

UNDERSTANDING HUMAN RIGHTS

MANUAL ON HUMAN RIGHTS EDUCATION

Child Rights

Religious Freedoms

Human Rights
of Women

Freedom
of Expression

Prohibition of Torture

Democracy

Freedom from Poverty

Human Rights in
Armed Conflict

Fair Trial

Freedom of the Media

Human Security

Development

Right to Education

Human Dignity

Non-Discrimination

Right to Health

Social Rights

Rule of Law

Work

ICCPR

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MANUAL ON
HUMAN RIGHTS EDUCATION



A contribution of the Human Security Network

**on the initiative of the Austrian Minister for Foreign Affairs,
Ms. Benita Ferrero-Waldner,**

**in her capacity as
Chair of the Human Security Network**

Impressum

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PREFACE



Human security is „people-centred“ – it takes individuals and their communities as its principal point of reference. Establishing a global political culture based on human rights for everyone is an indispensable requirement for advancing human security.

Human security requires a genuine understanding of human rights. That is why in my capacity as Chair of the Human Security Network I designated Human Rights Education along with Children Affected by Armed Conflict as priority themes for the Human Security Network in 2002/2003.

Human Rights Education, through its knowledge transfer, skills-building and attitude-shaping dimensions raises awareness of our common basis for the protection of human dignity and of human security. To this end, I commissioned the European Training and Research Centre for Human Rights and Democracy in Graz to develop a Manual for Understanding Human Rights with the assistance of over thirty international experts including institutions of Human Security Network Partners, spanning over five continents. It is destined for global use through a culture-sensitive perspective based on the universality of human rights.

The Manual builds on the Declaration on Principles of Human Rights Education and Human Security endorsed by Ministers of the Network at their Meeting in May 2003 in Graz, the first Human Rights City of Europe. It is intended to be a lasting contribution of the Human Security Network under the Austrian presidency to benefit the human security of people today and in the future.

I trust that this Manual will assist Human Rights Education efforts of all Network Partners and worldwide, assist the United Nations High Commissioner for Human Rights in fulfilling his mandate and shall also contribute and inspire further action beyond the United Nations Decade for Human Rights Education.

A handwritten signature in dark ink, reading "Dr. B. Ferrero-Waldner". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Dr. Benita Ferrero-Waldner
Austrian Minister for Foreign Affairs

Graz, 5th Ministerial Meeting of the Human Security Network

9 May 2003

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Entrusted by the Austrian Ministry for Foreign Affairs, ETC-Graz started the process of elaboration of the Manual “Understanding Human Rights” in August 2002 by developing its concept and inviting partners from the Human Security Network and beyond to contribute to its completion at the occasion of the HSN Ministerial Meeting on 8-10 May, 2003 in Graz. In the process of two expert meetings, hosted by the Austrian Foreign Ministry, a large number of human rights education experts and practitioners from the Human Security Network member states have been invited to contribute to this truly inter-cultural, inter-generational and pioneering human rights education endeavour. The Manual “Understanding Human Rights” emerged thanks to the resourcefulness, great professionalism and ceaseless energy of many of them.

Special thanks for their outstandingly dedicated work go to the main authors and contributors:

Introduction into the System of Human Rights: *Wolfgang Benedek*, ETC-Graz

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HOW TO USE THIS MANUAL

The idea of a human rights education manual for everyone as a concrete contribution to the work of the Human Security Network under Austrian Chairmanship came from the ETC-Graz. A team of the ETC developed the conceptual framework of the book and was entrusted by the Ministry for Foreign Affairs with its elaboration.

The Manual “Understanding Human Rights” is envisioned as a tool for assisting learners and educators in HSN partner countries and beyond in their human rights education and learning efforts in various cultural settings as a strategy for enhancing human security. As designed, it could be a helpful starting point for understanding human rights and human wrongs, for training future trainers and for opening a discussion forum for inter-cultural exchange and awareness.

The Manual presents a selected collection of theory sensitized through practice, and additionally offers skills-building and attitude-shaping components. The variety of themes addressed have the main goal of stimulating the search for common ground and a shared human perspective as well as presenting controversial issues from a culture-sensitive viewpoint.

The manual consists of three main parts, i.e. a general introduction into the basics of human rights, a special part with selected “core issues” in the form of modules, which should help to understand the functioning of human rights in daily life, and a third, so-called “additional resources part”, which

contains useful information on relevant institutions, references to further reading and on-line resources.

To facilitate the navigation through the text, the following *minis* will assist you:

-  – need to know
-  – good practices
-  – discussion questions
-   – selected activities
-  – intercultural perspectives and controversial issues
-  – for more information see

This Manual can be utilized by different users in different ways. Through its flexible and user-friendly modular structure, we intend to encourage the critical reading and active understanding by both learners and educators.

If you are looking for a general introduction into the main concepts and principles of human rights, you may start with the first part of the manual which contains the introduction.

Those of you looking for examples of particular human rights issues, key for

attaining human security, may start their exploration with the “good to know” part of the modules. If you are looking for a more systematic and in-depth analytical exploration of particular human rights, you may start with the “need to know” part of different modules. And those of you interested in exploring and teaching human rights issues through innovative educational methodologies to both adolescents and adults can go directly to the selected activities part of the modules and in addition consider the general remarks on human rights education methodology.

The manual is meant to be open-ended and it deliberately addresses only a selected number of core issues. We would like to encourage you to continuously complement the manual with examples and stories, questions and experiences from your own local context.

We would welcome any feedback, as this helps us to add to the manual in accordance with its ambition to be useful for learners, educators and trainers from different cultural backgrounds and with different degrees of knowledge of human rights.

Enjoy reading and feel free to contribute to this work-in-progress, to add your good and best practices, your community concerns, and to encourage more people to read and understand the vibrant actuality and the incessant fascination of human rights.

Wolfgang Benedek and Minna Nikolova, at: office@etc-graz.at

LIST OF ABBREVIATIONS

ACHR – American Convention on Human Rights	GC – Global Compact	PRODEC – The Decennial Development Program on Education
ACHPR – African Charter on Human and People’s Rights	GDP – Gross Domestic Product	PRSPs – Poverty Reduction Strategy Papers
ACP – African, Caribbean and Pacific States	HDR – UNDP Human Development Report	SAPs – Structural Adjustment Programmes of the World Bank
ANC – African National Congress	HIPC – Heavily Indebted Poor Countries	SEE – South-Eastern Europe
AU – African Union	HRE – Human Rights Education	SIM – Netherlands Institute of Human Rights, Utrecht, the Netherlands
ASEM – Asia and Europe Meeting	ICC – International Criminal Court	TRIPs – Trade-Related Aspects of Intellectual Property Rights
BIM – Ludwig Boltzmann Institute of Human Rights, Vienna, Austria	ICCPR – International Covenant on Civil and Political Rights	UDHR – Universal Declaration of Human Rights
CCW – Convention on prohibitions or restrictions on the use of certain conventional weapons	ICESCR – International Covenant on Economic, Social and Cultural Rights	UEFA – Union of European Football Associations
CEDAW – Convention on the Elimination of All Forms of Discrimination against Women	ICRC – International Committee of the Red Cross	UNCED – United Nations Conference on Environment and Development
CERD – United Nations Convention on the Elimination of All Forms of Racial Discrimination	ICTR – International Criminal Tribunal for Rwanda	UNDP – United Nation Development Program
CESCR – Committee on Economic, Social, and Cultural Rights	ICTY – International Criminal Tribunal for the Former Yugoslavia	UNESCO – United Nations Educational, Scientific and Cultural Organisation
CJ – Citizens’ Juries	IHL – International Humanitarian Law	UNICEF – United Nations Children’s Fund
CRC – United Nation Convention on the Rights of the Child	IJC – International Commission of Jurists	UNMIK – United Nations Mission in Kosovo
ECHR – European Convention for the Protection of Human Rights and Fundamental Freedoms	ILO – International Labour Organization	UNMISSET – United Nations Mission of Support in East Timor
ECOSOC – Economic and Social Council	IMF – International Monetary Fund	UNTAET – United Nation Transitional Administration in East Timor
ETC – European Training and Research Centre for Human Rights and Democracy, Graz, Austria	IPEC – International Programme for the Elimination of Child Labour	WCAR – World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance
EU – European Union	MPs – Members of Parliament	WHO – World Health Organization
EUMC – European Monitoring Center on Racism and Xenophobia	NGO – Non Governmental Organization	WSSD – World Summit on Sustainable Development
FARE – Football against Racism in Europe Network	NPA – National Plan of Action	WTO – World Trade Organisation
FDC – Freedom from Debt Coalition	OAU – Organization of African Unity	WUK Kinderkultur – Werkstätten und Kulturhaus Kinderkultur
FGM – Female Genital Mutilation	OECD – Organization for Economic Cooperation and Development	
GA – United Nations General Assembly	ODIHR – Office for Democratic Institutions and Human Rights	
GATS – General Agreement on Trade in Services	OSCE – Organization for Security and Co-operation in Europe	
	PDHRE – People’s Movement for Human Rights Education	

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I. INTRODUCTION TO THE SYSTEM OF HUMAN RIGHTS

HUMAN DIGNITY

HUMAN RIGHTS

HUMAN RIGHTS EDUCATION

HUMAN SECURITY

» The culture of human rights derives its greatest strength from the informed expectations of each individual. Responsibility for the protection of human rights lies with the states. But the understanding, respect and expectation of human rights by each individual person is what gives human rights its daily texture, its day-to-day resilience.«

SERGIO VIEIRA DE MELLO, UN HIGH COMMISSIONER FOR HUMAN RIGHTS, 2003



A. UNDERSTANDING HUMAN RIGHTS

The aspiration to protect the human dignity of all human beings is at the core of the human rights concept. It puts the human person in the center of concern. It is based on a common universal value system devoted to the sanctity of life and provides a framework for building a human rights system protected by internationally accepted norms and standards. During the 20th century, human rights have evolved as a moral, political and legal framework and as a guideline for developing a world free from fear and free from want.

Art. 1 of the Universal Declaration on Human Rights (UDHR), adopted by the United Nations in 1948 refers to the main pillars of the human rights system, i.e. **freedom, equality and solidarity**. Freedoms such as the freedom of thought, conscience and religion as well as of opinion and expression are protected by human rights. Similarly human rights guarantee equality, such as the equal protection against all forms of discrimination in the enjoyment of all human rights, including full equality for women and men. Solidarity stands for economic and social rights, like the right to social security, just remuneration, and an adequate standard of living, health and accessible education,

» *All human beings are born free and equal in dignity and rights. They ... should act towards one another in a spirit of brotherhood.*«

ARTICLE 1 OF THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS

which are an integral part of the human rights framework. These are detailed under five headings as political, civil, economic, social and cultural human rights, legally defined in two parallel Covenants that together with the UDHR combine to define the Bill of Human Rights.

“All human rights for all”

was the slogan of the *Vienna World Conference on Human Rights* in 1993. Human rights empower individuals as well as communities to seek the transformation of society towards the full realization of all human rights. Conflicts need to be resolved by peaceful means on the basis of the rule of law and within the human rights framework.

However, human rights may interfere with each other; they are limited by the rights and freedoms of others or by the requirements of morality, public order and the general welfare in a democratic society (Art. 29 UDHR). Human rights of others must be respected, not just tolerated. Human rights must not be used to violate other human rights (Art. 30 UDHR); thus all conflicts must be solved in a human rights way even though at times of public emergency and in extreme cases some restrictions may be imposed.

» *No single phrase in recent human history has been more privileged to bear the mission and burden of human destiny than [the phrase] »human rights«... – the greatest gift of classical and contemporary human thought is the notion of human rights. Indeed, more than any other moral language available to us at this time in history, (is) the language of human rights ...*«.

FROM “INHUMAN WRONGS AND HUMAN RIGHTS” – PROF. UPENDRA BAXI

Therefore, everybody, women, men, youth and children, need to know and understand their human rights as relevant to their concerns and aspirations. This can be achieved through human rights education and learning, which can be formal, informal or non-formal. The understanding of human rights principles and procedures enables people to participate in the decisions that determine their lives, works towards conflict resolution and peace keeping guided by human rights and is a viable strategy for a people-centered human, social and economic development.

Human rights education and learning needs to be undertaken by all actors or stakeholders, by civil society as well as by governments and transnational companies. Through human rights learning a true “*culture of human rights*” can be developed, based on respect, protection, fulfillment, enforcement and practice of human rights.

The right to human rights education can be derived from Art. 26 UDHR, according to which “*Everyone has the right to education ... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights*

» *Human rights education, learning and dialogue must evoke critical thinking and systemic analysis with a gender perspective about political, civil, economic, social and cultural concerns within a human rights framework*«

SHULAMITH KOENIG, PDHRE

» *Human rights education is all learning that develops the knowledge and skills, and values of human rights, promotes fairness, tolerance and dignity, and the respect of the rights and dignity of others.*«

NANCY FLOWERS, HUMAN RIGHTS
CENTER OF THE UNIVERSITY OF
MINNESOTA

and fundamental freedoms ...”. UN GA-Res. 49/184 of 23 December 1994, proclaiming the UN-Decade for Human Rights Education, speaks of a comprehensive life-long learning process, and the Action Plan of the UN Decade for Human Rights Education 1995-2004 gives a detailed definition and elaboration of the contents and methods of Human Rights Education (UN Doc. A /51/506, Add. 1 of 12 December 1996).



— **General Assembly Resolution 49/184** of 23 December 1994, announcing the United Nations Decade for HRE states: “*human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels in development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.*”

The Action Plan of the United Nations Decade for HRE (1995-2004) emphasizes that: ... human rights education shall be defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes and directed to:

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

...



B. HUMAN RIGHTS AND HUMAN SECURITY

In the proclamation by the United Nations General Assembly of the UN Decade on Human Rights Education (1995-2004) it states: *“the broadest possible awareness and understanding of all norms, concepts and values enshrined in the Universal Declaration of Human Rights”* should be sought. The main motor behind this initiative has been Shulamith Koenig, the founder of the People’s Decade for Human Rights Education (PDHRE), who aims at nothing less than the long-term vision of making human rights accessible to everybody on our planet, *“for people to know them and claim them”*. Accordingly, the objective of human rights education is *“human rights literacy for all”*. Or, in the words of Nelson Mandela: to *“develop a new political culture based on human rights”*.

For the methods of human rights education,  General Remarks on Human Rights Education Methodology.

The Universal Declaration on Human Rights was drafted as a result of the most serious violations of human dignity, as in particular the experience of the Holocaust during the Second World War. The focus is on the human person. Its preamble refers to the *“freedom from fear and from want”*. The same approach is inherent in the concept of human security.

» *Most threats to human security reveal a direct or indirect human rights dimension.*«

IIND MINISTERIAL MEETING OF THE
HUMAN SECURITY NETWORK
IN LUCERNE, MAY 2000.

At the *International Workshop on Human Security and Human Rights Education* in Graz in July 2000, it was stated that human security aims at protecting human rights, i.e. by the prevention of conflicts and by addressing the root causes of insecurity and vulnerability. A human security strategy aims at establishing a global political culture based on human rights. In this context, human rights education is a strategy towards human security, as it empowers people to seek

solutions to their problems on the basis of a common global value system and of a rule-oriented, rights-based approach instead of a power-oriented one. Human security is promoted across society, in a decentralized way, starting from the basic needs of people, women and men alike, i.e. problems of personal security, poverty, discrimination, social justice and democracy. Freedom from exploitation or corruption starts when people no longer accept the violation of their rights. Civil society institutions (like *Transparency International*) support this process of emancipation based on the knowledge of human rights.

» *Human rights provide a foundation upon which human development and human security can be pursued.*«

IVTH MINISTERIAL MEETING OF THE
HUMAN SECURITY NETWORK
IN SANTIAGO DE CHILE, JULY 2002.

There are several **links between human rights and human security**. *“Security”* in the form of personal security (e.g. protection from arbitrary detention), social security (e.g. provision of basic needs like food security)

and international security (the right to live in a secure international order) corresponds to existing human rights. “Security policies must be integrated much more closely with strategies to promote human rights, democracy and development. Human rights, humanitarian law and refugee law provide the normative framework on which the human security approach is based.” (Human Security: Safety for People in a Changing World, Department of Foreign Affairs and International Trade, Canada 1999).

Human rights violations reveal threats to human security and therefore are used as indicators in early-warning mechanisms for conflict prevention. However, human rights do have a role as well in conflict management, conflict-transformation and post-conflict peace-building. Human rights education, through knowledge transfer, skills-building and shaping attitudes constitutes the basis of a genuine culture of prevention.

Besides human rights being an essential instrument of conflict prevention, they also are a key concept for governance-building and for democracy. They provide a basis for addressing societal and global problems

» *(Human security) is, in essence, an effort to construct a global society where the safety of the individual is at the centre of the international priorities ...; where international human rights standards and the rule of law are advanced and woven into a coherent web protecting the individual ...*«

LLOYD AXWORTHY, FORMER MINISTER
OF FOREIGN AFFAIRS OF CANADA

through active participation, increased transparency and accountability. “Governance-building” consists of two complementary forms of capacity-building: “state-building” and “societal development”. State-building provides “democratic security”, which can be seen best in the efforts of rehabilitation and reconstruction after conflicts. “Societal development includes broad-based human rights education to empower people to claim their rights and to show respect for the right of others” (Walther Lichem, Austrian Federal Ministry for Foreign Affairs).

The **Commission on Human Security**, set up in 2001 under the co-chairs Sadako Ogata (former UN High Commissioner for Refugees) and Amartya Sen (Nobel Prize Winner for Economics), together with the Inter-American Institute of Human Rights and the University for Peace, held a

» *The world can never be at peace unless people have security in their daily lives.*«

HUMAN DEVELOPMENT REPORT, UNDP 1994.

workshop on the relationship between Human Rights and Human Security in San Jose, Costa Rica, in December 2001, which elaborated a “Declaration on Human Rights as an Essential Component of Human Security” (<http://www.humansecurity-chs.org/doc/sanjosedec.html>). According to Bertrand G. Ramcharan, UN Assistant Secretary-General and Deputy High Commissioner for Human Rights, international and human rights norms define the meaning of human security.

Art. 3 of the UDHR and Art. 9 of the International Covenant on Civil and Political Rights also protect the right to liberty and security of the person, which refers in particular to the freedom from fear. In addition, Art. 22 of the UDHR and Art. 9 of the International Covenant on Economic, Social and Cultural Rights recognize the right to social security, which together with other economic and social rights corresponds to the freedom from want. The relationship between globalization and human security is dealt with in the Millennium Report by UNSG



C. HISTORY AND PHILOSOPHY OF HUMAN RIGHTS

Kofi Annan of 2000, which also distinguishes between **freedom from fear** and **freedom from want**, a distinction which goes back to the four freedoms proclaimed by US President Roosevelt in 1940 during the Second World War as a vision for the post-war order. The struggle against poverty, and for economic, social and cultural rights is as relevant for security as is the struggle for political freedom and fundamental liberties. However, one cannot be separated from the other, they are interdependent and indivisible.

Human security is the ability to enjoy the results of human development. According to the UNDP-Human Development Report 2000, human rights and human development share a common vision and purpose. The *Human Development Index* used by the UNDP Human Development Reports contains several indicators, like access to education, food security, health services, gender equality and political participation, which correspond directly to human rights. A “*Human Security Report*” is being elaborated under the direction of Andrew Mack focusing on threats to human security. In conclusion, the concepts of human security, human rights and human development are overlapping and mutual reinforcing.

The idea of **human dignity** is as old as the history of humankind and exists in various forms in all cultures and religions. For example, the high value accorded to the human being can be seen in the African philosophy of “*ubuntu*” or the protection of foreigners in Islam. The “*golden rule*” that one should treat others as one would like to be treated oneself, exists in all major religions. The same is true for the society’s responsibility to take care of its poor and the fundamental notions of social justice.

However, the idea of “*human rights*” is the result of the philosophical thinking of modern times, based on the philosophy of rationalism and Enlightenment, on liberalism and democracy, but also on socialism. Even though the modern concept of human rights mainly emanated from Europe, it must be stated that the notions of freedom and social justice, which are fundamental to human rights, are part of all cultures. The United Nations with the leadership of Eleanor Roosevelt, René Cassin and Joseph Malik developed the UDHR on which 80 people from the North and South worked to shape its ideas and language. Human rights have become a world wide concept, with strong influences from the East and the South, i.e.

» *I am a human being because of your eyes seeing me as one ...*«

AFRICAN PROVERB, MALI

the concept of economic, social and cultural rights, the right to self-determination and to development, the freedom from racial discrimination and apartheid.

Whereas historically **citizens** became the beneficiaries of constitutionally protected human rights as a result of their struggle for fundamental freedoms and economic and social rights, **foreigners** could be right-holders only in exceptional cases or on the basis of bilateral agreements. They were in need of protection by their own state, which represented its nationals abroad.

For the development of rules of protection of non-nationals, the **humanitarian law** was of much importance. It aimed at establishing basic rules for the treatment of enemy soldiers, but also civilians in armed conflict (🧐👉 Human Rights in Armed Conflict Module). Early predecessors of actual international human rights can be found in the agreements on **freedom of religion** as contained in the Treaty of Westphalia of

1648, the prohibition of slavery, i.e. the declaration on the slave trade of the Vienna Congress in 1815, the founding of the American Anti-Slavery Society of 1833 and the International Convention against Slavery from 1926. The protection of **minority rights** also has a long history and was a major issue in the Peace Treaty of Versailles of 1919 and of the League of Nations founded in the same year (🕒📖 The chronology in Part III: Additional Resources).

However, the concept of **universal human rights** for all human beings was acceptable to states only after the horrors of the Second World War, when agreement was reached on the Universal Declaration of Human Rights by then 48 states, with 8 socialist countries and South Africa abstaining, as an indispensable component of the United Nations system. Since then, UN-membership has reached 191, but no state has ever really challenged this declaration, which today can largely be considered international customary law.

In this context, the “*Cairo Declaration on Human Rights in Islam*” of 1990 need to be mentioned, which was drawn up by the Foreign Ministers of the *Organization of the*

» *We hold these truths to be self-evident – that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.*«

AMERICAN DECLARATION OF INDEPENDENCE (1776)

Islamic Conference, but never adopted officially. All rights stipulated in this Declaration are subject to the Islamic Shariah.

The debate on **priorities for certain rights and universality versus cultural relativism**, which is raised from time to time, has been addressed by the two world conferences on human rights in Tehran and Vienna respectively. The Conference in Tehran in 1968 clarified that all human rights are indivisible and interdependent, and the Conference in Vienna in 1993 agreed by consensus that “*While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms*”. (para. 5 of the Vienna Declaration and Programme of Action of 1993)

» *The first is freedom of speech and expression – everywhere in the world. The second is freedom of every person to worship God in his own way – everywhere in the world. The third is freedom from want – which translated into world terms means economic understanding which will secure to every nation a healthy peacetime life for its inhabitants – everywhere in the world. The fourth is freedom from fear ...*«

PRESIDENT ROOSEVELT, THE FOUR FREEDOMS (1941)

Too many international actors today are pursuing policies based on fear, thinking they will increase security. But true security cannot be built on such a basis. True security must be based on the proven principles of human rights.

SERGIO VIERA DE MELO, UN HIGH COMMISSIONER FOR HUMAN RIGHTS 2003



D. CONCEPT AND NATURE OF HUMAN RIGHTS

Today, the concept of human rights is recognized as a **universal** one, as can be seen from the declaration adopted by the Vienna World Conference on Human Rights in 1993 and the United Nations resolutions passed on the occasion of the 50th anniversary of the Universal Declaration of Human Rights in 1998. Some skeptics who question the universality of human rights should be reminded that states as geographically diverse as China, Lebanon or Chile were among those who helped to draft the concept in the 2nd half of the 1940s. Anyway, since then many more states have expressed their support for the Universal Declaration of Human Rights and ratified the International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR) based on the Universal Declaration. In the case of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 177 countries ratified it, however with many reservations.

The starting point of the concept of human rights is the concept of the *inherent dignity of all members of the human family* as recognized in the Universal Declaration and

the International Covenants of 1966, which also recognized the ideal of free human beings enjoying freedom from fear and want and being endowed with equal and inalienable rights. Accordingly, human rights are universal and inalienable, which means that they apply everywhere and can not be taken away from the human person even with his or her agreement. As stated at the Vienna World Conference on Human Rights in 1993 by UN Secretary General Boutros Boutros-Ghali "*human rights are birth rights*".

Human rights are also indivisible and interdependent. Different **dimensions or categories of human rights** can be distinguished: **civil and political rights**, like freedom of expression, and **economic, social and cultural rights** like the human right to social security, which have to be "*progressively realized*" due to the fact that they place financial obligations on the state. In the past, certain states or groups of states like the communist group in particular have expressed a preference for economic, social and cultural rights as opposed to civil and political rights, whereas the United States and the member states of the Council of Europe showed a certain preference for civil and political rights. However, at the World

Conference on Human Rights in Tehran in 1968 as well as at the World Conference on Human Rights in Vienna in 1993, this unproductive debate was addressed by the recognition of both categories or dimensions of human rights as being of equal importance. In Tehran in 1968 they were declared as indivisible and interdependent, because the full enjoyment of economic, social and cultural rights is hardly possible without civil and political rights and vice versa.

In the 1980s, an additional category of human rights obtained recognition, i.e. the right to peace, the right to development, and the right to the environment. These rights provide a framework necessary for the full enjoyment of all the other rights. However, there is no conditionality in the sense that one category of human rights is a precondition for the other. This category is best described as **solidarity rights**, because they require international cooperation and attend to community building.

Whereas human rights are the rights of all individuals, whether they have the citizenship of a particular country or not, **rights of citizens** are fundamental rights which are exclusively guaranteed to

nationals of a particular country such as, for example, the right to vote and to be elected or to have access to the public services of a given country.

Human rights also need to be distinguished from **minority rights**, which are the rights of members of a group with particular ethnic, religious or linguistic characteristics. On their own or in community with other members of the group, they have the human right to enjoy their own culture, to profess or practice their own religion or to use their own language (Art. 27 ICCPR). More particular rules exist in European regional human rights instruments.

Special attention is given to the human rights of **indigenous populations**. Since 1982, a UN Working Group on Indigenous Populations discusses ways to promote and protect their human rights, in particular regarding their relationship to land.



A Declaration on Human Rights of Indigenous People has been elaborated, but not yet adopted, whereas the ILO, revising an earlier declaration in 1989 adopted *Convention Nr. 169* concerning “*Indigenous and Tribal Peoples in Independent Countries*”. In 2001, a *UN Special Rapporteur on the human rights and fundamental freedoms of indigenous people* was appointed. Following a recommendation of the Vienna World Conference on Human Rights in 1993 a “*Permanent Forum on Indigenous Issues*” was created in 2000 as a subsidiary authority of ECOSOC, which met in 2002 for the first time. The African Commission on Human and Peoples’ Rights has also established a Working Group on indigenous peoples.

The concept of human rights today is shared globally and as such forms a basis for the international community of states, international organizations and social movements, all of which regard themselves as members of international society. Human rights can also be a **means which people can use as a tool for social transformation** on the national or regional level as can be seen from the efforts of the European Union

and the Council of Europe in particular when admitting new members. However, it will depend on the knowledge and understanding of human rights by the people themselves and their readiness to use them as a tool for change that human rights can have this transformation effect.

The traditional concept of human rights has been criticized by feminists for not properly reflecting the equality of women and men and for its lack of gender sensitivity. The World Conferences on Women, the elaboration of the UN Convention on the Elimination of All Forms of Discrimination against Women have, *inter alia*, contributed to a gender-sensitive approach to the **human rights of women**, which is also reflected in the UN Declaration on Violence against Women or the draft protocol to the African Charter on Human and Peoples’ Rights on the rights of women (☺👉 Human Rights of Women Module). It is important to note that human rights instruments present a new social and political concept by legally recognizing women as full and equal human beings.

Some states also use the argument of their **historical, religious and cultural parti-**



E. HUMAN RIGHTS STANDARDS AT THE UNIVERSAL LEVEL

cularities to say that human rights can not apply to them in the same way as to others. The Declaration and Programme of Action of the Vienna World Conference recognized the existence of different approaches to the implementation of human rights based on factors of history, religion and culture, but at the same time reiterated the obligation of all states to implement all human rights. Therefore the existence of cultural or religious differences must not be used as an excuse for not fully implementing international human rights obligations. This means that the cultural context should be taken into account. The present **dialogue of civilizations** taking place in the United Nations has this very purpose of recognizing the positive value of different civilizations without providing an excuse for not meeting their obligations. One of the most difficult issues is the position of women within certain cultures which may present major human rights violations that need to be part of any agenda of dialogue.

The recent history of standard-setting on the global level started with the **Universal Declaration of Human Rights (UDHR)**, adopted by the UN General Assembly on 10 December 1948 in the aftermath of World War II, which had seen the largest human rights violations ever. Prevention and punishment of genocide as was committed against the Jews in the holocaust is the subject of the “*Convention on the Prevention and Punishment of the Crime of Genocide*”, adopted a day before the UDHR.

In order to translate the commitments contained in the UDHR into legally binding obligations, the UN Human Rights Commission elaborated two **Covenants**, one on civil and political (ICCPR) and one on economic, social and cultural rights (ICESCR). Because of the *Cold War*, they were only adopted in 1966 and came into force in 1976, after having been ratified by 35 states. On 1 January 2003 they had 149 and 146 members respectively. The ICESCR was adopted first, as an indication of the preference of the then new majority of the developing and socialist countries in the UN for economic, social and cultural rights.

In the 1960s the struggle against racial **discrimination** and **apartheid** came to the foreground, which resulted in two conventions – against racial discrimination and on the suppression of the crime of apartheid. Further conventions were adopted on the elimination of all forms of discrimination against women, against torture and other cruel, inhuman and degrading treatment or punishment, and on the rights of the child. Those conventions further clarify and specify the provisions of the covenants or give particular attention to the human needs of specific target groups. In the case of the women’s convention of 1979 the “**problem of reservations**”, which is a general problem of human rights treaties gained particular prominence as a number of Islamic countries tried to restrict the basic human rights of women in this way.

According to the **principle of non-discrimination**, states have to respect and ensure to all individuals within their territory all human rights without any discrimination with regard to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other

status (Art. 2 ICCPR and ICESCR). Furthermore, Additional Protocol No. 12 to the European Convention on Human Rights provides for a general right of non-discrimination by any public authority.

There is, however, also the possibility of **exceptions** and the use of **claw back clauses**. In the case of **public emergency** threatening the life of a nation, a state may derogate from its obligations, if the state of emergency has been officially proclaimed and the measures remain within the limits strictly required by the situation. The measures must be taken on a non-discriminatory basis (Art. 4 (1) ICCPR). There is a procedure to follow, i.e. other state parties need to be informed through the Secretary General of the United Nations. However, no restrictions are allowed from certain articles like the right to life, prohibition of torture and slavery, the non-retroactivity of criminal offences or the right to freedom of thought, conscience and religion (Art. 4 (2) ICCPR). These rights are therefore called non-derogable rights. Emergency provisions have gained larger relevance in the fight against **terrorism**. Similar provisions exist in the European Convention on Human Rights (Art. 15). The

UN Committee on Civil and Political Rights has clarified state obligations in a General Comment (No. 29, 2001) on “*states of emergency* (Art. 4)” and the Inter-American Commission on Human Rights and the Steering Committee for Human Rights of the Council of Europe have adopted a report and guidelines respectively on “*Terrorism and Human Rights*”.

Certain rights may contain so called “*claw back clauses*” which permit restrictions of certain rights if this is necessary for national security, public order, public health or morals, or the rights and freedoms of others. Such possibility exists in particular with regard to the freedom of movement, the freedom to leave any country, including one’s own, freedom of thought, conscience and religion including the manifestation of a religion or belief, freedom of expression and information, freedom of assembly and of association. These restrictions have to be contained in a law, which means that they have to pass through parliament. The bodies interpreting the respective legal instruments have the obligation to control any misuse of these provisions. Consequently, there have been several cases before the European Court of Human Rights or the Inter-American



OVERVIEW OF THE MOST IMPORTANT UN HUMAN RIGHTS CONVENTIONS

- Universal Declaration of Human Rights (1948)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (1984)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)

Commission and the Court regarding the application of emergency powers or the claw back clauses.



F. IMPLEMENTATION OF UNIVERSAL HUMAN RIGHTS INSTRUMENTS

States have a **duty to respect, protect and to fulfill** human rights. In many cases, implementation means that the state and its authorities have to respect the rights accepted, i.e. to respect the right to privacy or to expression. This is particularly true for civil and political rights, whereas for economic, social and cultural rights implementation means a positive activity of fulfillment by the state, i.e. to grant or to provide certain services like education and health and to ensure certain minimum standards. In this context, the capacity of a given state is taken into account. For example Art. 13 of the ICESCR recognizes the right of everyone to education. However, it specifies that only primary education has to be made available free of charge. With regard to secondary education and higher education it has to be made generally available and accessible to all, but free education is only expected to be introduced progressively. The concept of gradual accomplishment according to capacity is applied to several economic, social and cultural rights.

The **duty to protect** requires the state to prevent violence and other human rights violations among the people on its territory. Accordingly, human rights do also have a “*horizontal dimension*”, which is gaining

importance in the era of globalization, i. e. by raising the issue of social responsibility of transnational corporations.

Another development is the increasing emphasis on **prevention of human rights violations** by structural measures, i. e. national institutions or by including a human rights dimension in **peace-keeping** operations. The objective of prevention is also a priority of the **human security approach** to human rights. 🤝 Human Rights and Human Security.

Human rights first need to be implemented at the **national level**. However, there may be **obstacles** like deficiencies in “*good governance*”, i. e. a corrupt and inefficient administration or judiciary. In order to ensure that the state is meeting its obligations, **international monitoring** of the performance of the state has been instituted for most of the international conventions of human rights. This monitoring can take different forms. **Reporting systems** exist under many international conventions. Accordingly, states have to report at regular intervals on their performance in human rights protection. Usually, a committee of experts reviews the reports and makes recommendations on how to strengthen implementation. The committee can also

make “*general comments*” on the proper interpretation of the convention. In a few instances, such as in the case of the International Covenant on Civil and Political Rights (ICCPR), there is an additional protocol which authorizes the Committee on Civil and Political Rights to receive **individual complaints** from persons on alleged violations of their human rights. However, this is only possible for people living in states which have ratified the additional protocol. Some conventions also have provisions for **inter-state complaints**, but this possibility is rarely used. A **judicial procedure** only exists in the case of the European and the Inter-American Conventions on Human Rights, with the European or the Inter-American Court of Human Rights being able to make decisions which are binding on states. Also, an African Court on Human and People’s Rights will be established after its statute has come into force.

Besides the procedures contained in human rights instruments like human rights conventions, there are also the so-called “*Charter-based procedures*”, which were developed on the basis of the Charter of the United Nations to address human rights violations worldwide. One of them is based on Res. 1235, adopted by ECOSOC in 1967,

which allows the Human Rights Commission to deal with gross and systematic human rights violations worldwide in a public procedure. The other is the confidential 1503-procedure, based on resolution 1503 of the ECOSOC in 1970 allowing for petitions to be sent to the office of the UN High Commissioner of Human Rights in Geneva which then are reviewed by an expert group of the UN Sub-Commission for the Promotion and Protection of Human Rights. This procedure is mainly meant for gross violations of human rights. As a result, the situation in a particular country may also be discussed by the Human Rights Commission.

In the work of the **Human Rights Commission** and its **Sub-Commission, special procedures**, i.e. the activities of special rapporteurs and representatives of the Human Rights Commission or of the UN-Secretary General for human rights matters have increasingly gained importance. There are “*country rapporteurs*” as well as “*thematic rapporteurs*”, like the special representative on Bosnia and Herzegovina and the Federal Republic of Yugoslavia, on Afghanistan, Sudan or Haiti and the special rapporteurs on torture or on violence against women. Altogether, there are nearly 40 such special institutions, which collect information

according to their field of activity, which might be country-based or worldwide. They reflect the increased activism of the United Nations and also provide a follow-up and monitoring mechanism in cases where no enforcement procedures have been foreseen or are lacking efficiency, like the Human Rights Defenders Declaration or in the case of several economic and social rights, i.e. the human rights to education, to food, to adequate housing, to health, structural adjustment policies and foreign debt. Furthermore, there are also “*independent experts*” such as on the right to development, and “*working groups*”, i.e. on enforced and involuntary disappearances.

In addition, the United Nations High Commissioner for Human Rights increasingly resorts to the setting up of **missions of the Office of the High Commissioner** in countries with a problematic human rights situation. Such missions have been established in countries such as Afghanistan, Bosnia-Herzegovina, Cambodia, Columbia, Guatemala, Haiti, Kosovo, Montenegro, Serbia, Sierra Leone etc. They collect information and promote human rights standards, i. e. through advising in the legislative reform process or participating in the work of the international community.

The activities of these special institutions do have both a protective and a promotional purpose. They promote a better awareness of human rights and their inclusion in all activities in order to base solutions adopted firmly on the grounds of human rights. Indeed, **promotion of human rights** means a much larger task, which cannot be accomplished by international institutions and bodies alone. Promotion of human rights means first of all to make people aware of their rights, to inform them about their rights and to teach them how to make best use of their human rights. For this purpose, different actors can be involved such as universities, the educational sector in general, but also non-governmental organizations (NGOs).

On the **national level** the United Nations recommend the establishment of “*national institutions*” to promote and protect human rights, like ombudsmen or national commissions on human rights. For this purpose, several principles regarding the competence and responsibilities, guarantees of independence and pluralism and methods of operation were adopted by the UN General Assembly (National institutions for the promotion and protection of human rights, UN GA-Res. 48/134 of 20 December 1993).



G. HUMAN RIGHTS AND CIVIL SOCIETY

For the development of the system of human rights the impact of civil society, represented mainly by Non-Governmental Organizations (NGOs) has been crucial. NGOs are based on the freedom of association, protected by Art. 22 of the ICCPR. They are key players in civil society for the protection and promotion of human rights. In the United Nations, they have developed into a kind of “*conscience of the world*”. They often pursue certain specific protection interests like freedom of expression and freedom of the media (**Article 19**) or prevention of torture and inhumane or degrading treatment (**Association for the Prevention of Torture, APT**). NGOs like **Amnesty International** use special procedures like “*urgent action appeals*” to put pressure on governments. The strategy of “*mobilization of shame*”, mainly achieved with the help of independent media can be very effective. NGOs like the **International Helsinki Federation (IHF)**, the **International Crisis Group (ICG)** or **Human Rights Watch** do influence governments and the international community through **high quality reports**, based on fact-finding and monitoring. Another effective NGO approach is to elaborate “*shadow reports*” parallel to official state reports to international monitoring bodies.

According to a resolution of the General Assembly in 1998, the **Human Rights Defender’s Declaration**, people and NGOs working for human rights have to be given the necessary freedom to do so and be protected against persecution of any kind. In some states, organizations like Amnesty International or Helsinki Committees have been subjected to criticism and even persecution in some cases for their work. There have been numerous cases worldwide where human rights activists have been imprisoned for their legitimate work. The state does not only have the obligation to protect those activists against its own representatives like the police but also against violent groups like death squadrons who take the law into their own hands.

The UN Secretary General has appointed a *Special Representative* on Human Rights Defenders to support the implementation of the respective UN declaration.

NGOs also play a major role in *Human Rights Education and Learning* (HREL), by developing curricula, organizing training programs and producing training materials, often in cooperation with the United Nations, UNESCO, the Council of Europe or other

inter-governmental institutions. On the global level, the *People’s Decade for Human Rights Education* (PDHRE), which initiated the UN Decade on HRE has also reached out to the South, where it facilitated the creation of regional Human Rights Learning Institutions, i.e. in India, Argentina and Mali. In the field of training against racism and discriminatory behaviour the Anti-Defamation League (ADL) is active worldwide.

Networks of NGOs have gained particular importance in the struggle for the equality of women and their protection. UNIFEM, CLADEM or WIDE all have HREL high on their agenda, in order to empower women to overcome obstacles to full equality and non-discrimination. In Africa, NGOs meet regularly before the session of the African Commission on Human and Peoples’ Rights, attend its session and organize joint training activities. The Austrian NGO – European Training and Research Centre for Human Rights and Democracy (ETC) cooperates with a number of human rights centers in South-Eastern Europe in providing local and regional human rights education and training programs. It also organizes an international Summer Academy on Human Rights and Human Security.

H. REGIONAL SYSTEMS OF PROTECTION AND PROMOTION OF HUMAN RIGHTS

In addition to the universal instruments of human rights protection several regional systems of human rights have developed, which usually provide a higher standard of rights and their implementation.

The advantage of regional systems is their capacity to address complaints more efficiently. In the case of courts, binding decisions with compensation can be given and also the recommendations of the Commissions on Human Rights are generally taken seriously by states. They may result not only in “*lead cases*” to interpret and clarify provisions of human rights instruments, but also in changes of national law in order to bring it into conformity with international human rights obligations. In addition, regional systems tend to be more sensitive to cultural and religious concerns, if there are valid reasons for them.



I. EUROPE

The European human rights system has 3 layers, i.e. the system of the Council of Europe (presently 45 members), of the Organization for Security and Cooperation in Europe (55 members) and of the European

Union (presently 15 members, to be enlarged from May 2004 to 25).

The European System of Human Rights is the most elaborate regional system. It has developed as a reaction to the massive human rights violations during World War II. Human rights, the rule of law and pluralistic democracy are the cornerstones of the European legal order.

EUROPEAN HUMAN RIGHTS INSTRUMENTS

- Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and 13 additional protocols
- European Social Charter (1961), as revised in 1991 and 1996 and Add. Protocols 1988 and 1995.
- European Convention for the Prevention of Torture and other Inhuman and Degrading Treatment (1987)
- Final Act of Helsinki (1975) and follow-up process of CSCE/OSCE with Charter of Paris for new Europe (1990)
- European Charter for Regional or Minority Languages (1992)

- Framework Convention for the Protection of National Minorities (1994)
- Charter of Fundamental Rights of the European Union (2000)

1. THE HUMAN RIGHTS SYSTEM OF THE COUNCIL OF EUROPE

a. An overview

The main instrument is the **European Convention on Human Rights** of 1950 and its 13 additional protocols. Of particular importance are protocols No. 6 and 13 (not yet in force) on the abolition of the death penalty, which distinguishes the European human rights approach from that of the United States, and protocol No. 11, which replaced the European Commission on Human Rights and the European Court of Human Rights by one permanent European Court of Human Rights. The European Convention mainly contains civil and political rights.

The **European Social Charter** of 1961 was to add economic and social rights, but never gained the same importance as the European Convention. From the beginning it suffered

from a weak and inefficient system of implementation. However, parallel to the growing attention to economic and social rights on the universal level since the late 1980s, new attention has been given also to the European Social Charter which was amended twice in 1988 and 1995 and now also offers the possibility of collective complaints based on an additional protocol.

A major innovation has been introduced by the **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** of 1987, which establishes a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which sends delegations to all member states of the convention to undertake regular or special visits to all places of detention. Accordingly, the logic of the system is its preventive effect as opposed to *ex post facto* protection, which is still taken care of by the European Convention on Human Rights and its court. In December 2002, the UN General Assembly adopted an additional protocol to the UN Convention against Torture which foresees a similar mechanism to operate worldwide.

The **European Framework Convention for the Protection of National Minorities** (1995) was elaborated after the summit meeting of the Council of Europe in Vienna 1993 as a reaction to the increasing problems with minority rights in Europe. These problems are the result of the dissolution of the Soviet Union and the Socialist Republic of Yugoslavia and more generally of the process of self-determination in Europe in the 1990s.

According to the convention, states have to protect the individual rights of members of national minorities, but also to provide conditions which allow minorities to maintain and develop their culture and identity. The enforcement mechanism however is limited to a reporting system and an Advisory Committee of Experts in charge of reviewing the reports.



EUROPEAN HUMAN RIGHTS INSTITUTIONS AND BODIES

Council of Europe:

- European Court of Human Rights (single court 1998)
- European Committee on Social Rights (as revised 1999)
- European Committee for the Prevention of Torture or Other Inhuman or Degrading Treatment (CPT, 1989)
- Advisory Committee of the Framework Convention on National Minorities (1998)
- European Commission on Racism and Intolerance (ECRI, 1993)
- European Commissioner for Human Rights (1999)
- Committee of Ministers of the Council of Europe

OSCE:

- Office for Democratic Institutions and Human Rights (ODIHR, 1990)
- High Commissioner on National Minorities (OSCE, 1992)
- Representative for the Freedom of the Media (OSCE, 1997)

European Union:

- European Court of Justice
- European Monitoring Centre on Racism and Xenophobia (EUMC, 1998)
- Charter of Fundamental Rights of the EU (2000)

The Council of Europe in 1999 also established a “*Commissioner on Human Rights*”, who gives information about his or her activities in an annual report. Furthermore, there is a **confidential monitoring system** of the performance of members in different areas of human rights, which is the responsibility of the Council of Ministers on the basis of reports prepared by the Secretariat.

b. The European Court of Human Rights

The main instrument of protection of human rights in Europe is the European Court of Human Rights in Strasbourg, the obligatory jurisdiction of which today is recognized by all member states of the Council of Europe. The number of judges is equal to the number of member states of the Council of Europe. In each case a so-called “*national judge*” is involved in order to facilitate the understanding of the national legislation. However, judges once appointed serve only in their personal capacity.

In order for a complaint to be **admissible**, four major pre-conditions have to be fulfilled:

- a. Violation of a right protected by the ECHR and its additional protocols
- b. Complainant(s) being a victim of the violation
- c. Exhaustion of all effective domestic remedies
- d. Complaint to be made less than 6 months after exhaustion of domestic remedies

If considered admissible, a chamber of 7 judges decides about the merits of the case. Their judgment is final if the case is not considered as being of particular importance or representing a new line of jurisdiction, in which case a grand chamber of 17 judges serves in an appeal function.

The judgments are binding and may also provide compensation for a damage. The implementation of the judgments is the task of the Committee of Ministers, which supervises the execution of the judgments of the Court. The main problem of this system at present is the large number of complaints received which has increased from about 1.000 in 1998 to more than 29.000 in 2002, resulting in an overloading of the system.



2. THE HUMAN RIGHTS SYSTEM OF THE ORGANIZATION OF SECURITY AND COOPERATION IN EUROPE (OSCE)

The OSCE, which replaced the Conference on Security and Cooperation in Europe in 1994, is a very particular organization. It neither has a legal charter nor international legal personality and its declarations and recommendations are only of a political nature and not legally binding on states. Nonetheless, the often very detailed catalogues of obligations adopted in various follow-up conferences or expert meetings and monitored by the Council of representatives of member states and regularly organized follow-up conferences is a rather successful monitoring mechanism. The “*Helsinki Process*” played a major role in building cooperation between East and West during the Cold War and providing a basis for cooperation in the wider Europe of 55 countries.

Under the title of “*human dimension*”, the OSCE undertakes a number of activities in the field of human rights and minority rights in particular. These also play a major role in

the various field missions as in the case of Bosnia and Herzegovina or Serbia and Montenegro as well as Kosovo. For this purpose OSCE missions have a human rights department and human rights officers are deployed throughout the country to monitor and report on the human rights situation, but also to promote human rights and to assist in certain cases of protection. The OSCE also supports national institutions of human rights in the countries where it maintains a mission like the ombudsmen in Bosnia and Herzegovina or in Kosovo.

Special mechanisms have been developed in the form of the **High Commissioner for Minorities** and the **Representative for the Freedom of the Media** 🗣️ Freedom of Expression Module, which have their offices in The Hague and Vienna respectively. The High Commissioner on National Minorities is an instrument of conflict prevention with the mandate to deal with ethnic tensions at the earliest possible stage. The OSCE also had a major role in monitoring democratic elections in a number of countries in Europe transforming into pluralist democracies. The democratization process and the promotion of human rights is supported by the **Office of Democratic Institutions and Human Rights**

(ODIHR) located in Warsaw. The OSCE also plays a major role in conflict resolution and post-conflict reconstruction in Europe.



3. THE HUMAN RIGHTS POLICY OF THE EUROPEAN UNION

Whereas the European Economic Community created in 1957 originally did not concern itself with political issues like human rights, and the political integration of Europe towards a European Union since the 1980s, human rights and democracy have become key-concepts of the common European legal order. A major role was played by the **European Court of Justice** which developed a human rights jurisdiction derived from “*common constitutional traditions of member states*” and international treaties to which those member states were parties, like the European Convention on Human Rights. Several human rights were constructed as general principles of community law, like the right to property, freedom of association and religion or the principle of equality, which is of particular importance in European community law.

Since the 1980s the European Community also developed a human rights policy in its relations with third countries, which is also reflected in the so-called **Copenhagen criteria** for the recognition of new states in South-Eastern Europe. The Treaty on the European Union of 1995 in Art. 6 and 7 explicitly refers to the European Convention of 1950 although the European Union has so far not acceded to that convention as a member.

In 2000 a Convention was convened to write the **Charter of Fundamental Rights of the EU**, adopted by the Nice summit in 2000. Presently this Charter is the most modern human rights document in Europe and includes civil and political as well as economic, social and cultural rights similar to the UDHR. Like the UDHR it also has no legally binding status. However, as it enshrines a number of human rights obligations which do also form part of various international treaties of which the European Union member states are parties, the Charter can be understood as an interpretation and clarification of those binding obligations. Since 1995 the EU includes **human rights clauses** in its bilateral agreements, such as the “*Stability*

and Association Agreements”, the Cotonou agreement or the Euromed agreement. There is the expectation that the European constitution presently elaborated by a new convention may finally decide to give the European Charter on Fundamental Human Rights a binding status.

The European Union has developed a human rights policy both for its internal relations as well as its international relations, where it forms part of its Common Foreign and Security Policy. The **Annual Report on Human Rights** published by the Council of the European Union reflects the importance of this human rights policy for the European Union in general. The Council makes public statements, but is also active behind the scenes in a case-oriented “*human rights diplomacy*” and together with the European Commission pursues “*human rights dialogues*” with several countries like China and Iran. The European Parliament has taken a lead in keeping human rights high on the EU agenda and also issues annual reports on human rights. On its initiative financial support for projects of NGOs in the field of human rights and democracy is available from the **European Initiative for Democracy and Human Rights**, operated by Europe Aid

on behalf of the European Commission, which defines the political strategy. Special emphasis is given to the struggle against torture and the death penalty, or the campaign for the International Criminal Court.

The **European Union Monitoring Centre on Racism and Xenophobia (EUMC)**, created by the European Union to address the growing problem of racism and xenophobia in Europe and established in Vienna in 1998, monitors the situation in Europe and promotes activities against racism and xenophobia. In the same year, Art. 13 was introduced into the Treaty on the European Communities empowering the Community to combat discrimination on the grounds of racial or ethnic origin, religion or belief, age, disability or sexual orientation. In 2000, the Council adopted directive 2000/43/EC on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, in particular, in the fields of employment, access to education and training, and social advantages, which applies both to public and private sectors within the EU.

Similarly, the European Union has a particular focus on **equality**. According to Art. 141 Treaty Establishing the European Community member states have to apply the principle of “*equal payment for men and women*” and to adopt measures providing equality of opportunity. This has also been the subject of regulations adopted by the European Council, which are of particular relevance in labor relations.



II. THE AMERICAS

The Inter-American system of Human Rights started with the **American Declaration of the Rights and Duties of Man**, which was adopted in 1948, together with the Charter of the Organization of American States (OAS). The **Inter-American Commission on Human Rights**, created by OAS in 1959 and consisting of 7 members, is the main body of the system.

In 1978, the **American Convention on Human Rights**, adopted in 1969, came into force, and since has been complemented by two additional protocols, one on economic, social and cultural rights and one on the abolition of the death penalty. The United States is not a member of the Convention,

although the seat of the Commission is in Washington. The Convention also provided for the Inter-American Court on Human Rights, which was established in 1979 with its seat in Costa Rica, where the “*Inter-American Institute of Human Rights*” is also located.

There are several legal instruments granting rights to women, but the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)**, which came into force in 1995, deserves special mentioning. It has already been signed by 31 of the 34 member-states of OAS. According to this Convention regular national reports are to be submitted to the **Inter-American Commission on Women**, established already in 1928. There is also a **Special Rapporteur on the Rights of Women** (since 1994).



INTER-AMERICAN SYSTEM OF HUMAN RIGHTS

- American Declaration on the Rights and Duties of Man (1948)
- Inter-American Commission on Human Rights (1959)
- American Convention on Human Rights (1969/1978)
- Additional Protocol on Economic, Social and Cultural Rights (1988)
- Additional Protocol on the Abolition of the Death Penalty (1990)
- Inter-American Court on Human Rights (1979/1984)
- Inter-American Commission on Women (1928)
- American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994)

Individuals, groups or NGOs can make complaints, called “*petitions*” to the Inter-American Commission on Human Rights, which may also request information on human rights measures taken. The Inter-American Court cannot be addressed directly, but only through the Commission, which can

decide which cases are to transfer to the Court. In this way, in the past, the Court did not get many cases, which now seems to have changed. The Court can also give advisory opinions, i.e. on the interpretation of the Convention. Like the Commission it has seven members and works on a non-permanent basis.

