



LESSONS LEARNED: Civil Rights and Human Rights in the U.S. and the World

A RESOURCE FOR TEACHERS CREATED BY THE
AMERICAN SOCIETY OF INTERNATIONAL LAW

The American Society of International Law
International Law Curriculum Series

Lessons Learned:
Civil Rights and Human Rights
in the U.S. and the World

A resource for teachers

Created by the American Society of International Law

With support from the Open Society Foundations

Essential Questions	Essential Understanding	Essential Knowledge	Essential Skills
<p>How did World War II (WWII) influence the international human rights movement?</p> <p>How do we decide which rights should be available to which people?</p> <p>Why is it important that human rights were written down into a single document?</p> <p>How do we decide which human rights apply at which times?</p> <p>What role has the U.N. played in trying to end racial discrimination on a global scale?</p> <p>Has the United States incorporated international human rights in its own fight against racial inequality?</p>	<p>Following the atrocities of WWII, the United Nations was a forum used to promote civil and human rights</p> <p>The U.N. is an international body tasked with, among other things, protecting and encouraging human rights</p> <p>The Universal Declaration of Human Rights (UDHR) is the foundation of modern human rights</p> <p>Civil society organizations, such as the National Association for the Advancement of Colored People (NAACP) advocated and litigated for implementation of principles of non-discrimination and equal rights</p> <p>Domestic and international bodies developed laws and institutions to counter racism and discrimination, such as the Apartheid regime in South Africa</p>	<p>The United Nations</p> <p>Human rights</p> <p>Positive and negative rights</p> <p>Eleanor Roosevelt</p> <p>International Governmental Organization (IGO)</p> <p>Universal Declaration of Human Rights (UDHR)</p> <p>Colonization</p> <p>The International Convention on the Elimination of All Forms of Discrimination</p>	<p>To read and analyze primary and secondary sources</p> <p>To organize and evaluate information</p> <p>To identify and explain the role of international organizations in the development of human rights</p> <p>To analyze the application of human rights to real world situations</p> <p>To compare and contrast documents and text with similar, but different, purposes</p>

Lessons Learned: Civil Rights and Human Rights in the U.S. and the World

A resource for teachers

“Where after all do universal human rights begin? In small places, closest to home - so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: The neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

- Remarks by Eleanor Roosevelt at the United Nations, March 27, 1958

“I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident: that all men are created equal.’”

- Speech by Martin Luther King, Jr. at the Lincoln Memorial, March on Washington for Jobs and Freedom, August 28, 1963

Overview:

Just as the Civil War in the United States marked the violent awakening to fundamental racial inequality and spurred America’s struggle to end discrimination, so too did World War II (WWII) serve as a brutal reminder of what hatred and discrimination could do to humanity. Both the U.S. and the rest of the world wrestled with issues of inequality, race, religion, and prejudice in the post WWII era. The following lesson plans build on students’ previous introduction to the civil rights movement in the U.S. to educate them on the creation and growth of international human rights standards and to provide them with an example of the use of human rights on an international level to address a domestic issue. The first lesson introduces students to the history of the United Nations and the foundational human rights document, the Universal Declaration of Human Rights (UDHR). The second lesson addresses how the civil rights racial equality movements in the U.S. were mirrored and expanded in international law and how nations around the world used principles cherished by Americans to challenge global racial inequality.

Structure:

This lesson includes two 45 minutes class sessions designed to be taught together. The sessions should be taught following the students’ introduction to the post-WWII civil rights movement in the United States. Each class is made up of five sections (a-e). Teach section (a) and use any three of the remaining four sections for a 45 minute class. Model quizzes for each lesson are included. Simply remove questions addressing the section not covered from the quiz before distributing.

Lesson I: Creating a Human Rights System

A. Creating the United Nations (10 minutes)

“The Charter of the United Nations, which you are now signing, is a solid structure on which we can build for a better world. History will honor you for it. ... If we had had this Charter a few years ago—and above all, the will to use it—millions now dead would be alive. If we should falter in the future in our will to use it, millions now living will surely die.”

- Address at the Closing Session of the United Nations Conference, June 26, 1945
U.S. President Harry S. Truman

Reading Assignment: STUDENT HANDOUT #1 (Preamble of the Charter of the United Nations)

The early post-World War II period saw the rapid growth of international human rights treaties and the international organizations created to enforce them. Drawing on the principles enshrined in the U.S. Constitution, Americans played a leadership role in these developments, which mirrored the United States’ experiences with its own growing civil rights movement. In 1945, delegates of fifty countries met in San Francisco and signed the Charter of the United Nations. The United Nations (UN) is an international governmental organization (IGO). IGOs are international bodies whose members are countries, instead of private individuals. Some IGOs are focused on a specific topic, like the World Trade Organization, while others are focused on a specific geographical region, like the African Union or the Arab League.

The United Nations was designed to be stronger than its predecessor, the League of Nations. Read the Preamble to the Charter. Notice how the first two points reference the world wars and human rights. This was a new outlook for leaders of countries. Up to this point, most had viewed war as a legitimate tool for nations to use. The horrors of WWII convinced nations to allow an IGO to have more authority than previously thought acceptable. This included the authority to promote and advocate for human rights, which had not been a distinct concept before 1945.

Suggested Video (2:00): Excerpts from Truman speech at signing of U.N. Charter - <http://www.youtube.com/watch?v=juvHlXU0Yj8>. If you do not have access to this video, use STUDENT HANDOUT #2 (Excerpts from Truman Speech).

Classroom questions (Use as many or as few as time permits):

1. How important was WWII in prompting nations to work together on a global scale? Would the United Nations have happened without WWII?
2. Are the goals listed in the U.N. Charter’s Preamble realistic? Can anyone, including the United Nations, make individual countries obey these principles?
3. What would you add to the U.N. Charter’s Preamble?

B. What are Human Rights? (10 minutes)

The term “human rights” can mean many different things to many different people. We often use the term “civil rights” in the United States to refer to some of the same principles and ideas that the rest of the world calls “human rights.” Let’s take a look at these words and figure out what they actually mean.

Discussion Question 1: What does the word “right” mean? Give me some examples of “rights.”

[Poll students for different answers – common responses might be:]

- Food, clothing, a house, a car, a job, i.e.: something that the government has to give you.
- Voting, privacy, freedom to move around the country, i.e.: something that the government can’t take away from you.

