

## *Unit Seven: Comparing Constitutions and Promoting Human Rights*

**Grade Level:** Grades 9-12

### **National History Standards:**

**Era 9:** Standard 1C

Analyze the impact of World War II and postwar global politics on the rise of mass nationalist movements in Africa . . .

Standard 2C

Assess the progress of human and civil rights around the world since the 1948 U.N. Declaration of Human Rights

Standard 3A

Assess the degree to which both human rights and democratic ideals and practices have been advanced in the world during the 20<sup>th</sup> century.

### **New Jersey Social Studies Standards:**

6.2.12.A.5.e Assess the progress of human and civil rights around the world since the 1948 U.N. Declaration of Human Rights.

6.2.12.D.5.d ...evaluate women's progress toward social equality, economic equality, and political equality in various countries.

### **Objectives:**

1. Describe the rights protected in the US Constitution, the Universal Declaration of Human Rights, the Constitution of Senegal, the Constitution of Ghana and the Constitution of Nigeria.
2. Contrast the nature of the rights protected in these documents
3. Understand the historical background to the documents
4. Explain the difference between civic (or political), social and economic rights
5. Explain the purpose of constitutions
6. Take and defend a position on issues involving personal (civic, economic or social) rights
7. Assess the degree to which human rights and democratic ideals and practices have been advanced in the world during the 20<sup>th</sup> century

### **Materials:**

United States Constitution  
Universal Declaration of Human Rights  
Constitution of Senegal  
Constitution of Ghana  
Constitution of Nigeria

### **Introduction/Anticipatory Set:**

What rights do you think are most important? Ask your students to consider which rights they think are most important, that they cannot live without. In groups of 3-5, have students compare their individual lists and agree as a group on 3 or 4 most important rights. As part of a class discussion, organize the

proposed most important rights into political, economic, social and other rights. Compare your class list of rights that your students consider the most critical with the following list (which are the responses to this same question by teachers in New Jersey and Senegal) and discuss:

- Right to free expression (enables citizens to be vigilant)
- Right to vote (other rights are contingent upon this; enables citizens to be vigilant)
- Right to education (provides individuals with the knowledge and skills they need to influence public policy making)
- Right to life and liberty (protection by and from the government)

### **Activities/Procedures:**

Constitutions are core documents that reflect fundamental societal values. We want to compare several constitutions to see if we can come to any conclusions about what constitute fundamental human rights. The five used here are just exemplary. Other constitutions might also be considered and compared.

1. Have your students review the attached excerpts from the United States Constitution (on page 85), the Universal Declaration of Human Rights (on page 86), and the constitutions of Senegal (page 87), Ghana (page 88) and Nigeria (page 89). Compare the constitutions and discuss:
  - Which types of rights (political, economic, social) are protected by the different constitutions?
  - Which constitutions are most focused on political rights?
  - Which on economic and social rights?
  - Which provide the greatest protection of rights?
2. Have your students describe the essential characteristics of limited and unlimited governments and consider the nature of the governments created by the constitutions just examined.
3. Have your students consider the following questions: What influence does the historical time period have on the formation of a country's constitution? What influence does the particular history of a country (traditional customs/chieftancy, religion, colonization, etc.) have on the formation of its constitution?
4. Examine what happened to the initial constitutional governments established in most African countries after independence in the 1960s. Do you think that the tradition of autocratic rather than democratic rule had an impact? Describe economic and social problems that new states faced in the 1960s and 1970s and analyze why military regimes or one-party rule replaced parliamentary government throughout much of Africa.
5. Assess the success of democratic reform movements in challenging authoritarian governments in Africa.

### **Closure:**

Assess the degree to which both human rights and democratic ideals and practices have been advanced in the world during the 20<sup>th</sup> century. Students will address this topic in an essay.

### **Assessment:**

The teacher will grade the essays and give a grade for class discussion.

**Extension:**

You may want to show your class, or ask them to watch, the 2004 movie, "Hotel Rwanda," about the fighting between Hutus and Tutsis in Rwanda between 1990 and 1994. During this fighting, it is estimated that between 500,000 and 1,000,000 Rwandans died in one of the largest genocides in African and world history. The film could be used as part of your consideration of the progress toward human rights and democratic ideals in Africa or a transition from lesson 7 to lesson 8.

