

Chapter 1 : Identifying target groups | Joining up fundamental rights - FRA toolkit

This lesson will discuss an individual's fundamental rights. There will be a discussion about the types of fundamental rights as well as the features of fundamental rights.

When should courts closely scrutinize legislative classifications under the Equal Protection Clause? Introduction Legislation frequently involves making classifications that either advantage or disadvantage one group of persons, but not another. Indigent single parents receive government financial aid that is denied to millionaires. Obviously, the Equal Protection Clause cannot mean that government is obligated to treat all persons exactly the same--only, at most, that it is obligated to treat people the same if they are "similarly circumstanced. Most classifications, as the Railway Express and Kotch cases illustrate, are subject only to rational basis review. The ordinance, aimed at reducing distractions to drivers, was underinclusive it applied to some, but not all, distracting vehicles , but the Court said the classification was rationally related to a legitimate end. Kotch was a tougher case, with the Court voting 5 to 4 to uphold a Louisiana law that effectively prevented anyone but friends and relatives of existing riverboat pilots from becoming a pilot. The Court continues to apply an extremely lax standard to most legislative classifications. In Federal Communications Commission v Beach , the Court went so far as to say that economic regulations satisfy the equal protection requirement if "there is any conceivable state of facts that could provide a rational basis for the classification. A rationale for this closer scrutiny was suggested by the Court in a famous footnote in the case of Carolene Products v. United States see box at left. Usually, strict scrutiny will result in invalidation of the challenged classification--but not always, as illustrated by Korematsu v. Loving v Virginia produces a more typical result when racial classifications are involved: Skinner thus casts doubt on the continuing validity of the oft-quoted dictum of Justice Holmes in a case Buck v Bell considering the forced sterilization of certain mental incompetents: Separate pages on this website deal with these issues. Religion either under EP or Establishment Clause analysis 4. Alienage unless the classification falls within a recognized "political community" exception, in which case only rational basis scrutiny will be applied. Classifications Burdening Fundamental Rights 1. Denial or Dilution of the Vote 2. Access to the Courts 4. Other Rights Recognized as Fundamental 2. Is it possible that women could be denied positions in the Labor Department because of their sex or that West Point could refuse to admit Hispanics? The answer, which is not obvious as a constitutional matter, was provided in Bolling v Sharpe , in which the Court found segregation in the public schools of Washington, D. Chief Justice Warren wrote: But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. The "equal protection of the laws" is a more explicit safeguard of prohibited unfairness than "due process of law," and, therefore, we do not imply that the two are always interchangeable phrases. But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process. Some commentators have argued, for example, that the Federal Government should be free to adopt aggressive affirmative actions measures that states would be prohibited by the Fourteenth Amendment from adopting.

Though many fundamental rights are also widely considered human rights, the classification of a right as "fundamental" invokes specific legal tests courts use to determine the constrained conditions under which the United States government and various state governments may limit these rights.

Thanks to the guarantees of the First Amendment, Americans have freer access to news than people in most countries. Interpretation of the amendment is far from easy, as court case after court case has tried to define the limits of these freedoms. The definitions have evolved throughout American history, and the process continues today. Freedom of Religion Deborah Weisman was a Jewish student who successfully sued her public school district in Rhode Island over a Christian graduation prayer in The First Amendment guarantees freedom of religion in two clauses – the "establishment" clause, which prohibits the government from establishing an official church, and the "free exercise" clause that allows people to worship as they please. Notice that the phrase "separation of church and state" does not appear in the First Amendment, nor is it found anywhere else in the Constitution. Most people do not realize that the phrase was actually coined later by Thomas Jefferson. Freedoms of Speech and of the Press Free speech is one of the most cherished liberties, but free speech often conflicts with other rights and liberties. The courts have had to consider the question, "What are the limits of free speech? It was set by the famous Schenck v. Antiwar activist Charles Schenck was arrested for sending leaflets to prospective army draftees encouraging them to ignore their draft notices. The United States claimed that Schenck threatened national security, and the justices agreed. The principle was established that free speech would not be protected if an individual were a "clear and present danger" to United States security. As tastes in the arts change, the legal definitions of obscenity and free expression change as well. What is free speech? The definition is not easy, and the courts have identified three types of free speech, each protected at a different level: Pure speech is the verbal expression of thoughts and opinions before a voluntary audience. The courts have generally provided strong protection of pure speech from government regulation. Speech-plus involves actions, such as demonstrating or protesting, as well as words. Speech-plus is not generally protected as strictly as is pure speech, because actions can be physically dangerous. The courts have ruled that demonstrators may not obstruct traffic, endanger public safety, or trespass illegally. Flag Burning Do you think burning an American flag should be illegal? Yes No No opinion Symbolic speech technically involves no speech at all, but it involves symbols that the courts have judged to be forms of free expression. Symbolic actions such as wearing black armbands in school and draft-card burning fit this category. Symbolic speech is highly controversial, and as a rule, the courts have sometimes considered it to be beyond the limits of free speech. However, the Supreme Court did uphold the right of an individual to burn an American flag in the Texas vs. Many of the same principles that apply to freedom of speech apply to the press, but one with special meaning for the press is prior restraint. The courts have ruled that the government may not censor information before it is written and published, except in the most extreme cases of national security. Freedom of Assembly and Petition Freedom of assembly and petition are closely related to freedom of speech, and have been protected in similar ways. Usually, a group must apply for a permit, but a government must grant a permit provided that officials have the means to prevent major disruptions. For over years after the ratification of the Constitution, the First Amendment protected these freedoms only in theory. As individuals in the 20th century have challenged the government in the courts when they believed their rights were assaulted, the First Amendment has taken on a stronger meaning. It remains the single most powerful instrument for protecting the sacred freedoms of religion, speech, press, assembly, and petition for modern Americans. Constitution and the UN Universal Declaration of Human Rights are protected as new communications technologies emerge. The EFF provides legal help to people who feel their "cyberspeech" rights are violated, and publicize instances of government attempts to censor the Internet. People for the American Way The first clauses of the First Amendment call for a separation of religion and government. People for the American Way is an activist lobbying organization which monitors religious groups it feels are trying to make government support their religious beliefs. It also pushes for

legislation its members feel guarantee other First Amendment rights and related liberties. The Ruckus Society
The Ruckus Society is a training organization which provides training in non-violent civil disobedience skills to help environmental and human rights organizations protest. Members have participated in protests against timber cutting and both major national political conventions, among other things. Do you think that these actions are protected as freedom of speech and peaceable assembly under the First Amendment?