Rights usually refer to protections in the laws of a country designed either to limit how much a government can interfere with its citizens (negative rights) or to ensure that the government helps its citizens when they are in need (positive rights). The United States was originally built around the idea of negative rights but has added some positive rights to its laws over time. Some examples of negative rights are the freedom of religion or the freedom of expression. Some examples of positive rights are the right to a lawyer in a criminal trial or the right to public education provided for in many state constitutions in the United States.

Discussion Question 2: Why did they put “human” in front of “rights?”

Before the advent of human rights, governments determined whether or not to provide citizens and residents with rights. After WWII, many people felt that it was no longer acceptable for only some countries, peoples, or genders to have rights. Instead, they argued that everyone, regardless of who they were, should have access to the same protections. The common qualification for these rights was our shared humanity—and so we have “human rights.”

Optional classroom discussion (allow 5-10 minutes): There is still much debate about what exactly should be considered a human right. Does, for example, the right to clean drinking water have the same weight as the right to vote? Should there be a right for everyone to have a place to live? What are some rights that you think should be given to everyone?

C. Write it Down! (15 minutes)

Reading Assignment: STUDENT HANDOUT #3 (Biography of Eleanor Roosevelt), distribute to students during class and have them read it

Suggested Video (4:32): Text of the UDHR - <http://www.youtube.com/watch?v=hTlrSYbCbHE>

The United Nations created a group of people, called the U.N. Human Rights Commission, to write down these human rights. In 1948, under the Chairmanship of Eleanor Roosevelt, the Commission adopted the Universal Declaration of Human Rights (UDHR). The Declaration set out to identify in further detail the “human rights” referred to in the U.N. Charter’s Preamble. There were many countries that were happy to support human rights, so long as no one actually knew what those rights were. Mrs. Roosevelt used the very strong moral authority of the United States, generated by its sacrifices in WWII, to prompt the creation of a written list of what human rights the United Nations would be promoting. Although the idea of human rights was not new, many of these rights were absent in most countries’ domestic law and the words chosen to express these ideas were very important. The UDHR is the framework for all modern human rights discussions.

Writing down principles is a very important step in making them enforceable. When a right is not written down, in a treaty, for example, it is very difficult to take that principle into a courtroom, where we enforce rights, and ensure that they are obeyed. The judge has to have something permanent (usually a law) to point to as a foundation for his or her decision and if the right is not written down in a law, that foundation is not present. When rights are made permanent through a written agreement, everyone knows what the rules are and what they are expected to do. Then a judge can make a government or an individual comply with the rights listed in the document. Writing down human rights, and all of our laws, is a very important part of the idea of “rule of law.”

Suggested Video (0:53): Eleanor Roosevelt introducing the UDHR to the United Nations General Assembly. <http://www.youtube.com/watch?v=2rDoS7XErcw>

Classroom questions (Use as many or as few as time permits):

1. How important was America’s involvement in the UDHR drafting process? Would the Declaration have been written without the U.S.’s support?
2. Why was it important to write down the human rights that the U.N. was supposed to protect? Would we have human rights today if they hadn’t been written down in laws and/or treaties?
3. Should there be more rights in the UDHR? Which rights would you add to it?

Fun Fact: December 10, the day the Universal Declaration of Human Rights was adopted, is now the worldwide “Human Rights Day.”

D. When do Human Rights Apply? (10 minutes)

Reading Assignment: STUDENT HANDOUT #4 (List of UDHR Articles)

Not all rights apply all the time. Sometimes there are exceptions to when a right can be claimed. This means that not everyone agrees all the time on which rights apply. Even some of the rights listed in the Universal Declaration can be limited for a specific reason or a small amount of time. Most of the time, the UDHR actually mentions this in the text. Look at Article 14. It says that everyone has the right to go to another country for protection from their government (we call this asylum). But you lose this right if you have killed another person or have violated other people's human rights.

So when should governments be able to limit a human right? There is no generally accepted answer, but it usually comes down to some kind of "for the benefit of the public" argument. Society understands that sometimes an individual's rights must bend for the benefit of the rest of the population. However, exactly when and how an individual's rights should be limited to benefit the rest of society is a difficult question.

Discussion Question 1: Article 13 of the UDHR states that everyone has the right to move around in their own country. So you can drive from one state to another in the United States without the government stopping you. But what if there is a disease that is spread by people (an epidemic)? Should the government be able to limit the right to move around inside your own country for a period of time to try to stop the disease from spreading (a quarantine)? How serious does that epidemic have to be before the government can limit your right of movement? How long can that quarantine last and still not be a violation of your rights? What happens when a company goes bankrupt because it cannot transport its goods across state lines? Does the government have to pay for that?

Discussion Question 2: Can you see other rights in the Universal Declaration that might be limited?

Sample Answer: Articles 9, 12, 14, 15, and 17 all have specific language that indicates they can be limited. Others, like Article 20 (right to peaceful assembly) might have rules placed on them (getting a permit or registering your assembly with the police, being limited to meeting in certain areas, etc.) before you can use the right.

Discussion Question 3: Who should decide if it is OK to put a limit on a human right?

Sample Answers: The government; laws voted on by the public; judges; congressmen/women and Senators, etc. Since the drafting of the UDHR, the United Nations and regional human rights organizations have created a number of supervisory or expert bodies that oversee compliance with these treaties. These "treaty bodies" also often explain in further detail the meaning and extent of various rights. [There is no "right" answer to this question, but it can serve as a good way to finish off discussing the birth of human rights.]

E. Fundamental Rights (10 minutes)

Human rights grew to prominence in a time of world war, mistreatment of minority groups, and horrible loss of life. Confronted with what humanity and nations could do to one another, Eleanor Roosevelt, the drafters of the U.N. Charter, and many others set out to build the foundation for a global order that would protect all people from such degradation and horror.

In the United States, the Bill of Rights provides a similar set of protections. The Civil War Amendments expanded the scope of the Bill of Rights and removed race-based restrictions on the protection and dignity promised to every American in the United States' original documents. It took more than a century for those changes to even begin to occur. It took until 1920 before the 19th Amendment was passed to remove gender-based restrictions on the right to vote. The stories of these movements share some common elements—war, discrimination, and struggle—but the differences can tell us as much as the similarities.

Discussion Question: One of the main goals of the United Nations Charter and the UDHR was to end or limit, war. Is there a similar goal animating the U.S. Bill of Rights? How about the Civil War Amendments? What are the differences? Have the students discuss the historical context that drove the aims of each document and how their differences and similarities influenced their results.

For a more in-depth lesson on the U.S. Constitution & International Law please see ASIL Module II.