## Excerpts from the Bill of Rights (1791) and other amendments regarding individual rights in the United States Constitution

The US Constitution was written in 1787 and ratified in 1788. The first ten amendments (the Bill of Rights) were ratified in 1791.

First Amendment focused on individual rights to speech, religion, press, and assembly—written from perspective of protecting individual from government action (“Congress shall make no law...”)

Fourth Amendment focused on individual right to privacy, also written from perspective of protecting individual from government action

Fifth, Sixth, Seventh and Eight amendments about individual rights regarding crime and law suits—indictment, not compelled to testify against self, due process, speedy and public trial, trial by jury, no cruel and unusual punishment.

13<sup>th</sup> Am.—No slavery (1865)

14<sup>th</sup>—equal protection of the law (1868)

15<sup>th</sup>—no voting denied on basis of race, color or previous condition of servitude (1870)

19<sup>th</sup>—voting for women (1920)

24<sup>th</sup>—no poll tax (1964)

26<sup>th</sup>—voting for 18 year olds (1971)

Where is the phrase, “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness?” In the Declaration of Independence (1776).

## The Universal Declaration of Human Rights (1948)

Art. 1—all human beings free and equal

Art. 2—no distinction as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

Art. 3—right to life, liberty and personal security

Art. 4—freedom from slavery

Art. 5—freedom from torture, or cruel, inhuman or degrading treatment or punishment

Art. 6—right to recognition as person before the law

Art. 7—right to equal protection of the law

Art. 8—right to effective remedy by competent national tribunals

Art. 9—freedom from arbitrary arrest, detention or exile

Art. 10—right to fair and public hearing by an independent and impartial tribunal

Art. 11—right to be considered innocent until proven guilty

Art. 12—freedom from arbitrary interference with privacy

Art. 13—freedom of movement

Art. 14—right to seek and enjoy asylum from persecution

Art. 15—right to nationality

Art. 16—right to marriage and family

Art. 17—right to own property

Art. 18—freedom of thought, conscience and religion

Art. 19—freedom of opinion and expression

Art. 20—freedom of peaceful assembly and association

Art. 21—right to take part in government

Art. 22—right to social security

Art. 23—right to work, free choice of employment, equal pay for equal work, join trade unions

Art. 24—right to rest and leisure

Art. 25—right to adequate standard of living for health and well-being of self and family

Art. 26—right to education

Art. 27—right to participate in cultural life of the community

Art. 28—a social and international order in which rights can be fully realized

Art. 29—duties to the community

## Excerpts from the Constitution of Senegal

The first constitution from 1963 was amended in 1970 to change from a parliamentary system to a presidential system. It was amended again in 1991 and 1992 to provide for a seven-year, two-year term for the president and for direct universal election of the president. The first election for Senate was held in 1999. A Court of Accounts was also created in 1999 to manage government finances.

Preamble: guarantees:

- political freedoms,
- labor syndical freedoms
- rights and freedom of human person, of the family and of local collectives
- philosophical and religious liberties
- right of property ownership
- economic and social rights

Art. 1—Republic is secular, democratic and social. Assures equality before the law, without distinction of origin, race, sex or religion.

Art. 2—all who are 18 years old can vote.

Art. 3—Political parties forbidden from identifying to a race, ethnicity, sex, religion, sect, language or region.

Art. 6—right to free development of personality, right to life and to physical integrity as long as not violating rights of others or infringing on public order

Art. 7—all human beings (men and women) equal before the law; no privileges based on birth, status or family

Art. 8—right to free speech and press

Art. 9—right to assembly and association unless aim of group contrary to penal laws or public order

Art. 10—right of privacy of correspondence by post, telephone or telegraph

Art. 11—right to travel

Art. 12—right of property

Art. 13—right to privacy in home

Art. 14-15—marriage and the family protected by the State, parents have right and duty to raise their children, youth protected by the State against exploitation and moral neglect.

Art. 16-18—State guarantees the education of all children, public schools, private schools under supervision of the State.

