

# Revision Activities

□ **Rights**

● **The nature and development of concepts of human rights**

1. What are human rights?

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2. Explain each of the following terms as they relate to human rights.

**Universal** .....

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**Indivisible**.....

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**Inherent** .....

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**Inalienable**.....

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3. Define the following terms

a) **State sovereignty** .....

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b) **'Natural law' doctrine** .....

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4. Explain how state sovereignty impacts on international law. Give examples.

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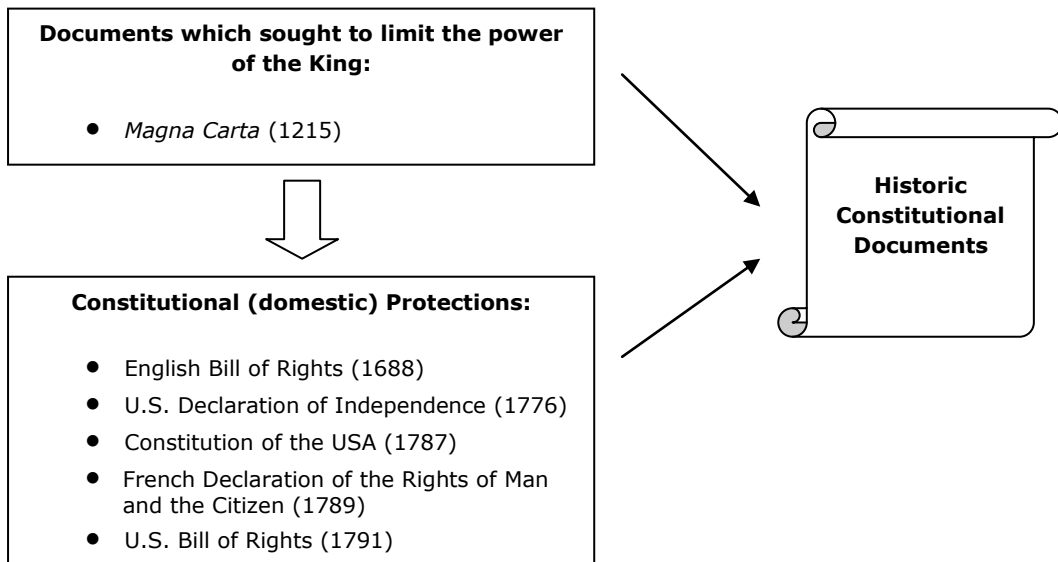
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**Historic Constitutional Documents** – The introduce of legal documents protecting human rights was a gradual process. No single document unilaterally recognised the notion of human rights and sought to protect them in their entirety. Each document that developed contributed to the increasing understanding of human rights.



5. For each of the following **historic constitutional documents**, provide a brief explanation of the significance that it has had in regard to the development of Human Rights.

Historic Constitutional Documents	Explanation of the significance
Magna Carta 1215	
English Bill of Rights 1688	
US Declaration of Independence 1776	
Constitution of the USA 1787	
French Declaration on the Rights of Man and the Citizen 1789	
US Bill of Rights 1791	

### Modern Human Rights Documents

Contemporary documents protecting human rights are International declarations, conventions and treaties, which seek to define universal standards in human rights. With each document a universal standard is set. Countries may reflect these standards by ratifying human rights protecting into their domestic legislation. Due to State Sovereignty, international declarations can only act as a moral guide for human rights standards. Whilst a government cannot choose whether or not their citizen have human rights (as all humans inherent these rights), it is up to each individual nation-State to protect human rights within their domestic law.