Lesson I Resources:

Web-based Resources:

- The United Nations has a website devoted solely to the UDHR, with individual articles, a section on the document's history, and links to other resources for educators. <http://www.un.org/en/documents/udhr/index.shtml>
- The U.N. Cyber School Bus project has a "plain language version" of the UDHR that is designed for younger audiences and avoids technical terminology. This is the version used in STUDENT HANDOUT #4. <https://www.un.org/cyberschoolbus/humanrights/resources/plain.asp>
- The American Society of International Law has a free PDF of its document "International Law: 100 ways it shapes our lives." <http://www.asil.org/100ways.cfm>
- Facing History and Ourselves provides a comprehensive and engaging collection on Eleanor Roosevelt and the UDHR. http://www.facinghistory.org/sites/facinghistory.org/files/Fundamental_Freedoms_entire_resource_0.pdf
- Harry S. Truman Library & Museum has a transcript of Truman's Speech to United Nations General Assembly and an accompanying quiz to flush out some of the themes discussed in this section. <http://www.trumanlibrary.org/educ/unwar.htm>

Video Resources:

- Universal Newsreels has a clip of U.S. President Harry Truman addressing the San Francisco Conference at the signing of the U.N. Charter. The clip shows the signing of the Charter for the first 0:45 and excerpts of President Truman's speech are included from 0:45 – 2:45. It is available on YouTube at <http://www.youtube.com/watch?v=juvHIXU0Yj8> .
- Amnesty International has a somewhat lengthy video (20:23) that uses different art forms to explain the text of each article of the UDHR. Each article is read aloud while the video plays. It is available on YouTube at <http://www.youtube.com/watch?v=epVZrYbDVis> .
- The Human Rights Action Center has a short (4:32) visual text video of each of the articles of the UDHR rephrased in more common terminology. It is available on YouTube at <http://www.youtube.com/watch?v=hTlrSYbCbHE> .
- The United Nations Association for the USA has a very short clip (0:53) featuring Mrs. Eleanor Roosevelt presenting the UDHR to the General Assembly of the United Nations. It is available on YouTube at <http://www.youtube.com/watch?v=2rDoS7XErcw> .

Lesson II: The Global Dream: The Fight for Racial Equality in International Law

The National Association for the Advancement of Colored Peoples (NAACP) delegation attended the 1945 San Francisco Conference and pushed for the inclusion of human rights in the U.N. Charter. The advocates of racial equality in the United States recognized the importance of ending racial discrimination on an international level and the value of a global platform that would be supportive of their national movement. W.E.B. Dubois, director of special research at the NAACP, commented to a Chicago reporter on the occasion of Germany's defeat that "[w]e have conquered Germany but not their ideas."

A. The U.S. System: Institutionalized Racial Inequality (10 minutes)

"Therefore, Peoples of the World, we American Negroes appeal to you; our treatment in America is not merely an internal question of the United States. It is a basic problem of humanity; of democracy; of discrimination because of race and color; and as such it demands your attention and action. No nation is so great that the world can afford to let it continue to be deliberately unjust, cruel and unfair toward its own citizens."

- Excerpt from "An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress" given before the United Nations General Assembly, October 23, 1947, W.E.B. Dubois

Reading Assignment: STUDENT HANDOUT #5 (An Appeal to the World). Discuss.

The ideological principles set out by the US government in opposition to fascism rampant in Europe hinted at a bright future for race relations in the United States. But, as described by Stephen Ambrose, the biographer of World War II's Supreme Allied Commander Dwight D. Eisenhower, "[t]he world's greatest democracy fought the world's greatest racist with a segregated Army. It was worse than that: the Army and the society conspired to degrade African-Americans in every way possible, summed up in the name Jim Crow."

As World War II came to an end, the U.S. was confronted with the horrors that resulted from the racially discriminatory ideology of the Axis powers, as seen in the concentration camps of Europe and Asia. The atrocities of World War II and the Holocaust set the stage for legal and institutional developments that would spur rights movements to end discrimination at home and abroad. In appealing to the United Nations, W.E.B. Dubois equated democracy with peace and equality. If the prejudice of the Nazis led to the horrors of WWII, the world and the U.S. could not afford to permit prejudice to survive anywhere. Read the excerpt in Student Handout #5 and discuss.

Discussion Question 1: Do you think the U.S. Government's racial policies during WWII were hypocritical? Why? How might this hypocrisy have helped promote the civil rights movement following the war?

Discussion Question 2: Was W.E.B. DuBois smart to equate racial conditions in the U.S. with racial oppression in Europe, Asia, and Africa? Do you think Americans might be motivated to work harder to create equality if they are compared to what they think of as “bad guys” in other parts of the world?

B. The Colonial System: Institutionalized Racial Inequality (10 minutes)

Following WWII, while the U.S. was struggling with racial inequality in its own population, the international community simultaneously grappled with the issue of colonialism. Colonialism occurs when one country takes over the control of the government of another country. Beginning as early as the 16th Century, European countries colonized large geographic regions of the world, including portions of Africa, Asia, and the western hemisphere. Colonial governments often committed serious human rights abuses against the inhabitants of their colonies. These governments often split apart their colonies, creating land boundaries that were convenient for the rulers but did not reflect actual divisions of culture or tribe or polity in the region affected. The decades following WWII are often described as “post-colonial” as European nations either struggled to keep control of colonial territories or wrestled with how best to transition these regions to self-governance.

The push for national self-determination grew to include a large number of the non-European nations, which eventually formed the Non-Aligned Movement, a group of countries within the U.N. that focused on promoting growth and development for former colonial nations while trying to avoid the tensions of the Cold War.

Suggested Video (4:26): Professor Joshua Cole, The History of Decolonization and the Cold War. <http://www.youtube.com/watch?v=3xHL7Fbp2C0>. If you do not have access to this video, use STUDENT HANDOUT #6

Optional classroom discussion (allow 5-10 minutes): Use some of the examples raised by Professor Cole to address the difficulties of transferring power between the colonizing country and the newly independent nations. Some examples could include India and Pakistan, Algeria and France, or Britain and Kenya. You can also introduce the Non-Aligned Movement to the class and discuss the history of countries choosing to stay out of the Cold War conflict.

