

What is a “Right”?  
Dimensions of Rights Based Thinking among University Students

By

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## Abstract

Human Rights instruments have not been applied equally to all people. This is evidenced by the development of additional treaties such as the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. There is also no universal set of rights for animals suggesting we think differently about the rights of living creatures. This thesis drew upon three philosophical frameworks of rights – morality, moral sentiment and equality – to explore the dimensions that university students use to consider the rights of children, people with disabilities and animals. It examined whether people define rights of these populations differently, and what theoretical dimensions underlie those definitions. The Concepts of Rights Questionnaire was administered and significant differences were found in participants’ support for physical punishment and euthanasia depending on the target population as well as their underlying theoretical belief. The results affirm that participants do not apply a universal set of rights standards to the three populations.

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*We gain strength, and courage, and confidence by each experience in which we really stop to look fear in the face... we must do that which we think we cannot.*

- Eleanor Roosevelt

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## CHAPTER I

### Introduction

*Safeguarding the rights of others is the most noble and beautiful end of a human being—*  
Kahlil Gibran

A right is generally regarded as "a moral trump card that cannot be disputed" (Jasper & Nelkin, 1992). A right serves as a type of protection that cannot be sacrificed *even if* the consequences of doing so would be very desirable. Rights, or at least most rights, are not thought to be absolute, but at least some rights provide strong *prima facie* protection, and cannot be compromised without the most compelling reasons (Francione, 1996, p. 49).

The *Universal Declaration of Human Rights* (see Appendix A) was adopted by the United Nations (UN) General Assembly on December 10, 1948. This treaty is based upon the principle of "inherent dignity" for all people and affirms the equal rights of all people, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (see article 2). In reality, however, the principles of the *Universal Declaration*<sup>1</sup> have not been applied equally to all groups, notably those which have traditionally held the least economic and political power, including seniors, children, indigenous peoples and people with physical and/or intellectual disabilities.

Children have largely been viewed as "non-persons" in most regions of the world, so the concept of rights has not been seen as applicable to them (Archard, 2010). Indeed, it took another half-century following the adoption of the *Universal Declaration* for a

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<sup>1</sup> A *Declaration* sets out agreed-upon standards but is not legally binding.

specific Convention recognizing the rights of children to be adopted by the UN General Assembly – the United Nations *Convention on the Rights of the Child* (CRC; United Nations, 1989) (See Appendix B) . This document recognizes children’s particular developmental status and affirms their right to provision (of health care, education, social security, physical care, family life, play, recreation, culture and leisure); protection (from discrimination, physical and sexual abuse, exploitation, substance abuse, injustice and involvement in political conflict); and participation (in the form of a name and identity, having their views taken into account, access to information, freedom of speech and opinion, and to challenge decisions made on their behalf) (Lansdown, 1994). While the CRC marked a significant advancement in the recognition of children as holders of human rights, it still has not been fully implemented in most of the countries that have ratified it. In Canada, for example, striking an adult has been clearly defined as a criminal assault, while striking a child remains a justifiable act under the law (Bitensky, 1998).

People with disabilities comprise another group that are often denied opportunities to enjoy their economic, social and cultural rights (International Disability Alliance, 2003). Almost 20 years after the CRC’s adoption, the *Convention on the Rights of Persons with Disabilities* (CRPD; United Nations, 2006) (see Appendix C) was adopted by the United Nations General Assembly. It affirms the rights of people with disabilities to individual autonomy, including the freedom to make their own choices; respect for their inherent dignity; non-discrimination; full and effective participation and inclusion in society; equality of opportunity; accessibility; gender equality between men and women; and, regarding children with disabilities, respect for their evolving capacities

and their right to preserve their identities (O'Reilly, 2007). However, the implementation of this treaty also falls far behind its ratification.

The length and complexity of the discourse around “human rights”, “children’s rights” and “rights of persons with disabilities” suggest that we think differently about children and about persons with disabilities than we do about “humans” in general. If this were not the case, “human” rights would apply equally to all groups, regardless of age or ability, and the *Universal Declaration* would be implemented in a truly universal manner. However, history has shown that the concept of “universal” human rights is actually applied differentially across groups.

Why would this be the case? What is it about our way of thinking about human rights that leads us, as individuals and as an international community, to apply the concept differently to people of different ages and abilities? The answer may lie in our underlying conceptual frameworks. Concepts of “rights” may not be as straightforward as the word suggests. While we often assume that rights are universal and inalienable, we can see all around us the intensity of debates about just what these words mean. For example, in 1993, when Saskatchewan father Robert Latimer killed his disabled daughter, Tracy, some observers considered this to be a heinous act of murder, while others viewed it as a compassionate act of mercy (Klinkhammer & Taras, 2001; Peters, 2001). Did Tracy have an absolute right to life – or did she have a right to have her suffering ended? Krutzen (1997), has pointed out that while it is true that Tracy could not ask or agree to have her life ended, she also could not ask to have her pain and suffering ended. When the judge gave her father a light sentence because he was motivated by compassion, many Canadians viewed this as a devaluing of the lives – and rights – of children or of



people with disabilities. Did Tracy's disability merit compassion for the suffering it caused – or did her life merit greater protection because of her vulnerability as a child and a disabled person? Opinions regarding this case varied greatly amongst Canadians. Seventeen years later, the debate continues. In a recent national poll (Angus Reid Public Opinion, 2010), 36% of Canadians agreed that parents should be allowed to euthanize a child who is suffering severely, while 46% disagreed with this statement. However, 74% of Canadians supported the decision to grant Robert Latimer full parole, while only 14% disagreed with that decision. When asked, "If a parent is found guilty of assisting a terminally ill son or daughter to die, what do you think should be the appropriate punishment?" (p. 6), almost one-half of respondents (41%) endorsed "no penalty at all"; 22% endorsed "prison sentence at the discretion of the judge"; 9% endorsed "a fine but no time in prison"; and only 3% endorsed "mandatory sentence of life imprisonment". Substantial proportions (25%) were unsure of their beliefs about sentencing in this situation.

These figures illustrate the complexity of people's thinking about rights: while only about one-third thought that parents should be able to euthanize a child, almost one-half believed that such an action should not be punished and three-fourths believed that Robert Latimer should be granted full parole. Despite our assumptions of the universality of rights, there is no clear agreement on what those universal principles are, either across people or within individuals.

An area of rights discourse that helps to shed light on this issue is the concept of animal rights. The relevance of animal rights debates to understanding human rights viewpoints also was illustrated in the Latimer case. Some observers argued that suffering

humans should have the same right to a merciful death as suffering animals. In Western society, we are not only allowed to take suffering animals to veterinarians to be euthanized, we are actually encouraged to do so. Euthanasia of animals is legal and is carried out routinely to end their suffering. In a study of reasons for euthanasia of animals in the Canadian Prairie Provinces, Gorodetsky (2009) found that the overall rate of euthanasia was approximately 10% of the dog and cat population each year. Veterinarians indicated that “old age” was the reason for nearly 40% of these cases and “terminal sickness” was the reason for nearly 30% (Gorodetsky, 2009).

Recent data on public attitudes toward euthanasia of animals is scarce. However, a 1997 poll asked: “Suppose your pet had an incurable disease. Do you think you would take major medical steps such as chemotherapy and surgery to keep your pet alive, or do you think you would decide to put your pet to sleep, or do you think you would let your pet die naturally?” (CBC News Poll Database, 1997). Of the 1,347 respondents, 55% said they would euthanize their pets (active euthanasia), while 11% said they would let the pet die naturally (passive euthanasia). Only 21% said they would take major medical steps to prolong the animal’s life (10% said “it depends”, and 4% did not provide an answer).

In the case of animals, euthanasia is most often viewed as an act of compassion and respect.

It is important to us that the summation, or consummation, of their lives not involve fear, horror, pain, or suffering as the final encapsulation of their lives, particularly given that we cannot provide compensation or remedy after death.

The finality of killing makes us tread lightly. Concern for these last moments is,

in my view, an affirmation of decency in the face of inflicting irreversible termination of the creatures whose lives seem to be metaphysically their own, not ours to dispose of (Rollin, 2009, p. 1082).

There is little debate on this issue. Even the animal rights organization, People for the Ethical Treatment of Animals (PETA), considers euthanasia to be an act of compassion. They state,

Euthanasia literally means "good death" and true euthanasia—delivered by an intravenous injection of sodium pentobarbital—is painless, quick, and dignified. Because of the high number of unwanted companion animals and the lack of good homes, sometimes the most humane thing that a shelter worker can do is give an animal a peaceful release from a world in which dogs and cats are often considered 'surplus' and unwanted (Euthanasia, 2011, para. 3).

When animal companions become very sick and are suffering with no hope of recovery, and they seem incapable of truly enjoying life, it may be time to provide them with a peaceful death through euthanasia (Euthanasia: The Compassionate Option, 2011). For PETA, the debate is about the method used to euthanize animals, rather than the act of euthanasia itself.