**The Convention on the Rights of the Child (CROC)**

**International Convention of the Elimination of all forms of Discrimination against Women (CEDAW)**

**Universal Declaration of Human Rights (UDHR)**

**International Convention on Elimination of all forms of Racial Discriminations (ICERD)**

**The European Convention for the Protection of Human Rights and Fundamental Freedoms**

**The International Convention of Economic, Social and Cultural Rights (ICESCR)**

**International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (ICT)**

**The International Covenant on Civil and Political Rights (ICCPR)**

Select the correct agreement from the list on the previous page and complete the table

INTERNATIONAL DECLARATIONS ON HUMAN RIGHTS	ABBREVIATION	YEAR ENACTED	FUNCTION
		1948	The main instrument of the inalienable and indivisible rights of all mankind. It was the first comprehensive and explicitly Statement designed especially for the creation of universal standard regarding the recognition and protection og human rights.
		1950	Set up the European Court of Human Rights and the European Commission on Human Rights. Together these monitor and regulate human rights in European States.
		1969	Specifically protects people from discrimination on the basis of race/culture.
		Applied 1976	Protects first generation human rights preventing arbitrary abuse of power.
		Applied 1976	Protects second generation human rights which ensure that citizens can participate fully and safely in society whilst maintaining human dignity.
		1979	Aims to eliminate all forms of racial discrimination against women.
		1987	Specifically protects individuals from torture and inhuman treatment,
		1990	Specifically protects human rights in relation to children.

**Historic Human Rights Struggles**

6. There have been a number of **historical struggles** to have human rights recognised. Name four (4) historic human rights struggles.

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....

Briefly outline each issue in the table below.

Explanation of each issue	Achievements for greater recognition of rights	Current situation
<b>1. Movement for slavery abolition</b>		
<b>2. Trade unionism</b>		
<b>3. Universal suffrage</b>		
<b>4. Universal education</b>		

8. Distinguish between moral, customary and legal rights

**Moral rights**

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Example: .....

**Customary rights**

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Example: .....

**Legal rights**

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Example: .....

9. Define the following terms:

**Domestic rights** .....

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**International rights** .....

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10. Explain the difference between **domestic** and **international rights**.

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11. How does domestic law protect Human Rights?

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12. How does international law protect Human Rights?

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Sydney Morning Herald, 10 April 2005

# UN condemns brutal record

**Stephanie Nebehay**

in Geneva

The United Nations has censured North Korea for "widespread and grave violations" - including torture, executions and forced abortions.

The UN Commission on Human Rights, whose 53 member states are in annual session, on Thursday urged Pyongyang to co-operate with its special rapporteur, Vitit Muntarbhorn.

The resolution, brought by the European Union and Japan, was adopted by a vote of 30 countries in favour, nine against and 14 abstentions, including South Korea.

The resolution also listed deep concern at the use of the death penalty for political reasons, the existence of a "large number of prison camps" and the extensive use of forced labour.

The US delegation denounced North Korea's "deplorable human rights record".

A US delegate Sasha Mehra told members of the commission that up to 200,000 people were believed to be held in remote detention camps in North Korea.

"Defectors report people dying of torture, starvation, disease and exposure or a combination of causes," she said. "We stand with the victims of the brutal regime." But North Korea's delegation reacted angrily, accusing the forum of "politicisation, selectivity and double standards".

"The fundamental purpose of this resolution is to overthrow the state system of the DPRK [North Korea]," said Choe Myong-nam. Most targets of the "naming and shaming" at the commission were "developing countries pursuing independent policies with ideals different from those of the West," he said. He singled out Britain and Japan

as "ringleaders" of the text, saying Britain appeared "hell-bent on overthrowing the state system of the DPRK hand-in-hand with the United States".

North Korea has refused requests to visit by Thai law professor Muntarbhorn, who is serving in the independent post established a year ago, and has reported widespread abuses and urged North Korea to end capital punishment and forced labour.

South Korea's ambassador, Choi Hyuck, said his country shared other countries' deep concerns about the state of human rights in North Korea but questioned the value of rebukes alone. "We believe it is equally important to create an environment that encourages the DPRK to change voluntarily," he said.

Explain the terms:

**censured** .....

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**rapporteur** .....

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**resolution** .....

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Why are states criticising North Korea?

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- **Identifying the types of international rights**

1. What are the main types of human rights?

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2. Explain how collective rights cannot apply to individuals.

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3. Outline 2 reasons why environmental rights are taking on greater importance over time.

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4. Complete the table for each of the following **types of human rights**.

