HANDBOOKOF

# INTERNATIONAL SOCIAL WORK

HUMAN RIGHTS, DEVELOPMENT, AND THE GLOBAL PROFESSION

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## Overview of Human Rights: The UN Conventions and Machinery

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The International Federation of Social Workers (IFSW) has called social work a "human rights profession, having as its basic tenet the intrinsic value of every human being" (United Nations, 1994, p. 3). The United States National Association of Social Workers (NASW) states that it "endorses the fundamental principles set forth in human rights documents of the United Nations. . . . [And that] human rights be adopted as a foundation[al] principle upon which all of social work theory and applied knowledge rests" (Falk, 1999, p. 17). Countries of the European and African Union, moreover, have developed laws and policies with guidance from human rights documents.

## HUMAN RIGHTS FROM THE ASHES OF WORLD WAR II

This powerful social construct, "human rights," now a legal mandate to fulfill human need, emerged from the ashes of World War II. To thwart the Nazi rise to power, there was an international conference at Evian (1938). It ended in failure, because countries did not want to attract attention to their own abuses, such as public lynchings and genocide against Indigenous Peoples in the United States, concentration camps for political dissidents in the Soviet Union, and oppression in Europe's vast colonial empires (Buergenthal, Sheldon, & Stewart, 2002). What occurred as a result was a massacre of ten million, primarily Jews but also Poles, homosexuals, gypsies, and others inimical to the Third Reich, and an estimated seventy-two million killed in that war overall.

For this to never happen again, the United Nations was formed on October 24, 1945. Initially, governments were reluctant to include human rights in its inaugural mandate, the UN Charter, but with the efforts of forty-two nongovernmental organizations (NGOs), they elected Eleanor Roosevelt as chair of

a committee that drew up the Universal Declaration of Human Rights, endorsed by the General Assembly with no dissent on December 10, 1948. Now, more than seventy years after Evian, no government would dare say it is against human rights.

#### INITIAL PROVISOS

People tend to equate violations of human rights with events taking place outside their country of origin. Public discourse may have domestically defined such violations as the misuse of psychiatry in Russia against political dissidents, government crackdowns in Tiananmen Square, female genital mutilation (FGM) in Somalia, and rapes in Darfur. Certainly, these issues are of paramount importance, a gross nature, massive, and revelatory of states' failures to remedy them domestically, major criteria of human rights violations.

Although humanitarian concern should be the basis for advancing human rights, caveats often arise. Government hypocrisy might blind a country to its own psychiatric abuses, as reportedly during the war in Vietnam, US bomber pilots refusing further bombing missions were found mentally ill. Cultural and economic imperialism may have been the basis for media attention to massacres in Tiananmen Square, the final coup the free market needed to make inroads into Communist China; pretext for invasion of Somalia in 1993 may have increased concern for FGM, practiced by 95% of the population; and concern over genocide in Darfur perhaps a masquerade for a desire to control oil reserves there (Wronka, 2008).

Like a sphinx, such provisos challenge us, calling ultimately for courage and the vision of the eagle, as the great spiritual sage of the Sioux, Tashunkewitko, commonly known as Crazy Horse, reminds us ("Crazy Horse/Tashunkewitko," 2006). But, we must always remember that social justice, with human rights as its bedrock, is struggle. The sport is worth the candle.

## THE HUMAN RIGHTS TRIPTYCH

To adequately understand the meaning of human rights, it is best to refer to what Rene Cassin, often called the Father of Human Rights, identified as the "human rights triptych" (Szabo, 1982). At the central panel is the Universal Declaration of Human Rights, the authoritative definition of human rights standards, which the late Pope John Paul II referred to as a "milestone in the long and difficult struggle of the human race" (Daughters of St. Paul, 1979). On the right side are documents that have followed the Universal Declaration, which elaborate upon its principles and tend to have more juridical force; on the left side are implementation mechanisms, which commonly monitor a country's compliance with human rights principles.