While the majority of Canadians support the legalization of human euthanasia<sup>2</sup>, the debate is grounded in somewhat different moral principles than the debate about animal euthanasia. In a national poll of 1,005 Canadian adults (Angus Reid Public Opinion, 2010), respondents were asked, "Do you support or oppose legalizing euthanasia in Canada?". In response, 63% indicated support, 24% indicated opposition,

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<sup>2</sup> Note weakness of public opinion poll as there is no context for the term "euthanasia" (e.g. active vs. passive and voluntary vs. involuntary)

and 13% were not sure of their position on the issue. Most respondents recognized that legalizing human euthanasia would give people who are suffering an opportunity to ease their pain: 81% agreed with this statement. While 42% agreed that legalizing euthanasia would leave vulnerable people without sufficient legal protection, only 33% agreed that legalizing euthanasia would send the message that the lives of the sick or disabled are less valuable. In the same poll, respondents were asked to consider a specific scenario: “A patient is terminally ill and will die in less than six months. The patient is expected to suffer a great deal of physical & mental anguish during that time”. Then they were asked if they supported or opposed a doctor’s intervention to end the patient’s life; 78% supported this action, 15% opposed it, and 7% were not sure.

Those who oppose human euthanasia, however, view this issue as one of human rights, rather than compassion. This perspective is representative of organizations advocating for the rights of people with disabilities, such as the Council of Canadians with Disabilities (CCD):

The disability rights movement has concerns about the potential for abuse and systemic discrimination if assisted suicide is legalized in Canada. . . . Negative attitudes about the quality of life with a disability affect the treatment decisions made for patients with disabilities—lives with disabilities are not always considered as meriting medical services that are in short supply (Wiebe, 2010).

For these organizations, debates about euthanasia and legally assisted suicide are echoes of the eugenics movement, which sought to eradicate human “imperfection”. “The disability rights movement raises the history of eugenics because there are lessons to be

learned about the factors that influence a society's definition of what constitutes valid citizenship” (Wiebe, 2010). The CCD passed a resolution that states,

The CCD opposes recommendations of the Senate Committee on Euthanasia and Assisted Suicide to lessen sentences for those who kill people with disabilities for reasons of compassion or mercy in recognition that these serve to perpetuate the stereotype of people with disabilities as suffering individuals in need of state regulated assistance to end their lives; and the CCD opposes any government action to decriminalize assisted suicide because of the serious potential for abuse and the negative image of people with disabilities that would be produced if people with disabilities are killed with state sanction (Wiebe, 2010).

The CCD condemns the actions of Robert Latimer, stating, “Murder is not mercy. Let there be no more murders of people with disabilities” (Weibe, 2010).

Interestingly, not all organizations advocating for the rights of vulnerable people take this position. For example, the Canadian AIDS Society (CAS), a national coalition of over one hundred AIDS organizations,

Believes in the fundamental principle of self-determination for persons living with HIV, and for all people, including the right to die with dignity. The Canadian AIDS Society believes that when mentally competent individuals in the terminal phases of a chronic disease or condition requests assistance in dying, they should be legally entitled to such assistance (CAS, 1999, paras. 1-2).

The CAS intervened in the Latimer case at the Supreme Court to argue for a constitutional exemption from prosecution in cases of euthanasia or voluntary assisted suicide.

Another case that highlights the debate around assisted suicide was that of Sue Rodriguez who was diagnosed in 1991 with amyotrophic lateral sclerosis, or “Lou Gehrig’s Disease” (Smith, 1993). She sought to have the legislation criminalizing assisted suicide overturned by the courts so that she could have a qualified physician assist her in ending her life at a time of her choosing. She argued that the law prohibiting assisted suicide violated her rights under the *Charter of Rights and Freedoms* on three grounds. First, she argued that the law deprived her of liberty and security of the person under section seven of the Charter because it prohibited her from terminating her life when she chose to do so. Second, she argued that the law constitutes cruel and unusual treatment under section 12 of the *Charter* because it forced her to endure prolonged suffering until the time of her natural death. Third, she argued that the law violated her right to equality under section 15 of the *Charter* because it deprived her of the right to choose suicide. Ultimately, the Supreme Court of Canada ruled in a five to four decision that the law as it exists is constitutional. The Court found that, in order to protect the lives of the vulnerable, it is necessary to maintain a blanket prohibition on assisted suicide. To allow physician-assisted suicide . . . would erode the belief in the sanctity of human life and suggest that the state condones suicide (Smith, 1993).<sup>3</sup>

Clearly, the debate about human euthanasia is more complex than the debate about animal euthanasia, and this difference is reflected in our laws. Whereas animal euthanasia is permitted by law, human euthanasia is not, despite majority support for its legalization. Some observers view this difference in our laws as indicating a lower level of compassion for humans. For example, in an editorial (Winnipeg Free Press, March 6,

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<sup>3</sup> Sue Rodriguez committed suicide with the assistance of an anonymous doctor in 1994.

2009) Gifford-Jones considered the euthanasia of a polar bear at the Winnipeg Zoo, who had suffered numerous strokes. The writer then described the agonizing death of a friend and suggested that we need a Society for the Prevention of Cruelty to Humans. One reader responded: "I've witnessed both parents dying from Alzheimer's disease several years ago. One wouldn't think twice about ending the suffering if this was happening to an animal. Yet in spite of good medical care my parents endured untold agony" (KD, London, On, Winnipeg Free Press, p. A. 17). This writer is suggesting that his or her parents should have had the same right to die that we grant to animals.

However, others argue that the value of an animal's life cannot be equated with the value of a human life. Moreover, many rights that we do grant to humans we do not grant to animals; for example, the right not to be consumed as food. Therefore, an exploration of the dimensions of beliefs about animal rights might help to illuminate the dimensions of beliefs about human rights.

### **Human Rights and Animal Rights**

While, like humans, animals are living, sentient beings, there is no universal agreement on their rights. If we view them, like children, as dependent and vulnerable to exploitation, we might recognize them as having inherent rights to provision and protection. If we view them, like persons with disabilities, as vulnerable to degradation, we might recognize them as having inherent rights to dignity. However, if we view them as a completely different class of beings from humans, we might reject the notion of their having rights at all.

The debate around the concept of animals' rights is thought to have begun in the 1600s with Descartes' proposition that "animals were by nature analogous to automates"

(Tuohey & Ma, 1992, p. 80). Descartes believed that most human and animal behaviour can be explained mechanistically, and that, if designed properly, “automata” could mimic it. He concluded that it is the human capacity for language that provides evidence of a soul and, thereby, distinguishes humans from animals. In particular, it is the creative use of language in a wide variety of unexpected circumstances that differentiates humans from animals. While a parrot might imitate human speech or a dog might bark in response to a knock on the door, it is only humans who can use language to solve problems (Kemerling, 2001). Descartes also believed that animals are not “knowing” beings, with consciousness, capable of reason and thought. He concluded that because sensation is a form of thought, animals were not sentient so they were incapable of feeling pain (Kemerling, 2001).

Other philosophers disagreed, but for different reasons. Immanuel Kant (1785), suggested that cruelty towards animals was wrong on the grounds that it negatively affected humankind. He argued “cruelty to animals is contrary to man’s duty to himself, because it deadens in him the feeling of sympathy for their sufferings, and thus a natural tendency that is very useful to morality in relation to other humans is weakened” (Kant, 1785, paras 16 & 17). Thus, Kant did not view cruelty to animals as wrong because of the harm it caused the animal, but because of the indirect harm such acts brought to humans. Jeremy Bentham (1789) argued the matter differently. He viewed the ability to suffer as the benchmark of how we treat other beings, human or animal. He also recognized the common vulnerabilities shared by animals, children and people with disabilities. “If rationality were the criterion, many humans, including babies and disabled people, would



also have to be treated as though they were things” (Bentham, 1789, cited in Benthall, 2007, p.1).

This argument was revived 200 years later by Princeton philosopher Peter Singer (1975), who wrote that animals have a capacity for suffering that should not be regarded as any less important than a human’s capacity to suffer. Unlike Descartes, who believed that the capacity for reason is the basis of the right to protection, Singer argued that we, as humans, do not refrain from putting infants or those who are intellectually disabled through painful research procedures simply for the fact that they lack full reasoning abilities. This, he believed, is because humans are naturally repulsed by the idea of inflicting pain upon equals. He concluded that animals’ capacity to feel pain makes them equal to humans, worthy of the same protection (Tuohey & Ma, 1992).

In the 1980s, Tom Regan (1983) took the argument further. He agreed with Singer that, like humans, animals have an inherent right to be protected from the infliction of physical pain, but he also argued that animals are “capable of belief, desire, expectation, and intention” (Jacquette, 1985, p. 389; Regan, 1983). Whereas Descartes held that animals are automata without consciousness, Regan asserted that many animals actually have complex conscious awareness on the basis of the “sophisticated behavioural repertoires” they exhibit (Jacquette, 1985, p. 389; Regan, 1983). Regan distinguished between “moral patients” and “moral agents”, both of whom have rights. Animals, he believed, are moral patients because they are not responsible for what they do. Humans, on the other hand, are moral agents who have a duty to treat moral patients with respect for their inherent value. In fact, according to Regan, nonhuman mammals and humans have equal value, not because they are both alive (as are houseplants, mollusks, and

cancerous tumors), but because their lives can be made better or worse by the experience of pleasure or pain (Jacquette, 1985; Regan, 1983). Therefore, he concludes, animals should be treated with the same respect as humans.

Interestingly, Regan's concept of "moral patients" has been applied throughout history to children and people with intellectual disabilities to justify acts that would be considered rights violations if carried out on an "able" adult, such as physical punishment or forced sterilizations. These groups have been considered to have limited responsibility for their actions because they might not have the cognitive capacity to fully understand the impact of their behaviour on other people. This perspective has severely limited the degree to which these groups have been allowed to participate as active agents in decisions affecting them. This issue has been addressed in the UN Conventions relating to children and persons with disabilities in articles that explicitly affirm their right to participation in decision-making. However, there is no international agreement on the rights of animals or their protection.

