

Human Rights Activities: “Where Do You Stand?” and “Never Again”

“Where Do You Stand?” is adapted from *Understand the Law*, Part I: The Individual and Society, SCDC Publications/The Law Society, (Published by Edward Arnold, 1988); further developed by Mike Pasternak and by Susan Patterson, who introduced it at the International Festival of Tolerance, Terezin, Czech Republic, 1998-2000. “Never Again” is adapted from the “April Boycott” activity developed by Jacqueline Giere, Fritz Bauer Institut, Frankfurt, Germany, and further developed for the Tolerance Seminar, Kassel, Germany, 1996, by Auggie Zemo, Bev Meyer Zemo, & Mike Pasternak, Association for the Advancement of Education for Democracy (AED), Switzerland.

Learning Outcomes:

Students will be

- introduced to the subject of human rights
- move towards an understanding of the nature and extent of human rights
- understand the meaning of the term “human rights”
- introduced to the UDHR and other human rights documents and to some of the Nuremberg Laws

Students will practice skills of

- listening & responding to the views of others
- negotiating
- consensus building
- drafting (using human rights language)

Suggested Grade Level: Age 15 and up

Duration: 1-2 hours for each activity, depending on level of student discussion and involvement. (It is possible to extend or eliminate some stages of the activities, depending on the amount of time available, the level of maturity and sophistication of the students, and the teacher’s goals for the lesson or lessons.)

Connection to Facing History Scope & Sequence: Rise of the Nazis/The Nazis in Power, Judgment, Memory, & Legacy, Choosing to Participate

Historical Context:

After the horrors of World War II it was felt in many countries that an international charter on *human rights*¹ would reduce the chances that such atrocities would be repeated. As a result, the United Nations Commission on Human Rights was established and by 1948, a Universal Declaration of Human Rights (UDHR) had been drawn up. The UDHR is an important document for curbing unjust behavior by governments.

Though the Declaration itself is not legally enforceable, the International Conventions that emanate from it (e.g., the International Convention on Social, Economic, and Cultural Rights and the International Convention on Civil and Political Rights) and are ratified by individual countries are expected to be incorporated into appropriate national legislation which is, then, enforceable; in addition, countries that are signatories to such conventions are expected to submit reports on their national compliance to the appropriate UN body. “Watchdog” organizations also help to monitor compliance.

The word **rights** is used in a number of different contexts to include **legal**, **moral**, and **human** rights. Those rights which are thought to have universal application are known as **human rights**.

Legal rights are laid down by law. Some countries (such as the U.S.) have a Bill of Rights. In others, such rights are written into their Constitutions. In still others (such as the UK), legal rights are not written down in either a Constitution or a Bill of Rights; instead, it is assumed that a person has the right to do something until a ruling to the contrary has been made by a court or by Parliament.

Moral rights is often taken to mean rights which are not enshrined in any formal code but which nonetheless are held to be reasonable; examples might be the right to privacy or the right to confidentiality.

It is recognized that human rights are not realized in some cases because of other interests of the state. Rationales invoked to limit human rights include:

- national security
- the economic well-being of a country
- public health and morals
- the preservation of law and order
- the need to respect the rights of others

In view of these exceptions it becomes harder to define a list of human rights that should always apply, whatever the circumstances.

¹ Although the concept of human rights goes back to Greek and Roman times (Stoics, *jus gentium* [which actually promoted slavery], English Bill of Rights [1689], and Locke’s “Rights of Man” and the American Declaration of the Rights of Man and of the Citizen [August 26, 1789], proclaiming that “men are born and remain free and equal in rights” and that “the aim of every political association is the preservation of the natural and imprescriptible rights of man”), the phrase **HUMAN rights** dates from World War II.

Activity #1: Where Do You Stand?

