CHAPTER IV

LITERATURE SCANNING
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CHAPTER IV
LITERATURE SCANNING

4.1 INTRODUCTION

A review of related literature is a vital component of the research process. It facilitates the investigator to have a clear understanding of the research problem. Familiarity with the previous research and theory in the area of the study can help not only in conceptualizing the problem, but also in conducting the study and interpreting the findings. In the words of Merriam (1988), "An investigator who ignores prior research and theory chances pursuing a trivial problem, duplicating a study already done, or repeating others' mistakes. The goal of research contributing to the knowledge base of the field may then, never be realized".

A research project is always a relief against a background of past studies in the same field. A survey of related literature enables the investigator to see that the study has been largely supported by a number of other studies and it is settled on a firm ground. A researcher must take the distilled essence of the past studies as a foot-hold for his study.

The research studies reviewed in this chapter, include closely related investigations carried out in India and abroad. As per the reports given in First, Second, Third, Fourth and Fifth Survey of Research in Education edited by Buch since 1960 and Dissertation Abstracts International, the review of studies in the area of Human Rights and Human Rights Education 71 studies have been conducted.

The researches done in India as well as abroad in the related area are chronologically presented to gain an insight into the nature of the researches undertaken over the years. The review of the previous studies has been classified as i) Studies on Human Rights, ii) Studies on Human Values
and Other Values, iii) Studies on Classes of Human Rights, iv) Studies on Human Rights Violations and v) Studies on Human Rights Education.

4.2 STUDIES ON HUMAN RIGHTS


The thesis establishes that, whereas military involvement or military dictatorship in governments directly affects the functions of the American Court, cultural diversity, economic under-development and on partly system of government would have a great effect on the role of court amongst African States.

Consequently it is concluded that a human rights education policy, vigorously pursued by the African Commission, would be a better alternative to a court at this time. It is apparent that a lack of general awareness of human rights by citizens in sub-Sahara Africa the main reason for continued government indifference or interference with human rights.

2. Baah and Richard Amtako (1999), conducted a study on “Human rights in Africa: The conflict of implementation”. This dissertation is a case study to determine the problems of human rights implementation among the Akan of Ghana.

Another group of respondents, 65 years or older were interviewed in an attempt to establish what the Akan socio-political orientation was before the United Nations Universal Declaration of Human Rights in 1948. Personal interviews were conducted mainly with the older population in an attempt to establish Akan perceptions of human rights and human dignity.
The findings from the field research indicates either a fundamental lack of understanding of the key tenets of human rights or in many cases, a conflict of outlook of Akan Cultural Orientation and human rights principles.

From the review of literature on human rights in Africa, including the African Charter of Human and peoples’ Rights, and the information gathered through the field research, it is concluded that Akans in particular and perhaps Africans in general either do not understand or accept the concept of human rights.

3. **Chung and Young-Sun** (1998), conducted a study on “Asian perspectives on human rights and trade-off thesis: Focus on South Korea”. The primary objective of this study is to elucidate the nature of the Asian concept of human rights and to examine the interrelation between the process of economic growth and contingent human rights policies, using South Korea as a case study.

   However, in recent decades the history of human rights in South Korea offers no promise or proof that civil and political rights will be extended to citizens upon the realization of economic development goals.

   This study concludes that if the economic growth of a country does not facilitate the realization of human rights after the country reaches a certain level of economic development, then various restrictions on human rights cannot be justified in the name of economic growth, and that human rights, a critical factor of desirable democracy, cannot be pushed aside until economic development is consolidated. In the same context, a country’s economical policies should promote the rule of law and not the political interests of abusive governments.

4. **Gil Bazo, Maria Teresa** (1999), carried out research on “The right to asylum as an individual human rights in international law. Special reference to European law”. Refugee protection is to be seen as human rights protection. However, a theoretical framework placing refugee protection in the context of International Human Rights Law is still lacking. For these reasons, the
hypothesis in this dissertation is the existence of a right of individuals to be granted for this research is necessary for the assertion that individuals may be subjects of International Law, as right holders vis-à-vis State.

5. Tran and Luan-Vu (1999), conducted a study on "Human Rights and federation in Canada: Two solitudes?". The dissertation challenges these traditional assumptions by showing that the protection of fundamental rights depends on both restraint and intervention of the state. Therefore, the realization of freedom, equality and justice should not be left to market forces but requires active governmental participation. The state assumes positive as well as negative obligations under the Canadian Charter of Rights and Freedoms. This means that governmental authorities, legislatures and courts must respect, protect and promote charter guarantees. The charter makes space for economic, social and cultural rights, which presuppose a cooperative and dialogical relationship between the three governmental branches (executive, legislature and judicial bodies). The dissertation recasts the debate and proposes ways to reconcile human rights with federalism and its underlying objective – the preservation of cultural diversity.

The thesis concludes with a proposal for a multicultural interpretation of the charter on the basis of which cultural differences can be identified and accommodated. It stipulates that a pluralistic constitutional discourse is possible in so far as the charter is seen as a document establishing substantive and institutional conditions for Canadians to engage in deliberative democracy and, thereby facilitating communicative actions by citizens from all walks of life.

6. Milner and Wesley (1999), conducted a study on "Progress or Decline? International political economy and basic human rights". This dissertation is a cross-national, empirical study of human rights conditions in a dynamic international political economy. The scope of the examination covers 176 developed and developing countries from 1980 through 1993.
In a similar vein, the author empirically investigates whether various human rights are interdependent and indivisible, as some scholars argue or whether there are inherent trade-offs between various rights provisions. In going beyond the fixation on a single aspect of human rights, the author broadly investigates subsistence rights, security rights and political and economic freedom.

Domestic explanations that are connected with globalization include economic freedom, income inequality, equality and democratization. These variables are subjected to bivariate and multivariate hypothesis-testing including bivariate correlations, analysis of variance and multiple OLS regression with robust standard errors.

7. **Appiagyei-Atna and Kwadwo** (2000), conducted a study on “An Akan perspective on human rights in the context of African development”. The present dissertation is a multi-disciplinary project that examines the relationship between human rights and development in Africa, with specific focus on Ghana. The proposition, which is expressed in a theory of community emancipation, is that human rights hold the key to the attainment of substantial holistic development.

It is offered as a contribution to the evolution of distinct African nations of rights. The Akan perspective on rights aims at making human rights a more accessible concept that people can relate to and to use as an effective tool to attain development.

It concludes that these policies “failed” due to the lack of attention to human rights. Consequent to this is the creation of a culture of rights abuse in Africa and the unfounded claim propagated by African leaders that human rights does not matter for Africans, and is not part of the African culture.

This results in the construction of new paradigm for examining rights in Africa from a development context. It is expected that this contribution could help enrich the International human rights discourse, contribute to
plugging the loopholes and make the implementation of human rights more relevant and effective in Africa.

8. Chase and Anthony (2000), conducted a study on “Islam and human rights, clashing normative orders?”. Islam and human rights are often paired as starkly opposed normative orders. This dissertation, however, demonstrates that there is neither necessarily a clash nor a need for reconciliation between them – their interrelationship is far more ambiguous and, ultimately, complementary. Human rights does not attack Islam, nor does Islam place a box around the political-legal possibilities, which exist in Muslim societies.

This makes talk of clash or reconciliation an irrelevant diversion from the true issues of importance to particular conflicts. Islam and human rights interact within a broad range of political, social, and cultural circumstance and may be deployed within them in a greater or lesser oppositional manner. This should be the point from which any theoretical model begins.

The dissertation’s three case studies – India’s Muslim minority confronting majoritarian nationalism, the international implications of Khomeini’s fatwa on Rushdie, and constitution drafting in the Palestinian Authority – demonstrate the complexity of issues implicated under the Islam and human rights rubric, particularly group and minority rights. The on-the-ground realities of the case studies show that it is these issues and how they play out in local, regional and global contexts which are far.

9. Deichman and Lauren Christine (2000), conducted a study on “Rights, equality and the challenges of difference”. The study investigates the connection between rights and equality, addressing the extent to which embracing a rights framework can help people us to promote the right of persons to be treated as equals.

He argues in chapter one that a fundamental right to equality is grounded in the common view of persons as inherently dignified and inviolable.
This right, to treatment as equals, grounds a more formal right to equality, the right to similar treatment in so far as one is similarly situated.

In chapter two, the researcher defends rights against three important challenges the calls the "fixity", "perceptual" and "indeterminism" objections. He argues that rights are revisable not fixed; that honoring them requires attunement to context incompatible with perceptual myopia; and that the specification of rights renders them determinate rather than indeterminate.

In chapter three the author articulates and addresses two crucial challenges; the problem of false neutrality and the dilemma of difference each of which limits how will rights serve equality.

He argues in chapter four, that rights need be supplemented. By imaginatively reconstructing the perspective of another and by raising their deliberations to the level of communal discussion, people can avoid false neutrality, exposing the unstated norms and hidden biases that load assignments of difference and make equality difficult to achieve.

10. Fonseca Arevalo and Marco Vinicio Haroldo (2000), conducted a study on “The language of human rights in the Guatemalan transition to democracy”. The Guatemalan negotiations for peace between the guerrillas of the Guatemalan National Revolutionary Unity (UNRG) and successive civilian governments came to an end on December 29, 1996.