Chapter 3 : Universal Declaration of Human Rights | United Nations

Mapping and identifying key target groups that could benefit from fundamental rights education and training is an important first step. Example When dealing with issues like gender equality at a municipal level, education is key.

The General Idea of Human Rights This section attempts to explain the generic idea of human rights by identifying four defining features. The goal is to answer the question of what human rights are with a general description of the concept rather than a list of specific rights. Two people can have the same general idea of human rights even though they disagree about which rights belong on a list of such rights and even about whether universal moral rights exist. This four-part explanation attempts to cover all kinds of human rights including both moral and legal human rights and both old and new human rights e. The explanation anticipates, however, that particular kinds of human rights will have additional features. Starting with this generic concept does not commit us to treating all kinds of human rights in a single unified theory see Buchanan for an argument that we should not attempt to theorize together universal moral rights and international legal human rights. Lest we miss the obvious, human rights are rights see the entry on rights and Cruft Most if not all human rights are claim rights that impose duties or responsibilities on their addressees or dutybearers. Rights focus on a freedom, protection, status, or benefit for the rightholders Beitz The duties associated with human rights often require actions involving respect, protection, facilitation, and provision. Rights are usually mandatory in the sense of imposing duties on their addressees, but some legal human rights seem to do little more than declare high-priority goals and assign responsibility for their progressive realization. One can argue, of course, that goal-like rights are not real rights, but it may be better to recognize that they comprise a weak but useful notion of a right See Beitz for a defense of the view that not all human rights are rights in a strong sense. A human rights advocate might wish to see human rights exist in all four ways See Section 2. If someone accepted that there are human rights but held that there is only one of them, this might make sense if she meant that there is one abstract underlying right that generates a list of specific rights See Dworkin for a view of this sort. But if this person meant that there is just one such specific right such as the right to peaceful assembly this would be a highly revisionary view. Human rights address a variety of specific problems such as guaranteeing fair trials, ending slavery, ensuring the availability of education, and preventing genocide. Some philosophers advocate very short lists of human rights but nevertheless accept plurality see Joshua Cohen and Ignatieff All living humansâ€”or perhaps all living personsâ€”have human rights. One does not have to be a particular kind of person or a member of some specific nation or religion to have human rights. Included in the idea of universality is some conception of independent existence. People have human rights independently of whether they are found in the practices, morality, or law of their country or culture. This idea of universality needs several qualifications, however. Second, the human right to freedom of movement may be taken away temporarily from a person who is convicted of committing a serious crime. And third, some human rights treaties focus on the rights of vulnerable groups such as minorities, women, indigenous peoples, and children. If human rights did not have high priority they would not have the ability to compete with other powerful considerations such as national stability and security, individual and national self-determination, and national and global prosperity. High priority does not mean, however, that human rights are absolute. Further, there seems to be priority variation within human rights. For example, when the right to life conflicts with the right to privacy, the latter will generally be outweighed. Should human rights be defined as inalienable? Inalienability does not mean that rights are absolute or can never be overridden by other considerations. Rather it means that its holder cannot lose it temporarily or permanently by bad conduct or by voluntarily giving it up. It is doubtful that all human rights are inalienable in this sense. Perhaps it is sufficient to say that human rights are very hard to lose. For a stronger view of inalienability, see Donnelly , Should human rights be defined as minimal rights? A number of philosophers have proposed the view that human rights are minimal in the sense of not being too numerous a few dozen rights rather than hundreds or thousands , and not being too demanding See Joshua Cohen , Ignatieff , Nickel , and Rawls Their views suggest that human rights areâ€”or should beâ€”more concerned with avoiding the worst than with achieving

the best. When human rights are modest standards they leave most legal and policy matters open to democratic decision-making at the national and local levels. This allows them to have high priority, to accommodate a great deal of cultural and institutional variation, and to leave open a large space for democratic decision-making at the national level. Still, there is no contradiction in the idea of an extremely expansive list of human rights and hence minimalism is not a defining feature of human rights for criticism of the view that human rights are minimal standards see Brems and Raz. Minimalism is best seen as a normative prescription for what international human rights should be. Moderate forms of minimalism have considerable appeal, but not as part of the definition of human rights. Should human rights be defined as always including moral rights? Philosophers coming to human rights theory from ethics sometimes assume that human rights must be, at bottom, moral rather than legal rights. There is no contradiction, however, in people saying that they believe in human rights, but only when they are legal rights at the national or international levels. Theorists who insist that the only human rights are legal rights may find, however, that the interpretations they can give of characteristics such as the universality of human rights and of their independent existence are fairly weak. Should human rights be defined in terms of serving some sort of political function? Instead of seeing human rights as grounded in some sort of independently existing moral reality, a theorist might see them as the norms of a highly useful political practice that humans have constructed or evolved. Such a view would see the idea of human rights as playing various political roles at the national and international levels and as serving thereby to protect urgent human or national interests. These political roles might include providing standards for international evaluations of how governments treat their people and as helping to specify when use of economic sanctions or military intervention is permissible. There are powerful advocates of this sort of view see Rawls and Beitz ; see also the entry on John Rawls. These theorists would add to the four defining elements above some set of political roles or functions. This view may be plausible for the very salient international human rights that have emerged in international law and politics in the last fifty years. But human rights can exist and function in contexts not involving international scrutiny and intervention such as a world with only one state. Imagine, for example, that an asteroid strike had killed everyone in all countries except New Zealand, leaving it the only state in existence. Surely the idea of human rights as well as many dimensions of human rights practice could continue in New Zealand, even though there would be no international relations, law, or politics for an argument of this sort see Tasioulas. And if a few people were discovered to have survived in Iceland and were living without a government or state, New Zealanders would know that human rights governed how these people should be treated even though they were stateless. How deeply the idea of human rights must be rooted in international law and practice should not be settled by definitional fiat. We can allow, however, that the sorts of political functions that Rawls and Beitz describe are typically served by international human rights today. The most obvious way in which human rights exist is as norms of national and international law created by enactment and judicial decisions. At the international level, human rights norms exist because of treaties that have turned them into international law. For example, the human right not to be held in slavery or servitude in Article 4 of the European Convention and in Article 8 of the International Covenant on Civil and Political Rights exists because these treaties establish it. For example, the right against slavery exists in the United States because the 13th Amendment to the U. Constitution prohibits slavery and servitude. When rights are embedded in international law we speak of them as human rights; but when they are enacted in national law we more frequently describe them as civil or constitutional rights. Enactment in national and international law is one of the ways in which human rights exist. But many have suggested that this is not the only way. If human rights exist only because of enactment, their availability is contingent on domestic and international political developments. Many people have looked for a way to support the idea that human rights have roots that are deeper and less subject to human decisions than legal enactment. One version of this idea is that people are born with rights, that human rights are somehow innate or inherent in human beings see Morsink. One way that a normative status could be inherent in humans is by being God-given. On this view, God, the supreme lawmaker, enacted some basic human rights. Rights plausibly attributed to divine decree must be very general and abstract life, liberty, etc. But contemporary human rights are specific and many of them presuppose contemporary institutions e. Even if people are born