Some potential explanations of the unequal rate of progress on the rights of "humans", children, persons with disabilities, and animals come from theoretical frameworks for understanding concepts of rights. These frameworks place our concepts of rights within broader cognitive structures, such as those related to morality, empathy and equality.

### **Rights as Morals: Moral Theory**

Moral theory is "a branch of ethics that is primarily concerned with investigating the nature of the right and the good" (Timmons, 2002, p. 277). The central theme of moral theory is questioning or testing what is right and wrong, and/or what is good and

bad (Crain, 1985). There is considerable variation in definitions of “good & bad”. For example, hitting an adult is illegal and is defined as harmful, while hitting a child is legally justified under section 43 of the *Criminal Code*, and therefore defined as potentially beneficial. In fact, in 2004, the Supreme Court of Canada ruled that the law permitting parents to physically punish their children does not violate children’s rights (McGillivray & Durrant, 2006), while striking an adult for any reason would constitute a legal assault. In a study of Canadians’ responses to the Supreme Court’s decision, Durrant, Sigvaladaon & Bednar (2008) found that most supported it and, among these, most believed that physical punishment of children was necessary, non-abusive and, therefore, right. Among those who opposed the Court’s decision, most believed that physical punishment of children was abusive, unnecessary and, therefore, wrong. With regard to animals, section 445 of the *Criminal Code* states that it is an offence to wilfully cause “unnecessary pain” to an animal. While this law is not as clear as the law prohibiting physical assault of adults, it in no way justifies the assault of animals as section 43 justifies the assault of children.

The practical aim of some branches of moral theory<sup>4</sup> is to formulate a set of principles that can guide moral decision-making (Crain, 1985). The theoretical aim is to discern what it is about particular actions that make them good or bad (Crain, 1985). Therefore, moral theory should guide us toward deciding which actions are right, and it should tell us what gives these actions moral worth (Upton, 1993).

Resnik (1998), a moral theorist, discussed a set of well-known moral principles that define actions as right or wrong, which include: “1) non-malificence –do not harm

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<sup>4</sup> For the purpose of this study, only three frameworks were utilized in order to capture people’s perceptions of rights. Moral theory is not limited to these frameworks.

yourself or other people; 2) beneficence - help yourself and other people; 3) autonomy - allow rational individuals to make free and informed choices; 4) justice - treat people fairly (treat equals equally, treat unequals unequally); and 5) utility - maximize the ratio of benefits to harms for all people” (pg. 22). Applied to human rights, this theory would hold that rights are the fundamental requirements to ensure that each human being lives a “minimally good life” (Fagan, 2005). For example, the principle of non-maleficence would require that all humans have the right to protection from violence. The principle of beneficence would require that all humans have the right to health care and education.

From some moral theory perspectives, human rights would be viewed as universal criteria for defining right and wrong treatment of people. They should supersede any traditions, religious beliefs, practices or laws of an individual country and they should apply equally to all people – because they are moral imperatives that apply to all people at all times, based on the inherent moral worth of each individual. This is the concept of “natural rights” (Locke, 1689 as cited in Forde, 2001). A moral conceptualization of human rights would hold that all human beings, regardless of age or ability, should be protected from violence because violence is universally wrong. A moral conceptualization of animal rights would hold that all beings – human or animal – should be protected from violence because it is inherently wrong to inflict suffering on a living being.

### **Rights as Compassion: Moral Sentiment Theory**

A different view of rights comes from the philosophy of David Hume and Adam Smith (1759), who argued that our caring about others is rooted in our capacity to imagine ourselves in another person’s situation (Brown, 2011). Approval and

disapproval of others' actions arise from the pleasure or pity we imaginatively reconstruct their experiences and mirror their feelings. From this perspective, there are no moral imperatives or universals. We rely on our emotions and sympathies to tell us what is right and wrong. These feelings are not absolute truth, but simply a sensation – a “gut feeling” of approval or disapproval – about other people's characters and actions. Hume compared this concept of moral sense to our sensations of beauty. He explained that just as the feeling that something is beautiful is a sentiment, not a fact (i.e., beauty is in the eye of the beholder), morality is also a sentiment, not an objective characteristic of a person or an action. Our moral sentiments arise from our ability to sympathize – to experience the sentiments of another person through imagination. Hume believed that we are more able to sympathize with people who are similar to us or close to us in some way. As we sympathize with other people, we judge their behaviours in terms of whether they are good or bad for *them*. Our moral sense approves of actions and intentions that are good for that person. Adam Smith added to this idea the concept of comparing our own sympathetic reaction with the other person's actual reaction in a given situation. If the other person's feelings are more intense than ours, we tend to disapprove; if the other person's feelings are similar to what we would imagine we would feel, we approve (Brown, 2011). Hume's ideas were inspired by those of Francis Hutcheson, who was a minister. Hutcheson believed that our moral sense is “right” because it was given to us by God, so it will always lead us toward moral truth. Hutcheson, therefore, believed in a moral absolutism. As an atheist, Hume did not believe in an absolute ethical authority. His notion of moral sentiment could only lead to

moral relativism – what we feel is right is right for us and for those who share that same feeling.

Each person has unique emotional capacities and thresholds, and we often base our judgments on what triggers our emotions. People’s moral sentiments are often based more on emotions than on reason. Therefore, when we see something that triggers an emotion, we immediately form a conclusion based on that reaction. For example, we might feel upset at seeing a dog being hit, but feel approval at seeing a child being hit. According to moral sentiment theory, we are likely to believe that the former action is wrong and the latter action is right on the basis of the emotion that we feel in each situation (Brown, 2011).

### **Rights as Equality: Equal Consideration Theory**

If all humans are equal, this means that no-one can be used as a resource for another person to exploit. To be used solely as a resource is to be treated as a “thing”, not as a person. Equal consideration theory holds that all humans have intrinsic value and, therefore, the right to be treated as a person and not as a thing. The implications of this concept are that people cannot be: bought or sold; the chattel of another person; experimented upon without their consent; killed as food, hunted for sport; or exploited as cheap labour. They cannot be used as the means to another person’s ends. Equal consideration requires “giving equal moral weight, importance, or consideration to relatively similar interests” (DeGrazia, 1993). With regard to children, equal consideration theory would suggest that they have the right not to be exploited for their labour, trafficked, or used sexually to profit another person. It would hold that children should not be physically punished because they are not the property of their parents, but

persons in their own right. With regard to people with disabilities, this theory would suggest that they have the right not to be studied without their consent, exhibited to earn money for another person, or hit for correction. With regard to animals, the theory would maintain that animals are to not endure suffering, just as it is expected we do not inflict suffering on humans. The theory holds that all beings have equal inherent value as living creatures; their value is not determined by the resources they provide to others or by those who hold power over them.

### **Purpose of the Present Study**

It is evident that people have a variety of ways of thinking about rights. It is also evident that the term “rights” is not as universal, or as easy to put into practice even if agreed upon, as we may think. There are apparent inconsistencies in how we think about the rights of people with and without disabilities, adults and children, and humans and animals. So what is a “right” in the minds of Canadians? Do we think of rights simply as expressions of morality, compassion or equality? Are our definitions consistent or do they vary depending on the population under consideration? The purpose of the present study was to explore the dimensions of rights-based thinking among university students to gain a better understanding of how they define “rights” and how they apply that concept to different populations. The study addressed two primary research questions: 1) do university students define rights differently for children, people with disabilities and animals?; and 2) what are the theoretical dimensions underlying their definitions - moral, emotional or equality? The study focused on university students’ thinking about the rights of these three populations in two specific areas: the right to protection from physical punishment and the right to euthanasia.

## **Hypotheses**

**Hypothesis 1a.** The law currently gives adults and animals the right to protection from assault and from unnecessary pain, respectively, but does not give children this right (Covell, 2010). Assuming that the law reflects societal norms and attitudes, I hypothesized that fewer students would be supportive of caregivers having the right to physically punish adults with disabilities or animals than would be supportive of parents having the right to physically punish children.

**Hypothesis 1b.** Previous research on Canadians' attitudes toward physical punishment of children has suggested that adults who support physical punishment tend to view it as necessary and non-abusive (Durrant, Sigvadason & Bednar, 2008). Therefore, I predicted that students who support it would do so primarily on the basis of morality (it is the right thing to do).

**Hypothesis 1c.** Previous research on Canadians' attitudes toward physical punishment of children has suggested that adults who oppose physical punishment tend to define it as abuse, and therefore wrong (Durrant, Sigvadason & Bednar, 2008). Therefore, I predicted that students who opposed it would do so primarily on the basis of morality (it is the wrong thing to do).

There is a lack of research on Canadians' attitudes toward physical punishment of adults with disabilities or of animals, so it was not possible to generate hypotheses regarding which framework will primarily underlie the position of students who support or oppose physical punishment of these groups.

**Hypothesis 2a.** The law currently permits euthanasia of animals, but does not permit euthanasia of adults with disabilities or of children. Assuming that the law



reflects societal norms and attitudes, I hypothesized that fewer students would be supportive of the right to euthanasia for adults with disabilities or children than would be supportive of the right to euthanasia for animals.

**Hypothesis 2b.** The position statement of PETA (Euthanasia, 2011), suggests that there is little controversy about animal euthanasia, and their position emphasizes compassion. Therefore, I predicted that students who supported pet owners' right to euthanize their animals would do so primarily on the basis of moral sentiment (compassion). There is a lack of research on the concepts underlying opposition to animal euthanasia, so it was not possible to generate a hypothesis regarding which framework will primarily underlie the position of students who oppose animal euthanasia.