Materials:

- A set of **Decision Cards** for each group of 3 to 5 players. (Decision Card statements are listed below.)
- A **game board**, drawn on a large sheet of **heavy paper, poster board, or construction [sugar] paper** - ca. **42 cm X 60 cm/ca. 18" X 24"**. The game board contains three concentric rectangles:
 - the rectangle in the center of the board is marked: **IN EVERY CASE**
 - the second rectangle (moving outward) is marked: **IN MOST CASES**
 - the third rectangle is marked: **IN SOME CASES**.
- A **sheet of paper** (ca. **A3/11" X 17" or larger**) for each group and **markers for groups** to record their lists of rights
- **Individual notebooks or journals** (to record reflections following the activity)

Decision Card statements:

1. Killing is wrong.
2. It is wrong to keep someone else as a slave.
3. After a certain age, people should be able to marry whomever they choose.
4. People should be allowed to say or write what they wish.
5. All people should be treated equally. It should not depend on such things as their gender, appearance, or the country they come from.
6. People in prison should be told why they are being held.
7. People should be allowed to criticize the government.
8. People should be allowed to talk to and meet anyone they wish.
9. It is wrong to force a person to work.
10. A person accused of a crime should be tried by someone who has nothing to do with the case.
11. People should be allowed to travel and leave their country if they wish.
12. Private letters and telephone calls should not be intercepted.
13. People should be allowed to have, or not have, whatever religious beliefs they wish.
14. All people have a right to belong to a country.
15. All people have the right to medical help if they are ill.
16. All people have a right to education. Parents have the right to choose the kind of education to be given to their children.

Playing the Game:

Step 1: Give each group of 3 to 5 players a set of cards. [Note: An odd number of players makes it somewhat easier to reach consensus.] One person in the group should deal out all the cards. It doesn't matter if some people get more cards than others.

Step 2: Without talking to anyone else, each person reads through his cards and places each one **face up**, where he thinks it should go on the board. For example, if one of the cards says: **Torture is wrong**, and the person thinks that torture is wrong **in every case**, he should place the card face up in the center rectangle. If he feels it is wrong **in most cases**, he places the card in the middle rectangle. If he thinks it is wrong only **in some cases**, he places it in the outermost rectangle.

Step 3: When everyone in the group has decided where to place his/her cards on the board, **still without talking**, everyone looks carefully at the cards that have been placed on the board by the other members of the group. If a player feels that a card has been placed in the wrong section, he turns it over so that it is now face down on the board.

Step 4: When everyone has had a chance to consider each of the cards on the board, the cards that have **not** been turned over are those on which the group agrees.

Step 5: Each group now looks together at each of the cards which is face down. The group's job now is to reach **consensus** (a group decision) on where each of these cards should go. (In each case the group might want to find out who put the card in this section of the board and who turned it over.)

Step 6: The cards in the center of the board describe rights which all believe should apply to everyone – no matter who they are, regardless of age, gender, religion, etc. – in all circumstances. These comprise the group's list of **human rights**. On the large sheet of paper provided, each group should use the markers to make a list of these rights.

Step 7 (can be omitted if time is short or can follow Step 9 instead): Each group now designates a representative who moves to another group to join in the discussion. Groups that have finished their negotiations early can exchange representatives and continue the discussion. (If sufficient time is available, this step can be used with all the groups.)

Step 8: Each group should now share its revised list with the other groups. The game can end here or move on to Step 9; if Step 9 is included, wait to share lists until after Step 9 is completed.

Step 9: The group now looks at the cards in the other two sections of the board ("in most cases" and "in some cases") and examines the language of these cards, looking for ways to re-write the language in such a way that these cards too can be moved to the center section ("in every case"). If such language can be found and consensus reached to move the cards, these statements are also added to the list of human rights.

Step 10: After the groups have shared their lists, the UDHR (in its simplified version) is introduced. Students can now compare their rights with those articulated in the UDHR.

Variation #1: Compare lists with another human rights instrument, such as the European Convention on Human Rights or the Convention on the Rights of the Child.

Variation #2: Play “*Where Do You Stand?*” again, this time looking at the presence of human rights in school. The procedure for playing the game is the same, but the set of cards this time would contain appropriate statements about the organization and administration of a school.

Extending this activity:

At the International Festival of Tolerance, which takes place in the former Nazi concentration camp in Terezin (Czech Republic), we follow “Where Do You Stand?” with the question: Which of the rights on your list were violated here in Terezin? Students have, by this time, considerable knowledge of Terezin: They have heard the story of a Terezin survivor; they have seen exhibits that explore conditions in the camp and the artistic activities (art, music, theatre, and writing) of the prisoners there; and they have had a tour of the Terezin Ghetto, with historical background on the camp.