To learn more about the Non-Aligned Movement, visit:
<http://www.nam.gov.za/background/history.htm>

C. Ending Colonialism: The First Steps towards Global Racial Equality (10 minutes)

Reading Assignment: STUDENT HANDOUT #7 “The Declaration on the Granting of Independence to Colonial Countries and Peoples”

By the late 1950s, many nations had gained their independence, either peacefully or through revolutions, but some countries were still trying to maintain colonial authority. The United Nations General Assembly recognized the significant threat to peace and stability that colonialism represented and passed The Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960. Read through the text of the Declaration, paying special attention to the numbered entries towards the end of the document.

Classroom questions (Use as many or as few as time permits):

1. How would you define “self-determination” as it is used in the declaration? Does self-determination require democracy?
2. STUDENT HANDOUT #7 references the principle of non-interference. In the modern world, we see some nations, like Sudan, accused of racially motivated violence and the argument against getting involved is the same principle of non-interference. Is this still an important principle in promoting equality on an international level? Should other nations get involved when a country treats its citizens badly based on their race (or religion, politics, etc.)?
3. The General Assembly does not have the power to make countries obey its declarations. How would you go about enforcing self-determination and racial equality on an international level?

D. International Law, U.S. Law, and Racial Equality (15 minutes)

In the winter of 1959-60, there was a rash of ‘swastika incidents’ across the world. The United Nations saw a re-emergence of anti-Semitism on a global scale. At the same time, some of the last colonial governments were engaged in violent suppression of indigenous populations, and the vestiges of colonialism continued to fuel discrimination and racial violence. For example, South African police opened fire on a crowd of black protesters in Sharpeville, killing 69 people. This was just one instance of violent responses to individuals advocating freedom from government institutionalized racism in South Africa, called “apartheid.”

The U.N.’s Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to investigate these instances of racial hatred and to identify their causes. The study and subsequent recommendations led to the Sub-Commission deciding that a specific international convention needed to be drafted to address the issue of racial inequality on a global scale. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted by the General Assembly in 1965. It represents the first of many human rights conventions that tried to create a legal framework to implement the goals of the Universal Declaration of Human Rights. ICERD has a broad definition of racial discrimination, requires states that ratify it to undertake rigorous campaigns to eliminate systems that perpetuate racism, as well as educational programs to promote racial equality, and also creates a monitoring body, called the Committee on the Elimination of Racial Discrimination (CERD).

Suggested Video (4:11): Australian Human Rights Commission video on Australian application of ICERD. <http://www.youtube.com/watch?v=WfL8KiqRgto>

The United States signed ICERD in 1966 and ratified it on October 21, 1994. In its adoption of the Convention, the United States argued that its constitutional amendments dealing with slavery and racial equality (the 13th, 14th, and 15th Amendments) adequately addressed the issues raised by ICERD and that the U.S. would comply with its responsibilities under ICERD by using these constitutional amendments.

Classroom exercise: Distribute STUDENT HANDOUTS #8 & #9. Have students read the selected articles of ICERD and Amendments 13-15 of the U.S. Constitution. Use the following questions to help students learn to read texts critically and to compare and contrast similar but different principles.

Classroom questions (use as many or as few as time permits):

1. Compare the definition of racial discrimination in ICERD Article 1 to the U.S. Constitutional Amendments. Do these documents address the same issues?
2. ICERD Article 2 requires an active attempt by the state to eliminate racism “in all its forms.” Do the actions of the U.S. Government rise to this level? What do you think this Article’s language requires the U.S. Government to do?
3. Compare Amendment XIV, Section 1, with ICERD Article 5. Can the entire list of rights found in Article 5 be protected by Amendment XIV’s language prohibiting depriving anyone of “life, liberty, or property, without due process of law” and “equal protection of the laws”?

E. Civil Rights and Human Rights: Free Speech/Hate Speech (15 minutes)

When the United States signed the International Convention on the Elimination of all forms of Racial Discrimination it made the following reservation:

The Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Article 4 and 7, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

Reading Assignment: Use STUDENT HANDOUT #10 “United States Report to CERD”

Classroom questions (use as many or as few as time permits):

1. Where would you draw the line between protecting free speech and fighting racial, religious, or other forms of prejudice?
2. Is burning a cross in someone’s lawn an act of racism? How about marching through a Jewish neighborhood with swastikas?
3. Does CERD prohibit burning crosses? Does it matter if the burning cross is a political message or a racist one? If it’s both, which one matters more? How would you decide?

Lesson II Resources

Web-based Resources:

- Amnesty International has some excellent resources on discrimination accessible through their website. <http://www.amnesty.org/en/discrimination>
- The Committee on the Elimination of Racial Discrimination has some materials available, though the site is a bit hard to navigate and is text-heavy. <http://www2.ohchr.org/english/bodies/cerd/>
- The official South Africa Truth and Reconciliation Commission website is a valuable resource if you want to understand further the apartheid government and its impact on the South African people. <http://www.justice.gov.za/trc/>
- The Non-Aligned Movement has an extensive collection of resources available on its website. <http://www.nam.gov.za/background/history.htm>

Video Resources:

- The Australian Human Rights Commission has a great video (4:11) explaining ICERD and examining a case study in Australia, all while using Legos to illustrate the topic. It's very accessible for young people and provides a great way to talk about ongoing racial discrimination in a global context. It is available on YouTube at <http://www.youtube.com/watch?v=WfL8KiqRgto>.
- Professor Joshua Cole at the University of Michigan has a short answer (4:26) to the question of how decolonization and the cold war are inter-connected. It's a very good overview and uses examples that can serve to set up great conversation and discussion in the classroom. It is available on YouTube at <http://www.youtube.com/watch?v=3xHL7Fbp2C0>.
- ASIL has a video featuring Surya Subedi, the United Nations Special Rapporteur on the Situation of Human Rights in Cambodia, discussing the situation of human rights in Cambodia, the importance of human rights around the world, and how students can contribute to promoting human rights. The video is available online at <http://www.youtube.com/watch?v=2-p-Wp0b9iU>.

STUDENT HANDOUT #1

The Charter of the United Nations (1945)

PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
- to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

- to practice tolerance and live together in peace with one another as good neighbours, and
- to unite our strength to maintain international peace and security, and
- to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
- to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

STUDENT HANDOUT #2

Excerpt from President Truman's Address in San Francisco at the Signing of the United Nations Charter

(June 26, 1945)

The Charter of the United Nations which you have just signed is a solid structure upon which we can build a better world. History will honor you for it. Between the victory in Europe and the final victory in Japan, in this most destructive of all wars, you have won a victory against war itself.

It was the hope of such a Charter that helped sustain the courage of stricken peoples through the darkest days of the war. For it is a declaration of great faith by the nations of the earth - faith that war is not inevitable, faith that peace can be maintained.