with God-given natural rights, we need to explain how to get from those general and abstract rights to the specific rights found in contemporary declarations and treaties. Billions of people do not believe in the God of Christianity, Islam, and Judaism. If people do not believe in God, or in the sort of god that prescribes rights, then if you want to base human rights on theological beliefs you must persuade these people of a rights-supporting theological view. This is likely to be even harder than persuading them of human rights. Legal enactment at the national and international levels provides a far more secure status for practical purposes. Human rights could also exist independently of legal enactment by being part of actual human moralities. All human groups seem to have moralities: These moralities contain specific norms for example, a prohibition of the intentional murder of an innocent person and specific values for example, valuing human life. One way in which human rights could exist apart from divine or human enactment is as norms accepted in all or almost all actual human moralities. If almost all human groups have moralities containing norms prohibiting murder, these norms could constitute the human right to life. Human rights can be seen as basic moral norms shared by all or almost all accepted human moralities. This view is attractive but has serious difficulties. Although worldwide acceptance of human rights has been increasing rapidly in recent decades see 4. Universal Human Rights in a World of Diverse Beliefs and Practices , worldwide moral unanimity about human rights does not exist. Human rights declarations and treaties are intended to change existing norms, not just describe the existing moral consensus. Yet another way of explaining the existence of human rights is to say that they exist most basically in true or justified ethical outlooks. On this account, to say that there is a human right against torture is mainly to assert that there are strong reasons for believing that it is always wrong to engage in torture and that protections should be provided against its practice. This approach would view the Universal Declaration as attempting to formulate a justified political morality. It was not merely trying to identify a preexisting moral consensus; it was also trying to create a consensus that could be supported by very plausible moral and practical reasons. This approach requires commitment to the objectivity of such reasons. It holds that just as there are reliable ways of finding out how the physical world works, or what makes buildings sturdy and durable, there are ways of finding out what individuals may justifiably demand of each other and of governments. Even if unanimity about human rights is currently lacking, rational agreement is available to humans if they will commit themselves to open-minded and serious moral and political inquiry. If moral reasons exist independently of human construction, they can “when combined with premises about current institutions, problems, and resources” generate moral norms different from those currently accepted or enacted. The Universal Declaration seems to proceed on exactly this assumption see Morsink One problem with this view is that existence as good reasons seems a rather thin form of existence for human rights.

Chapter 4 : Fundamental rights - Wikipedia

Fundamental Rights at Work The world needs a floor of social rights. This became clear in the beginning of the 20th century with the emergence of a universal market economy, globalization and the information technology revolution.

It is not necessary that the aggrieved party has to be the one to do so. Poverty stricken people may not have the means to do so and therefore, in the public interest, anyone can commence litigation in the court on their behalf. This is known as " Public interest litigation ". These fundamental rights help not only in protection but also the prevention of gross violations of human rights. They emphasise on the fundamental unity of India by guaranteeing to all citizens the access and use of the same facilities, irrespective of background. Some fundamental rights apply for persons of any nationality whereas others are available only to the citizens of India. The right to life and personal liberty is available to all people and so is the right to freedom of religion. On the other hand, freedoms of speech and expression and freedom to reside and settle in any part of the country are reserved to citizens alone, including non-resident Indian citizens. These provisions act as a check both on state action as well as the action of private individuals. However, these rights are not absolute or uncontrolled and are subject to reasonable restrictions as necessary for the protection of general welfare. They can also be selectively curtailed. The Supreme Court has ruled [11] that all provisions of the Constitution, including fundamental rights can be amended. However, the Parliament cannot alter the basic structure of the constitution. Since the fundamental rights can be altered only by a constitutional amendment , their inclusion is a check not only on the executive branch but also on the Parliament and state legislatures. Under such a state, the rights conferred by Article 19 freedoms of speech, assembly and movement, etc. Hence, in such a situation, the legislature may make laws that go against the rights given in Article 19. Also, the President may by order suspend the right to move court for the enforcement of other rights as well. Right to equality[edit] Right to equality is an important and meaningful right provided in Articles 14, 15, 16, 17 and 18 of the constitution. It is the principal foundation of all other rights and liberties, and guarantees the following Article 14 of the constitution guarantees that all people shall be equally protected by the laws of the country. It means that the State [5] will treat people in the same circumstances alike. This article also means that individuals, whether citizens of India or otherwise shall be treated differently if the circumstances are different. Social equality and equal access to public areas: Article 15 of the constitution states that no person shall be discriminated on the basis of religion, race, caste, sex or place of birth. Every person shall have equal access to public places like public parks, museums, wells, bathing ghats and temples etc. However, the State may make any special provision for women and children. Special provisions may be made for the advancements of any socially or educationally backward class or scheduled castes or scheduled tribes. Equality in matters of public employment: Article 16 of the constitution lays down that the State cannot discriminate against anyone in the matters of employment. All citizens can apply for government jobs. There are some exceptions. The Parliament may enact a law stating that certain jobs can be filled only by applicants who are domiciled in the area. This may be meant for posts that require knowledge of the locality and language of the area. The State may also reserve posts for members of backward classes, scheduled castes or scheduled tribes which are not adequately represented in the services under the State to bring up the weaker sections of the society. Also, there a law may be passed that requires that the holder of an office of any religious institution shall also be a person professing that particular religion. According to the Citizenship Amendment Bill, , this right shall not be conferred to Overseas citizens of India. Article 17 of the constitution abolishes the practice of untouchability. Practice of untouchability is an offence and anyone doing so is punishable by law. The Untouchability Offences Act of 1955 was renamed to Protection of Civil Rights Act in 1957. It provided penalties for preventing a person from entering a place of worship or from taking water from a tank or well. Article 18 of the constitution prohibits the State from conferring any titles. The British government had created an aristocratic class known as Rai Bahadurs and Khan Bahadurs in India – these titles were also abolished. However, Military and academic distinctions can be conferred on the citizens of India. The awards of Bharat Ratna and Padma Vibhushan cannot be used by the recipient as a title and do not, accordingly, come within the