**Hypothesis 2c.** Previous research has revealed that a large majority of Canadians believe that legalizing human euthanasia will ease suffering, and smaller majorities believe that legalizing human euthanasia will not compromise the rights of vulnerable people or devalue their lives (Angus Reid Public Opinion, 2010). Therefore, I predicted that students who supported the right to euthanasia for adults with disabilities would do so primarily on the basis of moral sentiment (compassion).

**Hypothesis 2d.** The position statement of CCD opposes euthanasia on the basis that it will compromise the rights of vulnerable people and devalue their lives (Wiebe, 2010). Therefore, I predicted that students who opposed the right to euthanasia for adults with disabilities would do so primarily on the basis of equality (all adults' right to life should be protected equally).

Because there is a lack of research on the dimensions of Canadians' attitudes toward euthanasia of children, it was not possible to generate a hypothesis regarding the

concepts that will primarily underlie students' attitudes in support of, or in opposition to, euthanasia of children.

## **CHAPTER II**

### **Method**

This section will describe the proposed sample, measures and procedure, and data analysis.

#### **Sample**

The sampling frame for this study consisted of introductory-level classes from, Sociology, Education, Social Work and Family Social Sciences at the University of Manitoba. These departments were sampled in order to avoid only sampling the researcher's home department (Family Social Sciences), and to further ensure that a variety of students with different academic backgrounds were utilized. A letter was sent via e-mail to the instructors of all introductory courses in those departments, asking for permission to visit their classes in order to invite their students to participate in the study (Appendix D). Classes were chosen based on the order in which instructors respond to the letter until the sample size reaches 150. Because sampling took place over Summer Session 2011, only 146 participants were recruited. All students were eligible to participate, regardless of their gender, age or level of educational attainment.

#### **Questionnaires**

The questionnaire was initially piloted on 10 random participants to ensure that the questions were easy to read and understandable. There were only a few minor changes regarding spelling and grammar, at which time the questionnaire was finalized. Each participant was given two questionnaires that took approximately ten minutes to complete – a Background Questionnaire (Appendix E) and a Concepts of Rights

Questionnaire (Appendix F). All participants completed the questionnaires in their classrooms.

**Background Questionnaire.** The Background Questionnaire (Appendix E) was designed to yield data on participants' relevant demographic characteristics. Participants were asked to provide their age, gender, major, and year in their program, as well as information about aspects of their lives that are relevant to the study, namely whether they have: 1) a disability or a family member with a disability; 2) children under the age of 18; and 3) siblings under the age of 18; and/or 4) pets now or in the past. This information was used for descriptive purposes.

**Concepts of Rights Questionnaire.** The Concepts of Rights Questionnaire (Appendix F) assessed whether participants conceptualize rights as expressions of morality (Moral theory; right versus wrong), compassion (Moral Sentiment theory; empathy and compassion), or equality (Equal Consideration theory; equal inherent value). The questionnaire was designed for the purpose of this study to permit an examination of the consistency of participants' conceptualizations of rights across the three target populations: children, people with disabilities and animals. For each of the three target populations, participants were asked to consider two situations: the right to protection from physical punishment, and the right to euthanasia.

The physical punishment scenario described a man with an intellectual disability/four-year-old child/four-month-old dog who runs in front of a moving car. The caregiver in each scenario slaps the man/child/dog twice on the bottom in an attempt to teach him this behaviour was wrong. Participants were asked to read this scenario and indicate whether, in their opinion, the caregiver should have the right to do this. Those

participants who answered, “yes” were then asked to indicate the primary reason why they hold this position: 1) because they believed that it is the right thing to do in these particular circumstances (moral); 2) because they believed that the caregiver is justified on the basis that she cares for his safety (moral sentiment); or 3) because they believed that it is important that caregivers can decide for themselves how to teach the persons/children/animals in their care (equality). Those participants who answered, “no” were asked to indicate the primary reason why they hold this position: 1) because they believed that it is wrong to hit a person/child/animal no matter what the circumstance (moral); 2) because they believed that hitting a person/child/animal will harm him emotionally (moral sentiment); or 3) because they believed that it is important to treat all beings equally, regardless of their intellectual ability/age/species (equality)

The euthanasia scenario described a man with an intellectual disability (because it holds at non-reasoning versus reasoning abilities)/twelve-year-old child/six-month-old dog who lives with chronic, untreatable pain. In the human scenarios, the individual asked to have his life ended painlessly by his doctor. In the animal scenario, the dog’s owner asked to have his life ended painlessly by his veterinarian. Participants were to read this scenario and then indicated whether, in their opinion, if the individual/owner should have the right to be euthanized. Those participants who answered, “yes” were then asked to indicate the primary reason why they hold this position: 1) because they believed that it is the right thing to do in these particular circumstances (moral); 2) because they believed that euthanasia is justified when a person/child/animal is suffering (moral sentiment); or 3) because they believed that it is important that all people/pet owners can decide for themselves about this issue (equality). Those participants who

answered, “no” were asked to indicate the primary reason why they hold this position: 1) because they believed that euthanizing an intellectually disabled person/child/animal is wrong no matter what the circumstances (moral); 2) because they believed that euthanasia would devalue the lives of people with intellectual disabilities/children/animals (moral sentiment); or 3) because they believed that it is important that all people’s/living creatures’ right to life is protected, regardless of their intellectual ability/age/species (equality).

### **Procedure**

Approval for the study was obtained from the University of Manitoba Joint-Faculty Research Ethics Board. Upon consent from the instructor, I went to visit their class. I began each visit by introducing myself and describing the study in a way that informed students about the nature of the study, but did not bias their responses (see Appendix G for the script). Students were then informed that: 1) their participation was strictly voluntary; 2) they were free to withdraw at any time; 3) their grades in the course were going to be unaffected by their decision about whether to participate; and 4) they were not going to be identifiable on the study measures. The instructor was asked to leave the classroom temporarily so that he or she could not determine which students have chosen to participate.

All students in the class were given a package consisting of two copies of a consent form (Appendix H), the Background Questionnaire and the Concept of Rights Questionnaire. One copy of the consent form was signed and handed in; the participant kept the other. They were also reminded to not include any identifying information such as their name or student number on any the questionnaires. They were instructed to read

the consent form and, if they agree to participate, sign the consent form and complete the two questionnaires. When all students who have chosen to participate finished, they were asked to hand their consent forms down their rows to the left, and to hand their completed questionnaires down their rows to the right. I collected the consent forms in one box, and the completed questionnaires in a second box. All consent forms and questionnaires are kept in Dr. Joan Durrant's locked office.

### **Data Analysis**

The data entered into SPSS and analyzed in four steps.

**Step 1: Descriptive analysis.** Descriptive statistics were used to summarize and describe the sample in terms of age, educational level, academic major, presence of a disability, loved ones with disabilities, siblings or children under the age of 18, and pet ownership. This data helped to provide a picture of the sample on variables relevant to the study.

**Step 2: Testing Hypotheses 1a and 2a.** The association between scenario (physical punishment, euthanasia) and target population (children, animals, adults with disabilities) was tested using z-tests of proportions.

**Step 3: Testing hypotheses 1b, 2b and 2c.** The rights frameworks underlying participants' support for physical punishment and euthanasia interaction between scenario (physical punishment, euthanasia) and target population (children, animals, adults with disabilities) in the theoretical frameworks underlying participants' *support* for physical punishment and euthanasia was tested by determining the differences in percentages between frameworks using 95% confidence intervals.

**Step 4: Testing hypotheses 1c and 2d.** The interaction between scenario (physical punishment, euthanasia) and target population (children, animals, adults with disabilities) in the theoretical frameworks underlying participants' *opposition* to euthanasia and physical punishment were tested by determining the differences in percentages between frameworks using 95% confidence intervals.



## Chapter III

### Results

#### Sample Characteristics

Recruitment was carried out in five introductory classes at the University of Manitoba. From this process, a sample of 146 participants was obtained. Their characteristics are summarized in Table 1. Two-thirds of the participants were female and the mean age of the sample was 26.42 years (range = 17 to 62). One-third of the participants were in the first year of their programs, with a range of academic majors. The majority of participants did not identify as having a disability (91.7%) and most did not have siblings with disabilities (88.0%). Most participants did not have siblings under the age of 18 (69.0%) and most were not parents of children under the age of 18 (79.4%). The majority of the sample had had pets at some time in their lives (89.4%).

#### Findings Related to Physical Punishment

*Hypothesis 1a: Fewer students will be supportive of caregivers having the right to physically punish adults with disabilities or animals than will be supportive of parents having the right to physically punish children.* Of the three target groups, participants were least likely to support the right to physically punish an adult with a disability (22.8%), more likely to support the right to physically punish a child (41.8%) and most likely to support the right to physically punish an animal (51.1%). The difference between the proportions of students supporting the right to physically punish an adult with a disability versus a child (difference = 19.0%) was statistically significant (95% CI

Table 1

*Descriptive Statistics for Total Sample (N = 146)*

Characteristic	Frequency	Percent
<b>Gender</b>		
Male	47	32.2
Female	98	66.7
<b>Year in Program</b>		
1st	49	33.6
2nd	27	18.5
3rd	27	18.5
4th	25	17.1
Other	15	10.3
Missing	3	2.1
<b>Academic Major</b>		
Family Social Sciences	8	5.5
Social Work	22	15.1
Science	11	7.5
University 1	10	6.8
Other	83	56.9
Missing	12	8.2

= 9.7% to 11.8%). The difference between the proportions of students supporting the right to physically punish a child versus an animal (difference = 9.3%) also was statistically significant (95% CI = 11.8% to 13.0%). Therefore, this hypothesis was partially supported.