This triptych can help the global community move toward a human rights culture, which is a "lived awareness" of such principles in one's mind, heart, and body, dragged into our everyday lives. This journey from the mind to heart, ultimately affecting our local and global communities, is undoubtedly a struggle. Moving toward such a culture would entail fundamental changes in the consciousness of humanity. In the end it is about viewing the human person holistically, calling for the empowerment and liberation of all peoples to enhance the well-being and fulfill the human needs of every person, everywhere, yet, within the confines of global commons, calling for an equitable distribution of resources. Such a culture, in which social work can play a major role, is entirely consistent with recent joint statement of principles of the ethics of social work by IFSW and IASSW (International Association of Schools of Social Work), which assert in Article 2, "Principles of human rights and social justice are fundamental to social work."

## The Universal Declaration of Human Rights

Written for the educated layperson, not the doctorate in jurisprudence, the Universal Declaration, a philosophical and historical compromise, consists of five crucial notions. The first is human dignity, emphasized in Article 1, which comes from numerous religious belief systems, such as Buddhism, Confucianism, Hinduism, and the Judeo-Christian-Islamic tradition. The second is nondiscrimination, an expected corollary. Thus, all humans have dignity regardless of "race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status," as stated in Article 2.

The third notion is civil and political rights, or first generation or negative rights, as stated in Articles 3 through 21, asserting the liberty to pursue the quest for dignity and nondiscrimination, free from the abuse of political authority. Mirroring struggles of the Age of the Enlightenment, examples are freedoms of religion, speech, the press, expression, and peaceful assembly. The fourth notion is economic, social, and cultural rights, or second generation or positive rights. Mirroring struggle of the Age of Industrialization, Articles 22 through 27 assert government obligations to provide for basic necessities to ensure an existence worthy of human dignity, such as socially useful work at a reasonable wage, adequate shelter, rest and leisure, food, health care, and security in old age.

The fifth notion is solidarity rights, calling for individual duties and intergovernmental cooperation, that is, a "just social and international order." Articles 28 through 30 reflect the failure of domestic sovereignty in the mid-twentieth century and have come to mean rights to a clean environment, development, global distributive justice, peace, humanitarian disaster relief, self-determination, and the common and cultural heritages of humanity, like the oceans, space, and religious places of worship (Wronka, 2008).

Ultimately, these rights are interdependent and indivisible. What good is freedom of speech if a person is homeless or lives in a world at war? Whereas President Obama did mention the generally lesser known economic, social, and cultural rights in his acceptance of the 2009 Nobel Peace Prize in Oslo, his speech lacked mention of peace as a human right. The Universal Declaration is now increasingly referred to as customary international law, especially since Filártiga v. Peña-Irala (1980), in which a US federal court ruled against a torturer in Paraguay. All countries must abide by its principles. Recently, the Women's International League for Peace and Freedom (WILPF), of which Jane Addams, sometimes called the Mother of Social Work, was the first president, has advocated for a thirty-first article on the right to clean water (2009).

## Guiding Principles, Declarations, and Conventions

On the right panel of the triptych are documents tending to expand upon principles of the Universal Declaration, a "good...not perfect document," according to Eleanor Roosevelt (United Nations Dept. of Public Information, 1950). They are some times called guiding principles, which may become declarations, then conventions or covenants. The latter have

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the most juridical force, with the status of treaty, as is the UN Charter. The US Constitution's Supremacy Clause, Article VI, calls treaties "the Supreme Law of the land . . . [with] judges bound thereby" (Weissbrodt, Fitzpatrick, & Newman, 2001).