constitutional prohibition". Right to freedom[edit] The Constitution of India contains the right to freedom, given [14] in articles 19, 20, 21A, and 22, and with the view of guaranteeing individual rights that were considered vital by the framers of the constitution. It is a cluster of four main laws. The right to freedom in Article 19 guarantees the following six freedoms: Freedom of speech and expression, on which the State can impose reasonable restrictions in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. The Freedom to form associations or unions or co-operative societies on which the State can impose reasonable restrictions in the interest of public order, morality and the sovereignty and integrity of India. Freedom to move freely throughout the territory of India though reasonable restrictions can be imposed on this right in the interest of the general public. Freedom to reside and settle in any part of the territory of India, subject to reasonable restrictions by the State in the interest of the general public or for the protection of the scheduled tribes because certain safeguards as are envisaged here seem to be justified to protect indigenous and tribal peoples from exploitation and coercion. Thus, there is no right to carry on a business which is dangerous or immoral. Also, professional or technical qualifications may be prescribed for practising any profession or carrying on any trade. Article 20 gives protection in respect of conviction for offences. Article 21 gives Right to life, personal liberty and Right to die with dignity passive euthanasia. Article 21A gives education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. The constitution also imposes restrictions on these rights. The government restricts these freedoms in the interest of the independence, sovereignty and integrity of India. In the interest of morality and public order, the government can also impose restrictions. However, the right to life and personal liberty cannot be suspended. The six freedoms are also automatically suspended or have restrictions imposed on them during a state of emergency. Article 19 1 under which every citizen has freedom of speech and expression and have the right to know how the government works, what roles does it play, what are its functions and so on. The right against exploitation, given in Articles 23 and 24, provides for two provisions, namely the abolition of trafficking in human beings and Begar forced labour , and the abolition of employment of children below the age of 14 years in dangerous jobs like factories, mines, etc. Child labour is considered a gross violation of the spirit and provisions of the constitution. Begar practised in the past by landlords, has been declared a crime and is punishable by law. Trafficking in humans for the purpose of the slave trade or prostitution is also prohibited by law. An exception is made in employment without payment for compulsory services for public purposes. Compulsory military conscription is covered by this provision. Right to freedom of religion[edit] Right to freedom of religion, covered in Articles 25, 26, 27 and 28, provides religious freedom to all citizens of India. The objective of this right is to sustain the principle of secularism in India. According to the Constitution, all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice. Religious communities can set up charitable institutions of their own. However, activities in such institutions that are not religious are performed according to the laws laid down by the government. Establishing a charitable institution can also be restricted in the interest of public order, morality and health. No person shall be compelled to pay taxes for the promotion of a particular religion. A State run institution cannot impart education that is pro-religion. Also, nothing in this article shall affect the operation of any existing law or prevent the State from making any further law regulating or restricting any economic, financial, political or other secular activity that may be associated with religious practice, or providing for social welfare and reform. Right to life[edit] The constitution guarantees the right to life and personal liberty, which in turn cites specific provisions in which these rights are applied and enforced: Protection with respect to conviction for offences is guaranteed in the right to life and personal liberty. According to Article 20, no one can be awarded punishment which is more than what the law of the land prescribes at that time. This legal axiom is based on the principle that no criminal law can be made retrospective, that is, for an act to become an offence, the essential condition is that it should have been an offence legally at the time of committing it. Moreover, no person accused of any offence shall be compelled to be a witness against himself. This article is known as a safeguard against self incrimination. The other principle enshrined in this article is known as the principle of

double jeopardy , that is, no person can be convicted twice for the same offence, which has been derived from Anglo Saxon law. This principle was first established in the Magna Carta. Protection of life and personal liberty is also stated under right to life and personal liberty. Article 21 declares that no citizen can be denied his life and liberty except by law. However, the right to life does not include the right to die and hence, suicide or an attempt thereof, was an offence. Attempted suicide being interpreted as a crime has seen many debates. The Supreme Court of India gave a landmark ruling in *Union of India v. V. Srikrishna*. The court repealed section of the Indian penal code, under which people attempting suicide could face prosecution and prison terms of up to one year. The right to travel abroad is also covered under "personal liberty" in Article 21. It made the right to primary education part of the right to freedom, stating that the State would provide free and compulsory education to children from six to fourteen years of age. No one can be arrested without being told the grounds for his arrest. If arrested, the person has the right to defend himself by a lawyer of his choice. Also an arrested citizen has to be brought before the nearest magistrate within 24 hours. The rights of a person arrested under ordinary circumstances are not available to an enemy alien. They are also not available to persons detained under the Preventive Detention Act. Under preventive detention , the government can imprison a person for a maximum of three months.

Chapter 5 : Fundamental rights in India - Wikipedia

Fundamental Rights are the basic rights of the common people and inalienable rights of the people who enjoy it under the charter of rights contained in Part III(Article 12 to 35) of Constitution of India.

What is the Charter of Fundamental Rights? It is divided into six chapters: Most of the rights are contained in other documents, but they were brought together for the first time in the charter, signed at the Nice Summit in December. Key points in Charter of Fundamental Rights How much weight does it have? The charter is a "political declaration" but it has already influenced judgements of the European Court of Justice. It was included in the ill-fated draft constitutional treaty and would have become legally binding if the treaty had come into force. It is now set to be included in the new Reform Treaty, instead. Why is the charter controversial? The UK fears that if it becomes legally binding the judgements of the European Court of Justice could force changes to British labour law. It has therefore negotiated a protocol, to be annexed to the EU treaties, which says that: The charter does not extend the ability of the court to find that UK laws are inconsistent with fundamental rights. The charter does not create "justiciable rights applicable to the United Kingdom" Other governments see the charter as a useful EU addition to the European Convention on Human Rights. How does the charter differ from the European Convention? It responds to the challenges of new technology by including articles on bioethics and the protection of personal data. How is the charter relevant to ordinary EU citizens? If the charter becomes legally binding, EU citizens will be able to use it to challenge any decision taken by EU institutions, or by member states implementing EU law, that they felt infringed their fundamental rights. EU citizens could bring the matter before a judge in their country, who could request an interpretation from the Court of Justice in Luxembourg. The European Commission could also use the charter to challenge member states if it thought fundamental rights were being violated. Is Europe falling short of the ideals laid out in the charter? Amnesty International says the European Union has a "deeply flawed record in upholding human rights while fighting terrorism" and has accused member states of taking a "see no evil" approach to CIA renditions. The European Court of Human Rights which is not an EU institution already hears cases of human rights abuses from all countries of Europe, both inside and outside the EU. Typical human rights abuses include discrimination on grounds of race, gender or nationality, beating and intimidation of suspects during police questioning, poor living conditions in prisons, and censorship or infringements of freedom of expression. What happens if rulings made by the Court of Justice contradict judgements made by individual national states and the European Court of Human Rights? At the moment, the supreme courts of individual states are subject to the control of the European Court of Human Rights, which sits in Strasbourg and adjudicates on the European Convention on Human Rights. However, if a national government chose to ignore a European Court ruling, there would be no way to resolve the conflict apart from political negotiations. The Court of Justice adjudicates on purely EU matters. If the charter becomes law, a mechanism would have to be worked out to allow a single jurisprudence - probably the European Court in Strasbourg - to interpret the law.