The Commission can also undertake on-site investigations and issues special reports on particular issues of concern. There are several NGOs, which assist victims of human rights violations to take cases to the Inter-American Commission on Human Rights and the Court.



III. AFRICA

The African system of human rights was created in 1981 with the adoption by the then OAU of the **African Charter on Human and Peoples’ Rights**, which came into force in 1986. It provides for the **African Commission on Human and Peoples’ Rights**, consisting of 11 members, which has its seat in Banjul, The Gambia. Today, all 53 member states of the African Union (AU),

which succeeded the OAU in 2001, have ratified the African Charter, which follows the approach of the Universal Declaration of Human Rights uniting all categories of human rights in one document. Its preamble refers to the “*values of African civilization*”, which is intended to inspire the African concept of human and peoples’ rights. Besides individual rights it also enunciates peoples’ rights. Furthermore, it spells out duties, i.e. towards the family and society, which, however, have little relevance in practice.



AFRICAN SYSTEM OF HUMAN RIGHTS

- African Charter on Human and Peoples’ Rights (1981)
- African Commission on Human and Peoples’ Rights (1987)
- Protocol on the Establishment of an African Court on Human and Peoples’ Rights (1997, not yet in force)
- Protocol on the Rights of Women (not yet adopted by AU)
- African Charter on the Rights and Welfare of the Child (1990)

The Commission has a large mandate in the field of promotion of human rights, but can also receive complaints from states (which has never happened so far) and individuals or groups. Admissibility criteria are wide and also allow for communications from NGOs or individuals on behalf of victims of violations. However, the Commission cannot issue legally binding decisions, which is one reason why a protocol to the Charter on the establishment of the **African Court on Human and Peoples’ Rights** has been adopted and will come into force after 15 ratifications have been received. It will consist of 11 judges. However, the Court can be directly addressed by individuals only if states make a special declaration in that respect. Otherwise, it can receive complaints only through the Commission as in the Inter-American System.

A regular monitoring of the national situation of human rights should take place on the basis of the examination of **state reports** by the Commission, which, however, are often irregular and unsatisfactory. Again, following the UN practice, the Commission has appointed **special rapporteurs on extra-judicial, summary and arbitrary executions**, on **prisons** and **conditions of**

detention and on **women**. The planned **additional protocol on the rights of women** has not materialized so far.

The Commission also sends **fact-finding missions** and organizes **extra-ordinary sessions** in particular cases, such as after the execution of nine members of the Movement for the Survival of the Ogoni People in 1995 and their unfair trial. An important part of the momentum of the Commission comes from **Non-Governmental Organizations** from Africa and beyond, which are allowed to participate in all public meetings of the Commission. They often bring cases of violations and support the work of the Commission and its special rapporteurs. It is also important that governments make the Charter directly applicable in their **national legal systems**. This has happened, for example, in the case of Nigeria with the result that Nigerian NGOs as, for example, “*Constitutional Rights Project*” successfully brought cases of violations of the Charter before Nigerian Courts.

Following the adoption of the UN-Convention on the Rights of the Child in 1989 an **African Charter on the Rights and Welfare of the Child** was adopted in 1990. However, it only

came into force in 1999 and in 2002 had been ratified by only 27 AU-states. The Charter foresees the establishment of an African Committee of Experts on the Rights and Welfare of the Child which has to meet at least once a year. In view of the slow ratification process it remains to be seen whether this convention and its committee will produce good results.



IV. OTHER REGIONS

Furthermore, an **Arab Charter on Human Rights** has been elaborated by Arab human rights experts and adopted by the Council of the *League of Arab States* in 1994 (Res. 5437 of 15 September 1994), but until 2002 did not enter into force.

In spite of several attempts such as the Convention on Regional Arrangements for the Promotion of Child Welfare 2002 of the South Asian Association for Regional Cooperation, it has not yet been possible to adopt a regional Human Rights instrument in **Asia** or to establish an Asian Human Rights Commission, not least because of the diversity within the region. However, efforts are under way within regional integration

areas like ASEAN or the Asia-Pacific Forum of National Human Rights Institutions, which may finally also lead to an Asian Commission on Human Rights in the future. On the level of civil society, more than 200 Asian NGOs under the leadership of **Asian Legal Resources Centre** in Hong Kong, on the occasion of the 50th Anniversary of the UDHR in 1998, elaborated an “*Asian Human Rights Charter*” as a “*Peoples’ charter*”. There is also a **Euro-Asian Dialogue** between the European Union and 10 ASEM states on human rights, which has already had four sessions. A similar **dialogue** exists between the **European Union and China**.

As an inter-regional agreement, the **Cotonou Partnership Agreement** between 78 African, Caribbean and Pacific (ACP) States and the 15 members of the European Union of 2000, in Art. 9 (2) recalls that “*respect for human rights, democratic principles and the rule of law ... constitute the essential elements of this Agreement.*”



EXAMPLE OF STABILITY PACT FOR SEE

The Stability Pact for South-Eastern Europe officially signed in Sarajevo in 1999 also pays particular attention to human and minority rights. For this purpose, its **Task Force on Human Rights and Minorities** based in Ljubljana has developed a common strategy and linked up numerous activities for the improvement of ethnic relations and the protection of minorities and human rights.

Among the projects cooperating within the Task Force is the network of human rights centers in SEE, **SEE HRC-Net**. This network of 9 mainly university-based human rights centers, coordinated by ETC Graz together with HRC Sarajevo organizes human rights training sessions at national and regional levels, summer schools and research projects, like the Manual on Human Rights for Non-Lawyers. It tries to contribute to the development of a culture of human rights in SEE, by making people aware of their rights and empowering them with this knowledge to contribute to the transformation of their societies towards the rule of law, human rights and democracy as the three main elements of European identity.

I. THE PROBLEM OF IMPUNITY

The struggle against impunity and for accountability has become a broad global concern. One major consideration is the prevention of further crimes, which usually take the form of serious violations of human rights and humanitarian law. Granting **impunity** to major human rights violators has been a practice worldwide to persuade undemocratic rulers, often generals, to hand over power to democratically elected governments. It must not be confused with “amnesties” given for minor offences after wars or regime changes. Impunity goes against the principle of accountability, which increasingly is realized on the national and international levels, for example in the establishment of special and general international criminal tribunals and courts.

In order to prevent human rights violations, certain international conventions, like the UN Convention against Torture of 1984, provide for an obligation of **universal prosecution** of perpetrators of crimes. In the case of General Augusto Pinochet, the former Chilean dictator, a Spanish judge in 1998 requested his extradition from the UK,

which, by a remarkable decision of the House of Lords was finally granted, but not implemented because of his poor health condition. The principle of universal jurisdiction is applied by the ICC and on the national level.

Other forms of **establishing accountability** without necessarily leading to the punishment of the perpetrators are “*Reconciliation and Truth Commissions*”, which have been established in South Africa and other countries as a form of non-retributive justice. They give the victims a chance at least to know the truth and society to learn the lessons of the past.

In the **case of Argentina** the Inter-American Commission on Human Rights has found that the amnesty laws granting impunity violated the rights to judicial protection and fair trial. There has been an international campaign against impunity, in which local NGOs played a major role. Finally, in 1998, the amnesty laws were lifted.

J. INT. CRIMINAL JURISDICTIONS

According to the statute of the **International Criminal Court (ICC)**, adopted in Rome in 1998, which came into force in 2002, the ICC has been established in The Hague as a permanent tribunal. Its jurisdiction covers the crime of genocide, crimes against humanity “*committed as part of a widespread systematic attack directed against any civilian population*”, which includes cases of rape, sexual slavery, forced pregnancy or any other form of grave sexual violence, the enforced disappearance of people or similar inhumane acts causing great suffering, such as serious injury to mental or physical health.

The **International Criminal Tribunal for the Former Yugoslavia (ICTY)** was established by the Security Council in 1993 in The Hague as an *ad hoc tribunal* to deal with massive violations of human rights and humanitarian law in the territory of former Yugoslavia. Accordingly, its competences include grave breaches of the Geneva Convention of 1949 on the protection of victims of armed conflict, crimes against humanity, like murder, torture, rape or other inhumane acts committed in armed conflict, and genocide. It

shares the prosecutor with the **International Criminal Tribunal for Rwanda (ICTR)**, established in Arusha after the genocide in 1994. Special tribunals have been established for **Sierra Leone** and **Cambodia**.

Like the ICTY and the ICTR, the ICC jurisdiction is **complementary to the national jurisdictions**. Only if a state is not willing or able to persecute the perpetrators of crimes will the ICC take up the case. All tribunals are based on the principle of individual responsibility, regardless of the official function of the accused.

In the case of the semi-international **Special Court for Sierra Leone**, the court will investigate murder, rape, sexual slavery, extermination, acts of terror, enslavement, looting and burning. It intends only to persecute those individuals, who bear the greatest responsibility for the suffering of the people in Sierra Leone. It is the expectation to promote national reconciliation through a judicial mechanism and thus to contribute to a lasting peace.

K. HUMAN RIGHTS INITIATIVES IN THE CITIES

Programs to strengthen human rights at the municipal level are a new approach to use the human rights framework as a guideline for social and economic development. On the initiative of the PDHRE, **People's Movement for Human Rights Education** – using human rights education as a strategy for societal development – several cities, i.e. Rosario (Argentina), Thies (Senegal), Nagpur (India), Kati (Mali), Dinapur (Bangladesh), the indigenous people of Abra (Philippines) and the city of Graz (Austria) have declared themselves “*human rights cities*” or “*human rights communities*”.

Another initiative has been undertaken by the city of Barcelona, where, in cooperation with the city of Saint Denis, a “*European Charter for the Safeguarding of Human Rights in the City*” was elaborated in 1998, which by 2003 had been signed by more than 300 cities, mainly in Mediterranean Europe. The Charter contains political obligations based on international human rights, for example regarding the rights of migrants, and recommends the establishment of local institutions and procedures for human rights protection, like ombudsmen, human rights councils or a human rights balance sheet. In regular meetings, experiences of good

practices are exchanged by the signatory cities and communities.

The strategy of promoting human rights across communities, starting at the local level has the advantage of being able to address human rights problems in daily life. The **method** suggested by PDHRE and successfully applied in practice is to start with jointly developing an inventory and identifying the human rights realization and violations in the city, leading to the elaboration of a strategy translated into a program of action. In this process inhabitants examine laws and policies on the use of resources in the city. They develop plans to strengthen the realization of human rights and to overcome human rights problems in their city. Together with the authorities they pledge that all decisions, policies or strategies should be guided by human rights.

For this purpose, a holistic approach to human rights is pursued, which means that all human rights, civil and political, economic, social and cultural including a gender perspective are addressed as a whole. In order to make people aware of their human rights, learning and training activities are of utmost importance, including “*train*

the trainers” programs for teachers, administrators, the police, health and social workers, leaders of neighborhood associations and NGOs. A monitoring system, i.e. by a Steering Committee, which includes all sectors of society, oversees the process, which is a long-term one.

On the international level, an association of human rights cities is under formation, which will monitor the necessary self-control and seriousness of the efforts of its members.



EXAMPLE OF HUMAN RIGHTS CITY OF NAGPUR, INDIA

Phase 1 (January to June 1999):
Identification of issues and stakeholders

Phase 2 (July 1999 to June 2000):
Consolidation of activities with help of working groups

Phase 3 (July 2000 to December 2002):
Capacity-building and training activities; community mobilization in slums etc.

EXAMPLE OF HUMAN RIGHTS CITY OF KATI, MALI

April 2000:
Start of the process

February 2001:
General Assembly of Strategic Actors: establishment of the Orientation and Coordination Committee and operational office

December 2001:
Advisory Council of Eminent Persons

2002/2003:
Curriculum Development and Training Seminars on Human Rights Education



EXAMPLE OF HUMAN RIGHTS CITY OF GRAZ, AUSTRIA

September 2000:
Announcement by Austrian Minister of Foreign Affairs, Ms. Ferrero-Waldner at UN Millennium Assembly

February 2001:
Unanimous decision of the City Council of Graz

May 2001:
Formal inauguration ceremony at Graz University in presence of Ms. Shulamith Koenig

June 2002:
Presentation of inventory and draft program of action elaborated with the help of more than 100 individuals and organizations in the city hall of Graz

October 2003:
Conference on results of the first implementation phase

The process is coordinated by the *European Training and Research Centre for Human Rights and Democracy* (ETC) in Graz, which also offers various human rights education and training programs.

L. GLOBAL CHALLENGES AND OPPORTUNITIES FOR HUMAN RIGHTS

After several decades of successful standard-setting the main challenge for human rights became the **implementation** of the commitments undertaken. Several new methods are being developed to strengthen the implementation of human rights, both on the local and national as well as on the international levels. Among them is a more active attitude of the international community, which now includes human rights officers in international missions and thus institutionalizes the consideration of human rights concerns in the field, which is also expected to have an important preventive effect.

Respect for human rights is also strengthened at the local and national levels through the human rights **capacity-building** of local institutions, i.e. human rights cities and the establishment of national institutions for the promotion and monitoring of human rights, in which non-governmental organizations as representatives of civil society play a major role. There is still a need for **standard-setting** in new fields of concern as can be seen from the additional protocol for the protection of the rights of children, the issues related to biotechnology and genetic engineering and trade with human organs.

At the same time, existing human rights can be made more visible by focusing on “*core rights*” like in the ILO-approach. New

challenges can also be seen in the need to give closer attention to the inter-linkages between human rights and humanitarian law, like the “*fundamental standards of humanity*” 🤝 Human Rights in Armed Conflict Module. The same applies for the relationship between **human rights and refugee law**, which exists both at the level of prevention of refugee problems and at the level of refugee return. In both cases the human rights situation in the country of origin is decisive. For the treatment of internally displaced persons, guiding principles have been developed. This raises the wider issue of **human rights and prevention of conflicts** as well as the issue of **post-conflict rehabilitation** and reconstruction, which needs to be undertaken on the basis of human rights and the rule of law.

Accountability for human rights violations and respect of human rights has become a global concern, which is required not only of individuals, but also of non-state actors like transnational corporations (TNCs), and of inter-governmental organizations, like the World Bank, the IMF or the WTO.

In the case of TNCs, on the proposal of the Secretary-General of the United Nations, Kofi Annan, the **Global Compact** was launched in July 2000 as a new, innovative approach in the process of globalization. Participating

companies accept 9 basic principles in the fields of human rights, labor standards and environment and engage in a result-oriented dialogue related to global problems, i.e. the role of business in zones of conflict.

A new challenge to human security and human rights has come from strengthened anti-terrorist measures taken by states after September, 11th, which partly have resulted in the restriction of basic human rights.

Well established international norms – the right not to be detained arbitrarily or imprisoned indefinitely, the right to due process of law, an impartial jury and an impartial judge, to legal representation, to be free from inhumane and degrading treatment – these norms are under siege today. We have to draw a line and defend them. This too is a grave question of security. For when security is defined too narrowly – for example, as nothing more than a state’s duty to protect its citizens – then the pursuit of security can lead to the violation of the human rights of those who are outside the circle of the protected.

SERGIO VIEIRA DE MELLO, UN HIGH COMMISSIONER FOR HUMAN RIGHTS, 2003

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II. MODULES ON SELECTED HUMAN RIGHTS ISSUES

UNIVERSALITY

EQUALITY

INDIVISIBILITY AND INTERDEPENDENCE

»The international community has just emerged from an era of commitment. It must now enter an era of implementation, in which it mobilizes the will and resources needed to fulfil the promises made.«

KOFI ANNAN, UN SECRETARY GENERAL, 2001

PROHIBITION OF TORTURE

HUMAN DIGNITY AND PERSONAL INTEGRITY
INHUMAN AND DEGRADING TREATMENT
TORTURE

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

ARTICLE 5, UNIVERSAL DECLARATION
OF HUMAN RIGHTS

ILLUSTRATION STORY

I was stopped in the street on 25 November 1991 at about 9 a. m. There were no problems at that stage . . . I was then taken to Bobigny police station. I was taken up to the first floor, where about eight people started hitting me. I had to kneel down. One police officer pulled me up by my hair. Another policeman hit me repeatedly on the head with an instrument resembling a baseball bat. Another one kept kicking and punching me in the back. The interrogation continued non-stop for about an hour . . .

On 26 November 1991 I was questioned again by several police officers – three or four – at some point in the day. . . . On that occasion they pulled my hair, punched me and hit me with a stick . . .

They all carried on assaulting me until 1 a. m. I think that this session of ill-treatment had begun at about 7 p. m. At one point they made me go out into a long office corridor where the officer I presumed was in charge grabbed me by the hair and made me run along the corridor while the others positioned themselves on either side, tripping me up . . .

After that, I was taken to an office and threatened with burns if I did not talk. When I refused, they lit two blowlamps which were connected to two small blue gas-bottles. They made me sit down and placed the blowlamps about one metre away from my feet, on which I no longer had shoes. At the same time they were hitting me. Following that ill-treatment, they brandished a syringe, threatening to inject me with it. When I saw that, I ripped open my shirt-sleeve, saying ‘Go on, you won’t dare’; as I had predicted, they did not carry out their threat . . .

The police officers left me in peace for about fifteen minutes, then one of them said, ‘You Arabs enjoy being screwed’. They took hold of me, made me undress and one of them inserted a small black truncheon into my anus.

*NB. When Mr **Selmouni** relates that scene, he starts crying.*

I am aware that what I have just told you is serious, but it is the whole truth, I really did suffer that ill-treatment . . .

The European Court of Human Rights, after examining the facts and evidence of the case *Selmouni vs France*, unanimously decided on 28 July 1999 that there has been a violation of Art. 3 of the European Convention on Human Rights and Fundamental Freedoms.

SOURCE:

EUROPEAN COURT OF HUMAN RIGHTS, CASE OF SELMOUNI V. FRANCE, JUDGMENT FROM 28 JULY 1999, STRASBOURG, FRANCE.

DISCUSSION QUESTIONS



1. How would you characterize what happened to Mr. Selmouni? What thoughts did this story evoke in you?
2. What do you think can be done to prevent similar actions from happening? Are you aware of already existing mechanisms on a local, regional or international level?
3. How do you think a society can support and assist victims like Mr. Selmouni?
4. Would you have taken a different position if you had known that Mr. Selmouni was a drug dealer? Why?

NEED TO KNOW

1. A WORLD FREE FROM TORTURE

Imagine your whole body hurting and your soul crying, stunned with fear. You have lost your freedom and you have been deprived of your human dignity. You feel pain, humiliation and powerlessness – you have become a victim of torture . . .

Serious forms of ill-treatment are often related and ascribed to societies and states where human rights violations are a daily occurrence. Surprisingly enough, torture is practiced in 2/3 of the world's countries including highly industrialized and developed ones as well, contrary to the widely shared view that torture is a phenomenon attributable only to poor and “uncivilized” societies. Even though torture or different forms of ill-treatment exist throughout the world, what differs, however, from place to place is the manner and the degree to which they are practiced.

The **prohibition of torture is absolute** and has been articulated in many international and regional treaties. It belongs to those human rights considered non-derogable, i. e. valid under all circumstances and not allowing state derogations on any ground.

Torture and ill-treatment are also regarded as prohibited under customary international law. Despite this prohibition, however, torture and ill-treatment are still practiced. Torture and inhuman and degrading treatment happen frequently and repeatedly, they are maybe happening at this very moment; they happen to people deprived of their liberty, to people belonging to different ethnic, social and cultural groups, to young and old, to women and men. No one is immune to torture; everyone can become a victim.

For a long time, torture and inhuman and degrading treatment were perceived to be characteristic of times of warfare and slavery only, while their occurrence in times of peace was disregarded. Yet a closer examination of cases of torture and inhuman and degrading treatment today makes it clear that serious forms of ill-treatment do not belong to the past. Throughout the years, as mankind has progressed and developed, brutal ancient and medieval methods have been replaced by more sophisticated ones, yet equally cruel. However, their effect and outcome have not altered; torture and other serious forms of ill-treatment continue to be a severe threat to human security as well as to the physical and

psychological integrity of the human being and continue to demand a more concerted effort to prevent them from occurring in the first place.

Contemporary developments, especially in the field of international law, as well as the faster and broader methods for distribution of information, have increased awareness of the problem of torture and other serious forms of ill-treatment, and have brought worldwide attention to this issue. Both governmental and non-governmental agencies and organizations have started to identify and address not only the consequences of many forms of ill-treatment but also their inherent causes. Unequivocal international standards for protection and prevention have been established and widely agreed upon. Additionally, a whole range of bodies for investigation, monitoring and supervision, on both national and international levels, have emerged in order to safeguard those prevention standards and the non-derogative right of the prohibition of torture and other forms of cruel, inhuman and degrading treatment and punishment.

Prohibition of Torture and Human Security

The threat of torture and ill-treatment is a direct threat to the security of any person. Thus, protecting human life and preserving the physical and psychological integrity of the human being has turned into a central concern of the human security approach. Safeguarding the sanctity of life of any human being relates closely to the absolute prohibition of torture and any other form of ill-treatment. The full realization of the right to life and personal integrity as well as the absolute prohibition of torture and other forms of cruel, inhuman and degrading treatment or punishment is primary to any quest for human security. Indisputably, raising human rights awareness through human rights education and learning, together with improved legal framework for protection against and prevention of torture and ill-treatment will become corner stones for enhanced human security and well-being. The Statute of the International Criminal Court, whose establishment has been fervently advanced by the Human Security Network, explicitly recognizes torture as a crime against humanity and a war crime and thus places an additional special emphasis on preserving human life and human security.

» *Man torturing man is a fiend beyond description.*«

HENRY MILLER

2. DEFINITION AND DESCRIPTION OF THE ISSUE



What is Torture?

Defining phenomena like torture and ill-treatment in a broadly acceptable way has long been a challenge, even though their condemnation and prohibition has been generally accepted as a norm of customary international law, i. e. applicable to all states. The internationally agreed provisions for the absolute prohibition of torture, which are formulated in a number of international legal texts, have not been a sufficient guarantee against the occurrence of torture. Seemingly, there has always been definitional leeway, leaving a margin of interpretation to state authorities thus ensuring their acceptance of the international rules in principle.

A legal definition of torture has been included in and endorsed by all signatory states of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 (adopted and opened for signature,

ratification and accession by General Assembly resolution 39/46 of 10 December 1984; came into force on 26 June 1987). That definition in Art.1 of the Convention designates torture as:

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

It is important to note that this legal definition takes into account both the psychological and physical dimensions of torture and ill-treatment, even though it is not all-inclusive and does not elaborate upon those different levels in detail. It also excludes lawful sanctions, i. e. sanctions prescribed by national law, which in certain

cases raise questions as to whether those sanctions may contradict the overall spirit and aims of the Convention. The definition does however add to the general understanding, as stated by the **UN Commission on Human Rights**, that “*all forms of torture and other cruel, inhuman or degrading treatment or punishment, [. . .] can never be justified under any circumstances whatsoever.*” The Special Rapporteur on Torture also upheld that “*the legal and moral basis for the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute and imperative and must under no circumstances yield or be subordinated to other interests, policies and practices.*”

On the occasion of the **UN International Day in Support of Victims of Torture – 26 June**, the International Rehabilitation Council for Torture Victims asserted that “*torture is one of the most horrible things one person can do to another. The aim of torture is to cause as much pain as possible without letting the victim die . . .*” The deliberate infliction of pain and suffering, either physical or psychological, is a characteristic of both torture and inhuman and degrading treatment. In legal terms, the distinction, though subtle, between acts of inhuman and degrading

» *Torture is an atrocious violation of human dignity. It dehumanizes both the victim and the perpetrator. The pain and terror deliberately inflicted by one human being upon another leave permanent scars: spines twisted by beatings, skulls dented by rifle butts, recurring nightmares that keep the victims in constant fear. Freedom from torture is a fundamental human right that must be protected under all circumstances.*«

KOFI ANNAN, UN SECRETARY GENERAL

treatment and torture is the **nature** of the act committed and the **purpose** behind it, the **degree of its severity** as well as the **cruel means** used. In other words, the more cruel, painful and intentional an act is, the more inclined a court is to examine it as a case of torture.

Distinguishing elements of torture under the UNCAT are:

- An intentional act that causes severe physical or mental suffering;
- An act that is inflicted for a purpose;
- By a state official or person acting in an official capacity.



Methods of Torture – How is Torture Done?

In principle, anything, from water to household utensils, can be turned into an instrument of torture. Today, however, the

tools and methods of torture rather than regressing have evolved; this in turn has augmented their cruelty and inhumanity. A number of torture techniques widely practiced currently do not leave visible physical marks on the body but nevertheless have a detrimental effect upon the internal organs as well as the psychological integrity of the victim.

In general, the methods of torture can be classified in two major groups: physical and psychological.

Physical torture causes extreme pain and excessive suffering of the victim. In its most cruel forms it can also lead to mutilation, disfigurement or lasting injury. The torture methods most often employed are beating with whips, metal objects, stones, cables and batons, kicking and hitting against a wall. The so-called “*falaka*” or “*phalange*” method (the fierce beating of the victim on the soles of his/her feet), is almost as widely used as the electro shocks method, suffocation, binding and burning with cigarettes or the exposure of the victim to extremely low or high temperatures.

Psychological torture includes deprivation and exhaustion techniques such as deprivation of food, water, sleep, and sanitary facilities, communication depriva-

tion techniques such as solitary confinement and cutting off contact to either other detainees or the outside world, coercion and intimidation techniques, such as forced presence during the torture of other people, threat of execution or a simulated execution, continuous humiliation and terrorization, etc. Additionally, sexual violence is often used as a method of both physical and psychological incapacitation of the victims.

All torture methods in use are a grave assault to the dignity of the human being and a violation of his/her human rights. A world free from torture will mean a world free from deliberate infliction of pain and the use of those cruel means by one person on another.



Motives for Torture – Why is Torture Practiced?

The motives for torture vary widely, but at the core there is frequently a deliberate and purposeful drive. The desire to demonstrate power or simply hide weakness often leads to torture or serious forms of ill-treatment.

During different epochs in world history, torture has been used as a means to retain control and exercise power over opponents or people embarking on progressive ideas and thus implicitly threatening authority and governing systems. Torture has thus

frequently been employed as a tool for **political repression** and **oppression**, for **punishment**, for **revenge** as well as for **silencing opposition**. Traditionally, torture and other forms of ill-treatment have been utilized to **obtain information** and get a **confession**, even though confessions under duress and physical coercion have a questionable utility, if any.

Cruel and degrading treatment are also practiced as a method to threaten, scare and dehumanise people, as a means to humiliate, to instil a feeling of uselessness and inferiority and ultimately destroy their personality. All of those acts, motivated by different intentions, have a long-lasting impact on the personality of the tortured person. The physical rehabilitation and recovery often take years and the consequences can not always be fully treated. Furthermore, psychological scars mark the victims for the rest of their lives and often prevent them from having a fulfilling existence.

Victims and Perpetrators of Torture, Inhuman or Degrading Treatment

Anyone can become a victim, especially in societies where there is no tradition of the rule-of-law, or rather the laws and the commitments they entail are rarely obeyed

and implemented. Ill-treatment happens most often in prisons, police stations and other detention centres, but cases of its occurrence in private homes, or in specialized medical facilities for the incurable or mentally sick are not a rare exception. Remand prisoners and sentenced criminals are an especially vulnerable group to acts of ill-treatment because they are dependent upon the authorities for their most basic needs. These places of detention are by definition closed, thus, the people detained find themselves out of sight of the rest of society and are frequently a group for which the general public have very little empathy or sympathy. Minorities, be it social, religious, or ethnic as well as refugees and asylum seekers are often subject to degrading treatment and run the threat of re-traumatization. Elderly and mentally disabled people living in special establishments and hospitals, often disregarded and even forgotten, can fall victim to torture-like practices due to bad material conditions resulting from insufficient resources to assure a decent standard of living, medical care and ageing in dignity.

Children, men and women, young and old, can all become victims of torture. No one is invulnerable to the effects of serious forms of ill-treatment- the perpetrators are affected as

well. They are most often police or military officers, acting in their official capacity. There are numerous cases in which perpetrators of ill-treatment or torture act upon orders or as part of specialized groups in which such practices are a daily occurrence. Also, medical and security personnel in facilities for people with special needs can become perpetrators of ill-treatment due to negligence, lack of control and supervision or lack of resources or training.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES



Differing cultural practices and perceptions undoubtedly affect the understanding of international legal norms and standards and often shape their interpretation through a specific cultural prism. For example, corporal punishment, or the infliction of pain with a cane or a whip used as a corrective measure, is a widespread form of ill-treatment. Within the Islamic Shariah law tradition, however, corporal punishment or even amputations are not only an accepted practice but also legalized throughout a number of religious courts which regulate not only marriages and inheritance but also other areas of the

» *They always asked to be killed. Torture is worse than death.*«

JOSE BARRERA

physical and spiritual life of Muslims. In the Shariah Penal Code Law of the Zamfara State of Nigeria from January 2000, for example, caning and amputation are punishments prescribed by law, together with death and imprisonment. Likewise, in Saudi Arabia, Iran, Libya and Afghanistan, religious courts based on the Shariah law principles take similar views in their rulings.

The Israeli General Security Services, for instance, have continuously been criticized for using “*moderate physical pressure*”, often amounting to torture, as an interrogation technique. The adoption of the recommendations of the Landau Commission of Inquiry Report in 1987, in which the use of “*a moderate measure of physical pressure*” during interrogation is justified on the basis of necessity, has provoked heated debates. However, no clarification followed the recommendations as to where the limits of “*moderate physical pressure*” are and where the torture practices start. Only in 1999, the Israeli Supreme Court in the case **Public Committee against Torture in Israel v. the State of Israel**, decided that the use of “*moderate physical pressure*” is illegal as it infringes the constitutional protection of the

individual’s right to dignity. However, as articulated by the UN Committee against Torture in the Conclusions and Recommendations of the Committee against Torture: Israel. 23/11/2001, “*the Committee remains unconvinced and reiterates its concern that torture, as defined by the Convention, has not yet been incorporated into domestic legislation.*”

These two examples show that even though the standards for prohibition of torture are universally accepted, their interpretation and implementation may differ from country to country. It is, however, an open-ended question whether those differences reinforce the universal and absolute prohibition of torture in a culture-sensitive context or overtly contradict the aims and the spirit of both customary and codified international law.

A number of other controversial issues and arguments can also be raised. Currently, especially in the United States, there is a heated debate as to whether terrorism is different from other human rights violations and crimes and thus necessitates the endorsement of special standards to prevent it and fight it. A few countries such as Ireland, Turkey, and the USA have anti-terror laws in which fast-track procedures are introduced, as compared to the usual national penal procedures, and some human

rights and freedoms are, as a consequence, being curtailed. Following 11 September 2001, a renewal of an age-old debate of whether it is acceptable to torture terrorists (criminals) in order to save other people's lives, could be witnessed. Closely related to this issue are questions as to whether victims are entitled to greater protection of their human rights than criminals and if the value of life of a perpetrator of crimes or terrorist attacks is as much as the value of life of any other human being.

There are no right or wrong answers amidst those complicated contradictions and unresolved moral dilemmas, but international lawyers consistently advocate the position that a duality of standards is unacceptable and that international legal standards should not be selectively applied. Only in this way, many believe, can the spirit and function of international law as a guardian of world peace, human security and understanding among states, be preserved.

4. IMPLEMENTATION AND MONITORING

Since 1948, the international law provisions for the prohibition of torture and other forms

of cruel, inhuman and degrading treatment have been substantially developed and improved. An increasing number of states have signed, ratified and translated those international legal commitments into domestic legislation and practice. Strong regional systems for the prevention of and protection against torture have evolved (in Europe for example) and national inspection/visiting mechanisms have also emerged.

Internationally, the **UN Committee against Torture** and the **UN Special Rapporteur on Torture**, together with a large number of NGOs, are monitoring the implementation of the state commitments to prohibit torture and torture-like practices.

The **United Nations Committee against Torture (UNCAT)**, the UN monitoring body established in accordance with Art. 17 of the UN Convention against Torture, started work on 1 January 1988. UNCAT examines the reports by the state parties to the convention that are due to be submitted every four years; it can make an inquiry and request clarification or additional information related to the facts in those state reports. Additionally, a state can make a declaration to allow the Committee to consider **individual or inter-state complaints**, to examine them and send to the author of the communication and to the

state concerned its final views and recommendations for action. The United Nations Committee against Torture is closely cooperating with the UN Special Rapporteur on Torture  Good to Know, the European Committee for the Prevention of Torture and the United Nations Voluntary Fund for Victims of Torture. A full record of the work of the Committee is annually published and distributed.



Latest Development: The latest development from the 57th UN General Assembly Session in New York in 2002 is the adoption of an **Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** from 1984. The Protocol is designed to prevent torture and other forms of ill-treatment by establishing a regular system of visits to places of detention by international and national expert bodies. The Optional Protocol will therefore establish a new international expert visiting body, a Sub-Committee of the UN Committee against Torture. The Protocol also obliges states to establish national visiting bodies as well. These international and national bodies will regularly visit places of detention and make

recommendations for improvement in the treatment of persons deprived of their liberty and also in the conditions of detention.

This focus upon prevention represents an innovative development within the UN human rights system, as existing international bodies can only act after a violation has occurred. Visits to places of detention is one of the most effective means to prevent torture and to improve conditions of detention. Through the Optional Protocol, for the first time in an international instrument, criteria and safeguards for effective preventive visits by national expert bodies are being set.

This Protocol is therefore considered to be a real step forward for strengthening the international and national prevention mechanisms against torture and inhuman and degrading treatment.

However, even though the international legal safeguards for torture prevention abound, they are not fully implemented at the national level. It is imperative that national legislation provisions be harmonized with international standards and national systems for monitoring and reporting be created. The full eradication of torture can only become a reality once the international standards that have been elaborated find their place in

» *Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government . . . The newspaper reader feels a sickening sense of impotence. Yet if these feelings of disgust could be united into common action, something effective could be done.*«



PETER BENENSON, FOUNDER OF
AMNESTY INTERNATIONAL

viable and impartial national implementation and monitoring systems in all UN member states on the national and local level. Furthermore, providing the victims of torture and inhuman and degrading treatment with rehabilitation, legal aid and compensation as well as assisting their reintegration in societal life are all essential requirements for just and fair national orders.

It can be seen that there are three main aspects to the **effective prevention of torture**:

1. Establishing an **effective legal framework** and assuring its full implementation as well as applying appropriate safeguards for prevention of torture – for example, fundamental safeguards in custody (access to lawyers, doctors, judges etc) and the prohibition of incommunicado detention,
2. Establishing **control mechanisms** and in particular national visit mechanisms to places of detention, as well as providing for independent monitoring and reporting by civil organizations,
3. Ongoing **training** for those concerned such as police officers, prison guards, lawyers, judges, medical doctors etc.

Everyone can be involved in torture prevention activities through action, campaigning, lobbying for ratification of the international instruments and their national implementation, through letters and appeals writing. Through NGO work and volunteering, we can all contribute to awareness raising and education activities in the family, in our local community or region. Last but not least, we can assist the victims of torture with knowledge of how their concerns can be addressed, we can support them by helping them report their cases and take legal action against the perpetrator(s).

GOOD TO KNOW



1. GOOD PRACTICES

In warm surroundings, even where life seems difficult but is still somehow manageable, it is really hard to imagine that there are millions falling victim to cruel, inhuman or degrading treatment every year for being who they are, for what they have done or what they believe in.

Today there are numerous activities worldwide which belong to the tight network of initiatives to mobilize society against torture practices wherever they occur regularly, to educate others as a means to prevent inhuman treatment and offer legal assistance and physical and psychological rehabilitation to torture victims.

Many of the practices are grass-root and action-driven; others attempt to build local capacity and community knowledge as a means of prevention and protection. Last but not least, institutional capacity-building and legislation improvement have their important roles in the process as well. All these levels are inter-connected and indispensable, and initiatives are being undertaken on all of them.

Good practices to prevent torture and ill-treatment can be:

- grass root, action-driven – campaigning, lobbying, awareness raising, educational activities on the local level

Activities of International Organizations

The Special Rapporteur on Torture – Goals, Mandate and Activities

The United Nations Commission on Human Rights, in resolution 1985/33, decided to appoint a special rapporteur to examine questions relevant to torture, to seek and receive credible and reliable information on such questions and to respond effectively to the information. The Special Rapporteur submits a comprehensive report on his or her activities to the Commission each year, reviewing the occurrence and extent of the practice of torture, and making recommendations to assist Governments in stamping it out. The mandate of the Special Rapporteur covers all countries, irrespective of whether a State has ratified the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

The mandate comprises three main activities: transmitting communications consisting of urgent appeals and allegation letters (alleged cases of torture) to governments; undertaking fact-finding missions (country visits) to

- institution and capacity-building, influencing structures and institutions already in place, reforming them or building up new institutions with local capacity to deal with the problems.

countries where information suggests that torture may involve more than isolated and sporadic incidents; and submitting annual reports on the Special Rapporteur's activities, mandate and methods of work to the Commission on Human Rights and the General Assembly.

Unlike the treaty monitoring bodies established under international treaties, the Special Rapporteur does not require the exhaustion of domestic remedies to act on individual cases involving a risk of torture ("urgent appeals") or on alleged acts of torture ("allegations").

To submit information to the Special Rapporteur you can write to:

*Special Rapporteur on Torture
Office of the High Commissioner for
Human Rights
8–14 Avenue de la Paix
1211 Geneva 10, Switzerland*

SOURCE

FACT SHEET NO. 4 "COMBATING TORTURE" OF THE HUMAN RIGHTS FACT SHEET SERIES OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, 2002.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Establishment

The **CPT** was set up under the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, which was adopted in 1987. It began its work in 1989, when the Convention entered into force.

Membership

Council of Europe member states. Since March 2002, it has also been possible for non-members of the Council of Europe to accede at the invitation of the Committee of Ministers. The Committee is made up of doctors, lawyers and experts on police matters, prisons and human rights. The number of members corresponds to the number of *states parties* to the Convention. Since March 2000, the President of the Committee has been the British criminologist *Silvia Casale*.

Terms of Reference

The Committee carries out checks on the treatment of people deprived of their liberty. It examines police stations, prisons, psychiatric hospitals and all other places where people are detained, such as accommodation facilities for asylum-seekers in the transit areas of international airports. The *Commit-*

tee members have the right to speak to detainees in private.

Working Methods

The Committee conducts periodic visits to all states parties and can also carry out ad hoc visits as necessary. Its findings are set out in confidential reports to the government concerned and recommendations are made. The confidentiality of the reports is an important basis for the Committee's credibility, and the permanent, constructive dialogue with governments has enhanced the CPT's international standing. The reports, together with the comments made by the governments concerned, can be published with the latter's agreement.

Possible Sanctions

If the governments concerned refuse to cooperate or improve the situation in line with the Committee's recommendations, the CPT can exert political pressure by issuing a public statement. Up to now, it has exercised this power three times: in 1992 and 1996 concerning Turkey, and in 2001 concerning the Chechen Republic of the Russian Federation.

CPT Visits and Reports

As of 07 April 2003, CPT conducted 152 visits (100 periodic visits + 52 ad hoc visits) and published 115 Reports.

SOURCE:

[HTTP://WWW.CPT.COE.INT/EN/ABOUT.HTM](http://www.cpt.coe.int/en/about.htm)

... Because I Am Fourteen

It is hard for me to write about torture because I am only fourteen now. I do not want to think about it, because I am only fourteen. I have to think about it – my town and its people were tortured. That is why we have become known all over the world. My town was tortured but not killed. They tried to kill the Danube and Vuka, but they did not succeed. How could they kill the hearts of my town? Two rivers, like sisters: one old, one young. They tortured them with bombs and bullets. But they are still flowing, and their hearts are still beating. They tried to kill the trees and grass, but they were not able to. How could they kill the lungs of my town? They tortured them with fire and black smoke, but they are still breathing. I am back in Vukovar after all these years. I can still see tortured streets, houses, schools, churches ... I feel freedom and peace, but deep down in my heart, I cannot forgive because I am only fourteen.

An essay written by a child in Vukovar and presented to the *Center for Mental Health and Human Rights* in Zagreb, Croatia on 26 June 2001.



Activities of Non-governmental Organizations (NGOs)

In 1997, the UN proclaimed **26 June** an International Day in Support of Victims of Torture. Ever since, world-wide international networks for prevention and prohibition of torture such as CINAT, the Coalition of International Non-governmental Organizations Against Torture, have been campaigning for the full eradication of torture. Many individuals and celebrities participate in those events.



The activities of **Amnesty International (AI)** world-wide are an example of a holistic approach to both grass-root and institution and capacity building endeavours.

On 28 May 1961, the British lawyer Peter Benenson published an article "*The Forgotten Prisoners*" in The Observer newspaper, London, United Kingdom (UK) which inspired the creation of Amnesty International. **Amnesty International** today, with an International Secretariat in London, has more than one million members, subscribers and regular donors in more than 140 countries. The AI movement consists of more than 7,800 local, youth, specialist and professional groups in approx. 100 countries and

territories. Amnesty International is a democratic movement, self-governed by a nine-member International Executive Committee (IEC) whose members are elected every two years by an International Council representing sections.

Campaigning, reporting on human rights issues, lobbying with governments, on a specific human rights issue are activities which AI launches annually.



In 2001 AI launched the campaign "*Take a step to stamp out torture*" against the torture and ill-treatment of women, children, ethnic minorities, lesbians, gays, bisexual and transgender (LGBT) people.

By the end of the year, over 35,000 people from 188 countries had signed up on the torture campaign website,

www.stoptorture.org, to take action on urgent cases by sending e-mail appeals.

In October 2000, AI adopted the **12-Point Program for the Prevention of Torture** which became a platform for international action to prevent torture and strengthen the mechanisms to protect against its occurrence and institutionalization.



12-POINT PROGRAM FOR THE PREVENTION OF TORTURE

Amnesty International calls on all governments to implement the organization's 12-Point Program for the Prevention of Torture.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado – unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to “disappear”. Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained under torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. The principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no “safe haven” for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to disobey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.



Code of Ethics: The World Medical Association (WMA) adopted in Tokyo in 1975 a **Declaration Guidelines for Medical Doctors Concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment.** The WMA clearly voiced the position of the medical profession against torture and ill-treatment by proclaiming that *“the doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty, and whatever the victim’s beliefs or motives, and in all situations, including armed conflict and civil strife.”* A number of other national medical associations have elaborated their own codes of ethics against the involvement of doctors in torture and ill-treatment.

SOURCE:

THE WORLD MEDICAL ASSOCIATION ONLINE –
[HTTP://WWW.WMA.NET](http://www.wma.net)

2. TRENDS

- The trade in instruments of torture such as shackles, leg irons, thumbscrews, whips and electro-shock technology has dramatically increased in the last 20 years. According to the 2001 *“Stopping the Torture Trade”* report of Amnesty International, the number of countries known to be producing or supplying electro shock equipment rose from 30 in the 1980s to more than 130 in 2000.

3. CHRONOLOGY

Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – the Building Blocks

- 1948:** Universal Declaration of Human Rights
- 1949:** The Four Geneva Conventions
- 1957:** UN Standard Minimum Rules for the Treatment of Prisoners
- 1966:** International Covenant on Civil and Political Rights
- 1979:** UN Code of Conduct for Law Enforcement Officials
- 1982:** Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the

- Currently, the prison populations are growing in almost all parts of the world. In a parallel development, the number of women and juvenile prisoners is increasing dramatically as well. In the last World Prison Population Report of the UK’s Home Office, an increase of 69% of the prison population has been registered in 200 independent countries and territories for the last 10 years. This increase certainly puts a strain on prison staff and management and necessitates further training, increased human rights awareness and more resources.

Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- 1984:** UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 1990:** UN Rules for the Protection of Juveniles Deprived of their Liberty
- 1998:** Statute of the International Criminal Court
- 2002:** Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (not yet in force)

SELECTED ACTIVITIES



1

ACTIVITY I: TORTURING TERRORISTS?

PART I: INTRODUCTION

Terrorism and torture of terrorists and perpetrators of crimes sparked a heated debate after 11 September 2001 in particular. A lot of people have voiced both their opinions and concerns, yet in different ways. Through the proposed discussion, an attempt could be made to identify arguments for and against the questions posed, analyse them within the human rights principles framework, and discuss various other related issues.

Type of activity: discussion

Discussion question:

Is it acceptable to torture crime perpetrators or terrorists in order to save other people's lives?

PART II: GENERAL INFORMATION ON THE DISCUSSION

Aims and objectives:

- opinion shaping, opinion sharing and defending
- acquisition of knowledge and raising awareness of how a democratic society should deal with torture-related issues
- demonstrating that human rights and rule-of-law provisions and norms can be a

helpful framework for understanding complicated dilemmas

Target group: young adults, adults

Group size/social organization: 10 – 12

Time: 90 min

Preparation:

- Collect recent local and international newspaper clippings and articles, photos, as well as prepare and copy a collection of the international and regional human rights standards on prohibition of torture
- Ask the participants to bring a topic-related item themselves

Material: coloured cards, copies of the material prepared, board or paper, markers

Skills involved:

- building argumentative and critical skills
- communication skills
- conflict management skills

Discussion rules:

Before the discussion starts, ask the participants to design their own rules and make sure that the whole group agrees and accepts the proposed rules.

Post the rules visibly and consult them only when problems arise.

The facilitator has to make sure that the following two rules are included in the list the participants elaborate:

1. Only one person at a time should be speaking
2. The group has to invent a sign through which to express disagreement or dissatisfaction in a respectful way

PART III: SPECIFIC INFORMATION ON THE DISCUSSION

Introduction of the topic:

As an introduction to the topic, please present in short the prepared newspaper clippings, contradictory statements by public officials, human rights documents and provisions connected with terrorism and prohibition of torture, etc.

Divide the group into two and make sure that the groups examine and develop the arguments **For** or **Against** in view of the universal human rights principles, moral and ethical considerations, etc.

Discussion process:

The discussion process has to be chaired with respect and sensibility. No participant should ever be given the feeling that her/his arguments or attitudes are inappropriate or foolish. Ask the participants to arrange the topic-related items they brought to the room.

Give time (45 min.) for smaller group work and formulating arguments.

Start the discussion by asking the participants to present their arguments and post them to the left (Against) or the right (For) side of a line through the room. Ask whether all agree with the position of the proposed arguments and try to bring the group to discuss the differences in approach, understanding and rationale of their positions.

(plan 45 min. to 60 min.)

Feedback:

After the discussion is over, please distribute to all participants a red and a green card, for example, and ask them to write down both their positive and negative feelings about the content and the organization of the discussion. Finally, read the cards out loud and give time for reflection. As an alternative, participants might pin the cards on the wall or pin board.

Methodological hints:

- Always keep and make use, if needed, of a 5 minutes time-out (cooling down) option when the debate is heated and runs the risk of getting out of control
- Give time for silent reflection when confusion or anger builds up
- Try to summarize, clarify and mitigate arguments and do not take sides openly

Tips for variation:

If you want to give more structure to the contents of the discussion you can give the participants a handout called

The Ladder of Torture

- Someone has planted a bomb and admits it. We must torture to save lives.
- Someone is suspected of planting a bomb. We must torture to find out more.
- Someone is close to someone suspected of planting a bomb. We must torture the friend/relative to find out the bomber's plans.
- Someone reports someone else who shares the same political views as the bomber. We must torture that political ally to find out about others who support him.
- Someone has refused to tell the police where a suspect is. This person must be tortured to make sure others don't dare do the same thing.

If you use this handout, it first leads to the questions of where to draw the line – when, if ever, could torture be justified?

SOURCE:

NANCY FLOWERS ET AL. 2000. *THE HUMAN RIGHTS EDUCATION HANDBOOK. EFFECTIVE PRACTICES FOR LEARNING, ACTION AND CHANGE*. MINNESOTA: HUMAN RIGHTS RESOURCE CENTER OF THE UNIVERSITY OF MINNESOTA.

PART IV: FOLLOW-UP

Related rights / areas of further exploration: right to life, death penalty, human security

2 **ACTIVITY II: A CAMPAIGN AGAINST TORTURE**

PART I: INTRODUCTION

Prevention of torture and other cruel, inhuman and degrading treatment and punishment, raising awareness about and changing torture-like practices and improving national legislation around the world; all require a lot of knowledge, creativity and understanding. Through this activity, the participants will be encouraged to try to translate their knowledge into action through building up campaigning and persuading skills.

PART II: GENERAL INFORMATION ON THE ACTIVITY

Aims and objectives:

- awareness raising
- developing creative and innovative approaches to complex problems
- inventing real life-applicable solutions and torture-prevention tactics and methods

Target group: young adults, adults

Group size/social organization: 10 to 20 in groups of 4 or 5

Time: 150 min

Preparation:

- Collect examples of torture prevention activities put into practice locally, regionally, internationally
- Introduce and clarify the elements of a potential campaign
- Collect and prepare a copy of the relevant international and regional human rights standards on prohibition of torture

Material: coloured cards, copies of the material prepared, flip chart or paper, markers, shocking photos and stories of torture victims, etc.

Skills involved:

- creative thinking
- persuasion and communication skills
- conflict management skills

PART III: SPECIFIC INFORMATION ON THE ACTIVITY

Introduction of the topic:

For warming up, ask the participants to share as many as possible antonyms of torture. Record all answers on flipchart or board.

Are there so many? How many can you think of?

Activity process:

Use brainstorming as a basis for defining the characteristics of a Torture Neighbourhood and a Torture-Free Neighbourhood (with less advanced groups, the facilitator has to prepare the definitions in advance). Then mark the two opposite corners of the room as a Torture Neighbourhood and a Torture-Free one. You can decorate in advance both corners with posters, relevant journalistic and materials, photos, etc.

Split the group into smaller groups (4 – 5 members max) and identify 1 messenger per group.

The purpose of the game is to transform the Torture Neighbourhood into a Torture-Free Neighbourhood through a torture awareness raising campaign, posters, demonstrations, radio shows, theatre, lobbying, sport, etc. The groups will have 60 minutes to prepare the elements of their campaigning strategy. The messengers have to move among the other groups, negotiate with their members and help their own groups avoid duplications of work and ideas.

Use the last 45 minutes for presenting the group work.

Feedback:

Ask the participants one by one to characterize their experience with the exercise in one word or one phrase.

For a second round you can ask them what they liked best and whether there was anything about the exercise they found disturbing.

Finally, you can close the session by encouraging them to share their ideas with the nearest AI section or other human rights NGO and try to put them into action.

Methodological hints:

- Let the participants be creative and avoid commenting or censoring any ideas
- Try to summarize, clarify and mitigate arguments and never take a side

Tips for variation:

Depending on the group you work with you should be very careful about exhibiting shocking details of torture photos or reports!

PART IV: FOLLOW-UP

Invite AI or other experienced local activists to share their experiences and eventually start a new group/campaign.

Related rights / areas of further exploration: right to life, death penalty, human security

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UN Doc. A/56/156 from 3 July 2001. Report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment.

UN Doc. A/57/173 from 2 July 2002. Report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment.

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Zamfara State of Nigeria Shari'a Penal Code Law from January 2000. available online at: <http://www.zamfaraonline.com/sharia/introduction.html>

ADDITIONAL INFORMATION

Amnesty International USA:
<http://www.amnestyusa.org/stoptorture/>

Amnesty International: <http://www.amnesty.org/>

Association for the Prevention of Torture:
<http://www.ap.t.ch/>

Canadian Centre for Victims of Torture:
<http://www.icomm.ca/~ccvt/about.html>

European Committee for the Prevention of Torture:
<http://www.cpt.coe.int/en/>

International Rehabilitation Council for Torture Victims:
<http://www.irtct.org>

Special Rapporteur of the Commission on Human Rights on the question of torture
<http://www.unhchr.ch/html/menu2/7/b/mto.htm>

United Nations Committee against Torture(UNCAT):
<http://www.unhchr.ch/html/menu2/6/cat.htm>

World Organisation against Torture: www.omct.org

FREEDOM FROM POVERTY

REDUCTION IN INEQUITIES

SUSTAINABLE LIVELIHOODS

ACCESS TO RESOURCES

PARTICIPATION

DECENT STANDARD OF LIVING

*»Everyone . . . is entitled to the realization . . . of the economic, social and cultural rights indispensable for his dignity. . .
Everyone has the right to work . . .
Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services . . . Everyone has the right to education . . .«*

ARTICLES 22, 23, 25, 26, UNIVERSAL DECLARATION OF HUMAN RIGHTS

ILLUSTRATION STORY

“Dying of Hunger in a Land of Surplus”

When the crops failed and there was no work, the villagers of Mundiar began searching for food in the jungle. They didn’t find any. Instead, they found grass. And so for most of the summer, the village’s 60 households got by eating sama – a fodder normally given to cattle. But humans are not supposed to eat grass, and soon the villagers, their cheeks increasingly sunken, got weaker. They complained of constipation and lethargy. Finally, they started dying.

One villager, Murari, watched his entire family slowly succumb. First his father, Ganpat, died, followed by his wife Bordi. Four days later, he lost his daughter.