To illustrate this argument this thesis offers a historical narrative of the modern history of Guatemala, from 1954 to the present, as this narrative becomes evident in the development and deployment of successive forms of cultural and political language, from the language of revolution to the language of human rights. These languages have played a crucial role in terms of what people are capable of articulating through their discourses and practices and the struggles over the meaning of identity, community, the good life, justice, nationality, and democracy that people have waged over the past fifty years.
This thesis concludes that the logic of democratization that became manifest during the peace process is connected with a broader struggle for modernity and a democratic constitutional state.

Goodhart and Michael (2000), conducted a study on “Democracy without limits: Human rights and democratization of the global order”. The dissertation identifies and analyzes a tension between the universal principles of democracy equality and human rights and their limited globalization in territorial states. Using globalization as a lens to focus on this problem, the study undertakes a historical and conceptual analysis of how democracy got tangled up in the early modern discourse of sovereignty and incorporated its exclusive logic and structure. Globalization undermines the empirical and theoretical foundations of sovereignty, making the legitimate of modern democracy precarious as well. There is a subordinate democratic discourse of emancipation grounded in the universal logic of equality and human rights that suggests an alternative to the modern, sovereign formulation of democracy. The study articulates and defends a theory of democracy as human rights based on this subordinate discourse and develop a set of institutions designed to implement the theory. The historical-conceptual approach adopted here contrasts with the standard empirical approaches to studying globalization’s effects on democracy.

Hashimoto and Hidetoshi (2000), carried out a study on “The prospects for a regional human rights mechanism in East Asia”. The purpose of this study is to investigate the possibility of establishing a regional inter-governmental human rights mechanism in East Asia, with a focus on the contributions of nongovernmental organizations’ (NGOs) to such a development.

Chapter II examines such issues and concepts as functionalism, regional integration, interdependence, the global civil society, and nongovernmental organizations (NGOs), first, to determine whether and in what ways the theoretical literature can be helpful in understanding the absence thus far of a regional human rights organization in East Asia; second, to identify
aspects of the theoretical literature that can be helpful in projecting future possible developments that might lead to the formation of an East Asian regional organization.

Chapter III makes clear that globalization has been the critical impetus for the establishment of regional human rights organizations and is very much in play as a key variable affecting current discussions in East Asia. A major focus of this section is an examination of the increasing global acceptance of the universality of human rights (as opposed to cultural relativism). The chapter also examines the development of international human rights treaties and the United Nations human rights mechanisms as well as the contributions of the United States and other major countries to the internationalization of human rights through diplomacy and development aid policies.

Chapter IV attempts to evaluate existing regional human rights mechanisms in terms of their institutional characteristics, strengths and limitations. This section includes an analysis of the current human rights situation in East Asia and an assessment of past initiatives (by the United Nations and NGOs) to set up regional human rights arrangements in other sub-regions of Asia. The concluding section explores the attitudes and activities of NGOs indigenous to East Asia, which could in the future be vital for establishing and maintaining an East Asian human rights organization.


   Critical discourse and narrative analysis were used to study the stories (what they were, how they were told and the story-tellers) of human rights in media coverage, congressional debate and presidential statements in four case studies of American foreign policy; the Paris Peace Talks of 1919; the
San Francisco Conference of 1945; the Ford-Carter foreign policy debate of October 1976; and U.S. responses to the Tiananman Massacre of 1989. The role of the news media in foreign policy was also examined.

A consistent American discourse of human rights was found across almost a century that focused attention on civil political rights over other rights. This discourse was one of the morality linked with American values and history. Speculation is made about the impact of this highly specific discourse on international discussion of human rights and the interests served by such a discourse.

14. Ozbank and Rivdan Murat (2000), conducted a study on “Understanding a misunderstanding: Democracy and dialogue in the West Vs. Non-West controversy over the universality of human rights”. This thesis focuses on the democratic theoretical foundations of this controversy in an attempt to find out whether an underlying basis of agreement between the positions espoused by the Asian and American governments during the Vienna Conference can be uncovered.

Findings: (1) The criticisms that the Asian governments leveled against the Western governments, as well as the Bangkok Declaration they adopted resonate in important respects and with a few reservations with the discursive concept of political legitimacy, elaborated in Western political thought by Juergen Habermas, (2) the persistence of the controversy over universality even after the unanimous adoption of the Vienna Declaration and program of action can partially be explained by a misunderstanding on the part of American government, of the resonance of this democratic theoretical common ground, in the Asian government’s Bangkok Declaration, (3) this misunderstanding can be understood in terms of the conceptual differences between the two distinct theoretical approaches to questions of democracy and democratization.
15. **Reilly** and **Niamh** (2000), conducted a study on “Global Feminism and Human Rights”. The primary purpose of this dissertation is to document and explore the significance of transnational feminist activism in the 1990s, in particular, its utilization of a universal human rights framework. Toward this end, the Global Campaign for Women’s Human Rights (1990-95) is used as a case study in contemporary feminist organizing that has significant implications for how people approach feminist projects and human rights practice in a globalizing era.

In explaining the success of the Global Campaign, five mutually constitutive moments are identified that have worked together to create an effective and expanding social movement linking diverse women and perspectives. These are (1) a global consciousness and analysis that examines and questions the exercise of power internationally; (2) an overarching ethical framework with global resonance; (3) a "common issue" of concern to women across diverse boundaries; (4) purposive networking and building of linkages toward activism; and, (5) concrete opportunities with a global dimension around which to collaborate conceptually and strategically.

In doing so, the dissertation explores what is required to achieve accountability for violations of human rights by private actors, in private contexts. Finally, Globalizing forces and trends, particularly understood from a gender perspective, form the socio-economic and historical context with the dissertation is primarily concerned.

16. **Eslami Somea** and **Reza** (2001), conducted a study on “Human Rights in Shari’a and Iran’s Constitutional and Legal System: The Case of Freedom of Expression”. This thesis advances a theoretical framework for the evaluation of Shari’a (Islamic Law) with respect to the modern notion of International Human Rights Law.

It analyzes the concepts of individual rights, citizenry, and constitutionalism in Shari’a and examines the principles, characteristics and standards of Shari’a in the field of human rights.
As a case study, the thesis also establishes a framework for analyzing the notions of freedom and freedom of expression and discusses Shari’a criteria and qualifications for freedom of speech, the right to participate in public life, freedom of thought, conscience and religion and freedom of the press.

The thesis concludes that universal standards of human rights are not established features in Islamic Law, and Shari’a Principles contradict the principles and norms of International Human Rights Law. It is also argued that the application of Shari’a Public and Criminal Law in particular, is problematic and results in deficiencies and hardships in Muslim Societies.

17. Reynolds and Ronald Harry (2001), conducted a study on “E-IMET: Is it accomplishing its Human Rights focus in Latin America”. Furthering democratization, the Expanded International Military Education and Training Programme (E-IMET) conducted by the U.S. Departments of State and Defence seeks to further human rights.

Case Studies evaluated El Salvador, Guatemala and Nicaragua including a review of U.S. Government and nongovernmental reports and budgets, and a survey of previous students who attended 8 different U.S. Military – sponsored courses selected for their human rights focus from 1991-2000.

Findings inconclusive, but offered encouraging results that E-IMET, as a part of the overall U.S. Grant Program, facilitates human rights initiatives. Attendees appear to be the right persons for the subject courses who subsequently return to upwardly mobile positions with opportunities to influence their country’s future policies.

Human Rights Law. The Treaty was adopted in spite of objections from the United States.

The researcher develops a model of the structure of law based on H.L.A. Hart’s Conception of Law as the union of primary and secondary rules. Legal systems made up of only primary rules are characterized by inefficiency and uncertainty. Secondary rules specify how primary rules are to be applied and are designed to reduce this uncertainty and inefficiency. International lawyers understand both the deficiencies of primary rule systems and the set of potential remedies developed in municipal systems.

The researcher therefore hypothesizes that the development of International law has a direction; from an immature form consisting of only primary rules, to a more mature one characterized by the addition of secondary rules. The researcher further hypothesizes that this process will take place via the gap/ratchet mechanism. He then applies this model of legal development to be International human rights regime using model of legal development to the International human rights regime using a process tracing method.

19. Welden and Sharon Margaret (2001) conducted a study on “Independent Sources of State Revenue in Developing Countries: The Impact on Democracy, Development and Human Rights”. In looking at factors associated with development and democracy, comparative political economy researchers have tended to examine the success stories of East Asia and Latin America. However, theories about transitions to democracy and state-led development in bureaucratic-authoritarian or ‘developmental’ states may not be applicable to large numbers of Third World Countries.

A Case-study comparison of Nigeria and Botswana shows the effect of independent revenue in two different states, one considered developmental and the other not. Regression analysis on a worldwide cross-national sample of developing countries finds that level of independent revenue is significantly and negatively correlated with measure of democracy, human development and inequality, even when controlling for capita GNP.
20. **Morris** and **Shawn Michelle** (2002), conducted a study on “Development and Human Rights at the United Nations Development Programme and World Bank”. The connection between development and human rights is often overlooked by development experts and institutions. This project emphasizes the indivisibility between development and human rights. The author searched for the inclusion or exclusion of human rights rhetoric in policy formation as conducive to development initiatives that make human welfare a priority.