Chapter 6 : First Amendment Rights [theinnatdunvilla.com]

The moral doctrine of human rights aims at identifying the fundamental prerequisites for each human being leading a minimally good life. Apartheid was founded.

It is also something that most of us never question. But some people do. Gender development should have no bearing on whether someone can enjoy fundamental rights, like the ability to be recognized by their government or to access health care, education, or employment. But for transgender people, it doesâ€™to a humiliating, violent, and sometimes lethal degree. The Trans Murder Monitoring Project, an initiative that collects and analyzes reports of transgender homicides worldwide, recorded 1, murders of transgender people globally between and Many were of a shockingly brutal nature, sometimes involving torture and mutilation. Outright violence is not the only threat to the lives of transgender people. They are as much as 50 times more likely to acquire HIV than the population as a whole, in part because stigma and discrimination create barriers to accessing health services. Studies in the United States, Canada, and Europe have found high rates of suicide attempts among transgender people, a response to systematic marginalization and humiliation. In scores of other countries, transgender people are arrested under laws that criminalize same-sex conduct. This data only gives a glimpse of the horrific variants of violence and discrimination transgender people face. Absent legal recognition in the gender with which they identify, and associated rights and protections, every juncture of daily life when documents are requested or appearance is scrutinized becomes fraught with potential for violence and humiliation, driving many transgender people into the shadows. The demand for legal gender recognition provokes moral panic in many governments. But it is a crucial fight to wage. If transgender communities are to thrive, and if the rights to privacy, free expression, and dignity are to be upheld for all, the human rights movement needs to prioritize eliminating abusive and discriminatory procedures that arbitrarily impede the right to recognition. Argentina broke ground in with a law that is considered the gold standard for legal gender recognition: In the subsequent three years, four more countriesâ€™Colombia, Denmark, Ireland, and Maltaâ€™explicitly eliminated significant barriers to legal gender recognition. For the first time, people can change their gender marker on documents simply by filing the appropriate forms. This progress, long in the making, has often come on the backs of courageous individuals willing to have their lives and identities adjudicated by often unfriendly courts. Despite the consistent pressure, it was not until , after an overwhelming victory on a same-sex marriage referendum, that the government instituted identity-based legal gender recognition. In South Asiaâ€™where hijras, an identity category for people assigned male at birth who develop a feminine gender identity, have long been recognized culturally, if not legallyâ€™activists have pursued a related aim: But rather than being viewed as equal to others before the law, they were regarded as exotic and marginalâ€™an existence dictated by boundaries and limitations, not rights. Armed with the ruling, activists successfully advocated with government agencies to include the third gender category on voter rolls , the federal census , citizenship documents , and passports Similarly, in , the Supreme Court in Pakistan called for a third gender category to be recognized, and in Bangladesh, the cabinet issued a decree recognizing hijras as their own legal gender. In a few countries, the very purpose of gender markers is now being interrogated. A Matter of Dignity The right to recognition as a person before the law is guaranteed in numerous human rights treaties, and is a fundamental aspect of affirming the dignity and worth of each person. However, even in countries that allow for people to be recognized in the gender with which they identify, the requisite procedures may subject applicants to humiliating and harmful treatment. These procedures fail to respect the right to health and may expose transgender people to prohibited inhuman or degrading treatment. She said she was only allowed to walk around the perimeter of a 30 square meter yard for 45 minutes each day; the restrooms did not have locks, making her feel unsafe; and doctors did not allow her to take female hormones while she was under their care. It may seem obvious: However, even in countries that consider themselves progressive with regards to LGBT rights, including some Western European and Latin American countries and the US, transgender people are still forced to undergo demeaning proceduresâ€™even sterilizationâ€™to change the gender marker on their identity documents. A Gateway to Other Rights Legal gender recognition is also an

essential element of other fundamental rights—including the right to privacy, the right to freedom of expression, the right to be free from arbitrary arrest, and rights related to employment, education, health, security, access to justice, and the ability to move freely. A Delhi High Court ruling in October lay out the intrinsic link between the right to legal gender recognition and other rights. Gender identity and sexual orientation are fundamental to the right of self-determination, dignity and freedom. These freedoms lie at the heart of personal autonomy and freedom of individuals. Insofar as, I understand the law, everyone has a fundamental right to be recognized in their chosen gender. Employment and Housing Transgender people routinely report that they are turned down for jobs and housing when it becomes evident that their appearance does not match the gender marker on their official documents. Similar evidence of discrimination was found when transgender people without "matching" documents sought to rent or buy a home or apartment. Sharan, a transgender woman in Malaysia, told Human Rights Watch that although she presents as a woman, the absence of legal gender recognition in Malaysia means she must submit male identity documents when applying for a job. She described her experience at job interviews: When did you decide to change? Do you have sex with men or women? Which toilet do you go to? Did you do your operation? Why did you choose to take hormones? Education Transgender children and young adults face abuses in school settings ranging from sexual assault, to bullying, to being forced to attend a single-sex school or wear a uniform based on the gender marker assigned at birth. Health Care Absent identity documents that match their gender presentation, transgender people who seek health care are subjected to invasive questioning and humiliation. Erina, a transgender woman in Malaysia, was hospitalized for two days in for a high fever. Doctors and nurses quizzed her about her gender identity, asking questions unrelated to the condition for which she was seeking treatment. Where transgender identities are criminalized, access to health care is even more fraught. In Kuwait, transgender women told Human Rights Watch that medical doctors have reported them to police after noting the gender on their government-issued IDs does not match their appearance and presentation, effectively limiting their access to health care. After Uganda passed its notorious Anti-Homosexuality Act in February , law enforcement officials and ordinary citizens targeted transgender people alongside lesbian, gay and bisexual people. You people are not even supposed to be in our community. I can even call the police and report you Travel Simply moving from one place to another can be a dangerous and humiliating experience for people whose documents do not match their expression. The stakes are high, particularly for international travel, and range from fraud accusations and exposure to intense scrutiny and humiliation. A transgender woman in the Netherlands told Human Rights Watch: Access to Police Protection and Justice The lack of basic recognition before the law impedes access to recourse for crimes, a significant problem for a population exposed to shockingly high rates of violence. Carrying documents that do not match appearance can mean abuse gets even worse when trying to report it to authorities. In Mombasa, Kenya, a transgender woman, Bettina, told Human Rights Watch that vandals destroyed the market stall where she sold food during a wave of homophobic and transphobic attacks in October When Bettina reported the crime to police, they quizzed her about her gender identity and refused to give her a case number to follow up on her situation. Freedom from Violence In many countries, transgender people in detention are placed in cells with persons of a gender that they do not identify with, exposing them to abuse and sexual violence. In a case in the United Kingdom, the European Court of Human Rights held that refusal to change identification documents and legal identities could amount to discrimination and violate the right to respect for private lives. Laws prohibiting same-sex conduct are also used to arrest and otherwise harass transgender and gender non-conforming people—regardless of the fact that gender identity has no direct correlation to sexual orientation or sexual behavior—as Human Rights Watch has documented in Malawi, Uganda, and Tanzania. Transgender people are also arrested under other pretexts, In Nepal, police arrested and sexually abused transgender women in and under the guise of cleaning up public spaces. In , police in Burma arbitrarily arrested a group of 10 gay men and transgender women and abused them in detention. For many of the victims of these abuses, a future in which they may be legally recognized—and in which they will no longer risk imprisonment for being themselves—may seem far off. Yet it is precisely the persecution these individuals face that lends urgency to the struggle for legal gender recognition. The proposed revisions, while still in draft form, would move