Across this remote part of north India – once covered in dense green forest but now made barren by drought – it is the same story. Over the past two months more than 40 members of the tribal Sahariya community have starved to death. Some 60 million surplus tones of grain are currently sitting in government warehouses. This is, by any standards, a large food mountain. Unfortunately, none of them reached Mundiar or any of the other more remote interior villages in south-eastern Rajasthan.

Officially, nobody starves in India. Under a public distribution system, villagers who sink below the poverty line are entitled to ration

cards, which allow them to buy subsidized grain from government shops. But in Bhoyal, as elsewhere, the system has collapsed. The local sarpanch [village head] handed out all the ration cards to cronies and members of his own caste, the villagers said. He also scratched out the names of widows entitled to government pensions. The government shop-owners, meanwhile, refuse to sell the cheap grain to the untouchable Sahariyas. Instead, they get rid of it on the black market. When the Sahariyas started dying, the shop-owners filled in their ration cards in an attempt to try to conceal their scam.

The levels of malnutrition in India – a country of 1 billion plus people – are among the highest in the world. About one half of all Indian children are malnourished, while nearly 50% of Indian women suffer from anemia. And yet most of the grain on India’s vast food mountain is either thrown away or eaten by rats.

It is those at the bottom of India’s hierarchical caste system that suffer most. The tribal communities, who account for 30% of Baran district’s population, are also the victims of historical injustice. Before independence in 1947, the Sahariyas eked out a living by hunting and growing a few crops. After independence, officials drove them out of the jungle and confiscated their land. The Sahariyas were forced to seek jobs as agricultural laborers. When the crops failed

this summer, they had no work, and therefore nothing to eat.

“Politicians are not interested in us”, one woman, Nabbo, 50, said, as she prepared her evening meal of chapattis made from sama – wild grass seed.

SOURCE:

EXCERPTS FROM “DYING OF HUNGER IN A LAND OF SURPLUS. CASTE AND CORRUPTION CONNIVE TO KEEP FOOD FROM INDIA’S POOR”, LUKE HARDING IN BARAN, RAJASTHAN. FRIDAY 15 NOVEMBER 2002. THE GUARDIAN.



DISCUSSION QUESTIONS

1. What are the deprivations and vulnerabilities experienced by the poor in Baran? Articulate these as “Violations of the human rights to . . .”.
2. What does this experience evoke in you and what do you think needs to be done?
3. Compare/contrast the situation of poverty in Baran with what the poor in your country/context experience. What are the images of poverty in your experience?
4. Do you see any connection between increasing poverty and human security? Do you think that treating people this ways such as those described in the illustration story can have an effect on human security? If yes, what kind of effects?

NEED TO KNOW

1. INTRODUCTION

Although poverty has been seen as a historical phenomenon, the forms in which it manifests itself today are becoming increasingly complex. This complexity is a result of many factors, including the changing nature of relationships between humans, the relationship of society with factors and processes of production and the outlook of governments and international institutions like the World Bank, the International Monetary Fund, or the United Nations towards various dimensions of poverty.

The concept of poverty has evolved over time. Poverty, which used to be seen as income-related only, is now viewed as a multi-dimensional concept that derives from and is closely linked to politics, geography, history, culture and societal specificities. In developing countries poverty is pervasive and is characterized by hunger, lack of land and livelihood resources, inefficient redistribution policies, unemployment, illiteracy, epidemics, lack of health services and safe water. In developed countries, poverty manifests itself in the form of social exclusion, in rising unemployment and low

wages. In both cases, poverty exists because of lack of equity, equality, human security and peace.

Poverty means a drought of access in a world of plentiful opportunity. The poor are not able to change their situation as they are denied the means of that capability due to lack of political freedom, inability to

Poverty and Human Security

Poverty, leading to grave food and social insecurities, is a direct infringement of human security. It not only threatens the existence of a great number of people but it adds to their vulnerability to violence, mistreatment and social, political and economic voicelessness.

Poverty is humiliating, as a poor woman in Belarus said, and it disgraces any person's human dignity.

Professor **Amartya Sen**, while stressing the need for viewing the challenges of global equity and human security, somewhat differently stated *"The urgent tasks include*

participate in decision-making processes, lack of good governance, lack of personal security, inability to participate in the life of a community and threats to sustainable and intergenerational equity. **It is the denial of economic, social and political power and resources** that keeps the poor immersed in poverty.

conceptual clarification as well as promotion of public discussion, in addition to identifying concrete projects for action related to institutional change for promoting equity and for the safeguarding of basic human security. A better understanding of conflicts and values has to be integrated with investigation of the demands of health, education, poverty removal and the reduction of gender inequality and insecurity."

Thus poverty is both a state of deprivation and vulnerability. The resultant growing inequality and discrimination between nations and within nations violates the rights of the poor to live in security with dignity.

2. DEFINITION AND DESCRIPTION OF THE ISSUE



Defining Poverty

There are various definitions of poverty and its manifestations:

- From the income perspective, poverty defines a person as poor, if, and only if, his/her income level is below the defined poverty line. Many countries have adopted income poverty lines to monitor progress in reducing the incidence of poverty. The cut-off poverty line is defined in terms of having enough income for a specified amount of food. According to the **UNDP Human Development Report 1997** “*poverty means that opportunities and choices most basic to human development are denied – to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-respect and the respect of others.*”
- The **Human Poverty Index** (UNDP, HDR 1997) uses indicators of the most basic dimensions of deprivation – a short life, a lack of basic education and a lack of access to public and private resources, thereby acknowledging that human poverty is more than income poverty.
- From a human rights perspective, **the Office of the High Commissioner for Human Rights** views poverty as “*a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.*”
- In the **Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies** by the Office of the High Commissioner for Human Rights, September 2002, poverty is viewed as an “*extreme form of deprivation*”. The Report suggests that only those capability failures should count as poverty that are deemed to be basic in some order of priority. While these may differ from one society to another, the common set of needs considered basic in most societies include the need of being adequately nourished, avoiding preventable morbidity and premature mortality, being adequately sheltered, having basic education, being able to ensure the security of the person, having equitable access to justice, being able to appear in public without shame, being able to earn

a livelihood and taking part in the life of a community.

Debates on how to index and measure poverty persist, but the complexity of human life means that poverty will always remain in search of a definition. Vulnerability and deprivation, being essentially subjective, cannot be narrowed to a rigid framework that is universally applicable.

Dimensions of Poverty

The phenomenon of poverty is understood and articulated differently depending on the specific economic, social, cultural and political context. Going a step forward, we shall now try to relate the words included in definitions of poverty (e. g. justice, vulnerability, dignity, security, opportunities etc.) to real life issues, which would help explain the different dimensions of poverty.

Livelihoods – Denial of access to land, forests, water, e. g. in rural areas, state forest laws do not allow indigenous people to collect food and fodder that rightfully belong to them. In the urban context, the city wants rural migrants for their labor, but does not take responsibility for their shelter, health and educational needs, pushing them further

into vulnerability and insecurity. Acts of discrimination based on caste, ethnicity and race have also been critical factors for denying communities and groups access to natural resources vital for their livelihoods and therefore their human right to live in dignity.

Basic needs – Denial of food, education, healthy living and housing, e. g. commercialization of water, electricity, school and hospital services push the prices of essential services beyond the reach of the poor, forcing them to sell their meager assets and live a sub-human existence, which **ultimately robs them of the right to living in dignity.**

Justice – Denial of justice per se or timely justice, e. g. the poor in many countries cannot access the judicial system due to the high costs associated with it. Youngsters from slums, ethnic, racial or religious minorities are the first to be rounded up as easy suspects for crimes not even committed by them, or women who seek intervention by the police in matters of domestic violence are disregarded on the pretext of the issue being a private matter. Often, due to pressure from the state and other powerful lobbies, courts are seen to delay judicial matters relating to

workers' compensation or the rehabilitation of displaced people, which costs the poor their livelihoods.

Organization – Denial of the right to organize, assume power and to resist injustice, e. g. poverty interferes with the freedom of workers to organize themselves for better working conditions.

Participation – Denial of the right to participate in and influence decisions that affect life, e. g. growing collusion of political and corporate interests usurp the space of citizens to effectively participate in public matters such as the provision of basic services. Illiteracy and lack of information due to displacement deny refugees the right to determine their future. Most Roma, due to their migratory nature, are often not even listed on electoral registers and therefore cannot vote.

Human dignity – Denial of the right to live a life in respect and dignity, e. g. in rural areas, caste, ethnic, racial and other minority groups who form a large part of the landless or marginal landowners are forced to compromise their dignity for earning meager wages. Children, instead of being at schools,

are forced into exploitative labor such as waste recycling, leather tanning or agriculture.

Groups Susceptible to Poverty

Though poverty is a widely spread phenomenon and affects people all over the world, it is particularly acute for women and children.

Feminization of poverty has become a significant problem in countries with economies in transition due to the increase in male migration, unemployment and due to the proliferation of household export-oriented economies that are underpaid for their labor. Most female labor is undocumented and unpaid. Women are preferred to men as labor in many sectors of economy as they are seen as a 'docile workforce.' In many communities, women do not possess and do not have control over land, water, property and other resources, and face social and cultural barriers in realizing their human rights.

 Human Rights of Women Module.

Poverty denies **children** the opportunity to fulfill their potential as human beings and

makes them vulnerable to violence, trafficking, exploitation and abuse. Higher infant and child mortality is often caused by malnutrition; high child/adult ratios are an additional cause for income poverty. With rapid urbanization the number of children living on the streets is increasing. Around 113 million children all over the world (97% of which are in developing countries) have never been to school and fall easy prey to different forms of exploitation or child labor. Furthermore, increasing commercialization of education and health services is depriving children of their basic constitutional rights in many countries.



Why does Poverty Persist?

Northern governments which control the governance of the world economy are content to tolerate and maintain trade and financial structures which concentrate wealth in the industrialized world and exclude the poorest countries and people from a share in global prosperity, resulting in inequality among nations of the North and South. Interestingly enough, both within developed and developing countries there is a widening gap between the rich and the poor.

The **Structural Adjustment Programs (SAPs)** of the World Bank and the stabilization packages of the International Monetary Fund came with the promise of generating expanded opportunities of employment, income, wealth and economic development by integrating national economies into a global economic system. SAPs that seek to eradicate poverty through fiscal discipline without addressing the inequities in the distributive systems may intensify poverty as countries spend money to pay off debts to the neglect of expenditure on basic services like health, education and shelter.

The **neo-liberal globalization** puts an emphasis on production for exports and ignores the basic rights of people to fulfill their own needs and earn a livelihood with dignity. The rollback of the state from its welfare responsibilities of health, education, food and shelter and absence of safety nets exert pressure on the poor. Inflation, contraction of employment and erosion of real wages brought out by liberalization and privatization of assets also affect the poor.

The UNDP Human Development Report 2002 points out that rapid economic growth in already rich countries of Western Europe,

North America and Oceania combined with slow growth on the Indian Subcontinent and consistent slow growth in Africa contributed to the **increase in global inequality** in the second half of the 20th century. Even in the OECD (Organization for Economic Cooperation and Development) countries, the gains have been captured by the richest people, with the incomes of the top 1% of families growing 140%, three times the average, resulting in a dramatic increase in income inequality and the emergence of the "new poor".

- The richest 5% of the world's people have incomes 114 times larger than those of the poorest 5%.
- The income of the richest 25 million Americans is equal to that of almost 2 billion of the world's poorest people.

Today, a quarter of the world's people live in severe poverty confined to the margins of society. According to the Human Development Report 2002 of UNDP, an estimated 1.2 billion people survive on less than the equivalent of \$ 1 a day. A billion people are illiterate. Everyday 30 000 children around the world die of preventable diseases and by the end of 2000 almost 22 million people had

died of AIDS. 1/3 of the people in least developed countries – most of which are in Sub-Saharan Africa, are not expected to survive to the age of 40.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES



Courtesy : - Economic Times, 25-2-96.

Relative Poverty and Absolute Poverty

Relative Poverty denotes that a person or a group of people is poor in relation to others or in relation to what is considered to be a fair standard of living/level of consumption

in a particular society. *Absolute Poverty* denotes that people are poor in relation to what is held to be the standard of minimum requirement. An individual who is categorized as absolutely poor by American standards may be considered relatively poor, say, in the African context.

Jim Harvey a resident of Possilpark in the UK speaks of his experience of poverty that may be termed as relative poverty: “*Poverty! What does it mean to me? Well, I’m a 48 year old man, married with a non-dependent family. I live in Possilpark situated in the north of Glasgow. There is no doubt about my working class background. Well, there could be a bit of debate about that, as for many years I have been unemployed and highly dependent on benefits. So what about poverty? To me it is about being ‘skint’. Being unable to enhance my lifestyle due to poor diet and being unable to participate in leisure activities. Also, there is the stigma that poverty breeds. There is also the apathy trap of feeling powerless, oppressed, valueless, excluded, . . . why? Why me? . . .*”

SOURCE:
LOTHIAN ANTI POVERTY ALLIANCE,
[HTTP://WWW.LAPA.ORG.UK](http://www.lapa.org.uk)

Although Jim’s basic economic needs are being taken care of, he experiences exclusion and stagnation and is unhappy with his atomized existence and powerlessness. The latter indeed shows that Jim is relatively poor in comparison to others from his society who are socially and politically active.

Social Exclusion

Social exclusion is often used synonymously with ‘relative poverty’, but the concepts are not identical. Social exclusion may lead to poverty and at the same time social exclusion may be the outcome of poverty. In the case of Jim, social exclusion has resulted in paralyzing his political existence, whereas in the case of the Sahariya community of Rajasthan, their economic poverty and destitution have been instrumental for their social exclusion.

DISCUSSION QUESTIONS



Does a larger population automatically translate into more poverty?

It is commonly believed that high population growth in least developed and developing countries is responsible for widespread

poverty in these nations. This argument is advocated by the respective governments from the South and the North to divert attention from the central issues that are the root causes of poverty in these regions. These issues are continued extraction and exploitation of natural resources by commercial interests from the developed countries resulting in disenfranchisement of rights of communities over resources; lack of allocation of funds to basic amenities such as education, health and water, provision of which could substantially reduce the mortality and disease rates of women and children; and increasing conflicts and wars for gaining control over resources, causing political, social and economic instability.

The argument that the large number of poor people stands in the way of the progress of a nation is not valid as it is actually the redistribution policies of many governments which are responsible for allocating the gains of development in a just manner. Similarly, the notion that the poor are responsible for consuming natural resources and for environmental degradation is disputable as it is actually the rich that have higher levels of consumption than the poor.

Will sustainable development lead to poverty reduction?

Poverty pushes the poor to choose unsustainable ways of living. The absence of sanitation facilities and disposal systems, for instance, as well as lack of fuel may make the poor resort to practices that contribute to environmental degradation. Only if developed countries decide to respect the commitments they have been making to the world as reducing greenhouse gas emissions, bringing in energy efficiency standards and paying transaction taxes for movement of capital across borders, could sustainable development be achieved, resulting in a substantial reduction of poverty.

Is it possible to finance poverty eradication?

Yes it is. The additional cost of achieving basic social services for all in developing countries is estimated at about US \$ 40 billion a year, which is approximately one-tenth of the US defense budget for 2002-03 or US \$ 8 billion less than the net income of the richest man for the year 2001-02. Most of these resources can also come from restructuring existing spending by national governments and multilateral banks (World Bank, Asian Development Bank and others) and other aid agencies.

Financing poverty eradication would be much easier if international institutions like the World Bank, International Monetary Fund, and the governments of the OECD countries would actually decide to write off existing debts against concrete commitments by governments to channel funds into poverty eradication based on local social requirements.

The estimated costs would be further reduced if respective states decide to undertake radical reforms in the area of redistribution of wealth and resources and decide to give their developmental spending priority over defense expenditures.

4. IMPLEMENTATION AND MONITORING

Globalization and its controversial implications are generating new forms of poverty. Moreover, these new forms are being manifested in societies that are at different levels of socio-political and economic development, comprising people of different faiths, beliefs and cultures. For example, the impact of globalization on tribes in Africa is quite unlike that in India mainly due to the

different socio-political and economic conditions in Africa in comparison with India. These distinct differences between cultures and geographic regions have also had an impact on how people have perceived threats emerging from impoverishment and social marginalization.

The critical issue, therefore, is to further develop the **framework that monitors these different forms of poverty** at the global and local levels and also empower people to strengthen their resistance and struggle against exploitative forces.

The UN Charter and the Universal Declaration of Human Rights sought to provide the moral framework for constructing a new system of rights and obligations placing highest emphasis on guaranteeing human dignity, peace and human security for all people in the post World War II period.

It is the holistic approach of human rights that enables response to the multi-dimensional nature of poverty. This approach goes beyond charity, recognizing that freedom from poverty is only possible when the poor are **empowered through human rights education**. It affirms that the **poor**

have legal entitlements and that state and non-state actors have legal obligations to fulfill. While placing responsibility on a state for realizing the human rights of the people living within their jurisdictions, other states and non-state actors are seen to have the obligation to contribute to and support this process. This is of utmost importance for establishing equitable, just and non-protectionist systems of multilateral trade, adequate flow of financial assistance, and ensuring that the poor have a stake in the development process in this globalizing world.

These **values** find expression in political statements such as the Rio Declaration, Agenda 21, the Copenhagen Declaration, the Beijing Platform for Action and the Habitat Agenda, designed by states as an international developmental architecture to eradicate poverty and make an indispensable requirement for sustainable development.



Treaty Bodies Monitoring Poverty

The monitoring bodies examine at regular intervals the state reports, may accept complaints, make observations and recommendations to states, economic institutions,

the UN agencies and others to take steps to improve their human rights record, including poverty alleviation.

The Concluding Observations on various state party reports by **the Committee on Economic, Social and Cultural Rights** show that lack of clarity of the status of the Covenant in domestic law, lack of enforcement of laws based on international human rights commitments and lack of information on the treaty instruments are impeding factors. Reports observe that debt burden, absence of disaggregated data, widespread corruption in state authorities, military regimes undermining judiciary, and entrenched conservative religious influences imposing discrimination get in the way of implementing poverty reduction strategies.

Though the number of countries ratifying different human rights conventions has increased dramatically since 1990, there is a huge gap between commitments, policy intentions and actual implementation. The lack of political will of governments, conflicting commitments being made on international platforms like the WTO (e. g. TRIPS which could result in increasing the costs of medicines to satisfy corporate greed,

denying individuals their basic human right to healthy life and living in dignity) and inadequate resource allocation for realizing various commitments are major threats.



Special Rapporteurs and Independent Experts

The Commission on Human Rights has appointed two Independent Experts – one has the mandate to report to a special working group on the implementation of the right to development (Resolution 1998/72) while the other has the responsibility for investigating and making recommendations regarding the effect extreme poverty has on human rights (Resolution 1998/25). **The Independent Expert on Extreme Poverty** evaluates the measures taken at the national and international levels to promote the full enjoyment of human rights by people living in extreme poverty, examines the obstacles encountered and progress made by women and men living in extreme poverty, and also makes recommendations and proposals in the sphere of technical assistance and other areas for the reduction and eventual elimination of poverty.

In her Report to the Commission on Human Rights [E/CN.4/2001/54, 16 February 2001] the Independent Expert presents essential findings on how the situation of the poor could be changed. To fulfill those requirements, to empower the poor and help them change their destiny, human rights education is crucial. The human rights education process promotes and enhances critical analysis of all the circumstances and realities that confront the poor. It provides appropriate knowledge, skills and capacities to deal with the forces that keep them poor. It enables building organizations and the creation of self-help networks so that they can claim and pursue the progressive realization of all human rights towards the full eradication of poverty.

DEVELOPMENT AND POVERTY ERADICATION

GOAL: *To halve, by the year 2015, the proportion of the world's population whose income is less than one dollar a day and the proportion of people who suffer from hunger.*

Strategies for Moving Forward

INCOME POVERTY

- Ensuring support for country-led economic and social initiatives that focus on poverty reduction;
- Strengthening capabilities to provide basic social services;
- Assisting capacity-building for poverty assessment, monitoring and planning.

HUNGER

- Taking stock of actions taken since the 1996 World Food Summit and proposing new plans at the national and international levels to achieve hunger goals;
- Ensuring that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a fair and just world trade system;
- Continuing to give priority to small farmers, and supporting their efforts to promote environmental awareness and low-cost simple technologies.

SOURCE:

ROAD MAP TOWARDS THE IMPLEMENTATION OF THE UNITED NATIONS MILLENNIUM GOALS. REPORT OF THE SECRETARY-GENERAL, 6 SEPTEMBER 2001.

GOOD TO KNOW

There is a consensus emerging based on the experience of peoples' movements and the work of NGOs and aid agencies, that in order to assure that the benefits of development reach the poor, some fundamental actions that involve land reforms, ownership and control of livelihoods and resources by the poor, literacy and education, health, shelter and nutrition need to be undertaken. Offering hybrid cows instead of land to the landless, exclusive loans for buying land for agriculture without addressing other infrastructure needs in a situation where crops are dependent on irrigation, providing flexible schools for child laborers rather than ensuring their full attendance at school are approaches that have not worked! They have only perpetuated poverty. The main issues are political will and redistribution.

Effective poverty eradication has been successful when it takes place at the local, decentralized levels. It is only when the poor participate as subjects and not as objects of the development process, that it becomes possible to generate human development with equity.

Common and Specific Lessons Learnt from Local, National and International Experiences in the Area of Poverty Reduction:

- Poverty is a social, cultural and political issue as much as an economic one.
- Political and economic empowerment of the poor is the means to eradicate poverty.
- The access to information and human rights education enables the marginalized to become aware of their human rights and take action to change their situation.
- Ensuring work at livable wages and access to livelihood resources remains a key to poverty reduction.
- Reduction in poverty should be accompanied by reduction in inequality. Priority must be placed on eliminating all forms of discrimination against women as well as discrimination based on caste, race and ethnicity.
- Greater spending on education, health, housing, water, sanitation and affordable provision of food reduces poverty.
- The state and its agencies have a significant role in poverty reduction especially in the era of globalization.
- Greater accountability of international and domestic development aid and financial institutions would result in ensuring fair and just economic growth.
- Many of the countries of the world are not in a position to eradicate poverty immediately. Their own efforts need to be supported and complemented by international assistance and cooperation.
- Debt write-offs have a direct relationship to poverty reduction. If debt write-offs were tied to investments in education, health and other social sectors, they would contribute directly to poverty reduction.
- War and strife do increase poverty. Efforts to eradicate poverty without ensuring conditions of real peace and human security are bound to fail.



1. GOOD PRACTICES

The Poor are Bankable

The Grameen Bank, Bangladesh, started as a small village credit society in Jobra in 1976. By 2002, it had reached out to 2,4 million borrowers, 95 percent of whom are women. With 1 175 branches, it provides services in 41 000 villages covering more than 60 percent of all the villages in Bangladesh.

The Grameen Bank attempts to mobilize the poor and move them forward primarily through local capital accumulation and asset creation. Its purpose is to extend banking facilities to poor men and women in rural Bangladesh, eliminate the exploitation by money lenders, create opportunities for self-employment for unutilized and underutilized human resources, bring the disadvantaged people within the fold of an organizational format which they understand and can operate for self-reliant, social-economic development through mutual support.

By focusing on those who have been considered the greatest credit risks, the bank has established the fact that the poor are credit-worthy. The bank addresses both the double burden of gender and poverty which

poor women face. The Grameen Bank has been able to initiate significant changes in the patterns of ownership of means of production and circumstances of production in rural areas. These changes are significant, not simply because they were able to move the poor above the poverty line, but also because with sensitive support they released a great deal of creativity in villages. The Grameen Bank process is being attempted in other neighboring countries, too.

<http://www.grameen-info.org/bank>

Mali's Initiative 20-20

After the World Social Summit in 1995 in Copenhagen, Mali adopted the initiative 20-20 meaning that an average of 20% of the overall budget spending and 20% of the international aid would be used for financing the most essential social services in the country. Also, since 1995, the month of October has been pronounced "*a Month of Solidarity and Fight against Exclusion*".

Poverty Reduction Strategy Papers (PRSPs)

In 1999, it was agreed that nationally-owned participatory poverty reduction strategies should provide the basis of all World Bank and IMF concessional lending and for debt

relief under the enhanced **Heavily Indebted Poor Countries (HIPC) Initiative**. This approach is reflected in the development of PRSPs by country authorities. As of January 2003, 13 countries in Africa (among them Mali), 4 countries in Latin America, 2 countries in Europe and Central Asia, 1 country in Asia, and 1 country in the Middle East have presented PRSPs to the World Bank/IMF Boards.

All PRSPs are developed by taking into account the five core principles underlying the development and implementation of poverty reduction strategies:

- country-driven – involving broad-based participation by civil society and the private sector in all operational steps;
- results-oriented – focusing on outcomes that would benefit the poor;
- comprehensive in recognizing the multi-dimensional nature of poverty;
- partnership-oriented – involving coordinated participation of development partners (bilateral, multilateral, and non-governmental);
- based on a long-term perspective for poverty reduction.

SOURCE:

[HTTP://WWW.WORLDBANK.ORG/POVERTY/STRATEGIES/OVERVIEW.HTM](http://www.worldbank.org/poverty/strategies/overview.htm)

The PRSPs have been a subject to a critique by civil society groups for certain crucial shortcomings such as their funding structure being heavily dependent on and driven by external aid and for promoting foreign direct investments. The participation of local stakeholders, especially of marginalized groups remains questionable, as there often is an absence of institutional mechanisms for their meaningful inclusion in the process and impediments such as information and documents not being available in local languages understood by them. These and other limitations still need to be further and timely addressed.

Our Water is Not for Sale

The Council of Canadians is Canada's pre-eminent citizens' watchdog organization, comprising over 100 000 members and more than 70 Chapters across the country. Strictly non-partisan, the Council lobbies Members of Parliament, conducts research, and runs national campaigns aimed at putting some of the country's main concerns into the spotlight: safeguarding social programs, promoting economic justice, renewing democracy, asserting Canadian sovereignty, advancing alternatives to corporate-style free trade, and preserving the environment.

In early 1999, the Council launched a successful campaign to protect Canadians and their environment from the effects of bulk water exports and privatization. This campaign stems from the belief that water is a public resource that belongs to all and no one should have the right to appropriate it or profit from it. Recognizing the vested interests of the corporations and investors who see Canada's freshwater lakes, rivers and aquifers as rich reservoirs to tap, the campaign mobilized public opinion and action against the commodification and privatization of this priceless resource.

In recognition of the growing opposition to privatization and corporate theft of water around the world and to galvanize this opposition into a new vision for the future of the planet, the Council of Canadians along with many organizations around the world launched a Global Water Treaty at the World Social Forum in Porto Alegre, Brazil in February 2002. This proposal was presented at the World Summit on Sustainable Development in South Africa in August 2002. The work of the Council has extended to other charitable public services such as health and education as well as trade and investment issues. <http://www.canadians.org>

A Sustainable Future

The Dutch example of assessing the scale and impact of their 'ecological footprint' in key sectors, including energy and agriculture, and committing themselves to setting specific, time-tabled targets to reduce the negative impact of their footprints is a positive example of checking damage to the environment by the government of an industrialized country. The state is also regularly reporting on progress to the UN Commission on Sustainable Development, accompanied by reports on the implementation of Agenda 21.

Freedom from Hunger

Food First, based in California, USA, is committed to eliminate the injustices that cause hunger. It believes that all people have the basic right to feed themselves and they must have real democratic control over the resources needed to sustain themselves and their families. The organization works to awaken people to the possibility and their own power to bring about social change by undertaking research, analysis, education and advocacy to explode myths and expose root causes, identify obstacles to change and address ways to remove them, evaluate and publicize successful and promising alternatives. <http://www.foodfirst.org>

Economic Justice

Freedom from Debt Coalition (FDC) based in the Philippines works for human development: equity (to include gender equity), economic rights and justice; equitable and sustainable growth; pressing governments towards their proper role and fighting for beneficial global economic relations among nations. The FDC effort supports the worldwide campaign to cancel the debts of the poorest countries of the world. The Coalition has taken up several other issues, including food security, public spending, and the impact of economic policies on women. Its advocacy work integrates major tasks in popular education and public information, mass mobilization, policy research and analysis, alliance building and provincial networking.

<http://www.freedomfromdebtcoalition.org>

Cotonou Agreement

The **Partnership Agreement between ACP and the European Community** concluded in Cotonou on 23 June 2000, put a special emphasis on **food security**. Art. 54 addresses food security exclusively and thus recognizes the important role it plays in assuring human security and human well-being. The agreement also demonstrates the evolving

grid of priorities in the current EU development assistance policies in relation to enhancing human security.

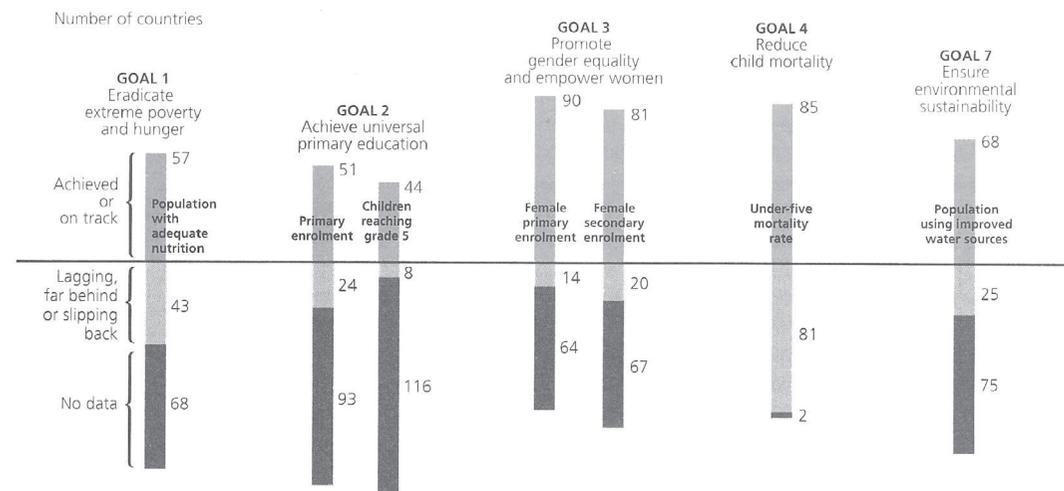
2. TRENDS



During the UN Millennium Assembly session in 2000, heads of state and government acknowledged their collective responsibility to uphold the principles of human dignity, equality and equity at the global level. They set **eight goals for development and poverty**

eradication to be achieved by 2015 which include: to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equity and empower women, reduce child mortality, improve maternal health, ensure environmental sustainability and develop a global partnership for development. The decade of 1997 – 2006 has been declared as **the First United Nations Decade for the Eradication of Poverty**. Each year the **17th October** is observed as the **UN International Day for the Eradication of Poverty**.

PROGRESS TOWARDS THE MILLENNIUM DEVELOPMENT GOALS—HOW MANY COUNTRIES ARE ON TRACK?



SOURCE:

UNDP, HUMAN DEVELOPMENT REPORT, 2002.

Many countries have made significant progress but others, generally the poorest countries, seem unlikely to achieve these goals. Although 55 countries, with 23% of the world's people, are on track to achieve at least three-quarters of the goals, 33 countries with 26% of the world's people are failing on more than half. Extraordinary efforts will be especially needed in Sub-Saharan Africa. 85 countries with more than 60% of the world's people are not on track to achieve the goal of reducing child mortality. Countries lacking data may have the worst performance, giving an inflated impression of the proportion of countries that are progressing.

3. CHRONOLOGY

Freedom from poverty – main provisions in international instruments

1948: The Universal Declaration of Human Rights (Art. 22, 23, 25, 26).

1961: European Social Charter, monitored by the European Committee on Social Rights.

1965: Convention on the Elimination of All Forms of Racial Discrimination (Art. 5, monitored by the Committee on the Elimination of Racial Discrimination).

1966: International Covenant on Economic, Social and Cultural Rights (Art. 6, 7, 9, 11, 12, 13, monitored by the Committee on Economic, Social and Cultural Rights).

1979: Convention on the Elimination of All Forms of Discrimination Against

Women (Art. 10, 11, 12, 13, 14, monitored by the Committee on the Elimination of Discrimination Against Women).

1981: African Charter on Human and Peoples' Rights (Art. 14 – 17, 20 – 22, monitored by the African Commission on Human and Peoples' Rights).

1988: Additional Protocol of San Salvador on Economic, Social and Cultural Rights to the American Convention on Human Rights, monitored by the Inter-American Commission on Human Rights.

1989: Convention on the Rights of the Child (Art. 27, monitored by the Committee on the Rights of the Child).

SELECTED ACTIVITIES



ACTIVITY I: “THE WORLD IN A VILLAGE”

PART I: INTRODUCTION

The exercise deals with inequality and deprivation faced by the poor in the context of international human rights instruments.

Type of activity: Exercise

PART II: GENERAL INFORMATION ON THE EXERCISE

Aims and objectives: To sensitize young people about the issues of inequality in the global distribution of wealth and resources. The exercise helps young people to reflect on their own status in relation to poverty and the fulfillment of their human rights. It gives them an opportunity to realize the urgent need for changing the inequalities and injustices experienced by the poor and setting priorities in order to ensure development for all.

Target group: children and young people.

Group size/social organization: 20–25 people.

Time: 90 mins.

Preparation: Make enough copies of the activity sheets for the number of people participating in the exercise.

Material: Photocopies of the worksheets (as attached), color pencils/markers.

Skills involved: analytical skills, discussion and reflective skills.

PART III: SPECIFIC INFORMATION ON THE EXERCISE

This exercise is adapted from the Media Education Curriculum developed by Abhivyakti, India.

<http://www.abhivyakti.org.in>

Description of the activity/Instructions:

Distribute the worksheets to the participants. Then ask them to implement the instructions on their worksheets as you read them out.

I. Ask the participants to

Imagine that the entire world (6000 million) had shrunk into a representative village consisting of just ten villagers.

1. In the first row draw a circle round the figure that represents you in the line of the world’s richest person (the first figure) to the world’s poorest (the tenth).

2. 50% of the world’s population (five of the villagers) would be malnourished, hungry or starved. Cross out the last five bowls in the second row.
3. Eight of them would be living in sub-standard housing (80% of world’s population). These include slum dwellers, the homeless and displaced, and refugees. Strike out the last eight houses.
4. Seven would be unable to read i. e. 70% of all the people in this world cannot read. Put your thumbprint on the last seven books in the fourth row.
5. One person would have 60% of the total wealth in the world- that leaves the other nine to share the remaining 40%. Cross out the first six piles of money in the fifth row and mark the first person in the first row with a large 6.
6. Only one percent of people in the world own a computer (one tenth of the first computer on this scale). In the sixth row, paint the nose of the first man at the computer red.
7. One percent of the world’s population has access to higher education. Draw a circle round the tassel of the graduate in the seventh row, to represent just one tenth of this drawing.

8. Look at this sheet again and see if you want to revise your rating for yourself. Draw two circles round your new rating.

II. Now ask the participants to listen to these statements:

- If you have food for the next meal at home, clothes, a roof over your head and a place to sleep you are among the top three of the wealthiest people.
- And if you (or your parents, in case you are a minor) have money in the bank, some in your wallet and some loose change in the dish at home, then you qualify to represent the richest person on our scale.

III. Give the most recent statistics on education, health, water, sanitation and military expenditure etc from the most recent Human Development Report of the UNDP and/or World Development Report of World Bank, for a country or group of countries, depending on the participants' profiles.

Feedback

The group is encouraged to discuss what they feel about the various statistics that have been placed before them. The exercise can explore

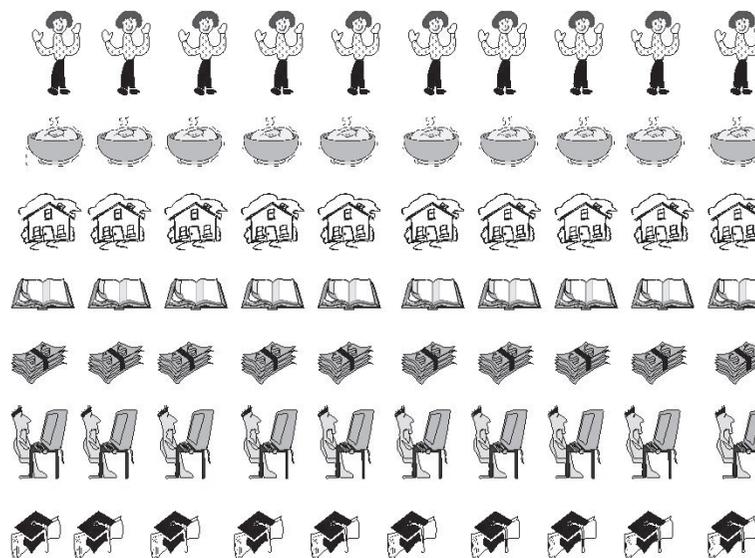
- The contradictions that the data highlights.
- Whether their own reality is like or unlike the statistics.
- The connection of this data with the realization and or violation of various human rights in relation to poverty.
- The goals and priorities that they would like to set for development and why.

Practical hints: While participants are doing the exercise individually, encourage them to share their point of view with others. The role of the facilitator is to provide data and facilitate discussion.

PART IV: FOLLOW-UP

The participants could be encouraged to make a plan for doing human rights education activities based on the above activity to sensitize their peers.

Worksheet for Activity I





2

ACTIVITY II: ACTION CAMPAIGN

PART I: INTRODUCTION

This activity develops an Action Campaign on a local issue relating to poverty. The widespread nature of poverty may seem overwhelming and people may feel they have no role in its eradication.

PART II: GENERAL INFORMATION ON THE ACTIVITY AIMS AND OBJECTIVES

- Awareness and sensitization to poverty in the participants' immediate context.
- Developing the connections between the immediate manifestations and the causes of poverty as a whole.
- Identifying the actions – what the participant can do in relation to a particular poverty situation.

Target group: Adults/Young adults

Group size: 20 people or fewer working groups comprising 4–5 members

Time: 150 mins

Preparation: Flip chart, markers, paints, crayons, pens, felt pens, poster paper, and pictures of people living in poverty. Download case studies from the internet from some of the sites suggested in the section on Good Practices in this module that highlight different violations. For example, governments handing over to the multinational corporations the right to privatize basic services or rights over forests, lakes, for example to carry out commercial fishing. From “*Voices of the Poor*” <http://www.worldbank.org> or any other information source, select some quotations by the poor on their own situation.

Skills involved: Analytical skills, articulation skills, empathy – putting oneself in the shoes of the poor

PART III: SPECIFIC INFORMATION ON THE ACTIVITY INTRODUCTION OF THE TOPIC

- Begin by reading out a few of the selected quotations that reflect the voices of the poor from different situations.
- Encourage participants to mention the individuals/groups/communities from their contexts living in absolute or relative poverty or facing social exclusion.

Through consensus let the groups identify the cases they would like to pursue in the exercise. Divide the group so that each one has 4–5 members.

- The volunteer reporting the particular poverty case takes on the role of being one of the poor, while other members of the group seek to talk to him/her, exploring various dimensions (social/political/economic/cultural/environmental) of the person's/community's life.

The group members then list the issues/dimensions of poverty, the immediate causes and structural causes and identify who and what has a bearing on the situation. The group relates this to the appropriate articles from human rights treaties.

Now ask all the groups to develop a human rights education campaign for addressing the issues faced by this group and propose viable immediate and long term actions. The group can then prepare a pamphlet/poster/any form of campaign material to convince the rest of the group to join the campaign.

Feedback

The presenting group then tries to persuade the others to join the campaign.

Other participants have the opportunity to clarify, seek information on why joining the campaign is important. The exercise provides a life context for addressing myths, misconceptions, and biases. The facilitator uses the opportunity to make known facts about poverty/globalization, to summarize the insights in relation to micro-macro linkages of poverty and encourage creative ideas how to proceed from there

PART IV: FOLLOW-UP

Watch a film featuring a campaign on a particular issue of poverty or arrange a field visit to an NGO working with marginalized communities. Encourage members to associate with an NGO/local campaign that touches upon their life.

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ELDIS: <http://www.ids.ac.uk/eldis/poverty>

Eliminating World Poverty and Making Globalization Work for the Poor: <http://www.globalisation.gov.uk>

Focus on the Global South: <http://www.focusweb.org>

Friends of River Narmada: <http://www.narmada.org>

International Monetary Fund: <http://www.imf.org>

Jubileesouth: <http://www.jubileesouth.org>

Lothian Anti Poverty Alliance: <http://www.lapa.org.uk>

OneWorld International: <http://www.oneworld.net>

Our World is Not For Sale:

<http://www.ourworldisnotforsale.org>

PovertyNet: <http://www.povnet.org>

Sub-Commission on the Promotion and Protection for Human Rights:

<http://www.unhchr.ch/html/menu2/2/sc.htm>

United Nations Development Programme (UNDP):

<http://www.undp.org>

World Bank: <http://www.worldbank.org/poverty>

ADDITIONAL INFORMATION

50 Years Is Enough: <http://www.50years.org>

Child Rights: <http://www.unicef.org/crc>

Combat Poverty Agency: <http://www.cpa.ie>

Commission on Human Rights: <http://www.unhchr.ch>

Development Gateway:

<http://www.developmentgateway.org>

NON- DISCRIMINATION

THE PRINCIPLE OF NON-DISCRIMINATION
RACISM AND XENOPHOBIA
INTOLERANCE AND PREJUDICES

»Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status . . .«

**ARTICLE 2, UNIVERSAL DECLARATION
OF HUMAN RIGHTS**

ILLUSTRATION STORY

One evening Mr. S. was walking down the staircase in an apartment block after visiting a friend. At the foot of the stairs he was surprised by a punch on the left side of his face followed by two others on the right and in the middle. He was then forced to the ground, held and searched. Mr. S. then saw that his attackers were about 8 – 10 policemen (in plain clothes with police waistcoats, pistols at the ready). He received no answer to his question as to why he had been beaten and held down. He was then hit on the nose, and his nose and mouth were held closed. Finally he was allowed to stand up. Blood was dripping from his nose and mouth. He asked once again what was going on. He was told to keep quiet and show his passport, which he did immediately.

The police then appeared somewhat surprised that they did not have the person they were looking for. However despite this, they did not let Mr. S. go, but forced him to go with them to an upper floor where they broke down a door and arrested a black man, (unknown to Mr. S.), inside the flat. Then, with the help of Mr. S.'s bicycle lamp they searched the premises. In the meantime Mr. S. was told to sit in a chair and threatened with a weapon. Half an hour later Mr. S. was asked for his

address and telephone number, which he gave without hesitation. During the course of all this, he was frequently referred to as a 'Nigger' who, 'came out of the jungle'. He was then allowed to go.

After Mr. S. had informed his wife, he went to a police station near where he lived in order to report the incident. The police on duty registered his report but advised him to go to police headquarters next day.

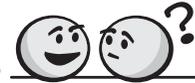
They then called an ambulance, which took Mr. S. to a hospital. The following day Mr. S. reported the incident again at police headquarters but was issued with no official record of his report. Later the police contacted him with a dubious telephone call saying that some man was hiding out in his flat, which was not the case.

(This incident was reported to a national NGO, which provides counselling, legal advice, help and information for victims and witnesses of racism. In this case Mr. S. allowed the date for a complaint to the Independent Administrative Board to lapse.)

SOURCE:

[HTTP://WWW.ZARA.OR.AT/DOWNLOAD/RASS_REP_2001_E.PDF](http://WWW.ZARA.OR.AT/DOWNLOAD/RASS_REP_2001_E.PDF)

DISCUSSION QUESTIONS



1. What is the message of the story?
2. Which rights have been violated?
3. What could Mr. S. do to defend his rights?
4. Why did the policemen act in that way?
5. Why did Mr. S. not file a complaint?
6. Are stereotypes or prejudices towards a particular group of people included and if so, which?
7. Have you heard of similar incidents in your country?
8. What reasons are there for people being racist?

NEED TO KNOW

1. “DISCRIMINATION – THE ENDLESS AND ONGOING STRUGGLE FOR EQUALITY”

Think of one single person you know who has never been subject to any form of discrimination in her/his whole life! You’ll see you will not find one!

The principle that all human beings have equal rights and should be treated equally is a cornerstone of the notion of human rights and evolves from the inherent and equal human dignity of every individual. But this natural right to equality has never been fully provided to all human beings, neither in the past nor in the present.

Discrimination in one or the other form has always been a problem since the beginning of humankind. Discrimination has occurred against indigenous people and minorities everywhere, from the forests of Ecuador to the islands of Japan and the reservations of South Dakota, against Jews, against the Aborigines of Australia and the Roma of Europe. It happens to working-migrants, refugees and asylum-seekers in North America and Europe but also among different tribes in Africa. It occurs against children who are bullied or abused, against women

treated as less valuable human beings, against people infected with HIV/AIDS and against those with physical or psychological impairments or who have other sexual orientations. It is even found in our language, through which we sometimes intentionally or unintentionally demarcate ourselves from others. Discrimination appears in so many forms and it can be presumed that everyone has been affected by it to varying extents. Therefore, consciousness of this issue is essential in order to deal with it effectively.

This module concentrates on some of the gravest and most devastating forms of discrimination based on race, color or ethnic origin, namely racism, racial discrimination and the related attitudes of xenophobia and intolerance.

Historically, biological differences were misused from very early on to justify the existence of “superior” and “inferior” races and therefore classify human beings according to race. Charles Darwin’s theories of evolution and survival of the fittest, for example, have been used to “scientifically” justify notions of racial superiority. Forms of discrimination and racism have been manifested in the Indian caste system as well

as in the ancient Greek and Chinese conceptions of cultural superiority. Additionally, the prehistory of racism was dominated by the persecution of the Jews all over the world. The Spanish colonial rule especially of the 16th and 17th century firstly introduced a modern racial caste society in the “New World” (the South-American continent), where blood purity became a supreme principle. Victims of this system were Indians and deported slaves from Africa. Colonial powers adopted these structures and made them the basis for their own colonial societies. In the “New World” the term “negro” was a synonym for a slave-member of an “inferior” race in contrast to the white master race. At the end of the 18th century and the beginning of the 19th century the ideology of racism grew into another dimension. After the American Civil War, race riots and terrorization of blacks by the Ku Klux Klan took place in the Confederate States. European colonists also took advantage of this ideology and the widespread acceptance of social Darwinism in the 19th century in order to establish and uphold their dominant power on the African continent. The 20th century saw very extreme forms of racism: the racial hatred of the Nazi-regime in Europe, the institutionalized racial

discrimination of South Africa's Apartheid system or the ethnically and racially motivated genocides of Ex-Yugoslavia and Rwanda.

Today, as a consequence of these historical experiences, the prohibition of discrimination, is established in many international treaties and national legislations. Nevertheless, discrimination based on race, color, ethnicity, as well as religion, gender, sexual orientation etc, is still one of the most frequently occurring human rights violations throughout the world

 Human Rights of Women Module and Religious Freedoms Module.

Discrimination and Human Security

One of the major purposes of human security is to provide the conditions for people to exercise and expand their opportunities, choices and capabilities free of insecurity. Discrimination based on either ground obstructs people from equally exercising their rights and choices and not only results in economic and social insecurity but also affects the self-respect, the self-determination and the human dignity of the discriminated human being. Racial discrimination, violation of rights of persons belonging to vulnerable groups, minorities or immigrant workers should also be seen as the cause for serious conflicts and danger for international peace and stability. The recognition of the inherent dignity and of equal rights of all members of the human family, as stated already in the Preamble of the UDHR, is the foundation of freedom, justice and peace in the world. Therefore, overcoming de facto inequalities based on race, gender, ethnic identity, religion, language or any other social condition must be a high priority on the Human Security agenda.



2. DEFINITION AND DESCRIPTION OF THE ISSUE

To begin with, it is very important to thoroughly consider and distinguish two major aspects of the topic concerned:

Attitude or Action:

There is a significant difference between beliefs and personal opinions on the one hand and the concrete manifestations and actions, which are motivated by those attitudes, and beliefs on the other hand. The first notion concerns only the private sphere of each individual, whereas the latter involves actions, which also affect others. As long as such attitudes and opinions are not manifested, they do not harm anyone and are rarely sanctionable. In practice however, racist or xenophobic attitudes and beliefs mostly lead to actions that negatively affect others, i. e. insults, verbal abuses, humiliations or even physical aggressions. These kinds of actions then can be characterized as discrimination, which under certain conditions are sanctioned by law.

Actors of Discrimination – State or Individuals:

A second important area to be considered is that of the offender or actor. Traditionally, the international human rights protection system and the legal mechanisms for non-discrimination likewise are dominated by the idea of ensuring individuals protection from state interference. Therefore, the main actors (positively and negatively) have always been states, whereas discrimination between individuals has been more or less left unregulated. This perception has changed only recently, influenced by new developments in the international fight against racism and discrimination, leading to a more holistic understanding of discrimination and taking into account that many discriminatory incidents are caused by private, non-state actors.

➤ **EXAMPLE:** The widespread attitude of private landlords not willing to rent apartments to migrants, refugees or persons with black skin. The incorporation of anti-discrimination regulation into the private sector, however, still creates a lot of controversy, often leaving it as a legal grey zone without clear rules.



Discrimination

Definition: Discrimination in general, considered as any distinction, exclusion, restriction or preference aimed at the denial or refusal of equal rights and their protection, is the denial of the principle of equality and an affront to human dignity. Depending on the reasons for this different treatment we speak about “*discrimination on the grounds of race, ethnicity, color, gender, religion, sexual orientation, etc*”. It is crucial to know that not every distinction can automatically be defined as discrimination in the sense of a human rights abuse. As long as the distinction is based on reasonable and objective criteria, it may be justifiable.

➤ **EXAMPLE:** In almost all states the access to jobs in the military, police or other public authorities is restricted to their citizens.

The problem is how to define “reasonable criteria”. What does it really mean and can these criteria be identical in different societies? These obscurities may explain why the principle of equality is one of the most controversial human rights principles, as equality in law does not always stand for equality in fact.

Three elements of discrimination: In general we can identify three elements, which are common to *all* forms of discrimination:

- *actions* that are qualified as discriminatory such as distinction, exclusion, restriction and preference.
- *causes* of discrimination, personal characteristics such as race, color, descent, national/ethnic origin, gender, age, physical integrity etc.
- *purposes and/or consequences* of discrimination, which have the aim, or effect of preventing victims from exercising and/or enjoying their human rights and fundamental freedoms. Subsequently a distinction has to be made between *direct* discrimination, (describing the purpose), where the actor intends to discriminate against a person/group and *indirect* discrimination, (related to consequences), where an apparently neutral provision or measure *de facto* favors one person/group compared to others.

➤ **EXAMPLE** of indirect discrimination: Shops or businesses which do not hire people with long skirts or covered heads – these neutral clothing provisions may in

practice disproportionately disadvantage members of certain groups.

Further important characteristics of discrimination: Normally a dominant group discriminates against a less powerful or numerous one. Domination can either occur in terms of numbers (majority vs. minorities) or power (i. e. “*upper class*” vs. “*lower class*”). Through domination one group treats another group as less important, and often denies that group basic human rights. According to Betty A. Reardon from Columbia University, this means that “*discrimination is a denial of human dignity and equal rights for those discriminated against*”.

Another interesting aspect is that of positive discrimination or “***affirmative action***”, how it is also called, a term originally coming from the United States. It describes temporary special governmental measures, which aim at reaching *de facto* equality and overcoming institutional forms of discrimination. Institutionalized discrimination refers to established laws, policies and customs, which systematically result in equalities and discrimination in a society, organisation or institution. Affirmative action measures have

always been highly controversial because temporarily it means again favouring a certain group over another one, in order to compensate for past inequalities and thus giving the target groups – e. g. women, ethnic minorities – equal opportunities in the present to enjoy all their fundamental freedoms, especially in the field of education, employment and business.

Note that due to the fact that such “discrimination” only occurs for a limited time period, this kind of preferential treatment should not be considered as discrimination, but be seen as a measure of combating discrimination.



What do you think about these measures?

- * Does prohibition of discrimination mean equal treatment only?
- * What about the notion of equal opportunities, which maybe would mean treating equal people in equal situations unequally, in order to compensate unequal treatment from the past?
- * What kind of action is justifiable – hindering or favouring?



Racism

Racism causes damage by isolating and hurting people and dividing communities. Both active racism and passive acceptance of race-based privilege disrupt the mental health and psychological functioning of both victims and perpetrators, of racial injustice. The causes of racism and related intolerance and the means for their perpetuation are complex, involving legal vulnerability and discrimination, economic and educational disadvantage, social and political marginalization and psychological victimization.

Interestingly, there does not exist any universally accepted definition of racism, because many different views on its exact meaning and scope conflict with each other. Racism can be seen as a conscious or unconscious belief in the inherent superiority of one race over another or as an attitude and a system of practices that “*proposes to establish a racial order, a permanent group hierarchy that is believed to reflect the laws of God.*” This latter definition of racism lies between the view of it as a modern concept that grew out of scientific theories of race and an understanding of it as a manifestation of ancient tribalism.

