

International Policy on Human Rights

BACKGROUND

History of Human Rights

From the Babylonian Code of Hammurabi (1750 B.C.E.) to the present, there is written evidence of humanity's struggle to protect the rights of vulnerable people from exploitation by more powerful individuals, groups, or the state itself. Social justice concepts appeared in the writings of Confucius (551–479 B.C.E.) and the ancient Greeks (4th century B.C.E.). The Romans recognized the need to protect individuals from the potential abuses of political authority; and from its origins in the 7th century, Islam valued the sanctity of human life and the right to seek justice. Closer to our roots in the Western world, the Hebrew and Christian scriptures spoke of the inherent dignity and worth of the person and equality under the law. Great Britain's Magna Carta (1215) referred to the values of human dignity and justice, while affirming the notion that a ruler has an obligation to serve society. The 17th and 18th centuries gave birth to notions of natural rights, the social contract, the limitations of state powers, and the rights of people to rebel if their rights were trampled (Laqueur & Rubin, 1979; McKinney & Park-Cunningham, 1997; Wronka, 1995, 1998).

The U.S. Declaration of Independence and Bill of Rights and the French Declaration of the Rights of Man and the Citizen clearly articulated a set of political rights, including the rights to life, liberty, and the pursuit of happiness; freedom of speech, the press, and religion; property rights; and the right to a trial by jury (Falk, 1998). During the 19th century, women's rights and the rights of ethnic and cultural minority groups were developed

(Laqueur & Rubin, 1979). The human rights perspective thus has roots in the religious, political, and intellectual traditions of many cultures. Crossing cultural boundaries, human rights identifies the essential qualities of life for all people everywhere that must be valued and protected.

The events of the 20th century (for example, wars, genocide, and ethnic cleansing; discrimination and social exclusion based on race, ethnicity, or religious identity; gender inequality, battering, rape, the sale of women; sweatshops and child labor, slavery; and suppression of the rights of women, children, ethnic and cultural minority groups, immigrants and refugees, older people, and disabled individuals) demonstrate that the struggle for human rights goes on.

In response to the horrors of the Holocaust, under the leadership of Eleanor Roosevelt, representatives of the nations of the world came together to find a way to prevent such an event from ever happening again. The first step was the Universal Declaration of Human Rights, which was presented in 1948 (see the Addendum at the end of this statement) to the U.N. General Assembly and the world as a foundation document upon which an edifice of protections for human rights could be built. This document has become the standard reference for all subsequent United Nations human rights efforts. It has heralded the inherent dignity and equal and inalienable rights of both male and female adults and children as members of the human family. Human rights were defined from the start to include the universal right to a standard of living that is adequate for the health and well-being of individuals and their families. The document spells out the

essential resources to meet such a standard—food, clothing, housing, and medical care. It calls for the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other circumstances beyond one's control. And it calls for "necessary social services" (United Nations, 1948, Article 25, 1).

The Declaration is distinctive in that it gave the world, for the first time in history, the right to ask of sovereign nations questions that were previously considered to be their internal affairs. By 1990 the document had become customary international law. Now even nonmember nations, however reluctantly, recognize the fact that the world will not turn its back on social and humanitarian concerns within their borders (Wetzel, 1993, 1998).

Since the Universal Declaration of Human Rights was developed, about 60 major U.N. human rights instruments have been ratified, providing an even stronger legal mandate to protect human rights and fulfill human needs. The most fundamental and general U.N. human rights instruments include:

- the Charter of the United Nations (1945)
- the Universal Declaration of Human Rights (1948)
- the two Covenants on Human Rights (1966)

(1) International Covenant on Civil and Political Rights (the right to life, liberty, and security; the right not to be subjected to cruel, inhuman, or degrading treatment, or punishment; prohibition of slavery; and the right not to be detained arbitrarily)

(2) the International Covenant on Economic, Social and Cultural Rights (the right to work, right to social security, right to protection of the family, and the right to an adequate standard of living).

- There are also a number of U.N. human rights instruments (United Nations, 1994) that address the needs of specific groups, among them: the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination against Women (1981); the Convention against

Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984); the Convention on the Rights of the Child (1996); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

The United States ratified the Covenant on Civil and Political Rights in 1966, but it has never ratified the Covenant on Economic, Social and Cultural Rights, a fact that explains much about the absence of support for social legislation in this country. For example, education, housing, health care, income maintenance, and child care are not considered human rights in the United States. Neither has the United States ratified the Convention on the Elimination of All Forms of Discrimination against Women or the Convention on the Rights of the Child, two documents that call into question the most recent erosion of economic support and social services. These documents are essential to the human development and quality of life of people in the United States, as well as in other nations.