transgender-related diagnoses out of the mental disorders chapter”an important step in destigmatizing transgender people. A landmark report by the Office of the High Commissioner for Human Rights in on violence and discrimination based on sexual orientation and gender identity noted that most countries do not allow for legal gender recognition, so that transgender people may face many difficulties, including applying for employment, housing, bank credit or state benefits, or when traveling abroad. The follow-up report, issued in , identified progress in 10 countries, but found that the overall lack of progress continued to impact a wide spectrum of rights for transgender people. In April , the Council of Europe issued a resolution, adopted by its Parliamentary Assembly, calling on governments to adopt quick and transparent gender recognition procedures based on self-determination. Achieving the right to legal gender recognition is crucial to the ability of transgender people to leave behind a life of marginalization and enjoy a life of dignity. A simple shift toward allowing people autonomy to determine how their gender is expressed and recorded is gaining momentum. It is long overdue. Intersex people, who are born with sex characteristics that do not fit typical binary notions of male or female bodies, also face unique challenges and rights violations, including being subjected to unnecessary surgical procedures for the purpose of trying to make their appearance conform to binary sex stereotypes.

Chapter 7 : Examples of Human Rights

The Universal Declaration of Human Rights. The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights.

Calling these guarantees "rights" suggests that they attach to particular individuals who can invoke them, that they are of high priority, and that compliance with them is mandatory rather than discretionary. Human rights are frequently held to be universal in the sense that all people have and should enjoy them, and to be independent in the sense that they exist and are available as standards of justification and criticism whether or not they are recognized and implemented by the legal system or officials of a country. Human rights aim to identify both the necessary negative and positive prerequisites for leading a minimally good life, such as rights against torture and rights to health care. Together these three documents form the centrepiece of a moral doctrine that many consider to be capable of providing the contemporary geo-political order with what amounts to an international bill of rights. However, the doctrine of human rights does not aim to be a fully comprehensive moral doctrine. An appeal to human rights does not provide us with a fully comprehensive account of morality per se. What human rights do primarily aim to identify is the basis for determining the shape, content, and scope of fundamental, public moral norms. As James Nickel states, human rights aim to secure for individuals the necessary conditions for leading a minimally good life. Public authorities, both national and international, are identified as typically best placed to secure these conditions and so, the doctrine of human rights has become, for many, a first port of moral call for determining the basic moral guarantees all of us have a right to expect, both of one another but also, primarily, of those national and international institutions capable of directly affecting our most important interests. The doctrine of human rights aspires to provide the contemporary, allegedly post-ideological, geo-political order with a common framework for determining the basic economic, political, and social conditions required for all individuals to lead a minimally good life. The moral justification of human rights is thought to precede considerations of strict national sovereignty. An underlying aspiration of the doctrine of human rights is to provide a set of legitimate criteria to which all nation-states should adhere. Appeals to national sovereignty should not provide a legitimate means for nation-states to permanently opt out of their fundamental human rights-based commitments. Thus, the doctrine of human rights is ideally placed to provide individuals with a powerful means for morally auditing the legitimacy of those contemporary national and international forms of political and economic authority which confront us and which claim jurisdiction over us. This is no small measure of the contemporary moral and political significance of the doctrine of human rights. For many of its most strident supporters, the doctrine of human rights aims to provide a fundamentally legitimate moral basis for regulating the contemporary geo-political order. Historical origins and development of the theory and practice of human rights The doctrine of human rights rests upon a particularly fundamental philosophical claim: On this view, moral beliefs and concepts are capable of being objectively validated as fundamentally and universally true. The contemporary doctrine of human rights is one of a number of universalist moral perspectives. The origins and development of the theory of human rights is inextricably tied to the development of moral universalism. The history of the philosophical development of human rights is punctuated by a number of specific moral doctrines which, though not themselves full and adequate expressions of human rights, have nevertheless provided a number of philosophical prerequisites for the contemporary doctrine. I shall discuss each in turn. Human rights rest upon moral universalism and the belief in the existence of a truly universal moral community comprising all human beings. Moral universalism posits the existence of rationally identifiable trans-cultural and trans-historical moral truths. The origins of moral universalism within Europe are typically associated with the writings of Aristotle and the Stoics. Thus, in his *Nicomachean Ethics*, Aristotle unambiguously expounds an argument in support of the existence of a natural moral order. This natural order ought to provide the basis for all truly rational systems of justice. The means for determining the form and content of natural justice is the exercise of reason free from the distorting effects of mere prejudice or desire. This basic idea was similarly expressed by the Roman Stoics, such as Cicero and