In any case the term racism causes a lot of discussion, because the term itself presupposes the existence of different races, which has been shown to be scientifically false. Today “race” is seen as a social construct and more emphasis is put on cultural differences rather than on biological characteristics, so that one could speak of a newly evolved “cultural racism”, which probably is the better description for most of the actual attitudes of today’s “racist” people. Racism **as a way of thinking** may be harmful, but without manifestation, it cannot be sanctioned. This means that racist ideas can not be characterized as human rights violations, because freedom of opinion and belief itself constitutes an important human right. Only if these prejudices and thoughts lead to discriminatory policies, social customs or the cultural separation of groups, can we talk of sanctionable discriminatory actions or racial discrimination. These actions can either be carried out by a “predominant race” creating a hierarchical order or by individuals exercising control over others.

Racism exists at **different levels** – depending on the power used and relation between the victim and the perpetrator:

» *You do not take a person who for years has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “You’re free to compete with all the others,” and still justly believe that you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.... We seek not . . . just equality as a right and a theory but equality as a fact and equality as a result.*«

US PRESIDENT LYNDON B. JOHNSON, 1965

- personal level (one’s attitudes, values, beliefs)
- interpersonal level (behaviour towards others)
- cultural level (values and norms of social conduct)
- institutional level (laws, customs, traditions and practices)

The former **Apartheid system of South Africa** is a vivid example of an institutionalized form of racism and racial discrimination, where the Apartheid laws structurally segregated blacks from whites.

😊👉 Good to Know.



Racial Discrimination: The “UN-Convention on the Elimination of All Forms of Racial Discrimination” (CERD) from 1965 contains a very comprehensive legal definition of racial discrimination, which has been used as a basis for many other definitions and instruments involving discrimination:

Art. 1 states that . . . “in this Convention, the term “racial discrimination“ shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

With the elaboration of this Convention (😊👉 International Standards and Implementation and Monitoring) the General Assembly of the United Nations reacted to acts of anti-semitism, especially in Germany, when the devastating pictures of burning synagogues in German cities shocked the international community.

Racial violence is a particularly grave example of the impact of racism, constituting specific acts of violence or harassment carried out against an individual or group on the basis of race, color, descent or national/ethnic origin. The construction of a group as a threat is an essential part of the social and political environment in which acts of violence based on hate occur.

Racism and racially motivated violence have figured prominently in a lot of news stories all over the world, such as e. g. in the United States the Los Angeles riots centred around the **Rodney King verdict** and, later, the controversy surrounding the **O. J. Simpson trial**.

During the last decades of fighting racism and racial discrimination a broader understanding of the term racism was developed, including the realization that all societies in the world are affected and hindered by it. The international community has undertaken to determine the basic causes of racism and to call for the reforms necessary to prevent the eruption of conflicts rooted in racism or racial discrimination. Unfortunately, in spite of all attempts to abolish policies and practices based on those phenomena, these theories and practices are still in existence or are even gaining ground or taking new forms,

» *I don't like Chinese, so I belted shit out of him.*«

POLICE VIDEOTAPED INTERVIEW WITH MURDERER OF A TAXI DRIVER IN PERTH/AUSTRALIA

such as the so-called cruel and criminal policy of “*ethnic-cleansing*”.



Xenophobia

Once xenophobia is described as a morbid fear of foreigners or foreign countries, it also characterizes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. In other words it is a feeling based on non-rational images and ideas, which leads to a simplistic good and bad scenario.

The distinction between racism and xenophobia may be important in a legal and academic sense, but the **impact of racist or xenophobic behaviour** and acts on the victims however are always the same. It robs people of their potential and of the opportunity to pursue their plans and dreams, it deeply damages their self-esteem and self-assessment and in millions of cases

it has even cost them their lives. A particular devastating influence of racism or racial discrimination can be seen on **children**, because witnessing racism causes severe feelings of fear and confusion among them.

During a U. N. Panel Discussion in New York discussing the impact of racism on children, a woman from Congo told the audience that the first time she experienced racism was at birth, when the nurse at the hospital refused to assist in the difficult delivery because her mother was from a different part of the country than the nurse. When she grew up she learned very fast, that her background – the tribe she was from, the language she spoke, and the region where she lived – influenced what happened in every aspect of her life and that made her feel useless, insecure and incapable already from the beginning of her childhood on.



Related Intolerance and Prejudice

Intolerance: The Penn State University declares in its policy statement that intolerance is “an attitude, feeling or belief wherein an individual shows contempt for other indivi-

duals or groups based on characteristics such as race, color, national origin, gender, sexual orientation or political or religious belief”.

Prejudice: The classic definition is that given by the famous Harvard psychologist, Gordon Allport, who states that “*prejudice is an antipathy based on faulty and inflexible generalization; it may be felt or expressed; it may be directed toward a group or an individual of that group.*”

Both terms can easily be a motivation for any kind of discriminatory actions. Generally speaking intolerance and prejudice are often seen as the foundation and starting point for other more “*specified*” behaviors such as racism or xenophobia.

The notion of **ethnic prejudice** has only recently been developed, describing antipathy based on an allegation of the cultural supremacy of a particular group in relation to another one. In the European context, for example, it is exemplified by anti-Turkish, anti-Polish or anti-Russian prejudices. As it typically attacks the cultural/religious traits (real or imagined) of a particular group, some similarities to the recent understanding of racism as “*cultural racism*” can be seen.

» *If we were to wake up some morning and find that everyone was the same race, creed and colour, we would find some other causes for prejudice by noon.*«

GEORGE AITKEN

Usually these two phenomena, prejudice and intolerance, are the hardest to address or fight against.

On the one hand they describe **personal characteristics**, which constitute a human being and therefore reach deep into the private sphere. Even if personal opinions are changeable (through education, awareness-raising, dialogue), one has to be cautious in recognizing where education stops and indoctrination begins!

On the other hand it is important to know where to “*draw the line*” between **tolerance** and **intolerance**, meaning what or when are we “*allowed*” to be intolerant or how far should tolerance go? Not to forget the difficulties with the term “*tolerance*”, as it somehow already implies a wrong feeling of superiority in tolerating the existence of others, but not really welcoming or respecting them.



- * Who can decide about this?
- * Are there any norms or standards already created to distinguish between tolerance/intolerance and if not, can they be created at all?
- * Are there regional or cultural differences in the perception of such norms?

Limits and standards developed under international human rights law could constitute such a minimum level below, which societies and their individuals fall into intolerance and the violation of human rights.

It is commonly agreed upon that racists are not born as such, but they develop, and therefore a primary cause of racism is ignorance. UN Secretary-General Kofi Annan said the following on the occasion of the observance of the International Day for the Elimination of Racial Discrimination on 21 March 1999: “*Ignorance and prejudice are the handmaidens of propaganda. . . Our mission, therefore, is to confront ignorance with knowledge, bigotry with tolerance, and isolation with the outstretched hand of generosity. Racism can, will and must be defeated.*”



International Standards

The lessons learned from slavery, colonialism and above all from the Second World War led to the incorporation of the principle of non-discrimination into many national constitutions and international treaties. The most important international treaty on racial discrimination is the “*Convention on the Elimination of all Forms of Discrimination*”, which was ratified in 1965. It is based on the principle of dignity and equality, condemns any forms of racial discrimination and instructs states to implement all appropriate means to eliminate racial discrimination. So far it has been ratified by 165 states worldwide and has proved to be a very relevant tool in the struggle against racial discrimination.

Different levels of obligations with regard to the principle of non-discrimination are applicable to states, the private sector and in some regard also to individuals.

- Obligation to respect: In this context states are prohibited against acting in contravention of recognized rights and fundamental freedoms. In other words it is about the state obligation to “*non-act*” as far as there are no explicit respective legal reservations.

- Obligation to protect: This element requires that states protect individuals from violations of their rights. With regard to discrimination it also refers to racism among private persons, so that the state has to actively “*combat*” racial discrimination by individuals in society. However, this obligation still is a very controversial one, as it touches the private sphere of individuals and no consensus on how far this obligation can go has yet been reached.
- Obligation to fulfill: This obligation demands that the state provides for the most effective realization of the guaranteed rights through adequate legal, administrative, judicial or factual measures. Article 5 of CERD requires State Parties to take steps to prohibit and eliminate racial discrimination and guarantee this right to everyone.

Obligations in the private sector (NGOs, media, etc.): The private sector, in addition to governments, has also immense power to fight discrimination and racism. Its actors constitute the broadest part of society and usually discrimination and racist attitudes can most effectively be confronted from within civil society with a “bottom up” approach. 😊👉 Good Practices.

Education programs and teaching: Racism, xenophobia or similar attitudes frequently appear in very subtle and insidious forms, which often prove difficult to address and identify, but nonetheless make individuals and communities feel victimized. This can lead to the dangerous perception that racism is only perpetrated by others and therefore is someone else’s responsibility. In order to successfully confront such opinions and beliefs, racism has to be seen as a challenge that needs to be met through strengthening a culture of human rights at all levels of society. This includes the systematic incorporation of intercultural values, respect and understanding for racial, ethnic and cultural diversity in youth education.



During the World Conference Against Racism preparatory process a lot of other interesting examples and ideas were reported. For instance the efforts already going on in a number of **African countries** combating racial prejudices in schoolbooks and curricula, or a proposed **European initiative** where school networks draw up a code of conduct, incorporating clear principles of non-discrimination into their educational objectives. In many countries

there exist **school exchange programs**, encouraging students from different countries to share their cultures and learn each other's languages. Many governments and NGOs include teaching programs on cultural diversity and sensitivity in their material on human rights education, which foster understanding on the contribution of each culture and nation.

The crucial role of the media: Unfortunately a lot of radio and TV stations all over the world propagate ethnic and racial discrimination and hatred. The power of the media can be seen e. g. in the case of “*Radio Mille Collines*” in Rwanda which instigated Hutus to massacre Tutsis during the Civil War in 1994, not to forget the new important role of the internet, which is a facilitating means of disseminating information and opinions.

☺👉 Trends and Freedom of Expression Module.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES



Racism and racial discrimination is a global problem manifested in a variety of ways.

Although the word racism is spontaneously linked with discrimination by whites against non-whites, there is no society that can claim to be free from any form of racism. Anti-Semitism, racial discrimination or misconceived superiority is undoubtedly manifested more explicitly in the Western hemisphere, but this does not preclude the existence of racism in Asia, Africa and Latin America.

The **Koreans in Japan** for example, have no right to hold public positions, only because of their Korean ethnic origin. Until recently the ethnic **Chinese minority in Indonesia** could not celebrate their traditional Chinese New Year publicly and the **caste system in India**, though often described as “*unique to its historical process*” gravely discriminates the untouchables, including mass rape and organized massacres by upper castes. The Chinese Han majority perception of minorities like the Tibetans or the Mongolians as “*barbarians, dirty, primitive and backward*” is well known.

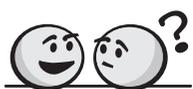
African countries didn't do any better; thousands of Asians were driven out of East and Central Africa through cruel racist policies. The “*Trade Licensing Act of Kenya, Uganda and Zambia*” for example, reserved

certain business areas selectively for their citizens and allowed Asians to operate only if they were granted licenses that had to be renewed every year. Finally not to forget the discrimination within different tribes, as members of minority tribes not belonging to the majority ruling tribe face racial harassment, discrimination and life-threatening disadvantages in their daily life.

In **Europe**, the discrimination of **Roma** – an estimated number of eight million living across the European continent – poses one of Europe's most serious though most neglected and hidden human rights problems. Having been nomads for much of their history, the Roma have usually been forced to assimilate, in some countries their language has been forbidden and their children have been taken away from their parents. Today, Roma communities still experience discrimination in many different spheres of life such as employment, housing, education, access to justice or access to health care services.

Another interesting and important aspect, which emerged during the **Third World Conference Against Racism in Durban** in 2001, concerns a conceptual different understanding of the word “*racism*” in Africa on the

one hand and Europe/North America on the other. The attempt of the European countries to remove the word “*race*” from the protocol, as it proves to be scientifically false, was vehemently criticized by African and Caribbean delegations, who argued that only when Western countries see no advantage in these ‘*superior categories*’ anymore, this evidence of colonial suppression should be scrapped.



Another very emotional point during the World Conference was the disagreement between different groups whether to define Anti-Semitism as a form of racism or not, depending on the definition of the Jewish community as a religious or ethnic group. This dilemma (among others) remained unresolved and is still a highly debated issue during various international fora.

Anti-Semitism has been widespread in the contemporary European history up to the present. This hatred and sometimes violent form of hostility against Jews seen as a distinct religious or minority ethnic group, today is as alive as ever, sometimes only better hidden and expressed in a covert manner.

At the beginning of the 20th century, with the rise of fascism, Anti-Semitism became part of its ideology. During the Holocaust, perpetrated by the Nazi regime, an estimated six million Jews were systematically killed only because of their being Jewish. Unfortunately, today attacks on Jewish communities and heritage are not rare and a number of neo-Nazi groups openly express their anti-Semitic views. Furthermore, the growing number of internet websites and literature circulated and glorifying Nazi propaganda contributes to these worrying worldwide developments.



4. IMPLEMENTATION AND MONITORING

The fact that discrimination is one of the most frequently occurring human rights violations shows how much work still has to be done in this field. In principle the implementation of international human rights instruments is a state responsibility and therefore the instruments fighting racial discrimination have to be ratified and implemented by states or State Parties. An effective implementation of international standards however, can only be guaranteed if efficient monitoring systems and strong enforcement mechanisms exist.

Besides stating the obligations of State Parties, the Convention on the Elimination of Racial Discrimination also established the **Committee on the Elimination of Racial Discrimination (CERD)**, which was the first UN treaty body to monitor and review the implementation of the Convention and promote a strong implementation of the Convention. The system created consists essentially of three procedures: a **reporting procedure** obligatory for all State Parties, a procedure of **state-to-state complaints** which is open to all State Parties and the **right of petition** – communications – by individuals or groups within the jurisdiction of State Parties claiming to be victims of a violation.

Since the manifestation of racism and xenophobia is increasing in the last decades, the international community has renewed its efforts to combat these phenomena. The Commission on Human Rights has appointed a **Special Rapporteur on Contemporary Forms of Racism** (currently *Mr. Doudou Diène* from Senegal) requesting him to examine incidents of contemporary forms of racism and racial discrimination.

Another important monitoring instrument are **anti-discrimination** or **anti-racism ombudsmen**; these ombudsmen are usually installed on national levels and play an

important role in the documentation of discriminatory incidents, for the information about national and international regulations and in pursuing possible remedies.

In the past decades international mechanisms and instruments have been increasingly utilized for the monitoring and enforcement of anti-discrimination principles. The importance of **preventive strategies** such as **early-warning systems, preventive visiting mechanisms, urgent procedures** and grass-root information and education, however, has long been underestimated, thus neglecting the more effective response to discrimination and racism, as these strategies tackle the phenomena at their origins.

In 2001, a total of 9,721 bias-motivated criminal incidents were reported to the FBI in the United States:

- a. 44,9% motivated by racial prejudice
- b. 21,6% motivated by ethnicity/national origin
- c. 18,6% motivated by religious intolerance
- d. 14,3% motivated by sexual orientation bias
- e. 0,4% motivated by disability bias

SOURCE:

UNIFORM CRIME REPORTS, HATE CRIME STATISTICS,
FEDERAL BUREAU OF INVESTIGATION, 2001

» *It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home.*«

CARL T. ROWAN

The gap between “law in the books” and “law in practice”: Ratified conventions, declarations and plans of action are only one first step towards a real strategy of fighting racism and discrimination. Unless they are fully applied and implemented in practice, their impact is only limited. A strong political will is needed for an effective implementation, which unfortunately in reality often has to make way for other political interests. In this context, the important **role of non-governmental** and **community-based organizations** cannot be underestimated, carrying out wide-reaching campaigns and projects, doing lobbying work and putting pressure on governments to fulfill their national and international obligations.



What Can WE Do?

The real challenge is not the protection or penalization, but the prevention of discrimination, meaning to avert discriminatory acts before they take place. Therefore it is necessary to address attitudes, beliefs and consequent actions and behavior. This very difficult task can only be achieved through institutionalized human rights education, local information with a bottom-up approach and full participation of national authorities in cooperation with all relevant non-state actors. Being observer of a discriminatory or racist action: It is important to develop moral courage, interfere if possible, forward the noticed cases or incidents to competent institutions and get access to possible national or international remedies, such as the UN CERD or national ombudsmen.

In general every individual can explore ways in which community organizations can work together to promote positive race relations and encourage dialogue on racism and human rights in their surroundings.



GOOD TO KNOW



1. GOOD PRACTICES

- **Voluntary Codes of Conduct in the Private Sector**

Many multinational companies (e. g. Nike, Reebok, Daimler Chrysler, Volkswagen, Hennes & Mauritz) have established self-obligatory codes of conduct for themselves and their partners to prevent, amongst other things, racially motivated discrimination.

- **Combating Racism within the European Football League**

The “*Union of European Football Associations*” (UEFA) has issued a ten-point action plan listing a variety of measures, which urge clubs to promote the anti-racist campaign amongst fans, players and officials. The plan includes measures like taking disciplinary action against players who engage in racial abuse, or making public announcements condemning racist chanting at matches.

Furthermore the UEFA financially supports the “*Football against Racism in Europe network*” (FARE). This network supports and coordinates actions at local and national level to fight racism and xenophobia in football across Europe.

- **Abolition of Apartheid**

In the case “*AZAPO vs. President of the Republic of South Africa*” of the South African Truth and Reconciliation Commission, the then Deputy President of the Constitutional Court, Judge Mahomed stated that, “*For decades South African history has been dominated by a deep conflict between a white minority which reserved for itself all control over the political instruments of the state and a black majority who sought to resist that domination. Fundamental human rights became a major casualty of this conflict as the resistance of those punished by their denial was met by laws designed to counter the effectiveness of such resistance (. . .).*” Quite soon after it came into power in 1948, the National Party started to enact legislation aimed at keeping the various races in South Africa apart, and hence the word “*Apartheid*”. In every sphere of life whites were afforded superior treatment. Eventually both sides realized that South Africa was staring down an abyss and negotiations towards a democratic South Africa started soon after the African National Congress (ANC) and other liberation movements were unbanned and its famous leader and later president of South Africa, Nelson Mandela, was released from prison in February 1990.

» *Racism demeans both the hated and the hater, because racists, in denying full humanity to others, fail the humanity in themselves. Like tribalism, fundamentalism, homophobia and all the other shallow responses of one person to another, racism concentrates on WHAT you are, and ignores WHO you are. Racism sees only the label – not the person wearing it. Racism loves ‘us’ and hates ‘them’, without ever discovering the true identity of ‘them’.*«

TIMOTHY FINDLEY

The first democratic elections were held in April 1994 after more than three centuries of colonialism and oppression.

Obviously the effects of discrimination are still clearly visible and will probably take many generations to disappear, but the foundation has been laid with a Constitution and Bill of Rights that clearly prohibit unfair discrimination.

2. TRENDS

- **Relation between Poverty and Racism/Xenophobia**

A potential relation between poverty on the one hand and racism and xenophobia on the other can be considered in different ways. Does racism or xenophobia cause poverty?

And furthermore, does poverty lead to active or passive forms of racism or xenophobia? Consistent answers to these questions do not exist; the interpretations of studies and observations are extremely varied. There are, however, growing numbers of experts who confirm that there is a connection.

In many parts of the world poverty is a matter of ethnicity. According to the United States Department of Agriculture, African-American and Hispanic households face food insecurity and hunger rates up to three times higher than white households. Visible minority immigrants are confronted with neediness worldwide. Quite often racism seems to be a cause for these circumstances (e. g. barriers to equal participation in the job market).

A very controversial issue is the debate on greater racist tendencies in poorer classes of society. Some experts believe that lower education is more prevalent within the poorer population. They then conclude that even though racism certainly exists in *“upper classes with higher education”* as well, poverty linked with less education may lead to a higher probability of racist attitudes. This kind of racism, however, is seen as an

excluding behavior in which the struggle for their own survival seems to be the main motivation, rather than a racist ideology.

- **Racism on the Internet**

The internet has become a forum for over 300 million potential users around the world. It is an important medium for all actors in society. But the potential of the so-called *“super-highway”* to inform and entertain on a worldwide scale also has its dark sides. Racist, violent and extremist organizations and groupings quickly learned to use this medium and took advantage of it. Racism on the internet is a growing problem. As the annual report of the European Monitoring Centre on Racism and Xenophobia (EUMC) 1999 highlights, in 1995 there was just one site inciting racial hatred. By November 1997, already 600 sites, and in January 1999, already 1429 sites were counted. How many more of such sites are still undiscovered, remains uncertain.

Combating online extremism presents enormous technological and legal difficulties. Racist material on the internet is to become illegal in Europe since the Council of Europe voted to adopt the *“Additional Protocol to the Convention on Cyber Crime”*. This newly

adopted protocol criminalizes *“acts of racist and xenophobic nature committed through computer systems”* and hopefully will function as a role model for further development in the field.



Anti-Islamism: The Aftermath of 11 September 2001

In the week following the 11 September 2001 attacks there were 540 reported attacks on Arab-Americans and at least 200 on Sikhs (Indian descent) on national U. S. territory, compared with 600 reported attacks on Arab-Americans in 2001 (Crisis Response Guide, Amnesty International, 2001).

 Religious Freedoms Module.

In Europe numbers are similar. In relation to these facts the following article is to be seen as an illustrative personalized example and a starting point for a discussion:

(Excerpts from the interview of an US journalist with a young Bangladeshi woman with US citizenship):

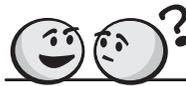
(. . .) *Seema is 18, fresh out of high school. Born in Bangladesh, she has spent nearly half her life in this country, in Woodside, Queens.*

She's small, serious and, as the eldest of three children in an immigrant family, she is, by her own admission, also a worrywart. Every move she makes, she said, she worries about how it will affect her family (. . .). Seema's English is all Queens, but a hint of Bengali comes through. She is a United States citizen. But truth be told, she said, she can't really think of herself as an American. "Bengali first," she said, before offering her puzzlement on what makes an American (. . .). Questions about what makes an American have always hovered over girls like her. It's just that Sept. 11 and its aftermath have brought them into sharp relief. For weeks after the attacks, Muslim girls she knew took their head scarves off. (Seema is Muslim, but she doesn't cover.) Boys shaved their beards. Others were beaten up because they wore turbans; they weren't even Muslim. Her father, a restaurant worker, feared losing his job. Her mother was afraid to walk home from the subway in her loose-fitting salwar kameez suits. School could be worst of all. Once, when a teacher cheered the bombing of Afghanistan, Seema recalled raising her hand to say something about the fate of Afghan civilians; she was laughed at by classmates. Another teacher said something about how John Walker Lindh, the alleged Taliban sympathizer from California,

had fallen under the spell of Islam. Seema cringed. "Islam is not a witch, or some kind of a magic spell," she said (. . .).

SOURCE:

EXCERPTS FROM AN ARTICLE OF THE NEW YORK TIMES, JULY 7, 2002, "BEARING THE WEIGHT OF THE WORLD, BUT ON SUCH NARROW SHOULDERS", BY SOMINI SENGUPTA (NYT), ORIGINAL 831 WORDS



**DISCUSSION
QUESTIONS**

- What rights have been violated in this story?
- What could those who are victims do to regain those rights?
- What questions did you ask yourself after September 11?
- Do you believe the events of 09/11 should change people's rights?
- Who decides what rights apply to certain people?

3. CHRONOLOGY

Major Steps in the History of Combating Racial Discrimination:

- 1945** Charter of the United Nations (Art 1, par 3)
- 1948** UN Universal Declaration of Human Rights (Art 1,2)
- 1963** UN Declaration on the Elimination of All Forms of Racial Discrimination
- 1965** International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- 1973** International Covenant on the Suppression and Punishment of the Crime of Apartheid (Art 1, par 1)
- 1978** UNESCO Declaration on Race and Racial Prejudice
- 1978** First World Conference in Geneva to Combat Racism and Racial Discrimination
- 1983** Second World Conference in Geneva to Combat Racism and Racial Discrimination
- 1998** Statute of the International Criminal Court
- 2002** Third World Conference Against Racism and Racial Discrimination, Xenophobia and Related Intolerance (Declaration and Programme of Action)

SELECTED ACTIVITIES



1

ACTIVITY I. “ALL HUMAN BEINGS ARE BORN EQUAL ”

PART I: INTRODUCTION

Talking about discrimination may enlighten people about its origins and mechanisms, but it can never be as impressive and instructive as feeling the emotions as a victim of discrimination. Thus, this activity allows the participants to identify discrimination and to experience it on their own.

PART II: GENERAL INFORMATION ON THE EXERCISE

Type of activity: single activity

Aims and objectives: giving participants the opportunity to find out about discrimination both intellectually and emotionally

Target group: young adults, adults

Group size/social organisation: 15–20

Time: 30–60 min

Material: items for random selection, chalk, flip chart, and pens

Skills involved:

- taking all aspects under consideration
- empathy

PART III: SPECIFIC INFORMATION ON THE EXERCISE

Description of the activity/Instruction

- Divide the participants into small groups. Ask half of the groups to list five advantages and five disadvantages of being a woman/a member of an ethnic minority/a member of a sexual minority. Ask the others to do the same for men/members of an ethnic majority/heterosexuals.
- Write the results on a flipchart and ask the whole group to rate on a scale of 1 – 5 how important each item is to the life of an individual (5 means “very important”, 1 means “not important”)
- Draw a starting line on the floor and ask the participants to stand behind it. Explain to the participants that they are newborn babies, starting their lives “born free and equal”. Then ask each participant to draw a card indicating whether s/he is “male” or “female”/“a member of the majority group” or “a member of the minority group”.
- Then read one by one the advantages and disadvantages for each group and add the rating of each. The members of the addressed group have to step forward or backward according to the ratings (e. g. an

advantage with a 5 rating means that the members of the group step forward five steps, a disadvantage with a 3 rating makes them step backward three steps). The participants must not speak during the activity.

- When a large gap can be seen between the groups stop reading and ask the participants to turn and look at each other. Ask some from each group: How do you feel in your position? Do you want to say anything to the persons in the other group? How would you feel if you were in the other group?

Feedback

Gather in a circle and ask the participants to sum up what they felt and thought during the activity.

Methodological hints

If the participants do not touch on this point, make sure to emphasize the cumulative and the arbitrary aspect of discrimination.

Tips for variation

This activity can be adapted to any topic or target group depending on the questions posed.

PART IV: FOLLOW-UP

Related rights/areas of further exploration:
Human rights in general, women's rights,
minority rights

SOURCE:

ADAPTED FROM "METHODOLOGIES FOR HUMAN RIGHTS
EDUCATION". HUMAN RIGHTS RESOURCE CENTER,
UNIVERSITY OF MINNESOTA



ACTIVITY II. "GUESS WHO IS COMING FOR DINNER"

PART I: INTRODUCTION

Few people think of themselves as racist, but when it comes to family matters . . . What would your parents say if you confronted them with a boy/girl-friend with another skin colour than yours (or of another religion, or sexual orientation, or with a disability. . .)?

Type of activity: Role Play

PART II: GENERAL INFORMATION ON THE ROLE PLAY

Aims and objectives

High lightening the role of the family in
creating and transmitting values

Analysing the messages young people receive
in their families

Analysing the values behind the messages

Target group: young adults

Group size/social organisation: 8–30

Time: 45–60 min

Preparation: Role cards (if they are not
prepared by the participants)

Material: Paper and pens for the special
observers

Skills involved: Social skills: listening to
others, asking questions, problem solving;
critical thinking skills: logical reasoning,
critical analysing.

PART III: SPECIFIC INFORMATION ON THE ROLE PLAY

Instruction (one possible variation: White
family – parents and two children, daughter,
25, daughter's boyfriend from an African
country)

Explain to the group that they have to
prepare and perform a role-play on a "family
conference": a girl tells her parents that she
is going to live with her boyfriend. Ask the
participants to imagine the discussions between
the young woman and her parents, her
sister or brother, her boyfriend. Then divide
the group into small groups according to the
number of roles. Each small group should

create the roles for one member of the family
and elect a person to act in the role-play.

Performance of the role-play

Ask for volunteers to be special observers,
one to watch each role player and to take
note of all arguments s/he uses. The rest of
the group is general observers. Place chairs in
the middle of the room (according to the
number of role players) representing a living
room, the arena of a family discussion.

Give a signal to start the role-play and after
about 15 minutes of time, depending on the
way it develops, another one to indicate the
end.

Feedback

First give all role players the opportunity to
explain how they felt. Then ask the special
observers to read out the arguments used by
the role players. After this you can start the
general discussion. During the discussion
you may stress the questions of different
social and cultural backgrounds, gender
identities, homosexuality (what if the
daughter presented her girlfriend, the son his
boyfriend?) etc.

Methodological hints

If the group is familiar with role-playing no
more instructions are needed. If not, it is
important to stress that role-playing does not

REFERENCES

mean acting. A role player remains herself/himself while presenting a determined role or attitude while an actor interprets a character different from her/his own.

Tips for variation

If there is not much time for this activity the facilitator can prepare role cards. It is recommended to adapt the activity to the social and cultural reality of the participants. Not an “exotic” person should be introduced to the family but someone they can meet on the street every day – this can include people from all kinds of minorities, social and cultural backgrounds.

PART IV: FOLLOW-UP

If it is possible to get a copy of the film, it could be nice to offer the old Katherine Hepburn/Spencer Tracy movie *Guess who's coming to dinner*, e. g. as an evening entertainment.

Related Rights/further areas of exploration

Minority rights, immigration, “clash of civilizations”

SOURCE:

ADAPTED FROM “ALL DIFFERENT – ALL EQUAL. EDUCATION PACK. IDEAS, RESOURCES, METHODS AND ACTIVITIES FOR INFORMAL INTERCULTURAL EDUCATION WITH YOUNG PEOPLE AND ADULTS”. EUROPEAN YOUTH CENTRE 1995.

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RIGHT TO HEALTH

SOCIAL IMPLICATIONS

SCIENTIFIC PROGRESS

AVAILABILITY AND QUALITY

»Everyone has the right to a standard of living adequate for the health of himself and his family, including food, clothing, housing and medical care and necessary social services.«

ARTICLE 25, UNIVERSAL DECLARATION
OF HUMAN RIGHTS

ILLUSTRATION STORY

Maryam is 36 years old and the mother of six children. She grew up in a village far from the urban centers. She stopped schooling after the second grade. Her parents were poor and the school was a four-kilometer walk from her home village. Her father believed that educating a girl was a waste of time and effort since girls are destined for marriage and not for earning a livelihood.

When she was 12, Maryam was circumcised according to the local custom. At 16, she was married to a man in his early fifties. Her father gained a substantial sum in the bride wealth paid by the groom. The very next year she gave birth to a boy. The child was stillborn. The regional clinic was 10 kilometers from the village and did not attend deliveries. Miriam's husband often beat her during pregnancy and she believed that the baby was born dead because of these beatings. However, her family and many in the village placed the blame for the stillbirth on Maryam.

Maryam had no desire to have sex with her husband. She was afraid of him and feared pregnancy. Her husband considered it his right to have sex with her and regularly forced himself on her. Maryam did not want to get pregnant again but had little choice. She

visited the local herbalist and took herbal mixtures and wore amulets that bore no result. She rarely had time to go to the health clinic and when she did go because her children were sick, she could not bring herself to speak of contraception with the nurse. The nurse, while she seemed to understand Maryam's local language, preferred to speak in the dominant language spoken in the capital and among the educated class. The nurse intimidated Maryam.

Her life was a long saga of violence, poverty and want. Maryam struggled to keep body and soul together throughout her several pregnancies and raising her children. She cultivated a small farm plot to feed her children because her husband never gave her enough money. She approached her parents and even the visiting missionary. They all told her to obey her husband and reminded her that her duty was to him and to the family.

One day her husband accused Maryam of 'keeping company' with another man. He claimed he had seen her laughing and chatting with a local villager on market day. When she answered back, he hit her repeatedly, knocking her to the ground, calling her a whore and vowing to avenge his

dishonor. Miriam was badly injured; she thought she had fractured ribs. For weeks she could not move out of the house. She did not have any money to go to the health center for care, or any way to get there. No one in the village helped her although some of the people thought that her husband had gone too far. A wife is the husband's affair. Unable to go to the market to trade or take care of her garden, Maryam and her children nearly starved.

Maryam felt that there would be future violence. She feared for her life and that of her children. In a dream she saw her own death and she knew that she had to leave. As soon as she could walk, she took her two youngest and left the village. She now lives in another village, a refugee in her own country, living in fear of being found by her husband and taken back home.

(Adapted from the WHO Training Curriculum: Gender and Rights in Reproductive Health)

DISCUSSION QUESTIONS

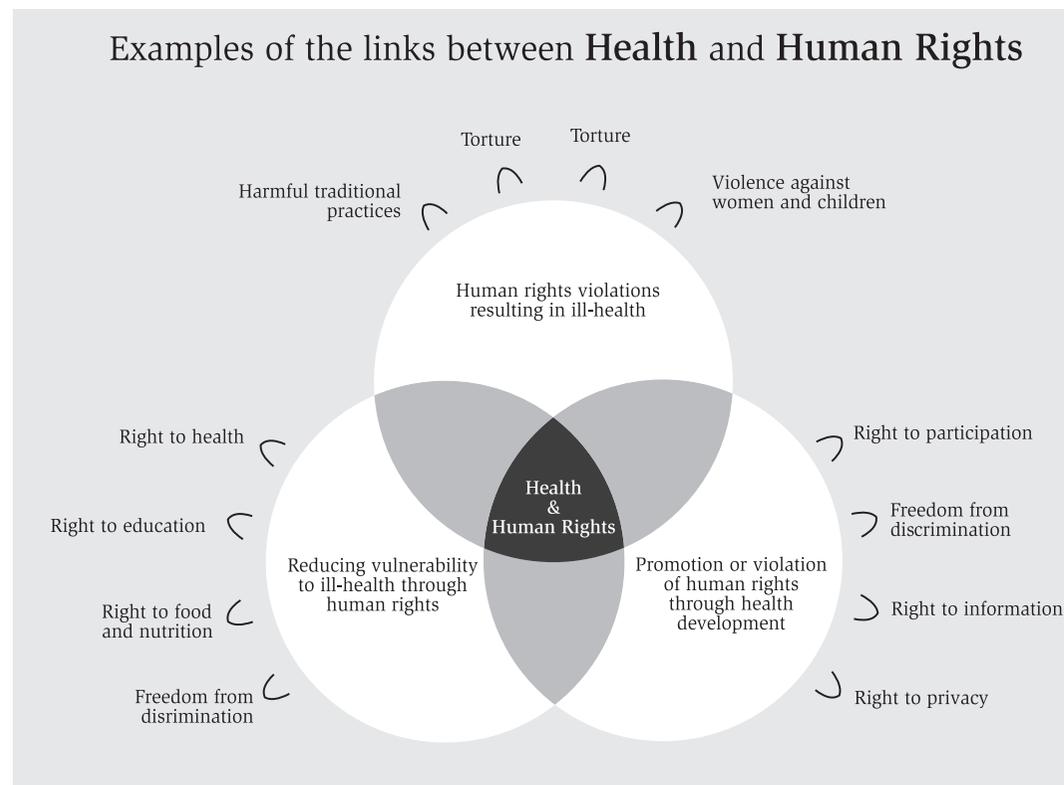


Look at the discussion points listed below from the perspective of the definition of health as stated in the 1946 World Health Organization (WHO) constitution: “a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity”

1. When did Maryam’s problems begin?
2. How was she treated by those in authority (father, husband, nurse and missionary)? Why?
3. What was the impact of poverty on Maryam’s life and that of her children? Do you think that Maryam and her husband were equally poor?
4. How would you rank each group (men, women and children) in Maryam’s community according to their status and power in the community? Explain.
5. What information would Maryam need to change the circumstances of her life and that of her children?

6. Although there is a health center in the region, how useful was it to Maryam? Explain.

7. Look at the chart below: Examples of the links between health and human rights are given. Which links relate directly to the issues presented in the story of Maryam?



NEED TO KNOW

1. THE RIGHT TO HEALTH IN A BROADER CONTEXT

The human right to health presents a vast and complex set of inter-linking issues because health and well-being are intrinsically connected to all stages and aspects of life. Specific rights relating to health are found in the international human rights documents. Essentially all human rights are interdependent and interrelated, making human rights realization as well as human rights neglect or violation relevant to a number of human rights rather than to a single, isolated right. This interconnectedness becomes evident when one considers that human well being (i.e. health) requires the satisfaction of all human needs, whether physiological, such as the need for air, water, food and sex, or social and psychological, such as the needs for love and belonging to friends, family and community.

Human rights have to do with the obligations of states to contribute to meeting those needs and to enabling groups and individuals to live in dignity. Following World War II, the United Nations Charter made it clear that member states had obligations with respect to human rights. The human right to health was made explicit in the 1948 Universal

» *As living beings we all wish to achieve happiness and avoid suffering. Our desire for health, for complete physical and mental well-being, is an expression of this, for everyone wants to be well and no one wishes to be sick. Consequently, health is not a matter of merely personal interest, but a universal concern for which we all share some responsibility.*«

THE DALAI LAMA

Declaration of Human Rights (UDHR), Article 25 of which states: *“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, ...”.*

A broad and visionary definition of health is set out in the preamble of the World Health Organization (WHO) *“a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity.”* This holistic view of health underscores the fact that much of the policy that determines health is made outside the

conventional health sector and affects the social determinants of health.

HUMAN SECURITY AND HEALTH

The increasing number of armed conflicts and emergencies and the enormous number of refugees seeking protection from war and natural disasters place their human right to life at the center of the right to health. Organizations, such as the International Committee of the Red Cross, Physicians for Human Rights, Médecins sans Frontières and Médecins du Monde mobilize health professionals to apply a human rights framework to assure the right to health in emergencies and other situations of human insecurity.

Violence is a major public health problem and a serious impediment to the realization of the right to health. Each year millions of people die as a result of injuries due to violence. Others survive but live with disabilities, both physical and psychological. Violence is preventable. It is the result of complex social and environmental factors. Experience of collective violence, civil and international wars in a country is reported to make the use of violence within those states more common.

2. DESCRIPTION AND DEFINITION OF THE ISSUE



Health and Human Rights

Important links exist between health and human rights. Areas of intersection include: violence, torture, slavery, discrimination, water, food, housing and traditional practices, to name a few.

The UDHR commitment to the human right to health as part of the right to an adequate standard of living was made more explicit in Article 12 of the International Covenant on Economic, Social and Cultural Rights, 1966, (ICESCR). This treaty was adopted at the same time as the International Covenant on Civil and Political Rights (ICCPR). The separation through the Covenants into two categories is symptomatic of Cold War tensions in which the Eastern countries prioritized the human rights in the ICESCR while the Western countries championed civil and political rights as the center of human rights concerns. To date the ICCPR has been ratified by 149 countries, and the ICESCR by 146; the United States has signed both but only ratified the ICCPR and China has signed both but only ratified the ICESCR. The text of Article 12 of the ICESCR is the bedrock of the right to health and it reads:

» *It is my aspiration that health will finally be seen not as a blessing to be wished for, but as a human right to be fought for.*«

KOFI ANNAN

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - a. The provision for the reduction of the still-birth rate and of infant mortality and for the healthy development of the child;
 - b. The improvement of all aspects of environmental and industrial hygiene;
 - c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

There are a number of regional human rights treaties that further define the right to health, including Article 11 of the European Social Charter of 1961 as revised in 1996, Article 10 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988, and article 16 of the African Charter on Human and Peoples' Rights of 1981.

Governments approach their obligations under Article 12 of the ICESCR in different ways and the body in charge of monitoring application of the Covenant sought to clarify states' obligations by releasing an interpretative text called General Comment 14, which it adopted in May 2000. This General Comment stresses how the realization of the human right to health relies on the realization of other human rights, including the rights to life, food, housing, work, education, participation, enjoyment of the benefits of scientific progress and its application, freedom to seek, receive and impart information of all kinds, non-discrimination, prohibition of torture and freedom of association, assembly and movement.



Availability, Accessibility, Acceptability and Quality

The General Comment also sets out four criteria by which to evaluate the right to health:

Availability includes the functioning public health and health-care facilities, goods and services, as well as programs, that have to be available in sufficient quantity.

Accessibility of facilities, goods and services for health requires *non-discrimination, physical accessibility, affordability and the adequate information.*

Acceptability requires that all health facilities, goods and services must be respectful of medical ethics and culturally appropriate, sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve health and the health status of those concerned.

Quality demands that health facilities, goods and services must be scientifically and medically appropriate and of good quality.

Man is the cure for man.

TRADITIONAL WOLOF SAYING.

Thucydides on being asked, "When will justice come to Athens?" , replied "Justice will come to Athens when those who are not injured are as indignant as those who are."

Non-Discrimination

Discrimination because of sex, ethnicity, age, social origin, religion, physical or mental disability, health status, sexual orientation, nationality, civil, political or other status can impair enjoyment of the right to health. Particularly important in this regard are the UDHR, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) of 1965 and the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979, all of which refer to access to health and medical care without discrimination. Articles 10, 12 and 14 of CEDAW affirm **women's equal rights to access of health care**, including family planning, appropriate services for reproductive health care and pregnancy and family health care services.



The Beijing Declaration and Platform for Action (1995)

brings into focus the holistic view of health and the need to include women's full participation in society as follows:

"Women's health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as by biology. To attain optimal health, equality, including the sharing of family responsibilities, development and peace are necessary conditions." Mainstreaming these principles is also occurring throughout the UN system and through the efforts of non-governmental organizations (NGOs). Women, children, people with disabilities and indigenous and tribal peoples are among the vulnerable and marginalized groups that suffer health problems due to discrimination. An example of elaboration of the right to health as has occurred in the case of women illustrates the increased emphasis on the obligation of governments to aid in the full realization of the right to health.

The Right to Enjoy the Benefits of Scientific Progress

The AIDS pandemic has revealed the urgency of making drugs and scientific knowledge available to people in developing countries. Limited access to anti-retroviral therapies has raised awareness that in order to realize the highest attainable standard of health, people throughout the world need to have the opportunity to make use of scientific knowledge relevant to health and to pursue scientific inquiry freely. Governments have long recognized in Article 15 of the ICESCR the right “to enjoy the benefits of scientific progress and its applications” and their obligation to conserve, develop and diffuse science and scientific research. The right to benefit from life saving drugs is thwarted by intellectual property rights that protect the patent rights of drug companies. The policies of certain countries, like South Africa, India, Brazil and Thailand have found ways around patent protection and the World Trade Organization (WTO) during the Doha Ministerial Conference in 2001 agreed that the rules protecting such patents “should be interpreted and implemented in a manner supportive of WTO members’ rights to protect public health and, in particular, to promote access to medicines for all” and made specific

reference to the right of each state “to determine what constitutes a national emergency or other circumstance of extreme urgency [allowing exceptions to patent protection], it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstance of extreme urgency.”

Globalization and the Human Right to Health

Since the 1970s the world economy has changed dramatically because of globalization, which has had direct and indirect impacts on health. Some results led to positive changes such as: increase in employment opportunities, sharing scientific knowledge, and increased potential for delivery of a high standard of health throughout the world enabled by partnerships between governments, civil society and corporations. However, the negative consequences have also been great as trade liberalization, investment in countries with low labor standards and marketing new products worldwide have in some cases, due to government failure or lack of regulation, produced unequal benefits among and within countries, and thus brought about negative

health impacts. The ability of governments to mitigate the possibly negative consequences of the increasing flow of goods, money, services, people, culture and knowledge across national borders has not been able to keep up with this movement. At the same time, multinational companies have been able to escape accountability. For example, according to the World Health Organization’s Task Force on Health and Economics, harmful substances such as tobacco are freely traded without adequate protection of the health of populations.

Challenging trade laws and practices on the basis of human rights law has been motivated in large part by concerns about the right to health. An example of the increased awareness of the need for greater regulation has occurred regarding pharmaceutical licenses. Through the Doha Declaration (2001), the members of the WTO accepted that governments could grant compulsory licenses to manufacture drugs in case of emergencies (Art. 5), that aid should be provided to countries with no manufacturing capacity to obtain pharmaceuticals (Art. 6) and that developed countries should assist developing countries to obtain transfer of technology and knowledge in the area of pharmaceuticals (Art. 7).



Health and the Environment

The right to a healthy environment as stated in the UN General Assembly resolution 45/94 of Dec. 14, 1990, calls for people to have a right to “to live in an environment adequate for their health and well-being”. This right has been recognized in 90 national constitutions, including most national constitutions enacted since the Rio Conference on Environment and Development (1992). The Earth Summit in Rio de Janeiro and the plan adopted as Agenda 21 (1992) created a single policy framework that brought together social, economic and environmental concerns as interdependent pillars of sustainable development. Safe and clean water and air and adequate supplies of nutritional food are all related to a healthy environment and the realization of the right to health. Yet, ten years after Agenda 21 the following statistics show the inadequacies of efforts to reach the desired goals:

- 800 million people suffer from hunger;
- 1.5 billion people do not have access to safe drinking water;
- 2.5 billion people lack adequate sanitation services;

» *Human beings are at the center of concerns for sustainable development.*«

RIO DECLARATION, 1992

- 5 million people, predominantly women and children, die every year from diseases related to water quality.

In a communication lodged with the African Commission on Human and Peoples’ Rights in 1996, several NGOs alleged that the military government of Nigeria had been directly involved in oil production through the State oil company and Shell Petroleum and that these operations caused environmental degradation and health problems resulting from the contamination of the environment among the Ogoni People. In October 2001, the African Commission found the Federal Republic of Nigeria in violation of seven articles of the African Charter on Human and Peoples’ Rights, including the right to health. This is an important precedent for the responsibility of the state to protect the environment and the health of the local people against the effects of this type of activity.

The World Summit on Sustainable Development (WSSD) in Johannesburg in 2002

reviewed the implementation of Agenda 21. In the Johannesburg Plan of Implementation a strong commitment was expressed to improve worldwide health information systems and health literacy, reduce the prevalence of HIV, reduce toxic elements in the air and water and integrate health concerns with eradication of poverty.

A new principle for guiding human activities to prevent harm to the environment and to human health has been emerging over the past ten years: the principle of precautionary action or the **precautionary principle**. The principle, better defined and formulated by an international group of scientists, government officials, lawyers, and labor and grass-roots environmental activists in 1998 in Wisconsin, USA requires the proponent of a new technology to prove it safe before it reaches the public or affects the environment. Last but not least, all decisions applying the precautionary principle must be “open, informed, and democratic” and “must include affected parties.”



3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

The 1993 Vienna Declaration makes it clear that differences should be acknowledged, but not in ways that deny the universality of human rights. General Comment 14 on the Right to Health builds on this awareness by requiring that health facilities, goods and services be *culturally appropriate*. One cultural aspect of the human right to health is the overemphasis on the biomedical system of health and therefore on the understanding of how to realize the human right to health. However, in many places in the world **traditional medicine** (TM) dominates health care practice. In Africa up to 80% of the population uses TM to help meet their health care needs. In Asia (in China in particular), Latin America, and among the indigenous people of Australia and the Americas, TM is widely used (more than 40%). The WHO defines TM as therapies that “*involve use of herbal medicines, animal parts, minerals and non-medication therapies, manual therapies and spiritual therapies.*” The practice of TM is closely tied to the right to culture, laws protecting intellectual property, the right to

land and the right to sustainable development. Recognizing the widespread use and benefits of TM and the importance of economically and culturally appropriate therapies, the WHO has developed a **Traditional Medicine Strategy** (2002-2005) to help ensure the rational use of TM throughout the developing world.

In other instances the right to health may be neglected or violated because of unequal power relations based on gender, age, race, religion, ethnicity, etc. which exist within groups and are considered fundamentally bound to culture. Again the basic principle of non-discrimination applies. Female genital cutting (FGC) is a practice that has a wide distribution over much of Africa and parts of the Mediterranean and Middle East. The practice, although often falsely ascribed to the practice of religion, has a history going back for over 2000 years. The practice may severely impair the physical and psychological well-being of girls and women. According to a joint statement by the WHO, UNICEF and UN Population Fund from February 1996: “*It is unacceptable that the international community remain passive in the name of a distorted vision of multiculturalism. Human behaviors and culture*

values, however senseless or destructive they may appear from a personal and cultural standpoint of others, have meaning and fulfill a function for those who practice them. However, culture is not static but it is in constant flux, adapting and reforming.”

4. IMPLEMENTATION AND MONITORING



Respecting, Protecting and Fulfilling the Human Right to Health

Government obligations towards assuring that the members of society enjoy the highest attainable standard of health require a range of commitments. The obligation to **respect the human right to health** means that the state cannot interfere with or violate the right. An example would be refusing to provide health care to certain groups such as ethnic minorities or prisoners, and arbitrarily denying health care as in the case of not allowing women to be cared for by male doctors and not providing female doctors. **Protecting the right to health** means that the state must prevent non-state actors from interfering in any way with the enjoyment of the human right. An example would be

preventing a corporation from dumping toxic waste into a water supply. If the violation occurs, the state must provide the people with some form of redress. This also means that the state is obliged to adopt necessary and adequate legislation, such as laws regulating and monitoring toxic waste management. *Fulfilling the right* means that the state must be proactive in providing access to health care. For example, a sufficient number of health clinics should be established to serve a population and these clinics should provide services according to the means of the population they serve. The state should publicize location, services, and requirements of the clinic. This cannot be assured where health care is relegated only to the private sector.

Limitations on the Human Right to Health

Some human rights are so essential that they can never be restricted. These include freedom from torture and slavery, the right to a fair trial and freedom of thought. Other human rights can be restricted when the public good takes precedence. Protecting the right to health in terms of public health has been used by the state as reason to place restrictions on other human rights. It is often in an effort to prevent the spread of

infectious disease that limits have been placed on other freedoms. Inhibiting freedom of movement, setting up quarantines and isolating people are measures that have been taken to prevent spread of serious communicable diseases such as Ebola, AIDS, typhoid and tuberculosis. These measures have at times been excessive. In order to prevent human rights abuses being committed in the name of public health, restrictive action must be taken by the government only as a final resort. The **Syracuse Principles** provide the narrowly defined framework under which restrictions may be imposed:

- The restriction is provided for and carried out in accordance with the law;
- The restriction is in the interest of a legitimate objective of general interest;
- The restriction is strictly necessary in a democratic society to achieve the objective;
- There are no less intrusive and restrictive means available to reach the same objective;
- The restriction is not drafted or imposed arbitrarily, i.e. in an unreasonable or otherwise discriminatory manner.

Monitoring Mechanisms

Ensuring that governments comply with their obligations to respect, protect and fulfill the right to health requires mechanisms at both the national and international levels. At the national level, government commissions, ombudspersons and NGOs can participate in a formal review process once the country has ratified the treaty guaranteeing the right to health. Each party to the human rights treaty must submit a report to a treaty-monitoring body. At the time of the review NGOs also submit reports which are often referred to as “shadow reports”. These shadow reports offer the view of civil society and may not be in agreement with the government’s report. All submitted information is taken into account when the treaty body prepares Concluding Comments and Observations. While there is no way of enforcing compliance, this report becomes part of the public record and in this sense the country may not wish to be blamed for human rights abuses which can have, among other consequences, a direct impact on relations with other countries.

GOOD TO KNOW



1. GOOD PRACTICES

When the friendly plants heard what the animals had decided [to inflict illness on humans], they decided to help the people. Each tree, shrub, herb, grass, and moss agreed to furnish a cure for one of the diseases named by the animals and insects. After that when the Cherokee were wounded or they contracted diseases or had bad dreams, their medicine men consulted the plants and always found a cure. That was the beginning of medicine among the Cherokee tribe a long, long time ago.

CHEROKEE LEGEND OF THE ORIGIN OF MEDICINE

• HIV/AIDS Prevention

Success stories in Cambodia, Uganda, Senegal, Thailand, urban Zambia and high-income countries show that comprehensive prevention approaches are effective. Evidence supports that:

- ✓ Behavioral change requires locally-appropriate, targeted information, training in negotiating and decision-making skills, social and legal support, access to means of prevention (condoms and clean needles) and motivation to change.
- ✓ No single prevention approach can lead to wide-spread behavioral change in a population. Prevention programs on a national scale need to focus on multiple components developed with close input from the target population.
- ✓ General population prevention programs need to focus especially on the young.
- ✓ Partnerships are essential for success. Multiple programs that seek out multiple populations need to have multiple partners including those infected with HIV/AIDS.
- ✓ Political leadership is essential to an effective response.

• Citizens' Juries and Public Health Policy

Citizens' Juries (CJ) are a new model for making public health policy decisions. Models in the UK, Germany, Scandinavia and the US involve 12-16 ordinary citizens, broadly representative of the population to scrutinize information given to them, question expert witnesses, discuss, deliberate

and publish their findings. The commissioning authorities must respond within a given time. In the UK extensive pilot studies suggest that the CJs are better at tackling complex issues and arriving at solid findings than polls, focus groups and public meetings. It is clear that ordinary citizens are willing to become directly involved in decision-making and that they have strong and consistent views on the kind of public health they want for themselves and their families.