Type of human right	Definition	Examples	Treaty
Civil and political rights			
Economic, social and cultural rights			
Environmental rights			
Peace rights			
Collective right to self determination			

**Distinctions of Formal International Agreements**

<b>Declaration</b>	A formal document which deliberately and emphatically asserts a Statement or number of Statements. That is, a declaration is an articulation of a set of beliefs or facts. Within the context of international law a declaration generally aims to set a moral or ethical benchmark. Examples include the <i>Declaration of Independence</i> (USA, 1776) and the <i>Universal Declaration on Human Rights</i> (UDHR, 1948). A declaration does not have to be 'agreed to' or have the support of a majority of nations to exist. It is not legally binding but carries moral weight.
<b>Covenant</b>	A sealed and binding agreement between States. A covenant is legally binding on the States that ratify it (as it becomes part of their domestic legislation).
<b>Convention</b>	An agreement concluded between States. When ratified into domestic law, a convention becomes legally enforceable
<b>Treaty</b>	A formal and binding agreement between people, or in the case of international law, between nationals. When ratified into domestic law, a treaty becomes legally enforceable.
<b>Protocol</b>	An agreed way or relating. A protocol is an agreement which completes an international treaty or convention, and which has the same legal force as the initial document. An example are the environments protocols known as <i>Kyoto Protocols</i> because the agreements took place in Kyoto, Japan.
<b>Resolution</b>	An aim or set of standards adopted by a deliberate body, an international organisation (for example, by the United Nations General Assembly or the General Conference of UNESCO) which they set out to achieve.
<b>Remember ...</b>	Despite their differences, all of the above formal agreements are subject to the challenges of State sovereignty. Even when a covenant, treaty or principle of declaration has been ratified into domestic law, the eventually application of international values is up to individual States.

• **The recognition of human rights under Australian law**

1. How are human rights recognised under Australian law:

a) .....

b) .....

2. Explain how **common and statute** law protect human rights in Australia.  
Use examples to illustrate your answer.

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3. Explain using at least ONE example, explain who the recognition and protection of human rights have evolved in Australia.

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4. What is a **Bill of Rights**?

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5. Australia does not have a **Bill of Rights**. Should Australia have a Bill of Rights? Outline the arguments both in favour and against having a Bill of Rights in Australia.

**Arguments relating to a Bill of Rights for Australia**

<b>In Favour</b> of having a Bill of Rights in Australia.	<b>Against</b> having a Bill of Rights in Australia.

6. Some limited recognition of rights are made in the Australia Constitution. List the rights that are identified in this document.

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- **Contemporary struggles for human rights**

There are still many struggles both in Australia and around the world that highlight the human rights abuses that still exist in the world today. Non-government organisations (NGO's) that independently monitor humanitarian crises provide information that can be dispersed by the media. Due to the technological advancements in communication, the media inform communities of the human rights abuses that are occurring every day.

1. What is a **contemporary** issue?

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Give examples:

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2. What are the legal measures for addressing human rights issues?

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3. What are the non-legal measures for addressing human rights issues?

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2. Select one **contemporary domestic struggle for human rights**.

Briefly outline the main issues, the types of human rights affected, the way in which this issue is changing understanding of human rights and the effectiveness of legal and non-legal measures both domestically and internationally in addressing these issues.

*The main issue* .....

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*Types of human rights affected* .....

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*Changing understanding of human rights* .....

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*What are the domestic legal measures and how effective are they in addressing this issue?*

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*What are the international legal measures and how effective are they in addressing this issue?*

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*What are the non-legal measures (both domestic and international) and how effective are they in addressing this issue?*

2. Select one **contemporary international struggle for human rights**.

Briefly outline the main issues, the types of human rights affected, the way in which this issue is changing understanding of human rights and the effectiveness of legal and non-legal measures both domestically and internationally in addressing these issues.

*The main issue* .....

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*Types of human rights affected* .....

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*Changing understanding of human rights* .....

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*What are the domestic legal measures and how effective are they in addressing this issue?*

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**Key Questions/Issues**

- What are rights?

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- How are human rights recognised and enforced?

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- How effective are legal measures, both domestically and internationally, in addressing human rights issues? Give examples.

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- How effective are non-legal measures? Give examples.

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