Seneca, who argued that morality originated in the rational will of God and the existence of a cosmic city from which one could discern a natural, moral law whose authority transcended all local legal codes. The Stoics thereby posited the existence of a universal moral community effected through our shared relationship with god. The belief in the existence of a universal moral community was maintained in Europe by Christianity over the ensuing centuries. While some have discerned intimations towards the notion of rights in the writings of Aristotle, the Stoics, and Christian theologians, a concept of rights approximating that of the contemporary idea of human rights most clearly emerges during the 17th. Centuries in Europe and the so-called doctrine of natural law. The basis of the doctrine of natural law is the belief in the existence of a natural moral code based upon the identification of certain fundamental and objectively verifiable human goods. Our enjoyment of these basic goods is to be secured by our possession of equally fundamental and objectively verifiable natural rights. Natural law was deemed to pre-exist actual social and political systems. Natural rights were thereby similarly presented as rights individuals possessed independently of society or polity. Natural rights were thereby presented as ultimately valid irrespective of whether they had achieved the recognition of any given political ruler or assembly. The quintessential exponent of this position was the 17th. Century philosopher John Locke and, in particular, the argument he outlined in his *Two Treatises of Government*. These natural rights are possessed independently of, and prior to, the formation of any political community. Locke argued that natural rights flowed from natural law. Natural law originated from God. Accurately discerning the will of God provided us with an ultimately authoritative moral code. At root, each of us owes a duty of self-preservation to God. In order to successfully discharge this duty of self-preservation each individual had to be free from threats to life and liberty, whilst also requiring what Locke presented as the basic, positive means for self-preservation: Our duty of self-preservation to god entailed the necessary existence of basic natural rights to life, liberty, and property. The natural rights to life, liberty, and property set clear limits to the authority and jurisdiction of the State. States were presented as existing to serve the interests, the natural rights, of the people, and not of a Monarch or a ruling cadre. Certainly, Locke provided the precedent of establishing legitimate political authority upon a rights foundation. This is an undeniably essential component of human rights. Century German philosopher, Immanuel Kant provides such an account. Foremost amongst these are the ideals of equality and the moral autonomy of rational human beings. Kant provides a means for justifying human rights as the basis for self-determination grounded within the authority of human reason. For Kant, the determination of any such goods can only proceed from a correct determination of the formal properties of human reason and thus do not provide the ultimate means for determining the correct ends, or object, of human reason. In this way, Kant attaches a condition of universality to the correct identification of moral principles. For him, the basis of moral reasoning must rest upon a condition that all rational individuals are bound to assent to. Kant argues that this basic condition of universality in determining the moral principles for governing human relations is a necessary expression of the moral autonomy and fundamental equality of all rational individuals. The categorical imperative is self-imposed by morally autonomous and formally equal rational persons. It provides the basis for determining the scope and form of those laws which morally autonomous and equally rational individuals will institute in order to secure these very same conditions. For Kant, the capacity for the exercise of reason is the distinguishing characteristic of humanity and the basis for justifying human dignity. As the distinguishing characteristic of humanity, formulating the principles of the exercise of reason must necessarily satisfy a test of universality; they must be capable of being universally recognized by all equally rational agents. Though often overlooked in accounts of the historical development of human rights, his contribution to human rights has been profound. Kant provides a formulation of fundamental moral principles that, though exceedingly formal and abstract, are based upon the twin ideals of equality and moral autonomy. Human rights are rights we give to ourselves, so to speak, as autonomous and formally equal beings. For Kant, any such rights originate in the formal properties of human reason, and not the will of some super-human being. The philosophical ideas defended by the likes of Locke and Kant have come to be associated with the general Enlightenment project initiated during the 17th. Centuries, the effects of which were to extend across the globe and over ensuing centuries. Ideals such as natural rights, moral autonomy, human dignity and equality provided a normative bedrock for attempts at re-constituting political

systems, for overthrowing formerly despotic regimes and seeking to replace them with forms of political authority capable of protecting and promoting these new emancipatory ideals. These ideals effected significant, even revolutionary, political upheavals throughout the 18th. Similarly, the concept of individual rights continued to resound throughout the 19th. The concept of rights had become a vehicle for effecting political change. Though one could argue that the conceptual prerequisites for the defence of human rights had long been in place, a full Declaration of the doctrine of human rights only finally occurred during the 20th. Century and only in response to the most atrocious violations of human rights, exemplified by the Holocaust. December and was explicitly motivated to prevent the future occurrence of any similar atrocities. The UDHR consists of a Preamble and 30 articles which separately identify such things as the right not to be tortured article 5 , a right to asylum article 14 , a right to own property article 17 , and a right to an adequate standard of living article 25 as being fundamental human rights. The specific aspirations contained within these three documents have themselves been reinforced by innumerable other Declarations and Conventions. It is important to note, however, that the contemporary doctrine of human rights, whilst deeply indebted to the concept of natural rights, is not a mere expression of that concept but actually goes beyond it in some highly significant respects. First, he argues that contemporary human rights are far more concerned to view the realization of equality as requiring positive action by the state, via the provision of welfare assistance, for example. That is to say, the protection and promotion of human rights are increasingly seen as requiring international action and concern. The distinction drawn by Nickel between contemporary human rights and natural rights allows one to discern the development of the concept of human rights. Indeed, many writers on human rights agree in the identification of three generations of human rights. First generation rights consist primarily of rights to security, property, and political participation. These are most typically associated with the French and US Declarations. Second generation rights are construed as socio-economic rights, rights to welfare, education, and leisure, for example. These rights largely originate within the UDHR. The final and third generation of rights are associated with such rights as a right to national self-determination, a clean environment, and the rights of indigenous minorities. This generation of rights really only takes hold during the last two decades of the 20th. Century but represents a significant development within the doctrine of human rights generally. While the full significance of human rights may only be finally dawning on some people, the concept itself has a history spanning over two thousand years. The development of the concept of human rights is punctuated by the emergence and assimilation of various philosophical and moral ideals and appears to culminate, at least to our eyes, in the establishment of a highly complex set of legal and political documents and institutions, whose express purpose is the protection and promotion of the fundamental rights of all human beings everywhere. Few should underestimate the importance of this particular current of human history. Philosophical analysis of the concept of human rights Human rights are rights that attach to human beings and function as moral guarantees in support of our claims towards the enjoyment of a minimally good life. In conceptual terms, human rights are themselves derivative of the concept of a right. In order to gain a full understanding of both the philosophical foundations of the doctrine of human rights and the different ways in which separate human rights function, a detailed analysis is required. Legal Rights The distinction drawn between moral rights and legal rights as two separate categories of rights is of fundamental importance to understanding the basis and potential application of human rights. Legal rights refer to all those rights found within existing legal codes. A legal right is a right that enjoys the recognition and protection of the law. Questions as to its existence can be resolved by simply locating the relevant legal instrument or piece of legislation.

Chapter 8 : BBC NEWS | Europe | Q&A: Charter of Fundamental Rights

Choose the answer that best describes the chart identifying the house of legislature the limits government power and the rights of citizens. of fundamental.