• The Oath of Malicounda

In the 1980's a grassroots organization in Senegal developed a problem-solving curriculum that involved the entire village learning about their human rights and applying this knowledge to their daily lives. The program offered participants a chance to tackle problems such as health, hygiene, environmental issues, financial and material management skills. TOSTAN began a program in Malicounda, a village of 3,000 inhabitants, which is one of a number of Bambara villages still practicing infibulation, one of the most complete and brutal forms of female circumcision. After much public discussion, including a street theatre performance that focused on problems of infection, dangerous childbirth and sexual

pain caused by infibulation, the entire village took an oath ending the practice of female circumcision. This became known as the Oath of Malicounda. Two village elders then set out to spread the word to other villages that this practice needed to stop. By February 1998 thirteen villages had taken the Oath. Fifteen more villages put an end to the practice in June that same year. The movement gained international attention. On January 13, 1999, the National Assembly of Senegal passed the law prohibiting female genital cutting. Legal action alone would not have been enough to abolish the practice. The power lay in the social control enacted by the villages and the demonstration of public will through taking the Oath of Malicounda. TOSTAN training emphasized the links between the right to health and other human rights.

• Memory Books



In many countries memory books have become an important way of opening channels of communication within families about HIV and, in particular, to help HIV-positive mothers tell their children about the state of their infection. Terminally ill parents

To succeed in abolishing the practice of FGM will demand fundamental attitudinal shifts in the way that society perceives the human rights of women.

EFUA DORKENOO

and their children work together to compile the memory book, which is often an album containing photos, anecdotes, and other family memorabilia.

In Uganda, the use of memory books was pioneered by the AIDS Support Organization (TASO) in the early 1990s. Since 1998, the National Association of Women Living with AIDS has promoted this approach on a wider scale, with help from PLAN Uganda. The Association had found that HIV-infected mothers had great difficulty communicating with their children about their ill health, and the memory books were good ways for the women to introduce the idea of HIV into their children's lives and discuss its impact. The book serves as a reminder to the children of their roots so they do not lose their sense of belonging. The book also promotes HIV prevention, because children witness and understand the ordeal the parent is going through and do not want to suffer the same fate.

2. TRENDS

• Strategies for Integrating Human Rights and Health Development:

A human rights approach to health can provide a framework that holds countries and the international community accountable for what has been done and what needs to be done for the health of people. The extent to which human rights have been integrated in the creation of policies, analysis of social and physical health conditions and delivery of health indicates a positive movement towards the realization of the human right to health. The following list indicates current trends:

Areas where there are experiences in linking health and human rights both in the practice of governments and their partners and in scholarly literature:

- Reproductive and sexual rights
- HIV/AIDS
- Torture (prevention and treatment)
- Violence against women
- Contagious diseases

Areas where policies and programs have begun to reflect an awareness of the value of linking health and human rights:

- Rights of indigenous peoples
- Bioethical and human rights implications of genetic modification
- Maternal and child health
- Rights of persons with disabilities

Areas where very little research and even less application has been based on the integration of health and human rights.

The gap is particularly noticeable in:

- Occupational health
- Chronic illness
- Nutrition
- Environment (air, water, fisheries, etc.)

» *Information and statistics are a powerful tool for creating a culture of accountability and for realizing human rights.*«

HUMAN DEVELOPMENT REPORT 2000

Statistics:

The following is a sample of available statistics that support the need for increased efforts in adopting a human rights perspective on health:

- Projected increases in the number of children orphaned by AIDS, 2001-2010

Region	2001	2010
Global	14 million	25 million
Africa	9 million	20 million
Asia	1.8 million	4.3 million
Latin America/ Caribbean	578 000	898 000

- Every country in the world is now party to at least one human rights treaty that addresses health-related rights, including the right to health, and a number of rights related to the conditions necessary for health.

SOURCE:

WHO. 25 QUESTIONS AND ANSWERS ON HEALTH AND HUMAN RIGHTS, 2002.

- Violence is among the leading causes of death among people aged 15-44 years worldwide, accounting for 14% of the deaths among males and 7% of deaths among females.

SOURCE:

WHO WORLD REPORT ON VIOLENCE, 2001.

- Women physically assaulted by an intimate partner by country and percentage ever assaulted at all.

SOURCE:

HUMAN DEVELOPMENT REPORT 2000. UNDP.

Country	Percentage %
Bangladesh	47
New Zealand	35
Barbados	30
Nicaragua	28
Switzerland	21
Columbia	19
Philippines	10

- Discrimination by income – the poorest receive less in public spending and subsidies in public health: *scale of 1-50 with 1 as lowest*

SOURCE:

HUMAN DEVELOPMENT REPORT 2000. UNDP.

Country	Richest	Poorest
Guinea	45	5
Ghana	33	11
Ivory Coast	31	10

- Healthy life expectancy of the national average calculated from birth:

Country	Total Population	Males	Females
Afghanistan	33.4	31.1	35.7
Zimbabwe	31.3	31.6	31.0
Mali	35.7	33.7	37.7
Burkina Faso	35.1	33.9	36.3
Australia	71.6	70.1	73.2
Sweden	71.8	70.5	73.2
United States	67.6	66.4	68.8
Cuba	66.6	64.7	68.5
Georgia	59.8	57.5	62.2
China	63.2	62.0	64.3
India	51.4	51.5	51.3

- **Maternal Mortality:**

Country	Lifetime risk of maternal death, 1 in:
Afghanistan	15
Zimbabwe	33
Mali	19
Burkina Faso	7
Australia	7,700
Sweden	5,800
United States	3,500
Cuba	2,200
Georgia	1,900
China	710
India	55

SOURCE:

HUMAN DEVELOPMENT REPORT 2000. UNDP.

3. CHRONOLOGY

1946: Constitution of WHO

1966: Adoption of the ICESCR

1975: Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind

1975: Declaration on the Rights of Disabled Persons

1978: Alma Ata Declaration

1991: Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care

1991: United Nations Principles for Older Persons

1992: United Nations Conference on Environment and Development (UNCED)

1993: Declaration on the Elimination of Violence Against Women

1994: International Conference on Population and Development (ICPD)

1995: Fourth World Conference on Women (FWCW)

1997: Universal Declaration on the Human Genome and Human Rights

1998: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

1998: Guiding Principles on Internal Displacement

2002: World Summit on Sustainable Development

2002: Appointment of the Special Rapporteur on the Right to Health

SELECTED ACTIVITIES



ACTIVITY I: RE-IMAGING A “STATE OF COMPLETE PHYSICAL, MENTAL AND SOCIAL WELL-BEING”

PART I: INTRODUCTION

For many people the concept of health is not fully developed to include the broad needs of society as well as the state of the individual. This activity allows participants to recognize the various elements that make up a state of optimal health and to share ideas with other members of the group to create a composite concept.

Type of activity: Brainstorming session and group reflection

Discussion question:

The Preamble of the WHO Constitution defines health as a “state of complete physical, mental, and social well-being, and not merely the absence of disease.” What elements and conditions are needed to realize this broad state of health in your community?

PART II: GENERAL INFORMATION ON THE DISCUSSION

Aims and objectives

- Becoming aware of the broad scope of health as more than the “absence of disease”.

- Initiating participants to self-consciousness of the human right to health.
- Creating the links between health and other fundamental needs.
- Making connections between fundamental needs and human rights.

Target groups: Young adults to adults

Group size: 10-30

Time: two hours

Materials: Large sheets of paper, markers and tape to secure sheets to the walls. A copy of the Universal Declaration of Human Rights (UDHR) or another type of source book which lists human rights by theme, such as, *A Call For Justice*. Resource Packet on Governments’ Commitments and Obligations to Human Rights. PDHRE, 2002.

Skills involved

- Verbal communication
- Participatory analysis

Brainstorming rules

All participants including the facilitator sit with chairs arranged in a circle or in a circle on the ground. This practice fosters a sense of equality among all. The activity involves

quick thinking as the input from participants feeds the ideas and thought processes of the group. The facilitator needs to maintain order by doing the following:

1. All participants will call out their ideas; however, they need to allow the recorder to write the ideas as they are stated.
2. During the rewrite stage the participants must listen carefully as the reporter for each group presents the new list using human rights language.

Introduction of the topic

The facilitator will read the WHO definition of “health” and asks the question. The facilitator makes certain everyone understands the statement and the question. If the group is slow getting started the facilitator may ask the group to give quick responses following the circle order in which they are seated. All ideas are recorded on large sheets of paper, large enough for all to see clearly. No idea is to be excluded. Once the group has exhausted their ideas someone will read all the ideas as recorded. The papers are put on the wall for all to see. At this point the facilitator asks individuals to explain their thoughts as each listed an element. The participants may ask each other about the listed topics. (This takes approximately one hour.)

Step two

The facilitator distributes copies of the Universal Declaration of Human Rights (UDHR) or another thematically arranged source. S/he explains that all the needs for health that have been listed on the sheets are human rights. For example, in the broadest sense, the right to life, Article 3 of the UDHR, supports the human right to health.

Step three

The facilitator instructs the participants to break up into groups of 4–6. In these groups they will take the lists they have generated and find the corresponding human rights. Each group will choose a reporter to present the group’s findings to the general group. During the period of small group work the facilitator visits each group and observes and offers assistance when asked. (Allow 30 minutes).

Step four

The facilitator reconvenes the large group. The group reporters present their findings. Someone records the new list of human rights that support and ensure the right to health on new sheets of paper that are attached to the wall for all to see. The group may ask questions throughout this session.

These lists will remain on the wall for future reference.

(Allow 30 minutes)

Step five

In order to evaluate the session the facilitator asks the participants to say what they have learned from the session and also to suggest how the exercise could be improved.

Methodological hints

- This exercise is one of empowerment. The facilitator needs to encourage participants to use their own ideas, be able to think critically and do their own research. S/he must not play the “expert” who has all the answers.
- In both the brainstorming and reflective parts of the session all participants should speak. If one or several persons dominate the group discussion the facilitator should suggest that no one person can speak more than once until all others have been heard.
- Emphasize the “common sense” quality of human rights by telling the participants that the UDHR is the encoding of ideas concerning human dignity that all peoples hold to be true.



2

ACTIVITY II: MAPPING THE REALIZATION OF THE HUMAN RIGHT TO HEALTH

PART I: INTRODUCTION

Realization of the right to health at all levels of society requires an awareness of the institutions that are central to the promotion of this human right. Just as important as government responsibility in assuring this right is citizen’s awareness of the strengths and weakness of the health infrastructure within the national system and level of responsibility to be born at each level of the system. In addition, citizens’ willingness to participate in the identification of health needs and in the problem-solving process is essential.

Type of activity: Discussion, problem-solving and mapping

**PART II: GENERAL INFORMATION
ON THE ACTIVITY****Aims and objective:**

- Identifying community institutions that have the obligation to progressively realize the right to health.
- Increasing awareness of the various levels of responsibility for community health including local government, regional, national and international.
- Gaining skill in analysis of health-related issues.

Target Group: Young adults, adults

Group size: 10 to 50 in groups of 5 to 10

Time: 180–240 minutes

Materials

A copy of the text of Article 12 of the ICESCR and General Comment 14.

Large sheets of paper. Drawing markers. Tape

Skills involved

- Communication
- Abstract thinking
- Critical analysis

PART III: SPECIFIC INFORMATION ON THE ACTIVITY

General rules

Before breaking up into smaller groups the participants should decide how the groups are to be divided. The general process should be presented and the group should determine the approximate time needed for each part of the activity: small group discussion, general presentation, follow-up and assessment. Participants need to be told to choose a recorder and a presenter for each of the smaller groups.

Introduction of the topic

In general terms present the information offered in the General Comment 14 on the

Right to Health that is the interpretation of Article 12 of the ICESCR. Allow specific questions to clarify terms, etc. but refrain from a general discussion of the topic. Ask each group of 5 to 10 participants to locate the institutions responsible for fulfilling the obligations of the Right to Health. (20 minutes)

Step one:

The groups will sit in a circle within view of the large sheet of paper on which the recorder will draw the map which identifies the institutions that provide, oversee and monitor the services needed to realize the right to health. They will also extend the map to show where the obligation goes beyond the entry point they have chosen. For example, they may include in the map the national government institutions, international agencies and organizations, etc. Depending on the group of participants the analysis may focus on various structural levels. For example, a homogenous group from a single community will focus on the municipal or village level as an entry point. A group of healthcare workers from a region may choose an entry point at the regional level. Throughout the exercise the facilitator will move around the groups to serve as a resource. (60 minutes)

Step two:

Participants record on another sheet of paper the extent to which the institution is fulfilling community expectations. (20 minutes)

Step three:

Participants assemble in the large group. The reporter from each group uses the map and the list of expectations to present the group's findings.

Step four:

The entire group will attempt to consolidate findings into a single map and compile a list of expectations.

FOLLOW-UP:

The group will then decide which actions, hypothetical or real, can be taken in order to further the realization of the human right to health in the community.

Methodological hints

- In explaining Article 12 and the General Comment use terms and language that are accessible to all participants.
- Keep small group discussion moving at a steady pace.
- Assist participants in planning a follow-up session since this exercise prepares the way for participatory action in the community.

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Health and Human Rights:
www.who.int/hhr/readings/en/

Health Statistics: www.who.int/whosis/menu.cfm

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www5.who.int/violence_injury_prevention/main.cfm?p=000000714

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HUMAN RIGHTS OF WOMEN

LOOKING AT HUMAN RIGHTS
WITH GENDER SENSITIVE EYES
EMPOWERMENT OF WOMEN

*»The advancements of women
and the achievement of equality
between women and men are a
matter of human rights and a
condition for social justice and
should not be in isolation as a
women's issue.«*

BEIJING DECLARATION AND PLATFORM FOR ACTION

ILLUSTRATION STORY

Real Life Case: The Story of Maria da Penha Maria Fernandes.

On 29 May 1983, Maria da Penha Maia Fernandes was shot by her husband, Marco Antonio Heredia Viveiros, while she was sleeping. Luckily she survived, but she sustained serious injuries, suffering irreversible paraplegia among other physical and psychological traumas. Only 2 weeks after she was released from hospital, her husband, who had tried to cover his first attack by reporting it as a robbery attempt, tried to electrocute her while she was having a bath. After this second assault the Office of the Public Prosecutor filed charges against Mr. Viveiros. It took the First District Court of Fortaleza eight years to come to a decision. On 4 May 1991, a jury found Mr. Viveiros guilty of assault and attempted murder and sentenced him to 10 years in prison. After an appeal, a second trial took place in 1996, in which Mr. Viveiros was condemned to ten years and six months in prison. The defense presented a new appeal and since then successive recourses have been presented and due to the delay of the judicial system it was not possible to achieve a final decision on this crime. On 20 August 1998, Maria da Penha Maia Fernandes, the Center for Justice and International Law (CEJIL) and the Latin

American and Caribbean Committee for the Defence of Women's Rights (CLADEM) filed a petition with the Inter-American Commission on Human Rights, alleging that the Federative Republic of Brazil has failed, for more than 15 years, to take the effective measures required to prosecute and punish Mr. Viveiros. Besides arguing a violation of Art. 1, paragraph 1 (obligation to respect rights), 8 (right to a fair trial), 23 (right to equal protection) and 25 (right to judicial protection) of the American Convention on Human Rights, in relation to Art. II and XVIII of the American Declaration of the Rights and Duties of Man, the petitioners alleged the violation of Art. 3, 4, Article 5 and 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the important Convention of Belém do Pará. As in other cases, the Brazilian State failed to comment on the petition. In its report, dated 16 April 2001, the Inter-American Commission found that Maria da Penha Maia Fernandes' rights to a fair trial and to judicial protection were violated by Brazil. Moreover it found that Art. 7 of the Convention of Belém do Pará had also been violated by Brazil. As a result of this report, Mr. Viveiros was arrested and sent to jail in 2002, almost 20 years after first trying to murder his wife.

SOURCE:

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS – ORGANIZATION OF AMERICAN STATES. 2001. REPORT N°54/01, CASE 12.051, MARIA DA PENHA MAIA FERNANDES – BRAZIL, 16 APRIL 2001, AVAILABE ONLINE AT: [HTTP://WWW.CIDH.OAS.ORG/ANNUALREP/2000ENG/CHAP](http://www.cidh.oas.org/annualrep/2000eng/CHAPTERIII/MERITS/BRAZIL12.051.HTM)

DISCUSSION QUESTIONS



1. What are the main issues raised by the case?
2. How can justice be done if access to courts and the proper conduct of trials are at risk because of the victim's sex?
3. Are laws and regulations enough to guarantee equal opportunities for all human beings? What else can ensure the equal treatment of women and men?
4. Can similar actions be prevented? Specify which mechanisms on local, regional or international level can be used to achieve this.

NEED TO KNOW

1. HUMAN RIGHTS OF WOMEN

Women have had to fight for their recognition as full human beings and for the granting of their basic human rights for a long time, and unfortunately the fight is not over yet. Although their situation has improved in many ways globally, societal structures and prejudices still hinder the full and immediate implementation of human rights of women the world over. The 20th century has brought many improvements, but also many setbacks, and even in times of peace and progress women and their human rights were not given special attention. Nevertheless, in all periods in history heroines can be found who fought for their rights, with arms or with words. Eleanor Roosevelt, for example, insisted that “all human beings are equal” should be used instead of “all men are brothers” in Art. 1 when the Universal Declaration of Human Rights was drafted in 1948. This change in formulation made it clear that human rights belong to every human being, no matter whether female or male, and introduced equality as one of the fundamental human rights principles.

The **principle of equality** as formally expressed in law, without differentiation

between women and men, often implies hidden discrimination against women. Due to the different positions and roles that women and men have in society, often “de iure” equality results in a “de facto” discrimination. This situation has forced women’s human rights activists to promote the differentiation between formal and substantive equality.

In many contexts, formal notions of equality based on assumptions of equality of all human beings have not helped people in disadvantaged situations. The notion has to move towards a substantive definition of equality taking into account plurality, difference, disadvantage and discrimination. As Dairian Shanti emphasizes in her article “Equality and the Structures of Discrimination”, “Neutrality does not allow for sensitivity to disadvantages that may prevent some people from benefiting from equal treatment. Hence the focus must move to an emphasis on `equal outcomes` or `equal benefits`.” Genuine equality between women and men can only be achieved if both formal and substantive equality are fully realized.

» *Translating the power of numbers into the power of action for women, by women, and in partnership with men, is what the next millennium will be about.*«

AZZA KARAM

Gender and the Widespread Misconception of Human Rights of Women

Gender is a concept which not only addresses women and their human rights but is rather a more complex one which includes men as well as women. It was first used in the 1970s and defined by Susan Moller “*as the deeply entrenched institutionalization of sexual difference that permeates our society,*” but it further evolved due to dynamic political, social and economic transformations throughout the world. In 1998, Art. 7 of the Rome Statute of the International Criminal Court defined gender as the “two sexes, male and female, within the context of society. . .” after states’ representatives discussed the content of the concept of gender intensively, some of them opposing its extension to sexual orientation.

Yet it is very common to find women defined as a specific group instead of accepting them as half of the population of the world, of each country, of every indigenous people, and of

many communities. This conception is reflected in the documents in which women appear in a paragraph or in a chapter together with other vulnerable groups, such as indigenous peoples, aged persons, people with different abilities, and children. What connects these vulnerable groups is that they all have suffered and still suffer discrimination and have not been able to and still do not enjoy fully their basic rights.

Gender, however, is a useful category of analysis that helps us understand how women and men assume different responsibilities, roles, and positions in society. Introducing a gender analysis in the human rights theory and practice makes us especially sensitive to the differences between women and men in society and the specific ways in which women's human rights are violated.

It is evident that gender-sensitive thinking should be promoted to attain the same rights for everybody regardless of sex, color, race and religion.

Human Security and Women

Human security and the status of women are closely connected, as conflicts tend to worsen gender inequalities and differences. Refugees and internally displaced people, most of whom are women, the elderly and children, need to be given particular attention and assured special protection.

Human security is also about ensuring equal access to education, social services and employment for everybody in times of peace as well. Women are very often denied full access to those areas. So women and children in particular can benefit from a human rights approach to human security which proves that no human security can be achieved unless human rights are fully respected. Thus the eradication of any form of discrimination, particularly against women and children, should constitute a priority on the human security agenda.

Of particular relevance for human security is the situation of women in armed conflict discussed below.

2. DEFINITION AND DESCRIPTION OF THE ISSUES



Considering the history of the women's rights movements is useful in order better to understand women's claims of their human rights nowadays.

A look back in history

An important historic event, the **French Revolution**, marks the beginning of female effort to be recognized as equal human beings in a male world. This epoch constitutes not only the start of the movement for civil and political rights, but it also paved the way for the first women's movement for liberation and egalization. One of the most famous proponents of the movement was Olympe de Gouges who wrote the Declaration of the Rights of the Woman and Female Citizen. She and many of her female fellows paid on the guillotine for their commitment.

“Woman is born free and enjoys equal rights with man in every respect.”

Art. 1 of the Declaration of the Rights of the Woman and Female Citizen, 1789

Great Britain, too, looks back on a long and strong tradition of the female struggle for equal rights. It is often even called the “motherland of feminism”. As early as the 1830s, British women started to demand the right to vote. They fought for more than 70 years with changing methods and eventually succeeded in 1918 when they were given the right to vote starting from the age of 30. Other areas of action included access to education, the right of married women to own property, and the right to hold public office.

Especially in Great Britain and the United States of America, women often used radical measures, even hunger strikes. The famous suffragette Emily Davison deliberately chose death, throwing herself in front of King George V’s horse at a race in 1913.

The International Council of Women was founded as early as 1888 and still exists today. It has its seat in Paris and participates actively in the process of ensuring women’s rights through international meetings, regional, sub-regional and national seminars

and workshops, through an intensive project development program in cooperation with international agencies, through the Resolutions drawn up and adopted in the UN General Assembly, through cooperation at all levels with other non-governmental organisations, through three-year plans of action in each of its five Standing Committees.

The first intergovernmental body dealing with women’s human rights was the Inter-American Commission on Women (CIM), created in 1928 for the Latin American Region. This body was responsible for drafting the Interamerican Convention on the Nationality of Women, adopted by the Organization of American States (OAS) in 1933. This treaty sparked a debate on how the region was developing a body of law that would deal with human rights.

From the early beginnings of the United Nations, in 1945, women already tried to participate within the structure and to make their presence felt in the content and implementation of human rights instruments and mechanisms.

The Commission for the Status of Women (CSW) was created in 1946 with the mandate of promoting women’s rights all over the world. Its first Chair was Bodil Boegstrup of Belgium. CSW promoted the explicit inclusion of women’s rights into the UDHR.

Although women contributed equally to the evolution of the international political, economic and social system from the very beginning, the attention drawn to women’s issues was minimal. Decades of gender blindness in human rights documents made people blind to this fact, too. The fundamental rights of more than half of humanity were forgotten, which inevitably leads to the conclusion that there can not be gender neutrality in international or national laws, while societies across the world are still not gender neutral, and continue to discriminate against women.

It was only in the 1970s that the inequality in many areas of daily life, poverty among women and the discrimination against girl children led the United Nations to decide to launch the **United Nations Decade for Women: Equality, Development and Peace**

from 1976 to 1985. In 1979, the Decade culminated in the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**). This document is the most important human rights instrument for the protection and

promotion of women's rights. For the first time, women were recognized as full human beings by CEDAW which contains civil and political rights as well as economic, social and cultural rights, uniting human rights otherwise divided into two categories.



“Discrimination shall mean any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

ART. 1 CEDAW

Apart from this CEDAW obliges its state parties also:

- To embody the principle of equality of men and women in their national constitutions or other appropriate legislation;
- To ensure the practical realization of the principle of equality;
- To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

- To establish legal protection of the rights of women on an equal basis with men;
- To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- To repeal all national penal provisions which constitute discrimination against women;
- To ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men;
- To modify the social and cultural patterns of conduct of men and women;
- To achieve the elimination of prejudices and customary and all other practices which are based on the idea of the

inferiority or superiority of either of the sexes or on stereotyped roles for men and women;

- To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases;
- To take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women;
- To ensure to women the rights to vote in all elections and public referenda, to be eligible for election in all of them, among others;
- To grant women equal rights with men to acquire, change or retain their nationality;
- To ensure to women equal rights with men in the field of education.

The Convention regulates issues related to the public as well as to the private lives of women. Several articles deal with the role of women in the family and society, the need to share responsibilities within the family, and the urgency to implement changes in social and cultural systems that attribute a subordinate position to women. Only through such elementary changes can the recognition of the human rights of women be brought about on the global level. Once a state becomes party to the CEDAW, it is obliged to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women as well as any other act of discrimination.

On 6 October 1999 the General Assembly adopted a 21-article **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women** in a landmark decision for women by consensus and called on all states parties to the Convention to become party to the new instrument, too, as soon as possible. It provides for the possibility to address individual complaints to the Commission under CEDAW. April 2003, 75 states had signed the Optional Protocol, while 50 states have already ratified it.

SOURCE:

[HTTP://WWW.UN.ORG/WOMENWATCH/DAW/CEDAW/SIGOP.HTM](http://www.un.org/womenwatch/daw/cedaw/sigop.htm))



The **World Conference on Human Rights** held in Vienna in June 1993 gathered thousands of activists and experts in human rights. The **Vienna Declaration and Program of Action** adopted as a result of the Conference places emphasis on promoting and protecting the human rights of women and girls in general and on the prevention of violence against women. It states that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. It also declares that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

As part of its mandate, the Commission on the Status of Women organized four major **global conferences** with the aim of mainstreaming women's rights as human rights:

- Mexico, 1975
- Copenhagen, 1980
- Nairobi, 1985
- Beijing, 1995

Additionally, in 2000, the 23rd Special Session of the General Assembly on “*Women 2000: Gender Equality, Development and Peace for the 21st Century*” met in New York with the aim of assessing the progress of commitments, primarily made by governments at the 1995 Beijing World Conference on Women. That is how and why this meeting was called “*Beijing + 5*”.

The instrument of a Plan of Action is launched after each of the main conferences containing a set of measures and policies that states should take into consideration for achieving equality between women and men.



The **Beijing Platform for Action**, adopted at the United Nations Fourth World Conference on Women in 1995, is especially important. Its Preamble and 12 chapters constitute the most complete program on human rights of women with a global diagnosis of the situation of women, and an examination of policies, strategies and

measures for the promotion of women's rights all over the world. The following **12 critical areas of concern** are given special attention: poverty, education, health, violence, armed conflict, economy, decision making, institutional mechanisms, human rights, media, environment, girl children, and institutional and financial arrangements.

Women and Poverty

In order to understand the different impact of poverty on women and on men, it is necessary to look at the division of most of the world's labor markets on the basis of gender. Very often women work in the household, fulfilling their duties in caring for the children, the sick and elderly, doing the chores without receiving payment and almost everywhere without proper insurance of their own, although their contributions are socially and economically necessary and should be highly valued.

The division of labor based on gender is one of the structural dimensions of poverty that affects women. The biological function of maternity is another structural dimension, which is understood as a social function of parenthood and social responsibility.

 Work Module and Freedom from Poverty Module.

» *While poverty affects households as a whole, because of the gender division of labor and responsibilities for household welfare, women bear a disproportionate burden, attempting to manage household consumption and production under conditions of increasing scarcity.*«

BEIJING PLATFORM FOR ACTION

Poverty is also created through unequal payment for equal work and denied or restricted access to education or public and social services or to inheritance rights and to ownership of land.

Poverty, in its political dimension, shows the inequality of rights between members of our societies, and poses significant obstacles in gaining access to their civil, political, economic, social and cultural human rights. It also decreases access to information and possibilities for participation in public organizations and decision-making. In the context of migration, poverty also leads to an increase of trafficking in women, especially in Latin America, Asia and Eastern Europe.

Women and Health

Women's health involves their emotional, social and physical well-being. It is determined by the social, political and economic context of their lives, as well as by biology. Reproductive health is seen as a

Statistics from Chile of 1996 show that men carry out 67 per cent of the commercial production and do not do any domestic chores, while women carry out 37 per cent of the commercial production and 100 per cent of housework. This volume of work without wages contributes to the reproduction of the society and represents the structural base of poverty affecting women.

ROSA BRAVO (1998)

state of complete physical, mental and social well-being and sexual health the purpose of which is the enhancement of life and personal relations. Equal relations between men and women in matters of sexual relations and reproduction require mutual respect, consent and shared responsibility. The reality is different as this example from the Philippines shows:

The leading cause of death among women of reproductive age is related to pregnancy and child birth. Post-partum hemorrhage tops this list, followed by hypertensive disorders of pregnancy (pre-eclampsia and eclampsia). One of six pregnancies in the Philippines ends up in illegal abortion because they are

either unplanned or unwanted. There are an estimated 300 000 to 400 000 cases of illegal abortion each year, many of which end up with complications such as sepsis or death. At least 2 million married women of reproductive age want to practice family planning but cannot do so for a variety of reasons, including lack of access to family planning services.

There are an estimated 7 million women of reproductive age who are considered high risk for pregnancy because they are: too young (less than 18 years old); have had four or more pregnancies; have closely spaced pregnancies; or are concurrently ill. . . . even if they are faced with the above risks, 2,6 million of these women are expected to become pregnant each year.

. . . a maternal mortality rate of 172 deaths per 100 000 live births, and an infant mortality rate of 36 deaths per 1 000 live births. . . . are among the highest rates in the world.

DOMINI M. TORREVILLAS (2002)

 Health Module.

»24 women, from Poland, Russia, Italy, Albania, and Turkey were freed by police during a raid on a German brothel where they were held as slaves and prostituted. Two of the women had been locked up for 7 months without seeing daylight. A criminal gang of sixteen suspects, from Turkey, Italy and Albania were arrested, and police are searching for six others. Three Luedenscheid police officers allegedly were working with the trafficking network. The operation was one of the largest ever against an organized crime ring in Germany.«

ERICH REIMANN (1996)

Women and Violence

In many societies women and girls are subject to physical, sexual and psychological violence that cut across lines of income, class and culture, in both public and private life. Women often fall victims to rape, sexual abuse, sexual harassment or intimidation. Sexual slavery, forced pregnancy, enforced prostitution, sterilization and forced abortion, prenatal sex selection and female infanticide are also acts of violence committed against women.

All such acts of violence violate and impair or nullify women's enjoyment of human rights and fundamental freedoms. Hence it is of utmost importance that the **Declaration on the Elimination of Violence against Women** was adopted by the United Nations General Assembly by consensus in 1993 as a tool for preventing violence against women. Moreover, a **Special Rapporteur on Violence against Women** was introduced in 1994.

 Implementation and Monitoring

Violence against women shall be understood to encompass, but not be limited to, the following:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and

elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 2 of the Declaration on the Elimination of Violence against Women

Besides the international system, some regional organizations have committed themselves to the prevention, or even to the eradication of violence against women. The Inter-American system of human rights, for example, provides for the protection of women via the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against women** of Belém do Pará of 1995.

 Good Practices part.

Women and Armed Conflict

Women often become the first victims of violence during war and armed conflict. In her essay “The Second Front: the Logic of Sexual Violence” Ruth Seifert states that in many cases it is a military strategy to target women in order to destroy the enemy. Rape, which is common during armed conflicts, is a crime, and can even constitute genocide, as

»Most documented cases occurred between the fall of 1991 and the end of 1993, with a concentration of cases between April and November 1992. Moreover, although rapes of Muslim, Croatian, and Serbian women have been reported, the majority of cases involve rapes of Muslim women from Bosnia and Herzegovina by Serbian men. The perpetrators include soldiers, paramilitary groups, local police, and civilians. The number of rapes is disputed. A delegation from the European Community suggested a figure of 20 000; the Bosnian Ministry of the Interior said 50 000; the Commission of Experts declined to speculate on the number.«

CATHERINE N. NIARCHOS (1995)

found by the International Criminal Tribunal for Rwanda in its decision concerning Jean-Paul Akayesu, when committed with the intent to destroy a group in whole or in part. “Ethnic cleansing” as a strategy of war and rape as one of its methods have to be targeted and must no longer remain in the shadow of impunity. The Statute of the International Criminal Court of 1998 for the first time in history explicitly spells out crimes such as rape, forced pregnancy, forced prostitution etc., and provides for a system that aims at bringing justice both to victims

and the perpetrators of such crimes under its jurisdiction.

Women rarely play an active role in the decisions leading to armed conflicts, instead they work to preserve social order in the midst of the conflicts and give their best to ensure a life as normal as possible. Additionally, women “often bear a disproportionate share of war’s consequences”, as the International Center for Research on Women states in its information bulletin on post-conflict reconstruction. Many women are left behind as widows facing the exorbitant burden of supporting their families, while sometimes having to deal themselves with a trauma caused by being exposed to violence, especially sexual violence, during the conflict. These factors must all be taken into increased consideration especially in future peacekeeping missions so that women can be provided with as much assistance as possible in keeping with their special needs.

Women and Natural Resources

The excerpt from “Monocultures, Monopolies, Myths and The Masculinisation of Agriculture” by Vandana Shiva indicates that in India women play an important role when it comes to preserving knowledge about natural resources and the environment.

According to Vandana Shiva, “women farmers have been the seed keepers and seed breeders over millenia.” This is not only true of India, but of the whole world. Through their management and use of natural resources, women provide their families and communities with sustenance.

The deterioration of natural resources has negative effects on the health, well-being and quality of life of the population as a whole, but especially affects women. Moreover, their knowledge, skills and experience are rarely taken into consideration by decision-makers, who are mostly male.

The Girl Child

In many countries, the girl child faces discrimination from the earliest stages of life, through childhood and into adulthood. Due to harmful attitudes and practices, such as female genital mutilation, preference of sons, early marriage, sexual exploitation, and practices related to health as well as to food allocation, fewer girls than boys reach adulthood in some areas of the world. In societies that prefer a son to a daughter, female infanticide is a widespread practice. Due to lack of protective laws, or failure to enforce such laws, girls are more vulnerable to all kinds of violence, particularly sexual violence. In many regions, girls face

»The phenomenon of biopiracy through which Western corporations are stealing centuries of collective knowledge and innovation carried out by Third World women is now reaching epidemic proportions. Such “biopiracy“ is now being justified as a new “partnership“ between agribusiness and Third World women. For us, theft cannot be the basis of partnership.«

VANDANA SHIVA (1998)

discrimination in access to education and specialized training.

An example of a newsletter clip from India

In yet another incident of female infanticide, a newborn girl child has been poisoned to death by parents and grandparents in a village in the district recently. The parents and grandparents had been arrested and a case under IPC Section 302 (murder) registered against them, District Superintendent of Police M. N. Manjunatha told reporters Saturday. He said the village administrative officer of Mollahalli Pudur lodged a complaint that one Kavitha gave birth to her third girl child last week, but it was poisoned.

SOURCE:

[HTTP://NEWSARCHIVES.INDIAINFO.COM/2000/12/17/17FEMALE.HTML](http://NEWSARCHIVES.INDIAINFO.COM/2000/12/17/17FEMALE.HTML)



3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

The concept of universality is of central importance to human rights, but especially indispensable when it comes to women’s rights. Cultural diversity far too often used as an excuse or an impediment to the full implementation of the human rights of women. The document adopted during the 1993 World Conference on Human Rights in Vienna is an essential achievement for women as well, as it underlines that:

“All human rights are universal, indivisible and interdependent and interrelated. . . While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

Despite the widely shared concept of universality, many areas of women’s daily lives are still sources of controversy. In some religions, women do not enjoy the same

treatment as men. The denial of equal access to education and employment opportunities as well as open exclusion from political decision-making is considered normal. In some extreme cases, these policies and perceptions even pose a threat to the personal security and the right to life of women.

In 2002, a young Nigerian woman was sentenced to death by stoning by a Shariah law court. According to Amnesty International Australia, the crime Amina Lawal had allegedly committed was giving birth to a child out of wedlock. This verdict caused a huge international outcry and questions the compatibility of some cultural and religious practices with the universality of human rights.

Another religious practice affecting the daily life of women can be found in India where *suttee* or *sati*, the Hindu tradition of burning a widow with her deceased husband, was forbidden by the British government in 1829, but still occurs, as proved by the latest documented case from India in 2002.

Today, the **political participation of women** is considered much more important than ever

» *Women's participation in politics can no longer be seen as a favour granted them by institutions still largely dominated by men, but as a responsibility and an obligation to creating a more egalitarian and democratic world.*«

BENGT SÄVE-SÖDERBERGH, SECRETARY-GENERAL OF INTERNATIONAL IDEA.

as women can best further their own concerns. In the last 50 years more and more women were given the right to vote, to run for and hold public offices. This will hopefully result in more gender-sensitive politics world-wide.

😊👉 Democracy Module.

Since the fall of communism, women in post-communist countries earn about one third less than their male colleagues for the same job with the same qualifications. Within the European Union, Art. 141 of the Treaty establishing the European Community demands equal pay for equal work for men and women with the same qualifications. In reality, however, many EU member states are still far from fully achieving **equal pay for equal work to men and women**.

😊👉 Work Module.

Customs and traditions do also form a source of danger to girl children and teenage girls.

Female Genital Mutilation (FGM), for example, has been carried out on an estimated 135 million of the world's girls and women. Moreover, according to Amnesty International two million girls a year are at risk of mutilation, which means that each day approximately 6,000 face the danger of becoming mutilated. The main areas where FGM is practiced are parts of Africa and some countries in the Middle East. Immigrant communities have also brought FGM into parts of Asia and the Pacific, North and Latin America, and Europe.

The tradition of **child marriages** has also led to health problems for girl children. Mostly common in Asia, early marriage inevitably leads to early maternity and causes "a maternal mortality five times higher among girls aged 10 to 14 than among women aged 20 to 24" the NGO Committee on UNICEF states in its documentation on girl child health issues. The NGO Committee on UNICEF also provides data on HIV/AIDS which shows that girl children are at great risk of being infected by the virus, either through their mothers or because of sexual violence, such as rape, committed against them.

4. IMPLEMENTATION AND MONITORING

The full implementation of human rights of women requires special efforts to reinterpret a number of international human rights instruments and to develop new mechanisms for assuring gender equality.

Regarding the **implementation of human rights of women**, there are different approaches, which can be followed not only by governments but also by civil society.

- The primary one is the dissemination of women's human rights instruments and mechanisms through **human rights education** in the formal as well as the informal educational system. There is no way women can exercise their human rights if they do not know what they are.
- Another step is **to encourage women to monitor the performance of their states** to find out if they are fulfilling their duties as contained in the human rights instruments that they have ratified. If state obligations are not properly fulfilled, NGOs could prepare alternative or "shadow" reports to the specific Committee. Women should be encouraged to prepare

alternative reports both to the CEDAW Committee and to other treaty bodies. Shadow reports allow members of civil society to hold their governments accountable for the obligations and commitments they have made at the international level. Furthermore, they contribute to raising awareness about the CEDAW reporting process in the country.

- In countries where the **Optional Protocol to CEDAW** is not ratified yet, campaigns should be organized to lobby for its rapid ratification. A ratification of this Optional Protocol means that the ratifying state recognizes the competence of the Committee on the Elimination of Discrimination against Women to **receive and consider complaints from individuals or groups** within the respective state's jurisdiction. The Committee also monitors the compliance of state parties with their obligations under the CEDAW.
- An important step towards the full implementation of women's rights instruments is the **training of women advocates in the use of human rights mechanisms**. At present, very few women know about international human rights instruments and even fewer realize the proper steps to invoke them.



The World Conference on Human Rights held in Vienna in June 1993 supported the creation of a new mechanism, a **Special Rapporteur on Violence against Women**. Ms. Radhika Coomaraswamy from Sri Lanka has performed this duty since 1994. As part of her duty, she visits countries and examines the level of violence against women there, but also issues recommendations to bring their practice in conformity with international legal norms in the field of human rights of women.

In spite of significant improvements in the field of human rights of women in the past 30 years, the rise of ultra-conservative thought and fundamentalism in many societies has meant an enormous setback for the human rights of women and therefore it is of utmost importance that the demand for constant emphasis on the full implementation of human rights of women be maintained at all costs.

GOOD TO KNOW



1. GOOD PRACTICES

In recent years, governments and non-governmental organizations have engaged themselves in the difficult process of elaborating both legally binding norms to ensure women's rights and projects of high practical value to realize the objectives of the standards developed.

The process of **interpretation** of international human rights instruments in a more gender-sensitive way has already begun. One of the best examples is the adoption, by the United Nations Human Rights Committee, of the General Comment 28 in March 2000. By interpreting Art. 3 of the International Covenant on Civil and Political Rights on the equal right of men and women to enjoy all civil and political rights, the Committee reviewed all the articles of the Covenant, through a gender-sensitive lens.

In 1992, **CLADEM**, the Latin American and Caribbean Committee for the Defence of Women's Rights, launched a campaign including organizations from all over the world which resulted in the drafting of the Universal Declaration of Human Rights with a Gender Perspective. Now, this Declaration

is used as a "shadow" declaration for teaching purposes. The aim is to encourage women not only to learn about human rights, but also to include in this framework their own experiences, needs, and wishes, expressed in their own language.

The adoption of the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women**, in 1995 in **Belém do Pará**, Brazil, constitutes one of the most significant landmarks in the history of drawing attention to women within the human rights system. It was prepared by the Inter-American Commission of Women in a 5-year process. The treaty has already been ratified by almost all the countries in the region and presents a political and legal framework for a coherent strategy to tackle the problem of violence, making it obligatory for states to implement public strategies for the prevention of violence and assistance for victims.



In the framework of the **African Commission on Human and People's Rights** as a positive step towards a more gender sensitive reading of the Charter, an *Additional*

Protocol on Rights of Women" has been elaborated. However, it has not yet been adopted by the **African Union (AU)**.

The **People's Movement for Human Rights Education (PDHRE)** made an important contribution to the advancement of women's rights with its pioneering **Passport to Dignity** and the video series **Women Hold up the Sky**. The Passport to Dignity with its global survey of the 12 main areas of concern of the Beijing Platform for Action brings legal obligations into relation with the reality in many countries, based on expert reports as well as first hand accounts by women affected. Another manual, **Between their Stories and our Realities**, was produced with the support of the Vienna Institute for Development and Cooperation and the Austrian Foreign Ministry Department for Development Cooperation in 1999 to commemorate the 20th anniversary of CEDAW and is an integral part of the aforementioned video series **Women Hold up the Sky**. With this valuable contribution, the People's Movement for Human Rights Education provided valuable material for training future generations of women's rights activists.

The German NGO “**Terre des Femmes**” organized a campaign in 2002 against trafficking in women and supported the Malinowka project in Minsk, Byelorussia which informs and warns women about the threat of being trafficked into sexual abuse and enforced prostitution. The latest campaign focuses on putting a stop to forced marriages and on fighting violence against women.

2. TRENDS

In the past decade **women’s NGOs** have got actively involved in a number of human rights and humanitarian law issues. In 1998, a group of women took part in the Rome conference, drafting the Statute of the International Criminal Court to make sure that the human rights of women would be seriously considered and incorporated by the drafters. The women *realized that without an organized caucus, women’s concerns would not be appropriately defended and promoted*. Judging from the Rome Statute, which came into force on 1 July 2002, they succeeded.

International humanitarian law reached a new landmark with the Statute of the

» *At this juncture I would like to pay tribute to the women of the Women’s Caucus for Gender Justice who have taken the experiences of women in war, identified strategies for dealing with violations and, overcoming intense opposition from many representatives at the International Criminal Court negotiations, managed to ensure that rape, sexual slavery, forced pregnancy and other forms of gender-based and sexual violence are included in the statute of the ICC*«.

MARY ROBINSON, FORMER UN HIGH COMMISSIONER FOR HUMAN RIGHTS

International Criminal Court in 1998. The developments on the territory of Former Yugoslavia and in Rwanda have also shown that the protection of women and their human rights need to be part of the mandate of an International Criminal Court. As of 10 April 2003, 139 states have signed or acceded to the Rome Statute, while 89 have already ratified it.

The Rome Statute explicitly mentions for the first time in history a variety of crimes punishable under the Statute which are mostly committed against women. For example, Art. 7 (1) declares that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable

gravity constitute crimes against humanity. Moreover, explicit attention is given to victims and witnesses. Art. 68 of the Statute states that “*the safety, physical and psychological well-being, dignity and privacy of victims and witnesses*” shall be ensured and that the trial chamber may give the order to “*conduct any part of the proceedings in camera or allow the presentation of evidence by electronic or other special means. In particular, such measures shall be implemented in the case of a victim of sexual violence or a child who is a victim or a witness. . .*” These protective measures are also a result of the experiences made during the trials held at the ICTY and the ICTR.

SOURCE:

[HTTP://WWW.ICCNW.ORG](http://www.iccnw.org)

Also on the national level, women’s movements have succeeded in promoting the human rights of women. In **Uganda**, women’s legislators lobbied for a new land bill which would enable women to inherit land from their late husbands. Custom had forbidden this for a long time. Finally, they succeeded and many women now learn that they have a right to the land which they need in order to support themselves. This success encouraged them to take on further issues

related to and important for women, such as the Domestic Relations bill, which is aimed at outlawing some practices like polygamy and wife beating.

SOURCE:

[HTTP ://WWW.ONEWORLD.ORG/IPS2/SEPT98/17_03_046.HTML](http://WWW.ONEWORLD.ORG/IPS2/SEPT98/17_03_046.HTML)

3. CHRONOLOGY

- | | | | |
|-------------|---|-------------|--|
| 1789 | The Declaration on the Rights of the Woman and Female Citizen by Olympe de Gouges | 1979 | Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) |
| 1888 | Establishment of the International Council of Women | 1980 | Second UN World Conference on Women (Copenhagen) |
| 1921 | International Convention for the Suppression of the Trafficking in Women and Children and amending Protocol | 1985 | Third UN World Conference on Women (Nairobi) |
| 1933 | International Convention for the Suppression of the Trafficking in Women of Full Age | 1985 | Adoption of the Nairobi Forward-Looking Strategies for the Advancement of Women to the Year 2000 |
| 1950 | Convention on the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others | 1995 | Fourth UN World Conference on Women (Beijing) |
| 1953 | Convention on the Political Rights of Women | 1995 | Belém do Pará Convention on the Prevention, Punishment and Eradication of Violence against Women |
| 1957 | Convention on the Nationality of Married Women | 1998 | Rome Statute of the International Criminal Court |
| 1962 | Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages | 1999 | Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women |
| 1967 | Declaration on the Elimination of All Forms of Discrimination against Women | 2000 | Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| 1975 | First United Nations World Conference on Women (Mexico City) | 2000 | 23 rd Special Session of the General Assembly on “Women 2000: Gender Equality, Development and Peace for the 21 st Century” |
| 1976 | Start of the UN Decade for Women: Equality, Development and Peace | | |

SELECTED ACTIVITIES



ACTIVITY I: PARAPHRASING THE CEDAW

PART I: INTRODUCTION

This activity aims at improving the understanding of the CEDAW and is especially meant for non-lawyers who are not familiar with legal terminology.

Type of activity: exercise

PART II: GENERAL INFORMATION ON THE ACTIVITY

Aims and objectives:

- Raising awareness about women's rights
- Becoming familiar with legal terminology
- Working out different viewpoints on women's rights
- Discussing legal instruments dealing with women's rights

Target group: Young adults and adults

Group size/social organisation: 20–25; small group work and full group discussion

Time: approx. 60 min.

Material: Copies of the CEDAW, paper, pencils

Skills involved:

Reading and paraphrasing legal terminology, communicating, co-operating, assessing different points of view.

PART III: SPECIFIC INFORMATION ON THE ACTIVITY

Description of the activity / Instructions

After giving an introduction to the CEDAW, the facilitator should ask the participants to split into groups of 4 or 5. Each of the groups will be assigned a certain part of the CEDAW to translate them into NON-LEGAL, everyday language. It is also possible to assign the same article or articles to every group which makes detailed discussion more interesting as different people might perceive certain wordings differently.

After the result of the “translations” is presented to everybody, the group should look at the situation in their home country. A discussion of all or some of the following questions could be useful in assessing what could be changed:

- Does your society set women's rights apart from human rights? How is this segregation done: By law? By custom?
- Is the segregation outspoken? Is it a “fact of life” that no one really talks about?
- Does it affect all women? If not, which women are most affected?
- Describe particular examples of gender segregation
- How do women respond to segregation?
- Are there human rights that men enjoy as a matter of course while women have to make special effort to have them acknowledged?
- Are there areas of life where women are expected to act through the intermediary of men? What are the obstacles to women's autonomy?
- What does the constitution of your country say about women's rights? Are there disparities between reality and the constitution?
- Are you aware of any lawsuit currently in process regarding women's human rights? What is the issue? Which rights are affected?
- Do lawyers generally know of CEDAW and other legal instruments dealing with women's rights?

Practical hints

Working in small groups of 4 or 5 allows more intensive discussions and gives silent or timid participants a better chance of becoming involved. Nevertheless, the results of the group work should always be presented and discussed in front of everyone in order to ensure the same level of knowledge for all participants.

Suggestions for variations

The activity can be carried out with any legal document according to the interests of the participants and the topics of the course.

PART IV: FOLLOW- UP

A suitable follow-up could be organizing a women's rights campaign.

Related rights/further areas of exploration

Human rights, minority rights



ACTIVITY II: WOMEN'S AND MEN'S BODY LANGUAGE

PART I: INTRODUCTION

“What you say is 10% of the message – how you say it 90%.” Most people are not aware how much body language influences

appearances and communication, and even less aware that women and men interact differently not only in words but also in movements and gestures.

Type of activity: single exercise/role play

PART II: GENERAL INFORMATION ON THE ACTIVITY**Aims and objectives:**

- Sensitizing for communication
- Fostering empathy
- Understanding gender roles

Target group: Young adults and adults; boys and girls from the age of 12

Group size/social organization: 20–25; work in small groups and pairs plus all together

Time: approx. 60 min.

Preparation: Make sure that the participants have enough space to move around.

Skills involved:

Creative skills, acting

PART III: SPECIFIC INFORMATION ON THE ACTIVITY**Description of the activity/Instructions**

First, female participants figure out typically female body language, and male participants typically male body language. This includes typical positions while walking, sitting or talking to other people in different situations. The participants should not only talk about body language but also try out different gestures and positions.

The facilitator should then show the participants gender-specific behavior and body language in various situations (e.g. on pictures or photographs). The participants should try to imitate the positions shown and think about their feelings in a particular situation.

After this entry-exercise, the group should split up into pairs, preferably into mixed pairs, and work out one of the following scenes as a little play to be presented to the rest of the group:

- A father is angry with his daughter because the girl has come home late.
- A young man tries to chat up a woman on the street.
- A new female colleague asks a male colleague for help as she does not know much about the company.

REFERENCES

- A couple has dinner in a restaurant. They pay and leave.

The small plays should be acted out in front of the audience. A possible discussion point afterwards would be the effect of confused body language, e.g. how does society react when a man starts interacting like a woman and vice versa.

Practical hints

It can be a very interesting experience for the participants to change female/male gender roles but it can also certainly be difficult for participants from cultures where gender roles are very strict and differ a lot. So, it is up to the facilitator to decide what s/he can expect without running the risk of a “rebellion”.

PART IV: FOLLOW-UP

A suitable follow-up could be analyzing the interaction of women and men, e.g. in a debate or a movie.

Related rights/further areas of exploration:

Human rights generally, minority rights

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RULE OF LAW AND FAIR TRIAL

THE RULE OF LAW IN DEMOCRATIC SOCIETIES
FAIR TRIAL – CORE ELEMENT OF THE RULE OF LAW
THE ELEMENTS OF A FAIR TRIAL

»The rule of law is more than the formal use of legal instruments, it is also the rule of justice and of protection for all members of society against excessive governmental power.«

INTERNATIONAL COMMISSION OF JURISTS

ILLUSTRATION STORY

On 16 December 1988, early in the morning, Mr. A was arrested at his home under section 12 of the British Prevention of Terrorism Act 1984 in connection with an attempted bomb attack on military personnel. Mr. A was taken to Castlereagh police station. He claims that on arrival he immediately requested to see his solicitor. Access was delayed. Mr. A was detained in accordance with the Criminal Evidence Order 1988. Unfamiliar with this new law, Mr. A again requested a consultation with a lawyer and this request was refused. On the same day Mr. A was interviewed five times by two teams of two detectives. The last interview took place at midnight.

On 17 December 1988, Mr. A complained to a doctor of ill treatment during two interviews on the previous day. The doctor recorded in his notes that Mr. A had alleged that he had been repeatedly slapped and occasionally punched in the back of the head during the second and third interviews and that he had been punched a few times in the stomach.

Subsequently, Mr. A's sixth, seventh and eighth interviews took place on that day. During the sixth interview Mr. A broke his silence and gave detailed answers to a

number of questions admitting to his involvement in the assembly and planting of the bomb. During the seventh interview Mr. A signed a lengthy statement, which described in considerable detail his part in the conspiracy to plant and detonate the bomb.

On 18 December 1988 Mr. A was allowed to consult with his solicitor, who made notes on Mr. A's allegations of ill treatment. The solicitor chose not to pass these complaints on to the police.

