

**UPPER SECONDARY LEVEL**



## Human Rights Principles

To be able to better understand the principles of human rights, students can do the exercise of making priority list of rights. Working in groups, the students can question each other on the priority lists made and probe the reasons behind the prioritization of rights.

<b>Topic</b>	: Human Rights Principles
<b>Level</b>	: Upper secondary
<b>Subject</b>	: Liberal Studies, Human Rights Education, Civic Education
<b>Human Rights Concept</b>	: - Inalienable, interrelated, interdependent & indivisible, equality - Legal protection - Lack of precondition for enjoying human rights, respect
<b>Time Allotment</b>	: Two sessions

### I OBJECTIVES

Students will be able to discuss the human rights principles by making priority lists of rights.

## II RESOURCES

- **The Universal Declaration of Human Rights**

### Article 2:

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

## III PROCEDURE

### A. Opener

The teacher explains that human rights include civil, political, economic, social and cultural rights. The teacher notes that sometimes people say that economic rights are more important than political rights, or political and economic rights are separate. Thus the teacher asks the students: Are there any rights more important than the others?

The teacher asks the students to read the case of LINK below.

### **The LINK Incident**

The Hong Kong Government has been privatizing public services since 1999 through such measures as outsourcing and contracting public housing management and maintenance to private contractors.

The cessation of the production and sale of flats under the Home Ownership Scheme (HOS) in 2003 affected the financial standing of the Housing Authority, which was forced to sell real estate investment trust's assets to compensate for the loss of sale of HOS flats. The public has already started voicing opposition to the privatization of public services. The Housing Authority sold shopping malls and car

parks in public housing estates to The Link Management Limited, which was officially established in February 2004 and was planned to be listed in the stock market. When the Initial Public Offerings (IPO) process of the Link began, public housing residents, Lo Siu-lan and Ma Kei-chiu, filed a lawsuit seeking an injunction against the Housing Authority in selling its assets, and the setting aside of the listing of The Link.

The public reaction was divided. The investors in The Link protested the litigation for politicizing the investment move and organized the 'For the listing of The Link - Against politicians' demonstration with tens of thousands of people marching. On the other side, a number of scholars, public housing tenants and public housing residents respectively expressed their views, opposing the privatization of public assets. They pointed out that after the privatization, small businesses would face rent increase, resulting in the increase of daily expenses of public housing tenants due to increased rent.

In 2005, the Court ruled in favor of the Housing Authority, and The Link was listed in the same year at the Hong Kong Stock Exchange. At present, The Link assumed the management of 180 shopping centers and parking facilities that were originally under the Housing Authority, hence becoming one of Hong Kong's largest holders of shopping malls and car parks.

(Case study based on Charmaine Wan, "Study Unit: Privatization of Shopping Malls in Public Housing Estates," Modules: Hong Kong Today, 2010, [http://ls.hket.com/UserFiles/Image/229/Chapter\\_229.doc](http://ls.hket.com/UserFiles/Image/229/Chapter_229.doc))

## **B. Development of Activities**

### **1. Activity**

The teacher asks the students to form small groups and prioritize human rights in a list.

The prioritizing of rights can be done in a variety of ways such as the one below:

- Right to liberty and security
- All are equally entitled to all rights without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status
- Election rights including nomination, being nominated, and vote or being voted upon
- Right to freedom of thought, conscience, opinion and expression
- Right to an adequate standard of living
- Right to enjoy quiet and free from pollution environment

- Right to self-determination
- Social, economic and cultural rights

## 2. Analysis

After the group discussion, the teacher instructs each group to present their priority lists and explain the reasons behind them. The teacher asks several questions to guide the presentation and class discussion:

- Which right is being regarded as the most important, and which one is the least important? Explain the reason(s) for the respective designations of rights.
- What are the criteria used to prioritize the list of rights?
- What did you feel when you were asked to prioritize the list of rights?
- If the right listed as the least important was lost, what adverse consequence could be there be, if any?
- Is economic development more important than human rights protection? Why?
- Does economic development clash with human rights protection?
- If you were given a second chance to prioritize the rights in the list, would you amend the list? Explain your answer.

The teacher guides the class in judging whether the following statements are correct or not, and discuss the reasons behind the decisions:

- Some people are more equal than others
- People need to fulfill their obligation before they enjoy their rights
- Human rights are moral rights
- Human rights will lead to social chaos.

## 3. Abstraction

The teacher stresses the basic principles regarding human rights such as the following:

- Rights are inalienable, interrelated, interdependent and indivisible. Economic rights and political rights are interrelated.
- All are equally entitled to all rights without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- There is no precondition for the enjoyment of human rights
- Legal protection is necessary for human rights
- There is a duty to respect the rights and freedoms of others.

Article 29 of the Universal Declaration of Human Rights states the limitations of rights: (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.

Article 42 of the Basic Law, Hong Kong states the duty of Hong Kong Residents: “Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws in force in the Hong Kong Special Administrative Region.” (The teacher may ask the students: Who have the obligation to obey the laws and the criteria for obeying the laws?)

#### **4. Application**

The teacher asks the students to discuss whether or not human rights principles are being highlighted in the case of LINK. And if yes, the teacher instructs the students to explain how political and economic rights are interrelated.

#### **C. Closure**

The teacher explains that through the priority list of rights exercise, human rights principles have been discussed and learned including the following:

- Rights are inalienable, interrelated, interdependent and indivisible. Economic rights and political rights are interrelated.
- All are equally entitled to all rights without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- There is no precondition for the enjoyment of human rights
- Legal protection is necessary for human rights
- There is a duty to respect the rights and freedoms of others.

### **IV EVALUATION**

The teacher asks the students either to

a. Collect and discuss cases from newspaper reports with reference to human rights principles.

b. Write or draw summary note and reflective journal after the class. Guide questions may be provided, such as the following: what are the principles of human rights? Are there examples that illustrate those principles? Do you agree with those principles?

**Notes**

The concept of priority list is modified from the following references:

- Council of Europe: Rolf Gollob & Peter Krapf: "Exercise 3.4: The Balloon Ride", Teaching democracy—A collection of models for democratic citizenship and human rights education (December 2008) [http://www.coe.int/t/dg4/education/edc/Source/Pdf/Documents/6494\\_Teaching\\_democracy\\_assemble.pdf](http://www.coe.int/t/dg4/education/edc/Source/Pdf/Documents/6494_Teaching_democracy_assemble.pdf)
- High Commissioner for Human Rights: Human Rights Training: A Manual on Human Rights Training Methodology <http://www.ohchr.org/Documents/Publications/training6en.pdf>

**Reading materials:**

1. Introduction to LINK incidents, **Hong Kong Economic Times**
  - Chinese: <http://ls.hket.com/hk/liberalStudiesTopicsAction.do?action=listdetail&method=N&id=ff80808128f70c9101297d51894c4194>
  - English: [http://ls.hket.com/UserFiles/Image/229/Chapter\\_229.doc](http://ls.hket.com/UserFiles/Image/229/Chapter_229.doc)
2. Legislative Council Meeting on 17 December 2008. Motion on "Buying back the shares of the LINK". Voting Record: [www.legco.gov.hk/yr08-09/chinese/counmtg/voting/v200812171.htm](http://www.legco.gov.hk/yr08-09/chinese/counmtg/voting/v200812171.htm)  
Minutes: [www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1217-translate-e.pdf](http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1217-translate-e.pdf)



## **Universality of Human Rights and Asian Values**

The understanding of human rights should adhere to the principles provided for in international human rights instruments. In many cases, however, human rights are defined with reference to local cultures. As a result, human rights are limited rather than enjoyed in full. This perspective has been promoted in Asia through the so-called “Asian Values” debate, asserting that human rights are relative and defined by context. This seems to be the perspective in the 1993 Bangkok Declaration (Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights) of Asian states and in a speech of the President of China. There is a need to emphasize the basic nature of human rights to ensure that people everywhere enjoy their rights.

<b>Topic</b>	: Universality of human rights and Asian Values
<b>Level</b>	: Upper secondary
<b>Subject</b>	: Liberal Studies, Human Rights Education, Civic Education Human Rights Concepts : - Human rights are universal, inalienable and of equal importance - Equality of rights
<b>Time Allotment</b>	: Two sessions

## I OBJECTIVES

Students will be able to discuss human rights principles including universality, equality and inalienability by analyzing (1) female genital mutilation cases, and (2) the “Asian Values” perspective expressed in the 1993 Bangkok Declaration and the speech of the President of China.

## II RESOURCES

- The Universal Declaration of Human Rights
- 1993 Bangkok Declaration (Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights)

## III PROCEDURE

### A. Opener

The teacher states that there is a debate on whether human rights are universal or have different meanings according to society and culture.

The teacher explains that this issue will be discussed in relation to actual cases. As an initial step, the teacher asks the students to express their initial views (agree or disagree) on the following statements:

1. Human rights are western values but not universal values.
2. The meaning of human rights differs depending on the society and culture involved.

### B. Development of Activities

#### 1. Activity

The teacher asks the students to form groups and assigns to each group a particular role, from this list:

- (1) The leader of ethnic group A;
- (2) A father who wants his daughter to undergo genital mutilation;
- (3) A girl who is being forced to have genital mutilation;
- (4) A woman who had genital mutilation opposing female genital mutilation.

The teacher asks the groups to read the case and answer the following question: What feelings, stance and argument your assigned role would have on female genital mutilation?

One of the traditional customs of ethnic group A is female genital mutilation for girls between infancy and adolescence. This customary practice is done by an old woman. She removes part of or the whole female genital organ of a girl with a knife. She may then sew the wound and leave a small hole for the passage of urine and menstruation. The wound will be reopened for giving birth. As

the hygiene condition differs, some girls may die of over-bleeding and infection. Some may result in long-term illness such as difficulty in urination, infection, severe pain during sexual intercourse and difficulty in giving birth, etc. Only the girls who had genital mutilation are regarded as “genuine woman”, virgin and suitable for marriage.

The teacher instructs each group to share the feelings and stance on female genital mutilation. The other groups can raise questions to the presenting group and discuss the topic. After the discussion, the teacher may ask the students’ own stance and argument on the topic.

## **2. Analysis**

The teacher initiates class discussion with reference to the case on female genital mutilation using these guide questions:

- People may criticize cultural practices in particular countries from the perspective of human rights. Would this mean that such people do not respect the local culture? When cultural or moral values and practices harm human rights, where should we stand?
- Do human rights harm cultural diversity?
- Cultural relativism emphasizes that cultures are relative, of equal value, and some are not better than others. We should understand the cultural meaning in particular cultural context. We should also respect cultural diversity and equality. Do you agree with this? Are there any conditions for respecting a particular culture?
- Who has the right and power to decide that human rights are universal values?
- Are there universal principles that decide what right and wrong means?
- Are human rights universal values?

## **3. Abstraction**

The teacher summarizes the discussion on culture and human rights by stressing the following points:

- Culture and moral values are not justifications for violating human rights. Culture and moral values change from time to time and differ in pluralistic society.
- Human rights are universal, rooted from different religions and cultures. Human rights do not change according to society, history, culture, politics and economy.

- There are examples of culture-based practices that violate human rights like slavery, honor killing, footbinding in China and public discussion on the extension of scope of local domestic violence amendment law to homosexual cohabitants.