Link with Social Work

When the Universal Declaration of Human Rights was ratified, human rights concerns had been the bedrock of the social work profession in the United States for more than 50 years. Discrimination and social exclusion based on racial and religious intolerance; gender inequality and violence; the rights of women and children, refugees, and older people—all are social justice issues that long have concerned social work (Wetzel, 1993, 1998; Wronka, 1995, 1998). Social workers know that civil and political rights must be supplemented by economic, social, and cultural rights. Social work, with its person-in-environment perspective, is vividly aware of the deleterious effects of human rights violations on the growth and development of the individual. Social workers, on whatever level they practice, advocate for people's rights to have paid employment, adequate food, education, shelter, health care, as well as the right to freedom from violence and freedom to pursue their dreams (Hokenstad & Midgley, 1997; United Nations, 1995b; Wetzel, 1993).

But the realization of social work's professional social justice goals and aspirations, like the United Nation's, is in evolution. Although individual social workers, the International Federation of Social Workers, the International Association of Schools of Social Work (United Nations, 1993), and NASW's 1990 International Policy on Human Rights have all acknowledged the importance of a global human rights perspective, the fact is the profession does not fully use human rights as a criterion with which to evaluate social work policies, practice, research, and program priorities.

ISSUE STATEMENT

Introduction

Human rights violations are pandemic throughout the world, including the United States. Refugees and immigrants are fleeing their countries in record numbers. Women everywhere continue to be treated as second-class citizens and subjected to violence in epidemic proportions. The social situation of children and elderly people alike is of grave concern the world over and appears to be deteriorating. There has been a resurgence of violence and oppression against ethnic and racial minorities in many regions of our globe, and poverty is endemic, fueling the fires of unrest and making a sham of the very concept of human rights. Because the United States is the most powerful nation on earth, its policies and practices influence and affect not only its own people but those in developed and developing countries. The National Association of Social Workers is the most influential professional social work body in the world. Its effectiveness in the 21st century will depend on the extension of its social justice values within the context of global human rights.

Common Values and Mission

"Human rights condenses into two words the struggle for dignity and fundamental freedoms which allow the full development of human potential" (International Federation of Social Workers, 1996). The human rights value

base, which has been articulated throughout history in religious texts and legal documents, in political writings and those of philosophers and social activists, parallels the values put forth in the 1996 *NASW Code of Ethics* (especially social justice and dignity and worth of the person), and the ethical principles that flow from those values. The aim of the human rights edifice created during the past half century, which includes U.N. declarations and treaties; U.N. administrative bodies; and regional, government, and nongovernment organizations; is to root out oppression and to establish conditions in which human beings can meet their needs, develop their humanity, and flourish. This aim is closely akin to social work's mission.

Social work can be proud of its heritage. It is the only profession imbued with social justice as its fundamental value and concern. But social justice is a fairness doctrine that provides civil and political leeway in deciding what is just and unjust. Human rights, on the other hand, encompasses social justice, but transcends civil and political customs, in consideration of the basic life-sustaining needs of all human beings, without distinction.

Common Roles in Society

The human rights movement was formally sanctioned by the global community to identify barriers to the protection of human rights and to set up policies and procedures to abolish such barriers and thereby guarantee that human dignity and essential freedoms are protected for every person. Similarly, social work is sanctioned by society to address the needs of people who are vulnerable to the vicissitudes of life, while working toward establishment of a more just society.

The U.N. declarations, conventions, and treaties provide a human rights template. Social work can provide a biopsychosocial, perhaps spiritual, body of knowledge gleaned from more than 100 years of experience to bring life to such a plan, grounding human rights in the everyday lives of the people (Wetzel, 1998).

POLICY STATEMENT

According to the Preamble to the *NASW Code of Ethics* (1996), "the primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty" (p. 1). The Council on Social Work Education's Curriculum Policy Statement (1994) echoes this mission statement in its articulation of the central purposes for social work practice, which include:

- the planning, formulation, and implementation of social policies, services, resources, and programs needed to meet basic human needs and support the development of human capacities
- the pursuit of policies, services, resources, and programs through organizational and administrative advocacy and social or political action, so as to empower groups at risk and promote social and economic justice.