If we had had this Charter a few years ago—and above all, the will to use it millions now dead would be alive. If we should falter in the future in our will to use it, millions now living will surely die.

It has already been said by many that this is only a first step to a lasting peace. That is true. The important thing is that all our thinking and all our actions be based on the realization that it is in fact only a first step. Let us all have it firmly in mind that we start today from a good beginning and, with our eye always on the final objective, let us march forward.

The Constitution of my own country came from a Convention which—like this one—was made up of delegates with many different views. Like this Charter, our Constitution came from a free and sometimes bitter exchange of conflicting opinions. When it was adopted, no one regarded it as a perfect document. But it grew and developed and expanded. And upon it there was built a bigger, a better, a more perfect union.

This Charter, like our own Constitution, will be expanded and improved as time goes on. No one claims that it is now a final or a perfect instrument. It has not been poured into any fixed mold. Changing world conditions will require readjustments—but they will be the readjustments of peace and not of war.

Source: <http://www.trumanlibrary.org/publicpapers/index.php?pid=73>

STUDENT HANDOUT #3

Biography of Eleanor Roosevelt



Eleanor Roosevelt regarded the Universal Declaration as her greatest accomplishment.

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

- Eleanor Roosevelt, “In Our Hands,” speech delivered on the Tenth Anniversary of the UDHR, 1958

Although she had already won international respect and admiration in her role as First Lady to President Franklin D. Roosevelt, Eleanor Roosevelt’s work on the UDHR would become her greatest legacy. She was, without doubt, the most influential member of the U.N.’s Commission on Human Rights.

Unlike most other members of the Commission, Mrs. Roosevelt was neither a scholar nor an expert on international law. Her enthusiasm for her work at the United Nations was rooted in her humanitarian convictions and her steady faith in human dignity and worth. Although she often joked that she was out of place among so many academics and jurists, her intellect and compassion were great assets, and proved to be of crucial importance in the composition of a direct and straightforward Universal Declaration of Human Rights.

The delegates to the Commission on Human Rights elected Eleanor Roosevelt their Chairperson. Like so many individuals throughout the world, the delegates recognized Eleanor

Roosevelt's unparalleled humanitarian convictions. Her common sense approach, constant optimism and boundless energy were integral to the smooth facilitation of meetings. On any given issue, her colloquial style and good humor were engaged not only to win over the majority of delegates who generally supported a particular U.S. position, but to confound those who opposed it. A New York Times reporter who was present at the Commission meetings wrote of the power Mrs. Roosevelt's personality had over certain unreasonable diplomats:

The Russians seem to have met their match in Mrs. Roosevelt. The proceedings sometimes turn into a long vitriolic attack on the U.S. when she is not present. These attacks, however, generally denigrate into flurries in the face of her calm and undisturbed but often pointed replies.

Envisioning a declaration with enduring principles that would be perpetually recognized by all nations, Mrs. Roosevelt was a strong advocate of true universality within the UDHR. She was adamant that different conceptions of human rights be deliberated:

We wanted as many nations as possible to accept the fact that men, for one reason or another, were born free and equal in dignity and rights, that they were endowed with reason and conscience, and should act toward one another in a spirit of brotherhood. The way to do that was to find words that everyone would accept.

Eleanor Roosevelt's personal sense of accomplishment with the finished Declaration was unparalleled in her life. Her speech before the General Assembly as she submitted the Declaration for review demonstrates the historical significance she placed upon its adoption:

We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere. We hope its proclamation by the General Assembly will be an event comparable to the proclamation in 1789 [of the French Declaration of the Rights of Man], the adoption of the Bill of Rights by the people of the U.S., and the adoption of comparable declarations at different times in other countries....

Eleanor Roosevelt's concern for humanity made her the driving force behind the Universal Declaration of Human Rights. Her leadership of the Commission on Human Rights led to the composition of a Declaration that has endured as a universally accepted standard of achievement for all nations.

She lived her life in the center of what many would regard the Twentieth Century's most consequential events, the Great Depression, World War II, the establishment of the United Nations and the adoption of the UDHR. She confronted both opportunity and adversity with a sense of optimism and determination. A former Democratic presidential candidate, Adlai Stevenson, once said of Eleanor Roosevelt, "she would rather light a candle than curse the darkness."

Source: <http://www.udhr.org/history/Biographies/bioer.htm>

STUDENT HANDOUT # 4

The Universal Declaration of Human Rights (simplified text)

1. When children are born, they are free and each should be treated in the same way. They have reason and conscience and should act towards one another in a friendly way.
2. Everyone can claim the following rights, despite a different sex; a different skin color; speaking a different language; thinking different things; believing in another religion; owning more or less; being born in another social group; or coming from another country. It also makes no difference whether the country you live in is independent or not.
3. You have the right to live, and to live in freedom and safety.
4. Nobody has the right to treat you as his or her slave and you should not make anyone your slave.
5. Nobody has the right to torture you.
6. You should be legally protected in the same way everywhere, and like everyone else.
7. The law is the same for everyone; it should be applied in the same way to all.
8. You should be able to ask for legal help when the rights your country grants you are not respected.
9. Nobody has the right to put you in prison, to keep you there, or to send you away from your country unfairly, or without good reason.
10. If you go on trial this should be done in public. The people who try you should not let themselves be influenced by others.
11. You should be considered innocent until it can be proved that you are guilty. If you are accused of a crime, you should always have the right to defend yourself. Nobody has the right to condemn you and punish you for something you have not done.
12. You have the right to ask to be protected if someone tries to harm your good name, enter your house, open your letters, or bother you or your family without a good reason.
13. You have the right to come and go as you wish within your country. You have the right to leave your country to go to another one; and you should be able to return to your country if you want.
14. If someone hurts you, you have the right to go to another country and ask it to protect you. You lose this right if you have killed someone and if you, yourself, do not respect what is written here.

15. You have the right to belong to a country and nobody can prevent you, without a good reason, from belonging to a country if you wish.

16. As soon as a person is legally entitled, he or she has the right to marry and have a family. In doing this, neither the color of your skin, the country you come from nor your religion should be impediments. Men and women have the same rights when they are married and also when they are separated. Nobody should force a person to marry. The government of your country should protect you and the members of your family.

17. You have the right to own things and nobody has the right to take these from you without a good reason.

18. You have the right to talk about your religion freely, to change it, and to practice it either on your own or with other people.

19. You have the right to think what you want, to say what you like, and nobody should forbid you from doing so. You should be able to share your ideas also - with people from any other country.