#### 4. Application

The teacher provides the students with information on Asian values (using the Bangkok Declaration) and the Universal Declaration of Human Rights. The teacher asks the students to compare and comment on the two declarations.

The teacher can provide guide questions including the following:

- Are human rights western values?
- Are human rights tools of Westerners to pressure Asians to follow their thinking?
- Are economic rights more important than political rights?
- Is there a genuine clash between political rights and economic rights?

#### C. Closure

The teacher explains that the lesson discusses the universality of human rights through the case of female genital mutilation, and stresses that human rights violation cannot be justified by culture and moral values.

### IV EVALUATION

1. The teacher may ask the students to
  - collect and comment on the speeches on human rights principles by Mainland China Presidents
  - write or draw summary note and reflective journal after the class.

#### Notes

##### Readings for discussion:

1. World Health Organization: Female genital mutilation, Fact sheet N 241, February 2012 in [www.who.int/mediacentre/factsheets/fs241/en/](http://www.who.int/mediacentre/factsheets/fs241/en/)

2. Apple Daily: "Cruel genital mutilation in Republic of Sierra Leone. A woman journalist reports this foolish traditions" 2 March 2009 in [http://hk.apple.nextmedia.com/template/apple/art\\_main.php?iss\\_id=20090302&sec\\_id=15335&art\\_id=12400538](http://hk.apple.nextmedia.com/template/apple/art_main.php?iss_id=20090302&sec_id=15335&art_id=12400538)

3. Waris Dirie / Cathleen Miller: Desert Flower, Chinese translation in [www.wretch.cc/blog/sunsmiley/12167510](http://www.wretch.cc/blog/sunsmiley/12167510)

Council of Europe: "Chapter 4.1 Understanding Human Rights". COMPASS: A manual on human rights education with young people. December 2002. <http://www.eycb.coe.int/compass/en/contents.html>

洪如玉：〈人權教育理論1：導論〉，《人權教育的理論與實踐》。台北：五南。2006年8月。Hung ru-yu: The theory and practice of Human Rights Education. Taipei: Wunan publication. August 2006.



### LESSON PLAN 3

## **Human Rights and Underprivileged People**

In any society, there exist underprivileged groups such as those suffering from disabilities or poverty, or those being discriminated based on sex, sexual orientation, race, and other factors. It is important to understand these underprivileged groups from a human rights perspective using the Universal Declaration of Human Rights as standards. Students in groups can discuss the situation of the underprivileged groups by identifying violations of human rights and figuring out the ways of fighting against human rights violations including the use of local human rights protection bodies and social actions.

<b>Topic</b>	: Human Rights and Underprivileged People
<b>Level</b>	: Upper Secondary
<b>Subject</b>	: Liberal Studies, Human Rights Education, Civic Education
<b>Human Rights Concepts</b>	: - Equality - Non-Discrimination - Economic, social & cultural rights
<b>Time Allotment</b>	: Two sessions

### **I OBJECTIVES**

Students will be able to

1. Explain the situation of underprivileged groups in the society

2. Discuss the human rights violations relating to these underprivileged groups with reference to rights enshrined in the Universal Declaration of Human Rights
3. Figure out the ways of fighting against human rights violations including recourse to local human rights protection bodies and social actions.

## **II RESOURCES**

- Universal Declaration of Human Rights, particularly articles 2, 4, 7, 8, 13, 16, 17, 22, 23, 24, 25, 26, 27 (see Annexes for texts of the articles)

## **III PROCEDURE**

### **A. Opener**

The teacher asks the students to brainstorm on the existence or non-existence of underprivileged groups in Hong Kong. The teacher lists on board whatever underprivileged groups are identified by the students, and briefly talks about their situations.

### **B. Development of Activities**

#### **1. Activity**

The teacher asks the students to form small groups (not more than 5 for each group), and assigns to each group a particular underprivileged person from the list below:

- A resident who is being forced to leave his/her village after the government gave the clearance to undertake development work in the place.
- A young hearing-impaired man who loses the eligibility to enroll in the university because he cannot afford to employ a sign language interpreter
- A member of an ethnic minority
- Foreign domestic worker
- A man who is eager to become a woman through transsexual surgery
- A girl who belongs to an ethnic minority in Hong Kong
- A middle-aged grassroots woman.

The teacher provides the students with the “Background information” and “Guide questions” sections in the Annexes. The teacher uses the “Possible human rights violations” and “Relevant articles of UDHR” sections of the Annexes as guide in discussing the situations with the students.

The teacher instructs them to discuss the following:

- The situation of particular underprivileged group
- The human rights that could have been violated, and the relevant articles of the Universal Declaration of Human Rights regarding these rights.

The teacher also asks the students to plan how to role-play the situation of a specific underprivileged group.

After the group discussion, the groups roleplay the assigned underprivileged group based on the following rules:

- b. While one group performs the roleplay, the other groups identify the underprivileged group being portrayed and prepare questions about the issue being roleplayed;
- c. After each roleplay presentation, the performing group answers the questions raised by other groups.

## **2. Analysis**

The teacher guides the class in the discussion of the following:

- Feelings of being part of an underprivileged group
- Possible human rights violations involved in the roleplayed situations
- Articles of the Universal Declaration of Human Rights relevant to the issues involved.

## **3. Abstraction**

The teacher summarizes on the board the issues, rights violated and actions being suggested by the students. As guide, the teacher can refer to the Annexes for examples of how the discussion of the situations of underprivileged groups can be done.

## **4. Application**

The teacher asks the students to figure out ways of fighting against the human rights violations shown by the roleplayed situations, by exploring various means including

- use of legal instruments (international law, international human rights covenants applicable in Hong Kong, The Basic Law, The Hong Kong Bill of Rights), and institutions (the Equal Opportunities Commission, Ombudsman etc.), and
- social action (such as submitting petitions to the government, engaging government officials in dialogue, doing media campaigns, marching in the street to publicize issues).

The teacher asks the students to report their ideas to the class, and write these ideas on the board.

### **5. Closure**

The teacher summarizes the session in the following manner:

Through group discussion, role-play, and question and answer session, we:

1. Analyzed the situations of local underprivileged groups including a resident who is being forced to leave her/his village because of government approval of development project in the village, a man with hearing impairment who loses the eligibility to enroll in the university because he cannot afford to employ a sign language interpreter, a man who is eager to become a woman through transsexual surgery, a member of an ethnic minority, a foreign domestic worker, and a middle-aged grassroots woman.
2. Identified the human rights violations involved in these cases with reference to rights enshrined in the Universal Declaration of Human Rights.
3. Discussed various ways of fighting against human rights violations including using local human rights protection bodies and doing social actions.

### **C. Assignment**

The teacher may arrange a visit to a community of an underprivileged group or invite the students to interview persons from underprivileged groups in Hong Kong or staff of relevant non-governmental organizations.

## **IV EVALUATION**

The teacher may ask the students to write or draw a summary note and reflective journal after the class. Guide questions may be provided such as the following:

- What underprivileged groups are being mentioned in the class?
- What are their respective life situations?
- What rights are being violated in their respective situations?
- What can they do to remedy the situations?
- What feelings would they (the students) have if they were part of the underprivileged groups?
- Why are there underprivileged groups in the society?

## Notes

### **The Office of The Ombudsman**

The Office of The Ombudsman, Hong Kong (formerly known as The Office of The Commissioner for Administrative Complaints) was established in 1989. The Office was formally delinked from the Government after The Ombudsman (Amendment) Ordinance came into operation on December 19, 2001. The Ombudsman is appointed by the Chief Executive of the Hong Kong Special Administrative Region Government. He serves as the community's watchdog to ensure that:

- bureaucratic constraints do not interfere with administrative fairness
- public authorities are readily accessible to the public
- abuse of power is prevented
- wrongs are righted
- facts are pointed out when public officers are unjustly accused
- human rights are protected
- the public sector continues to improve quality and efficiency.

“The Ombudsman,” Hong Kong: The Facts (Hong Kong: Hong Kong Special Administrative Region Government, 2012), available at [www.gov.hk/en/about/aboutthk/factsheets/docs/ombudsman.pdf](http://www.gov.hk/en/about/aboutthk/factsheets/docs/ombudsman.pdf).

### **The Equal Opportunities Commission (EOC)**

The Equal Opportunities Commission (EOC) is a statutory body set up in 1996 to implement anti-discrimination legislation (“Legislation”). Currently there are four ordinances dealing with anti-discrimination, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO).

The main functions and powers of the EOC are to

- work towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race;
- promote equality of opportunities between men and women, between persons with a disability and persons without a disability, irrespective of family status and race;
- work towards the elimination of sexual harassment, and harassment and vilification on the grounds of disability and race;
- conduct investigation into complaints lodged under the Legislation and encourage conciliation between the parties in dispute;
- undertake self-initiated investigation into situations and issues giving rise to discrimination concerns under the Legislation;
- develop and issue codes of practice under the Legislation;
- keep under review the workings of the Legislation and when necessary, draw up proposals for amendments; and
- conduct research on issues relevant to discrimination and equal opportunities.

(Text taken from [www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=vision](http://www.eoc.org.hk/eoc/graphicsfolder/showcontent.aspx?content=vision) and mission)

**ANNEXES****Role-play Situations****Role 1: A village resident who lost residential house for a development project of the government**

Background information	<ul style="list-style-type: none"> <li>• The village resident was already 50 years old, and had been residing in the village since birth</li> <li>• The resident built and modified the house she/he was living in</li> <li>• She/he farmed a nearby land, and sold harvested vegetables to nearby markets</li> <li>• The land where the village stood was state-owned. The government decided to clear it for future development. The resident was forced to leave.</li> <li>• The resident received ex-gratia allowance (goodwill money) from the government instead of full compensation</li> <li>• Her/his farm was cleared without full accounting of the damage caused for crop compensation purposes.</li> </ul>
Guide questions	<p>What does the village resident feel towards her/his village and land? What is the difference between a farmer's life and working class life in the city? How will the village resident think about her/his identity after leaving the village?</p>
Possible human rights violations	<p>Violation of the</p> <ul style="list-style-type: none"> <li>• Right to an adequate standard of living for her/himself and her/his family including housing, and to continuous improvement of living conditions.</li> <li>• Right to live anywhere in security, peace and dignity; expression of cultural identity; and diversity of housing.</li> <li>• Right to housing also links with other rights such as the right to freedom of expression.</li> </ul> <p>Reference: The right to adequate housing (Art.11 (1)) : . 1991/12/13. CESCR General comment 4. (General Comments)</p>

<p>Relevant articles of UDHR</p>	<p>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.</p> <p>Article 13: (1) Everyone has the right to freedom of movement and residence within the borders of each state.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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**Role 2: A young hearing-impaired man who could not enroll in the university**

Background information	<ul style="list-style-type: none"> <li>• A young hearing-impaired man dreamed of enrolling in the university and studied very hard to realize this dream</li> <li>• He graduated from secondary school with good grades that made him eligible to enroll in the university</li> <li>• A university accepted his application but he was required to employ a sign language interpreter at his own expense</li> <li>• Because of the high fee, he could not employ any sign language interpreter, and thus could not enroll in the university.</li> </ul>
Guide questions	<p>What learning difficulties do people with hearing impairment encounter since primary school? What would be feelings of the young hearing-impaired man after realizing he could not enroll in university because he could not afford the fee for employing a sign language interpreter?</p>
Possible human rights violations	<p>Violation of</p> <ul style="list-style-type: none"> <li>• Right to equality (discrimination against disability)</li> <li>• Right to education</li> </ul>