*Hypothesis 1b: Students who support the right to physically punish children will do so primarily on the basis of morality.* As table 2 shows, those participants who supported a mothers right to physically punish her child were more likely to base their belief on equality than on the principle of moral sentiment (difference = 3.6%). This difference was statistically significant (95% CI = 17.1 to 17.8%). They were least likely to base their belief on the principle of morality (compared to moral sentiment: difference = 21.4%). This difference was also statistically significant (95% CI = 14.7% to 18.3%). Therefore, this hypothesis was not supported.

*Hypothesis 1c: Students who oppose the right to physically punish children will do so primarily on the basis of morality.* As Table 2 shows, students who opposed a mother's right to physically punish her child were more than three times as likely to base their belief on the principle of morality than on moral sentiment (difference = 47.4%). This difference was statistically significant (95% CI = 10.5% to 17.3%). Participants were more than six times as likely to base their belief on the principle of morality as on the principle of equality (difference = 56.4%). This difference also was statistically significant (95% CI = 8.8% to 15.9%). Therefore, this hypothesis was supported.

*Other findings.* As Table 3 shows, students who believed that a caregiver should have the right to physically punish an adult son with an intellectual disability were more likely to base this belief on the principle of equality than on moral sentiment

Table 2

*Participants' Beliefs about Whether the Mother of a 4-year-old Boy Should Have the Right to Physically Punish Him for Running into the Street (N = 134)*

	Mother Should Have The Right to Physically Punish Her 4-year-old Son		Mother Should Not Have the Right to Physically Punish Her 4-year-old Son	
	Frequency	%	Frequency	%
	56	41.8	78	58.2
<b>Reason for belief</b>				
Morality	10	17.9	53	67.9
Moral sentiment	22	39.3	16	20.5
Equality	24	42.9	9	11.5

Table 3

*Participants' Beliefs about Whether the Caregiver of an Intellectually Disabled Man Should Have the Right to Physically Punish Him for Running into the Street (N = 136)*

	Caregiver Should Have The Right to Physically Punish Her Intellectually Disabled Adult Son		Caregiver Should Not Have the Right to Physically Punish Her Intellectually Disabled Adult Son	
	Frequency	%	Frequency	%
	31	22.8	105	77.2
<hr/>				
Reason for belief				
Morality	5	16.1	31	29.5
Moral sentiment	12	38.7	12	11.4
Equality	14	45.2	62	59.0

(difference = 6.5%; 95% CI = 23.9% to 25.5%) or morality (difference = 29.1%; 95% CI = 18.4% to 24.8%). Similarly, students who believed that a caregiver should *not* have the right to physically punish an adult son with an intellectual disability were significantly more likely to base this belief on the principle of equality than on the principle of morality (difference = 29.5%; 95% CI = 10.5% to 16.1%) or on moral sentiment (difference = 47.6%; 95% CI = 8.2% to 13.4%).

Table 4 presents the findings related to participants' beliefs about the right to physically punish an animal. Those who believed that a dog owner should have the right to physically punish a puppy were significantly more likely to base their belief on moral sentiment than on the principle of equality (difference = 1.4%; 95% CI = 15.0% to 15.2%). They were significantly less likely to base this belief on the principle of morality (compared to equality: difference = 11.8%; 95% CI = 14.2% to 16.0%). In contrast, students who believed that a dog owner should not have the right to physically punish a puppy were significantly more likely to base their belief on the principle of morality than on the principle of equality (difference = 13.8%; 95% CI = 16.2% to 18.7%). They were least likely to base their belief on moral sentiment (compared to equality: difference = 20.0%; 95% CI = 13.6% to 16.7%).

### **Findings Related to Euthanasia**

*Hypothesis 2a: Fewer students will be supportive of the right to euthanasia for adults with disabilities or children than would be supportive of the right to euthanasia for animals.* Of the three target groups, participants were least likely to support the right of a

Table 4

*Participants' Beliefs about Whether the Owner of a Six-month-old Dog Should Have the Right to Physically Punish Him for Running into the Street (N = 133)*

	Owner Should Have The Right to Physically Punish Their Six-month- old Dog		Owner Should Not Have the Right to Physically Punish Their Six-month- old Dog	
	Frequency	%	Frequency	%
	68	51.1	65	48.9
<hr/>				
Reason for belief				
Morality	17	25.0	32	49.2
Moral sentiment	26	38.2	10	15.4
Equality	25	36.8	23	35.4

child to euthanasia (31.2%), more likely to support the right of an adult with a disability to euthanasia (66.4%) and most likely to support the right of an animal to euthanasia (88.6%). The difference between the proportions of students supporting the right to euthanasia of an adult with a disability versus a child (difference = 35.2%) was statistically significant (95% CI = 10.1% to 14.6%). The difference between the proportions of students supporting the right to euthanasia of a child versus an animal (difference = 57.4%) also was statistically significant (95% CI = 7.6% to 13.9%). Therefore, this hypothesis was supported.

*Hypothesis 2b: Students who support pet owners' right to euthanize their animals will do so primarily on the basis of moral sentiment.* As Table 5 shows, this hypothesis was supported. Participants who supported dog owners' right to euthanize their dogs were 2.6 times as likely to base their belief on moral sentiment as on the principle of morality (difference = 36.7%). This difference was statistically significant (95% CI = 9.0% to 12.6%). Participants who supported dog owner's right to euthanize their dogs also were significantly more likely to base their belief on the principles of morality than on the principle of equality (difference = 6.0%; 95% CI = 8.6% to 91%).

*Hypothesis 2c: Students who support the right to euthanasia of adults with disabilities will do so primarily on the basis of moral sentiment.* As Table 6 shows, participants who supported the right to euthanasia of adults with disabilities were more than three times as likely to base their belief on the principle of equality as on moral sentiment (difference = 45%; 95% CI = 9.6% to 15.1%), and almost twice as likely to base their belief on moral sentiment as on the principle of morality (difference = 8.9%; 95% CI = 10.2% to 11.4%).



Table 5

*Participants' Beliefs about Whether an Owner of an Eight-year-old Dog That Was Hit By A Car and is Suffering Constant and Untreatable Pain Should Have the Right to Have His Life Ended Painlessly by a Veterinarian (N = 132)*

	Owner Should Have the Right to End the Dog's Life Painlessly		Owner Should Not Have the Right to End the Dog's Life Painlessly	
	Frequency	%	Frequency	%
	117	88.6	15	11.4
<hr/>				
Reason for belief				
Morality	27	23.1	2	13.3
Moral sentiment	70	59.8	4	26.7
Equality	20	17.1	9	60.0

Table 6

*Participants' Beliefs about Whether a Disabled Man Who is Suffering Constant and Untreatable Pain Should Have the Right to Have His Life Ended Painlessly by a Doctor (N = 134)*

	Disabled Person Should Have the Right to End His Life Painlessly		Disabled Person Should Not Have the Right to End His Life Painlessly	
	Frequency	%	Frequency	%
	89	66.4	45	33.6
<hr/>				
Reason for belief				
Morality	11	12.4	11	24.4
Moral sentiment	19	21.3	7	15.6
Equality	59	66.3	27	60.0

These differences were statistically significant. Therefore, this hypothesis was not supported.

*Hypothesis 2d: Students who oppose the right to euthanasia of adults with disabilities will do so primarily on the basis of equality.* As shown in Table 6, participants who opposed the right to euthanasia of adults with disabilities were 2.5 times more likely to base their belief on the principle of equality than on morality (difference = 35.6%; 95% CI = 15.3% to 22.0%), and 1.5 times more likely to base their belief on the principle of morality than on moral sentiment (difference = 8.8%; 95% CI = 15.8% to 17.1%). These differences were statistically significant; therefore, this hypothesis was supported.

*Other findings.* Participants who supported the right of a child to euthanasia were more likely to base their belief on the principle of equality than on morality (difference = 22.5%; 95% CI = 18.3% to 23.0%) (Table 7). Participants were least likely to base it on the principle of morality (compared to moral sentiment: difference = 20%; 95% CI = 15.7% to 19.2%). Those who opposed the right of a child to euthanasia were more likely to base their belief on morality than on equality (difference = 14.7%; 95% CI = 14.0% to 16.2%), and less likely to base it on moral sentiment (compared to equality: difference = 23.9%; 95% CI = 10.8% to 13.9%).

Participants who opposed the right of pet owners to euthanize their dogs were more likely to base their belief on the principle of equality than on moral sentiment (difference = 33.3%; 95% CI = 27.7% to 39.0%) (Table 5). They were least likely to base their belief on the principle of morality (compared to moral sentiment: difference = 13.4%; 95% CI = 26.5% to 30.4%).