Project evaluations, the author found the United Nations Development Programme to be highly supportive of human-rights policies, placing human welfare as its main priority in its development initiatives. The World Bank, however, was found to fall short of promoting and protecting human rights, as is evident in its policies and mandates.

Project evaluations from both the United Nations Development Programme and the World Bank were then systematically polled to reveal the priorities of their evaluation staffs as well as the objectives of each development program. If the purpose of a development institution is to elevate human welfare, the promotion and protection of human rights is a key ingredient in the formulation and implementation of its development policies.

21. **Schwenke** and **Stephen Gould** (2002), conducted a study on “Morality and Motivation: A Role for a Human Rights Approach in the World Bank’s Urban Strategy?” In this essay, the culture analyzes and evaluates the World Bank’s response to this phenomenon in its recently released urban and local government strategy cities in transition. In his view, this strategy has several deficiencies and should be improved.

The evaluation is based on a model of ethically-focused, participatory urban development and one explicitly normative approach - that of the United Nations Development Programme.
The UNDP’s human rights approach supports an urban development - human rights connection in its general contention that both development and human rights share a "common vision and a common purpose - to secure the freedom, well-being and dignity of all people everywhere" (United Nations Development Programme 2000).

The author argues, therefore, that the development challenge confronting cities and towns in the South should be viewed from a moral perspective, and as a human rights challenge. In this context, the UNDP's human rights approach does have an important - and motivational - role in the World Bank's new urban strategy.

22. Waslin and Michele (2002), conducted a study on “All for one and one for all: Human Rights Networks in Mexico”. This dissertation examines domestic human rights networks, which are defined as a set of autonomous nodes engaged in a self-aware, extra-organizational effort at coordinating the resources and activities of a number of individual organizations to act towards a common goal.

By examining the domestic human rights NGO network, people gain invaluable rights into the mechanisms by which human rights violations are transformed into issues, and how and when individual NGOs work together domestically and internationally to influence human rights outcomes within a particular country. The author finds that the domestic network structure and the domestic network's position within the transitional network benefit and constrain domestic human rights activities and priorities.

4.3 STUDIES ON HUMAN VALUES AND OTHER VALUES

23. Crabtree and Craig Randall (2000), conducted a study on “Who we are: An analysis of the relationship between professional attainment and social work values”. This study examines levels of identification with the core value from the 1996 NASW Code of Ethics on the basis of social work licensure level, gender,
ethnicity, income, and age. It also compares levels of identification with these values between clinical social workers and two other state licensed clinical groups.

The study uses multistage ranking, semantic differential analysis and practice-based vignettes to compare responses to these six core values, both individually and relative to each other from a total sample of 458 individuals. The sample population consists of persons who hold licensures from the state of Texas in one of four Social Work designations, as Licensed Professional Counselors (LPCs), or as Licensed Marriage and Family Therapists (LMFTs).

The study found that persons with advanced social work licensures placed greater emphasis on integrity, competence, and dignity and worth of the person, but it did not find a reduced emphasis on the values of social justice and service. Clinical social workers were also more likely to place an emphasis on social justice as a core value than the other two similarly credentialed helping professions. Women and minorities were also more likely to place emphasis on social justice.

Miller and Bryan Kevin (2001), conducted a study on “The influence of personal and professional values upon the value of honesty among superintendents in country boards of mental retardation and developmental disabilities”. Since the study was correctional in nature, direct, cause and effect implications cannot be stated. The one dependent variable was the value of honesty and the seven independent variables were the following seven personal and professional values: physiological/safety, social/affiliation, esteem recognition, self-actualization, achievement, fairness, and helping and concern for others.

A multiple regression analysis that used the stepwise variable selection method found that the combination of physiological/safety, social/affiliation, and esteem / recognition best predicted the values of the honesty and accounted for 35.53% of the variability of the value of honesty.
Overall, CBMR/DD superintendents achieved a mean composite score of 30.20 out of a possible total score of 35, which revealed an 86.29% level of the value of honesty.

The results of the study imply that if honest behaviour is the result of the combination of the three factors, and not vice versa, then CBMR/DD superintendents may possibly help to foster the value of honesty within themselves and employees in their organizations by (a) helping people feel very secure in their jobs, (b) personally interacting with their staff and facilitate similar interactions among employees and (c) helping people increase their self-esteem to feel good about themselves.

4.4 STUDIES ON CLASSES OF HUMAN RIGHTS
(WOMEN’S RIGHTS, CHILD RIGHTS, LAW AND LEGAL RIGHTS etc.)

25. Bunting and Margaret Annie (1999), conducted a study on “Particularity of rights, diversity of contexts: Women, International human rights and the case of early marriage”. This thesis presents an alternative way of approaching and analyzing practices that are criticized on the basis of human rights and defended on the basis of culture. The author illustrates the thesis through the case of early marriage.

The author argues throughout the thesis that, to address practices that are criticized according to International women’s rights and defended as integral to culture, the presuppositions of judgement must be exposed and criticized.

This thesis critically interrogates the preoccupation with Muslim women in International human rights and the treatment of Muslim women’s claims in the case of early marriage. This thesis proceeds along three levels: the International, National and local levels.

This thesis demonstrates that the practice in the area of marriage age tolerates particularity and variance. The local level of analysis stems from fieldwork in northern Nigeria and grassroots activism to address early marriage.
Finally, the author evaluates the national domestication of international norms through the example of Canadian refugee cases concerning marriage and culture.

26. **McDonald** and **Susan Elizabeth** (2000), conducted a study on “The right to Know: Women, ethnicity, violence and learning about and Law”. The study reviews literature on immigrant women, domestic abuse and poverty law, specifically focusing on the dynamics of power and control in the lawyer/client relationship.

The specific goals of the study were: (1) to identify the legal education and information needs of Spanish-speaking immigrant women who have experienced domestic violence; and (2) to determine how best to address these needs with consideration for particular factors which could impede learning.

The results show that most of the women learned very little through their legal situations, but that they believe legal information and legal education, that incorporates their experiences, are essential. The women clearly articulated their learning needs. The results of the research are now being used in the second phase of project to develop and implement a program to address the women's needs.

27. **Albisten** and **Catherine Ruth** (2001), conducted a study on “The Institutional context of civil rights: Mobilising the Family and Medical Leave Act in the courts and in the workplace”. The research challenges rational models of rights mobilization by showing that the process of rights mobilization is embedded within social institutions that construct individual preferences and undermine the effectiveness of rights.

In this study, a focus on rights claims under the Family and Medical Leave Act (FMLA) and examine how formal procedural rules and informal social institutions affect rights mobilization.
This dissertation draws on three sources of data: doctrine developed in judicial opinions interpreting rights, empirical data coded from federal court decisions in FMLA actions and qualitative interviews with workers who negotiated their FMLA rights in the workplace. It also finds that despite formal legal reforms, institutionalized expectations about work, gender and disability continue to permeate workplace negotiations over leave rights, creating obstacles to rights mobilization and shaping workers' perceptions of fairness and the law.

Finally, it demonstrates that although social institutions create resistance to rights and can undermine rights mobilization, rights themselves operate as social institutions and create opportunities for challenging established practices, building connections among workers and bringing about social change.

28. Chan-Tiberg and Jennifer (2001), conducted a study on "The rise of a women's human rights epistemic network: Global norms and Local education redefining gender politics in Japan". The author argues that the dramatic changes cannot be understood without referring to the institutionalization of women's human rights norms at the global level and the domestic mobilization of those norms by a local epistemic network in Japan.

The author combines two thesis of globalization - world society theory within the sociological tradition and a transnational advocacy network approach from international relations - and argues that Japan is an "embedded network state" embedded in global human rights norms which are mobilized by a domestic epistemic network.

For successive world conferences on human rights, population, women and children between the 1993 and 1996 and the UN Special Rapporteur system provided global redefinitions for five formerly separate and illegitimate movements in Japan: the pill, sexual harassment, comfort women, domestic violence and child prostitution.
An emergent women's human rights epistemic network within Japan - made up of feminist nongovernmental organizations, professional associations, academics and sympathetic politicians - holds the Japanese Government accountable for her commitments to global standards. For "discursive accountability politics" to work, however, global norms and to be known locally through "advocacy education".

Since the early 1990s, there has been an explosion of human rights research, training and educational activities by both the domestic epistemic network and the Japanese Government.


This dissertation explores the harm gender role stereotypes have on women as well as men. The purpose of this work is to establish the foundation for a progressive coalition between men and women with a focus on designing reforms for Taiwan for showing their common interest in dismantling established gender norms and practices.

This dissertation employs cross-cultural analysis, multiple research methods and comparative and examines childcare leave policies in Germany, the U.S. and Taiwan from the perspective of gender equality and reveals the distinct role that law plays in either dismantling gender stereotypes or endorsing normative gender distinctions.