<p>Relevant articles of UDHR</p>	<p>Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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Source: **Sing Tao Daily**, <http://news.singtao.ca/toronto/2011-0-26/hongkong1317027503d3445511.html>

**Role 3: Foreign Domestic Worker**

Background information	<ul style="list-style-type: none"> <li>• She is a foreign domestic worker from the Philippines. She has been working in Hong Kong for more than 10 years. She can speak fluent Cantonese.</li> <li>• Her husband and sons live in the Philippines. She has family reunion by using her short annual leave every year.</li> <li>• She lives in her employer's home in Hong Kong. Her bedroom is small, with space only for a bed and a small wardrobe. The room does not have windows.</li> <li>• She works from 6:00 in the morning to about 10:00 at night. But if her employer had not yet slept by 10:00 pm, she would remain on duty.</li> <li>• She is responsible for housework including cooking, washing, cleaning clothes, and taking care of the kids.</li> <li>• She usually has her day-off on Sundays. She goes to the cyber cafe to talk via skype to her husband and sons. She also chats with her friends who are also foreign domestic workers in Hong Kong.</li> <li>• She had several employers before. The first employer always scolded her and sometimes did not allow her to have a day-off. Her current employer is nice to her.</li> <li>• Her wage is not bound by the local minimum wage ordinance.</li> <li>• A portion of her wage goes to the employment agency while the rest is for her family's subsistence.</li> <li>• Although she has worked in Hong Kong for more than 7 years, she is not eligible to apply for a Hong Kong Permanent Resident (HKPR) status unlike other foreigners who have stayed in Hong Kong for the same period. Some of her foreign domestic worker friends sought judicial review and the court declared that the laws in Hong Kong make foreign domestic workers ineligible to become a HKPR. Many local people heavily criticize them for intending to take away local social welfare benefits by becoming a HKPR.</li> </ul>
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<p>Guide questions</p>	<p>Imagine the working day and holiday of a foreign domestic worker in Hong Kong. What would her feeling be for working overseas for a long time? What do you think about foreign domestic workers being scolded for seeking a court's decision (judicial review) on eligibility to become a HKPR while other foreigners have the eligibility under the same condition?</p>
<p>Possible human rights violations</p>	<p>Violation of</p> <ul style="list-style-type: none"> <li>• Right to equality (racial discrimination)</li> <li>• Labor rights: right to just and favorable conditions of work, right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</li> <li>• Right to participate in cultural life</li> </ul>
<p>Relevant articles of UDHR</p>	<p>Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction 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.</p> <p>Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.</p> <p>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.</p> <p>Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</p>

Relevant articles of UDHR	<p>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.</p> <p>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.</p>
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#### **Role 4: A man who is eager to become a woman through transsexual surgery**

Background information	<ul style="list-style-type: none"> <li>• A person, 20 years old and born a man, perceives himself as a woman and thinks he got the wrong body from God</li> <li>• He has difficulty communicating with his brothers and male classmates but can easily chat with female classmates because he loves chatting about feminine dressing</li> <li>• He used to hide his gender identity that did not correspond with his biological sex. He recently started to dress every day as a woman and use make-up.</li> <li>• He plans to undergo transsexual surgery in a public hospital. Before the surgery, he has to undergo a 2-year psychological and mental assessment.</li> <li>• He has a big quarrel with his family on his feminine dressing and the surgery</li> <li>• He dreams of marrying his boyfriend, and have babies</li> <li>• Under the law, a person who undergoes a transsexual surgery can have the sex category on his identity card changed. But the sex category on the birth certificate cannot be changed. Hence he cannot marry his boyfriend in Hong Kong even if he undergoes transgender surgery.</li> </ul>
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Guide questions	<p>What difficulties will he face since he perceived himself as a woman and wanted to change sex when he was small? How did he get along with his classmates? What are his concerns when he meets his prince charming? How is his life while hiding his gender identity? What difficulties will he encounter if he comes out? When he dresses as a woman and walks on the street, what can happen to him? What difficulties will he face if he married his prince charming and raised a family with him?</p>
Possible human rights violations	<p>Violation of</p> <ul style="list-style-type: none"> <li>• Right to equality (Discrimination against gender)</li> <li>• Right to marry and to found a family</li> </ul>
Relevant articles of UDHR	<p>Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction 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.</p> <p>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.</p> <p>(2) Marriage shall be entered into only with the free and full consent of the intending spouses.</p> <p>(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.</p>

Source: **Apple Daily**, 蘋果日報：〈理大易服男：點解我唔係女仔〉及〈醫生：屬天生變性人〉2011年10月2日

**Role 5: A girl belonging to an ethnic minority in Hong Kong**

Background information	<ul style="list-style-type: none"> <li>• Her parents are Southeast Asians, and she was born and grew up in Hong Kong.</li> <li>• She speaks fluent Cantonese. But her Chinese writing and reading are not good enough. She fails in local Chinese public examination.</li> <li>• She wants to become a civil servant. Although the government accepts the result of General Certificate of Secondary Education (GCSE) on Chinese subject, some departments still require the candidates to take Chinese exams. She finds them difficult to pass.</li> <li>• She plans to take GCSE Chinese examination and will apply for civil servants after she passes it.</li> <li>• She is a Muslim, and is required to wear clothing largely covering her body like long trousers.</li> <li>• She finds a part-time job recently. But the dress code for female staff is short skirt that she finds difficult to fulfill.</li> </ul>
Guide questions	<p>What learning difficulties has she been facing since primary school? What difficulties will she encounter when she hunts for jobs? What difficulties will she face about the dress code in school and working place? How is her life as a member of the ethnic minority in Hong Kong? How do you think she feels about her identity?</p>
Possible human rights violations	<ul style="list-style-type: none"> <li>• Discrimination based on sex</li> <li>• Racial discrimination</li> </ul>

<p>Relevant articles of UDHR</p>	<p>Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction 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.</p>
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**Role 6: A middle-aged grassroots woman**

<p>Background information</p>	<ul style="list-style-type: none"> <li>• She is a middle-aged woman who graduated from junior secondary school. When she was young, she was a sewing worker in a garment factory. But in late 1980s the factory shut down and moved to Mainland China.</li> <li>• She used to work as a cleaner, while also doing housework and child care after work.</li> <li>• Her work included collecting garbage on every floor of the building and cleaning each floor. She worked for 12 hours a day. Her monthly wage was HKD 6000. Theoretically she had annual leaves but she was not allowed to claim the leave. Her host company did not provide her with any gloves and protective clothing. She once thought of complaining to a trade union, but her boss threatened her not to do so.</li> <li>• She resigned from her cleaning job because she got injured in the work place.</li> </ul>
<p>Guide questions</p>	<p>Imagine the schedule of a working woman who is also responsible for housework. How do you think she feels about her work and daily life? What troubles does she face? How is her working condition?</p>
<p>Possible human rights violations</p>	<p>Violation of</p> <ul style="list-style-type: none"> <li>• Labor rights: right to just and favorable conditions of work, right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</li> <li>• Right to participate in cultural life.</li> </ul>

<p>Relevant articles of UDHR</p>	<p>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.</p> <p>Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.</p> <p>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.</p> <p>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.</p>
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## **Public Place: Protestors, Street Performers, and Hawkers**

A public place is a space that everyone can use. It is meant for all members of society. Public places like streets, parks, and other open spaces are traditionally used by people for leisure, economic, social and cultural purposes. People are free to use them as long as they do not prevent others from enjoying them and do not cause harm to anyone or any property. In using the public place, people exercise various human rights.

<b>Topic</b>	: Public Place: Protestors, Street Performers, and Hawkers
<b>Level</b>	: Upper Secondary
<b>Subject</b>	: Liberal Studies, Human Rights Education, Civic Education
<b>Human Rights Concept</b>	: <ul style="list-style-type: none"><li>- Political rights including freedom of expression</li><li>- Economic, social and cultural rights</li></ul>
<b>Time Allotment</b>	: Two sessions

### **I OBJECTIVES**

Students will be able to

1. Discuss what they learned through socio-games the different users of public places and their rights such as freedom of expression, right to

work, social and cultural rights and strategies in responding to violations of rights.

2. Discuss the meaning of street as public place.

## II RESOURCES

- **The Universal Declaration of Human Rights**

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 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.

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.

- **International Covenant on Civil and Political Rights**

Article 19: (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 21: The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

- Reclaiming City Streets for People – Chaos or Quality of Life? - [ec.europa.eu/environment/pubs/pdf/streets\\_people.pdf](http://ec.europa.eu/environment/pubs/pdf/streets_people.pdf) and also [http://en.wikipedia.org/wiki/Reclaim\\_the\\_Streets](http://en.wikipedia.org/wiki/Reclaim_the_Streets)
- Props money and record card for socio-game.

### III PROCEDURE

#### A. Opener

The teacher tells the student about walking in the street every day and asks them several questions: Have you thought of the meaning of street to you? Have you thought of the different meanings of street to different people? Have you noticed that the use of the street as public place is closely related to human rights?

#### B. Development of Activities

##### 1. Activity

The teacher assigns particular roles to the students, and instructs them to participate in a short socio-game.

#### **SCENE: A NARROW STREET**

##### **Roles:**

**Street performers:** perform in the street to seek public attention to earn money.

**Protestors:** sit-in on the street pavement to protest against violation of human rights by the government.

**Hawkers:** sell goods in the streets to earn money. There is a competitive environment for business.

**Residents nearby and pedestrians:** walk in the street, interact with other street users and may stop in the street for very short break.

**Police:** carry action to ensure no blockage on the street, public safety and public order. They may have special tasks like stopping all street activities.

##### **Props:**

Prepare goods for hawkers and instruments for street performance. Prepare placards for protestors. All roles, except the police, keep particular props money and record cards and use them when interacting with other users. For instance, street performers may seek public attention through performance. The public may pay specific amount of props money to the performers if they enjoy the performance while the performers need to sign the pedestrian record card. The residents nearby and pedestrians collect signatures for their record card to buy goods from hawkers, appreciate street performance, and talk to the protestors. People playing the roles may try to do their best in getting what the roles are meant to achieve (earn as much money as possible or get as many signatures as they can).

**Step 1:**

Groups of different roles prepare their respective props, and discuss the space and regulations affecting the performance of their tasks. Groups of police discuss the criteria for law execution.

**Step 2:**

Socio-game starts running.

**Step 3:**

After the game runs for 10 minutes, the police carry out a special task including stopping people from waiting on the street for the sake of public safety, or preventing the blockage of streets to ensure public order or non-obstruction of street use, or asking the hawkers either to leave or have their goods confiscated, or asking the protestors to leave, or taking away their banners, or arresting them.

**2. Analysis**

The teacher provides guide questions for debriefing and class discussion of the socio-game:

- What principles would you consider regarding the use of the street? Who owns the street and how is it managed? What are the rights of each street user? How do you balance the rights of each street user?
- What did you feel when you saw the police stopping the street performers, protestors, pedestrians and hawkers from using the street? Do you see the need to demand for justifications from the police for such action? Will you join in solidarity with the street users to protect your rights? Why? What actions will you take if you faced unjustified and unfair order to clear the street?
- What rights of street users are possibly violated in the clearance action by police? Does the action have justifications?
- What are the legitimate and justified limitations on street users?
- What are the multiple meanings of the street as public place?
- Share your experience of using the street. Are the new street and shopping mall designs favorable for walking in the street?