On 19 December 1988 Mr. A, along with others, was charged at Belfast Magistrates' Court with conspiracy to cause explosions, possession of explosives with intent, conspiracy to murder and membership of the Irish Republican Army.

On 17 September 1990 the trial of Mr. A and his co-accused began at Belfast Crown Court before a single judge sitting without a jury. Mr. A pleaded not guilty. The case was based by the prosecution on the admissions made by Mr. A in interview and, in particular, the written statements signed by him. Mr. A did not subsequently give evidence at the trial. However, the trial judge sentenced Mr. A to twenty years' imprisonment.

(The European Court for Human Rights decided this case on 6 June 2000. The ECHR found that the right to fair trial as stated under Art 6 of the ECHR had been violated.)

SOURCE:

TAKEN FROM THE CASE OF MAGEE V. THE UNITED KINGDOM, ECHR, 6 JUNE 2000; AVAILABLE AT: [HTTP://HUDOC.ECHR.COE.INT/HUDOC2DOC2/HEJUD/200207/MAGEE.BATJ.DOC](http://HUDOC.ECHR.COE.INT/HUDOC2DOC2/HEJUD/200207/MAGEE.BATJ.DOC)

DISCUSSION QUESTIONS

1. What do you think are the reasons for Mr. A's  treatment? Which rights have been violated?
2. What do you think can be done to prevent similar actions from happening?
3. Do you know about protection systems already in existence?

NEED TO KNOW

1. INTRODUCTION

Imagine yourself sitting in a courtroom without any idea why. You get even more confused when the judge starts to read out the charge – the crime you are accused of has never been considered illegal before, as it is not laid down in the present legislation. Nobody answers your questions, you feel absolutely unable to defend yourself, but a legal counsel is not available. Even worse, when the hearing of the witnesses opens, you find out that at least one of them speaks a language you do not understand and there is no interpreter. During the trial, you learn from the judge that this is the second sitting and the first one has been made without your presence. The longer the trial goes on, the clearer it becomes that everybody is

convinced of your guilt, and that the only real question is what the punishment should be ...

This example shows what happens when the guarantees of a **fair trial** are violated. The right to a fair trial, which is also called ‘fair administration of justice’, is one of the cornerstones of a democratic society abiding by the ‘rule of law’.



The Rule of Law

The rule of law cuts across various policy fields and comprises political, constitutional, and legal as well as human rights issues. Any democratic society which seeks to foster and promote human rights has to recognize the primacy of the law as a fundamental principle.

 Democracy Module.

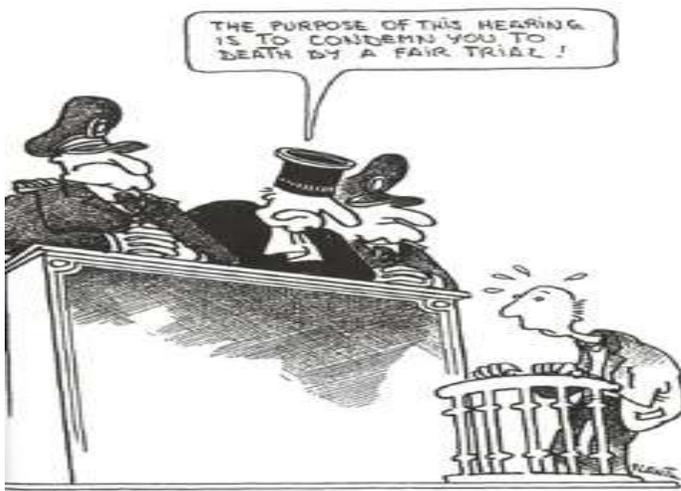
Although the rule of law is a cornerstone of a democratic society, there is no complete consensus on all its elements. However, it seems beyond controversy that citizens are protected against arbitrary acts of public authorities only if their rights are laid down in law. This law has to be publicly known, equally applied and effectively enforced. It is

thus evident that the execution of state power must be based on laws that were made according to the constitution, and with the aim of safeguarding freedom, justice and legal certainty.

In 1993 the *UN World Conference on Human Rights in Vienna* reaffirmed the inseparable link between the principle of the rule of law and the protection and promotion of human rights. It recognized that the absence of the rule of law is one of the major obstacles to the implementation of human rights. The rule of law provides the foundation for the just management of relations between and among people, thus fostering diversity. It is a pillar of the democratic process. The rule of law also ensures the **accountability** of rulers and control by law over them.

» *My choice of the rule of law as an overarching theme in my own work is due not at least to its universality. It is also the most solid foundation of security.*«

SERGIO VIEIRA DE MELLO, UN HIGH COMMISSIONER FOR HUMAN RIGHTS, 2003



Historical Development of the Rule of Law

The principle of the rule of law has its roots in medieval England. As early as 1066 a central administration was established by William the Conqueror. Although the king embodied the central governmental, legislative and juridical power, he himself did not stand above the law – it was the law that had made him king. Out of this understanding, the common law courts and the parliament, together with the nobility, strengthened their influence in the national system, building the first parliamentary monarchy in Europe. The cornerstones in the development of the rule of law were the *Magna Charta (1215)*, granting certain civil and political rights to the nobility, and the *Habeas Corpus Act (1679)* which gave people in custody the undeniable right to be informed why their liberty was restricted.

On the European continent, the principle of the rule of law gained importance against the background of civil revolutions throughout the seventeenth and eighteenth century. Today, the rule of law is a core principle of national and regional institutions almost worldwide.



Fair Trial as a Core Element of the Rule of Law

The rule of law means, in the first place, the existence of publicly known and non-discriminatory laws. Their mere existence, however, is nothing without their effective enforcement. Thus, the state has to establish institutions safeguarding the legal system, including courts, prosecutors and police. These institutions are themselves bound by human rights guarantees, as laid down in the universal and regional treaties for the protection of human rights, such as the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Human and Peoples' Rights.

It is important to note that the ICCPR makes a special reference to **juveniles**. It provides that in the case of juveniles, the procedure shall take account of their age and the desirability of promoting their rehabilitation. This means that states should draft legislation concerning relevant matters such as the minimum age at which a juvenile may be charged with a criminal offence, the maximum age at which a person is still considered to be a juvenile, the existence of

special courts and procedures, the laws governing procedures against juveniles and how all these special arrangements for juveniles take account of *“the desirability of promoting their rehabilitation”*.

In summer and autumn 2002 a series of murders terrorized Washington DC. Ten people were shot by a sniper in a month-long killing spree, three more were seriously injured. On 24 October, the police arrested two men: 42 year old John Allen Muhammad and his 17 year old companion, John Lee Malvo. The latter, though a minor, is facing court procedure in Virginia, where he could be sentenced to death. This has triggered a public discussion in the US as to whether the death penalty can ever be justified for a 17 year old.

Rule of Law, Fair Trial and Human Security

Human security cannot be realized without the rule of law and fair trial. The principles of rule of law and fair trial contribute to one's security in personal life as it guarantees that nobody is persecuted and arrested arbitrarily, that everyone is entitled to a fair court hearing and an independent and impartial judge. Fairness in court proceedings shall lead to justice and the confidence of the citizens in a predictable jurisdiction.

Furthermore, a strong judicial system helps to keep crime rates and corruption low, thus contributing to freedom from fear. In post-conflict situations, as for example in Bosnia and Herzegovina, it is especially important to re-establish the rule of law and the right to fair trial in order to enhance human security through legal security, the administration of justice and good governance. These are the means by which citizens will regain confidence and trust in the state and its authorities.

With regard to economic confidence and development, too, investment security strongly depends on a functioning administrative and judicial system. Hence, economic growth and social welfare which correspond to freedom from want, i.e. social and economic security, are also dependent on the rule of law and fair trial.

2. DEFINITION AND DESCRIPTION OF A FAIR TRIAL

What is a fair trial? The right to a fair trial relates to the administration of justice in both civil and criminal contexts. At the outset, it is important to understand that the

proper administration of justice has two aspects, the institutional (e.g. independence and impartiality of the tribunal) and the procedural (e.g. fairness of the hearing). The principle of fair trial upholds a series of individual rights ensuring the proper administration of justice from the moment of suspicion to the execution of the sentence.

Minimum Standards of the Rights of the Accused:

1. All persons shall be equal before courts and tribunals and are entitled to the minimum guarantees to a fair trial in full equality;
2. Everyone has the right to free access to effective, fair judicial remedies;
3. The tribunal is competent, independent, impartial, and established by law;
4. Everyone shall be entitled to a fair and public hearing; thus, the general public can be excluded only in specified cases;
5. Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law;
6. Everyone has the right to be tried without undue delay;
7. Everyone has the right to be tried in his presence. The accused has the right to defend himself in person or through legal assistance of his own choosing; if he does not have legal assistance he shall be informed of this right; in any case where

the interests of justice so require the accused shall be assigned legal assistance without payment by him if he does not have sufficient means to pay for it;

8. The accused has the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf. The accused has the right not to be compelled to testify against himself or to confess guilt;
9. The accused has the right to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
10. No one shall be held guilty of any criminal offence on account of any act or omission, which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed.

The international provisions, for example Art. 14 ICCPR, on the right to a fair trial apply to all courts and tribunals, no matter if ordinary or specialized. In many countries there are **military or special courts** which try civilians. Quite often, the reason for the establishment of such courts is to enable exceptional procedures to be applied which do not comply with normal standards of justice. While the Covenant does not prohibit such categories of courts, nevertheless the conditions which it lays down clearly indicate that the trying of civilians by such courts should be exceptional and take place under conditions which guarantees fully the provisions stipulated in Art. 14.



Equality Before the Law and Before the Court

The guarantee of equality is one of the general principles of the rule of law. It prohibits discriminatory laws and includes the right to equal access to the courts and equal treatment by the courts.

Its most important practical aspect is the **equality of arms**, comprising the idea that each party to a proceeding should have an equal opportunity to present its case and that neither party should enjoy any substantial advantage over its opponent.

The other aspect of equal treatment by the courts is that every accused person is entitled to be treated equally with similarly placed accused people, without discrimination on any grounds. However, in this context it should be kept in mind that equal treatment does not mean identical treatment. It means that where the objective facts are similar, the treatment of the administrative and judicial system must be similar, but where the facts found are different, the equality principle requires different treatment.

Access to Effective, Fair Judicial Remedies

The fair trial norms list a number of elements comprising the fair administration of justice. To some extent these elements may be seen as describing the general characteristics of judicial institutions and as outlining the broad parameters by which the fairness of a proceeding can ultimately be judged. However, before arriving at the point where such evaluations can be made, an individual must have been provided with the opportunity to have his or her case heard.

One important principle at issue in cases alleging a violation of the right to access to court is that the state cannot restrict or

Provisions on Fair Trial

- 1948 Universal Declaration of Human Rights, Art. 11
- 1950 European Convention on Human Rights, Art. 6
- 1966 International Covenant on Civil and Political Rights, Art. 14
- 1969 American Convention on Human Rights, Art. 8
- 1985 UN Basic Principles on the Independence of the Judiciary
- 1985 UN Standard Minimum Rules for the Administration of Juvenile Justice
- 1986 African Charter on Human and Peoples' Rights, Art. 7
- 1990 UN Basic Principles on the Role of Lawyers
- 1990 UN Guidelines on the Role of Prosecutors

eliminate judicial review in certain fields or for certain classes of individuals.

Free access to the court should not only be guaranteed in the context of civil litigation. It is equally important for the proper conduct of criminal cases as it provides protection against a sentence by a judicial body not meeting the criteria for a fair trial.



Independence and Impartiality

One of the basic elements of a functioning rule of law system is the role of independent and impartial courts in the legal system. According to the principle of the division of powers, the judicial power has to be completely separate from the legislative and executive powers.

In 2001, Amnesty International reported the case of 94 civilians tried by a military court in Egypt because of their alleged links to armed Islamist groups. They were tortured and held in detention, incommunicado. Furthermore, their right to a fair trial was restricted insofar as the impartiality and independence of the military courts from the executive was not provided.

The independence of judges is one of the pillars of an independent judiciary. If judges can be removed at any time by the government or other authorities, their institutional independence is not secured. Furthermore, if either the courts or the judges themselves are under the control or influence of non-judicial entities, no fair trial can be ensured. Examples of such control are: conditions of payment of judges, the possibility for other branches of government to issue instructions to courts, or threats of transfer of judges to other posts should their decisions not conform to expectations or instructions.

Court decisions may not be changed by a non-judicial authority, except in the case of constitutionally recognized amnesties, usually granted by the Head of State.

The fair trial norms do not require any specific structure for judicial benches, which may comprise professional judges only, combined panels of professional and lay judges, or other combinations of these. However, there are international standards on the independence of the judiciary which also include provisions for the appointment of judges. No international human rights

instrument requires a trial by a jury. However, where a country has instituted a jury system, the requirements of independence and impartiality apply to juries as well.

Public Hearing

In order to foster confidence in the administration of justice and ensure a fair hearing of the parties, proceedings should be open to the general public. According to the maxim that justice should not only be done, but should be seen to be done, the public has the right to know how justice is done and what decisions have been taken. A public hearing requires oral hearings on the merits of the case, which have to be held in public and where the members of the public and the press can attend. In this respect information about the time and the venue of the oral hearings has to be made publicly known by the courts. The principle of publicity must be fully respected, unless there is a reason which allows the exclusion of the public.

The reasons for **restrictions** are stated in the international instruments themselves, i.e. morals (e.g. the hearings involving sexual offences), public order (mainly in the court room), and national security in a democratic society or when the interests of the private

lives of the parties so require, and in special circumstances where publicity may threaten the provision of a just and adequate sentence.

However, even in cases in which the public is excluded from the trial, the **judgment must**, with certain strictly defined exceptions like the interest of juveniles or family matters, **be made public**.



Right to be Presumed Innocent

The right to be presumed innocent means that everyone who has been charged with a criminal offence has the right to be presumed innocent and shall be treated as innocent until and unless he or she has been proven guilty according to the law in a fair trial. This principle applies to the person from the moment of suspicion and ends when a conviction is confirmed after a final appeal. Thus, in criminal cases the prosecution has to prove an accused person's guilt and if there is a reasonable doubt, the accused must not be found guilty.

The right to be presumed innocent requires that judges and juries refrain from prejudging any case. This also applies to all other public

officials who are part of the procedure. However, it should be taken into account that there is no violation of this right when the authorities inform the public about the criminal investigations and in doing so name a suspect, unless there is a statement that the person is guilty.

The right to remain silent and the right not to be compelled to testify against oneself or to confess guilt also fall within the principle of the right to be presumed innocent. The right to remain silent requires also that silence shall not be taken into consideration in the determination of guilt or innocence before any investigation by the prosecutor. The right not to be compelled to testify against oneself or confess guilt implies a prohibition to engage in any form of pressure.

Right to be Tried Without Undue Delay

The period to be considered under the articles concerning undue delay includes not only the time until the trial begins, but the total length of the proceedings, including a possible appeal to a higher tribunal, up to the Supreme Court or other final judicial authority.

What constitutes a reasonable length of time may differ according to the nature of the case in dispute. The assessment of what may be considered undue delay depends on the circumstances of the case, such as the complexity of the case, the conduct of the parties, what is at stake for the applicant and the handling by the authorities.

Furthermore, it should be taken into account that in criminal law the right to have a fair trial without undue delay is a right of the victims, too. The underlying principle of the rule is well expressed in the phrase: "*justice delayed is justice denied.*"

Right to Defend Oneself in Person or Through Legal Counsel and Right to be Tried in One's Own Presence

Everyone charged with a criminal offence has the right to defend himself or herself, in person or through legal assistance. The right to a counsel in the pre-trial stages of a criminal trial is clearly linked to the right to be defended during trial. The provisions generally state that in the determination of any criminal charge against any person, he/she is entitled "*to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be*

informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it” – Art. 14 (3d) ICCPR.

Contents of the Right to Defend Oneself in Person or Through Legal Counsel and the Right to be Tried in One’s Presence

- the right to be tried in one’s presence.
- to defend oneself in person
- to choose one’s own counsel
- to be informed of the right to counsel; and
- to receive free legal assistance

Depending on the seriousness of the possible punishment, the state is not obliged to assign a legal counsel in every case. For instance, the UN Human Rights Committee has held that any person charged with a crime punishable by death must have counsel assigned. However, a person accused of speeding would not necessarily be entitled to have counsel appointed at the expense of the state. According to the Inter-American Court of Human Rights, counsel must be provided if it is necessary to ensure a fair hearing.

When the counsel has to be assigned, it should be taken into consideration that the accused has a right to an experienced, competent and effective defense counsel. S/he also has the right to confidential communications with his/her counsel.

Although there is a right to be tried in one’s presence, trials in absentia can be held, exceptionally and for justified reasons, but strict observance of the rights of the defense is all the more necessary.

Right to Call and to Examine or Have the Witnesses Examined

This provision is designed to guarantee the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witness who is available to the prosecution. It ensures that the defense has the opportunity to question witnesses who will give evidence and to challenge evidence against the accused.

There are some limitations on the examination of prosecution witnesses. These are on the basis of the accused’s conduct, when the witness reasonably fears reprisal or if the witness becomes unavailable.

Right to Free Assistance of an Interpreter

If the person does not understand or speak the language used in the court, he or she has the right to have the free assistance of an interpreter, including the translation of documents. The right to an interpreter applies equally to nationals and aliens not sufficiently proficient in the language of the court. The right to an interpreter can be claimed by the suspect or by the accused at the moment of interrogation by the police, by an investigating judge or during the trial. During the proceedings an interpreter translates orally to the accused and to the court.



The Principle of *Nulla Poena Sine Lege*

The Latin phrase “*nulla poena sine lege*” simply means that no one can be found guilty for acts which were not forbidden by law when they were committed, even if the law has since changed. Accordingly, no heavier penalty can be imposed than that applicable at the time of the criminal offence. This so-called **non-retroactivity** of the law ensures that a person living in compliance with the law does not run the risk of suddenly being punished for originally lawful acts. Therefore, the application of the principle of non-retroactivity is indispensable for legal security.



3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

The principle of the rule of law is generally recognized. However, considerable cultural differences can be found when comparing the interpretation of the contents of the rule of law in different countries. The most obvious distinction is that between the American and the Asian understanding. American lawyers tend to attribute specific characteristics of their legal system, such as the trial by jury, expansive rights of defendants and a very clear division of powers to the rule of law, whereas Asian lawyers stress the importance of the regular and efficient application of the law without necessarily subordinating governmental powers to it. This narrower conception, better characterized as *rule by* than *rule of* law, is closely connected to the notion of “Asian-style democracy”.

In some countries, the **Shariah** – the Islamic codification of law – limits the rights of women to a fair trial, as they do not have the right to access to court on an equal footing with men. However, distinctions on the basis of sex are prohibited by Art. 2 and Art. 3 ICCPR.

 Religious Freedoms Module.

Some of the problems countries in transition to democracy face cannot be traced back to cultural diversities. It is often the case that citizens show little regard for governmental and legal systems which are patronage-driven and corrupt, and street crimes as well as civil violence do increase as a result. The point is rather that the establishment of a well functioning rule of law regime takes time and requires financial resources. Furthermore, where political leaders do not show respect for democratic values and civil liberties, it is difficult to achieve judicial independence. However, in a world of economic globalization, the international need for stability, accountability and transparency, which can be guaranteed only by a regime respecting the rule of law, continues to grow.



4. IMPLEMENTATION AND MONITORING

Implementation

The protection of human rights starts at the domestic level. Thus the implementation of the rule of law depends on the willingness of a state to establish a system guaranteeing the rule of law and fair court procedures. States

must both establish and maintain the **institutional infrastructures** necessary for the proper administration of justice, and promulgate and implement laws and regulations guaranteeing fair and equitable proceedings.

Since the concept of the rule of law is very closely linked to the idea of democracy, embracing civil and political liberties, and indispensable for the development of market economies, its implementation depends on the realization of these values. Various case studies from transitional countries show that the establishment of the rule of law fails if political leaders are unwilling to comply with basic democratic principles, thus enabling corruption and criminal organizational structures.

The case of Albania: The turbulent transition process from a centrally planned state to an open market economy has caused serious problems. Although the first phase of political and economic change gave reason for optimism, local and international criminal organizations gained influence subsequently, due to the weak executive and judicial system. They established a financial pyramid scheme, which robbed the savings of more than 75% of the population, thus bringing the country close to a complete collapse in 1997.

As a general rule, the strengthening of the rule of law seems to be the only way to fight corruption, to hinder newly elected leaders from falling into authoritarian habits, and to foster respect for human rights through a functioning system of checks and balances. But how can all these be implemented in reality? Basically, three steps are necessary. Firstly, the existing law has to be revised and – insofar as this has not happened before – codified. Secondly, the institutions guaranteeing the proper administration of justice need to be strengthened, i.e. by the training of judges. Lastly, and this is probably the most difficult step to implement,

governmental compliance with law has to be increased – primarily to ensure judicial independence.

There are specific advisory bodies like the Council of Europe’s Venice Commission established to strengthen the rule of law or professional associations of judges, which assist or monitor the performance of governments.

Monitoring

In most countries basic human rights provisions are enshrined in the constitution. The constitution normally also provides for possibilities to invoke human rights provisions before domestic courts in case of an alleged violation of these rights. On the international level, human rights treaties are concluded to protect human rights. Once a state becomes a party to such a treaty it is obliged to guarantee and to implement the provisions at the domestic level. International law does not prescribe how the state has to implement such provisions. This depends on the way the domestic legal order has been organized.

In order to monitor the implementation of the human rights provisions and to guarantee

them, some of the human rights treaties like the UN Covenant on Civil and Political Rights provide for a supervisory mechanism. This mechanism consists of a **reporting system**, whereby State Parties are obliged to report at regular intervals to an international monitoring body, on how they have implemented the treaty provisions. For example, the UN Human Rights Committee comments on the way the State has fulfilled its treaty obligations and may also make suggestions and recommendations for improving the implementation of the human rights obligations. In addition, it issues **general comments** on the interpretation of the ICCPR, like General Comment No. 13 of 1984 on Art. 14 ICCPR.

Some of the human rights treaties also provide for a **complaint mechanism**. After having exhausted the domestic remedies, an individual may lodge a “*communication*” about an alleged violation of human rights which are guaranteed by that treaty. Such a possibility exists, for example, under the Optional Protocol of the UN Covenant on Civil and Political Rights, the European Convention on Human Rights (Article 34), the American Convention on Human Rights (Article 44) and the African Charter on Human Rights and Peoples’ Rights (Article

55). Under these treaties individuals can take their complaint to the UN Committee on Human Rights or the European Court of Human Rights, the Inter-American Commission on Human Rights or the African Commission for Human and People's Rights. These treaty bodies may examine the complaint and in case they find a violation the state concerned is recommended to take the necessary steps to change its practice or the law and to provide redress to the victim.

As part of its thematic procedures, the Human Rights Commission of the United Nations has appointed **special rapporteurs** on **extra-judicial or arbitrary executions** (1982) and on the **independence of judges and lawyers** (1994), whereas a working group has been established on **arbitrary detention** (1991).

Building a Culture of Respect for the Rule of Law in Kosovo

After years of war and armed conflict, the situation in Kosovo shows clear signs of advancement on its way towards a democratic society abiding by the rule of law. The **OSCE** plays an important role in this process, assisting in reestablishing the fundamental structures of the judicial system. This task is

aggravated by the fact that a mere institution building process will not suffice, since there is a lack of confidence in the judiciary and a culture of respect for the rule of law as well as a culture of human rights in general has to

Kosovo Judicial Institute – The KJI was set up to enhance the legal education of judges and prosecutors. Most training seminars, on aspects of criminal and civil law relating to international human rights standards, intend to refresh and update legal knowledge. The legal education programme also consists of study visits to countries in the region to foster and promote discussions about the challenges faced by judicial systems in transitional societies and devise solutions to improve actual judicial practices in Kosovo. A continued focus is the training of local trainers, for which a number of members of Kosovo's judiciary have assumed positions as judicial trainers at KJI.

Criminal Defence Resource Centre – The newest of the OSCE-founded institutions focuses on improving the capacity of defence lawyers so clients can be adequately represented, through direct case-related

be restored. Apart from support given to NGOs, professional organizations of lawyers and similar institutions, the OSCE has facilitated the establishment of the following institutions:

assistance, research and training. The CDRC provides a balance to the support, resources and expertise provided to the judiciary and prosecutors.

Kosovo Law Centre – The KLC serves as a legal think tank devoted to develop the professional skills of local legal talent. It has been active in assisting the Law Faculty at Pristina University on a variety of issues, including curriculum reform, establishing scholarships and exchange programmes, improving the legal library, and providing practical legal clinics. One of the KLC's most important projects has been to compile applicable laws in Kosovo for use by the legal community. Three compilations have been published to date on criminal law, family law and property law.

SOURCE:
[HTTP://WWW.OSCE.ORG/KOSOVO/LAW](http://www.osce.org/kosovo/law)

GOOD TO KNOW



1. GOOD PRACTICES

Development Aid for Establishing a Functioning Judicial System

Most Western countries are supporting rule of law reforms as part of their development assistance policies. For example, Russia has been supported by a US\$ 58 million World Bank loan; further assistance projects have been sponsored by the US, Germany, the Netherlands, Denmark, the EU and the European Bank for Reconstruction and Development. Some Asian and Latin American countries have received considerable financial assistance too, whereas the involvement in the Middle East and Africa is less significant. Support has also been given to projects strengthening the rule of law in post-conflict societal reconstruction, e.g. Bosnia and Herzegovina or Kosovo.

The Independent Judicial Commission (IJC) in Bosnia and Herzegovina

The High Representative established a Judicial Commission for Bosnia and Herzegovina in 2001. The mandate of the Commission embraces the promotion of the rule of law and judicial reform by evaluating the judicial, prosecutorial and governmental institutions, coordinating reforms, assisting

the domestic judicial training bodies, and providing advice to all stakeholders including civil society and the High Representative himself.

The Resolution on the Respect and the Strengthening of the Independence of the Judiciary (Africa)

The **African Commission on Human and Peoples' Rights** drafted this resolution in 1996, recognizing the importance of an independent judiciary not only for the sake of social equilibrium, but also for economic development. This resolution calls upon African countries to take legislative measures to safeguard the independence of the judiciary and to provide the judiciary with sufficient resources to fulfill its function. It is very important, for example, that judges can afford a decent living and have acceptable working conditions to ensure that they can maintain their independence. Furthermore, states should refrain from taking action which may threaten directly or indirectly the independence of judges and magistrates.

2. TRENDS



International Tribunals

After the atrocities in Rwanda and the former Yugoslavia the international community had to react – and set up two ad-hoc tribunals to instigate prosecution proceedings to try the most heinous crimes committed during the wars and armed conflicts. Even though these tribunals have done their work quite successfully so far, they have been criticized for various reasons: alleged illegality of the tribunals, uncertainties regarding the rules of procedure (as judges may change them according to their needs), the non-existence of compensation for people wrongly accused, and the general attitude of seeing defendants as “*the radical evil on trial*”. Learning from these shortcomings, the international community approached the establishment of the International Criminal Court in a different way. More responsibility has been left to the State Parties to the Rome Statute, and efforts were made to strengthen the rule of law.

Mediation and Arbitration

States are engaging more actively in alternative dispute resolution procedures (mediation and arbitration) to relieve courts

and shorten court procedures, but also with the aim of creating “*win-win situations*” for the parties by finding mutually acceptable solutions. Especially US courts are increasingly unable to cope with the rush of submissions within reasonable time periods, while in continental Europe the latter aspect prevails.

While court proceedings aim at the prosecution of legal claims, mediation also takes into consideration the needs and interests of the individuals and thus brings better results in matters such as business, family or neighborhood relations.

Mediation is a method of dispute settlement by the parties with the guidance and facilitation of a third party. **Arbitration** is the settlement of a dispute by a decision of an arbitrator, which is binding upon the parties.

Many countries provide for mandatory mediation at the pre-trial stage. The necessity of a court trial arises only if mediation does not lead to a solution. In the US and Australia, for example, so-called “*settlement weeks*” take place periodically, within which all court-connected cases are mediated. And indeed a large number of cases are settled

successfully (for example up to 70 % in the state of Ohio). Yet one could argue that the parties are denied access to court, because the alternative of time- and money-intensive court proceedings may impose a certain pressure on the parties to find a solution.

Increasing Trial Publicity

Throughout the last few years “*reality television*” has become increasingly popular. From police car chases to survival shows and daily life in apartment-sharing communities, almost everything can be found on TV. In this remarkable spectrum, courtroom-based shows have also found their – rather broad – fan community. No matter if live trials or television drama, justice can now be enjoyed from your couch, accompanied by a cold beer and some fries. This, of course, raises some critical ethical issues. While on the one hand the principle of public hearing is central to the right to a fair trial, on the other hand this form of presentation has little to do with showing justice in a proper way – it is rather about pure craving for sensation, and playing with viewers’ short-lived emotions. The most adequate counter-strategies are probably ethical guidelines developed by bar or judges’ associations.

3. CHRONOLOGY

- 1948** Universal Declaration of Human Rights
- 1950** European Convention on Human Rights
- 1966** International Covenant on Civil and Political Rights
- 1969** American Convention on Human Rights
- 1982** UN Special Rapporteur on Extra-Judicial or Arbitrary Executions
- 1984** General Comment No. 13 on Art. 14 ICCPR
- 1985** UN Basic Principles on the Independence of the Judiciary
- 1985** UN Standard Minimum Rules for the Administration of Juvenile Justice
- 1986** African Charter on Human and Peoples’ Rights
- 1990** UN Basic Principles on the Role of Lawyers
- 1990** UN Guidelines on the Role of Prosecutors
- 1991** UN Working Group on Arbitrary Detention
- 1994** UN Special Rapporteur the Independence of Judges and Lawyers
- 1998** Rome Statute of the International Criminal Court

SELECTED ACTIVITIES



1

ACTIVITY I: TO BE HEARD OR NOT TO BE HEARD?

PART I: INTRODUCTION

This activity is a role-play that aims at demonstrating the rules and procedures of a trial.

Type of activity: Role-play

PART II: GENERAL INFORMATION ON THE ACTIVITY

Aims and objectives

- To experience a courtroom situation
- To identify the notion of a fair and public trial
- To develop analytical skills

Target group: Young adults and adults

Group size/social organization: 15–20

Time: About 90 minutes

Preparation:

Arrange the classroom as a courtroom. Place one table for the judge in front and two others at right angles to it and facing each other, one for the accused and the defense, the other for the prosecuting team.

Skills involved:

Critical thinking and analytical skills, communicating, opinion building, empathetic skills

PART III: SPECIFIC INFORMATION ON THE ROLE PLAY

Introduction:

Explain that you are going to perform a courtroom situation in two different scenarios, one without a defense and one with defending mechanisms. Explain the roles and let participants choose.

- One person falsely accused of an offence, such as stealing or loitering
- Team of two or three people leading the prosecution
- A group of three or four people bringing the charges and writing them up on the board/flip chart
- A judge

The accusers and the group bringing the charges have ten minutes to prepare their accusatory statement.

Performance of the role-play:

In the first scenario, there are no defending attorneys and the accused cannot defend

her/himself. The other participants are the audience in the court. No one else in the class is allowed to voice an opinion. Ask the accusers to state their case to the judge and have the judge make a decision only on that basis.

After this, for a second scenario, appoint a new judge to give the final verdict of guilty or not guilty. Also appoint a defense team of two or three people. Allow the defendant to speak and the defense team to make their statement. The audience may give opinions as well. Only now does the new judge have to reach a decision.

Feedback

Bring participants back together.

First ask those who participated in the role plays:

- How much were you able to influence the judge's decision?
- How real was the simulation?

Now move on to motivate the whole group to think about the process and purpose of the two role-plays.

- What was different in the two scenarios and why?

- Did participants feel uncomfortable with the first scenario?
- Do you think scenarios like the first one can happen in real life?

Practical hints

Try not to explain the whole purpose of the role-plays before you start playing. The surprise value might have a greater impact on participants and will not hinder the performance of the role-play itself. Be careful with the performance, especially of the first role-play, and interrupt if the accused starts feeling anxious or frightened. This does not mean that the role-play has failed but shows how real the simulation can be.

Suggestions for Variation

For the second scenario, you can appoint an impartial jury of three or four instead of the judge. In the feedback, discuss the difference between a jury and a judge.

PART IV: FOLLOW-UP

Read out Article 10 of the UDHR.

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

Explain that in other words this means that if you should go on trial this should be done in public. A public hearing is one in which the defendant is present and the evidence is presented before him or her as well as his or her family and community.

The people who try the accused should not let themselves be influenced by others. On the basis of the role-plays performed, discuss the fact that everybody must have a fair chance to state his or her case. This is valid for criminal cases as well as civil disputes, when one person sues another.

Give participants a definition used by the UN of what constitutes an independent and impartial tribunal: ‘independent’ and ‘impartial’ means that the court should judge each case fairly on the basis of evidence and the rule of law should not favor either side of a case for political reasons.

Related rights/further areas of exploration:

The presumption of innocence, the recognition as a person before the law, the right to a competent defense; elements democracy

SOURCE:

ADAPTED FROM: UNITED NATIONS CYBERSCHOOLBUS;
AVAILABLE ONLINE AT:
[HTTP://WWW.UN.ORG/CYBERSCHOOLBUS/HUMANRIGHTS / DECLARATION/10.ASP](http://www.un.org/cyberschoolbus/humanrights/declaration/10.asp), FEBRUARY 2003



2

ACTIVITY II: “HOW CAN YOU DEFEND THOSE PEOPLE?”

PART I: INTRODUCTION

This activity is a discussion based on real life cases in order to identify prejudices and a corresponding notion of a fair trial.

Type of activity: Discussion

PART II: GENERAL INFORMATION ON THE DISCUSSION

Aims and objectives

- To identify prejudices and limits of neutral observation
- To develop analytical skills

Target group: Young adults and adults

Group size/social organization: 15–20

Time: About 60 minutes

Material: Handouts (see below)

Preparation

Prepare a handout of the statement of defense attorney Gerry Spence (see below).

Skills involved

Critical thinking and analytical skills, opinion building, communication skills, expressing different opinions and points of view on an issue.

PART III: SPECIFIC INFORMATION ON THE DISCUSSION:

Introduce the topic by allowing participants to imagine perpetrators of crimes they know (or you show a video tape of one of them). You can list them on a board or flip chart if you like.

Now let participants imagine that they are defense attorneys for clients accused of notorious crimes.

Hand out the statement of the defense attorney Gerry Spence, who described his response to the question frequently put to him, “How can you defend those people?”

Now start a discussion on the rights of perpetrators on the basis of this statement.

- Should everybody be considered innocent until proven guilty?
- If you are accused of a crime, should you always have the right to defend yourself?
- Should everybody be allowed to ask for legal help and get it free of charge if s/he cannot afford it?
- Should everybody be equal before the law?

If you wish, you can take down some arguments on a flip chart to sum up the discussion.

Feedback:

In a feedback round, ask participants only to summarize the discussion briefly:

- Why do you think attorneys defend criminals?
- Do you think that those attorneys are seen the same way as the criminals they defend and why?

Practical hints:

You can introduce the activity by showing a videotape or reading an article about notorious criminals such as those of the Nazi-era in Germany, the Ku Klux Klan in the US or dictators in Latin America or Asia. You can also refer to local and current circumstances and talk of people who are condemned in a public debate after having committed a serious crime. If you do so, be aware of the emotions such a topic may arouse. Do not judge participants’ opinions but clearly state that human rights are for all and that they cannot be derogated from arbitrarily at any time.

Tips for Variation:

Discuss Art. 11 of the UDHR. Write it down on a flip-chart and explain its meaning and purpose of it. You should be considered innocent until proven guilty. If you are accused of a crime, you should always have the right to

defend yourself. Nobody has the right to condemn you and punish you for something you have not done. The presumption of innocence and the right to a defense are the two important principles articulated in this article. You can do the follow-up of the activity “To be heard or not be heard?” in connection with it.

PART IV: FOLLOW-UP:

Read out Articles 6 and 8 of the UDHR.

Art. 6: “*Everyone has the right to recognition everywhere as a person before the law*”. Explain that this means you should be legally protected in the same way everywhere, and like everyone else. Definition: A person before the law is someone who is recognized to be a subject to the protection offered by the legal system and the responsibilities required by it.

Art. 8: “*Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him/her by the constitution or by law*”. This means that you should be allowed to ask for legal help when your human rights are not respected.

SOURCE:

ADAPTED FROM: “CORRESPONDENCE BIAS IN EVERYDAY LIFE”, CARLETON COLLEGE, MINNESOTA, USA, AVAILABLE AT: [HTTP://CARLETON.EDU/CURRICULAR/](http://carleton.edu/curricular/)

Text for the handout:

“How can you defend those people?”

Gerry Spence, defense attorney:

“Well, do you think the defendant should have a trial before we hang him? If so, should it be a fair trial? If it is to be a fair trial, should the accused be provided with an attorney? If he is to be provided with an attorney, should the attorney be competent? Well, then, if the defense attorney knows that the defendant is guilty, should he try to lose the case? If not, should he do his best to make the prosecution prove its case beyond a reasonable doubt? And if he does his best, and the prosecution fails to prove the case beyond a reasonable doubt, and the jury acquits the guilty accused, who[m] do you blame? Do you blame the defense attorney who has done his job, or the prosecutor who has not?”

SOURCE:

ADAPTED FROM HARPER'S MAGAZINE, JULY 1997.

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ADDITIONAL INFORMATION

The International Commission of Jurists' Center for the Independence of Judges and Lawyers: http://www.icj.org/rubrique.php3?id_rubrique=40&lang=en

The COE Venice Commission: <http://www.venice.coe.int/site/interface/english.htm>

Inter-African Network for Human Rights and Development: <http://www.oneworld.org/afronet/afronet.htm>

The RIGHTS Consortium: <http://www.rightsconsortium.org/>

The Asia Foundation: <http://www.asiafoundation.org/programs/legal-reform.html>

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All Africa Com: <http://allafrica.com>

Centre of Islamic and Middle East Law (CIMEL): <http://www.soas.ac.uk/Centres/IslamicLaw/>

RELIGIOUS FREEDOMS

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

FREEDOM TO ADOPT AND TO CHANGE ONE'S
RELIGION OR BELIEF

FREEDOM TO MANIFEST THESE RIGHTS

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

ARTICLE 18, UNIVERSAL DECLARATION OF
HUMAN RIGHTS

ILLUSTRATION STORY

Jailed Turkmen Christian Shageldy Atakov, 38, said his farewells to his wife Artygul when she was allowed to visit him in the Seydy prison labor camp in northeastern Turkmenistan. Atakov told his wife that he did not expect to survive the brutal physical treatment he was suffering.

At the time of her visit he was bruised and battered, his kidneys and liver hurt and he was suffering from jaundice. He could barely walk and frequently lost consciousness.

Atakov had been threatened twice by state officials to stop him preaching and participating in his church, an unregistered Evangelical Christian-Baptist congregation, before he was arrested at his home on December 18, 1998.

After a secret police officer's warning a month earlier, a senior Muslim leader came to his home with a representative of the local religious affairs committee the week before his arrest to reiterate that he faced possible "legal charges" if he persisted.

Three months after his arrest, Atakov was sentenced to two years in jail. But a

prosecutor appealed against the March 1999 verdict as "too lenient."

At the time of his retrial several months later, he had been so harshly beaten that he asked his children not to touch him, because he was in such pain.

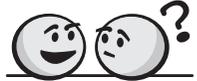
Atakov's wife and five children were forcibly deported from their home in Mary last February into internal exile in Kaakhka, where they remain under "village arrest."

The secret police orders came after his wife refused to allow their children to bow before the president's portrait in a daily ritual in the public schools.

(This incident was reported to a European NGO, which aims at promoting democracy, the rule of law and the rights of the individual throughout the world. Reporting on this case has not yet been continued.)

Adapted on the basis of a report from: Human Rights Without Frontiers, available at: <http://www.hrwf.net/newhrwf/html/turkey2001.html>, October 2002

DISCUSSION QUESTIONS:



1. What do you think are the reasons for Mr. Atakov's treatment? What feelings did you have while reading this story?
2. What do you think can be done to prevent similar things from happening? Do you know about protection systems that already exist?
3. Have you heard of similar incidents in your country?

» *No one by nature is bound unto any particular church or sect, but everyone joins himself voluntarily to that society in which he believes he has found that profession and worship which is truly acceptable to God. The hope of salvation, as it was the only cause of his entrance into that, so it can be the only reason to stay there...A church, then, is a society of members voluntarily united to that end.*«

JOHN LOCKE, LETTER CONCERNING TOLERATION, 1689

NEED TO KNOW

1. RELIGIOUS FREEDOMS:

A LONG ROAD STILL TO TRAVEL

Millions of people believe that there is something above humankind which guides us spiritually. For what you believe in you may be forced to deny it, to leave your family, be persecuted, imprisoned or even killed.

In the third century CE Buddhists were persecuted in India because they believed in the teachings of Buddha. Starting from the ninth century AD – the “Dark Ages” of Europe – Muslims and other non-Christian believers were persecuted “in the name of God”. Ensuing, the war for the expansion of the Ottoman Empire and the Islam terrified Europe. Jews were locked in ghettos not only by Christians but also by Muslims before them. The extermination of the Indians of Latin America also took place in the course of Christianization.

In the past and in the present, religious and non-religious people have been threatened for what they do or do not believe in. The ability to believe in something and to manifest it is known and protected as religious freedom and is not only a legal but also a moral issue. Religious beliefs strongly

interfere with one’s private sphere because they touch personal convictions and understanding of our world.

Faith is one major element for expressing one’s cultural identity, which is why religious freedoms are such a sensitive topic to address and seem to cause more difficulties than other human rights issues.

Another problem has hindered the regulation of religious freedoms in international human rights law. Throughout the world, religion and belief are a key element of politics and for politicians. Religious beliefs and freedoms are often misused for political demands and claims to power, often resulting in misleading arguments when religion and politics are linked.

Adequate protection has become all the more pressing in recent years as religious intolerance and persecution are at the forefront of many tragic conflicts around the world involving problems of ethnicity, racism, or group hatred. Persecution on religious grounds can be seen in current conflicts between believers and non-believers, between traditional and “new” religions in multi-religious states, or between states with an official or preferred religion and individuals or communities not belonging to it.

Today’s violations of religious freedoms range from the suppression of various beliefs in China, the “ethnic cleansing” of both Muslims and Christians in Bosnia and Kosovo, the tensions in Northern Ireland, to the religious divide of the sub-Saharan borders from Ethiopia to Nigeria and its religiously motivated killings. It ranges from the increasing relevance of religion in the conflicts between India and Pakistan, between Hindus and Muslims now sharpened by nuclear weapons, to the upsurge of religious extremism of Islam and, most recently, the increasing anti-Islamic feelings in the United States and Europe.

There are, unfortunately, numerous other cases to exemplify the urgency of dealing with religious freedoms especially when they are linked with extremism. This phenomenon has to be addressed separately.

 Need to Know.

Religious Freedoms and Human Security

The **freedom from fear** is a key value of human security. This key value is immensely threatened by the violation of religious freedoms. If you cannot believe in whatever “God” or concept of the universe you like, personal freedom and security will remain

out of reach. Threats to the freedom of thought, conscience, belief and religion directly affect both individuals and groups in ensuring and developing personal integrity. When discrimination and persecution on religious grounds is systematic or institutionalised, it may lead to tensions between communities or even international crises. The agents of insecurity can be everyone – individuals, groups, or even states. This omnipotent and omnipresent menace of personal security on grounds of belief or religion needs special protection measures. Human rights education and learning is a key to the respect of others' thoughts or religious beliefs. The learning of respect, tolerance and human dignity cannot be achieved by force. It has to be a long-term commitment of each and every actor to build together individual and global security.

2. DEFINITION AND DESCRIPTION OF THE ISSUE



What Is Religion?

There is **no common definition** of religion in philosophical or sociological debates. However, there are several common elements in

» *No peace among the nations without peace among the religions.*

No peace among religions without dialogue between the religions. No dialogue between the religions without investigation of the foundation of the religions.»

HANS KÜNG, PRESIDENT OF THE FOUNDATION FOR A GLOBAL ETHIC

the different definitions, which have been proposed.

Religion, etymologically, related to the Latin *religare*, refers to “binding”. Religion is that which binds the believer to some “Absolute”-conceptualized either in personal or impersonal terms. It normally includes a set of rites and rituals, rules and regulations that enable individuals or communities to relate their existence to a “God” or “Gods”. According to Milton J. Yinger, it can be “*a system of beliefs and practices by means of which a group of people struggle with the ultimate problems of life.*”

By comparison, Black’s Law Dictionary defines religion as

“A [human’s] relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense [religion] includes all forms of belief in the existence of superior beings exercising power over human beings by violation, imposing rules of conduct, with future rewards and punishment.”

These and similar definitions all incorporate the recognition of the existence of something Supreme, Holy, Absolute, Transcendent, be it personal or impersonal. The “Supreme/Ultimate” has a normative function, and believers are expected to follow the teachings and rules of conduct of their religion, as the way to this “Absolute”. Believers are also expected to express their religious beliefs in varying forms of worship or cult. Generally, though not always, a church or other institution is established to organize the group or worship practices.



What Is Belief?

Belief is a **broader concept** than religion. It includes religion but is not limited to its traditional meaning. Black’s dictionary legally defined it as a “*belief of the truth of a proposition, existing subjectively in the mind, and induced by argument, persuasion, or proof addressed to the judgment.*”

Contrary to this Eurocentric conception of belief as an act of reflection, belief means **to trust** in the Supreme, Holy, Absolute or Transcendent. In international documents, the term *belief* has also been adopted to cover the **rights of non-religious persons** such as atheists (who believe in no deity),

agnostics (who are uncertain about the existence of a “God”), and rationalists. Beliefs of another character – whether political, cultural, scientific, or economic – do not fall under this protection but need to be addressed separately.

 Freedom of Expression and Freedom of the Media Module.



What Are Religious Freedoms?

In international law, religious freedoms are protected as **freedom of thought, conscience and religion**.

These three basic freedoms apply equally to theistic or religious convictions and involve all beliefs with a transcendental view towards the universe and a normative code of behavior.

Freedom of religion and belief in a strict sense includes freedom *of* and freedom *from* religion and belief, which can be understood as the right to and not to accept any religious norms or attitudes.

Freedom of thought and conscience is protected the same way as freedom of religion and belief. It encompasses freedom of thought on all matters, personal convictions and the commitment to religion

or belief whether manifested individually or in community with others.

Freedom of conscience is often violated as shown by the numbers of “prisoners of conscience” all over the world. Those prisoners mostly belong to religious minorities of the region and are detained for their religious beliefs. The story of Mr. Atakov is only one of countless examples.

Freedom of thought and conscience and the freedom to choose and change a religion or belief are **protected unconditionally**. No one can be compelled to reveal his or her thoughts or be made to adhere to a religion or belief.



International Standards

Human rights law avoids the controversy of defining religion and belief and contains a **catalogue of rights** to protect freedom of thought, conscience, religion and belief. To better understand the complexity of religious freedoms, a classification on three levels can be made:

1. The Freedoms of Particular Individual Practices
2. The Freedoms of Collective Practices
3. The Freedoms of Particular Bodies

➤ The Freedoms of Particular Individual Practices:

Art. 18 of the Universal Declaration of Human Rights (UDHR) identifies **religious freedoms as “everyone’s” rights** which means it protects children and adults, nationals and aliens, and **cannot be derogated even in times of emergency or war**. The list of individual religious freedoms that is given in Art. 18 of the International Covenant on Civil and Political Rights (ICCPR) provides a detailed enunciation of the rights that fall within an internationally accepted minimum standard:

- The freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places for this purpose;
- The freedom to make, acquire, and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- The freedom to solicit and receive voluntary financial and other contributions from individuals and institutions;
- The freedom to train, appoint, elect, or designate by succession appropriate

leaders called for by the requirements and standards of any religion or belief;

- The freedom to observe days of rest and to celebrate holy days and ceremonies in accordance with the precepts of one's religion or belief;
- Religious freedoms at work, including the right to pray, dress codes and dietary regulations;
- The freedom to assembly and association for worship and observance;
- The freedom to proclaim one's belief;
- The right to change or reject one's religion;
- The right to religious education "in the best interest" of the child.

➤ The Freedoms of Collective Practices:

Religious rights do not only entitle individuals to enjoy the above mentioned freedoms. A religion or belief can be and usually is manifested in community and therefore often in public places. This implies the granting of freedom of assembly and association to the community of believers as well.

➤ The Freedoms of Particular Bodies:

Particular bodies based on religious grounds also enjoy full protection by the freedom of

religion. Such bodies can be houses of worship or educational institutions dealing with religious matters, or even NGOs.

Their rights include:

- The freedom to establish and maintain appropriate charitable or humanitarian institutions;
- The freedom to write, publish, and disseminate relevant publications in these areas;
- The freedom to teach a religion or belief in suitable places.

The Principle of Non-Discrimination

Discrimination and intolerance on religious grounds, which means any distinction, exclusion, restriction, or preference based on religion or belief, is prohibited. The prohibition of religious discrimination and intolerance is not limited to public life but also concerns the private sphere of individuals in which beliefs of religious and other natures are rooted. This means that neither the state, nor your employer or any other individual is allowed to set discriminatory acts against you.

 Non-discrimination Module

Education

Parents have the right to decide how to raise their children according to their faith. The provision "in the best interest of the child" is intended to limit the freedom of action of parents only where a religious practice can injure a child's physical or mental health. Such a practice can be the refusal of medical treatment or school education. For example, the refusal of blood transfusions may lead to the death of children of Jehovah's Witnesses whose belief is incompatible with medical treatment.

In the public domain states have the obligation to provide education which protects the child from religious intolerance and discrimination, and which offers curricula including the teaching of freedom of thought, conscience and religion.



DISCUSSION QUESTIONS

- How is religious instruction handled in your country?
- Do school curricula and textbooks in your country deal with freedom of religion and belief, including freedom of non-belief?
- Are there safeguards in your country for the independence of religious instruction?

Manifesting Faith

The freedom to manifest a religious belief includes protection of the words, teachings, practice, worship and observance of that belief. You have the right to talk about your faith, teach it, practice it alone or with others and observe dietary regulations, clothing requirements, or use a particular language, and associated rituals of your faith. Manifesting your religion or belief also means being able to avoid acts incompatible with prescriptions of a faith. Such actions may be the refusal of oaths, military service, participation in religious ceremonies, confession, or compulsory medical treatment.

Limits of Religious Freedoms

Whereas it does not matter what you believe in, the manifestation of your belief can reach limits when the interests of others are interfered with.

Restrictions on the right to manifest a religious belief have to be proportionate and based on law. They can only be imposed when necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. Limitations on this freedom are permissible for example in the case of human sacrifice, self-immolation, female genital mutilation, slavery,

prostitution, subversive activities and other practices that threaten human health and physical integrity.

3. INTERCULTURAL PERSPECTIVES/ CONTROVERSIAL ISSUES



State and Faith

One of the major differences worldwide regarding the protection of religious freedoms concerns the **relationship between states and religions or beliefs**. There are several principal patterns of how states can interact with faiths: state religions, established churches, state neutrality towards faiths and their institutions, no official religion, separation of church and state, and protection of legally recognized religious groups.

International standards do not require the separation of church or religion from the state. This means not prescribing any particular model of relationship between a state and beliefs, in particular not requiring the vision of secular societies, which banish religion from public affairs.

The sole international requirement is that any such relationship should not result in discrimination against those who are not of

the official religion or of the recognized faiths. But where only *one* religion is taken to be constitutive of national identity, it is questionable if equal treatment of different or minority faiths can be guaranteed.

According to Western views, a neutral relationship between religion and state is far more likely to guarantee full protection of the religious freedoms of the individual. By contrast, traditional Islamic *Shariah* law, for example, links state with faith because this system is regarded as providing better protection of religious freedom for the community. It can be argued, however, that where the state is interlinked with a particular church or religion, it is unlikely that the rights of members of religious minorities receive equal protection.

DISCUSSION QUESTIONS

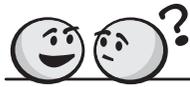
- What is the attitude of your country towards beliefs?
- Does your country recognize institutions of different faiths?
- Do you think it is possible to establish a system of equality of all faiths while privileging one?
- Do you consider it legitimate to allow confessional or religious political parties?

Apostasy – The Freedom to Choose and Change Faith

The act of apostasy – leaving a religion for another religion or for a secular lifestyle – is a still controversial issue despite clear international standards.

A person is an apostate if s/he leaves a religion and either adopts another religion or assumes a secular lifestyle. Historically, Islam, Christianity and other religions have taken a very dim view of apostates. The penalty was often execution. Today, apostasy in Islam is still severely punished in some countries where society is based on the Islamic *Shariah* laws. In practice, this very often means that there is no freedom to choose and change one's religion or belief.

International human rights law clearly opposes this view. A person has the right to choose his/her beliefs freely and without coercion. The debate on this issue is highly emotional and sensitive as it touches deep convictions and different understandings of religious freedoms. It illustrates the cultural differences in the perception of religious and other freedoms, seeming to divide the “West” from the “Rest”.