For those using this activity in a classroom, “Where Do You Stand?” can be followed by an examination of some of the Nuremberg Laws in the following activity: “Never Again.”

Activity #2: Never Again

Step 1: Give each student a copy of the following:

Nazi Laws passed against German Jews 1933-35

February 1933	Emergency laws are passed to prevent people from “acting against the country’s interests.” These allow the police or army to search any house they wish and give the government power to lock up anyone writing or making speeches which criticize what is going on. The death penalty is brought in for anyone found guilty of setting fire to a building, damaging the railways, or plotting against the government.
March 1933	Jewish people are forbidden to serve on juries.
April 1933	No Jew can work in government. No Jew can join the police. No Jew can work in the law courts. No Jew can work as a doctor or dentist in a hospital.
June 1933	Jews are not allowed to enter cinemas, theatres, or art galleries, or to use sports facilities.
July 1933	It is declared that the Nazi party will be the only party in Germany. Anyone who tries to form another political party will be sentenced to up to three years in prison.
September 1933	People can inherit farm land only if they can prove there is no Jewish blood in the family going back as far as 1800.
September 1935	Marriage or sexual relations between Jews and other Germans is forbidden.
November 1935	Jewish people are not allowed to vote.

Step 2: Ask each student to read through this list on his own and mark or underline those sections which break one of the human rights they listed in “Where Do You Stand?”

(Note: Some students may notice that, in removing many human rights, the Nazis were not actually breaking German law. They had legally passed valid new laws which denied basic human rights. Legal rights may not be the same as human rights.)

Step 3: Have students compare and discuss their lists.

Resources:

Human rights instruments and documents:

- Universal Declaration of Human Rights (or simplified version)
- European Convention on Human Rights
- Convention on the Rights of the Child
- Declaration of the Rights of the Child (Janusz Korczak)

Facing History Resource Book: Chapter 4, Reading 21

Other resources (for further study or additional activities):

Amnesty International Human Rights Education Team. First Steps: A Manual for Starting Human Rights Education. London, 1996. (Available from Amnesty International Secretariat, 1 Easton St., London WC1 SDJ, UK. Amnesty International Index Number: POL 32 / 04 / 95)

Boal, Augusto. Games for Actors and Non-Actors. (Translated by Adrian Jackson.) New York & London: Routledge, 1992. (ISBN 0-415-06155-5)

Boal, Augusto. Theatre of the Oppressed. New York: Theatre Communications Group, 1985. (ISBN 0-930452-49-6)

Fountain, Susan. Education for Development: A Teacher's Resource for Global Learning. Hodder & Stoughton, 1995. (ISBN 0-340-61904X)

Meyer Zemo, Bev. Using Drama/ Theatre Techniques in Conjunction with the Facing History and Ourselves Program to Explore Issues Raised by a Study of the Holocaust: Racism, Prejudice, Intolerance (Master's Thesis, University of Texas at Austin, 1995).

Pike, Graham & David Selby. Global Teacher, Global Learner. Hodder & Stoughton. (ISBN 0-340-40261-X) (Available from Hodder & Stoughton Educational, Direct Services, Abingdon, Oxon OX14 4VY, UK, Tel. +44 1235 827 720, Fax +44 1235 400 454.)

Pike, Graham & David Selby. Human Rights: An Activity File. Mary Glasgow Publications. ISBN 1-85234-168-8. (Available from Stanley Thornes Publishers Ltd, Ellenborough House, Wellington Street, Cheltenham, Glos GL50 1YW, UK, Tel. +44 1242 22 88 88, Fax +44 1242 253 695 e-mail: export@thornes.co.uk Website: <http://www.thornes.co.uk>)

Internet Resources:

For full-text teaching and learning materials on human rights topics, go to the Human Rights Education Associates (HREA) website at <http://www.hrea.org> and visit the “Resource Center.”

(Note that video testimony, such as the testimony of Helga Hoskova, a survivor of Terezin, is available from the Facing History and Ourselves Resource Library.)