An anti-discrimination framework has played a breathtaking role in gender equality discourse through massive litigation in American jurisprudence, through the nature of this framework, the reference point of which is men, has its limit in the dilemma of work and family. Individual women continue to suffer from gender discrimination in the workplace in the form of inadequate childcare leave since they are seen as mothers and not ideal workers and continually assume most of the childcare responsibilities with little assistance. Germany, on the other hand, with its long-standing tradition of social democracy, has many
laws aimed at creating a woman/mother-friendly working atmosphere. However, the women-specific benefits - without challenging the assumption about female mother and male worker norms - strangled an opportunity for men and women to re-negotiate the gendered division of labour. Having learned from both societies' plight in realizing gender equality. Taiwan offers an example where the historical and contemporary oppression of Taiwan has restructured the balance of power between Taiwanese men and women and shaped their struggle to create and maintain work and family institutions. Although men as a group enjoy many privileges, they also pay various heavy costs and share very unequally in the fruits of patriarchy. It is the recognition of this cost which could help to foster a progressive coalition among men, as well as between men and women to achieve greater gender equality. This dissertation proposes a paid childcare leave law which encourages men to participate in childrearing based on a value of freedom of self-development.

Goddard and Caroline (2001), conducted a study on “Law, women's rights and the organization of the legal profession in the Gilded Age: Myra Bradwell's "Chicago Legal News", 1865-1890”. This dissertation looks at the evolution of women's legal rights through an analysis of the Chicago Legal News, one of the first legal newspapers to be published in the United States.

The dissertation explores issues of nineteenth-century feminism, female activists view of the law and the politics of women’s rights, both legal and non-legal. Also included are Bradwell's detailed arguments for women's competence to practise law.

Against this background of legal issues, the dissertation covers specific legal topics of interest to nineteenth-century activists, feminists and lawyers. In the area of women's political rights, the issue of woman suffrage and women on juries are documented.

Finally, the dissertation presents an overall analysis of the state of feminist legal thought through the writings and interactions of Myra Bradwell. Through her newspaper, an alternative view of the nineteenth-century Gilded
Age and Progressive Era is expressed. Within her debates with the legal community and nineteenth-century reformers, she builds an intellectual case that proves the riches of economic and social prosperity have not reached all within American Society.

31. Wilson and Clag (2001), conducted a study on “Protection of Rights in Intellectual Property: How will public policy centred copyright piracy in the age of the Internet?”. The purpose of this dissertation is to examine copyright piracy in the age of the Internet.

This dissertation examines three hypotheses; copyright piracy is decreased (1) by stronger protection policy, (2) by a smaller size communications infrastructure, or (3) by the presence of certain cultural characteristics. Findings show that communications infrastructure size varies inversely with piracy. This finding is unexpected, since the Internet is increasingly involved in copyright piracy and a larger national communications infrastructure allows more access to piracy tools. These findings, when industry to the US Trade Representative does not contain information about Internet piracy.

The conclusion is that piracy is becoming an individual choice and copyright policy must be informed by individual motivations. Also, countries of the East are shifting to higher-density communications infrastructures and countries of the West are shifting towards Eastern views for handling of intellectual property. These shifts will likely result in increased future Internet piracy. To reduce piracy, the copyright industry must explode new business models that offer the convenient features that Internet users want.

32. Fallon and Kathlien (2002) conducted a study on “Getting all the vote: Mobilizing women’s political participation within the emerging democracy of Ghana”. The study women’s mobilization within an emerging democratic state of Sub-Saharan Africa would provide insight into how women may renegotiated
their position in relation to transforming political structures and how they may work to redefine their own rights.

Specifically, in-depth interviews with 33 members of women's organizations and multivariate analysis of a survey of 621 women are used to explore whether women's organizations are attempting to incorporate non-partisan political issues into their agendas, whether they are attempting to mobilize women to participate in the formal political process in order to transform their citizenship rights, and if so, whether they are contributing to a transitional democratic state.

The results indicate that despite hindrance from prior military regimes, women's organizations view the electoral process as a means to mobilize women. They have attempted to mobilize women to participate in elections and their mobilization effect appear to have influenced the political behavior of women. Implications of these findings for the understanding of women's mobilization in Sub-Saharan Africa are discussed.

33. Keith and Linda Camp (1999), conducted a study on “The law and human rights: Is the law a more parchment barrier to human rights abuse?” This study is the first systematic global analysis of the impact of law on human rights, analyzing the impact of twenty-three constitution provisions and an international covenant on three measures of human rights behavior, over the period of 1976-1996.

Three sets of constitutional provisions are analyzed, including (1) ten provisions for individual freedoms and due process rights, (2) nine provisions for elements of judicial independence and (3) four provisions that outline procedures for states of emergency. Additionally, the impact of the International Covenant on Civil and Political Rights on actual human rights behavior is analyzed.

Provisions for fair and public trials are consistently shown to decrease the probability of abuse. An index of four freedoms (speech, religion,
association and assembly) decreases the probability of abuse somewhat consistently.

However, two of the provisions are shown to hurt human rights practices; the duration and the derogation provisions. The International Covenant on Civil and Political Rights does not demonstrate a statistically significant impact. While the performance of the constitutional provisions is less than legal scholars would hope, their combined impact over time are shown to be quite large, relative to the impacts of other factors shown to affect human rights abuse.

34. **Pieper and James Steffen** (1999), conducted a study on “Democracy, equality and the law: The problem of political equality in American law”. This is a work of applied democratic theory. This dissertation is an examination of the issues that arise in lawsuits under the United States Constitution and Voting Rights Act of 1965 that challenge political structures such as electoral districts and voting methodologies.

This work concludes by offering a legal framework that attempts to take into account the theoretical underpinnings presented in the prior chapters. By applying legal standards that consider the questions of democracy and equality, majorities and minorities and rights and politics, the judiciary can decide the type of cases analyzed by this dissertation in a more theoretically justifiable fashion.

35. **Dorssemot and Filip** (2001), did a study on “The legal status of representative trade unions: On the complicated relation between the legal status of trade unions and the right to collective action”. The subject focuses on the legal status of Belgian representative trade unions, which are said to ‘refuse’ corporate personality and to be mere factual associations. The aforementioned communist opinion is questioned in a critical way.

The thesis seeks to prove that Belgian trade unions are not deprived of legal capacity and that they are not situated in a vacuum iris. The
The author confirms that these associations have a limited legal capacity and cannot be held viable for wrongful collective action.

The central question is analysed in a comparative way, according to German, Dutch and French law. Furthermore, the issue is examined in the light of International legal standards concerning human rights (ILO-conventions, UNO-Conventions, Council of Europe Conventions).

The thesis offers insight into various fundamental topics, e.g. (1) legal theory: definition of corporate persons, legal capacity, subjective rights, legal order, institutional theory (Romano, Haurian, Renard etc); (2) the definition of trade unions; (3) the problem of representativeness of trade unions; (4) the Public Organisation of the Economy; (5) the limits of the right to collective action; (6) internal functioning of associations; (7) legal representation of groups of persons; (8) liability of groups for wrongful collective action.

The subject matter is treated according to labour law, law of contractual obligations, tort law, constitutional law, international law, legal theory, administration law, corporate law. Furthermore, the problem is situated in a broad perspective of history and history of law.

Ziv and Neta (2001), carried out a study on “Human rights law and public interest lawyering: A study on the interdependence of Jurisprudence and the legal profession in Israel”. The dissertation explores the correlation between human rights law and public interest lawyering in Israel through three case studies: advocacy to recognize pluralism in religious conversion, the struggle for equality of Palestinians in Israel and advocacy to outlaw torture.

Situated within the context of Israeli policy and social fabric and through the examination of the professional praxis of the lawyers who advocated for these causes, the thesis demonstrates the interdependence between jurisprudence and professionalism on the general as well as the particular level.

In the thesis such concrete factors are identified and their impact on the formation of law and the shaping of professionalism is demonstrated.
They include the substantive subject matter underlying legal representation, the institutional ideology within which representation occurs, the identity (national, religious) of the lawyers and the clients involved and power disparities between lawyers and their professional communities as well as between lawyers and clients. The thesis demonstrates how these factors influenced both substantive legal doctrine as well as the professional and ethical dispositions of the lawyers that advocated for these causes. The thesis contributes to the evolving research on the legal profession in Israel and through this angle – to research on Israeli law and the legal system.

4.5 STUDIES ON HUMAN RIGHTS VIOLATION
(SEX ABUSE, CHILD LABOUR, SEXUAL HARASSMENT, CHILD ABUSE, VIOLENCE AGAINST WOMEN etc.)

37. King and Smith Henderson (1999), carried out "A Study of Peer sexual harassers in metropolitan Nashville public high schools". The purpose of this study was to determine which factors affect a student's choice to sexually harass his or her peers. This research examined the role that (a) grade point average, (b) attitudes concerning gender roles, (c) the student's own experience with harassing behavior and (d) the student's rationale for engaging in sexually harassing behaviour play in the dynamic of public high school peer sexual harassment.

Data gathered for this study were collected by means of an American Association of University Women survey, the Attitude toward Women Scale for Adolescents and student records for grade-point average.