The teacher writes on the board some of the highlights of the students' responses to the guide questions.

**3. Abstraction**

The teacher draws from the discussions of the students the following points:

- People own the public places

- The rights of street users include freedom of expression, right to peaceful assembly, right to work, right to free choice of employment, right to freely participate in the cultural life of the community and enjoy the arts.

The teacher explains the principle that certain human rights may also be limited or restricted under defined conditions.

The explanation can cover the

- Limitations on freedom of expression stated in Article 19(3) of the International Covenant on Civil and Political Rights
- Restrictions on freedom of assembly stated in Article 21 of the International Covenant on Civil and Political Rights
- Restriction on rights and proportionality test.

Finally, the teacher explains the ideas about people and public places such as “Reclaiming the streets by people” that is meant to help improve the urban environment.

#### 4. Application

The teacher asks the students to form groups to discuss the following case and decide whether or not protests are public place obstruction and how to draw a line on respecting the freedom of expression and obstruction.

**Yeung May Wan & Others v HKSAR (CFA, May 2005)**

**Time:** March 2002

**People:** 16 protestors of Falungong

**Venue:** The pedestrian road outside the Chinese Liaison Office

**Action:** Peaceful sit-in outside the Office

**Police Action:** Warnings given, and later order to protestors to clear the public place

**Charges:** When the protestors refused to leave the place, they were arrested and charged with public place obstruction, assaulting police, etc.

The teacher instructs the groups to report their discussion to the whole class.

The teacher debriefs the students by explaining what public place obstruction means:

Public place obstructions include: “(1) act which directly or consequentially caused an obstruction to a public place, (2) the act must have been done without lawful authority or excuse”. “What was

reasonable was a question of fact and degree depending on all the circumstances, including the obstruction's extent, duration, time, place and purpose." The court also needs to give substantial weight to the constitutionally protected right to demonstrate. (Reference: Basic Law Bulletin Issue No. 8, Jan 2006, pages 13-15, [www.doj.gov.hk/eng/public/pub20030002\\_i8.htm](http://www.doj.gov.hk/eng/public/pub20030002_i8.htm))

### **C. Closure**

The teacher ends the session by saying that public places, in general, freely allow the people to exercise their rights. The streets are public places where people can exercise a variety of rights for different users including the right to freedom of expression, right to work, social and cultural rights, and right to freedom of assembly (in the form of actions in response to human rights violations). The teacher also stresses how the lesson facilitates the learning of these rights through socio-games.

## **IV EVALUATION**

The teacher may ask the students to collect newspaper clippings regarding the deprivation of rights of street performers and hawkers to use public places or privatization of public place, and give their comments on them.

Guided keywords for searching news clippings:

- Street performers Mr. Andrew So
- Hawkers "Eggwaffle uncle" Ng yuk-fai in Tai Hang
- Public place in Times Square in Causeway Bay and Woo Cheong Pawn in Wan Chai.

Alternatively, the teacher may ask the students to write or draw summary note and reflective journal after the class.

### **Notes**

The Universal Declaration of Human Rights affirms that the exercise of a person's rights and freedoms may be subject to certain limitations, which must be determined by law, solely for the purpose of securing due recognition of the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Rights may not be exercised contrary to the purposes and principles of the United Nations, or if they are aimed at destroying any of the rights set forth in the Declaration (arts. 29 and 30).

The International Covenant on Economic, Social and Cultural Rights states that the rights provided for therein may be limited by law, but only in so far as it is compatible with the nature of the rights and solely to promote the general welfare in a democratic society (art. 4).

Unlike the Universal Declaration [Human Rights] and the [International] Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights contains no general provision applicable to all the rights provided for in the Covenant authorizing restrictions on their exercise. However, several articles in the Covenant provide that the rights

## HUMAN RIGHTS EDUCATION IN THE NORTHEAST ASIAN SCHOOL SYSTEMS

being dealt with shall not be subject to any restrictions except those which are prescribed by law and are necessary to protect national security, public order, or the rights and freedoms of others.

**The International Bill of Human Rights**, Fact Sheet No. 2 (Rev.1), Centre for Human Rights (Geneva, 1988), pages 11-12.



## LESSON PLAN 5

### **Burning National Flag and Freedom of Expression**

The exercise of the right to freedom of expression should be respected and protected. However, there are recognized limits to the exercise of such right. What should be the guide for people in exercising this right?

<b>Topic</b>	: Burning national flag and freedom of expression
<b>Level</b>	: Upper Secondary level
<b>Subject</b>	: Liberal Studies, Human Rights Education, Civic Education
<b>Human Rights Concept</b>	: Freedom of expression
<b>Time Allotment</b>	: One session

#### **I OBJECTIVES**

Students will be able to discuss the concept and limits of freedom of expression through the cases of flag burning.

#### **II RESOURCES**

- **The Universal Declaration of Human Rights**

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.

- **International Covenant on Civil and Political Rights**

Article 19:

(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

- Discussion Materials

### **III PROCEDURE**

#### **A. Opener**

The teacher explains the fact that there are cases of people burning their national flag or the national flag of other countries as part of acts of protest. The teacher asks the students: Is burning your own national flag or that of other countries a kind of exercise of freedom of expression or not? Where should we draw the line between exercise of such freedom and acts considered otherwise?

#### **B. Development of Activities**

##### **1. Activity**

The teacher asks the students to read the Discussion Materials below.

#### **Discussion Material 1:**

A Mainland Chinese tourist was imprisoned in 2011 for taking down and burning a “5 stars” flag, the national flag of the People’s Republic of China, from the flagpole in Golden Bauhinia Square in Wanchai. He was convicted of violating the National Flag and National Emblem Ordinance. He explained in the Court that the national flag he burned did not represent China. Only the “Blue Sky, White Sun”

flag assigned by Dr. Sun Yat-sen was the genuine national flag for China. (**Apple Daily**, 24 July 2011)

**Discussion Material 2:**

Section 7 of the National Flag and National Emblem Ordinance states “A person who desecrates the national flag or national emblem by publicly and willfully burning, mutilating, scrawling on, defiling or trampling on it commits an offence and is liable on conviction to a fine at level 5 [50,000 HK Dollars] and to imprisonment for 3 years.”

Non-governmental organizations criticize the Ordinance for violating the right to freedom of expression enshrined in the Basic Law and the International Covenant on Civil and Political Rights.

Two protestors publicly showed defaced national and regional flags to protest against the Chief Executive who was elected by a small circle of voters. They were convicted under the Ordinance. In 1999, the Final Court of Appeal affirmed the convictions. In its summary, the Court states that “By criminalizing desecration of the national and regional flags, the statutory provisions in question constitute a limited restriction on the right to freedom of expression. The aims sought to be achieved are the protection of the national flag as a unique symbol of the Nation and the regional flag as a unique symbol of the Hong Kong Special Administrative Region in accordance with what are unquestionably legitimate societal and community interests in their protection. Having regard to what is only a limited restriction on the right to the freedom of expression, the test of necessity is satisfied. The limited restriction is proportionate to the aims sought to be achieved and does not go beyond what is proportionate. “ (FACC No. 4 of 1999 – the judgment was issued on 15 December 1999. Further details available at (1) [http://legalref.judiciary.gov.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=18937&QS=%2B&TP=JU](http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=18937&QS=%2B&TP=JU) (2) [www.law.hku.hk/conlawhk/sourcebook/conlawcase/NgkungsiuCFAe.htm](http://www.law.hku.hk/conlawhk/sourcebook/conlawcase/NgkungsiuCFAe.htm))

**Discussion Material 3:**

The Supreme Court of the United States ruled that the ban on desecrating the American national flag in the state law and federal law violated the freedom of expression protected under the First Amendment to the United States Constitution.

Reference: The United States Supreme Court in *Texas v. Johnson*, 491 U.S. 397 (1989), *U.S. v. Eichman*, 496 U.S. 310 (1990)

**Discussion Material 4:**

The “Blue Sky, White Sun” flag was the revolutionary flag of Hsing Chung Hui (literally Revive China Society) and is the Kuomintang flag now.

The “Blue Sky, White Sun and Red Ground” flag was once the national flag of Republic of China in Mainland China in 1920s. The People’s Republic of China was established by the Chinese Communist Party in Mainland China in 1949 and has used the “5 stars” red flag as national flag from that time till now. The “Blue Sky, White Sun and Red Ground” flag is regarded as the national flag of the Republic of China in Taiwan.

The teacher instructs the students to form small groups and answer the following questions related to the Discussion Materials:

- What did the Mainland Chinese tourist in Discussion Material 1 think about the country represented by the national flag? Why did he burn the flag?
- Why did the protestors desecrate the national flag? What did they want to express?
- Does ban on burning national flag violate freedom of expression? Please explain your views briefly.

The teacher asks the groups to report their respective discussions to the whole class.

## **2. Analysis**

The teacher leads the debriefing on the group discussions and asks the following questions:

- What is/are being protected in the ban of burning or damaging the national flag?
- Is protection of country’s dignity a legitimate and justified ground to restrict or ban burning national flag?
- What does “respect the national flag” mean? Who should respect the national flag?
- Are there any conditions for respecting the national flag of own country and other countries?
- If we agree that the burning or damaging of our own national flag should be a criminal offence, how about burning the flag of other countries?

The teacher writes on the board the main points in the answers of the students to the questions that are for and against the idea that burning the flag is an exercise of the right to freedom of expression.

## **3. Abstraction**

Using the responses of the students to the questions, the teacher explains the concept of limitation of rights. The teacher cites Article 19

of the International Covenant on Civil and Political Rights that states the limitations on freedom of expression.

The teacher notes that the exercise of the rights under this article carries with it “special duties and responsibilities,” and is thus subject to certain restrictions. The teacher stresses that such restrictions must follow specific requirements, namely,

- They are provided by law and
- The law is necessary:
  - (a) to be able to respect the rights or reputation of others;
  - (b) to protect national security or of public order (ordre public), or of public health or morals.
- They pass the proportionality test.

#### **4. Application**

Students may discuss and work on summarizing the session by using the mind mapping technique, that is, writing “a central word or concept, around the central word [and drawing] 5 to 10 main ideas that relate to that word. [For each] of those child words ... again draw the 5 to 10 main ideas that relate to each of those words.” (Mind Mapping FAQ, <http://members.optusnet.com.au/charles57/Creative/Mindmap/mindmapfaq.html>).

#### **C. Closure**

The teacher explains that the lesson has covered the concept and limits of freedom of expression through the cases of flag burning.

### **IV EVALUATION**

The teacher may ask the students to either

- a. research and comment on which countries, which have ratified the International Covenant on Civil and Political Rights, allow or ban national flag burning.
- b. write reflective journal after the class.



## **Freedom of expression and assembly**

The right to freedom of expression is an important human right that should be protected by law. The exercise of this right can however be limited under certain conditions. What are justified limitations on freedom of expression vary from case to case. There is a need to clarify the context involved in order to determine whether or not the limitation of the right can be justified.