HANDOUT

INTERNATIONAL HUMANITARIAN LAW (IHL)

Background

Whatever the practicalities of armed conflict, the rules that govern war are not chaotic. There are laws that govern under what circumstances war may be declared, and how a war may be fought. In 1945, it was decided that war was an unacceptable way to settle political differences. It was made illegal, except in the case of self-defense. States retain the right to defend themselves, individually or collectively, against attacks on their independence or their territory, in response to a (legal or illegal) use of force. The United Nations Charter allows member states the use of force in collective action to maintain or restore international peace and security, as a form of self-defense.

Wars do, however, occur for reasons other than self-defense, and may be the result of retaliation to numerous localized situations. Whatever the provocation or justification for war, there is a need for objective international rules to limit the effects of war on people and property. The International Humanitarian Law (IHL) has been set up and developed to protect certain particularly vulnerable groups of persons.

Questions:

- What does self-defense mean when talking about wars?
- What is an example of “particularly vulnerable groups of persons”?

International Humanitarian Law (IHL) consists of a series of about 30 treaties, which aim both to control the effect of a war on civilians, and to control military acts during war: The treaties have been accepted, or “ratified,” by the international community, and have become truly universal law. For example, one of the most famous treaties is the Geneva Convention, which has been ratified by over 150 states.

INTERNATIONAL HUMANITARIAN LAW is comprised of the Hague Convention and the Geneva Convention

1864 Geneva Convention for the amelioration of the condition of the wounded in armies in the field.

1899 The Hague Conventions respecting the laws and customs of war on land and the adaptation to maritime warfare of the principles of the 1864 Geneva Convention and the Hague Declarations on Asphyxiating Gases and expanding bullets.

1925 Geneva Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare.

1929 Geneva Convention:

- Geneva Convention relating to the treatment of prisoners of war (new)

1949 Geneva Convention:

“each state party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches [of IHL protocol], and shall bring such persons, regardless of their nationality, before its own courts.”

- Treatment of prisoners of war

- Protection of civilian persons in time of war (new)

1954 The Hague Convention for the protection of cultural property in the event of armed conflict.

1977 Two Protocols additional to the four 1949 Geneva Conventions, which strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts .The

“Additional Protocols” of 1977, protecting military and civilian peoples during a war, were combined to prevent the unlawful infliction of suffering on the enemy population.

Question: What do the following words mean?

- Convention
- Amelioration
- Maritime
- Prisoner of war
- Breach

Many of these treaties were made in response to new methods of warfare that that used in the preceding wars. In the World Wars, for example, methods of warfare were used that caused more military and civilian casualties than those used in previous conflicts.

- The First World War (1914-1918) witnessed the first large-scale use of poison gas, the first-ever aerial bombardments, and the capture of hundreds of thousands of prisoners of war. The Geneva Conventions of 1925 and 1929 were a response to those developments.
- The Second World War (1939-1945) saw civilians and military personnel killed in equal numbers, as against a ratio of 1:9 in the First World War. In 1949 the international community responded to those tragic figures, and more particularly to the terrible effects the war had on civilians, by revising the Conventions then in force and adopting a new instrument: the Fourth Geneva Convention for the protection of civilians.
- According to Norway's International Peace Research Institute, civilians are targeted more than ever. At the beginning of the century nine soldiers were casualties of war for every single civilian who suffered the same fate. Today the ratio has reversed, approaching 1 soldier for every 8 civilians. [www.time.com/time/magazine]

Questions:

- What has been the trend in civilian casualties in war since the World War I? Why is this so?
- What did the international community do in response to this?

It is important to mention that the IHL is not only designed to protect victims of international armed conflict - it also protects victims of fighting carried out within a country between recognizable armed groups. In addition, it protects the victims of internal disturbances, which, while not carried out between armed groups, are due to internal disruption and disorder resulting from acts of violence (such as riots, struggles between factions or against the authorities).

Summary of IHL:

The law governing conduct during war has three fundamental concerns.