Only chosen values endure; nothing substitutes for a global human rights culture. Yet, conventions with monitoring committees, informing governments of human rights violations, are extremely powerful in moving toward such a culture. Becoming signatory is a first step toward ratification. But, even when ratified, governments may include a non-self-executing clause, making the convention nonenforceable in domestic courts, giving it simply symbolic significance (Steiner, Alston, & Goodman, 2007). For example, the International Covenant on Civil and Political Rights asserts in Article 6 that the death penalty shall not be imposed for crimes committed by persons below eighteen years of age. Although ratified by the United States in 1994, the country still executed persons for crimes committed as children, defined as under eighteen in international law, violating the Supremacy Clause. Because ratification stipulated non-self-execution, it was necessary to enact a domestic law to implement the provisions of the convention. The Supreme Court did just that in its Roper v. Simmons decision (2005), prohibiting the execution of persons for crimes committed before eighteen, indicating that acts of symbolic significance can have lasting effects.

Eglantyne Jebb, a social worker, drafted documents that later became known as the Declaration of the Rights of the Child (1959), now the Convention on the Rights of the Child (1991) (Healy, 2008). Presently, there are the Guiding Principles on Extreme Poverty and Human Rights, which IFSW and IASSW urged at the sixteenth session of the Human Rights Council (2011) to move toward an international Convention to Abolish Extreme Poverty (CAEP). There is also the Declaration on the Rights of Indigenous Peoples (2007), which social work organizations worldwide hope will become a legally binding convention. In some instances, conventions incorporate the principles of other documents, as occurred when the Convention on the Rights of Persons with Disabilities incorporated the Principles for the Protection of Persons with Mental Illness (1991) and Principles of Medical Ethics relevant to the Role of Health Personnel.

<sup>62</sup> Currently there are eight major human rights conventions: (1) the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1969; (2) the International Covenant

on Civil and Political Rights (ICCPR), 1976 (3) the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1976; (4) the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1981; (5) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1987; (6) the Convention on the Rights of the Child (CRC), 1990; (7) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), 1993; and (8) the Convention on the Rights of Persons with Disabilities (CPD), 2007. (All of these human rights documents can be found in their entirety at www2. ohchr.org/english/law/.)

Like all human rights documents, the conventions have core principles that they elaborate upon. The ICCPR and ICESCR, for instance, assert the principle of self-determination, which they elaborate as "the right of people to freely determine their political status, freely pursue their economic, social, and cultural development and dispose of their natural wealth based on the principle of mutual benefit . . . [and] to enjoy their own culture or to use their own language."

Following are select themes of select conventions (Wronka, 2008). The ICCPR speaks of such rights as (1) the right to life, that no person who commits a crime under eighteen and no pregnant woman shall be given the death penalty; (2) the prohibition against slavery; and (3) the obligations of states to realize civil and political rights, such as nondiscrimination and the equality of men and women.

The ICESCR asserts (1) the right to work, meaning full and productive employment and fair wages to ensure a decent living for families; (2) protections for the family and children, including paid leave for working mothers before and after childbirth; (3) the right to the highest attainable standard of physical and mental health, including the reduction of infant mortality and the improvement of mental hygiene; and (4) the right to an adequate standard of living, including improving the methods of production, conservation, and distribution of food and dissemination of the principles of nutrition.

The CRC asserts (1) nondiscrimination of the child, that every human under eighteen shall be respected irrespective of the child's, parent's, or legal guardian's race, color, sex, language, and so on; (2) the best interests of the child are the primary consideration, that the child has the right to maintain contact with both parents unless contrary to the child's best

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interests; (3) economic, social, and cultural rights, that every child shall have a standard of living adequate for the child's physical, mental, spiritual, moral, and social development; (4) the right to registration and respect of identity, which shall be carried out immediately after birth; (5) the treatment of children in a positive, humane, and expeditious manner, particularly in regard to family reunification, with no illicit transfer and nonreturn of children; (6) respect for the views of the child, giving due weight to the child's maturity; (7) respect for civil and political rights of children, with no undue attacks on a child's reputation, with proper acknowledgment of the parents' right to choose a child's religion, with no arbitrary interference with a child's privacy, and with freedom of expression orally in writing or in art, restricted only for the rights of others and protection of public health or morals; and (8) the importance of the media, from a diversity of national and international resources, with particular regard to linguistic needs, protected from materials injurious to the child's well-being, with children's books encouraged, produced, and disseminated.