<b>Topic</b>	: Freedom of expression and assembly
<b>Level</b>	: Upper secondary
<b>Subject</b>	: Liberal Studies, Human Rights Education, Civic Education
<b>Human Rights Concept</b>	: - Concept and limits of the freedom of expression - Right to hold peaceful assembly
<b>Time Allotment</b>	: Two sessions

### **I OBJECTIVES**

Students will be able to discuss the concept and limits of freedom of expression through the following cases: (1) Cases highlighting the rights to protest and counter-protest and limits on freedom of expression, etc; and (2) Case of the call for an “International Burn a Koran Day” on 11 September 2010 by American pastor Terry Jones.

## II RESOURCES

- **International Covenant on Civil and Political Rights**

Article 19:

(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20:

(1) Any propaganda for war shall be prohibited by law.

(2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21:

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

- Discussion materials

## III PROCEDURE

### A. Opener

The teacher explains that the lesson continues the discussion of the concept and limits of freedom of expression discussed in the previous class, and will focus on case studies to learn more about the limits of the freedom of expression.

### B. Development of Activities

#### 1. Activity

The teacher tells the students to form small groups (not more than 5 students) and discuss the particular role involved in the case (described below) assigned to each group.

**Case: Protest and counter-protest**

**Background:** In city A, a group of protestors demonstrates and urges that the foreign domestic workers working in the city for years should not be eligible to apply for the right of abode. Another group of protestors that campaigns against racial and class discrimination comes to the same place and counter-protests the original protest.

**Roles & Guide Questions:**

(1) The government: How will you handle the protest and counter-protest? Will you impose any restrictions on the protests? If yes, on what conditions, on which group, and what kind of restrictions will you impose and why? If not, what is/are the reason(s)?

(2) Protestors opposed to the eligibility of foreign domestic workers working in the city for years to apply for right of abode: What do you think about the counter protest? What is the impact if protest and counter protest took place in the same place? What should the government do in this situation?

(3) Protestors from counter protest: Why do you come to counter protest? Do you think that counter protest is protected by freedom of expression enshrined by international human rights law and local law? What should the government do in this situation? If counter protest is being restricted or banned, do you think it is justified? If yes, why?

The teacher asks the groups to present their views after the group discussion to the whole class. The presenting group can be questioned at least twice by other groups.

**2. Analysis**

The teacher debriefs the students by raising the following questions:

- Do you think the government should impose restrictions or ban protest and counter-protest in the same place? Under what conditions, and what restrictions are appropriate to be applied? Why?
- What is the limit of freedom of expression? What conditions and criteria should be employed to restrict freedom of expression?

**3. Abstraction**

Referring to the responses of the students, the teacher points to several principles regarding peaceful assemblies:

- The right to peaceful assembly applies to protest and counter-protest

- The right to peaceful assembly involves the positive duty on the government to take reasonable and appropriate measures to enable lawful assemblies to take place peacefully. (Reference: Para 22 & 23. *Leung Kwok Hung & Others v. HKSAR*. FACC 1 & 2 /2005, 2005.7.8) The government should not easily restrict or ban the right to peaceful assembly and should not favor any of the groups involved.
- Article 19 of the International Covenant on Civil and Political Rights states the limitations on freedom of expression: Article 19(3): The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.
- The proportionality test must be applied in determining measures that could restrict or stop the exercise of the right to peaceful assembly.

#### 4. Application

The teacher presents the case of the call by an American pastor (Terry Jones) to burn the Qur'an in his "International Burn the Koran Day" set on 11 September 2010. The teacher explains that while burning the Qur'an as a symbolic act is a protected act under the freedom of expression enshrined by the First Amendment to the United States Constitution, it has upset the American public, and caused anger against it to rise in the Islamic world.

The teacher asks the students to think of this case using the following guide questions:

- (1) What do you think about the public call for Qur'an burning by American pastor Terry Jones?
- (2) What is the limit of freedom of expression? What does justified limitation mean?
- (3) Under what condition burning something as symbolic act should be restricted?
- (4) Does freedom of expression include speech that upset people? Does it include speech inciting racial and religious hatred?
- (5) What do you think about the degree of the protection of freedom of expression under the United States Constitution?

#### C. Closure

The teacher concludes the discussion by saying that there are limits to the right to freedom of expression as seen in the cases of protest and counter-protest, and public call by Terry Jones.

#### **IV EVALUATION**

1. The teacher may evaluate the understanding of freedom of expression by the students by further discussion on the following case:

“The United States Supreme Court has declared that demonstrations by Nazi groups in Jewish suburbs are legal forms of freedom of expression. Should such groups in fact be prevented from promoting a doctrine that would lead to the destruction of a whole people? Or is that an unacceptable restriction of the right to freedom of expression?” Quoted from Council of Europe: “Chapter 4.1 Understanding Human Rights”. COMPASS: A manual on human rights education with young people. December 2002. [www.eycb.coe.int/compass/en/contents.html](http://www.eycb.coe.int/compass/en/contents.html)

2. The teacher may ask the students to write or draw summary note and reflective journal after the class.



## LESSON PLAN 7

### **International Labor Law**

With the shift toward pro-market policies under the globalization process, deregulatory measures in the labor market resulted in an increase in the number of non-regular workers in many parts of the world. In the context of inadequate employment safety net, learning about workers' rights in school becomes even more important. While it may be more practical to study domestic labor law, knowing international standards such as those from the International Labour Organization (ILO) will help students know solutions to labor problems from an international perspective, and will also make them learn about global labor problems.

<b>Topic</b>	: International labor law
<b>Level</b>	: Upper secondary
<b>Subject</b>	: Civics, synthetic learning
<b>Human Rights Concept</b>	: Workers' rights
<b>Time Allotment</b>	: Three sessions

#### **I OBJECTIVES**

Students will be able to

1. Discuss the International Labour Organization (ILO), its roles and significance
2. Explain the rights that workers are entitled to
3. Identify global labor problems
4. Cite the limitations of domestic labor laws, and the importance of international labor standards.

## **II RESOURCES**

- International labor law cards, based on ILO conventions
- Video - “ Stop Child Labor” by ILO, available on YouTube: [www.youtube.com/watch?v=wWzEA3GuMQc](http://www.youtube.com/watch?v=wWzEA3GuMQc)

## **III PROCEDURE**

### **A. Opener**

The teacher shows the students the video entitled “Stop Child Labour” produced by the ILO to learn about the different types of child labor around the world.

### **B. Development of Activities**

#### **1. Activity**

The teacher asks the students to form small groups (not more than 5 for each group), and discuss Worksheet No. 1 (“Show a Red Card to the President of the Company/Employer!,” see Annex 1).

Using the set of twenty “international labor law cards” (see Annex 2 for the list of the contents of the cards) given to each group, the teacher instructs the students to match an international labor law card to each of the statements in Worksheet No. 1 and write the number of the card in the blank spaces beside the statements.

The teacher asks each group to report on the results of their respective exercises to the class, and checks whether or not they gave the right answers. See Annex 4 for the right answers.

#### **2. Analysis**

The teacher tells the groups that there are several international agreements under ILO that do not cover Japan, because the Diet (parliament) has not approved them yet. Each group guesses and divides all twenty cards into two groups: those agreements that cover Japan and those that do not. Each group shows its answers to other groups.

The teacher tells the groups that cards with numbers 3,4,7,8,10,14,15,18, and19 are the ones referring to agreements that are not approved yet by Japan’s Diet and asks them to discuss why each agreement has not been ratified and if it should be ratified or not. They write the reasons on the respective spaces at the back of Worksheet No. 1.

The groups report the results of their discussion to the whole class explaining what they think are reasons for non-approval of the agreements and why they should be approved by the Diet.

### **3. Abstraction**

The teacher cites the important function of the ILO in setting international labor standards in order to provide workers all over the world with the chance to enjoy similar rights as workers. The teacher refers to the “international labor law cards” as examples of the different conventions or agreements that countries around the world would be able to commit to fulfilling, for the sake of their own workers.

The teacher explains that in international law the final approval of international agreements by the countries is called ratification. This is done by the parliament (Diet) after a government representative signs them.

The teacher discusses the current status of ratification of ILO conventions, as well as the fact that domestic laws would either have to be amended or new laws have to be enacted to comply with the conventions if Japan became a state party to them. See Annex 3 for the list of ILO conventions that have been ratified by Northeast Asian countries.

### **4. Application**

The teacher gives an assignment to the students to research on real cases of labor rights violations in Japan and in the other countries that correspond to the cases on Worksheet No.1. For Japanese cases, the teacher also tells the students to look for provisions in Japanese domestic laws that correspond to those in international labor law cards.

### **5. Closing**

The teacher stresses the existence of international labor standards that can benefit workers in all countries of the world, and would promote, protect and realize their rights. They are probably most useful in dealing with the changing situation brought on by globalization, which affects labor.

The teacher also cites the need for Japan to be bound by these international labor standards by committing to the ILO conventions, including changing domestic labor laws.

## **IV EVALUATION**

The teacher tells the students to write a reflection paper on the importance of following the international labor standards to benefit all workers.

## Annex 1

**Worksheet No.1 “Show a Red Card to the President of the Company/Employer!”**

Number		Card No.
1	“It is an unprecedented huge accident. It is not the time to follow a dosimeter!”	
2	“You are fired! You have too many grievances. I found another person to replace you!”	
3	“You are already senior secondary school students, so you can work like grown-ups!”	
4	“Women cannot expect the same salary as male taxi drivers!”	
5	“You are only allowed to have maternity leave for one month!”	
6	“Finally we have a rush of orders! You will not have any holidays this month!”	
7	“Go back to your own country, if you dare to ask for the same working conditions as the others!”	
8	“Our company does not allow our employees to join a labor union!”	
9	“Our company is a temporary staffing agency; we don’t accept collective bargaining by our employees!”	
10	“If you are found to be HIV positive after a blood test, your employment will be terminated!”	
11	“Would you like to have a paid date with me? I like young girls like you.”	

12	“If you promise you won’t join a labor union, we will employ you!”	
13	“Our company won’t employ any foreigners!”	
14	“The economy is still in recession, we just cannot pay your salary for some time. If you won’t agree, go and find a different job.”	
15	“As you are a live-in maid, you won’t have any holidays!”	
16	“You will be paid half of the salary of the full time workers! The work is the same but you are only a part-timer.”	
17	“When you are back in the office after your maternity leave, your working hours will not be the same as before!”	
18	“You will be paid almost nothing until you have learned your work!”	
19	“Give up your holidays to make up for the company’s loss due to your walkout!”	
20	“It is no use if you report this to the labor standards office!”	