Table 7

*Participants' Beliefs about Whether a 12-year-old Child Who Was Involved in a Serious Accident That Has Left Him in Constant and Untreatable Pain Should Have the Right to Have His Life Ended Painlessly by a Doctor (N = 128)*

	Child Should Have the Right to End His Life Painlessly		Child Should Not Have the Right to End His Life Painlessly	
	Frequency	%	Frequency	%
	40	31.2	88	68.8
<hr/>				
Reason for belief				
Morality	5	12.5	45	51.1
Moral sentiment	13	32.5	11	12.5
Equality	22	55.0	32	36.4

## CHAPTER IV

### Discussion

This study explored the dimensions of rights-based thinking among university students in order to gain a better understanding of how people define rights and how they apply that concept to different populations. It addressed two primary research questions: 1) Do university students define rights differently for children, people with disabilities and animals? and 2) What are the theoretical dimensions underlying their definitions – morality, moral sentiment, or equality? These questions were addressed with regard to two rights-related issues: physical punishment and euthanasia.

#### **University Students' Beliefs about the Right to Physically Punish Children, People With Disabilities and Animals**

I had predicted that students would be more likely to support parents' rights to physically punish their children than to support caregivers rights to physically punish adults with disabilities or owners' rights to physically punish their animals. I based this hypothesis on the fact that adults and animals are protected by law from assault and unnecessary pain, whereas the law does not protect children in this way. I assumed that the law reflects public attitudes.

As expected, students were more likely to support parents' rights to physically punish their children than to support caregivers rights to physically punish adults with disabilities. Surprisingly, however, I found that students were more likely to support an owner's right to physically punish an animal (51.1%) than a parent's right to physically punish a child (41.8%). Those who supported a parent's right to physically punish a child based their support on the principle of equality (parents should be able to decide for

themselves how to teach their children) and moral sentiment (the punishment is justified because the parent cares for the child's safety). They were least likely to base their support on the belief that physical punishment is the right thing to do (morality); fewer than one-fifth of those who supported the physical punishment of a child did so on this basis. In contrast, those who opposed a parent's right to physically punish their child did so primarily on the principle of morality – the belief that it is wrong to hit a child no matter what the circumstances.

This finding suggests that students who support physical punishment of children are unlikely to believe that it is *right*. Rather, they believe that it is *justifiable* on the basis of the parent's authority and the child's safety. On the other hand, more than two-thirds of those who opposed the physical punishment of a child considered it wrong, regardless of the circumstances. They were much more likely to base their opposition on this moral absolute than on the basis of potential harm to the child or the principle of treating children and adults equally.

High support was found for physically punishing a dog, despite the fact that Section 445.1(1) of the Criminal Code prohibits causing unnecessary pain to an animal. Nearly half of the sample supported striking a dog as punishment. This finding suggests that attitudes are not necessarily determined by law. However, it might be the case that there is a low level of public awareness of Section 445, or that its vague wording does not adequately convey the limits of corrective force with dogs.

The scenarios in this study were designed to control for the effect of cognitive limitations of the target population on students' beliefs. All of the three target groups (young children, dogs, adults with intellectual disabilities) are limited in their ability to

reason. Controlling for this factor enabled me to explore its effects. Since people often justify physical punishment of children on the basis that they do not have the cognitive capacity to understand, then they should support the physical punishment of animals and adults with disabilities to the same extent. However, as this study demonstrates, this is not the case. Rather, the proportion of students who supported physical punishment of an adult with an intellectual disability was about half of that who supported physical punishment of a child – and support for physical punishment of an animal was higher yet. Moreover, students were most likely to base their support for physical punishment of children and adults with intellectual disabilities on the principle of equality (parents/caregivers should be able to decide for themselves), while they were most likely to base their support for physical punishment of animals on moral sentiment (owners are justified because they care for the animal’s safety). This finding suggests that students think differently about the rights of humans and non-humans; they tend to view the justification of physical punishment of humans as based in the caregiver’s authority, whereas they tend to view the justification of physical punishment of non-humans as based in caring for the animal. There were differences in students’ reasons for opposing physical punishment of members of the three target groups. Those who opposed the right to physically punish adults with disabilities were most likely to do so on the basis of equality (it is important to treat all people equally), whereas those who opposed the right to physically punish children and animals did so primarily on the basis of morality (it is wrong no matter what the circumstances). This finding suggests that students think beyond the cognitive capacities of these three groups to other dimensions that influence their reasoning about rights.

Although the greatest support was found for the right of an owner to physically punish an animal, a substantial proportion of students (41.8%) did support the right of parents to physically punish their children. This finding was surprising, given that this was a university sample and given the large body of research demonstrating that physical punishment has no positive long-term effects on children's behaviour (Gershoff, 2002). However, it might be the case that students are aware of physical punishment's ineffectiveness, but still support parents' rights to use it. There is some evidence to support this hypothesis. For example, as long ago as 1988, Decima revealed that only 2% of parents surveyed believed that physical punishment was the most effective way to discipline; three-quarters felt it was harmful and unnecessary. Durrant, Rose-Krasnor & Broberg (2003) found that the majority of a sample of Canadian mothers of pre-schoolers believed that physical punishment was ineffective, unnecessary and harmful. However, in the same study, 70% of mothers had used physical punishment (Durrant et. al., 2003). Clément, Bouchard, Jetté, & Laferrière (2000) reported that 57% of parents of seven- to ten-year-olds used physical punishment. Together, these findings suggest that while many people consider physical punishment of children to be ineffective or even harmful, many still have used it. It might be the case, therefore, that the students in this sample are aware the physical punishment of children is ineffective, but still justify parents' right to use it in some circumstances.

Perhaps most surprising was the degree of support found for the right of a caregiver to physically punish an adult with an intellectual disability. Almost one-quarter of this university sample supported this right. It was unlikely, however, for students to base their support on morality – the belief that it is the right thing to do. Rather, they



were most likely to base their support on the principle of equality – the belief that caregivers should be able to decide for themselves how to teach those in their care. Those who opposed a caregivers right to physically punish an adult with a disability also did so primarily on the basis of equality – that it is important to treat all people equally, regardless of ability.

### **University Students' Beliefs about the Right to Euthanasia among Children, People With Disabilities and Animals**

With regard to the right to euthanasia, a large majority of students (88.6%) supported this right for animals and, as predicted, a greater proportion supported this right for animals than for children or adults with disabilities. This percentage is substantially higher than that found in a CBC News Poll (1997). In that study, 55% of participants would choose to euthanize a terminally sick animal. The sizeable difference between the two studies may be due to the 14 year time gap. With greater emphasis being placed on animals and their rights over the last decade, an increase in compassion for animals may have resulted. This hypothesis received some support in this study. Those students who supported animals' rights to euthanasia did so primarily on the basis of moral sentiment - or compassion for a suffering animal. In contrast, those who supported the rights of adults with disabilities to euthanasia did so primarily on the basis of equality – the belief that all people should be able to decide for themselves about this issue. Those who supported the rights of children to euthanasia also did so primarily on the basis of equality. Therefore, these findings suggest that participants viewed children and adults with disabilities as having agency, while they viewed animals as needing to have decisions made on their behalf. Perhaps this finding reflects the media attention

that have been given to cases like Sue Rodriguez', which provided a forum for public debate about human agency in the choice to die.

Given the support found even among animal rights groups such as PETA (Euthanasia: The Compassionate Option, 2011) for suffering animals' right to euthanasia, it is somewhat surprising that 11.4% of the sample opposed this right. Of this group, 60% based their belief on the principle of equality - the belief that it is important to protect the lives of all living creatures, regardless of their species. While the differences among the proportions basing their opposition to euthanasia of animals were not statistically significant, this is likely because of the small number of students in this group ( $n = 15$ ). Only two students believed that euthanizing an animal is wrong no matter what the circumstances, and only four believed that it would devalue life. These students might have had religious bases for their beliefs, or they might believe that a natural death is preferred, even in the face of suffering.

While most students supported animals' rights to have their pain ended through euthanasia, they were more likely to support the physical punishment of animals than that of the other target populations. This situation – support for both ending and inflicting pain – appears contradictory until we examine the principles on which these participants based their views. Those who supported animal euthanasia and those who supported the right to physically punish an animal were most likely to base their views on moral sentiment. They viewed euthanasia of an animal as primarily justified by the animal's suffering; they viewed physical punishment of an animal as primarily justified by the owner's concern for its safety. Interestingly, both the ending and infliction of pain, therefore, were seen as expressions of caring.

Two-thirds of the sample supported the right to euthanasia of adults with disabilities – a proportion very similar to that obtained by the Angus Reid Public Opinion poll (2010), which found that 63% of Canadians supported legalizing euthanasia. In the present study, students who supported the right of adults with disabilities to euthanasia did so primarily on the basis of the principle of equality – the belief that each person should be able to decide for him- or herself about this issue. Interestingly, those who opposed this right also based their belief on the principle of equality – the belief that it is important to protect everyone’s right to life. This finding illustrates the complexity of rights-based thinking; the same principle – equality of all human beings – can underlie contradictory positions on this issue.

Students were least likely to support a child’s right to euthanasia; only about one-third supported this right. This proportion was very similar to that obtained in the Angus Reid Public Opinion poll (2010), which found that 36% of Canadians believed that parents should be allowed to have a child euthanized who is suffering severely. As in the case of physical punishment of children, they were least likely to base their support on the principle of morality – that is the right thing to do in the circumstances. Rather, they tended to base their support on moral sentiment (compassion) or equality (all people should be able to decide for themselves when to die).

### **Strengths and Limitations of the Present Study**

This study had several strengths, particularly the use of a questionnaire which made the data collection efficient, non-intrusive, standardized and replicable. However, the study also had several limitations. First, the sample consisted of students from one university in Manitoba, so the results cannot be generalized to the broader population.

Second, participants may have responded to the questionnaire in a way that they considered to be socially desirable, although the likelihood of this is minimal, as the questionnaires were completed anonymously. Third, the questionnaire may have been too limited to capture the complexity of students' actual belief systems.