CEDAW asserts (1) the equality of men and women in education, employment, policy formation, and before the law; (2) the modification of cultural and social patterns to eliminate the idea of superiority or inferiority of either sex; (3) nondiscrimination on the grounds of maternity and marital status, with paid maternity leave and prohibition against dismissal on the basis of pregnancy or marital situation; (4) states' obligations to enable parents to combine family obligations with outside work responsibilities and participation in public life, including information on nutrition and lactation during pregnancy, the development of facilities for child care, and appropriate services in connection with pregnancy, confinement, and the postnatal period, with free services when necessary; (5) elimination of discrimination in economic and social life, including rights to bank loans, mortgages, other forms of financial credit, and participation in recreational activities and all aspects of cultural life; and (6) particular attention to the situation of rural women, including the right to self-help groups and cooperatives to obtain equal access to economic opportunities.

Implementation

Implementation is the human rights machinery of the UN. The oil that greases the machine is the political will of the people, which has crystallized into human choices and then rights. Overseeing this entire machinery to formulate and implement human rights principles is the Office of the High Commissioner for

Human Rights, established in 1993, who reports to the Secretary-General. Although every organ of the UN concerns itself with human rights in the final analysis, two main implementation mechanisms are monitoring committees for conventions and the Universal Periodic Review (UPR), established in 2007 by the newly formed Human Rights Council in 2006.

Committees cite positive aspects and areas of concern, asking governments that ratified conventions to engage in creative dialogue. Select positive aspects may include citing successes of affirmative action plans (US in response to CERD, 2001); the establishment of a zero-tolerance standard for rape in prisons (US, CAT, 2006); the extension of parental benefits from six months to a year (Canada, ICESCR, 2006); passing the Human Rights Act of 1999 incorporating the covenant into domestic law (Norway, ICESCR, 2007); congratulating the country on its first female president as well as for having 50% women ministers (Chile, CEDAW, 2007); noting with satisfaction the first Arab Israeli citizen appointed to the cabinet and steps to accommodate different cultural and religious traditions of minorities in the workplace (Israel, CERD, 2007); and changes in the penal code criminalizing child pornography, sex tourism, sexual abuse, and trafficking in persons (Morocco, CRC, 2006).

Select examples of areas of concern are that the state does not see the convention applicable in the context of armed conflict (US, CAT, 2006); the persistent discrimination against women with regard to education, equal rights of both spouses within marriage, and management of family assets (Congo, ICCPR, 2006); the persistence of profound structural social and economic inequalities affecting the enjoyment of human rights, particularly economic and social rights, and particularly affecting Afro-descendants and Indigenous Peoples (Venezuela, CERD, 2007); an ineffective birth registration system and lack of parental consent for recruitment of under-eighteens in the military (Bangladesh, CRC, 2006); and deep concern regarding children working in hazardous occupations such as mining, often in precarious conditions that fall short of labor safety standards (China, CESCR, 2006). (UN member states' reports to human rights monitoring committees can be found at www.unhchr.ch/tbs/ doc.nsf/newhydocsbytreaty?OpenView).

Recently initiated by the Human Rights Council, the major nucleus of human rights activity, every four years the UPR monitors all 192 member states' compliance with human rights. Briefly, each state relates before the 47 member states of the Human Rights Council steps taken to advance rights, including

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a sharing of best human rights practices throughout the world. Recently, Mexico (2009) discussed measures taken to eradicate extreme poverty, the fact that its constitution gives international treaties superiority over federal and local law, and the fact that the federal government has shifted from a welfare approach to a rights-based approach to address needs of vulnerable groups. Delegates recommended that Mexico ensure the full realization of rights of immigrants and address more fully the problems pertaining to high infant mortality and malnutrition among Indigenous peoples. (UPR can be found at www.ohch.org/EN/HRBodies/UPR/Pages/UPRMain.aspx.)