20. You have the right to organize peaceful meetings or to take part in meetings in a peaceful way. It is wrong to force someone to belong to a group.

21. You have the right to take part in your country's political affairs either by belonging to the government yourself or by choosing politicians who have the same ideas as you. Governments should be voted for regularly and voting should be secret. You should get a vote and all votes should be equal. You also have the same right to join the public service as anyone else.

22. The society in which you live should help you to develop and to make the most of all the advantages (culture, work, social welfare) which are offered to you and to all the men and women in your country.

23. You have the right to work, to be free to choose your work, to get a salary which allows you to support your family. If a man and a woman do the same work, they should get the same pay. All people who work have the right to join together to defend their interests.

24. Each work day should not be too long, since everyone has the right to rest and should be able to take regular paid holidays.

25. You have the right to have whatever you need so that you and your family: to not fall ill or go hungry; to have clothes and a house; and to be helped if you are out of work, if you are ill, if you are old, if your wife or husband is dead, or if you do not earn a living for any other reason that you cannot change. Mothers and their children are entitled to special care. All children have the same rights to be protected, whether or not their mother was married when they were born.

26. You have the right to go to school and everyone should go to school. Primary schooling should be free. You should be able to learn a profession or continue your studies as far as wish. At school, you should be able to develop all your talents and you should be taught to get along with others, whatever their race, religion or the country they come from. Your parents have the right to choose how and what you will be taught at school.

27. You have the right to share in your community's arts and sciences, and any good they do. Your works as an artist, writer, or a scientist should be protected, and you should be able to benefit from them.

28. So that your rights will be respected, there must be an 'order' which can protect them. This 'order' should be local and worldwide.

29. You have duties towards the community within which your personality can only fully develop. The law should guarantee human rights. It should allow everyone to respect others and to be respected.

30. In all parts of the world, no society, no human being, should take it upon her or himself to act in such a way as to destroy the rights about which you have just read.

STUDENT HANDOUT #5

W.E.B. Du Bois and the UN

Excerpt from “An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress.” W.E.B. DuBois (1947).

There are in the United States of America, fifteen million or more of native-born citizens, something less than a tenth of the nation, who form largely a segregated caste, with restricted legal rights, and many illegal disabilities. They are descendants of the Africans brought to America during the sixteenth, seventeenth, eighteenth, and nineteenth centuries and reduced to slave labor. This group has no complete biological unity, but varies in color from white to black, and comprises a great variety of physical characteristics, since many are the off-spring of white European-Americans as well as of Africans. Similarly, there is an equal and perhaps even larger number of white Americans who also descend from Negroes but who are not counted in the colored group nor subject to caste restrictions because the preponderance of white blood conceals their descent.

The so-called American Negro group, therefore, while it is in no sense absolutely set off physically from its fellow Americans, has nevertheless a strong, hereditary cultural unity, born of slavery, of common suffering, prolonged prescription and curtailment of political and civil rights; and especially because of economic and social disabilities. Largely from this fact have arisen their cultural gifts to America - their rhythm, music and folk-song' their religious faith and customs; their contribution to American art and literature; their defense of their country in every war, on land and sea; and especially the hard, continuous toil upon which the prosperity and wealth of this continent has largely been built. ...

If however the effect of the color caste system on the American Negro has been both good and bad, its effect on white America has been disastrous. It has repeatedly led the greatest modern attempt at democratic government to deny its political ideals, to falsify its philanthropic assertions, and to make its religion a vast hypocrisy. A nation which boldly declared “all men equal,” proceeded to build its economy on chattel slavery; masters who declared race-mixture impossible, sold their own children into slavery and left a mulatto progeny which neither law nor science can today disentangle; churches which excused slavery as calling the heathen to God, refused to recognize the freedom of converts or admit them to equal communion. Sectional strife over the vast profits of slave labor and conscientious revolt against making human beings real estate led to bloody civil war, and to a partial emancipation of slaves which nevertheless even to this day is not complete. Poverty, ignorance, disease, and crime have been forced on these unfortunate victims of greed to an extent far beyond any social necessity; and a great nation, which today ought to be in the forefront of the march toward peace and democracy, finds itself continuously making common cause with race hate, prejudiced exploitation and oppression of the common man. Its high and noble words are tuned against it, because they are contradicted in every syllable by the treatment of the American Negro for three hundred and twenty-seven years....

We appeal to the world to witness that this attitude of America is far more dangerous to mankind than the Atom bomb; and far, far more clamorous for attention than disarmament or treaty. To disarm the hidebound minds of men is the only path to peace; and as long as Great Britain and the United States profess democracy with one hand and deny it to millions with the other, they convince none of their sincerity, least of all themselves. Not only that, but they encourage the aggression of smaller nations: so long as the Union of South Africa defends Humanity and lets two million whites enslave ten million colored people, its voice spells hypocrisy. So long as Belgium holds in both economic and intellectual bondage, a territory seventy-five times her own size and larger in population, no one can sympathize with her loss of dividends based on serf labor at twenty-five to fifty cents a day. Seven million "white" Australians cannot yell themselves into championship of democracy for seven hundred million Asiatics.

Therefore, Peoples of the World, we American Negroes appeal to you; our treatment in America is not merely an internal question of the United States. It is a basic problem of humanity; of democracy; of discrimination because of race and color; and as such it demands your attention and action. No nation is so great that the world can afford to let it continue to be deliberately unjust, cruel and unfair toward its own citizens. ...

Source: Library of Congress:

<http://myloc.gov/Exhibitions/naacp/worldwarii/ExhibitObjects/AppealToTheWorld.aspx>

STUDENT HANDOUT #6

Professor Joshua Cole: “Can One Separate the History of Decolonization from the History of the Cold War?”

Between 1945 and the early 1960's, a major realignment in global relations occurred with decolonization, the end of the age of European empires. This was quite an extraordinary period. A huge number of nations that had formerly been colonies of European empires emerged. This was a process that in some places was relatively straightforward and peaceful, with a transfer of power that was confirmed in negotiation. In other places there was real violence. That violence could have come about because in these newly independent nations there were differences within the population that couldn't be resolved before the transfer of power. The most significant occurrence was perhaps in India, where the need to partition the country into a Muslim state (Pakistan) and a Hindu state (India) produced horrific ethnic violence at the moment of partition.