### **Directions for Future Research**

One of the surprising findings of this study was that regardless of whether students were supporting or opposing either physical punishment or euthanasia for adults with disabilities, the primary principle behind their position was equality. This finding raises questions about conceptions of equality of adults with disabilities, as well as questions about the definition of equality in the present study. It would be useful to understand this finding better by presenting a broader range of scenarios or, perhaps more importantly, conducting a qualitative study to explore individuals' thinking about issues of equality.

Another question raised by the present findings was why morality and/or equality was the primary basis behind *opposition* for both physical punishment and euthanasia of children and animals – but yet was not the primary basis behind *support* for physical punishment or euthanasia. Future research should explore this issue in greater depth. For example, a qualitative study of the foundations of moral absolutes would shed further light on this finding.

It would be useful to replicate this study with a broader age range of participants. It may be the case that older participants would view the scenarios differently than younger ones. It also would be interesting to include euthanasia scenarios that focused

on the age of the target individual, rather than the ability level, to examine differences in beliefs about euthanasia under different conditions.

### **Conclusions**

The findings of this study suggest that university students think about the rights of animals, children and people with disabilities in different ways. Their support for physical punishment and euthanasia varies widely across these three groups, as do the justifications they provide for their positions. The findings of this study have demonstrated that rights-based thinking is multidimensional and highly dependent on the target population. Perhaps these findings will shed some light on the history of rights-based thinking at the macro level, and the discrepancies in the levels of protection provided to children, adults with disabilities, animals throughout history.

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## Appendix A

### Universal Declaration of Human Rights

<http://www.un.org/en/documents/udhr/index.shtml>

#### **Article 1**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### **Article 2**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### **Article 3**

Everyone has the right to life, liberty and security of person.

#### **Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### **Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### **Article 6**

Everyone has the right to recognition everywhere as a person before the law.

#### **Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

## **Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

## **Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

## **Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

## **Article 11**

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

## **Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## **Article 13**

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

## **Article 14**

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the

United Nations.

**Article 15**

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16**

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

**Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

## **Article 21**

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

## **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

## **Article 23**

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
  - (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

## **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

## **Article 25**

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### **Article 26**

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

#### **Article 27**

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### **Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### **Article 29**

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



## Appendix B

### United Nations Convention on the Rights of the Child

<http://www.hrweb.org/legal/child.html>

#### **PART I**

##### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

##### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

##### **Article 3**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

##### **Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such

measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### **Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### **Article 6**

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### **Article 7**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### **Article 8**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

#### **Article 9**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the

parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

#### **Article 10**

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 2, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

#### **Article 11**

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

### **Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

### **Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

### **Article 14**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

### **Article 15**

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

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

### **Article 16**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

### **Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

### **Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### **Article 19**

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### **Article 20**

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### **Article 21**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons

concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

## **Article 22**

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

## **Article 23**

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child

and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 24**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;



(c) To combat disease and malnutrition, including within the framework of primary health care, through, in particular, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 25**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

#### **Article 26**

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### **Article 27**

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

## **Article 28**

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and

technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

### **Article 29**

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living; the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### **Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### **Article 31**

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

## **Article 32**

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

## **Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

## **Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

## **Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

## **Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

### **Article 37**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### **Article 38**

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

### **Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or

punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### **Article 40**

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

#### **Article 41**

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State Party; or

(b) International law in force for that State.

### **PART II**

#### **Article 42**

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### **Article 43**

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competent in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years. 10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, it necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### **Article 44**



1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years. 2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### **Article 45**

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

### **PART III**

#### **Article 46**

The present Convention shall be open for signature by all States.

#### **Article 47**

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### **Article 48**

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### **Article 49**

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### **Article 50**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a

majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### **Article 51**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

#### **Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

#### **Article 53**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### **Article 54**

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

## Appendix C

### United Nations Convention on the Rights of Persons with Disabilities

<http://www.un.org/disabilities/convention/conventionfull.shtml>

#### **Article 1 - Purpose**

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

#### **Article 2 - Definitions**

For the purposes of the present Convention:

"Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

"Language" includes spoken and signed languages and other forms of non spoken languages;

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed

#### **Article 3 - General principles**

The principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

#### **Article 4 - General obligations**

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- a. To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- b. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- c. To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- d. To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- e. To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- f. To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- g. To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- h. To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

- i. To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.
2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.
5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

#### **Article 5 - Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

## **Article 6 - Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

## **Article 7 - Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

## **Article 8 - Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:
  - a. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
  - b. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
  - c. To promote awareness of the capabilities and contributions of persons with disabilities.

Measures to this end include:

- a. Initiating and maintaining effective public awareness campaigns designed:
  - i. To nurture receptiveness to the rights of persons with disabilities;
  - ii. To promote positive perceptions and greater social awareness towards persons with disabilities;
  - iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

- b. Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- c. Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d. Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

## **Article 9 - Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b. Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

- a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
- d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.



## **Article 10 - Right to life**

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

## **Article 11 - Situations of risk and humanitarian emergencies**

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

## **Article 12 - Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

## **Article 13 - Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at

investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

#### **Article 14 - Liberty and security of the person**

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

- a. Enjoy the right to liberty and security of person;
- b. Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

#### **Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

#### **Article 16 - Freedom from exploitation, violence and abuse**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse,

States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

### **Article 17 - Protecting the integrity of the person**

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

### **Article 18 - Liberty of movement and nationality**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

- a. Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
- b. Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
- c. Are free to leave any country, including their own;
- d. Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents

### **Article 19 - Living independently and being included in the community**

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

## **Article 20 - Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- a. Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- b. Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- c. Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- d. Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

## **Article 21 - Freedom of expression and opinion, and access to information**

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- a. Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- b. Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- c. Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- d. Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- e. Recognizing and promoting the use of sign languages.

## **Article 22 - Respect for privacy**

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

## **Article 23 - Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
  - a. The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
  - b. The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
  - c. Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with

disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

## **Article 24 - Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c. Reasonable accommodation of the individual's requirements is provided;
- d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- c. Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

### **Article 25 - Health**

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- a. Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- b. Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- c. Provide these health services as close as possible to people's own communities, including in rural areas;
- d. Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- e. Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- f. Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

### **Article 26 - Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and

participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- a. Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
  - b. Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

#### **Article 27 - Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:
- a. Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
  - b. Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
  - c. Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
  - d. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
  - e. Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
  - f. Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;



- g. Employ persons with disabilities in the public sector;
  - h. Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - i. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - j. Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - k. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

### **Article 28 - Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

- a. To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
- b. To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
- c. To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
- d. To ensure access by persons with disabilities to public housing programmes;
- e. To ensure equal access by persons with disabilities to retirement benefits and programmes

### **Article 29 - Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- b. Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
  - i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

### **Article 30 - Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- a. Enjoy access to cultural materials in accessible formats;
- b. Enjoy access to television programs, films, theatre and other cultural activities, in accessible formats;
- c. Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

- a. To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
- b. To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
- c. To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
- d. To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
- e. To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

### **Article 31 - Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

- a. Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
- b. Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

## **Article 32 - International cooperation**

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- a. Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- b. Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- c. Facilitating cooperation in research and access to scientific and technical knowledge;
- d. Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfill its obligations under the present Convention.

## **Article 33 - National implementation and monitoring**

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

## **Article 34 - Committee on the Rights of Persons with Disabilities**

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### **Article 35 - Reports by States Parties**

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

### **Article 36 - Consideration of reports**

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee

may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.

4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

#### **Article 37 - Cooperation between States Parties and the Committee**

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

#### **Article 38 - Relationship of the Committee with other bodies**

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- a. The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- b. The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and

general recommendations, and avoiding duplication and overlap in the performance of their functions.

### **Article 39 - Report of the Committee**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties

### **Article 40 - Conference of States Parties**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

### **Article 41 - Depositary**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

### **Article 42 - Signature**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

### **Article 43 - Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

### **Article 44 - Regional integration organizations**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they



shall inform the depositary of any substantial modification in the extent of their competence.

2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

#### **Article 45 - Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument

#### **Article 46 - Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

#### **Article 47 - Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article

shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment

#### **Article 48 - Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

#### **Article 49 - Accessible format**

The text of the present Convention shall be made available in accessible formats.

#### **Article 50 - Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

## Appendix D

### Invitation Letter to Instructors

**Faculty of Human Ecology  
Family Social Sciences**

Winnipeg, Manitoba  
Canada R3T 2N2  
Phone: (204) 471-1636  
[umskafte@cc.umanitoba.ca](mailto:umskafte@cc.umanitoba.ca)

June 10, 2011

Dear Instructor,

I am a graduate student in the Department of Family Social Sciences. I am currently working on my Master's thesis, which is an exploration of how university students think about rights. It is entitled, "What is a "Right"?: Dimensions of Rights-based Thinking among University Students".

I would like to invite your students to take part in this study, which involves filling out two questionnaires that will take about 10 minutes of their time in total. With your consent, I would visit your class, explain the study briefly, invite all students to participate, distribute consent forms and questionnaires, wait while the students read the consent forms and complete the questionnaires, and then collect the questionnaires.

This study has been approved by the University of Manitoba Joint Faculty Research Ethics Board. All students' responses will be anonymous – they will not be identified in any way.

If you have questions regarding this study, you can call me at 471-1636, or email me at [umskafte@cc.umanitoba.ca](mailto:umskafte@cc.umanitoba.ca). You also may contact the University of Manitoba Human Ethics Coordinator, Mrs. Margaret Bowman ([Margaret\\_bowman@umanitoba.ca](mailto:Margaret_bowman@umanitoba.ca), 474-7122), or Dr. Joan Durrant, who is supervising this study ([durrant@cc.umanitoba.ca](mailto:durrant@cc.umanitoba.ca)).