First, the IHL aims to protect people who are not, or who are no longer fighting in the armed conflict. These people may be civilians who live and work in a country at war, wounded soldiers who are no longer able to fight, or members of the military who have surrendered. This is known as the law of Geneva. The essential rules of IHL seek to protect those people who are not directly involved in the war, and to treat them with humanity, without any unfavorable distinction. Not all civilian deaths in wartime are unlawful. In military terms, “collateral damage,” including civilian casualties, is to be expected in war. But there are clear rules that set limits on the conduct of hostilities. For example, the IHL makes it illegal to harm or capture medical teams bearing the flag of the Red Cross (or Red Crescent) on a white background, because they collect and care for the wounded. IHL also makes it illegal for prisoners of war to be treated without dignity or respect for their lives. Prisoners are legally

entitled to their personal rights and their political and religious convictions, to exchange news with their families, and to receive medical help.

Question:

- What is collateral damage? Is it illegal?

Second, the IHL restricts the methods of warfare that the military are legally allowed to use. This is known as the law of The Hague. Neither side of the armed conflict may use weapons that are likely to cause unnecessary losses or excessive suffering. For example, it is illegal for armies to use land mines, asphyxiating, poisonous gases or bacteriological (often called biological) warfare, because these methods of combat will cause continuing harm to civilians, and to military personnel, after the war has ended. One of the cornerstones of the IHL is the principle that all possible measures must be taken to distinguish between civilian persons and objects, and military objectives. Part of the Geneva Convention sets out the “basic rule” regarding the protection of civilians (often referred to as the principle of distinction).

“In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objects and accordingly shall direct their operations only against military objectives.”

Question:

- Why is it illegal to use land mines and poisonous gases in war?
- Can you think of examples when these were used? Do you know if the perpetrators were prosecuted?

Third, the IHL is specially intended to resolve matters of humanitarian concern arising directly from war. It provides the laws under which war criminals, people who break humanitarian law during armed conflict, can be brought to justice. If any of the conventions (laws) of the IHL are violated (broken) by specific individuals, the individuals can be taken to court and tried. A good example of this is the Nuremberg tribunal, which occurred after WW2. The tribunal aimed to bring Adolf Hitler and the principal members of his administration to justice, and to punish them for the murder of millions of Jewish civilians in the concentration camps of World War II. Presently, the International Tribunal for the Former Yugoslavia is trying suspected criminals of war from the conflicts in the Balkan Peninsula. The most publicized case involves that of the former President of the Republic of Serbia, Slobodan Milosevic, who is accused of Crimes Against Humanity and Violations of the Customs or Laws of War by the planning, instigating and ordering of a campaign of terror and violence directed against the Kosovo Albanian citizens.

Respect for IHL

Humanitarian law is not always respected and violations are not always prosecuted. Opinions vary as to why IHL is often breached without prosecution. Some opinions include:

- ignorance of the law
- the very nature of war so wills it
- humanitarian law is not matched by an effective centralized system for implementing sanctions

Question:

- Can you think of other reasons besides those given as to why violations of IHL occur while legally nothing is done to stop them or bring those who are accused to court?

Yet simply giving up in the face of breaches and halting all action that seeks to gain greater respect for humanitarian law would be far more discreditable. This is why, pending a more effective system of sanctions, acts that breach IHL should be relentlessly condemned and steps taken to prevent and punish them.

Lastly, the international community's efforts to create a permanent international criminal court should also be noted. As the project stands at present, the court would be competent to try war crimes and crimes against humanity, including genocide.

Questions:

- Why should we try to prosecute those who are accused of committing violations of IHL?
- Why would an international criminal court be useful in bringing a halt to violations of war crimes and crimes against humanity? Wouldn't the court system of each individual country be good enough?

“War is In no way a relationship of man with man but a relationship between States, in which individuals are enemies only by accident; not as men, nor even as citizens, but as soldiers . . . since the object of war is to destroy the enemy State, it is legitimate to kill the latter’s defenders as long as they are carry aims; but as soon as they lay them down and surrender, they cease to be enemies or agents of the enemy, and they again become mere men and it is not longer legitimate to take their lives.”

Jean Jacques Rousseau

Question:

- This quotation was written in the 1700s. Do you think this is still applicable today? Who are the “defenders” he mentions? Do you consider yourself a “defender”?

Sources:

www.icrc.org/icrceng.nsf

www.amnesty.org

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