Results were obtained from four of the seven requested schools. Of the four schools that did participate, two schools had smaller populations with mean ACT scores of 17 and 20.2. A third school was a medium-sized school with a mean ACT score of 18.6 and the fourth school was a large population school with a mean ACT of 19.4.
Findings of this study were as follows: (1) Peer perpetrators of sexual harassment had significantly higher grade-point averages than their school mean. (2) The majority of peer perpetrators had less traditional gender-role stereotypes. (3a) Perpetrators were significantly more likely than nonperpetrators to have experienced sexual harassment as a victim. (3b) Perpetrators were significantly more likely to have been victimized by a peer than by someone else. (4) Perpetrators were significantly more likely to choose the rationale of perceived normalcy of sexual harassment than any other rationale.

Brillinger and Paula Sue (2000) conducted a study on “Perceptions of Prison Turmoil: An Exploration of Violence in Women’s Prisons”. Inmate participation in research on prison violence is scarce in the literature. Even less research is found on the subject of prison violence and female inmates. This leaves a gap in the human knowledge, not only of prison violence. This dissertation is an exploration of perceptions of prison violence. A combination of self-administer surveys and focus groups were used to gather data from twenty-five female residents of halfway houses in two mid-sized eastern cities.

Overall, the perception was that violence is physical and abuse in mental and emotional. Based on the perceptions of the participants, violence in women’s prisons is minimal, but abuse is epidemic. Both inmates and guards use forms of abuse to control others and to empower themselves.

Based on the findings, for policy recommendations are put forward: (1) Changes in the policy and procedure to reduce the stress of the prison intake/classification process and the first few weeks of incarceration; (2) Provide for better education and training for correctional officers; (3) Provide meaningful educational programs and work assignments that are life-enhancing; (4) The development and improving of community-based preventive and early intervention programs.
39. **Bysom** and **Terry Louise** (2000), conducted a study on “Exceptions to the Intergenerational Transmission of Violence: The role of Perceived Social Support”. The purpose of this study was to examine the role of perceived social support in resilient individuals from physically abusive backgrounds who have been successful in interrupting the cycle of violence in their adult lives.

The study expanded to include the large issue of the perception of abuse and resilience and the implications from both a theoretical and practical perspective.

Two thirds of the participants were affirmative in their belief that social support was helpful in breaking the cycle of violence. Narrative themes of social support, internal aspects of self and spiritually emerged as factors which played a role in breaking the cycle of violence. Awareness of alternatives and non-judgmental support were identified as aspects of social support which were deemed helpful.

Findings of this study suggest resilience may be an internal concept impacted by individual interpretations and perceptions and not just an external, measurable construct. In addition, this study identified a previously undiscovered group of individuals: the pseudo-resilient.

40. **Dinoia** and **Jennifer** (2000), conducted a study on “Patriarchy and violence against women: A state-level analysis”. This finding is partially explained by the fact that only one state had the combination of structure and ideology that contributed to the highest rates of violence in the prior Yllo and Straus (1990) research. Where previously structure and ideology were in conflict, at present, they are highly consistent with one another, the result of the ideological climate in the states catching up with structural changes that were just beginning to take root previously.

Findings revealed that there is an inverse relationship between patriarchal structure and violence. As structural arrangements in the states become less patriarchal, rates of violence against women increase. Findings
are examined in relation to Millet's Theory (1969). The implications of these findings for social work practice, policy and research are discussed.

41. **Drobac** and **Jennifer Ann** (2000), conducted a study on “Sexual harassment law: History, cases and theory”. This comprehensive work offers a careful examination of workplace sexual harassment law in the United States, including its history and practice.

   Part I concentrates on the legal and theoretical developments of sexual harassment law. Beginning with the passage of Title VII of the 1964 Civil Rights Act, this part traces the development of the prima facie case of workplace sexual harassment, incorporating the work and influence of the academic theorists in the field, including Catherine Mackinnon, Nadine Taub, Nancy Elizabeth, Susan Estrich, Martha Mahoney and Kathryn Abrams.

   Part II emphasizes the practice of sexual harassment law and litigation. An Analysis of Paula Jones' sexual harassment claims against president Clinton emphasizes alternative federal and state law claims. It focuses on the special relevance of particular rules of civil procedure, discovery and evidence in sexual harassment cases. Materials address controversies topics such as the admissibility of sexual histories, psychiatric and medical records, personnel files and expert testimony.

   A teacher's manual concludes the work, providing additional illumination and analysis.

42. **Fontanarosa** and **Jeann** (2000), conducted a study on “The application of rape reform measures in Philadelphia courtrooms”. To help understand why the reforms were not successful, this project focused on the trial phase of the criminal justice system. It tried to determine whether the rape reforms were actually applied in the courtroom and how they may have influenced the course of trial proceedings. Particular attention was given to how the rape shield provision affected the use of sexual scripts.
The data for this study included fifteen trial transcripts from 1964-1965, 1971-1972 and 1985-1986; observations from another fifteen cases from 1997-1998; and eight unstructured-interviews and informal discussions with several other court personnel.

Findings: First, it found that the reforms enacted in Pennsylvania were not as strong as they appeared on the surface. Although the rape shield eliminated the requirement that victims resist their attackers, the law permitted defense attorneys to point to victims’ lack of resistance to imply consent. Similarly, a very narrow interpretation of the rape shield meant that this reform did not lead to a decrease in the usage of sexual scraps. Third, it found that in the pre-reform years cases that did not meet the legal standards in effect at that time were sometimes accepted for trial anyway. So, even before the reforms were adopted, uncorroborated cases and cases involving non-resisting victims still proceeded to trial. Finally, the types of cases taken to trial shifted from being primarily stranger rapes in the pre-reform years to being predominantly acquaintance and date rapes in the later years. This shift, along with the appearance of "unsympathetic" victims in the 1990s, seems to explain why convictions were at their lowest level in the 1990s.

43. Lane and Donald Henry (2000), conducted a study on "Family relationship dimensions and violence among married couples in southern baptist churches". The revised Conflict Tactics Scales (CTS) measured the amount and kind of family violence. The relationship dimension subscale of the Family Environment Scale (FES) measured the family relationship dimensions. The difference between the amount of family violence and gender, age and religious commitment was also investigated.

The sample consisted of 46 married couples between the age of 22 and 45 who reported attending a Sunday School class at least 8 times in the past 3 months with most having attended on a weekly basis.

Findings indicated that the percentage of these highly religious couples that reported at least one act of physical assault within the last year
was about the same as the national average of couples in the general population (Brinkerhoff, Grandin and Lupri, 1992; Straws and Gelles, 1986). This research indicates that psychological aggression and physical assault decreased as scores on family relationship dimension increased. No statistically significant difference between the amount of violence by gender was found.

Magar and Veronia Beatrice (2000), conducted a study on “Reconceptualizing domestic violence in Delhi Slums: Multidimensional factors and empowerment approaches”. This study explores and describes the interventions of an exemplary NGO dealing with domestic violence in four Delhi slum localities. The study attempts to answer the questions: (1) how is domestic violence defined and conceptualized by the study NGO? and (2) how is it addressed by the NGO?

Data were collected over six months through multiple methods including: free listing and pile-sorting exercises, indepth interviews, observation and document analysis of 124 intake sheets. An empowerment model was used as the guiding framework.

The findings reveal that ‘domestic violence’ was categorised in five distinct groups, representing prototypical case-sceneries observed among NGO workers. These categorizations include: (1) marriage dissolution; (2) sexual violence; (3) alcohol/kharcha (maintenance); (4) dowry; and (5) fighting with in-laws.

Three of the five categories including Intra-familial violence, dowry and alcohol/kharcha as well as corresponding NGO interventions are described and analysed for patterns.

Findings reveal a recurrent pattern of abuse and its association to household poverty and women’s economic dependence on men. Through the support and guidance of the caseworkers and social pressure by the Mahila Panchayat, women engaged in an empowerment process to improve their lives and change the situation for others in their communities. The findings are useful for researchers as well as for community-based NGO who are planning
intervention strategies for future projects aimed at curbing violence against women.

Sriram and Chandra Lekha (2000), conducted a study on “Truth, justice and accountability: The way that transitional regimes address the human rights violation of previous regimes”. The work contributes to three areas of the literature on transitional justice that are insufficiently developed.

It hypothesizes that there are three factors that make accountability more or less feasible in a particular country: international/external influences, the balance of forces between civilians and the military and or government and opposition forces and the extent and nature of previous rights abuses.

Finally, as the relatively small literature that does address factors affecting accountability runs the risk of being too deterministic. It argues that there are also strategies of transition, trade-offs and compromises that regimes (and international actors assisting them) may make in an attempt to achieve greater accountability or greater stability.

The result is more nuanced understanding of the different conditions and possibility that countries face and the lesson that there is no one-size-sits-all prescription that can be handed to transitional regimes considering the legacy of the past.

46. Arisa and Enrique Desmond (2001), conducted a study on “Crime, violence and democracy: The state and political order in Brazilian shanty towns”. After fifteen years of democratization, residents of Rio’s davelas (shanty towns) suffer high levels of civil and human rights abuse at the hands of both police and drug traffickers. The government is generally not able to guarantee the political order to protect the rights of residents of these communities.