There are also thematic and country reports by special rapporteurs who present before the Council. Examples of thematic reports include those on extreme poverty and human rights (1996); the right to food (2000); the right to adequate housing (2001); the rights of Indigenous peoples (2001); the human genome (2004); and the sale of children, child prostitution, and child pornography (2008). Examples of country reports include the Palestinian territories (1993), Haiti (1995), Afghanistan (2001), Sudan (2001), Burundi (2003), and Iraq (2003). There is also the 1503 confidential procedure, which, in private forums, has examined situations in roughly ninety countries. This procedure may have played a substantial role in ending de jure apartheid in South Africa and the dirty civil wars of Latin America. (Thematic and country reports can be found at www2.ohchr.org/ english/bodies/chr/special/index.htm.)

Other UN bodies, such as the General Assembly, Security Council, World Bank, and World Court, also deal with human rights violations. The most notable may be the World Court, which in 2004 asserted that the Palestinian territories were illegally occupied by Israel. But, the General Assembly, which has a onenation, one-vote policy, may be the most reflective of world opinion.

Ultimately, the mobilization of world opinion to eradicate human rights violations and move toward the creation of a human rights culture is the most important tool of implementation. Information is power. The paradox that thinking is doing is poignant in this struggle for social justice with human rights at its core. Thus, human rights education and world conferences can also play a major role. Human rights education must be broadly construed, including not only formal venues from grammar school to university evels but also informally in families and the media. Norway, for example, flashes a right from the CRC with a brief discussion in between children's cartoons.

This is in contradistinction to the questionable practice of advertising on children's programming, which places the priority on having instead of being, something the French existentialist Gabriel Marcel (1949) presaged as a growing obstruction to human development. Because it is difficult to change values once inculcated, working with youth appears especially vital.

Most recent world conferences, such as in Copenhagen (2009) on climate change, Rome (2009) on food, and Geneva (2009) on racism, and previous ones in Hyogo, Japan, (2005) on disaster reduction; in Johannesburg (2002) on sustainability; and in Beijing (1995) on women attest to our global interconnectedness and the power of the human spirit to overcome adversity. Ultimately, any widespread dissemination of information as it relates to human rights can influence world opinion. The challenge is to make the world aware of human rights in educated layperson's language, as Eleanor Roosevelt urged, rather than elitist terminology, and for the world to live these principles. See Table 66.1 for a summary of these means of implementation.

#### BEYOND UN CONVENTIONS AND MACHINERY

#### Regional Developments

Regional developments consist of the African Union (AU), the Organization of American States (OAS), and the Council of Europe (CE), each with its own human rights triptychs. The AU has at its center the African Charter on Human and Peoples' Rights, followed by such documents as the Protocol on the Rights of Women in Africa and the African Charter on the Rights and Welfare of Children. The African Charter also speaks of "the unquestionable and inalienable right to self-determination . . . [and that] colonized and oppressed peoples shall have the right to free themselves from the bonds of domination" (Article 20), calling up states to "undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies" (Article 21).