DISCUSSION QUESTIONS

Do you think that in practice people can freely choose their beliefs and change them? Can this eventually lead to a clash with other human rights?

Proselytism – The Right to Disseminate Belief

You have the right to disseminate your beliefs and to encourage people to convert from one faith to another as long as you do not use coercion or force. This action is called proselytizing or evangelizing.

In Central Europe, Eastern Europe and Africa conflicts have arisen between local churches and foreign religions promoting missionary programs. In certain cases, governments have forbidden such actions. Human rights law requires that governments protect the right to freedom of expression, and that believers enjoy freedom to engage in non-coercive forms of proselytizing, such as “mere appeals to conscience” or the display of placards or billboards.

Forcing somebody to convert to another faith is clearly a violation of human rights, but the question as to what is permissible is still not regulated in international law. A “coercive

circumstance” has to arise in order to limit proselytizing: the use of money, gifts or privileges in order to make a person convert; proselytizing at places where people are present by force of law (classrooms, military installations, prisons and the like).

Conscientious Objection to Military Service

The intercultural controversy continues over what is called conscientious objection to compulsory military service. One can be exempted from military service if the obligation to use lethal force seriously conflicts with one's conscience; and if no adverse distinction from people of other beliefs can result.

A certain trend to acknowledge such a right by national legislations can be noted in some countries where alternatively community service is provided (in Austria, France, Canada, or the USA for example). On the other hand, however, in other countries there is no such recognition of conscientious objection to military service and people may even be sent to prison for refusing to carry a weapon.



DISCUSSION QUESTIONS:

- Are there prisoners of conscience in your country?
- Do you think that there is a need for the right to *refuse* to kill to be explicitly recognized in international standards?

4. IMPLEMENTATION AND MONITORING

The main problem of implementation of religious freedoms simply is the lack of an internationally enforceable instrument. The *1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* has a certain legal effect as it may be seen as stating rules of customary international law. But a declaration is not a treaty and is therefore not legally binding. Despite the international agreement on the necessity of a convention there is not yet a consensus as to what to focus on.

The **Special Rapporteur on Religious Intolerance** has been established in 1986 to monitor the implementation of the 1981 Declaration. His/her mandate is mainly to identify incidents and government actions

that are inconsistent with provisions in the Declaration and to make recommendations on remedial measures, which should be taken by the states. Religiously motivated persecution and discrimination is found to affect individuals as well as communities all over the world and all faiths. It ranges from violations of the principle of non-discrimination and tolerance in religion and belief to attacks on the right to life, physical integrity, and human security of person.

Also regional instruments deal with the implementation of the freedom of religion: The African Commission on Human Rights for example decided in recent cases in the Sudan that the application of the **Shariah law** has to be in accordance with international obligations.

Prevention Measures and Future Strategies

Prior to continuing the work on a legally binding convention, the *1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* has to be better promoted in order to develop a *culture of multi-religious living together*. Emphasis has to be put on the role of education as an essential means of combating religious intolerance and

discrimination. States have clear duties in international law to counter violence and discrimination in matters of belief. NGOs, religious and secular organizations have an equally clear role in highlighting violations by states and others, in defending the persecuted and promoting tolerance through information campaigns, awareness raising, educational programs and teaching.

What Can We Do?

We can start preventing discrimination and religious persecution by respecting the rights of others. Religious tolerance regarding faith involves **respecting followers of other faiths, whether or not we think that their belief is true. This** culture of tolerance and respect **demands that we refuse to discriminate, denigrate or vilify the religious other and respect the fundamental right to be different.** It also means refusing to discriminate against others in employment, accommodation and access to social services because they have another faith. Furthermore, we need respect to start a change in attitudes. There is a need for inter-faith dialogue as well as for the believers and non-believers to meet on common ground and learn to articulate respect for each other.

GOOD TO KNOW

1. GOOD PRACTICES



Interfaith Dialogue for Religious Pluralism

During the last few decades questions of religious and cultural pluralism have reawakened interest in churches and believers' communities. There is a sense of urgency about building positive relationships between peoples of differing faiths. As interest in dialogue has grown, so has its actual practice, enabling various religious communities to understand one another better and to work together more closely in education, conflict resolution and everyday community life. **International NGOs** promoting religious dialogue and peace are, amongst many others:

- The World Council of Churches;
- The World Conference on Religion and Peace (WCRP) with its permanent working group on "religion and human rights";
- The World Parliament of Religions;
- The Global Ethic Foundation; or
- The World Fellowship of Inter-Religious Councils (WFIRC).

Alongside, numerous **local and regional initiatives** are furthering conflict resolution

and conflict prevention through dialogue around the world:

- In the Middle East, *Clergy for Peace* brings together rabbis, priests, pastors and imams in Israel and in the West Bank for common action and to be witness to peace and justice in the region;
- In Southern India, the *Council of Grace* brings together Hindus, Christians, Muslims, Buddhists, Jains, Zoroastrians, Jews and Sikhs in an attempt to address situations of community conflict (Communalism);
- In the Pacific, *Interfaith Search* brings together representatives of many religions in Fiji seeking to overcome prejudices and to promote mutual respect and appreciation for one another.
- In Europe, the "Project: Interfaith Europe" is the first undertaking of its kind to invite urban politicians and representatives of different religions from all over Europe in the cities of Graz and Sarajevo.



DISCUSSION QUESTION

"In dialogue, conviction and openness are held in balance." How can this be done, individually and in a community?



"Religions for Peace" Through Education

Inter-religious education encourages respect for people of other faiths and prepares students to cast aside barriers of prejudice and intolerance.

- In Israel, a project called "Common Values/Different Sources" brought together Jews, Muslims and Christians to study sacred texts together in search of shared values that they could practice in everyday life, eventually resulting in a book for classroom use;
- In Thailand and Japan, recent Youth Leadership Ethics Camps brought together young representatives of those countries' religious communities for training programs in leadership vision, moral ethics, and community service, and strengthened reconciliation;
- In Germany, England, and other countries, educators are analyzing school textbook treatment of religious traditions that are foreign to the books' intended audiences.

2. TRENDS

Cults, Sects and New Religious Movements

Dozens of buildings damaged as Indonesian mobs attack Islamic sect: JAKARTA, Dec 24: Mobs have damaged and ransacked almost two dozen houses and two mosques linked to the Ahmadiyah Islamic sect in the Indonesian province of West Java, police said today. Jana said an investigation was under way but no arrests have been made so far. (AFP) (Posted @ 10:00 PST)

SOURCE:

HTTP://WWW.DAWN.COM/2002/12/24/WELCOME.HTM,
JANUARY 2003

Freedom of religion is not to be interpreted narrowly to mean traditional world religions only. New religious movements or religious minorities are entitled to equal protection. This principle is of particular importance in the light of current actions in which new religious movements are a recurring target for discrimination or repression. Such new movements are known by several different terms and need to be examined more closely. The terms “cult” and “sect” are used to refer to religious groups that differ in their beliefs and practices from mainstream religions. Both expressions are highly ambiguous, but a sect generally refers to a dissenting religious group, which has branched off from a

mainstream religion, whereas a cult is generally regarded as an unorthodox or spurious system of religious beliefs, often accompanied by unique rituals.

Because both terms are defined by “differing from the norm”, the views of what constitutes a sect or cult will be different among different beliefs. Buddhism and Hinduism will use it in a neutral way, while in the Western world “sect” or “cult” is often used with negative connotations. Those do not only arise from the difference of these groups compared to the norm, but also because they are often associated with complete dedication or abuse on financial grounds. Groups found to be commercial businesses rather than religious groups are not protected by religious freedoms. A famous and controversial example is the Church of Scientology, which in some countries is not granted the enjoyment of religious freedoms because of being seen as an enterprise, Germany being the best-known example.



DISCUSSION QUESTIONS

- Are minority beliefs protected in your country and if so, how?
- Do they have the same rights/support as (the) major belief(s)?

Women and Faith

Throughout history women have been discriminated against by nearly all faiths. And it is only lately that their religious freedoms have been addressed. Women’s discrimination in religion is twofold. They lack the freedom to manifest their faith, as they cannot equally access places of worship, nor preach nor lead. In addition they may become victims of certain faiths whenever religious laws, practices and customs penalize them or even threaten their lives:

- The rate of young girls being mutilated in rural areas of Egypt is 95%. Female genital mutilation is a religious and cultural tradition in many countries, and is strongly opposed by international human rights protection standards. Severe health problems may arise subsequently and can lead to death.
- Forced marriages often resulting in slavery are encouraged in parts of Nigeria, the Sudan, Pakistan, and other areas. A woman’s consent for marriage is not needed. Sometimes the “wives” are no older than nine.
- Rape as a specific form of “ethnic cleansing”: the religious affiliation of victims in many cases was the motivation for mass rapes in former Yugoslavia, Georgia, the Sudan, Rwanda or Chechnya. Forced pregnancies of raped women ensured that

they were publicly branded as having been raped, and thus shamed and dishonored as well as physically injured. Among the victims were young girls aged between seven and fourteen.

Religious Extremism and its Impacts

In the aftermath of the 11 September 2001 attacks, terrorism seems to instrumentalize religious belief more than ever. Many conclude that this tragic event only marks the tip of the iceberg between the nexus of faith and terrorism: the hi-jacking of planes, the bombings of Western embassies in Muslim-dominated countries, not to mention the “Palestinian question” and various “low-intensity” conflicts around the world, mobilize religion for political reasons.

However, this connection is very dangerous. It divides the world into “good” and “bad” scenarios and brands people because of their faith. But not every terrorist or extremist will be religious just as not every believer is a terrorist. When extremist attacks are connected with faith, with offenders claiming they committed a crime “in the name of God”, religion and its freedoms are used and abused to disguise politically motivated acts or demands.

» *Just as religion may wrongly be used to justify terrorism, so can ‘anti-terrorism’ actions of governments wrongly be used to justify actions that undermine human rights and freedom of religion or belief*«.

OSCE – BAKU CONFERENCE ON RELIGIOUS FREEDOM AND COMBATING TERRORISM, OCTOBER 2002

Recourse to terrorism in the name of faith does not demonstrate a clash of different cultures based on religious beliefs, as extremism is a global threat not limited to any particular society or faith, but a clash based on ignorance and intolerance.

The only way to combat every form of extremism effectively is to look for ways to break the vicious circle with violence engendering more violence.

DISCUSSION QUESTIONS

- What are the major reasons for conflict within and between religious communities? Can you give examples from your own experience?
- What do you think is the role of faiths in searching for peace and resolving conflicts? Think of examples where religions have served as agents of reconciliation.

3. CHRONOLOGY

Major steps in the history of the development of religious freedoms

- 1776** Virginia Bill of Rights, First Amendment
- 1948** Universal Declaration of Human Rights (Art. 2, 18)
- 1948** Convention on the Prevention and Punishment of the Crime of Genocide (Art. 2)
- 1950** European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 9)
- 1966** International Covenant on Civil and Political Rights (Art. 18, 20, 24, 26f)
- 1969** American Convention on Human Rights (Art. 12, 13, 16f, 23)
- 1981** African Charter on Human and Peoples’ Rights (Art. 2, 8, 12)
- 1981** UN-Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- 1990** The Cairo Declaration on Human Rights in Islam (Art. 10)
- 1992** UN- Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities (Art. 2)
- 1998** Asian Human Rights Charter (Art. 6)

SELECTED ACTIVITIES



1

ACTIVITY I WORDS THAT WOUND

PART I: INTRODUCTION

This activity aims at showing the limits of freedom of expression when what we do or say clashes with the religious beliefs and feelings of others.

Type of activity: discussion

PART II: GENERAL INFORMATION ON THE EXERCISE

Aims and objectives:

- To discover and accept other people's religious feelings
- To learn about limits of the freedom of expression

Target group: young adults and adults

Group size/social organization: 8–25

Time: at least an hour

Material: flipchart and marker

Preparation: prepare a flipchart and marker

Skills involved:

Listening to others, being sensitive and accepting other opinions

PART III: SPECIFIC INFORMATION ON THE EXERCISE

Description of the activity/Instructions

- Have the participants brainstorm a list of hurtful comments and stereotypes related to someone's conscience or religious beliefs; ones that they know can cause distress. Choose a few of the worst ones and write them down.
- Divide the participants into groups of four to six people. Some in each group should read the first statement. The group must simply accept that this is a comment that has hurt somebody. They are not to question whether *they* think the statement is hurtful or not.
- Have them discuss why the person hurt might feel the way he or she does; whether people should be allowed to say such things regardless of their effects; and what to do about it when it happens.
- Repeat for each statement.

FEEDBACK

Discussion

- How do participants feel after the activity? Was it difficult to accept that the comments have hurt others and remain silent?
- What limits should be placed on what we can say about our thoughts and beliefs? Should we always be able to say whatever we like?

Methodological hints

Make sure that you are discreet playing this activity by not weighting the statements.

Suggestions for Variation

As a closing activity: a letter to everyone. Write the names of the participants on little pieces of paper, make everyone draw one piece and write a letter saying kind things to that person – a suitable end to many activities that evoke controversies and emotions.

PART IV: FOLLOW-UP

If the participants continue to work together it could be a suitable activity to let the group find and establish discussion / communication rules which can be pinned on the wall

giving everybody the chance to refer to them whenever they think it is necessary.

Related Rights: freedom of expression

SOURCES:

UN PUBLISHING.1989. TEACHING HUMAN RIGHTS. PRACTICAL ACTIVITIES FOR PRIMARY AND SECONDARY SCHOOLS. CENTRE FOR HUMAN RIGHTS, GENEVA.



ACTIVITY II: MY NEIGHBOUR'S FAITH AND MINE

PART I: INTRODUCTION

The principle of non-discrimination and the prohibition of intolerance on religious grounds is the subject of this activity.

It is best working with participants of different religious beliefs.

Type of activity: multitask activity

PART II: GENERAL INFORMATION ON THE ACTIVITY

Aims and objectives:

- To work out and understand the notion of tolerance
- To analyze the facets of religious freedoms
- To develop imagination and creative thinking skills

- To learn about different customs/cultures

Target group: young adults and adults.

The activity can also be used for students of all ages with slight modifications.

Group size/social organization: 5–30

Time: 2–4 hours

Preparation: prepare a flip chart, flip charts papers and text-markers.

Skills involved: social skills: listening to others analyzing, communicating; critical thinking skills: giving one's opinion, reflective thinking; creative skills: creating metaphors, illustrating symbols

PART III: SPECIFIC INFORMATION ON THE ACTIVITY

Description of the activity/instructions

First part

- Group activity: Create a table with two columns. Name one column "Tolerance" and the other "Intolerance". Ask participants to brainstorm examples to write under each.
- Then ask them to examine and compare the two columns. (Hint: one of the things

that often happens is that all the definitions and examples under 'Tolerance' end up being 'passive' rather than 'active'. If this is the case, point it out.)

- Reporting one's own experiences of intolerance: Ask participants to describe an incident of intolerance that they might have witnessed. How could it have been contained or avoided? Do participants think there is a way to educate people towards a tolerant attitude?

Feedback

Notion of tolerance: Comparing the two columns, what can participants observe? What does a common definition of tolerance/intolerance have to include? Ask participants and note the participants' common view. Then give the first part of the definition of the *UN's Declaration of Principles on Tolerance*: "[tolerance] is an active attitude and a responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law."

Second part

- Organize a multicultural gathering. Ask each participant/small group of partici-

pants to represent a member of a different religious or spiritual group.

- Ask them to illustrate in a painting, pantomime, song, cartoon, or small role-play something that would demonstrate the customs and beliefs of the region.
- Give participants 20 minutes for preparation.
- Ask them to give a *presentation* about the different customs associated with each of the religions they are representing.

Feedback

- What can participants learn from the presentations? Do different presentations have something in common?
- Is it easier for participants to tolerate other beliefs/religions after having learned something about them?
- Give a second excerpt of the *UN Declaration of Principles on Tolerance*: [Tolerance] commits the member States to “educate caring and responsible citizens open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means.”

Methodological hints

For the second part of the activity make sure that the group is respectful of other participants’ beliefs. For that reason, you should not use this as a “getting-to-know-you” activity. Make sure, too, that the presentation of different customs does not hurt other believers’ feelings in discriminating them. Introduce this exercise in telling participants that the presentations should highlight the worship or rites and not why they are the only “true” or “good” ones. Before starting, it is better if all participants agree on a sign (e.g. a piece of red paper like a traffic light) to stop a presentation which might be offensive or simply based on a misunderstanding or erroneous information.

If despite your instructions participants might resent to be discriminated, stop the presentation and have a discussion on the motives of the misunderstanding of both sides.

Suggestions for Variation

If you work with children you can use both parts of the activity and leave out the definitions laid down in the UN Declaration of Principles on Tolerance. If you work in schools, you can co-operate with art teachers

for the second part of the activity. The presentation can also be done with plasticine or other materials.

PART IV: FOLLOW-UP

After this activity based on experience and creativity, you could continue with some intellectual input, e.g. some materials on tolerance / intolerance.

Related Rights/further areas of exploration

Discrimination on other grounds such as race, color, gender or ethnicity

SOURCE:

ADAPTED FROM UN CYBERSCHOOLBUS, AVAILABLE AT:
[HTTP://WWW0.UN.ORG/CYBERSCHOOLBUS/HUMANRIGHTS/DECLARATION/18.ASP](http://www0.un.org/cyberschoolbus/humanrights/declaration/18.asp),
 DECEMBER 2002

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<http://www.religioustolerance.org>

Soka Gakkai International (SGI) Worldwide Buddhist Association: <http://www.sgi.org/>

Special Rapporteur of the Commission on Human Rights on Freedom of Religion or Belief:
<http://www.unhchr.ch/html/menu2/7/b/mrei.htm>

RIGHT TO EDUCATION

AVAILABILITY AND ACCESS TO EDUCATION
EMPOWERMENT THROUGH TO EDUCATION

*»... Education shall be directed
to the full development of the
human personality and to the
strengthening of respect for
human rights and
fundamental freedoms ...«*

ARTICLE 26(2), UNIVERSAL DECLARATION OF
HUMAN RIGHTS

ILLUSTRATION STORY

THE STORY OF MAYA

“My name is Maya. I was born 14 years ago in a poor peasant family. There were already many children, so when I was born no one was happy.

When I was still very little, I learned to help my mother and elder sisters with the domestic chores. I swept floors, washed clothes and carried water and firewood. Some of my friends played outside, but I could not join them.

I was very happy when I was allowed to go to school. I made new friends there, and learned to read and write. But when I reached the fourth grade, my parents stopped my education. My father said there was no money to pay the fees. Also, I was needed at home to help my mother and the others.

If I were given the choice to be born again, I would prefer to be a boy.”

SOURCE:

THE MILLENNIUM REPORT, UN. 2000.

» *Live as if you would die tomorrow. Learn as if you would live forever*«

(ANONYMOUS)

DISCUSSION QUESTIONS



What are the main problems illustrated in this case? Do you feel sympathy for Maya and, in addition, do you think that there is any way for her to lift herself out of poverty and to find access to education? If so, what?

Can you think of reasons why such a large percentage of illiterate people are women?

Do you think that there are different kinds of knowledge? If so, what knowledge is important? What kind loses relevance?

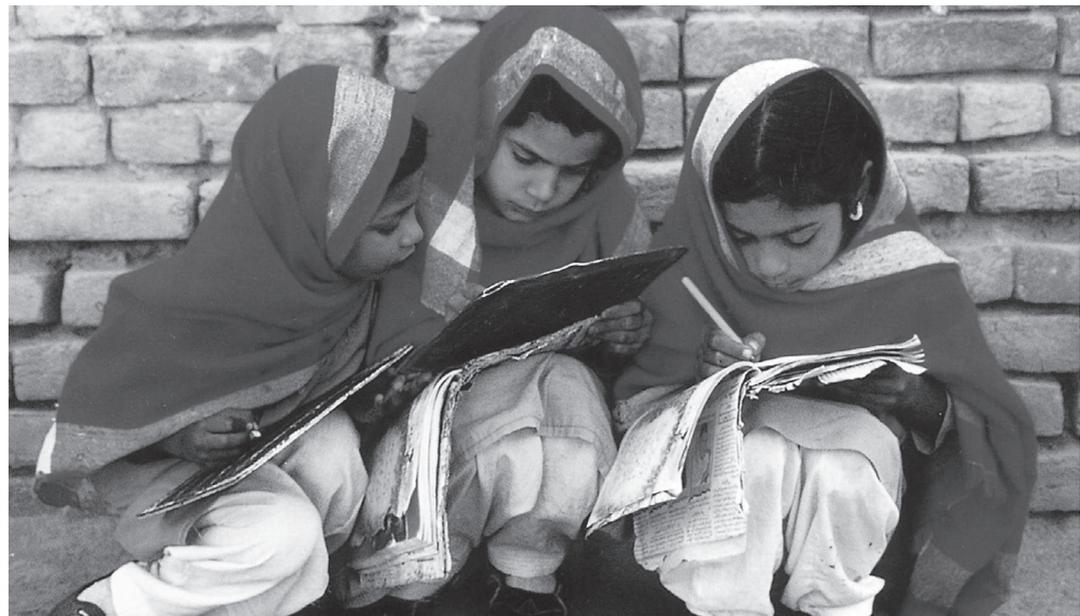
Do you think that the right to education is currently a priority for the international community?

Whose responsibility is it to eliminate ignorance and illiteracy?

What measures could be taken to eliminate illiteracy?

Is education important for the enjoyment of other human rights? If so, why?

Do you think that education can contribute to human security? If so, how?



AUTHOR: ISAAC

NEED TO KNOW

1. INTRODUCTION

Why a human right to education?

Nearly a billion people entered the 21st century unable to read a book or sign their names. This figure represents 1/6 of the world's population, or the entire population of India, and it is increasing.

The human right to education can be characterized as an “*empowerment right*”. Such a right provides the individual with more control over the course of his or her life, and in particular, control over the effect of the state's actions on the individual. In other words, exercising an empowerment right enables a person to experience the benefits of other rights.

The enjoyment of many civil and political rights, such as the freedom of information, the freedom of expression, the right to vote and to be elected and many others, depends on at least a minimum level of education. Similarly, a number of economic, social and cultural rights such as the right to choose work, to receive equal pay for equal work, to enjoy the benefits of scientific and technological progress and to receive higher education on the basis of capacity, can only be exercised in a meaningful way after a minimum level of education has been achieved.

The same holds true for the right to take part in cultural life. For ethnic and linguistic minorities, the right to education is an essential means to preserve and strengthen their cultural identity.

Education can also promote (although does not guarantee) understanding, tolerance, respect and friendship among nations, ethnic or religious groups and can help creating a universal human rights culture.

Education and Human Security

The denial as well as the violations of the right to education damage people's capacity to develop their own personalities, to sustain and protect themselves and their families and to take part adequately in social, political and economic life. On a society-wide scale, the denial of education harms the cause of democracy and social progress, and by extension international peace and human security. The right to know one's human rights through human rights education and learning can make a vital contribution to human security. Through education and learning about human rights and humanitarian law, violations of human rights and armed conflicts can be prevented or regulated and societal reconstruction after conflicts facilitated.

Education is more than just learning how to read, write or calculate. The Latin origin of the word itself is “*to lead somebody out.*” A person's right to education incorporates opportunities and access to primary, secondary, and tertiary education. While acknowledging a broader conception of the right to education, this module focuses on primary, or basic education, as vast numbers of people are denied even the foundations of a lifelong learning journey.

The human right to education as prescribed in the International Bill of Human Rights of the United Nations refers to free education in the “*elementary and fundamental*” stages. States, however, interpret this requirement to varying extents.

Most of the states comply with the obligation to provide free “*elementary and fundamental*” education to primary schooling (the first stage of formal schooling). In Europe, North America, Australia and some parts of South Asia, “*elementary*” education extends to full secondary education; however, at least 22 countries worldwide have no specific age for compulsory education at all.

Historical Development

Prior to the age of enlightenment in Europe, education was primarily the responsibility of parents and the church. Education started to be considered a matter of public concern and state responsibility only with the emergence of the modern secular state. At the beginning of the 16th and 17th century, the eminent philosophers John Locke and Jean Jacques Rousseau alluded in their writings to the modern conception of the individual right to education.

By contrast, classical civil instruments such as the British Bill of Rights of 1689, the Virginia Declaration of Rights of 1776, the American Declaration of Independence of 1776 or the French Declaration of the Rights of Man did not contain any rights specifically related to the right to education.

In the 19th century, the emergence of socialism and liberalism placed education more firmly in the realm of human rights. The writings of Marx and Engels perceived the state as a paternal and beneficial institution. 19th century liberal and anti-clerical thoughts also influenced the definition of the educational rights which were formulated to defend and advance the ideas of freedom of science, research and

teaching against church and state interference.

During the latter half of the 19th century the explicit recognition of educational rights emerged. The 1871 Constitution of the German Empire contained a section entitled "*Basic Rights of the German People*", similarly the German Weimar Constitution of 1919 included a section on "*Education and Schooling*" which explicitly recognised the duty of the state to guarantee education by means of free and compulsory school attendance.

The conclusion of various treaties after the First World War and the proclamation of the Declaration of Geneva in 1924 led to an international recognition of the right to education.

During the 20th century aspects of the right to education were enshrined in national constitutions and international bills of rights or recognised in non-constitutional or ordinary pieces of domestic legislation. The right to education has been explicitly mentioned in the constitutions of some fifty-two countries, for example Nicaragua, Cyprus, Spain, Vietnam, Ireland, Egypt, Japan, Paraguay and Poland.

England and Peru have recognised the right to education in non-constitutional legislation,

South Korea, Morocco and Japan have recognised the right in both their constitution and ordinary legislation.

No right to education is mentioned in the United States Constitution. US Courts at both - the federal and state level - have developed certain educational entitlements, particularly relating to equality of educational opportunity.

2. DEFINITION AND DESCRIPTION OF THE ISSUE



Content of the Right to Education and State Obligations

The right to education has a solid basis in the international law on human rights. It has been laid down in several universal and regional human rights documents. Examples are the Universal Declaration on Human Rights (Article 26), the International Covenant on Economic, Social and Cultural Rights (Articles 13 and 14) the Convention on the Elimination of All Forms of Discrimination against Women (Article 10) and the Convention on the Rights of the Child (Articles 28 and 29). On the regional level there is the European Convention on

Human Rights and Fundamental Freedoms (Article 2 of the First Protocol), the American Convention on Human Rights (Article 13 of the Additional Protocol to the American Convention on Human Rights in the area of economic, social and cultural rights) and the African Charter on Human and Peoples' Rights (Article 17).

The fundamental right to education entitles all individuals to certain forms of behaviour by their respective governments. States have the obligation to respect, to protect and to fulfil the right to education.

The obligation to respect prohibits the state itself from acting in contravention of recognised rights and freedoms, interfering with or constraining the exercise of such rights and freedoms. States must, *inter alia*, respect the liberty of parents to choose private or public schools for their children and to ensure the religious and moral education of their children in conformity with their own convictions. The need to educate boys and girls equally should be respected, as for all religious, ethnic and linguistic groups.

The obligation to protect requires states to take steps through legislation or by other means to prevent and prohibit the violation

» ... education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations, and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.«

ART. 13(1) ICCPR

of individual rights and freedoms by third persons. States should ensure that private schools do not apply discriminatory practices to or inflict corporal punishment on pupils. The obligation to fulfil in the ICESCR can be characterized as an obligation to the progressive realization of the right. Obligations of conduct and obligation of result can be distinguished.

The obligation of conduct refers to a certain action or measure that a state should adopt. The best example for this is Article 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) according to which new state parties that have not yet secured free and compulsory primary education have an obligation "to work out and adopt a detailed plan of action for the

progressive implementation, within a reasonable number of years ... of the principle of compulsory education free of charge for all."

Standards to be achieved:

- Free and compulsory primary education;
- Available secondary education that is accessible to all;
- Accessible higher education to all on the basis of capacity;
- Fundamental education intensified for those not having completed primary education;
- Elimination of illiteracy and ignorance through means of international co-operation taking into account particularly the needs of developing countries.

This means that the improvement of access to education for all on the basis of the principle of equality and non-discrimination and the freedom to choose the kind of school and content, represent the spirit and cardinal essence of the right to education.

The General Comment 13 of the Committee under the International Covenant on Economic, Social and Cultural Rights (ICESCR) identifies four elements of the state's obligations with respect to the right to

education. These are: availability, accessibility, acceptability and adaptability.



Availability

The duty to provide compulsory and free primary education is undoubtedly a prerequisite for realizing the right to education.

To ensure that primary schools are available for all children requires considerable political and financial commitments. While the state is not the only education provider, international human rights law obliges it to be the provider of last resort so as to ensure that primary schools are available for all school-age children. If the intake capacity of primary schools is below the number of primary school-aged children, then a state's legal obligation as regards compulsory education is not being translated into practice, and access to education will remain a need to be realized as a right.

The provision of secondary and tertiary education is also an important element of the right to education. The requirements of "*progressive introduction of free education*" does not mean that a state can absolve itself from its obligations.

» *Educating a woman is educating a family, a community, a nation.*«

AFRICAN PROVERB

Accessibility

At a minimum, governments are obliged to ensure the enjoyment of the right to education through guaranteeing access to existing educational institutions by all, girls and boys, women and men alike, on the basis of **equality and non-discrimination**.

The affirmative obligation to ensure equal access to educational institutions encompasses both physical and constructive access. Physical access to institutions is especially important for the elderly and disabled. Constructive access means that exclusionary barriers should be removed, for example by the elimination of stereotyped concepts of the role of men and women from textbooks and educational structures, as provided by the Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Acceptability

The Special Rapporteur on the Right to Education, *Katarina Tomasevsky*, has stated in one of her reports that "*the State is obliged to ensure that all schools conform to the minimum criteria which it has developed as well as ascertaining that education is acceptable both to parents and to children.*"

This element involves the right to choose the type of education received, and the right to establish, maintain, manage and control private educational establishments. Pupils and parents have a right to be free from indoctrination and as such, mandatory study of materials that are incompatible with a pupil's religious or other beliefs may violate the right to education.

The issue of the **language of instruction** has spawned controversies. There is no general international human right to learn one's mother tongue at school when belonging to a linguistic minority of a country. Art.27 ICCPR only states that the *practice* of a language shall not be denied but remains silent on the issue of instruction in the mother tongue. In its *Framework Convention for the Protection of National Minorities*, the Council of Europe has recognized the right to learn one's mother tongue but has not recognized explicitly the right to receive instruction *in*

the mother tongue. The *European Charter for Regional or Minority Languages* has gone a step further in promoting the right to education in the mother tongue as an option for those states which have signed and ratified the Charter, the goal being bilingualism of minorities, recognized by the state. However, there are minorities which are not protected this way and do not even have the right to learn their mother tongue at school, such as the Roma in Europe or the Aborigines in Australia.

Adaptability

Normally, what a child learns in school should be determined by his or her future needs as an adult. This means that the educational system should remain adaptable, taking into account the best interests of the child, as well as the social development and advancement both nationally and internationally.

The responsibility to provide education to help fulfil the right to security has to be central to the understanding of the demands of human security. Governments have an obligation to ensure that the human right to education is respected, protected and fulfilled. However, the responsibility for

pursuing these obligations and commitments is not a solely state concern. It is also the task of civil society to promote and assist the full implementation of the right to education.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

Today, examination of state reports and reliable cross-temporal indicators are the most effective methods of keeping an eye on the issue. These indicators show us the disparities in the implementation of the right to education in various regions in the world.



SUB-SAHARAN AFRICA

Enrollment: From only 25 % in 1960, the regional primary enrollment rate climbed to nearly 60 % by 1980. After declining in the 1980s, enrollment is again close to 60 %. Over 40 million primary age children are not in school.

Gender: The gap has narrowed considerably, with girls' primary attendance rate now 57 % and boys' 61 % (However, Benin as an example has the greatest disparity in primary

enrollment, with the girls' rate about 30 % less than that of boys').

Effectiveness: In the region, one third of the children enrolled in primary school drop-out before reaching grade five.

Constraints: Armed conflicts and economic pressures from debt and structural adjustment policies have taken a severe toll on education. The region includes over 30 heavily indebted countries, and governments spend as much on debt repayment as on health and basic education combined.

Progress and innovations: Among countries achieving primary enrollment rates of 90 % or more are: Botswana, Cape Verde, Malawi, Mauritius, South Africa and Zimbabwe.



LATIN AMERICA AND THE CARIBBEAN

Enrollment: Access to primary education is virtually universal, with enrollment over 90%.

Gender: Although discrimination against girls and women is a problem in the region, girls' primary enrollment has been on a par with boys' for decades.

Effectiveness: High primary school drop-out and grade repetition rates are a serious problem.

Constraints: The region has the greatest disparities between rich and poor, and indigenous and impoverished populations face difficulties in gaining access to quality education.

Progress and innovations: The primary school enrollment rate has increased from under 60 % in 1969 to 90 %.

CENTRAL AND EASTERN EUROPE, THE COMMON- WEALTH OF



INDEPENDENT STATES AND BALTIC STATES

Enrollment: Universal access to free basic education was attained by the early 1980's.

Gender: There is parity between boys' and girls' primary enrollment and completion rates.

Effectiveness: Though available primary school completion rates are virtually all above 90 %, nearly one third of the countries in the region have no completion data.

Constraints: Real public spending on education has fallen in many countries, by one third in the Russian Federation and by three quarters or more in Azerbaijan, Bulgaria, Georgia and Kyrgyzstan. Many school buildings are in need of repair and heating is a problem in several countries.

Progress and innovations: Educational reforms are on several countries' agendas.



INDUSTRIALIZED COUNTRIES

Enrollment: Primary enrollment in the industrialized countries stands at close to 100%.

Gender: There is parity in boys' and girls' enrollment rates at the primary and secondary levels.

Effectiveness: In the 1960's, just over half of people in the industrialized countries completed upper secondary school. By the 1980's, the proportion had risen to two thirds and has continued to increase. However, an average of more than 15 % of adults in 12 industrialized countries are functionally illiterate; in Ireland, the United Kingdom and the United States, the rates are over 20 %.

Constraints: Not surprisingly, poverty appears to lead to lower academic achievement and higher drop-out rates.

Progress and innovations: Over three quarters of young children in Western Europe are in pre-primary education programs.

SOURCE:
UNICEF, 1999.

Despite the remarkable progress in efforts to enable children to fully enjoy their right to education, there is still a great deal of work to be done in order to achieve the objectives. There are still many unresolved issues of discrimination, inequality, neglect and exploitation affecting girls, women and minorities. Societies must therefore intensify efforts to address the social and cultural practices that still prevent these groups from fully enjoying their rights and thus contribute directly to their insecurity.

4. IMPLEMENTATION AND MONITORING

Since its inception in 1945, the United Nations has recognized the necessity of

“international co-operation in solving international problems of economic, social, cultural or humanitarian character.”

International co-operation, through the transfer of information, knowledge and technology, is essential to the effective realization of the right to education, especially for children in the less developed countries. It has been observed that the right to education is an economic necessity upon which the development of these countries depends. The provision of education should be considered by all states as a long-term, high-priority investment because it develops individual human resources as an asset in the process of national development.

International financial institutions like the World Bank and the International Monetary Fund (IMF) stress the importance of education regarded as an investment in human capital development. However, precisely these institutions force governments to cut public expenditures, including those relating to education, as a result of stringent conditions attached to their Structural Adjustment Programmes.

The 1990 **World Conference on Education for All** held in Thailand declared that the effective provision of basic education for all

» *The effective application of the child’s right to education is primarily a question of will. Only the political will of governments and of the international community will be able to promote this essential right to a point which will contribute to the fulfilment of every individual and to the progress of every society.*«

AMADOU-MAHTAR M`BOW, FORMER
UNESCO DIRECTOR-GENERAL

depends on political commitment and political will backed by appropriate and supportive fiscal, economic, trade, labour, employment and health policies. An **UNICEF** study covering nine countries identified six broad themes for achieving better results in ensuring the right to universal primary education. These are: political and financial commitment, the central role of the public sector, equity in the public sector, reducing the cost of education in households, and integration of education reforms into wider human development strategies.

The **World Education Forum**, held in Dakar from 26 to 28 April 2000, was the largest evaluation ever undertaken in the field of education. Altogether, 164 countries were represented, besides 150 civil society groups, including NGOs. The preparations for the forum had been particularly thorough. A considerable mass of information had been

collected emphasizing a highly contrasted situation from one country to another, with some countries having made remarkable progress while others were experiencing growing difficulties in various areas of education. The breakthrough outcome of the forum had been the adoption of the Dakar Framework for Action. 😊➡ Trends.

Strong **institutional support** for the full implementation of the right to education is required. **UNESCO** itself plays a leading role in this regard as education is its foremost field of action and its speciality. UNESCO has been instrumental for initiating educational reforms and promoting the full implementation of the right to education, as evidenced by the extensive corpus of standard-setting instruments, various documents, reports as well as the numerous forums, meetings, working groups and activities of co-ordination and collaboration with states, international inter-governmental organisations and NGOs. UNESCO is thus the leading agency for international co-operation in the field of education.

UNESCO has developed a set of mechanisms designed to permit the more effective application of provisions adopted and to ensure the better fulfilment of obligations

undertaken with regard to the right to education. The periodic reports that states are asked to submit have the effect of informing of the measures they have taken domestically to fulfil their obligations under the conventions to which they are parties. State parties to the Convention against Discrimination in Education, must give information in their periodic reports to the UNESCO General Conference on the legislative and administrative provisions which they have adopted and other actions which they have undertaken for the application of the Convention. In order to ensure smooth operations, UNESCO has set up subsidiary bodies responsible for examining the reports of the member states, such as the Committee on Conventions and Recommendations.



The Committee on Economic, Social and Cultural Rights, as a supervisory body, is responsible for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights in the state parties. It examines the national reports submitted regularly by these states and maintains a dialogue with them in order to ensure the most effective implementation of the rights enshrined in the International Covenant.

Education is not a way of escaping the country's poverty. It is a way to fighting it.

JULIUS NYERERE

The fuller realisation of the right to education can be achieved by improvements in the reporting and monitoring processes and a greater resolve on the part of states to fulfil their **reporting obligations** under the relevant international instruments conscientiously and in good faith. As with other economic, social and cultural rights, the monitoring of the implementation of the right to education on a progressive basis will benefit from the adoption and use of reliable indicators, the use of cross-national comparisons and country rankings. In the educational sector, reliable cross-temporal **indicators** include literacy rates, enrollment ratios, completion and drop-out rates, pupil-teacher ratios, and public expenditure on education as a percentage of total public expenditure or in comparison with other sectors such as the armed forces.

Problems of Implementation

As one commentator has aptly observed, it is not enough to proclaim lofty principles if they are to remain dead letters because the

methods used to implement them are absent or defective.

Social, economic and cultural rights often require substantial amounts of capital expenditure progressively over time for their effective implementation. Indeed, in the experience of many countries, education constitutes one of the leading governmental expenditure items.

Often, the main obstacle hindering a child's exercise of the right to education in developing countries is **poverty**. 😊👉 Freedom from Poverty Module. The problem is not so much that children do not have schools to attend. In fact, over 90 % of the developing world's children start primary schooling. The real problem is the very high rates in terms of students dropping out of school or repeating their school year.

The lack of funds prevents the authorities from building and maintaining schools, operating teacher training colleges, recruiting competent teaching and administrative staff, providing teaching materials and other supplies, and providing adequate transportation systems for the students. All of these directly depend upon the economic resources at the state's disposal. Poverty makes it difficult for families either to pay school fees

and the cost of books and school materials, or when schooling is free, to send a child to school when his or her work contributes to the meagre family budget. A study conducted by the “*Save the Children Fund*” revealed that as a result of their debt burden, African states have been forced in some cases to impose or increase school fees, raising the cost of education to families. As a result, millions of children have either never attended school or failed to complete their basic education.

Another factor is the widespread use in many countries of **child labour**. 🧑🏫 Work Module. Unfortunately, many families need this supplementary income to be able to make ends meet. A lack of economic resources as well as poverty can also prevent children from participating in and benefiting from their educational opportunities. Poverty produces hunger and malnutrition which can irreversibly damage the child’s developing brain.

The average pupil in Zambia walks seven kilometres every morning in order to get to school, has not eaten, is tired, undernourished and suffers from intestinal worms. He or she sits in class with approximately 50 other pupils who are in a similar condition. Their receptivity is minimal. The acoustics is bad, there is no chalk and there are too few notepads.

» *Education is a better safeguard of liberty than a standing army.*«

EDWARD EVERETT

Poverty and child labour are a notable obstacle for the **education of girls** in particular. 🧑🏫 Human Rights of Women Module. Many girls have to assume heavy workloads at a rather early age in order to survive. Not only that they are expected to respond to family needs and take over laborious chores, but also they are faced with social expectations regarding early motherhood and old-fashioned attitudes. These traditional views concerning girls education, though near-sighted and one-sided, still prevail and finally result in a lack of motivation of parents to send girls to schools. Certain groups of girls – such as girls from indigenous or nomadic communities, ethnic minorities and abandoned as well as disabled girls – face particular disadvantages. It is therefore a rising international concern to provide for the equal access to education for girls and thus enable them to fulfil their human potential.

International and internal **armed conflicts**, 🧑🏫 Human Rights in Armed Conflict Module, and civil strife can disrupt normal patterns of life. Regular schooling for students may be impossible when schools are located near the regions of conflict. Despite being protected under international humanitarian law, schools are often objects of attack.

Countries in conflict during the 1990s: Algeria, Burundi, Congo, The Ivory Coast, Ethiopia, ex-Yugoslavia, Gambia, Guinea-Bissau, Haiti, Lesotho, Nigeria, Pakistan, Rwanda, Sierra Leone, Somalia, etc.

DID YOU KNOW THAT:

The achievement of universal primary education within a decade in all developing countries would cost \$ 7–8 billion annually which represents: about seven days’ worth of global military spending, seven days’ worth of currency speculations in international markets, less than half of what North American parents spend on toys for their children each year.

GOOD TO KNOW



GOOD PRACTICES

- In **Egypt**, the government is integrating the successful concept of girl-friendly community schools into the formal education system and has launched a comprehensive package of reforms aimed at generating healthy and health-promoting schools.
- **Malawi** has cut the cost of schooling for parents by eliminating school fees and abolishing compulsory uniforms.
- The Busti Program in **Pakistan** which is a collaboration between a Karachi-based NGO and UNICEF aims to provide basic education to children who can then be admitted to formal schools. The age group covered is the five to ten year olds; about three quarters of the pupils are girls. The initiative has succeeded in reversing the normal gender bias partly by providing education in homes. It has set up more than 200 home schools, enrolling over 6000 students, at per-unit costs of \$ 6, far lower than the average cost in state-run elementary schools.
- **Mauritania** has adopted legislation to prohibit early marriages, made basic education compulsory and raised the minimum age for child labour to 16. It has founded a Council for Children to promote implementation of the Convention of the Rights of the Child and has promoted the establishment of juvenile courts in all main cities.
- In Mashan County in **China**, villages and households that take effective measures to send girls to school are awarded priority for loans or development funds.
- The People's Democratic Republic of **Laos** is successfully implementing a gender inclusive design which assures the access to quality primary education for girls in minority areas. The long-term objective is to bring more women into the mainstream of socio-economic development by progressively improving their educational level.
- In Mumbai (formerly Bombay) in **India** the Pratham Mumbai Education Initiative, a partnership among educators, community groups, corporate sponsors and government officials, has set up 1600 schools and helped modernize over 1200 primary schools.
- In **Afghanistan**, where girls were excluded from the official education system, UNICEF took the bold step of supporting home schools for girls and boys, beginning in 1999, by the end of 2001 home schools were teaching 58.000 children.
- The CHILD project in **Thailand** which started with donations of second-hand computers, monitors the connections between children learning and health.
- The decennial development program on education (PRODEC) is a program with the fundamental objective on achieving a 75 % primary school enrollment in **Mali** by the year 2008. The educational development centres (CED) are educational establishments in Mali, which are attended by 15 year old children who could not otherwise benefit from school. They are taught the rudiments of their language as well as a profession. Every class has 30 students – 15 boys and 15 girls.
- **UNESCO'S action** in education is built up around three strategic objectives:
 - Promoting education as a fundamental right;
 - Improving the quality of education;
 - Promoting experimentation, innovation and the diffusion and sharing of information and best practices as well as policy dialogue in education.

The Commission on Human Rights established a Special Rapporteur on the Right to Education in 1997 with the mandate to report worldwide on the status of the progressive realization of the right to education, including access to primary education as well as the difficulties encountered in the implementation of this right.

2. TRENDS



The Dakar Framework for Action – Education for All adopted at the World Education Forum, (Dakar, Senegal, 26 to 28 April 2000) expresses the commitment of the entire international community to the full realization of the right to education. The Dakar Framework for Action sets out six goals for achieving basic education for all by 2015:

1. Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
2. Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;
3. Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes;
4. Achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;

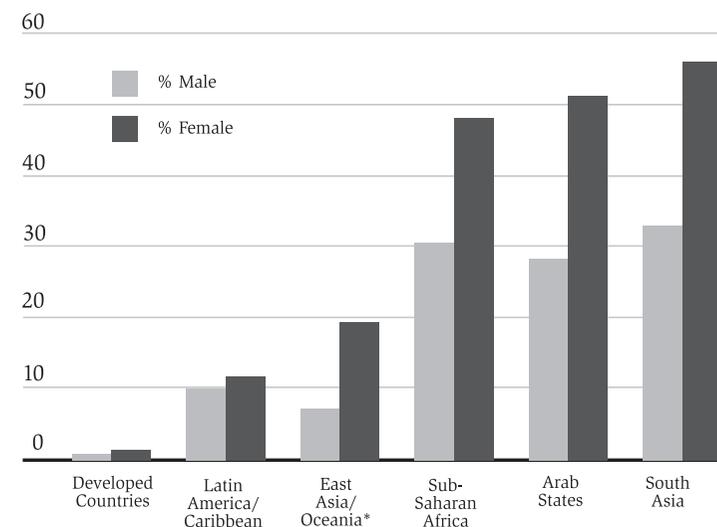
5. Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to basic education of good quality;
6. Improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy and essential life skills.

The **achievement of universal primary education by 2015** released at the Millennium Summit in September 2000 is one of the millennium development goals.

Current Situation with Regard to the Achievement of Universal Primary Education:

51 countries, with 40 per cent of the world's population, are on track to achieving universal primary education by 2015 or have done so already. But 24 countries are slipping back or far behind on the target – and 93 countries, with nearly 40 per cent of the world's population, do not have data to enable a judgement. Globally, one in every six children of primary school age is not in school.

Estimated world illiteracy rates, by region and by gender, 2000



Source: UNESCO Institute for Statistics
*Not including Japan, Australia and New Zealand

Benin with a Gross Domestic Product (GDP) per capita of only US \$ 990,- is on track to put all of its primary school age children in school by 2015 whereas Qatar, with nearly 20 times the income, is falling far behind.

The income per capita in Egypt is less than a third of that in Hungary, but whereas Egypt is on track to achieving universal primary enrollment, Hungary is now slipping behind.

SOURCE:
HUMAN DEVELOPMENT REPORT 2002, UNDP.

- Total primary enrollment in developing countries grew from 50 % in 1970 to 80 % in 1990 and to 84 % in 1998. Literacy rates in developing countries also grew from 43 % in 1970 to 65 % in 1990 and to more than 70 % in 1995. However, in contrast to this picture, some evidence to the contrary can be seen in the stagnation of enrollment in some other countries.
- Of the world's estimated 854 million illiterate adults, 544 million are women.
- 60% of children not in primary school worldwide are girls.
- Girls' enrollment in primary schools has been improving as it has been for boys. There is a concern, however, that the gap is growing.
113 million children of primary school age are being denied their right to education. 97% of them are in developing countries.
- 93 countries, with 39 % of the world's population, do not have data on primary enrollment.

3. CHRONOLOGY

- 1948:** In the Universal Declaration of Human Rights education is declared a basic right of every human being.
- 1959:** The Declaration of the Rights of the Child is adopted by the UN General Assembly. Education is declared the right of every child.
- 1960–1966** UNESCO's World Regional Conferences on Education.
- 1969** The International Convention on the Elimination of All Forms of Racial Discrimination enters into force, proclaiming the right of all to education, regardless of race or ethnicity.
- 1976:** The International Covenant on Economic, Social and Cultural Rights enters into force, guaranteeing the right to education for all.
- 1981:** The Convention on the Elimination of All Forms of Discrimination against Women enters into force, calling for equal rights in education.
- 1985:** The Third World Conference on Women. Education is declared the basis for improving the status of women.
- 1990:** The World Declaration on Education for All in Jomtien, Thailand. The conference, co-sponsored by UNDP, UNESCO, UNICEF, the World Bank and later UNFPA, presented a global consensus on an expanded vision of basic education.
- 1993:** The E-9 Education Summit in New Delhi, India. Representatives of the governments of the nine most populous nations in the developing world (Bangladesh, Brazil, China, Egypt, India, Indonesia, Mexico, Nigeria and Pakistan) pledge to achieve the goal of universal primary education by the year 2000.
- 1994:** The World Conference on Special Needs Education: Access and Equality in Salamanca. Participants declare that all countries should incorporate special needs education into their domestic education strategy.
- 1994:** The International Conference on Population and Development. Participating states commit themselves to promote and attain universal and equitable access to quality education to help eradicate poverty, promote employment and foster social integration, with a particular emphasis on girls' education.
- 1996:** The Amman Affirmation at the Mid-decade meeting of the International Consultative Forum on Education for All.
- 2000:** The Dakar Framework for Action adopted at the World Education Forum in Senegal.

SELECTED ACTIVITIES



1

ACTIVITY I: ACT IT OUT!

PART I: INTRODUCTION

This activity aims to deepen the understanding of the issues presented in the module on the right to education.

Type of activity: role play

PART II: GENERAL INFORMATION ON THE ROLE PLAY

Aims and objectives

The role play technique can enhance learning. Its purpose is to make participants experience an unfamiliar situation and to develop empathy and appreciation for different points of view.

Target group: Young adults, adults

Group size/social organization: about 20

Time: 60 minutes

Preparation: careful reading of the education module

Material: flip chart paper; markers

Skills involved: acting and linguistic skills, empathetic skills, creative skills

PART III: SPECIFIC INFORMATION ON THE ROLE PLAY

Introduction of the topic

- Explain that the purpose of the exercise is to come up with a dramatic representation of the content of the education module.
- Ask people to get into small groups (4-6) and give each group a large sheet of paper and markers.
- Give the groups ten minutes first to brainstorm all their ideas about the module and then to identify two or three key ideas that they would like to bring out most strongly in a role play.
- Now give the groups 30 minutes to design and rehearse their play. Explain that this must be a group effort and everyone should have a role in the production.
- After that gather the groups together so that everyone can watch each other's performance.
- Give a few minutes after each performance for feedback and discussion
 - Ask the observers as well as the players to state their opinions.

Performance of the role play

- Form a circle, making sure that there is enough space for the performance in the middle of it.
- Let each group act out their little "drama."
- Organisation hints:
 - Call out "Freeze" during a moment of intense action and ask actors to describe their emotions at that moment or invite the others to analyse what is happening.
 - Without warning, stop the action, ask actors to exchange roles and continue the action from that point
 - Have someone stand behind each actor. Halt the action midway and ask the "shadow" what they think their character is feeling and thinking and why.

Feedback:

Review the role-play itself

- How did people feel about this activity? Was it more or less difficult than they had first imagined? What were the most difficult aspects, or the most difficult things to represent?
- Did people learn anything new?
- Were there similarities or differences among the groups, and if so, where?

Methodological hints:

- A role play can take many forms, but in all of them participants act out little dramas which normally evoke strong feelings in the actors as well as in the audience. Therefore the group leader should encourage evaluation of what took place and should then analyse its relevance to human rights.
- Before each group starts its performance give clear instructions and ensure enough time for full development and discussion
- Be sensitive to feelings the play may evoke in the actors and in the audience
- Allow time for asking both players and observers how they felt
- Encourage evaluation of what took place and analysis of its relevance to the module and to human rights in general.

Suggestions for Variation:

Carry out this activity as a drawing exercise: get the groups to present a poster to express their main ideas.

PART IV: FOLLOW-UP

Look at plays or other pieces of literature with a human rights theme, and organise a dramatic performance for the members of your local community.

Related Rights: All other human rights

Source: Compass: A Manual on Human Rights Education with Young People. 2002. Strasbourg Cedex: Council of Europe Publishing.

**ACTIVITY II:
DIAMOND PATTERN****PART I: INTRODUCTION:**

This activity aims to enhance the understanding of the principles and provisions in the Convention on the Rights of the Child and relate it to the right to education in particular.

Type of activity: Group work

**PART II: GENERAL INFORMATION
ON THE EXERCISE****Aims and objectives:**

This activity deals with and evaluates some of the articles of the CRC in order to gain understanding of the right of every child to be educated.