Art. 19—freedom of conscience, to profess and practice religion

Art. 20—right to work cannot be impeded by origins, opinions or belief, may join labor join, may strike

## Excerpts from the Constitution of Ghana

First written in 1957, the constitution of Ghana was revised in 1992. Ghana has a republican form of government, based on the British and American models. Ghana's legislative branch consists of a unicameral parliament elected through a system of proportional representation. The head of state of Ghana holds the title of president. The president assembles a cabinet, called the Council of State, and together they form the executive branch of the government. Ghana maintains an independent judiciary with the Supreme Court of Ghana as the highest court in the land.

Preamble: commitment to freedom, justice, probity and accountability; sovereign will of the people; universal adult suffrage, rule of law; protection and preservation of fundamental human rights and freedoms, unity and stability. (core values or beliefs)

### Ch. 5: Fundamental Human Rights and Freedoms

- g. to be enjoyed by every man, woman and child no matter the tribe, region, political party, religious group or skin color.
- h. Every person entitled to personal liberty except for prison, treatment for infectious or contagious disease, or education or welfare of person under 18
- i. Person detained must be told immediately in language he understands the reasons for detainment.
- j. No slavery or involuntary servitude except by sentence or order of court.
- k. Right to own property cannot be taken without just compensation.
- l. Freedom of speech, press and other media.
- m. Freedom of thought, conscience, belief, including academic freedom and religion.
- n. Freedom of assembly, including demonstrations.
- o. Freedom of association including forming or joining trade unions, political parties or other associations for protection of interest.
- p. Right to receive and give information within the law.
- q. Freedom of movement.
- r. Right to work under satisfactory and healthy conditions and receive equal pay for equal work without discrimination.
- s. Every child, whether born in or out of wedlock, entitled to reasonable provision out of estate of its parents.
- t. Every child has right to be protected from unhealthy work or cruel, inhuman or degrading treatment or punishment.
- u. No child shall be deprived of medical treatment, education or other social or economic benefit by reason of religious or other beliefs.
- v. Women shall be given the necessary facilities during pregnancy, delivery and early childhood development
- w. Disabled and sick persons shall be treated fairly.
- x. During a state of emergency, a citizen could be deprived of certain Fundamental human Rights and Freedoms.

Ch. 12—freedom and independence of the media

Ch. 19—National Commission for Civic Education—to educate citizens about the constitution to enable them to play their role in the affairs of the country.

Ch. 22—Parliament shall have no power to make any law to interfere with chieftancy. A National House of Chiefs made up of five paramount chiefs in a region to review and revise traditional customs and practices. Chiefs may not take part in active party politics.

Ch. 24—Code of Conduct for public officers

## Excerpts from the Constitution of Nigeria

Nigeria first held independent, democratic elections after ratifying its first constitution in 1959. However, this newly elected government did not last long, succumbing to a coup in 1966. Several more coups followed and the country was ruled as a dictatorship until 1979 when a new constitution was written and free elections were held. In 1985, another coup occurred, and democratic government was once again disrupted. The current Nigerian constitution was approved in 1999 after nearly fifteen years of military regimes. The Nigerian government is composed of an executive branch, headed by a president, a bicameral legislative branch, the National Assembly, and a judicial branch headed by a supreme court. This system of government has been based largely upon that of the United States. In the northern, largely Muslim, regions of the country, *Sharia* law is maintained. However, if a conflict arises between the *Sharia* legal code and Nigerian constitutional law, the Nigerian constitution takes precedence.

### Chapter IV: Fundamental Rights

Art. 33- Every person has the right to life, and no one shall be deprived intentionally of his life.

Art. 34- Every individual is entitled to respect for the dignity of his person. (bans slavery)

Art. 35- Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty

Art. 36- A person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law.

Art. 38- Every person shall be entitled to freedom of thought, conscience, and religion, including the freedom to change his religion or belief.

Art. 39- Every person shall be entitled to freedom of expression, including freedom to hold opinions and receive and impart ideas.

Art. 40- Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to a political party.

Art. 41- Every citizen of Nigeria is entitled to move freely throughout Nigeria and reside in any part thereof.

Art. 42- A citizen shall not be discriminated against because ethnicity, place of origin, sex, religion, political opinion, or membership in a particular community.

Art. 43- Every citizen shall have the right to acquire and own property, in accordance with the provisions of law.

Art. 44- No moveable property or any interest in immovable property shall be taken possession of compulsorily.