Human rights and social work are natural allies. Social workers need to be aware of this conceptual link and the power of working in concert with human rights organizations and activists throughout the world. The International Policy on Human Rights helps both to create this awareness and further its proclaimed mission.

Human rights violations are pandemic throughout the world, including the United States. NASW endorses the fundamental principles set forth in the human rights documents of the United Nations. These include, *inter alia*, those expressed in the Universal Declaration of Human Rights: the right to a standard of living that is adequate for the health and well-being of all people and their families, without exception, and the essential resources to meet such a standard; the right to adequate food and nourishment; the right to adequate clothing; the right to adequate housing; the right to basic health care; the right to an education; the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood beyond one's control; the right to necessary social services; and the right

not to be subjected to dehumanizing punishment (United Nations, 1948).

NASW supports the two fundamental Covenants of the United Nations, established in 1966, which confirm the civil and political rights of all people, including indigenous populations, as well as their economic, social, and cultural rights (United Nations, 1995b). The profession also endorses the treaties and conventions as they have evolved that establish that the rights of people take precedence over social customs when those customs infringe on human rights. Ritual genital mutilation is a case in point. NASW endorses the U.N. resolution that women's rights are human rights, no longer simply to be considered civil and political rights (Tessitore & Woolfson, 1997; United Nations, 1993, 1995a, 1995b).

NASW supports the adoption of human rights as a foundation principle upon which all of social work theory and applied knowledge rests (Asamoah, Healy, & Mayadas, 1997; Wetzell, 1993, 1998). In a world where increasingly there is a serious questioning of the responsibility of society to ensure that peoples' civil, political, cultural, social, and economic needs are met, social workers should be absolutely clear about where they stand.

NASW must speak out against inhumane treatment of people in whatever form it exists. As social work practitioners and advocates of human rights:

- NASW should promote U.S. ratification of the Universal Declaration of Human Rights; critical U.N. treaties such as the Covenant on Economic, Social and Cultural Rights (1966); the Convention on the Elimination of All Forms of Discrimination Against Women (1981); and the Convention on the Rights of the Child (1996).
- Social workers must be especially vigilant about human rights violations related to children's rights and exploitation such as child labor, child prostitution, and other crimes of abuse and take leadership in developing public and professional awareness regarding these issues.
- Social workers must advocate for the rights of vulnerable people and must condemn policies, practices, and attitudes of bigotry, intoler-

ance, and hate that put any person's human rights in grave jeopardy—the violation of human rights based on race, ethnicity, gender, sexual orientation, age, disability, immigration status, or religion are a few examples.

■ NASW should publicize its opposition to the death penalty and work toward its abolition, recognizing that the death penalty has not been found to be a deterrent to violent crime and that it provides inhumane and degrading punishment.

■ When entitlements are nonexistent or inadequately implemented, social workers must work in collaboration with governmental and nongovernmental organizations and other groups of people in the community and become a leading force for the health and welfare of all people, including the world's most vulnerable.

■ Social workers must become partners with the United Nations in advancing human development and human rights, including economic human rights, and closing the economic gap.

■ In all fields of social work practice, whether with individuals or families, with groups, communities, domestic institutions, or nations, social work must be grounded in human rights.

■ Recognizing that social workers who advocate on behalf of human rights can become subject to reprisal, NASW should ensure that social workers who are threatened are given the full support of the profession.

The appalling prevalence of wars, genocide, ethnic cleansing; discrimination and social exclusion, gender inequality, battering, rape, and the sale of women; sweatshops, child labor, and enslavement; and the suppression of human rights, demonstrates that the struggle for human rights remains a high priority for the social work profession in the 21st century.

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ADDENDUM

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which follows. Following this historic act the Assembly called upon all member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Universal Declaration of Human Rights

Article 1.

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

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without dis-

inction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

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

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his

rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children,

whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Policy statement passed by the NASW Delegate Assembly, August 1999. This policy statement supersedes the policy statement on International Policy on Human Rights approved by the Delegate Assembly in 1981 and reconfirmed by the Delegate Assembly in 1990. For further information, contact the National Association of Social Workers, 750 First Street, NE, Suite 700, Washington, DC 20002-4241. Telephone: 202-408-8600; e-mail: press@naswdc.org