Another reason the decolonization could become violent was in the settler colonies that had a particular kind of relationship with the empires - a large presence of European settlers - that could complicate the process by which a new nation could emerge and declare its independence. For example, in the French colony of Algeria and the British colony of Kenya, the presence of settler populations demanded that the British and French send troops to suppress movements for national independence in ways that prolonged the conflict in extremely bitter ways.

Finally, it was inevitable that decolonization would become enmeshed in the politics of the Cold War. Because the Soviet Union and the United States couldn't confront one another directly, in Europe they were strongly tempted to influence the process of decolonization by supporting proxies that they favored in other parts of the world. You can see this outcome in many places, most famously in Indochina.

Ho Chi Minh, a communist leader in Vietnam, asked the United States for help in defeating the French, comparing himself to the original thirteen colonies demanding self-determination for the United States. The United States turned him down. When Ho Chi Minh wrote this letter in 1945, the United States was faced with an implicit Soviet threat in Eastern Europe and didn't want to trouble its relationship with an ally. The situation was reversed in 1960 when France asked the United States for assistance in suppressing the Algerian independence movement. And here, too, the United States refused. They could not afford in the midst of a very tense moment, The Cuban Missile Crisis, they couldn't afford to take a strong stance against national self-determination.

Finally, maybe the most important way in which the Cold War acts as a context for the process of decolonization can be seen in the Bandung Conference of 1955. The Indonesian government, newly independent, invited representatives from other former colonies to sign a charter, a declaration of aims that included a condemnation of European racism and an affirmation of the dignity of non-European cultures and the need to preserve them. They very clearly positioned themselves as what would come to be known as the non-aligned movement. This is the origin of the term, Third World: a non-aligned movement of former colonies that would attempt to pool their resources, to exert their influence in global affairs, independent of the United States or the Soviet Union.

In that sense, can we say that decolonization needs to be seen within the Cold War context? Yes, but we might also say that the Cold War needs to be seen in the context of decolonization.

Source: <http://www.wwnorton.com/college/history/western-civilization17/ch/27/podcasts.aspx> (click #2 under the Author Insights Podcast tab)

STUDENT HANDOUT #7

Declaration on the Granting of Independence to Colonial Countries and Peoples

Adopted by General Assembly resolution 1514 (XV) of 14 December 1960

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end Declares that:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.
2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.
4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.
6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

STUDENT HANDOUT #8

Excerpts from Amendments to the Constitution of the United States

AMENDMENT XIII

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

...

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

STUDENT HANDOUT #9

Excerpts from The International Convention on the Elimination of all forms of Racial Discrimination (1965)

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

- (ii) The right to leave any country, including one's own, and to return to one's country;
- (iii) The right to nationality;
- (iv) The right to marriage and choice of spouse;
- (v) The right to own property alone as well as in association with others;
- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

STUDENT HANDOUT #10

Excerpt from the United States report to the Committee on the Elimination of Racial Discrimination (Oct. 10, 2000)

Article 4 of the Convention expressly requires States parties to condemn all propaganda and all organizations based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form.

As a matter of national policy, the U.S. Government has long condemned racial discrimination, and it engages in many activities both to combat prejudices leading to racial discrimination and to promote tolerance, understanding and friendship among national, racial and ethnic groups.

However, American citizens applaud the fact that the First Amendment to the U.S. Constitution sharply curtails the Government's ability to restrict or prohibit the expression or advocacy of certain ideas, however objectionable. Under the First Amendment, opinions and speech are protected without regard to content. This is a cornerstone of American society that has as much resonance with regard to modern forms of communication like the Internet as with more traditional modes of communication. Certain types of speech, intended and likely to cause imminent violence, may constitutionally be restricted, so long as the restriction is not undertaken with regard to the speech's content. For example, several federal statutes punish "hate crimes", i.e., acts of violence or intimidation motivated by racial, ethnic or religious hatred and intended to interfere with the participation of individuals in certain activities such as employment, housing, public accommodation, use of public facilities, and the free exercise of religion. See, e.g., 18 U.S.C. sec. 241, 245, 247; 42 U.S.C. sec. 3631. An increasing number of state statutes are similarly addressed to hate crimes, and while they too are constrained by constitutional protections, the U.S. Supreme Court has recently determined that bias-inspired criminal conduct may be singled out for especially severe punishment under state law. In two recent cases, the U.S. Supreme Court has addressed First Amendment issues in the context of hate crimes legislation. In *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992), the municipal ordinance in question made it a misdemeanour to "place on public or private property a symbol, object, appellation, characterization, or graffiti, including, but not limited to, a burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, colour, creed, religion or gender." The Court held that the statute unconstitutionally restricted freedom of speech on the basis of its content. Notably, the Court did not find it unconstitutional to criminalize "hate speech" per se. Instead, a majority of the Court held that a jurisdiction may not select only some kinds of hate speech to criminalize while leaving other kinds unrestricted.

Glossary of Terms

Colonialism: The exercise of sovereign power over a distinct and separate territory, usually maintained as an unequal relationship between the foreign sovereign power and the colony.

Commission: A group or council with the granted authority to carry out a task or fulfill a responsibility; can work as a review body or an adjudicatory body etc.

Constitutional Amendment: A change to the text of a country's constitution. In the United States a federal amendment must be passed by a two-thirds vote in Congress and then approved by the legislatures of three-fourth of the states.

Decolonization: The process, both peaceful and violent, of removing a colonial government and establishing a process of self-determination for the indigenous population.

Human Rights: A broad term that usually refers to both positive and negative rights that should be granted to all people.

International Bill of Rights: The informal name given to a collection of three international human rights documents: the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights.

International Covenant on the Elimination of All Forms of Racial Discrimination: The first international legal text designed to implement some of the rights detailed in the UDHR. Adopted by the U.N. General Assembly in 1965.

National Association for the Advancement of Colored Peoples (NAACP): A U.S.-based organization that fights for racial equality for all people in all walks of life.

Non-Aligned Movement: The collection of nations, often from the “third world” that worked to stay neutral in the Cold War between the West and the Soviet Union. Many of these nations were former colonies of European nations.

Racism: The belief that there are inherent differences—of character, ability, or intelligence—between races that make one race superior to another.

Universal Declaration of Human Rights: The first document to list in detail the human rights that should apply to everyone, regardless of race, religion, country, or gender. Adopted by the U.N. General Assembly in 1948.

Frequently Asked Questions by Students

1. Are human rights and civil rights the same?

Not precisely. Human rights generally refer to rights protected in international law; civil rights are protected in U.S. domestic law. The spirit of both bodies of laws originates from a common dedication to equality. However, the content, or substance, of these rights is different. More precisely, even if both an American statute and an international treaty guarantee a specific right, the practical reality of what that guarantee actually gets you can be very different.