Based on over two years of participant observation and interviews in Rio de Janeiro, this project examines how democratic order can be extended
to davelas and human rights more effectively guaranteed in similar communities in other cities and countries.

The links between the community and the outside are fundamental in helping residents bring in needed resources, controlling abuses on the part of state officials who work in the community and stabilising order. This project details the types of micro-level institutions necessary to consolidate democracy and guarantee human rights on the local level. Further this project looks at the structure of domestic political networks and the role they play in the governance of post-authoritarian societies.

47. **Bland** and **Michael** (2001), was studied by “The psychological and spiritual effects of child sexual abuse when the perpetrator is a Catholic Priest”. The purpose of this dissertation was to explore the negative, long-term psychological and spiritual effects of child sexual abuse when the perpetrator was a Catholic priest. A total of 73 victims of childhood clerical sexual abuse were surveyed of which 48 responded (65.7%). In addition, 110 adults from various Catholic parishes and schools were surveyed of which 96 questionnaires were returned (87.2%). Data were collected from 144 participants and divided into three groups. Group 1 Abused By Priest (ABP) N = 48, Group 2 No Abuse (NA) N = 76 and Group 3 childhood sexual Abuse History (AH) N = 20.

All participants completed Background Data Questionnaire, Religiosity Index, Spiritual Injury Scale and Trauma Symptom Checklist - 40 (TSC - 40). Additionally, Group 1 participants completed a Sexual Abuse History and Healing Questionnaire.

In a two-way analysis, F (1, 122), the ABP group scored higher (p < .0005) as compared to the NA group regarding guilt over past behaviors, Dissociation, Sexual Abuse Trauma Index and Trauma Symptom Checklist - 40 (TSC - 40) total score. Data approached statistical significance, F = 3.892, p = .051, indicating that there was no significant difference between the two groups in attendance at religious services. However, there was a significant
difference (16.0%) between the two groups current religion. Nearly 23% of individuals abused by a priest no longer identify with the Roman Catholic religion despite having been raised Roman Catholic, as compared to a 5.2% decline in the group not abused.

In a three-way analysis F (2, 141) the ABP group scored higher (P < .00244) as compared to the AH group and the NA group regarding higher symptoms of grief, anger, a sense of meaninglessness, feeling God treated them unfairly, dissociation, depression, sexual problems, sleep disturbances, Sexual Abuse Trauma Index and the total score on Trauma Symptom Checklist - 40.

Chen and Ping-Hsin (2001), conducted a study on “The role alcohol use in intimate partner violence among men and women”. The purpose of the study is to examine the role of drinking in perpetration and victimization of intimate partner violence among men and women. The study explains the association between drinking and intimate partner violence within an integrated theoretical framework that combines disinhibition, effect, feminist, systems and social learning theories.

Five waves of perspective, longitudinal data from a community sample of 725 individuals are analyzed.

Results indicate that the overall perpetration rates are higher for women than for men. Relationship dissatisfaction is the best predictor of perpetration and victimization for both genders. The effects of drinking by either partner or both partners on intimate partner violence vary by gender. For men, neither their drinking nor their spouses' drinking predicts male perpetration, while their own drinking but not their spouses' drinking predicts male victimization.

Craig and David Louis (2001), conducted a study on “A study of principals' perception and knowledge of sexual harassment in schools”. The purpose of this study is to examine the knowledge of principals concerning laws
that govern sexual harassment. A total of 157 principals in Macomb, Oakland and Wayne Countries participated in this study.

The Sexual Harassment survey used in this study was developed by the researcher. Several survey items on were obtained from the Equal Employment Opportunity Commission and the Michigan Department of Civil Rights with the remaining items derived from a review of sexual harassment literature.

Results indicated that principals were positive in regard to school policies and procedures and student knowledge of sexual harassment. They disagreed with the use of independent investigators for sexual harassment complaints in their schools.

The findings indicated that perceptions of school policies and procedures and students' knowledge of sexual harassment differed among the principles relative to the amount and types of sexual harassment training received principals who had more training scored significantly higher than principals who participated in less than three training programs.

Gray and James Weldon (2001), conducted a study on "Spiritual well-being, family functioning and coping strategies and domestic violence among African, American men who batter". These factors - spiritual well-being, family functioning and coping strategies - are interconnected, influence each other and can lead to wholeness and affirmation of life or maladaptive behaviors. The purpose of this research was to examine the extent to which the dimensions of spiritual well-being, family functioning and coping strategies may bear on the level of domestic violence among African American men.

The subjects for this study consisted of 100 African American males from the Washington D.C. metropolitan area, identified by their participation in batterer intervention service mandated by court order. Participation in this study was voluntary.

Results indicated a statistically significant inverse relationship between family functioning and both physical and non-physical abuse. There
was no relationship between spirituality and levels of abuse and coping strategies and levels of abuse.

This study provides initial data that could be replicated with other groups. Results from this study may also provide significant information that could be used for targeted intervention approaches.

Johnson and Janet Elise (2001), conducted a study on “State transformation and violence against women in post communist Russia”. The dissertation examines the Russian state’s response to sexual and domestic violence and the women’s movements that have arisen to challenge both the state’s inaction and the violence itself.

The author uses the issues of violence specific to women—women battery, familiar rape and sexual harassment—to examine the obstacles and opportunities for women created in post communism.

While there are policies that promise to protect (male) citizens from violence in general, there are only limited promises for the violence that is specific to women. As the right to live free from bodily harm is both fundamental and necessary for political participation, the transition threatens to institutionalize the exclusion of women.

As part of the growing body of literature on the Russian transition, the project injects a necessary concern for the role of activism, especially women’s activism, in democratization and challenges transition theory to move beyond baseline procedures of democracy to take account of the inclusion and exclusion of citizens. Russia’s transition from institutions antithetical to liberal democracy to those more democratic is a “natural experiment” that can highlight how democratic institutions facilitate and obstruct the citizenship of women.

Joyce and Patricia Anne (2001), conducted a study on “Mothers of sexually abused children and the concept of collusive”. This study reports the perspectives of clinical social workers on the mothers of sexually abused children whom they saw for treatment. The subjects were 15 masters-level
social workers in an urban child treatment program. The study used qualitative methods in a grounded theory to examine professional's social constructions of mothers of sexually abused children.

Respondents were interviewed for approximately one hour using a semi-structured interview guide; nearly one hundred hours of clinical case conferences were observed.

Findings revealed: (1) that the political, social and fiscal context of agency clinical social work practice influenced respondents' constructions of mothers of sexually abused children; (2) that these clinical social workers ranked mothers along continual representing post-disclosure actions and beliefs and used concepts derived from trauma theory to account for these; (3) the case conferences constituted social rituals with manifest and latent functions, with both functions affecting how clinicians constructed mothers. Implications for social work practice, administration, research and policy are discussed.

Lames-Nelson and Ana Tereza (2001), conducted a study on “Judiciary police accountability for gross human rights violations: The Case of Bahia, Brazil”. The dissertation investigates the recurrent gross human rights violations by the judiciary police in Salvador, Bahia, Brazil.

This study uses as primary material the investigative files of the Police Review Board in the period 1988-1996 involving citizens' complaints against members of this institution for torture and murder.

The dissertation concludes that the Police Review Board is in fact a preemptive institution that protects police officers from judiciary prosecution. It also blocks the universalization of citizenship, as it treats differently people from the upper and lower classes and as it systematically turns down the demands for rights from disprivileged citizens, thus exerting a detrimental effect on the development of the civil rights of the lower strata of society.

This research illustrates some of the more profound albeit too often less visible problems that plague the effectiveness of democracy in Brazil and elsewhere in Latin America.
Limpaphayom and Wanthance (2001), conducted a study on "A cross-cultural comparison of Thai-American Perceptions of and reactions to sexual harassment". This dissertation examined the perceptions of and reactions to sexual harassment in a cross-cultural context.

The main research question was whether there are differences of reactions to sexual harassment between people from different cultures. Other variables include are gender of the participants, gender and position of harasser and victim and type of sexual harassment behaviours.

Results from MANOVA tests indicated that there were differences in perceptions of sexual harassment based on the respondents' nationality. Other main and interaction effects were also found. Nonparametric statistics implied that the Thai and U.S. Participants ranked their responses to sexual harassment differently. Limitations, future directions and practical implications of the findings were also discussed.

Purvey and Diane Barbara (2001), conducted a study on "Perceptions of wife beating in Post-World War II English speaking Canada: Blaming women for violence against wives". This dissertation is an analysis of perceptions of family violence English-speaking Canada focusing on the fifteen years after the Second World War.

An idealized vision of home and family domesticated and subordinated women, and served to entrench and consolidate the dominance of white, middle-class, heterosexual, and patriarchal values. The normalization of these domestic ideals shaped responses to family violence. Three sources were studied and evaluated for their presentations of family violence.