Thank you for considering my request.

Sincerely,

Erika K Skaftfeld, B.A., M.Sc. Candidate

## Appendix E

### Background Questionnaire

*Please answer each question as accurately as possible. If you do not feel comfortable with answering a particular question, please leave it blank.*

1. I identify as a: Male \_\_\_\_\_ Female \_\_\_\_\_ Other \_\_\_\_\_
2. I am \_\_\_\_\_ years old.
3. I am a:  
1<sup>st</sup> year student \_\_\_\_\_  
2<sup>nd</sup> year student \_\_\_\_\_  
3<sup>rd</sup> year student \_\_\_\_\_  
4<sup>th</sup> year student \_\_\_\_\_  
Other \_\_\_\_\_
4. My academic major is: \_\_\_\_\_
5. I consider myself to have a disability: Yes \_\_\_\_\_ No \_\_\_\_\_
6. I have/had one or more siblings with a disability: Yes \_\_\_\_\_ No \_\_\_\_\_
7. I have one or more siblings under the age of 18: Yes \_\_\_\_\_ No \_\_\_\_\_
8. I have one or more children under the age of 18: Yes \_\_\_\_\_ No \_\_\_\_\_
9. I have had a pet at some time in my life: Yes \_\_\_\_\_ No \_\_\_\_\_

Appendix F

Concepts of Rights Questionnaire

Jake is a 42-year-old intellectually disabled man who runs in front of a car. Jake's caregiver slaps him twice on the bottom in attempt to teach him this behavior was wrong.

In your opinion, should the caregiver have the right to do this?

Yes \_\_\_\_

No \_\_\_\_

Unsure \_\_\_\_

**If yes,** is this because...(Please circle the one that best fits the way you feel)

You believe that it is the *right thing to do* in these particular circumstances?

You believe that the *caregiver is justified because she cares for his safety?*

You believe that *it is important that caregivers can decide for themselves how to teach the persons in their care?*

**If no,** is this because...(Please circle the one that best fits the way you feel)

You believe that *it is wrong* to hit a developmentally delayed person, no matter what the circumstance?

You believe that hitting Jake *will harm him emotionally?*

You believe that *it is important to treat all adults equally, regardless of their level of intellectual ability?*

Pete is a 42-year-old intellectually disabled man who is suffering constant pain as a result of his disability. He asks to have his life ended painlessly by his doctor.

In your opinion, should he have the right to die as he wishes?

Yes \_\_\_\_

No \_\_\_\_

Unsure \_\_\_\_

**If yes**, is this because... (Please circle the one that best fits the way you feel)

You believe that euthanasia is the *right thing to do* in these particular circumstances?

You believe that euthanasia is *justified when someone with a disability is suffering*?

You believe that *it is important for all people to decide for themselves* where and how they will die, regardless of their intellectual ability?

**If no**, is this because... (Please circle the one that best fits the way you feel)

You believe that *it is wrong* to euthanize a developmentally delayed person no matter what the circumstances?

You believe that euthanizing him will *devalue the lives of people with disabilities*?

You believe that it is important that *all adults' right to life is protected*, regardless of their level of ability?

Jake is a 4-year-old boy who runs in front of a moving car. Jake's mother slaps him twice on the bottom in attempt to teach him this behavior was wrong.

In your opinion, should his mother have the right to do this?

Yes \_\_\_\_

No \_\_\_\_

Unsure \_\_\_\_

**If yes.** is this because...(Please circle the one that best describes the way you feel)

You believe that it is *the right thing to do* in these circumstances?

You believe that *she is justified because she cares for his safety*?

You believe that *it is important that parents can decide for themselves* how to teach their children?

**If no.** is this because...(Please circle the one that best describes the way you feel)

You believe that *it is wrong* to hit a child no matter what the circumstances?

You believe that hitting him *will harm him emotionally*?

You believe that *children should be treated the same way as adults*?

Pete is a 12-year-old child who was involved in a serious accident that has left him in constant and untreatable pain. He has asked to have his life ended painlessly by his doctor.

In your opinion, should he have the right to die as he wishes?

Yes \_\_\_\_

No \_\_\_\_

Unsure \_\_\_\_

**If yes,** is this because...(Please circle the one that best describes the way you feel)

You believe that euthanasia is *the right thing to do* in these circumstances?

You believe that euthanasia is *justified when a child is suffering*?

You believe that *it is important for all people to decide for themselves* when and how they will die, regardless of whether they are children or adults?

**If no,** is this because...(Please circle the one that best describes the way you feel)

You believe that *it is wrong* to euthanize a child, no matter what the circumstances?

You believe that euthanizing him will *devalue the lives of children*?

You believe that it is important that *all peoples' right to life is protected*, regardless of their age?



Jake is a six-month-old dog who runs in front of a moving car. Jake's owner slaps him twice on his hind quarters (bottom) in attempt to teach him this behavior was wrong.

In your opinion, should the owner have the right to do this?

Yes \_\_\_\_ No \_\_\_\_ Unsure \_\_\_\_

**If yes**, this because...(Please circle the one that best describes the way you feel)

You believe that it is *the right thing to do* in these circumstances?

You believe that the owner is *justified because she cares for his safety*?

You believe that *it is important that dog owners can decide for themselves* how to teach the dogs in their care?

**If no**, is this because...(Please circle the one that best describes the way you feel)

You believe that *it is wrong* to hit an animal, no matter what the circumstances?

You believe that hitting him *would harm him emotionally*?

You believe that *it is important to treat all living creatures equally*, regardless of whether they are humans or animals?

Pete is an 8-year-old dog who was hit by a car. Now he is in constant pain that is untreatable. Pete's owner wants to have his life ended painlessly by his veterinarian.

In your opinion, should she have the right to do this?

Yes \_\_\_\_

No \_\_\_\_

Unsure \_\_\_\_

**If yes,** is this because...(Please circle the one that best describes the way you feel)

You believe that euthanasia is *the right thing to do* in these circumstances?

You believe that an owner is *justified when their animal is suffering*?

You believe that *it is important for pet owners to decide for themselves* when and how their pets will die?

**If no,** is this because...(Please circle the one that best describes the way you feel)

You believe that *it is wrong* to euthanize an animal, no matter what the circumstances?

You believe that euthanizing him *will devalue the lives of animals*?

You believe that it is important that *all living creatures' right to life is protected*, regardless of whether they are humans or animals?

## Appendix G

### Classroom Script

Thank you for inviting me into your classroom! My name is Erika Skafffeld, and I am currently working on my Master's Thesis in the Department of Family Social Sciences.

My research is looking at the concept of rights. It will draw upon three philosophical frameworks for rights – moral, sentimental, and equality. I do this in order to explore the dimensions we focus upon when we are considering the rights of three groups – animals, children, and people with disabilities.

I would like to remind you of the following things:

1. Your participation is strictly voluntary
2. You are free to withdraw at any time
3. Your grades in the course will be unaffected by your decision to participate or not
4. You will not be identified on any study measures

I am now going to hand out the questionnaires, and consent forms. Please remember that you are to keep one copy of the consent for with you for your records, and hand in the other, signed one, back with your questionnaire.

Please feel free to raise your hands at any point to ask me any questions you may have.

Thank you for your time and consideration.

## Appendix H

### Consent Form

Research Project Title: What is a “Right”? Dimensions of Rights-based Thinking among University Students

Researcher: Erika K. Skaftfeld, Faculty of Human Ecology  
Email: [umskafte@cc.umanitoba.ca](mailto:umskafte@cc.umanitoba.ca); Regular mail: 209 Human Ecology Building,  
University of Manitoba, Winnipeg, MB R3E 3N4

Advisor: Dr. Joan E. Durrant, Faculty of Human Ecology

This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more detail about something mentioned here, or information not included here, you should feel free to ask. Please take the time to read this carefully and to understand any accompanying information.

The purpose of this research is to explore University Student’s thinking about the rights of people with disabilities, children and animals.

You are being asked to participate in this research, which forms my Master’s thesis. This project does not involve any more risk than you would experience in your every-day life. Your participation is strictly voluntary. You are free to withdraw at any time. Your grades in the course will be unaffected by your decision about whether to participate. If you agree to participate, you will be asked to answer two questionnaires, which will take about 10 minutes to complete.

Your privacy is important. Your answers will be completely anonymous. All of the data will be kept confidential. Only my thesis advisor and I will have access to the complete questionnaires, which will be kept in a locked cabinet in Dr. Joan Durrant’s office on the University of Manitoba campus. All of the completed questionnaires will be shredded on or before December 31, 2012. Only aggregate data will be used in the write-up of my thesis and any journal articles or conference presentations that result from it.

Once the research is complete, and my thesis has been defended, I would be happy to send you a summary of what I found about how your participation helped my research. If you would like to receive this summary, please send me a message at [umskafte@cc.umanitoba.ca](mailto:umskafte@cc.umanitoba.ca) and I will add you to the mailing list.

**Your Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

This research has been approved by the Joint Faculty Research Ethics Board at the  
University of Manitoba.

If you have concerns about this research project, please contact:

Margaret (Maggie) Bowman  
Coordinator - Human Ethics  
CTC Building  
University of Manitoba  
208 - 194 Dafoe Road  
Winnipeg, MB R3T 2N2  
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(204) 269.7173 (fax)