2. Is the U.S. the only country that has civil rights?

No. The U.S. has its own unique history of the civil rights movement shaped by its unique demographics and experience of discrimination. Each country struggles with its own inequalities and the role of law and legal institutions in addressing them. A good exercise would be to have the students pick a country at random and research that country's history of civil/human rights.

3. Why do we call these rights different names?

The different names refer to different movements and not merely the rights the movements sought. Nonetheless, the names are shorthand for a history, an ideology, a people, and movement that is not over yet.

4. Was there slavery in other countries in the world?

Yes. Slavery was a common practice throughout the world. Slavery has been a part of world history from the very beginning. The students can research the history of slavery in modern times. Have them look at the U.K., Russia, Spain, Japan, and/or India. You can have the students research the institution of serfdom and discuss how slavery and an economic caste system are related. Slavery is not only an historical event. There are currently an estimated 27 million people in slavery today – more than all of the slaves brought to the U.S. during the 17th, 18th, and 19th centuries combined!

5. How did the civil rights movement influence human rights and vice versa?

This is a good question to have the students discuss as a class. The lesson provides ample information on how the movements intersect. Have the students talk about Eleanor Roosevelt and her influence in the U.S. and internationally. You can also lead a discussion on how a national movement can provide examples or experiments for movements internationally. Conversely, the recognition of a universal human right can influence the boundaries of national law. Use the example of racial equality in the U.S. and abroad as a demonstration of how national and international movements can reinforce each other.

Quiz: Creating a Human Rights System

Name: _____

Date: _____

1. Which of the following is a negative right and which is a positive right:
 - a. Freedom from unnecessary detention: _____
 - b. Freedom from hunger: _____
 - c. Freedom of speech: _____
 - d. Freedom to vote: _____
 - e. Right to public education: _____
 - f. Right to bear arms: _____

2. The rights in the UDHR are:
 - a. For all human beings
 - b. Not distinguished based on race
 - c. Not distinguished based on nationality
 - d. All of the above

3. (T/F) Human rights did not exist until the UDHR was drafted and accepted by the global community.

4. (T/F) Many of the rights in the UDHR were already provided for in the domestic laws of a majority of nations.

5. (T/F) You can never lose your rights.

6. Fill in the blank: The government may sometimes limit the exercise of human rights to advance _____

7. The Preamble to the Charter of the United Nations aims to:
 - a. End racial prejudice by whatever means necessary
 - b. End war and protect human rights
 - c. Establish a global order more powerful than states
 - d. All of the Above

8. President Truman described the UN Charter as all of the following except:
 - a. The victory of peace over war
 - b. As the final step in safeguarding human rights
 - c. Like the Constitution of the United States for the global community
 - d. Born out of conflict

9. Eleanor Roosevelt became the Chair of the UN Commission on Human Rights because:
- a. She was the First Lady
 - b. She was an expert on international law
 - c. Of her humanitarian convictions
 - d. She was a scholar of world history

10. (T/F) Both the UDHR and the U.S. Bill of Rights prohibit torture and/or cruel or unusual punishment.

BONUS: When is the worldwide 'Human Rights Day'?

Quiz: Creating a Human Rights System – ANSWER KEY

1.
 - a. Negative
 - b. Positive
 - c. Negative
 - d. Negative
 - e. Positive
 - f. Negative
2. d
3. False
4. False
5. False
6. The common good, the benefit of the public, or a similar answer
7. b
8. b
9. c
10. True

BONUS: December 10th

Quiz: The Global Dream

Name: _____

Date: _____

1. Who said “we have conquered Germany but not their ideas”?

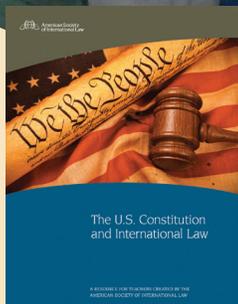
2. (T/F) The NAACP framed the holocaust as a result of racial prejudice, not unlike the one plaguing the United States.
3. The fight for equal rights in the U.S. became synonymous with a fight for:
 - a. Peace
 - b. Democracy
 - c. Prosperity
 - d. All of the above
4. (T/F) The doctrine of non-interference always advances democracy.
5. ICERD:
 - a. Was drafted as the next step in advancing the global human rights structure
 - b. Was a response to the anti-Semitism of the Second World War and renewed anti-Semitism and other racial discrimination around the world
 - c. Is enforced by the U.N. Security Council
 - d. All of the Above
6. According to ‘An Appeal to the World’:
 - a. Racism is the greatest threat to world peace
 - b. Racial inequality in the U.S. is most harmful to the black population
 - c. Undermines American leadership in the world
 - d. All of the Above
 - e. Both (b) & (c)
 - f. Both (a) & (c)
7. (T/F) The end of colonialism proved to be a peaceful transition as the ongoing tensions of the cold war kept violent conflict at bay.
8. Name two themes in the Declaration of Independence to Colonial Countries and Peoples that advance the aims of the global community after WWII.
 - i. _____
 - ii. _____

9. ICERD called on State Parties to do all of the following except:
- a. End official support of racist or discriminatory practices
 - b. Change existing laws to advance equality
 - c. Criminalize all acts of racism
 - d. Encourage multiracial organizations
10. (T/F) The United States accepted the requirements of ICERD except where it infringed on the freedom of speech.

Quiz: The Global Dream – ANSWER KEY

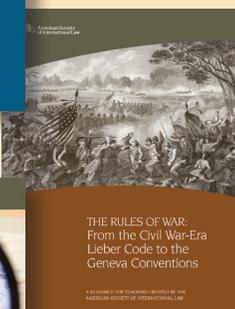
1. W.E.B. Dubois
2. True
3. d
4. False
5. b
6. f
7. False
8. Peace, Human Rights, or Democracy
9. c
10. True

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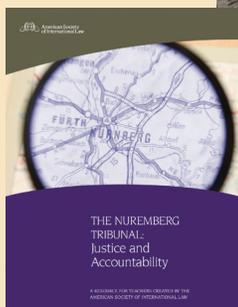
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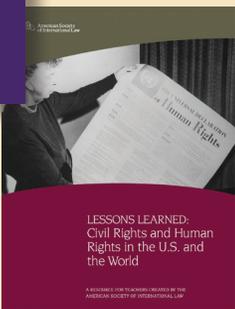
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