Many basic elements e. In addition, provisions in the regulations may be "mandatory", "discretionary" or "as directed by the Minister". What are general responsibilities of governments? General responsibilities of governments for occupational health and safety include: Enforcement of occupational health and safety legislation. Promotion of training, education and research. Employees responsibilities include the following: Use personal protective equipment and clothing as directed by the employer. Report workplace hazards and dangers to the supervisor or employer. Work in a safe manner as required by the employer and use the prescribed safety equipment. Tell the supervisor or employer about any missing or defective equipment or protective device that may be dangerous. Employees have the following three basic rights: Right to refuse unsafe work. Right to participate in the workplace health and safety activities through the Health and Safety Committee HSC or as a worker health and safety representative. Right to know, or the right to be informed about, actual and potential dangers in the workplace. The manager or supervisor must: Make sure that workers use prescribed protective equipment devices. Advise workers of potential and actual hazards. Provide workers with written instructions as to the measures and procedures to be taken for protection of the worker. Take every reasonable precaution in the circumstances for the protection of workers. Managers and supervisors act on behalf of the employer, and hence have the responsibility to meet the duties of the employer as specified in the Act for the work they the managers and supervisors direct. Establish and maintain a health and safety committee, or cause workers to select at least one health and safety representative. Take every reasonable precaution to ensure the workplace is safe. Train employees about any potential hazards and in how to safely use, handle, store and dispose of hazardous substances and how to handle emergencies. Supply personal protective equipment and ensure workers know how to use and handle the equipment safely and properly. Appoint a competent supervisor who sets the standards for performance, and who ensures safe working conditions are always observed. What does legislation say about forming health and safety committees? Generally, legislation in different jurisdictions across Canada state that health and safety committees must: Be composed of one-half management and at least one-half labour representatives Meet regularly " some jurisdictions require committee meetings at least once every three months while others require monthly meetings Be co-chaired by one management chairperson and worker chairperson Make sure employee representatives are elected or selected by the workers or their union. What is the role of health and safety committee? The role of health and safety committees can include to: Act as an advisory body. Identify hazards and obtain information about them. Assist in resolving work refusal cases. Participate in accident investigations and workplace inspections. Make recommendations to the management regarding actions required to resolve health and safety concerns. What happens when there is a refusal for unsafe work? The employee, supervisor, and a HSC member or employee representative will investigate. The employee returns to work if the problem is resolved with mutual agreement. If the problem is not resolved, a government health and safety inspector is called. The inspector investigates and gives decision in writing. How is legislation enforced? The legislation holds employers responsible to protect employee health and safety. Enforcement is carried out by inspectors from the government department responsible for health and safety in each jurisdiction. In some serious cases, charges may also be laid by police or crown attorneys under Section This section imposes a legal duty on employers and those who direct work to take reasonable measures to protect employees and public safety. If this duty is "wantonly" or recklessly disregarded and bodily harm or death results, an organization or individual could be charged with criminal negligence. Where can I get more information about responsibilities? If you have specific concerns about what regulations require employers and workers to do, you should consult local authorities in your jurisdiction. This is especially true if your questions deal with the content, interpretation, compliance and enforcement of the legislation, and how it applies in your own workplace situation.

Chapter 9 : Human Rights | Internet Encyclopedia of Philosophy

The Charter of Fundamental Rights, what it covers and how it relates to the European Convention on Human Rights. When does the Charter apply? Information on the application of the EU Charter of Fundamental Rights for citizens of EU countries.

This became clear in the beginning of the s with the emergence of a universal market economy, globalization and the information technology revolution. Debate intensified as it became apparent that economic growth did not guarantee social progress. Amongst several means of action by the ILO to promote a floor of social rights, is the campaign to promote fundamental principles and rights at work and the universal ratification of the eight ILO Conventions covering these principles and rights. The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in , aims to ensure that social progress goes hand in hand with economic progress and development. It covers four principles and rights: Freedom of association and the right to collective bargaining; The elimination of forced and compulsory labour; The elimination of discrimination in the workplace; and The abolition of child labour. The fundamental rights at work constitute a central plank of decent work. The principles and rights contained in the Declaration have been articulated in international human rights instruments and declarations, such as the Universal Declaration of Human Rights in and the Convention on the Rights of the Child and at major international fora such as the World Summit on Social Development in and at the Ministerial Conference of the World Trade Organization in . They are also gaining wider recognition among organizations, communities and enterprises. A growing number of private sector codes of conduct and similar initiatives also refer to the fundamental principles and rights at work. The Follow-up to the Declaration, also adopted in , helps to determine the needs of ILO member States in improving their application of the principles and rights of the Declaration. Member states that have not ratified one or more of the fundamental Conventions, are required to submit annual reports, identifying where assistance may be required. In addition, the ILO prepares a Global Report each year on one of the four categories of fundamental principles and rights to analyse the situation around the world, both for ratifying and non-ratifying states. It serves as a basis for assessing the effectiveness of the assistance provided by the ILO and for determining priorities for the following period. It is a basic civil liberty that serves as a building block for social and economic progress. Linked to this is the effective recognition of the right to collective bargaining. Sound collective bargaining practices ensure that employers and workers have an equal voice in negotiations and that the outcome will be fair and equitable. Voice and representation are an important part of decent work. The committee has examined more than cases, including allegations of murders, disappearances, physical attacks, arrests and forced exile of trade union officials. The committee is tripartite and handles complaints in ILO member States whether or not they have ratified freedom of association Conventions. It takes different forms, including debt bondage, trafficking and other forms of modern slavery. The victims are the most vulnerable - women and girls forced into prostitution, migrants trapped in debt bondage. The ILO is also pressing for effective national laws and stronger enforcement mechanisms, such as legal sanctions and vigorous prosecution against those who exploit forced labourers. By raising public awareness, the ILO seeks to highlight such human and labour rights violations. Freedom from discrimination is a fundamental human right and is essential for workers to choose their employment freely, to develop their potential to the full and to reap economic rewards on the basis of merit. Combating discrimination is an essential part of promoting decent work, and success on this front is felt well beyond the workplace. ILO standards on equality provide tools to eliminate discrimination in all aspects of the workplace and in society as a whole. They also provide the basis upon which gender mainstreaming strategies can be applied in the field of labour. They are deprived of adequate education, good health and basic freedoms. Of these, million " or one in every 12 children worldwide " are exposed to hazardous forms of child labour, work that endangers their physical, mental or moral well-being. As with other aspects of decent work, eliminating child labour is a development as well as a human rights issue. ILO policies and programmes aim to help ensure that children receive the education and training they need to become productive adults in decent employment.