**Annex 2**

**International Labor Law Cards**

Prepared by Akio Hige

**Card no. 1**

**C081 - Labour Inspection Convention, 1947 (No. 81)**

A system of labour inspection makes sure the enforcement of laws relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters. The system also helps employers and workers on how to follow what the laws require. And in cases there are problems or abuses not mentioned in the law, the system can help bring the matters to proper government agencies for resolution. (Article 3)

A system of labour inspection should cover all workplaces. (Article 2)

**Card no. 2**

**C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**

All workers and employers have the right to freely establish and join any organization that would promote and defend their interests as workers or employers. (Article 2)

**Card no. 3****C095 - Protection of Wages Convention, 1949 (No. 95)**

Wages means remuneration or earnings capable of being expressed in terms of money and fixed by mutual agreement or by national laws or regulations, which are payable in virtue of a written or unwritten contract of employment by an employer to an employed person for work done or to be done or for services rendered or to be rendered. (Article 1)

Wages payable in money shall be paid only in legal tender, directly to the worker. Payment of wages by bank cheque or postal cheque or money order in cases in which payment in this manner is customary or is necessary because of special circumstances, or where a collective agreement or arbitration award so provides, or where not so provided, with the consent of the worker concerned. (Articles 3 and 5)

**Card no. 4****C097 - Migration for Employment Convention (Revised), 1949 (No. 97)**

Immigrants must be treated no less favorable than national employees regarding

- a. remuneration, membership of trade unions and enjoyment of the benefits of collective bargaining, accommodation
- b. social security
- c. employment taxes, dues or contributions payable
- d. legal proceedings relating to the matters referred to in this Convention.

**Card no. 5****C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**

Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Employers cannot make the employment of a worker subject to the condition that he/she shall not join or relinquish trade union membership, nor dismiss or prejudice a worker by reason of union membership or participation in union activities.

**Card no. 6**

**C100 - Equal Remuneration Convention, 1951 (No. 100)**

The principle of “equal remuneration for men and women workers for work of equal value” should apply to all workers.

**Card no. 7**

**C105 - Abolition of Forced Labour Convention, 1957 (No. 105)**

- Any form of forced or compulsory labour is not allowed,
- as a method of political coercion or education or as a punishment for expressing views ideologically opposed to the established system;
  - as a method of using labour for economic development;
  - as a means of discipline;
  - as a punishment for participation in strikes; and
  - as a means of racial, social, national or religious discrimination.

**Card no. 8**

**C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**

The government should adopt a national policy designed to promote “equality of opportunity and treatment in employment and occupation” in order to eliminate any discrimination in employment and occupation.

Discrimination means any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, and such other distinction, exclusion or preference, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

**Card no. 9****C115 - Radiation Protection Convention, 1960 (No. 115)**

In the light of knowledge available at the time, all appropriate steps shall be taken to ensure effective protection of workers, as regards their health and safety, against ionising radiations. (Article 3)

Every effort shall be made to restrict the exposure of workers to ionising radiations to the lowest practicable level, and any unnecessary exposure shall be avoided by all parties concerned. (Article 5)

**Card no. 10****C131 - Minimum Wage Fixing Convention, 1970 (No. 131)**

The government should establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate. (Article 1)

The determination of the level of minimum wages shall consider the following:

(a) the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;

(b) economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

**Card no. 11****C138 - Minimum Age Convention, 1973 (No. 138)**

The government should adopt a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. (Article 1)

The minimum age shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

If the economy and educational facilities are insufficiently developed, the government may, after consultation with the

**Card no. 11 (Cont'd)**

organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years. (Article 2)

The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18.

But national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity. (Article 3)

**Card no. 12**

**C156 - Workers with Family Responsibilities Convention, 1981 (No. 156)**

There should be a national policy on enabling persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities. (Article 3)

Effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be taken--

(a) to enable workers with family responsibilities to exercise their right to free choice of employment; and

(b) to take account of their needs in terms and conditions of employment and in social security. (Article 4)

There are also further actions to be taken --

(a) to take account of the needs of workers with family responsibilities in community planning; and

(b) to develop or promote community services, public or private, such as child-care and family services and facilities. (Article 5)

**Card no. 13****C158 - Termination of Employment Convention, 1982 (No. 158)**

The employment of a worker shall not be terminated unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service. (Article 4)

The following, among others, shall not constitute valid reasons for termination:

(a) union membership or participation in union activities outside working hours or, with the consent of the employer, within working hours;

(b) seeking office as, or acting or having acted in the capacity of, a workers' representative;

(c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;

(d) race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;

(e) absence from work during maternity leave. (Article 5)

Temporary absence from work because of illness or injury shall not constitute a valid reason for termination.

The employment of a worker shall not be terminated for reasons related to the worker's conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity. (Article 6)

**Card no. 14****C175 - Part-Time Work Convention, 1994 (No. 175)**

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

(a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;

(b) occupational safety and health;

(c) discrimination in employment and occupation. (Article 4)

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

**Card no. 14 (Cont'd)**

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and
- (d) sick leave,

it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings. (Article 7)

**Card no. 15**

**C181 - Private Employment Agencies Convention, 1997 (No. 181)  
Convention concerning Private Employment Agencies**

1. In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

2. Paragraph 1 of this Article shall not be implemented in such a way as to prevent private employment agencies from providing special services or targeted programmes designed to assist the most disadvantaged workers in their jobseeking activities. (Article 5)

1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

Article 9

A Member shall take measures to ensure that child labour is not used or supplied by private employment agencies. (Article 7)

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour. (Article 6)

**Card no. 16****C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)**

The worst forms of child labour comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. (Article 3)

**Card no. 17****C183 - Maternity Protection Convention, 2000 (No. 183)**

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child. (Article 3)

Pregnant or breastfeeding women are entitled to a period of maternity leave of not less than 14 weeks. (Article 4)

The maternity leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. (Article 5)

Cash benefits shall be provided to women who are absent from work on leave. The amount of cash benefits should ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

Medical benefits shall be provided for the woman and her child such as prenatal, childbirth and postnatal care, as well as hospitalization care when necessary. (Article 6)

It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to

**Card no. 17 (Cont'd)**

pregnancy or childbirth and its consequences or nursing shall rest on the employer. (Article 8)

A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child. (Article 10)

**Card no. 18**

**C189 - Domestic Workers Convention, 2011 (No. 189)**

The government shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, such as

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation. (Article 3)

The government shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. (Article 5)

The government shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy. (Article 6)

**Card no. 19**

**C001 - Hours of Work (Industry) Convention, 1919 (No. 1)**

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week. (Article 2)

In exceptional cases where it is recognised that the provisions of Article 2 cannot be applied, but only in such cases, agreements between workers' and employers' organisations concerning the daily limit of work over a longer period of time may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides.

The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed forty-eight. (Article 5)

**Source:** The texts used in these cards are either direct quotations or based on provisions of the ILO Conventions. The full text of the Conventions are available at: NORMLEX - Information System on International Labour Standards - [www.ilo.org/dyn/normlex/en/f?p=1000:12000:0::NO::](http://www.ilo.org/dyn/normlex/en/f?p=1000:12000:0::NO::)

See also:

[www.ilo.org/public/japanese/region/asro/tokyo/standards/list.htm](http://www.ilo.org/public/japanese/region/asro/tokyo/standards/list.htm)

### Annex 3

#### Ratification of ILO Conventions in Northeast Asia

Country	China	Hong Kong	Japan	Korea	Mongolia
C081		✓	✓	✓	
C087		✓	✓		✓
C095					
C097					
C098		✓	✓		✓
C100	✓		✓	✓	
C105		✓			
C111	✓			✓	
C115		✓	✓	✓	
C131			✓		
C138	✓	✓	✓	✓	✓
C156			✓	✓	
C158					

**Ratification of ILO Conventions in Northeast Asia (Cont'd)**

Country	China	Hong Kong	Japan	Korea	Mongolia
C175					
C181			✓		
C182	✓	✓	✓	✓	✓
C183					
C189					

Note: Data taken from Normlex - Ratification by Country, [www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO::](http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO::)

**Annex 4**

**The Right Answers in Worksheet No. 1**

Issue	Card No.
1	9
2	13
3	11
4	6
5	17
6	19
7	4
8	2
9	5
10	13
11	8
12	5
13	8
14	3
15	18
16	14
17	17
18	3
19	19
20	1



## Right to Vote

Human rights are enjoyed and protected best within the confines of a democratic society. At the same time, democracy thrives through the proper exercise of relevant human rights. Students can understand by themselves the meaning of human rights that relate to democracy through participation in a mock election. This exercise facilitates their interest in politics by providing the opportunity for them to find and think about local issues and social problems, as well as to make them feel that they are members of society responsible for the solution of such problems.

<b>Topic</b>	: Right to Vote
<b>Level</b>	: Upper secondary
<b>Subject</b>	: Civics and synthetic learning
<b>Human Rights Concept</b>	: - Democracy - Child and youth participation in society
<b>Time Allotment</b>	: Three sessions

### I OBJECTIVES

Students will be able to

1. Explain the concept of democracy and act out roles in democracy as citizens

2. Discuss the right to vote
3. Discuss the general idea of participation in the government of a country from a human rights perspective.

## **II RESOURCES**

- Official election publications and newspaper clippings of election platforms (manifestos) of different candidates
- Election ballots
- Article 21 of the Universal Declaration of Human Rights:
  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 to equal access to public service in his country.
  3. The will of the people shall be the basis of the authority of government; this 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.

## **III PROCEDURE**

### **A. Opener**

The teacher introduces to the students basic knowledge about elections (i.e., principles and rules, suffrage, importance of voters' turnout), and asks them how their parents and other family members make decisions on who to vote for during elections.

### **B. Development of Activities**

#### **1. Activity**

The teacher asks the students to form small groups (not more than 5 for each group) to discuss issues and questions that arise from official election publications and the manifestos of candidates.

The teacher explains that a mock election will be held involving the real election candidates.

In order to help the students make their respective decisions, the teacher instructs the groups to present their views about the election issues and questions to the whole class.

The teacher holds a mock election by giving the students one ballot each. Students write on the ballots the names of the candidates they vote for and deposit them in a ballot box.

The teacher tallies the votes and announces the results.

## 2. Analysis

The teacher asks the students to answer the following questions:

- How did you decide on who to vote for?
- What did you feel when you participated in the mock election even though you are not yet of voting age?
- Do you have anything to say to the candidates?

The teacher notes the major answers of the students on the board.

## 3. Abstraction

The teacher states that participation in elections is a human right and is explicitly provided in Article 21 of the Universal Declaration of Human Rights:

The will of the people shall be the basis of the authority of government; this 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 21 likewise states that

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 to equal access to public service in his country.

The teacher explains that the article shows the different types of participation in the government of a country, including local governments, and voting in elections is one of the important means of participating in the government.

The teacher stresses the following:

- the importance of voting in elections in order to determine the “will of the people” which in turn is the “basis of authority of government”
- the importance of having proper bases for deciding who to vote for such as through documents like manifestos or events such as public speeches and debates or mass media-based information dissemination systems that explain what the election candidates have to offer to the people.

Finally, the teacher emphasizes that the right to vote should be treated like any human right – it must therefore be universal and equal for all members of the community.

**4. Application**

The teacher asks the students to discuss in their groups the respective sets of policies of two city mayors as shown in the table below and find which set of policies promotes human rights more. After the group discussion, the teacher instructs them to report to the class and highlight the main human rights being promoted.