The OAS has the American Convention on Human Rights, followed by such conventions as the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. The Council of Europe has the most extensively developed human rights machinery. The most poignant document is the European Social

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## TABLE 66.1. SELECT MEANS OF IMPLEMENTATION FOR THE HUMAN RIGHTS MACHINERY OF THE UN

Mechanism <sup>1</sup>	Definition
High Commissioner	Office that oversees all of the activities pertaining to human
for Human Rights	rights activities at the UN
Human rights	Select groups of independent experts whose aim is to engage
monitoring committees	in creative dialogue with governments, citing positive aspects
_	and areas of concern pertaining to conventions ratified
Universal Periodic	A process whereby every four years, states must submit before the Human
Review (UPR)	Rights Council steps they have taken to advance human rights
Thematic reports	Assessments of exceptionally serious human rights issues by special rapporteurs that require the cooperation of governments
Country reports	Assessments of a country's human rights record where the situation appears gross, widespread, and unresponsive to domestic remedies
1503 procedure	Confidential process that examines situations in countries similar to those that are subject to country reports
Shadow reports	Reports by NGO's usually in tandem with other concerned groups and individuals that generally supplement reports by governments
Mobilization of world opinion	The penultimate means of implementation, brought about by human rights education, world conferences, and any widespread sharing of human rights materials through technological and other means.

Note that these mechanisms are basically formalized and institutionalized. The forum of the UN and other regional international provide excellent opportunities for creative dialogue and ultimately values transformation consistent with human dignity and rights in the global community. (See, for example, http://www.un.org/webcast/unhrc/archive.asp?go=0146 or links to other links to human rights reports and organizations at www.humanrightsculture.org)

Charter of 1999, which strongly supports second generation rights, delineating roughly forty rights in such areas as social welfare services, dignity at work, and the right to protection against poverty and social exclusion. A major challenge is to create similar regional developments in Asia, the Middle East, and Oceania. The recent 2007 Association of the South East Asian Nations (ASEAN) which expresses adherence to fundamental human rights principles is a step in the right direction.

#### Implications for Advanced Generalist Social Work Practice

Human rights principles have relevance to every level of social work theory and practice (Ife, 2007; Reichert, 2003, 2006, 2007; Wronka, 2008). Using the advanced generalist social work model, first, there is the metamacro level, necessitating global interventions. The practitioner can refer to the Universal Declaration that calls for the sharing of scientific advancement in the global community as an argument to give medications to alleviate the effects of AIDS to those unable to afford them in the poorest countries. On the macro (whole-population) level, one can advocate for human

rights education from the elementary to graduate levels, which might eventually create a cultural shift to advance the cause of the lesser known economic, social, cultural, and solidarity rights.

On the meso level, which deals with at-risk populations such as parents before and after childbirth and preschool children, the principles of CEDAW can serve as a basis for governments to provide quality day care and create structural adjustments so families can participate in raising families and working in formalized employment. On the micro level, documents such as the CPD can serve as a guide for effective clinical practice and to inform clients of treatment alternatives, elicit client input, and provide medications to children for their well-being rather than the convenience of adults. On the meta-micro level, which speaks to the realm of the personal and everyday life, human rights can assist in fostering the healing power of support groups and creating communities of compassion. Research action projects can compare the Universal Declaration with constitutions, as in Wronka (1998), revealing significant gaps in the areas of economic and social rights in US federal and state constitutions, urging bills to monitor executive,

judicial, and legislative movements toward compliance with human rights standards.

In sum, the human rights profession of social work can legally mandate human need through this powerful social construct arising from the ashes of World War II. caveats, such as governmental hypocrisy, might arise. Yet, human rights principles as elucidated in the human rights triptych, with the Universal Declaration at its core, can serve as effective guides for social work theory and practice, from the metamacro to meta-micro levels of intervention, with the aim of creating a human rights culture—that is, a lived awareness of these principles in our minds and hearts, carried into our everyday lives.

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#### ADDITIONAL RESOURCES

#### Websites

Author's website: www.humanrightsculture.org.

Human Rights Education Associates: www.hrea.org/index.php.

- International Fourth World Movement, dedicated to the eradication of extreme poverty: www.atd-fourthworld.org.
- Resource Center for Human Rights and Social Work at the University of Carbondale: http://socialwork.siuc.edu/ resourcecenter/welcome.htm.
- University of Minnesota Human Rights Library; www1.umn.edu/humanrts/.

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