Although domestic violence receives little direct mention, it pervades the sources in subtle ways. Women were blamed for men’s violence. Experts and commentators pathologized women who failed to fulfill their “normal” spousal and maternal responsibilities and urged them to sublimate their needs to those of their husband, their family and, the Canadian nation.
56. **Sharlach and Lisa Boswell** (2001), conducted a study on “Sexual violence as political terror”. This dissertation is an analysis of rape policy in the following case studies: Eritrea since 1970; apartheid South Africa; contemporary South Africa; Peru from 1980 until 1992; contemporary Peru; East Pakistan in 1971; contemporary Pakistan; Rwanda in the late 1990s.

The author focuses on the role of state in mediating – or failing to mediate the often violent intersection of ethnicity, sex and class. The state may inflict shame and degradation in addition to bodily harm, upon individuals who belong to disfavoured social groups. The state’s agents – police, soldiers, and prison wardens – may rape.

Thus, the state facilitates the dominant group’s hegemony – its preponderant influence in politics and society. The reasoning is the philosophy that has proven successful through the centuries and throughout different geographic entities: stigmatizing violence keeps stigmatized groups politically subordinate. Moreover, during ethnic war, rape can be used with great effectiveness as a weapon of degradation, demoralization, and defeat.

57. **Spath and Robin** (2001), conducted a study on “The detection of intimate partner violence indicators by child maltreatment professionals”. Victims of child maltreatment who also observe intimate partner violence may experience a “Double Whammy” (Hughes et al., 1989, p.206). In addition to the problems resulting from their own victimization, studies show that children who also observe partner violence have increased behavioral and emotional problems, the severity depend on age, gender and the level of the partner violence.

This research had a unique methodological approach to assessing the overlap of the two issues. The sample consisted of 932 child maltreatment case referred to District Attorney’s office in a large Northeastern City from June 1, 1997. In addition to examining administrative data, this study
gathered survey data on partner violence from three professionals most frequently involved in child maltreatment cases.

The results indicate that professionals with different roles in case of child maltreatment detect intimate partner violence; however, the rate of detection varies among the three groups of professionals surveyed, with child protective services social worker having the highest detection rate. The mother of the abused child most frequently provided information to professionals on partner violence and the professionals’ responses to partner violence varied across the three groups surveyed.

58. **Zeigler** and **Frank Austin** (2001), conducted a study on “Relationships between sexual harassment experience and federal case outcomes against criminal justice organizations, 1988-2000”. This study identifies 104 Title VII sexual harassment cases filed by police and correctional personnel employed at the local, state, and federal level of primary interest is the relationship between the degree of severity of the harassing behaviour and the remedial response of the agency and how these issues influence case outcomes and damage awards. Cases are examined further to assess trends in law since the 1991 Amendment to the 1964 Civil Rights Act.

Content analysis of published opinions from all federal district courts and circuit courts of appeal are used as the source of data. ANOVA and Chi-square analysis are used to identify issues significantly to outcomes.

1. The incidence of sexual harassment litigations has increased more than threefold between 1988 and 2000. (2) The presence of documents and witnesses in support of the Title VII lawsuit did not significantly affect the outcomes of a case. (3) The severity and pervasiveness of the sexual harassment did affect the outcome of the case except when an additional charge of retaliation was proven or not proven. (4) Appellate courts rarely reversed damage awards in sexual harassment cases. (5) Recent changes in law on the supervisory sexual harassment have increased Title VII liability.
(6) The simultaneous use of 1983 with Title VII in lawsuits for sexual harassment is declining.

59. **Brandt and Jennifer Claire** (2002), conducted a study on "Towards an empirical typology of battered women: Differentiating subgroups and service outcomes of female survivors of domestic violence". The purpose of this study was to create an empirical typology of battered women and to examine the relationships between subtype membership and service outcomes following participation in domestic violence intervention services. Secondary analyses were conducted on data obtained from the client records of 295 battered women who participated in services at a non-shelter, community-based, domestic violence intervention program located in an urban Ohio City. Seven battered women subgroups were identified.

The typology derived in this study appears to have resulted in a functional characterization of battered women who utilize non-shelter, community-based domestic violence intervention services in urban Ohio. Comparative analyses suggest that subgroup membership may be associated with difference in service outcomes.

60. **Busseent and Joy** (2002), conducted a study on "Violence against women and children: A critical look at the use of scripture in select feminist, traditional, liberation, and womanist discussions of suffering and their relevance for battered and abused women and children". The author has taken a critical look at the use of scripture in selected traditional, feminist, liberation, and womanist biblical and theological materials for their relevance for the concern to address the suffering of battered and abused women and children.

The study concludes that it can but the efforts will require a creative and imaginative re-reading of the text not only to bring text into view, but always with the ultimate end of bringing God of seeing and hearing closure to the sufferer's experience so that one has a particular love and concern for the most vulnerable, the orphan, the widow, and the stranger, including the
battered and abused woman and child, indeed the one who weep with those who weep and mourns with those who mourn can be more fully known. In the end, the wilderness metaphor survives as the place where women live as we struggle to name and eliminate violence against women and children.

61. **Johnson - Disbrow** and **Carla** (2002), conducted a study on “Perceptions of sexual harassment in educational organizations by Illinois Unit School District certified personnel and the implications on policy, procedure and product”. The purpose the study was to investigate perceptions among Illinois large unit school district personnel regarding sexual harassment behaviours. The study also examined sexual harassment policy effectiveness, observed cases, and the impact of such on the educational organization and the behaviours of school personnel.

The study employed a casual-comparative design utilizing a questionnaire technique. A total of 3732 questionnaires were sent out to Illinois Unit School District certified staff. Of these sent, 736 were returned from 8 school districts.

Four (4) primary and thirteen (13) secondary research questions guided the research and addressed issues concerning sexual harassment in the school setting. Three types of sexual harassment were addressed: general, student-on-staff, and same-sex.

The major findings of the study show a considerable variation in perceptions of the definitions of the three types of the harassment examined. Depending on which type was the focus, respondents altered their perceptions, even when the behaviours considered were exactly the same. In addition, there are numerous similarities within comparison groups regarding gender and victimization and policy satisfaction rates. Last, respondents provided evidence of direct on staff communications and learning process when sexual harassment is present in the educational organization.
62. **Kauffman** and **Frank** (2002), conducted a study on “Preventing child abuse and neglect in Arizona: Perceptions of the Homebuilders’ model”. Family preservation service programs were implemented in Arizona in 1989. Implementation of these programs was in response to the dramatic increase in the number of reported cases of child abuse and neglect. Between 1985 and 1990, the number of substantiated reports increased to 61 percent. Under this model, services are provided by a two-person team for periods of 90 to 120 days. Case loads average eight to ten families. Services are provided three times per week, averaging three hours per visit. Under this model, a simple worker provides intensive services to two or three families for 30 to 40 days. The time spent with the families can be up to ten hours or more.

This dissertation seeks to understand the efficiency and effectiveness of the Homebuilders’ model employed by our Town Family Centre. Data were collected from Child Protective Services’ case managers and investigators, caseworkers and supervisors from the Town Family Centre, client families who have participated in the services, and other sources, including documents provided by Child Protective Services and Town Family Centre. Comparisons are also made with a similar agency providing services under the traditional model.

63. **Ridao** and **Cano** (2002), carried out a study on “Child Labour and schooling in rural Bangladesh”. This thesis examines both theoretically and empirically the joint determination of alternative work and school outcome processes, and the impact of child work on human capital accumulation in the context of rural Bangladesh, where low levels of educational achievement coexist with high incidence of child labour.

The first essay looks at the joint determination of school enrollment and work participation of school-age children at a point in time, while focusing on the role of intra-household distribution of power. The results indicate that mothers have a higher preference for child schooling than fathers. This result has important implications for policies directed at women.
The second essay moves a step beyond the static picture of the first paper and examines the causes underlying the low rates school progress to secondary school in rural Bangladesh, while focusing on the effect of working while in school. The results show that overall working children are those who would benefit the most from not working in terms of making the transition to secondary school. This result suggests that policies aimed at increasing the rate of transition to secondary school through reductions in child labour are both most relevant and most effective.

The third essay extends the concepts and ideas of the second paper to a dynamic context. It is found that work has a negative and sizable effect on the school outcome in each level for the entire population, as well as for all the subpopulations considered, including the different groups of working children. It is possible to characterize the different groups of working children. This characterization and the magnitude of the estimated effects work have important policy implications.

Sagade and Jaya Vishnu (2002), conducted a study on “Socio-legal and human rights dimensions of child marriage in India”. This thesis explores socio-legal and human rights dimensions of an age-old problem of child marriages of young girls in India. Right from the 19th century efforts were made by social reformers to raise the age of marriage for girls by using the social science data.

Child marriage adversely affects the health, particularly the reproductive health of young girls. It denies them the right to education and development. It makes them live the rest of life in servility. The law regulating the age of marriage though was enacted in 1929 in India, by and large it remains unimplemented.

The result is millions of girls are married off when they are young. Based on the feminist theory ‘asking the women question’, the thesis argues that the young girls are discriminated by the law, culture, and society against their counterparts on the basis of sex, gender and age when they are married off before they attain the legal age.
65. Slotten and Carolyn Theresa (2002), conducted a study on “A qualitative study of twenty four women who experienced sexual harassment in high school: What happened, how they coped, and how it affected them”. This is a qualitative study of interviews conducted with 24 adult women who experienced sexual harassment while in high school. Through personal interviews with 24 adult women who categorize themselves sexual harassment survivors, this study examined their personal coping, coping strategies and histories.