**City Mayor Policies on Education and Child-rearing:  
Which is a better place to live in for children, City A or City B?**

The Mayor of City A	The Mayor of City B
<ul style="list-style-type: none"> <li>• Overcome competition and discrimination, develop creative human resources</li> <li>• Enact an ordinance on eliminating disparities in education and promoting education and social welfare.</li> <li>• Reduce educational expenses borne by families of students to within 3% of family budget.</li> <li>• Enact an ordinance to protect the right to education (protection of the rights of students)</li> <li>• Promote education on arts and culture</li> <li>• Open, free-of-charge, the cultural facilities in Seoul City to children and youth</li> <li>• Promote innovative public schools that play a leading role in changing examination-oriented educational environment</li> </ul>	<ul style="list-style-type: none"> <li>• Develop human resources who can respond to global competition</li> <li>• Establish “Super Secondary school”</li> <li>• Establish “Global Study Course” in one of the prefectural secondary schools</li> <li>• Introduce market principles in public education</li> <li>• Abolish or reorganize secondary schools that cannot fill their quota of students</li> <li>• Promote the recruitment of principals from the private sectors (on fixed-term basis)</li> <li>• Adopt free school choice policy (students are allowed to opt out of their assigned schools to go to other public schools)</li> </ul>

<ul style="list-style-type: none"> <li>• Increase support for the improvement of educational environments without differences between the northern and southern parts of the Han River</li> <li>• Establish learning support centers</li> <li>• Establish and manage a multifunctional complex that young people can use spontaneously</li> <li>• Involve community resources in building community schools</li> <li>• Reduce burden of educational expenses for higher education</li> <li>• Reduce by half the tuition fee of Seoul University</li> <li>• Promote housing provisions for university students by building lodging places on campus</li> <li>• Promote entrepreneurship for creative and sustainable jobs</li> <li>• Support creative venture business by the youth sector</li> <li>• Create more job opportunities by developing local businesses, cooperatives, and social enterprises</li> <li>• Make non-formal (temporary) employees become formal (regular) employees</li> <li>• Promote the conversion of temporary workers to regular employees in the public sector</li> <li>• “Welfare is the best investment with the highest return”</li> <li>• There is an unjust society where the winners monopolize all and the rest are unhappy</li> </ul>	<ul style="list-style-type: none"> <li>• Adopt a common achievement test (school record based on absolute assessment standards)</li> <li>• Employ stricter teacher assessments to remove poor performers</li> <li>• Subsidize private educational institutions</li> <li>• Adopt tuition-free subsidy program for private secondary schools (age of recipients limited)</li> <li>• Adopt a school lunch program</li> <li>• Have a phased provision of lunch for prefectural schools</li> <li>• Install air conditioning in every lower secondary school</li> <li>• Create a “Nishinari special administrative ward” that would provide services closer to the daily lives of the local people</li> <li>• Monthly distribution of 10,000 Yen worth coupons to every household in the ward that receives school expense subsidy</li> <li>• Preferential treatment to those transferred into the ward with tax concessions</li> <li>• Subsidize tuition fees of private primary and lower secondary schools</li> <li>• Provide child-rearing assistance</li> <li>• Subsidize medical expenses for 0 to 15 year-olds</li> </ul>
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	<ul style="list-style-type: none"> <li>• Improve nursery care centers to shorten waiting list of children applying for admission</li> <li>• Provide medical checkup service for pregnant women</li> <li>• Integrate Osaka Prefecture University and the Osaka City University</li> <li>• Adopt an Osaka metropolis plan that attracts human and financial resources in order for the city to be a winner in the East Asia subregion.</li> </ul>
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**5. Closing**

The teacher emphasizes the need for people to exercise their right to vote, along with other related rights, in order to ensure their participation in the government at both national and local levels.

**IV EVALUATION**

For the further development of the activity, after reading the manifesto, students can send open questions to the political parties and their candidates, visit party head offices and campaign offices of candidates, in order to exchange opinions, or participate in open forums where candidates are invited.

Comparison of policies of politicians from Japan and other Northeast Asian countries will foster critical views among students towards Japanese policies.



LESSON PLAN 9

## Equal Opportunity and Poverty

“Unfair musical chair” is a metaphor of social structure that reproduces poverty. Poverty should not be solely attributed to personal responsibility but understood as an outcome of existing social structures. “Unfair musical chair” is designed to learn about such structures, as it shows that disadvantages are reproduced among those who are allowed unfair participation in the games, as well as the lack of chairs being a fundamental structural problem. By exploring the solution to break such structures, students can identify social responsibility and will be motivated to build a society where everyone can live without anxiety.

<b>Topic</b>	: Equal Opportunity and Poverty
<b>Level</b>	: Upper secondary
<b>Subject</b>	: Civics or Synthetic Learning
<b>Human Rights Concept</b>	: - right to social security - right to adequate standard of living
<b>Time Allotment</b>	: Three sessions

### I OBJECTIVES

Students will be able to

1. Explain poverty as a matter of social structure
2. Explore social systems that do not reproduce poverty, and support the right to social security and the right to adequate standard of living.

## **II RESOURCES**

- Newspaper clippings on the dismissal of dispatch workers
- Statistics showing the increasing ratio over years of non-regular employees
- Articles 22 and 25 of the Universal Declaration of Human Rights  
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 25

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.

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.

## **III PROCEDURE**

### **A. Opener**

The teacher informs the students about the game called “Unfair musical chair.” Since the activity requires physical movements, the teacher prepares the students through an icebreaking activity.

### **B. Development of Activities**

#### 1. Activity

The teacher asks the students to put chairs in a circle, facing outward, with the number of chairs being significantly less than the number of students. For example, for a class of thirty students, use twenty chairs.

The teacher divides the students into two groups, Team A and Team B, with nearly equal number of members.

The teacher reserves approximately 30 percent of the number of chairs for Team A and places tags on the reserved chairs to distinguish them from the other chairs.

The teacher distributes the rules of the game to the students, each group having a different set of rules as shown in the boxes below. The teacher

ensures that the members of each group know only the rules that are meant for them.

**Rules for Team A (for distribution to Team A members only)**

1. You may sit on any of the chairs
2. If you failed to sit on a chair when the music stopped, you are out.

**Secret rules**

During the game, the music will always stop three seconds after the teacher says “Do your best, Team A members!” But when the teacher gives false signals such as “Do your best, Team B members” or “Do your best, everyone” the music will not stop. These rules must not be known by the members of Team B.

**Rules for Team B (for distribution to Team B members only)**

1. You are not allowed to sit on the chairs that are reserved for Team A members.
2. Failure to sit on a chair when the music stops means you are out.

The game would have three rounds, and the teacher removes a number of chairs after each round, and also continues to reserve some chairs for Team A. For example, for the second round, only 15 chairs are left and five chairs (out of 15) are reserved for Team A. For the third round, with only 10 chairs left, 4 chairs are reserved for Team A. The teacher keeps a record of every round, including the total number of chairs, number of chairs reserved for Team A, and the number of students who successfully get to sit on the chairs.

## 2. Analysis

The teacher asks Teams A and B to form smaller groups (within the same teams) and asks them to write down what they observed during the activity, as well as what they felt using Worksheet No.1. The teacher asks Team A members the advantages they enjoyed and Team B members the disadvantages they suffered from.

The groups report the results of their discussion to the whole class. The teacher writes on the board the key points raised in the group reports.

The students are expected to express the views similar to the following points:

- The rules are not fair to all the participants in the game
- Some participants cannot win the game even they are good and working hard

- Having advantages feels good and makes them win easily
- Having disadvantages makes them lose confidence in themselves but at the same time feels irritated if not angry.

The teacher asks the same groups to answer the following questions using Worksheet No. 2:

- a. How is the real society divided into groups, and which groups have disadvantages?
- b. What are the personal responsibilities and responsibilities of the whole society regarding the disadvantages suffered by some groups in society?

To help the group discussion, the teacher distributes copies of newspaper clippings on the dismissal of dispatch workers, as well as statistics on the increasing number of non-regular workers in Japan. The newspaper clippings explain that non-regular workers belong to a disadvantaged group.

The groups report the results of their discussion to the whole class. The teacher writes on the board the key points raised in the group reports.

### **3. Abstraction**

Using the highlights of the group reports using Worksheet No. 2, the teacher explains the need for two types of changes to address the existence of disadvantaged groups in society:

- a. The need to stop unfair treatment and social exclusion of certain members of society. To do this, there is a need to identify who are disadvantaged and excluded in society, and what can be done to stop such exclusion.
- b. The role of competition-oriented society, where some people never get their “chairs” regardless of their efforts, in causing unfair treatment and social exclusion. What can we do for everyone to get his/her own chair?

The teacher introduces possible solutions to the issues such as the “sharing of chairs” and “increasing the number of chairs in the game”. From this, the teacher asks: What policies should be adopted to support the “sharing of chairs” and “increasing the number of chairs” in real society in order to build society where everyone can live without anxiety?

In discussing policies to address the issues, the teacher explains the meaning of the rights to social security and to adequate standard of living under Articles 22 and 25 respectively of the Universal Declaration of Human Rights.

The teacher emphasizes the following points about these rights:

Social security “should be treated as a social good, and not primarily as a mere instrument of economic or financial policy.” It should have the following contents:

- a. Availability of social security system
- b. Coverage of social risks and contingencies – health care, sickness, old age, unemployment, employment injury, family and child support, maternity, survivors and orphans
- c. Adequacy – coverage (persons), eligibility, affordability, participation and information, physical access.

#### **4. Application**

The teacher asks the students to develop an alternative society by researching and understanding related policies in other countries such as the “work sharing” policies in Holland, or the welfare-state policies in Scandinavian countries and compare them with relevant policies in Japan.

The teacher asks the students to share their findings and analyses in small groups and identify what social structures have to be changed, and how the rights to social security and adequate standard of living would be fulfilled by new ideas on the social structures. The teacher also instructs the students to prepare their respective group presentations on an alternative society.

#### **5. Closing**

The teacher concludes the sessions by reiterating that there are international human rights standards on social security and right to adequate standard of living for all people.

The teacher stresses that under the human rights framework, governments are duty bound to fulfill these rights within the available resources, and concrete measures should be undertaken over time including the change in social structures that breed inequality in society.

### **IV EVALUATION**

The teacher tells the students to write a reflection paper on the need for equal opportunity for all members of society while also helping those who are weak to stand on their feet.

#### **Notes**

##### **Normative Content of the Right to Social Security**

9. The right to social security includes the right not to be subject to arbitrary and unreasonable restrictions of existing social security coverage, whether obtained publicly or privately, as well as the right to equal enjoyment of adequate protection from social risks and contingencies.

A. Elements of the right to social security

10. While the elements of the right to social security may vary according to different conditions, a number of essential factors apply in all circumstances as set out below. In interpreting these aspects, it should be borne in mind that social security should be treated as a social good, and not primarily as a mere instrument of economic or financial policy.

1. Availability - social security system

11. The right to social security requires, for its implementation, that a system, whether composed of a single scheme or variety of schemes, is available and in place to ensure that benefits are provided for the relevant social risks and contingencies. The system should be established under domestic law, and public authorities must take responsibility for the effective administration or supervision of the system. The schemes should also be sustainable, including those concerning provision of pensions, in order to ensure that the rights can be realized for present and future generations to take steps to the "maximum of available resources" under an optional protocol to the Covenant (E/C.12/2007/1).

2. Social risks and contingencies

12. The social security system should provide for the coverage of the following nine principal branches of social security.

