment of one's duties and responsibilities further safeguards one's rights as well as the rights of others. Furthermore, fulfillment of duties connected with the rights leads to establish wellbeing of democratic society as well as the qualities like peace, harmony and unity.

Civil responsibilities connected with rights can be classified in the following manner.

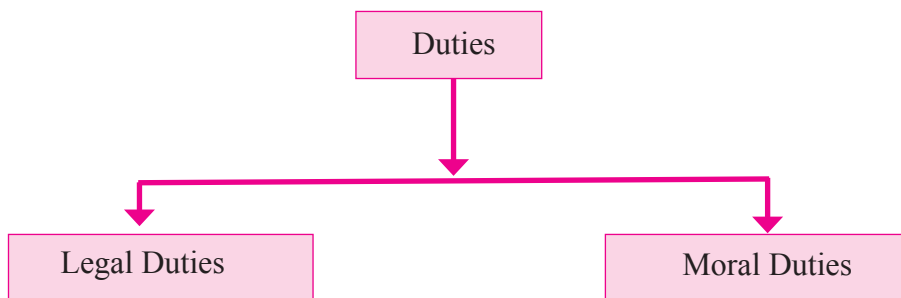


Diagram 3.6

The duties that should be performed by a citizen according to the prevailing laws of the country can simply be introduced as legal duties. Payment of taxes imposed by the government, abides by laws, bound to protect the Constitution of the country are some examples of legal duties. Disregard or neglect of legal duties may liable to be punished according to law. Care for the adults; look after them, respect the customs and traditions and upholding of them are examples of moral duties.

Treating teachers; respecting and maintaining social customs practices; protecting the environment, national heritages and resources; and protecting the culture are a few examples for moral duties.

Abstaining from dangerous drugs, smoking and malpractices is a moral that is generally accepted by society. Every individual has a moral right to abstain from such misdeeds and lead an exemplary life. In addition to it safeguarding the society from such activities becomes a moral duty of a citizen with good conduct.

Failure to fulfill moral duties may cause loss of social recognition and respect may be subject to displeasure of the society towards that person. Fulfillment of moral duties properly may directly influence the dignity, respect and social recognition of that person.

Fundamental duties

The constitution of Sri Lanka mentions both fundamental rights and duties. Article 28 of 1978 constitution of Sri Lanka states the fundamental duties. (Pay your attention to the facts you studied about 'Duties of Citizens' in the first chapter of grade 10 Civic Education) (Page 24,25)

Activity 3.10



- Column I of the following table presents the basic duties that should be fulfilled by the citizens. Mention in Column II the functions that should be performed by a citizen in order to fulfill these duties.

Column I Basic duties that should be fulfilled by the citizens	Column II Functions that should be performed by a citizen in order to fulfill these duties
Improvement of National Progress and nurture the unity of the nation	
Improvement of National Progress and nurture the unity of the nation	
Work with dedication in the occupation selected by oneself according one's conscience	
Protect nature and natural resources	

The role of the citizen in safeguarding Human Rights

Fulfilling the duties as a family member

The social unit that a person gets membership with his birth is the family. We all live as members of a family.

Think of the rights that a person enjoys as a member of a family. Food and nutrition, love and affection, protection and security, education are some examples of the rights entitled to from the family. Parent and elders provide these facilities to you regarding them as duties and responsibilities they have towards you.

In return for the enjoyment of these rights your obligation is to fulfill your duties and responsibilities towards your parents and adults which in turn will safeguard not only your rights but the rights of your parents and adults as well. It is quite important to consider these obligations as moral obligations or duties. Mutual fulfillment of duties and responsibilities towards each other as family members will bring stability and progress of the family. It further establishes and strengthens bonds among the members of the family.

Fulfillment of duties as a member of the family

Other than the family unit the most important institution that contributes to build up a person's life in a proper manner is the school. Think of the rights that you enjoy as a member of the school.

An important fact that you should pay your attention to is the fact that the government spends a great deal of money for the provision of education to you free of charge. Provision of education to you, improvement of your skills and capabilities, presenting you to the society as a good citizen are some of the services carried out by the school. Pay your attention to the duties and responsibilities that you have towards your school. Engaging in educational activities properly, being obedient to your teachers, being disciplined, respecting and safeguarding of rules, regulations and traditions of the school, utilizing resources of the school while protecting them are some examples of the duties that you should fulfill towards your school.

Enjoyment of the rights that you are entitled to as a student will help you to make your future life successful. While enjoying your rights fulfillment of your

duties and responsibilities towards your school may pave the way for you to protect your dignity and respect.

Fulfillment of duties as a member of a higher education institute

When you enter a higher education institution to get higher education, as an educated, intelligent citizen enjoying the rights you should make sure that you fulfill your duties and responsibilities well.

As a student of a higher education institute while enjoying your rights it is very important for you to pay attention to safeguard the rights of others. You should also have the determination to engage in educational activities well and enter the society as a worthy citizen of the country. The time a person spends as a student of a higher education institution should be taken as a very important period of one's educational life. By acting in that manner the student can bring reputation to the educational institution. In the same way by completing your education effectively you can fulfill the expectations that the country has put on you.

Duties that should be fulfilled while engaging in an occupation

Once you complete your education you will get an opportunity in future to engage in an occupation according to the educational and professional qualifications that you have gained. Whichever occupation you are engaged in, as workers, you should it as your responsibility to fulfill your duties and responsibilities towards your society as well as to your country by carrying out your work with dignity of work and efficiently.

Whichever is the occupation it serves the society. Performing the duties related to your occupation honestly and with dedication will bring progress not only to your society but to your country as well. You should determine to serve the persons that expect your service, to their maximum satisfaction. For the service you give them you will get the ability to fulfill the duties in return of the rights you are entitled to enjoy.

The society will appreciate and give due recognition to your occupation by providing maximum service to the society. Determine to give more to the society than what you get from the society.

Activity 3.11



- “As members of the school family we will fulfill our duties while enjoying our rights.” Write a suitable article for the School Wall Paper on the above topic.