The study was designed from a feminist and narrative research approach, thus accounting for its qualitative and exploratory nature. The results of this study strongly mirrored the research literature examined. The women were harassed primarily by males, either students or teachers. The harassment usually occurred in public areas of the school with other people present and often participating. Victims rarely reported the harassment to school officials or their parents.

This dissertation concludes with limitations of the study and directions for future research.

66. White and Linda Jean (2002), conducted a study on “Staff development via the Web on child abuse issues”. The purpose of this study was to survey teachers’ knowledge regarding definitions, identification and or symptoms of child abuse. The survey also examined the most common delivery model for child abuse staff development for teachers. Analyses completed to determine if the length of service influences teacher knowledge about child abuse informations. After teacher knowledge was surveyed and a need for further training was determined, a web site for teacher regarding child abuse was designed. A formative evaluation of the web site was completed.

Results of the survey included responsibility to report suspected child abuse, identification of child abuse, training format for information received on child abuse and further training needed, agency responses to teacher
reported child abuse, and teacher support in the classroom for victims of child abuse. Teachers were given an opportunity to write their opinions regarding the victims of child abuse as well. Additionally, formative evaluation of the web site was discussed.

Teachers are reporting child abuse regardless of their training background and arguments might be made that reports without training may be unfounded. Additional arguments might be made that without training or access to identification and support activities, children who are abused or neglected may go unidentified and under supported. The current study considered the internet as one staff development delivering model for child abuse issues.

4.6 STUDIES ON HUMAN RIGHTS EDUCATION

67. **Wade and Rahima Caral** (1992), conducted a study on "Human Rights Education in the Elementary School: A Case Study of Fourth Graders Responses to a Democratic, Social Action Oriented Human Rights Curriculum (Democratic Classroom Practices)". This qualitative, exploratory case study focused on the design and implementation of a human rights curriculum in a fourth grade, public school classroom. Based on a review of the literature on human rights education, a curriculum incorporating a month long unit, democratic classroom practices and social action projects was designed and carried out with a group of eighteen, white fourth graders.

The major findings of the study was that students' personal experiences, developmental levels, and family and cultural backgrounds strongly influenced their ideas, interests, and subsequent learning about human rights.

Most students were able to develop a basic understanding of human rights concepts. Effective teaching techniques were simulations, using children's literature, role play and action projects.
68. **Frost** and **Lynda Elizabeth** (1996), conducted a study on “Policy Development and the Implementation of Educational Reform: A Study in Human Rights Education (Costa Rica, Latin America)”. The Inter-American Institute of Human Rights (IIHR), a nongovernmental organization located in Costa Rica, has over the past decade designed and implemented highly respected human rights education programs in Latin America.

This study aimed to explore the process of educational change by analyzing the IIAR’s method of actualizing its human rights education policies from 1989 through 1992. The study sought to develop a model of successful program implementation in the field of human rights education.

The study attempted to determine the policy themes IIHR Education Department staff members had developed and to trace the evolution of those themes through the policy implementation process with specific human rights education projects.

The study concluded that strong substantive policy themes are conceptually inconsistent with a contingency approach to educational change. Human rights educators could take a directive and authoritarian approach to human rights education, renouncing the use of participatory techniques that shape the educational process to the needs and interests of participants and thereby could effectively communicate predetermined substantive themes. This study concluded that the IIHR’s attempted use of a contingency approach to operationalize substantive policy themes was destined to fail.

69. **ELGarrai** and **Omer** (2000), conducted a study on “Problem and Prospects of Human Rights Education in Arab Islamic Region: Egypt as a Case Study”. The study investigates two human rights NGOs in Egypt namely Cairo Institute for Human Rights Studies (CIHRS) and the New Woman Research Center (NWRC) and their work in the field of human rights education. Due to the intellectual conflict between the Arab Islamic Culture and the International norms of human rights.
Depend on the Western Philosophy and justification for human rights, which are secular to present human rights education in a society where the state, the media and public opinion are overwhelmed with traditional Islamic thought.

The study suggests some ideas for establishment of a new human rights curriculum that depends on the same culture using a progressive Islamic interpretation. Part of the thought of Ustadh Mahmoud Mohammed Taha, particularly the theory of evolution of Sharia's that reconciles between human rights idea and the original principles of Islam, is proposed as a main theme for the new curriculum.

70. Bond and Helen (2001), conducted a study on "Teaching for Freedom: A Case in Ghana". The United Nations declared the years 1995 to 2004 as the Decade for Human Rights Education. The principles of human rights education promote dignity, tolerance and peace by educating individuals and groups to respect, defend and advocate for their rights.

In 1992 Amnesty International Norway developed a human rights education program called Teaching for Freedom (TFF). This program was implemented in 26 countries worldwide including all ten administrative regions in Ghana, West Africa. The purposes of the TFF program were to educate the youth and train final year teachers in the principles of human rights.

Human Rights Education Programs are tasked with not only making these universal principles meaningful and participatory in the lives of the people on the ground, but also implementing culturally legitimate programs in local contexts with few resources. This study attempted to understand how the Teaching for Freedom Program accomplished these aims and the barriers that impeded it.

Using qualitative analysis and the grounded theory approach, I conducted a case study of one TFF program located in one school in one region of Ghana.
The author describes the operation of the club in terms of awareness, empowerment and implementation. Barriers to the operation of the TFF club were identified within these three areas of operation and were closely related to the conflicting cultural forces within the school and Ghanaian Society.

71. Yamasaki and Megumi (2002), conducted a study on “Human Rights Education: An Elementary school-level Case Study”. This researcher invited sixty-seven sixth and seventh graders who had previously gone through the partners Human Rights Education at School X to participate in an interview about their Human Rights Education experience. Eighteen (nine males and nine females) students ultimately agreed to participate with their parent's consent (1998). The researcher obtained permission to use secondary data from pre-(1996) and post-(1997) surveys completed by sixty-four students and questionnaire (1997) completed by 38 students. In the analysis, the researcher used survey, questionnaire and interview data both separately and comparatively to answer the three research questions.

The findings of this dissertation study suggest that HRE instructors should focus upon the following areas and factors to have the most impact upon elementary students. (1) Placing Human Rights Education in the students, own immediate and world context. (2) Drawing key concepts from the Universal Declaration of Human Rights as well as the Convention of the Rights of the Child. (3) Certain human rights issues, such as discrimination and prejudice, poverty and hunger and injustice, were all found to be important to this age child. (4) Drawing on real life examples of human rights violation and abuse has a powerful impact upon the students of this age, especially involving children of their age group. (5) That given the above, students of this age will act upon their learning in their daily lives, that they can transfer their Human Rights Education knowledge to action. (6) That Human Rights Education can be used as a means to impact and change the overall ethos of an elementary school and to make it more human centered. (7) That support from school
administrators is critical to the successful implementation of Human Rights Education at the elementary school level.

The researcher hopes this case study will help and encourage school teachers, administrators and educators to consider using HRE in their school curriculum and school mission.

4.7 SUMMARY OF THE REVIEW OF RELATED STUDIES

4.7.1 STUDIES ON HUMAN RIGHTS


4.7.2 STUDIES ON HUMAN VALUES AND OTHER VALUES

The following researchers studied on human values and other values: Crabtree and Craign Randall (2000) and Miller and Bryan Kevin (2001).

4.7.3 STUDIES ON CLASSES OF HUMAN RIGHTS

a) Studies on Women's and Children's Rights and etc.

Bunting and Margaret Annie (1999), Milner and Wesley (1999), Deichman and Lauren Christine (2000), Mc Donald and Susan Elizabeth (2000), Albiston and Catherine Ruth (2001), Chan-Tiberg and Jennifer (2001),

b) Studies on Law and Legal Rights


4.7.4 STUDIES ON HUMAN RIGHTS VIOLATIONS
(SEX ABUSE, CHILD LABOUR, SEXUAL HARASSMENT, CHILD ABUSE AND VIOLENCE AGAINST WOMEN etc.)

4.7.5 STUDIES ON HUMAN RIGHTS EDUCATION


4.8 INFERENCE FROM THE REVIEW

The review of related studies helped the investigator to identify the research gap that no researcher has attempted to teach human rights education at standard IX level. The review of literature also helped the researcher from the methodological point of view too.

On the basis of the review of related research studies the investigator felt the need for this study and hence, the investigator attempted to identify the "Curricular Approaches to Teach Human Rights Education Among Standard IX Students" by using Content Analysis, Experimental Design and Survey.

4.9 CONCLUSION

The literature scanning thus, helped the researcher to identify the research gap in the area selected and its significance. The review highlights the need for relevant approaches to impart human rights education. Once the variables are put in motion on the basis of theoretical and empirical review of literature, the next step on the part of the researcher is to plan for the logical and sequential execution of the investigation in the direction of the measurement of the variables. This is precisely dealt with in the next chapter.