(a) Health care

13. States parties have an obligation to guarantee that health systems are established to provide adequate access to health services for all. In cases in which the health system foresees private or mixed plans, such plans should be affordable, in conformity with the essential elements enunciated in the present general comment. The Committee notes the particular importance of the right to social security in the context of endemic diseases such as HIV/AIDS, tuberculosis and malaria, and the need to provide access to preventive and curative measures.

(b) Sickness

14. Cash benefits should be provided to those incapable of working due to ill-health to cover periods of loss of earnings. Persons suffering from long periods of sickness should qualify for disability benefits.

(c) Old age

15. States parties should take appropriate measures to establish social security schemes that provide benefits to older persons, starting at a specific age, to be prescribed by national law. The Committee stresses that States parties should establish a retirement age that is appropriate to national circumstances which take account of, inter alia, the nature of the occupation, in particular work in hazardous occupations and the working ability of older persons. States parties should, within the limits of available resources, provide non-contributory old-age benefits, social services and other assistance for all older persons who, when reaching the retirement age prescribed in national legislation, have not completed a qualifying period of contributions or are not otherwise entitled to an old-age insurance-based pension or other social security benefit or assistance, and have no other source of income.

(d) Unemployment

16. In addition to promoting full, productive and freely chosen employment, States parties must endeavor to provide benefits to cover the loss or lack of earnings due to the inability to obtain or maintain suitable employment. In the case of loss of employment, benefits should be paid for an adequate period of time and at the expiry of the period, the social security system should ensure adequate protection of the unemployed worker, for example through social assistance. The social security system should also cover other workers, including part-time workers, casual workers, seasonal workers, and the self-employed, and those working in atypical forms of work in the informal economy. Benefits should be provided to cover periods of loss of earnings by persons who are requested not to report for work during a public health or other emergency.

(e) Employment injury

17. States parties should also ensure the protection of workers who are injured in the course of employment or other productive work. The social security system should cover the costs and loss of earnings from the injury or morbid condition and the loss of support for spouses or dependents suffered as the result of the death of a breadwinner. Adequate benefits

should be provided in the form of access to health care and cash benefits to ensure income security. Entitlement to benefits should not be made subject to the length of employment, to the duration of insurance or to the payment of contributions.

(f) Family and child support

18. Benefits for families are crucial for realizing the rights of children and adult dependents to protection under articles 9 and 10 of the Covenant. In providing the benefits, the State party should take into account the resources and circumstances of the child and persons having responsibility for the maintenance of the child or adult dependent, as well as any other consideration relevant to an application for benefits made by or on behalf of the child or adult dependent. Family and child benefits, including cash benefits and social services, should be provided to families, without discrimination on prohibited grounds, and would ordinarily cover food, clothing, housing, water and sanitation, or other rights as appropriate.

(g) Maternity

19. Article 10 of the Covenant expressly provides that “working mothers should be accorded paid leave or leave with adequate social security benefits”. Paid maternity leave should be granted to all women, including those involved in atypical work, and benefits should be provided for an adequate period. Appropriate medical benefits should be provided for women and children, including perinatal, childbirth and postnatal care and care in hospital where necessary.

(h) Disability

20. In its general comment No. 5 ((1994) on persons with disabilities, the Committee emphasized the importance of providing adequate income support to persons with disabilities who, owing to disability or disability-related factors, have temporarily lost, or received a reduction in, their income, have been denied employment opportunities or have a permanent disability. Such support should be provided in a dignified manner and reflect the special needs for assistance and other expenses often associated with disability. The support provided should cover family members and other informal carers.

(i) Survivors and orphans

21. States parties must also ensure the provision of benefits to survivors and orphans on the death of a breadwinner who was covered by social security or had rights to a pension. Benefits should cover funeral costs, particularly in those States parties where funeral expenses are prohibitive. Survivors or orphans must not be excluded from social security schemes on the basis of prohibited grounds of discrimination and they should be given assistance in accessing social security schemes, particularly when endemic diseases, such as HIV/AIDS, tuberculosis and malaria, leave large numbers of children or older persons without family and community support.

**Worksheet no. 1**

**Reflection on “Unfair Musical Chair”**

- ◇ Please discuss the following
  - What are the symbolic meanings of chairs in real society?
  - What do they symbolize in real society?
    - \* Chairs with tag (reserved for Team A members)
    - \* Chairs without any tag.
  - What are the symbolic meanings of the chairs that were removed during the game? Where have they gone?
  - How can we solve the problems created by the “Unfair Musical Chair”?

**Worksheet no. 2**  
**Reflection on “Unfair Musical Chair”**

Who belong to the disadvantaged group (Team B ) in the real society?

Make a list below:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Who are responsible for the existence of disadvantaged groups in society?

**View of people in the advantaged group (Team A)**

Personal responsibility	Responsibility of the society

**View of people in the disadvantaged group (Team B)**

Personal responsibility	Responsibility of the society



## LESSON PLAN 10

### **Breaking the Poverty Spiral!**

Poverty is a serious cause of human rights violation. It is not because of personal failure or family problems alone, but because its root causes are embedded in the social structure. It is therefore a prevalent problem among minorities over generations, who are socially and economically deprived. Currently being stricken under globalization and neo-liberal policies, poverty is an important issue that schools should teach, encouraging students to learn systemically from historical social movements, policies and measures that have successfully broken the poverty spiral, so that they can be equipped with ideas and skills to break off their own spirals of problems.

**Topic** : Breaking the Poverty Spiral!

**Level** : Upper secondary

**Subject** : Civics or Synthetic Learning

**Human Rights Concept** :

- Economic rights
- Right against discrimination or social exclusion

**Time Allotment** : Three sessions

#### **I OBJECTIVES**

Students will be able to

1. Describe how discrimination impacts on poverty, and how a spiral of poverty develops or is reproduced in certain social structures

2. Explain the historical movements, policies and measures to break this spiral of poverty
3. Explore the measures to take to break off current/future poverty spirals based on human rights framework.

## **II RESOURCES**

- Reading materials on a historical grassroots movement organized in 1960s, which realized the free distribution of school textbooks by the Japanese government for both primary and lower secondary school levels
- Essays written in adult literacy classes in the past
- Copies of Cabinet Dowa Policy Council's recommendation of 1965
- Articles 17, 21-25 of the Universal Declaration of Human Rights.

## **III PROCEDURE**

### **A. Opener**

The teacher initiates a brainstorming session on the issue of "illiteracy" and asks the students what difficulties people who cannot read and write face. The teacher writes on the board the comments of students by grouping them under several headings.

The teacher comments on the social backgrounds of illiteracy, and then introduces essays written by participants in adult literacy classes.

After the students read the essays, the teacher asks the students to give their comments.

### **B. Development of Activities**

#### **1. Activity**

The teacher asks the students to form small groups (not more than 5 for each group) and instructs them to fill the blanks on Worksheet no. 1 (Break the Poverty Spiral!), as a group. The teacher explains that the students have to think of appropriate words to fill in the blanks from A to J in order to have a good explanation on how numerous factors impact on and develop the poverty spiral. The teacher may allow the students to use some words twice. After the groups fill up the blanks on Worksheet no.1, the teacher asks the groups to present their work to the whole class.

The teacher summarizes the points raised in the group presentations, and then asks the students what measures (including possible grassroots action and policies) can be done to break the poverty spiral. The teacher asks them to discuss this question in their respective groups, and write their ideas on Worksheet no. 2.

The teacher instructs the groups to present the contents of their respective completed worksheets to the whole class.

## **2. Analysis**

The teacher comments on the ideas of the students on how to break the poverty spiral by referring them to previous efforts at the grassroots level to address poverty.

The teacher explains the history of such grassroots efforts and cites the grassroots movement on the campaign for the free distribution of textbooks for compulsory education in 1963, as well as the government Dowa policies.

The teacher stresses that poverty has to be addressed through changes in social structures and that such work would require much effort over a long period of time.

## **3. Abstraction**

The teacher introduces the link between poverty and human rights, and stresses that the means to address poverty must be based on human rights-related principles such as

- a. Recognition of the 'dignity and worth' of the human being
- b. Poverty as a cause of human rights violation
- c. Measures to address poverty should include
- d. Inclusive anti-poverty policies – non-discriminatory policies
- e. Participation of the poor themselves in adopting and implementing these measures
- f. Empowerment of the poor through various means such as education
- g. Accountability for people (in private and public institutions) whose actions affect the poverty situation.

The teacher emphasizes the importance of literacy in empowering the poor toward taking an active role in addressing their specific poverty situation and in addressing the change in the social structures that develop and perpetuate poverty.

## **4. Application**

The teacher gives the students an assignment to research on the achievements as well as challenges of the past grassroots movements and policies on alleviating poverty to promote deeper understanding of the issue. The teacher may refer to poverty alleviation policies in other countries so that students can apply the ideas to solve problems in their own country situations.

### C. Closing

The teacher ends the session by saying that poverty is an affront to human dignity and leads to human rights violations, and that social structures cause poverty and should be examined using a human rights-based approach.

## IV EVALUATION

The teacher tells the students to write an essay on how human rights can help address poverty.

### Notes

The issue of poverty is also discussed within the broader subject of development. The United Nations (UN) has adopted the human rights-based approach to development as an important component of poverty reduction campaign. According to the UN, the human rights-based approach to development demands:

- Participation and transparency in decision-making – implies making participation throughout the development process a right and the obligation of the state and other actors to create an enabling environment for participation of all stakeholders.
- Non-discrimination – implies that equity and equality cut across all rights and are the key ingredients for development and poverty reduction.
- Empowerment – implies empowering people to exercise their human rights through the use of tools such as legal and political action to make progress in more conventional development areas.
- Accountability of actors – implies accountability of public and private institutions and actors to promote, protect and fulfil human rights and to be held accountable if these are not enforced.

The UN Office of the High Commissioner for Human Rights states that a human rights-based approach has the potential [of advancing] the goal to poverty reduction in a variety of ways by:

- urging speedy adoption of a poverty reduction strategy, underpinned by human rights, as a matter of legal obligation;
- broadening the scope of poverty reduction strategies to address the structures of discrimination that generate and deepen poverty;
- strengthening civil and political rights, which can play an instrumental role in addressing the cause of poverty;
- confirming that economic and social rights are binding obligations, not just programmatic aspirations;
- adding legitimacy to the demand for ensuring meaningful participation of the poor in decision-making processes;
- cautioning against retrogression and non-fulfilment of minimum core obligations in the name of policy trade-offs; and
- strengthening institutions through which policy-makers can be held accountable for their actions.

Text derived from United Nations Development Programme, **Poverty Reduction and Human Rights – A Practice Note**, New York, 2003, pages 5-6.

Dowa policy refers to the Japanese government support for the improvement of the conditions of the Buraku communities. Started in the early 1960s, the policy aimed to alleviate the poverty and other problems being suffered by the Buraku people, the discriminated group of Japanese. The support came with funds for the education, housing, health and other services for the Buraku communities over a certain period of time.

**Worksheet no. 1**  
**Break the Poverty Spiral!**

Choose the proper words for each blank and complete the diagram of the Poverty Spiral: “low income” (use twice), “unable to get primary education,” “unable to get a stable job” (use twice), “low academic achievement,” “poor learning environment,” “unable to buy textbooks,” “unable to read or write,” “low number in higher education.”

**Worksheet no. 2**  
**How to Break the Poverty Spiral**

To break the Poverty Spiral, which parts of the chain do we have to break? Explain your answers.