Target group: young adults

Group size/social organization: about 20

Time: at least 60 minutes

Preparation:

- * List the articles 12, 13, 14, 17, 18, 27, 28, 29, 32 of the CRC on a large sheet of paper to make a wall chart
- * Prepare one set of article cards for each small group

Material: sets of article cards in envelopes

Skills involved: linguistic, co-operative skills, argumentative and critical skills, reflective skills

**PART III: SPECIFIC INFORMATION
ON THE EXERCISE****Description of the Activity/Instructions:**

- Start with a brief review of the CRC. Ask what people know about it. Point out the wall chart and go over the main articles.
- Divide the whole group into smaller groups. Hand out the envelopes with the CRC cards.
- Each small group has to discuss the nine articles and consider how relevant each one is to their own lives. They should then arrange them in a diamond pattern in

order of importance – all in all they should have about 25 minutes to discuss, arrange and eventually rearrange the shape of the diamond.

- When all groups have finished, they walk around the room to see how each group ranked the articles.
- Then call everyone together for a discussion

Feedback/Evaluation:

- Start by inviting each group to present their results. Then go on to review how participants enjoyed the activity and what they learned.
- Set up a couple of questions like: similarities and differences between the groups; why do we have different priorities; which arguments were the most persuasive, are there any rights missing in the CRC, what is the situation in our own community like?

Methodological hints:

- Dividing participants into smaller groups provides greater opportunities for participation and co-operation. Small group work can generate ideas very quickly and encourage relating personal experience to abstract concepts.

- Point out that there are no wrong or right ways in which to order the cards.
- Encourage participants to discuss various opinions and positions.
- Emphasize the importance of reaching an agreement within the group.



2

Suggestions for Variation:

- Select one of the articles and through art, story-telling, poetry, acting, etc. make a performance that represents it
- Let the participants choose one article and talk about it for one minute

PART IV: FOLLOW-UP

Review the school's management policies and curriculum to see how well the school meets its duties and responsibilities in relation to the CRC.

Related Rights: Social and economic rights, all other human rights.

Sources: Adapted from Compass: A Manual on Human Rights Education with Young People. 2002. Strasbourg Cedex: Council of Europe Publishing.

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ADDITIONAL INFORMATION

Education International: www.ie-ei.org

Electronic Resource Centre for Human Rights Education: <http://erc.hrea.org>

Gateway to e-learning on the Internet:
www.unesco.org/education/elearning

Human Rights Education Associates: www.hrea.org

Human Rights Internet: www.hri.ca

Human Rights Network: www.derechos.net

Office of the High Commissioner for Human Rights:
www.unhchr.ch

Right to Education: www.right-to-education.org

The People's Movement for Human Rights Education:
www.pdhre.org

The World Bank: www.worldbank.org

UN Children's Fund: www.unicef.org

UN Educational, Scientific and Cultural Organization:
www.unesco.org

United Nations Development Programme:
www.undp.org

World Education Forum 2000: www.unesco.org/efa

HUMAN RIGHTS OF THE CHILD

CHILD EMPOWERMENT AND PROTECTION
PARTICIPATION AND PROVISION
NON-DISCRIMINATION OF CHILDREN
BEST INTERESTS OF THE CHILD

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

ARTICLE 3, UN CONVENTION ON THE RIGHTS OF THE CHILD

ILLUSTRATION STORY

Children Affected by Armed Conflict

"I was abducted [by the Lord's Resistance Army] while my mother and I were going to the field . . . One of the other abducted girls tried to escape but she was caught. The rebels told us that she had tried to escape and must be killed. They made the new children kill her. They told us that if we escaped, they would kill our families.

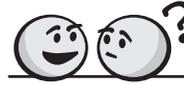
They made us walk for a week . . . Some of the smaller children could not keep up, as we were walking so far without resting, and they were killed . . . Some of the children died of hunger. I felt lifeless seeing so many children dying and being killed. I thought I would be killed."

SOURCE:

"THE SCARS OF DEATH: CHILDREN ABDUCTED BY THE LORD'S RESISTANCE ARMY IN UGANDA", HUMAN RIGHTS WATCH, SEPTEMBER 1997.

Sharon, a 13-year old girl, has been abducted by the Lord's Resistance Army, a rebel group based in the north of Uganda, fighting the government, but also terrorizing the local population, particularly by abducting children to use them in their rebel forces.

DISCUSSION QUESTIONS



In more than 85 countries worldwide children up to 18 are being recruited into national armies or armed opposition groups, 300,000 children are actively participating in armed conflicts. What may be the reasons for using children to fight the wars of adults?

Commercial Sexual Exploitation of Children

"Sitting at the bar in the dingy Del Ray Hotel here one recent evening, a 33 year old California bartender named David said he was on his second trip to Costa Rica in as many years. He spoke brazenly about how he had scanned several Web pages advertising youthful-looking female prostitutes in Costa Rica in his efforts to have sex with a girl who had no previous sexual experience. David, a stocky, unkempt man who insisted that only his first name be used, boasted of how he had arranged for one of the many taxi drivers connected with the sex trade to bring a 13 year old girl from her parents' home in a poor San Jose neighborhood to his hotel. The girl's mother and father asked \$400 for the use of the girl, which David said he eagerly paid."

SOURCE:

"THE SEXUAL EXPLOITATION OF GIRLS AND BOYS, LARGELY BY AMERICAN MEN, HAS REACHED ALARMING PROPORTIONS IN CENTRAL AMERICA," WASHINGTON POST, 2 JANUARY 2000.

DISCUSSION QUESTIONS



1. Do you think that children have a right to be saved from harm?
2. How can they be protected from such forms of exploitation?
3. Have you ever heard of cases in your country in which sex tourists have been tried before your national courts for having sexually abused and exploited children in other countries?

NEED TO KNOW



1. THE STRUGGLE FOR PROTECTING THE RIGHTS OF THE CHILD

Discussing the human rights of children is sometimes a strange experience. At first thought, everyone would immediately agree on young people's rights to a home, to living with family and friends, to having opportunities to develop personality and talents, to being respected and taken seriously. However, although children's rights have a smooth surface, there is much troubled water beneath. Once questions arise of responsibility for realizing these objectives, formulated as enforceable rights of the child, then controversies are close.

Just look at the UN Convention on the Rights of the Child (CRC). This international treaty, adopted by the UN General Assembly in 1989, constitutes the foundation for the international protection of human rights of children. And it is a success story insofar as the CRC is now – just 14 years after its adoption – ratified by 192 countries including all UN member states, except two (Somalia and the United States). So the CRC sets truly universal human rights standards for children. However, the good news on the standards' side is sharply contrasted by the disastrous picture on the implementation

» *A baby is God's opinion that the world should go on.*«

CARL SANDBURG

side. The recent UN/UNICEF end-of-decade review for the UN Special Session on Children revealed that, for instance, chances for child survival in sub-Saharan Africa have even deteriorated, while globally, 149 million children remain undernourished, and 100 million children do not receive formal education 🧐 facts and figures below.

Therefore expectations were high when 3 355 government delegates, 1 732 representatives from non-governmental organizations (NGOs) and more than 600 young people (aged 7-18) met in May 2002 in New York during the UN General Assembly Special Session on Children. This conference adopted a new international Plan of Action ("A World Fit for Children"), which took governments, UNICEF and other inter-governmental organizations and NGOs nearly two years to negotiate, with only mixed success. And most strikingly, one of the thorniest issues in the debate was the status of the Convention on the Rights of the Child in the outcome document, with some states, like the US, objecting altogether to a child rights-based outcome document.

Child Rights and Human/Child Security

The concept of human security has been described as promoting the freedom of the human being from fear and from want, with equal opportunities to fully develop his or her human potential. Thus, it focuses on situations of insecurity caused by violence as well as by poverty, further aggravated by discrimination and social exclusion. The requirement for prioritization and the element of urgency to counter immediate threats to a person's security is clearly in line with the concept of children's rights, in particular with the principle of priority consideration of the child's best interests. However, a few dilemmas persist.

First, a legal framework for the human rights of children as part of the general human rights regime is already in place, providing for comprehensive rights with corresponding binding obligations on states – while human security lacks this normative foundation so far. Second, human security/child security approaches sometimes tend to (over-)protectiveness, stressing the vulnerability and dependency of the child – while neglecting the child's own capacities and resources. Therefore, conceptual challenges for child security lie in how to best integrate the empowerment/self-enabling aspect,

which is central to the human rights discourse.

Following from this the complementarity of the child rights and child security approaches should be emphasized, as in the context of the current discussion on participation of children in peace processes and post-conflict reconstruction.

Since its beginning, the Human Security Network has paid special attention to child security, in particular in relation to armed conflict (including small arms, land mines issues). This commitment has also been reflected in the priorities of the Austrian 2002/03 Chairmanship of the Human Security Network: children affected by armed conflict, and human rights education.

2. DEFINITION AND DESCRIPTION OF THE ISSUE



The Nature and Content of the Human Rights of Children

The concept of children's rights has evolved on the one hand from the broader human rights movement, but is also derived from other developments in the social, educational and psychological field over the last 300 years. This includes the impact of state-

» *Any society wishing to deny children, or any other group, rights which are the common property of other groups, should be able to offer clear and sustainable reasons for doing so. The burden of proof always rests with those who wish to exclude others from participation; children should not be obliged to argue their case for possessing the same rights as everyone else.*«

BOB FRANKLIN (1995)

sponsored institutionalized compulsory education in schools, the negative effects of industrialization on children (for example child exploitation in factories or mines) and the consequences of war. A new understanding of child development evolved, from new teaching concepts and models of child-upbringing to “children liberation movements” in the 1970s. They helped to shift the focus from the child's vulnerability and protection needs to a new discourse on child autonomy, competence, self-determination and child participation, rejecting traditional paternalistic views of children as mere objects of parental/adult control. Eventually, all these developments combined had a strong impact on the political process, which started in 1979 within the United Nations: the drafting of a new, first legally binding document on the human rights of children – the Convention

on the Rights of the Child (CRC). The day of its adoption – 20 November 1989 – is now the annual *International Child Rights Day*.

PRINCIPAL CONCEPTS OF THE CONVENTION ON THE RIGHTS OF THE CHILD



Empowerment of the Child, Generational and Gender Aspects

Based upon the respect for the dignity of all human beings, the CRC recognizes every child as the bearer of his or her own human rights: these rights are not derived from or dependent upon rights of parents or any other adult. This is the foundation for the concept of empowerment of the child, enabling the child as a respected subject and citizen of society to challenge and change limiting and discriminating perceptions and expectations of young people.

Factually, children remain dependent on adults (due to their physical and emotional development, lack of material resources/income) and changes in the economic and social situation of the parents (unemployment, divorce of parents), which have immediate impact on the child's standard of

» *A hundred children, a hundred individuals who are people – not people-to-be, not people of tomorrow, but people now, right now – today.*«

JANUSZ KORCZAK, “HOW TO LOVE A CHILD” (1919)

living. Granting human rights to children, thus, does not create a specifically “privileged” social group. On the contrary, it is the necessary precondition for raising their status in society to a level where they can defend their interests on an equal footing with adults. Only then will a child be heard before a court in custody-related cases, will a girl feel secure enough to report sexual abuse. This also highlights the preventive, awareness-raising aspect of the empowerment of children.

And only then will the interests of children as a social group be taken seriously – a crucial challenge, considering the demographic situation in Western “ageing societies”, but also in the Southern hemisphere with young people often constituting up to 50% of the entire population.

In addition to this generational aspect, the gender dimension is of prime importance to the empowerment of children. Trafficking of girls for sexual exploitation, the killing of girls in the name of the “family’s honor”, exclusion and disadvantages in education and employment as well as degrading stereotypes in the media and the entertainment industry clearly show their double discrimination both as girls and as children.



A Holistic View of the Child

The CRC is unique as it is the first universal human rights treaty combining economic, social, and cultural as well as civil and political rights in one single document. The CRC follows a comprehensive (“holistic”) approach in addressing the situation of children; it goes beyond those earlier child rights declarations, which focused on the protective needs during child development, as it also encompasses provisions guaranteeing respect for the child’s identity, self-determination and participation.

The Child – Parent – State Relationship

At the same time it is important to stress that these dual dimensions –protective rights and autonomy rights – are not mutually

exclusive, but mutually reinforcing; the Convention does not favor e.g. autonomy rights over protective rights, as has sometimes been claimed by critics calling the CRC “anti-family” and fearing the breaking-up of families by granting human rights to the child. The CRC explicitly recognizes the “responsibilities, rights and duties” of (both!) parents to provide “appropriate direction and guidance” for the child. However, this parental responsibility is qualified by *being “consistent with the evolving capacities of the child”*, meaning that this responsibility does not grant any absolute power over the child, but is constantly dynamic and relative. Moreover, vis-à-vis the state, parents bear primary educational responsibility, but if they are not able or willing to fulfil their obligations, it is legitimate for the state/society to intervene.

Non-Discrimination of Children

The Convention states a clear prohibition of discrimination among children, providing a long list of grounds unacceptable for differentiation (also relevant in regard to the child’s parent/guardian): “race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (Art. 2).

» *I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.*«

MARTIN LUTHER KING JR.

There is no explicit provision about non-discrimination of children in relation to adults (discrimination based on age). However, considering the broad catalogue of rights in the CRC, any measure limiting those guarantees only on grounds of age would also be difficult to sustain in light of Art. 1 and 3(1).



Best Interests of the Child

» *The future promise of any nation can be directly measured by the present prospect of its youth.*«

JOHN F. KENNEDY

Art.3(1) formulates the overall guiding principle of the entire Convention, namely

“the best interest of the child.” This provision stresses the need to give priority attention to the child’s interests. It is not limited to actions directly targeting children (e.g. education, custody court cases, etc.), but, instead, it is relevant for all actions, which might have a direct or indirect impact on the child (employment policies, budgetary allocations etc). Therefore, this implies an obligation by any actor (state or private) to conduct a “child impact assessment” first, to consider possible consequences of any measure and alternatives and to further monitor the implementation of that measure. In addition, the principle of “best interests of the child” serves as an umbrella provision and guidance for any situation of conflicting CRC rights or where no explicit CRC provision might be applicable.



The CRC definition of the “Child”

Finally, one central question remains: Who is actually considered a “child” under the Convention on the Rights of the Child? Well, the CRC defines a “child” generally as any human being below the age of 18 (unless majority is reached earlier in the respective country, Art. 1), thereby choosing a rather simplistic approach by just separating adults

from non-adults. There are no other references to age limits in the Convention (except Art. 38) and the Committee on the Rights of the Child – the international UN expert body monitoring implementation of the Convention – has repeatedly stressed that this CRC approach also mandates states to review their national provisions on age limits both in terms of consistency and continued justification.

Apart from that the definition of Art. 1 also poses some pitfalls for the CRC implementation, as the group of “under-18s” constitutes a very diverse, inhomogeneous social constituency, which makes it essential to be clear about the target group of any measures.

Convention Rights: Participation – Protection – Provision

A commonly used structure for describing the contents of the Convention apart from the guiding principles and concepts indicated above follows the “three Ps” – *participation, protection, provision*:

- The **participation** aspect is represented first of all by an explicit recognition of a child’s right to participation as stated in Art. 12(1). Attributing “due weight” to the child’s perspective is the key element of this provision; it requires a level of

involvement of children which allows them to truly influence processes, to have an impact on decision-making. In addition, the CRC adapts other basic political and civil rights relevant in this context as children's rights, such as the freedom of conscience, religion, association, assembly and respect for one's privacy as well as the right to life (including an explicit prohibition of the death penalty for juvenile offenders), protection from torture and from arbitrary detention and fair trial guarantees.

- Regarding **protection** issues, the rights in the CRC include protection from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child" (this provision is also relevant in regard to disciplinary measures in schools). Protection is further strengthened by provisions aiming at measures against economic exploitation (child labour), sexual exploitation and trafficking of children, drug abuse and standards in relation to children and armed conflict.

» *If we wish to create a lasting peace we must begin with the children.*«

MAHATMA GANDHI

- **Provision** rights guaranteed under the CRC encompass the right to health, education, social security and an adequate standard of living.

Moreover, the CRC also develops *new standards* by formulating a child's right to protection of his or her identity, family and other social relations (including family reunification), limits for international adoption of children, a child's right to rest, leisure, play and cultural activity and a state obligation to ensure recovery and rehabilitation for all child victims of any form of violence or exploitation.

Summing up: Why Use a Child Rights-Based Approach?

- Children's rights are human rights – respect for human dignity regardless of age.
- Children's rights shift focus of attention – to the individual child and to children as a group in society.
- Children's rights are comprehensive and inter-related – no free speech without

prohibition of violence, no right to education without an adequate standard of living.

- Children's rights are legal rights – with corresponding state obligations for their protection and realization.
- Children's rights empower children – they require a new culture of inter-action with children, based on their recognition as subjects and bearers of rights.

3. INTERCULTURAL PERSPECTIVES AND CONTROL ISSUES



Protection of children's rights sheds light on the status of the child in society, on prevalent concepts of childhood, role models attributed to children, living conditions and infrastructure relevant to them. Moreover, it reveals a great deal about the status of the family as well as the status of women in that society.

One typical example of conflicting views relates to the corporal punishment of children. While any criminal code in the world would describe infliction of intentional

harm on others clearly a criminal act among adults, the same principle is not applied to children. Instead, you may find discussions on the “reasonable” number of lashes, regulations on the size and material of the rod, or the requirement to have a doctor present during the punishment. It is striking to see that currently there are only some ten states in the world, which have completely abolished corporal punishment. The Committee of the Rights of the Child has focused on violence to children by the state and in family and school during two thematic discussions in 2000 and 2001. Upon its recommendation a major UN study on violence to children was initiated in 2002 in order to draw global political attention to this problem.

Other typical contentious issues concern, for instance, the status of girls (e.g. “son preference” in family, education, employment, restrictive interpretation of religious laws, traditional practices like female genital mutilation, access to reproductive health services),  Human Rights of Women Module, or the problem of child labor, which is linked to various factors and conditions in the respective country, including structure of

» *Can there be a more sacred duty than our obligation to protect the rights of a child as vigilantly as we protect the rights of any other person? Can there be a greater test of leadership than the task of ensuring these freedoms for every child, in every country, without exception?»*

KOFI ANNAN, UNITED NATIONS
SECRETARY-GENERAL

economy, level of unemployment, of poverty, quality of the educational system, status of families and women.  Work Module.

4. IMPLEMENTATION AND MONITORING

Typically in the field of human rights, a gap exists between principles and practice, between commitments and their actual implementation, but one could argue that this gap is nowhere greater than in the field of children’s rights. Various reasons may be given for this situation (child rights issues are linked to often controversial discussions about “family values”/cultural/religious traditions, lack of child-focused infrastructure, of support to child-powered or of political initiatives), but one more contributing factor could also be found in the weak CRC treaty monitoring system.

» *Implementing the Convention is not a matter of choice, welfare or charity, but of fulfilling legal obligations.«*

CHILD RIGHTS CAUCUS
(INTERNATIONAL NGO PLATFORM
MONITORING FOLLOW-UP TO THE
SPECIAL SESSION ON CHILDREN), 2002

The Convention provides for only one mechanism for monitoring compliance with its provisions, namely **state reporting** to its supervisory body, the **Committee on the Rights of the Child**. Under this procedure, states are obliged to submit reports to the Committee on their progress in implementing the Convention (and the Optional Protocols). The Committee, as part of a „constructive dialogue“ with the respective government, leading to a critical statement and recommendations, reviews these reports.

There is no other monitoring mechanism as with other human rights treaties (individual or state complaint, or inquiry procedure), although lobbying from NGOs has already started for an individual complaint mechanism, which would allow the Committee to develop its own case law – a strong boost to a more elaborate legal discourse on children’s rights.

However, the Committee has been quite innovative in compensating for the lack of traditional mechanisms. First, it took a very open position towards involvement of NGOs, inviting them to submit their own reports on the country's child rights situation to get a more complete picture of the issues at stake. Second, the Committee initiated annual public forums ("Days of General Discussion") on specific topics (e.g. "the child and the family", "juvenile justice", "HIV/AIDS") in order to focus international attention on those issues.

Increasingly, however, the growing number of standards, instruments and institutions poses new challenges for monitoring, requiring closer co-ordination among all actors involved.

On the national level, the process following the UN Special Session on Children 2002 constitutes one major task for implementation and monitoring. The outcome document calls on all states to submit National Plans of Action as the basis for child-focused policies and measures no later than the end of 2003, "if possible".

» *We hereby recommit ourselves to spare no effort in continuing with the creation of a world fit for children, building on the achievements of the past decade and guided by the principles of first call for children.*«

"A WORLD FIT FOR CHILDREN",
DECLARATION AND PLAN OF ACTION,
ADOPTED BY THE UN GENERAL
ASSEMBLY SPECIAL SESSION ON
CHILDREN, 10 MAY 2002.

This **Summit's** outcome document also contains the commitment by states to establish and strengthen national child-focused support and monitoring bodies, such as, independent ombudspersons for children. Ombudspersons may provide complaint and redress mechanisms, counselling for children and parents, information and lobbying as well as monitoring functions – generally, acting as an institutionalized, independent children's lobby. In addition, child rights advocacy is still a largely adult-driven movement, so new ways for support of child/youth-led initiatives have to be explored.

Moreover, in several countries lobbying for the inclusion of CRC principles into national constitutions has started in order to provide for a stronger domestic legal framework for **children's** rights. In other countries like France or Belgium, CRC provisions have been applied already directly in court cases.

Finally, any promotional effort should be based on effective and reliable information, education and training strategies, with child rights and human rights education reaching out directly to children and young people. As the CRC Committee stated in 2001 in its first *General Comment on the "Aims of Education"* (Art. 29): "An education with its contents firmly rooted in the values of Art. 29 (1) is for every child an indispensable tool for her or his efforts to achieve in the course of her or his life a balanced, human rights-friendly response to the challenges that accompany a period of fundamental change driven by globalization, new technologies and related phenomena."

GOOD TO KNOW



1. GOOD PRACTICES

The following examples of initiatives and projects have successfully strengthened the implementation of the Convention on the Rights of the Child,  References and Additional Information.

“Connecting People” – a sponsorship project for young refugees in Austria, organized by Asylkoordination Österreich (Austrian coordinating NGO for refugee and migration organizations), with support from the Austrian Committee for UNICEF.

The basic idea of this project is to bring together unaccompanied young refugees with adults living in Austria who are willing to share some time with them, offer practical support to the refugee, e.g. in education, language courses, jobs, representation before authorities, sports activities, etc. A trusting relationship between the child and the sponsor is established, helping the refugee to stabilize in his/her environment and benefiting the sponsor with a rich personal experience. All sponsors are carefully selected and undergo pre-training on legal matters, psycho-social issues, working with authorities etc. Since its start in 2000, a new

group of sponsors has been established every year, receiving positive feedback from the participants and from the public, authorities and the media.

“Recht hat jede/r – Trainings zum alltäglichen Umgang miteinander” [Everyone has rights /is right – Training for everyday life together] – Workshop series organized by WUK KinderKultur (an open space initiative for cultural activities for children) and the Service Centre for Human Rights Education at the Boltzmann Institute of Human Rights. This Workshops Series aims at children (from 7 to 15) both at schools and in child/youth groups, focusing on peaceful conflict resolution, tolerance and communication through discussions, role plays, group activities; each workshop lasts about 2 1/2 hours and is facilitated by a team of two experts (trained mediators, entertainment motivators, psychologists, actors, teachers, etc). Since 2001 modules on “Responsibility,” “Conflict Resolution” and “Respect” have been developed and presented in over 80 workshops, reaching more than 1 600 children.



Non-governmental “Shadow Reports” and **“National Coalitions”** on domestic CRC implementation

States parties to the Convention on the Rights of the Child are required to submit progress reports on CRC implementation regularly to the UN Committee on the Rights of the Child. In order to facilitate a comprehensive review of these state reports, the Committee welcomes “shadow reports” prepared by NGOs or NGO networks (“national coalitions”) on their own assessment of the situation of children and adolescents in the country under review. In more than 90 countries such national child rights coalitions have already been set up, promoting and monitoring CRC implementation. In addition, an international NGO Group for the CRC provides support for NGOs and coalitions in reporting and monitoring processes.

- Child/Youth participation at the UN General Assembly Special Session on Children, May 2002

The most outstanding aspect of this second *UN Summit on World’s Children* in New York was the direct participation of some 600 children and young people (almost 10% of

the total 7 000 participants) from more than 150 countries in the events. From 5 to 7 May a separate Children's Forum took place; its outcome message was then presented to the General Assembly Special Session (8-10 May) by youth representatives (requiring even a special GA Resolution to give them the floor!). Despite the clear limitations for the impact of the "under-18s" on political negotiations within such a UN setting, those efforts (also including "child-friendly versions" of major documents) reflected the spirit of the CRC's right to participation and set standards for future UN processes.

2. TRENDS

The CRC as the framework for the protection of the rights of the child is not a "static" document, but under continuous development. This process is strengthened, for instance, by the Committee on the Rights of the Child through interpretation of the CRC, or by adopting new standards such as the *Optional Protocols* (2000) to the CRC on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (both came into force in 2002).

» *Mankind owes to the child the best it has to give.*«

UNITED NATIONS DECLARATION OF THE RIGHTS OF THE CHILD, 1959

Some other more recent trends in the field of children's rights include:

- **Structural aspects:** child/youth-led initiatives and organizations, establishment of ombudsoffices for children and youth and child-focused infrastructure, child rights monitoring.
- **Child and youth participation:** (locally, nationally, internationally), e.g. including political participation/right to vote.
- **Generational aspects:** non-discrimination of children as opposed to adults; distribution of wealth, access to resources; representation of interests of children and youth; demographic shifts.
- **Rights of the girl child:** (social role models/media stereotypes/religious/cultural backgrounds, reproductive health).
- **Right to information:** access to internet/data protection; violent content in media/TV/computer games, etc.; child pornography on the internet.
- **Violence to children and sexual exploitation of children:** global ban on corporal punishment; psychosocial support.
- Rights of the **disabled child:** (including education, vocational training).
- **Children and the economy:** mainstreaming of child rights issues into poverty reduction programs; child labor/eliminating worst forms; effects of economic globalization and liberalization of public services (health, education – GATS); impact of the entertainment and sports industry, advertising, mass media on **youth culture**.
- Basic social services, **impact of HIV/AIDS**.
- **Children in armed conflict,** child combatants' reintegration; responsibilities of non-state actors/private companies; role of the Security Council; role of the ICC; child rights training and codes of conduct for peacekeeping/field personnel.

Facts and Figures – Child Rights Statistical Information

- **Birth registration:** over 50 million births each year remain unregistered (75 % of them in sub-Saharan Africa).
- **Child mortality under five:** nearly 11 million children/year, dying often from readily preventable causes (major “killer diseases“: diarrhea, acute respiratory infections, diphtheria, tuberculosis, whooping-cough, measles, tetanus); more than 175 countries are now free of polio.
- **Mothers dying at childbirth:** global average: 400 maternal deaths per 100 000 live births; sub-Saharan Africa: 1 100; South Asia: 430; Middle East and North Africa: 360; Latin America/Caribbean: 190; East Asia/Pacific: 140; CEE/CIS/Baltic States: 55; industrialized countries: 12.
- **Teenage pregnancies:** 15 million infants born to under-18s annually; only 23 % of women (married or in union) in sub-Saharan Africa use contraceptives.
- **HIV/AIDS:** estimated 13 million children had lost their mother or both parents to AIDS by 2000; 95 % of these children live in sub-Saharan Africa.
- **Food:** estimated 150 million children are still undernourished.
- **Poverty:** 3 billion people subsist on less than \$2 a day, 1.2 billion (50 % of them children!) on less than \$1 a day; but 1 in every 6 children also lives below the national poverty line in the world’s richest countries.
- **Child labor:** some 250 million children between the ages of 5 and 14 work; in developing countries, estimated 70 % work in agriculture and the informal sector.
- **Street children:** estimated 100 million children (from 4 up) live and work on streets.
- **Education:** primary school enrollment: 82 % globally, but 100 million children remain out of school, 53 % of them girls.
- **Social services and political priorities:** on average, developing countries spend more on defense than on either basic education or basic health care; industrialized countries spent about 10 times more on defense than on international development aid.
- **Armed conflict:** 1990s: 2 million children died in armed conflict, 6 million injured or disabled; 300 000 directly involved in conflict as child soldiers.
- **Child refugees and displaced children:** 11 million child refugees world-wide.
- **Disabilities:** estimated 120 million to 150 million children live with disabilities.
- **Violence:** each year 40 million children under the age of 15 are victims of family abuse or neglect serious enough to require medical attention; 2 million girls are at risk of female genital mutilation annually.
- **Child trafficking:** in Africa & South East Asia 400.000 girls and boys are affected annually; world-wide: up to 2 million children and women trafficked annually.
- **Suicide:** some 4 million adolescents/year attempt suicide world-wide, and at least 100 000 die.
- **Ombudspersons for children:** established in at least 40 countries so far.
- **National Plans of Action (NPAs):** following the 1990 World Summit for Children: some 155 countries prepared NPAs.

SOURCE:

UN SECRETARY GENERAL'S REPORT, WE THE CHILDREN, PREPARED FOR THE SPECIAL SESSION ON CHILDREN, SEPTEMBER 2001, SEE WWW.UNICEF.ORG/SPECIALSESSION

3. CHRONOLOGY

- 1923/24** Declaration on the Rights of the Child (Eglantyne Jebb/League of Nations)
- 1959** UN Declaration on the Rights of the Child
- 1989** UN Convention on the Rights of the Child (adopted: 20 November, 1989; came into force: 2 September 1990)
- 1990** The UN Commission on Human Rights appoints a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography
- 1990** World Summit for Children in New York (29–30 September); adoption of a World Declaration and Plan of Action for the Survival, Protection and Development of Children
- 1990** African Charter on the Rights and Welfare of the Child adopted (came into force: 29 November 1999)
- 1996** Graça Machel submits her groundbreaking study “Impact of Armed Conflict on Children” to the UN General Assembly
- 1998** Six international NGOs form the Coalition to Stop the Use of Child Soldiers in order to lobby for a ban on

the use of children in war and armed conflict

- 1999** The Human Security Network develops out of a group of like-minded countries, with a strong emphasis on the situation of children affected by armed conflict
- 1999** Convention No. 182 on the Worst Forms of Child Labor adopted by the International Labor Organization (came into force: 19 November 2000)
- 2000** Adoption of two Optional Protocols to the Convention: on the Involvement of Children in Armed Conflict (came into force: 12 February 2002) and on the Sale of Children, Child Prostitution and Child Pornography (came into force: 18 January 2002)
- 2002** The UN Commission on Human Rights mandates a major study on violence towards children
- 2002** Children’s Forum (5-7 May) and UN General Assembly Special Session on Children in New York (8-10 May); new Declaration and Plan of Action (A World Fit for Children) adopted

SELECTED ACTIVITIES



1

ACTIVITY I. ROUND TABLE ON ACTION TO REDUCE CHILD LABOR

PART I: INTRODUCTION

Type of activity: Role-play on child labor

PART II: GENERAL INFORMATION ON THE ROLE-PLAY

Aims and objectives: to raise understanding for the various interests and motives involved in child labor and its consequences for the development of strategies and possible alternatives; this role play should have been preceded by some earlier discussion on child labor issues to familiarize participants with the background

Target group: young adults, adults

Group size: 15–20 participants

Time: 1–2 hours (depending on the scope of the “Action Plan”)

Preparation: room/class arrangement, cards with names and functions of participants; for background information on the various roles and positions use recent newspaper clippings, UNICEF/ILO/NGO reports on child labor, etc.   Additional Information.

» *Mankind owes to the child the best it has to give.*«

UNITED NATIONS DECLARATION OF THE RIGHTS OF THE CHILD 1959

Material: paper, flip chart etc for documentation

Skills involved: communication and analytical skills

PART III: SPECIFIC INFORMATION ON THE ROLE PLAY

Introduction of the topic: Announce that the child labor problem in country X has received growing criticism from local child rights organizations and the ILO internationally; the government has decided to convene a round table to discuss measures against child labor; participants represent various actors involved (teams possible), mainly (not all have to be included) working children, children at school, parents, teachers, employer’s organization, trade union, government officials, child rights NGO, UNICEF/ILO. The ultimate goal of the discussion should be a basic strategy for a follow-up process (alternatively: the elaboration of an Action Plan)

Performance of the Role Play: select round table participants, give them up to 20 minutes to develop a position/strategy for discussion (alternatively, give them reading material in advance); UNICEF/ILO or NGO representative may act as chairperson of the meeting, introducing the participants and their respective “functions.” The discussion may start with brief account of current situation of children, e.g. “children working in garment factory” or concerned parents complaining about treatment of children. The participants should present their principal position in a chaired discussion. As a result a strategy should be elaborated or an action plan developed in separate study groups.

Feedback, methodological hints: ask the participants about their feelings, thoughts and reactions during the game; reflect particularly on the role “children” have played in the discussion.

PART IV: FOLLOW-UP

Related rights/further areas of exploration: Art. 3 (best interests of the child), 6 (survival and development), 32 (economic exploitation), 24 (health), 26–27 (social security, adequate living standard), 28–29 (education), 31 (leisure and play) of the Convention on

the Rights of the Child, ILO Convention on the Worst Forms of Child Labor 1999. Discuss the work of ILO (the IPEC initiative). Watch out for children working instead of or in addition to going to school in your local community.



ACTIVITY II. PARENTAL NEGLECT AND ILL-TREATMENT

PART I: INTRODUCTION

Type of activity: case study on the right to protection from violence/neglect/ill-treatment.

PART II: GENERAL INFORMATION ON THE CASE STUDY

Aims and objectives: to understand the relationship between state responsibility and parental responsibility for child rights protection

Target group: adults, young adults

Group size: 10–20

Time: 1–2 hours

Preparation: text of a case study

Material: paper, texts of relevant human rights norms

Skills involved: analytical skills

PART III: SPECIFIC INFORMATION ON THE CASE STUDY

Introduction of the case; identification of the main issues:

Three children, between one and five, lived with their parents in a city suburb. Neighbors started to complain to local police and welfare authorities that the parents frequently quarreled, and that the children looked uncared for and had been seen crying frequently. In the following months there were even more reports about the children stealing food, being unable to wash and clean themselves at school and about indications of their being beaten and otherwise ill-treated. The child welfare authority then organized a meeting to review the situation and found out that the housing conditions were very poor (bad sanitation, broken beds, etc.), but offered assistance only to the parents, with no immediate action in relation to the children. However, the children started to show signs of psychological disturbance, becoming unsociable with others; thus further meetings between

local authorities, parents, psychologists and social workers were held. This went on for four years until the children were temporarily removed from home to stay with foster parents for some months. Soon after their return, the children's parents divorced and the mother told the authorities they should take over the care of the children, as she could not cope any more and would beat them if they were not removed from her. In the end, five years after the first reports, the child welfare authority gave care orders and all the children were taken to foster parents. A psychologist described the children's experiences as, "to put it bluntly, horrific", adding that the case was the worst case of neglect and emotional abuse that she had seen in her professional career.

Eventually, with help from lawyers, the children sued the local authorities for compensation for their traumatic suffering, on the grounds that the authorities had been aware of their severe neglect, abuse and ill-treatment by their parents without intervening in time. But the court declared it had no legal competence to award compensation in this matter and dismissed the case. The children are now considering filing a complaint with an international human rights body.

What would be your advice to them? What rights of the Convention on the Rights of the Child might have been violated? What other human rights treaties might be relevant and applied to the case? What mechanisms could be used to address the complaint?

Analysis of the case/related rights: Both the Convention on the Rights of the Child and the European Convention on Human Rights could be used for analysis here – relevant CRC articles include: Art. 3 (best interest of the child, state responsibility), Art. 5, 9, 18 (parental responsibilities, protection of family relations), Art. 19, 37 (protection from violence, from inhuman and degrading treatment), Art. 27 (adequate living standards). The relevant ECHR articles include: Art. 3 (protection from inhuman and degrading treatment), Art. 8 (protection of private life and personal integrity), Art. 6 (access to justice), Art. 13 (effective remedy); individual complaint mechanism only provided by ECHR.

Suggestions for Variation: The case could also be used for a role play: form three groups: applicants – government spokes-people – judges and let them discuss the case so that a solution is reached.

PART IV: FOLLOW-UP

Sources: Case study based on the Case of Z and others v. The United Kingdom, Judgment of the European Court of Human Rights of 10 May 2001, Application No. 29392/95; see also e.g. the recent Case of K.A. v. Finland, Judgment of 14 January 2003, Application No. 27751/95 (removal of children from parents following allegations of sexual abuse by their parents – violation of Art. 8 ECHR for authorities' failure to take sufficient steps to reunite the family).

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HUMAN RIGHTS IN ARMED CONFLICTS

INTERNATIONAL HUMANITARIAN LAW:
EVEN WARS HAVE LIMITS

- ... the following acts are and shall remain prohibited at any time and in any place whatsoever [...]*
- Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*
 - Taking of hostages;*
 - Outrages upon personal dignity, in particular humiliating and degrading treatment;*
 - The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees [...]*
 - The wounded and sick shall be collected and cared for.*

ARTICLE 3 (1) AND (2), COMMON TO THE FOUR GENEVA CONVENTIONS OF 1949

ILLUSTRATION STORY

I was 19 when I went to Viet Nam. I was a rifleman specialist fourth class. I was trained to kill, but the reality of killing someone is different from training and pulling the trigger.

I didn't know that I was going to do that. I knew the women and children were there, but for me to say that I was going to kill them, I didn't know I was going to do that until it happened. I didn't know I was going to kill anyone. I didn't want to kill anyone. I wasn't raised up to kill.

She was running with her back from a tree line, but she was carrying something. I didn't know if it was a weapon or what. I knew it was a woman, and I didn't want to shoot a woman, but I was given an order to shoot. So I'm thinking that she had a weapon running, so I shot. When I turned her over, it was a baby. I shot her about four times, and the bullets just went through and shot the baby too. And I turned her over and saw the baby's face was half gone. I just blanked. The training came to me, the programming to kill, and I just started killing.

- Varnado Simpson, American Viet Nam War veteran recounting events that occurred in 1968.

SOURCE:

ADAPTED FROM DAVID DONOVAN, *ONCE A WARRIOR KING: MEMORIES OF AN OFFICER IN VIET NAM*, QUOTED IN *EXPLORING HUMANITARIAN LAW, EDUCATION MODULES FOR YOUNG PEOPLE*, ICRC 2001.



DISCUSSION QUESTIONS

1. Why did this soldier decide to shoot even though he knew that women and children were not legitimate targets?
2. Why do you think women and children are protected persons during an armed conflict?
3. Do you think that obedience matters in fighting a war? Should soldiers always follow orders?
4. Who do you think determines what is lawful and unlawful behaviour in war?
5. How important do you think it is for soldiers to learn what is unlawful? What is the purpose of having rules?
6. How can tragedies such as the one described above be prevented?

Considering: [...] that the only legitimate object which states should endeavor to accomplish during war is to weaken the military forces of the enemy;

that for this purpose it is sufficient to disable the greatest possible number of men;

that this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable.

PREAMBLE TO THE DECLARATION OF ST. PETERSBURG, 1868

NEED TO KNOW

1. EVEN WARS HAVE LIMITS

Few situations threaten human security more dramatically than that of war. In the extreme circumstances of armed conflict, governments find themselves having to make difficult choices between the needs of society and those of the individual. Human rights never cease to be relevant but the outbreak of systematic and organized violence, which are the true characteristics of an armed conflict, constitutes an affront to the very principles underlying these rights. As such, situations of armed conflict require a complementary but separate set of rules based on a very simple idea, which is that **even wars have limits**. These rules are commonly referred to as International Humanitarian Law (IHL) or the Laws of Armed Conflict. IHL can be summarized as the principles and rules which set limitations to the use of violence during armed conflicts in order to:

- spare those people ('civilians') not directly involved in hostilities
- limit the effects of violence (even to 'combatants') to the amount necessary for the purpose of war

IHL and Human Security

Many have questioned and many deny that law can regulate behavior in the exceptional, anarchic, and violent reality of armed conflict. How can one expect that where the survival of the individual or the society is at stake, legal considerations will restrict human behavior? Though it may appear surprising at first sight, there are many compelling reasons for aggressors and defenders alike to follow the rules of conduct established by IHL. While the outburst of violence negates the very idea of security, it is nonetheless important to understand that IHL contributes to human security by defending the idea that even wars have limits. IHL recognizes the reality of armed conflicts and responds to it pragmatically, with detailed and practical rules aimed at individuals. This branch of law does not try to establish whether a state or a rebel group does or does *not* have the right to resort to armed force. Rather it aims first and foremost at limiting the suffering that war can cause. In striving to preserve human dignity, IHL can also be said to contribute to an eventual peace by increasing the possibilities of reconciliation.

War should always be waged with a view to peace.

HUGO DE GROOT (GROTIUS)

The Origins of IHL

Although scholars generally agree that the birth of modern IHL was in 1864, with the adoption of the First Geneva Convention, it is also clear that the rules contained in that Convention were not entirely new. In reality, a large portion of the First Geneva Convention was derived from existing international customary law. In fact, there were rules protecting certain categories of victims in armed conflicts, and customs connected with the means and methods of authorized or prohibited combat during hostilities as early as 1000 BC.

Up until the mid-19th century, the codes and customs that had made up IHL were geographically limited and did not express a universal consensus. The impetus for the first universal treaty on Humanitarian Law came, in great part, from a Swiss businessman named Henry Dunant. Having witnessed the carnage that occurred at Solferino in 1859, during the battle in which the French and Austrian forces opposed each other in northern Italy, Dunant decided to write a book in which he depicted the horrors of the

battle and tried to suggest and publicize possible measures for improving the fate of war victims.

The adoption of the 1864 Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field resulted in an international treaty open to universal ratification in which states agreed voluntarily to limit their own power in favor of the individual. For the first time, armed conflict became regulated by written, general law.

IHL as International Law

The rules and principles of IHL are universally recognized legal rules, not just moral or philosophical precepts or social custom. The corollary of the legal nature of these rules is, of course, the existence of a detailed regime of rights and obligations imposed upon the different parties to an armed conflict. Individuals who do not respect the rules of IHL will be brought to justice.

International humanitarian law must be understood and analysed as a distinct part of a more comprehensive framework: the rules and principles regulating coordination and cooperation between the members of the international community, i.e. Public International Law

When the sun came up on the twenty-fifth June 1859 it disclosed the most dreadful sights imaginable. Bodies of men and horses covered the battlefield: corpses were strewn over roads, ditches, ravines, thickets and fields... The poor wounded men that were being picked up all day long were ghostly pale and exhausted. Some, who had been the most badly hurt, had a stupefied look as though they could not grasp what was said to them... Others were anxious and excited by nervous strain and shaken by spasmodic trembling. Some, who had gaping wounds already beginning to show infection, were almost crazed with suffering. They begged to be put out of their misery, and writhed with faces distorted in the grip of their death struggle.

HENRY DUNANT, A MEMORY OF SOLFERINO, ICRC.



IHL and Human Rights

In striving to limit the suffering and the damage caused by armed conflict, IHL may be said to protect the 'hard core' of human rights in times of conflict. These core protectors include the right to life, the prohibition of slavery, the prohibition of torture and inhumane treatment, and the prohibition of any retroactive application of

the law. Unlike other rights (such as freedom of speech, of movement and of association), which may be abrogated in times of national emergencies, the core protection afforded by IHL can never be suspended. Since IHL applies precisely to the exceptional situations that constitute armed conflicts, the content of the 'hard core' of human rights tends to converge with the fundamental and legal guarantees provided by humanitarian law. Here are some of the ways in which IHL protects fundamental human rights in armed conflicts:

- the protection accorded to victims of war must be **without any discrimination**;
- a great deal of humanitarian law is devoted to the **protection of life**, especially the life of civilians and people not involved in the conflict; IHL also **restricts the imposition of the death penalty**;
- IHL goes beyond the traditional civil right to life by **protecting the means necessary for life**, a right that might be categorized as 'economic and social' under human rights law;
- IHL absolutely **prohibits torture and inhuman treatment**;

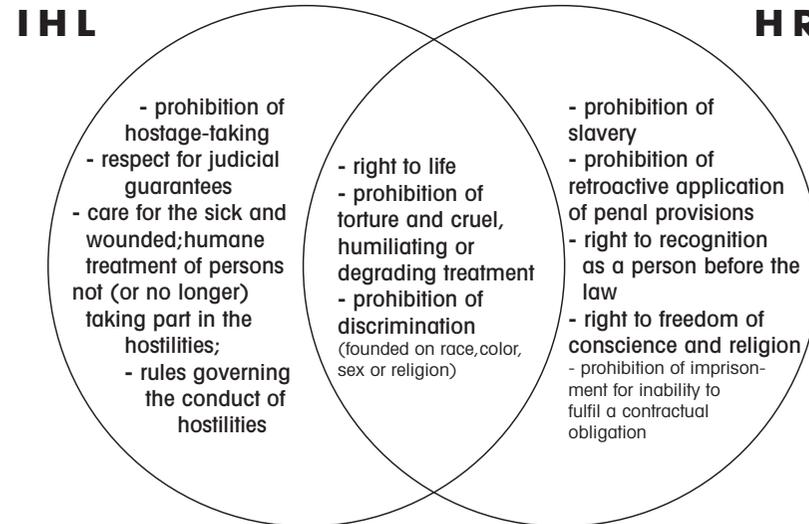
- IHL specifically **prohibits slavery**: prisoners of war are not to be seen as the property of those who captured them;
- **Judicial guarantees** are codified in the Geneva Conventions and the Additional Protocols;
- The **protection of children and family life** is clearly emphasized in IHL: examples include rules on the conditions of internment of children and rules against separating family members;
- The **respect for religion** is taken into account in the rules concerning prisoners of war as well as in customs of burial.



When does IHL apply?

IHL is applicable in two situations. In other words, it offers two systems of protection: one applicable in international armed conflicts and another applicable in non-international armed conflicts. Before defining these two situations of application, a few words should be said about the notion of ‘armed conflict,’ which has, since 1949, replaced the traditional notion of ‘war’.

International armed conflict are those in which two or more states have clashed using weapons and those in which people have risen in opposition to a colonial power,



IN ALL CIRCUMSTANCES ...

foreign occupation or racist crimes, commonly referred to as wars of national liberation. Above and beyond the applicable regime of human rights law, these situations are subject to a broad range of IHL rules, including those set forth in the four 1949 Geneva Conventions and Additional Protocol I.

A more limited set of rules is applicable in internal armed conflicts. They are contained in particular in Article 3 common to the four Geneva Conventions and in Additional Protocol II. Article 3 represents the minimum

standard of humanity and is therefore applicable in every situation of armed conflict. Again, this set of rules is applicable alongside those aspects of human rights law that continue to be applicable in emergency situations.

In situations of violence not amounting in intensity to an armed conflict, IHL does not apply. In such cases, the provisions of human rights law and the relevant domestic legislation govern the fate of those engaged in the acts of violence.

2. DEFINITION AND DESCRIPTION OF THE RIGHTS PROTECTED



What Are the Basic Rules of International Humanitarian Law in Armed Conflict?

1. Persons *hors de combat* and those who do not take a direct part in hostilities are entitled to respect for their lives and their moral and physical integrity. They shall in all circumstances be protected and treated humanely without any adverse distinction.
2. It is forbidden to kill or injure an enemy who surrenders or who is *hors de combat*.
3. The wounded and the sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transports and equipment. The emblem of the Red Cross or the Red Crescent is the sign of such protection and must be respected.
4. Captured combatants and civilians under the authority of an adverse party are entitled to respect for their lives, dignity,

War is in no way a relationship of man with man but a relationship between states, in which individuals are enemies only by accident; not as men, nor even as citizens, but as soldiers (...). Since the object of war is to destroy the enemy state, it is legitimate to kill the latter's defenders as long as they are carrying arms; but as soon as they lay them down and surrender, they cease to be enemies or agents of the enemy, and again become mere men, and it is no longer legitimate to take their lives.

JEAN-JACQUES ROUSSEAU

personal rights and convictions. They shall be protected against all acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.

5. Everyone shall be entitled to benefit from fundamental judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
6. Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or

methods of warfare of a nature to cause unnecessary losses or excessive suffering.

7. Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objects.

Note: These rules, drawn up by the ICRC, summarize the essence of IHL.

They do not have the authority of a legal instrument and in no way seek to replace the treaties in force. They were drafted with a view to facilitating the promotion of IHL.



What Does IHL Protect and How?

Humanity

By preserving a sphere of humanity in the very heart of armed conflict, international humanitarian law keeps open the path towards reconciliation and contributes not only to restoring peace among the belligerents but also to fostering harmony among peoples.

INTER-PARLIAMENTARY UNION, 90TH CONFERENCE, SEPTEMBER 1993

International humanitarian law protects **individuals** who are not or are no longer taking part in the fighting, such as civilians, the wounded, the sick, and prisoners of war, the shipwrecked, and medical and religious staff. Protection is guaranteed by obliging the parties to the conflict to provide them with material assistance and to treat them humanely at all times and without adverse distinction.

Certain **places and objects**, such as hospitals and ambulances, are also protected and must not be attacked. IHL defines a number of clearly recognized emblems and signs – in

particular the Red Cross and Red Crescent emblems – which can be used to identify protected people and places. Historic monuments, works of art or places of worship are also protected. The use of such objects in support of the military effort is strictly prohibited. Moreover, the **environment** is also a concern of IHL, which prohibits methods and means of warfare that are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

A **distinction** must be made between combatants and civilians in the conduct of hostilities, but also between civilian objects and military objectives. This means that not only civilians as such are protected, but also the goods needed for their survival or subsistence (foodstuffs, livestock, drinking water supplies, etc.).

IHL protects from **unnecessary suffering** by prohibiting the use of weapons whose effect would be excessive in relation to the military advantage anticipated, such as exploding bullets whose aim is to cause untreatable wounds. The principles of **humanity**, **military necessity** and **proportionality** are key in ensuring the goals of protecting

Distinction

The victims of today's conflicts are not merely anonymous, but literally countless (...). The awful truth is that civilians today are not just 'caught in the cross-fire'. They are not accidental casualties or 'collateral damage' as the current euphemism has it. All too often, they are deliberately targeted.

KOFI ANNAN, SECRETARY-GENERAL OF THE UNITED NATIONS

civilians against incidental or collateral effects and combatants from unnecessary suffering. Military necessity is defined as those actions that are necessary to overpower the opponent, and the law has been drafted so as to take this fully into account. The result is that a certain amount of humanitarian law may not seem to be very 'humanitarian' to a human rights lawyer, but it does have the advantage of being precise and realistic.

Who Must Respect International Humanitarian Law?

Only states may become party to international treaties, and thus to the Geneva Conventions of 1949, and their two Additional Protocols of 1977. However, all parties to an armed conflict – whether the armed forces of states or dissident forces – are bound by international humanitarian law. At the beginning of 2003, almost all the world's states – 189, to be precise – were party to the four Geneva Conventions of 1949. The fact that the treaties are among those accepted by the greatest number of countries testifies to their universality. Currently, 160 states are parties to Additional Protocol I which relates to the protection of victims of international armed conflict, whereas Additional Protocol II, relating to the protection of victims of non-international armed conflict, has 153 state parties.

To check whether your state is party to a treaty, contact the ICRC or consult its home page: <http://www.icrc.org>

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

The Importance of Cultural Awareness

Man's efforts to limit the brutality of war are universal. Many cultures throughout history have sought to restrain the use of violence in order to reduce unnecessary suffering and limit destruction. Even if the initial Geneva or Hague Conventions were not universal at inception, since they were drafted and adopted by lawyers and diplomats belonging to the European Christian culture, the underlying values are universal. This universal dimension of IHL should never be underestimated or forgotten: very often the respect and implementation of the rules will in fact depend on the establishment of a clear correspondence between the treaties applicable and local traditions or customs.

Conflicting Views Regarding the Applicability of IHL

While the principles of IHL have obtained quasi-universal approval, problems of implementation may arise due to competing ideas of the point at which manifestations of violence become an armed conflict. The qualification of a conflict as armed is of

primary importance as it is the basic requirement for IHL to be applicable. When states face acts of violence on their territory, they often prefer to deal with these occurrences internally. This is so even when another state is indirectly involved in the troubles. Accepting that a situation of armed conflict is taking place means accepting that those responsible for carrying out the violence may be worthy of protection under the rules of IHL, above and beyond the basic protection afforded by human rights law. Not surprisingly, governmental authorities tend to characterize these perpetrators as criminals, bandits or terrorists, rather than combatants, therefore avoiding the rules of IHL.

One of the ways in which IHL makes itself acceptable to states in such situations is by guaranteeing that the applicability of the rules will not confer any legitimacy on the groups involved in the hostilities. The realistic and pragmatic approach of IHL is used to protect the victims of conflict, regardless of sides. It is important to note that IHL is a balance between conflicting concepts: military necessity on the one hand and humanitarian concerns on the other.

4. IMPLEMENTATION AND MONITORING

Given the difficulty of enforcing law in armed conflict, the state representatives who drafted the treaties of IHL had to devise specific implementation mechanisms and adapt the general mechanisms of international law to the specific needs of victims of armed conflict. Unfortunately, the general and the specific mechanisms combined cannot guarantee even a minimum of respect for individuals in armed conflicts. This can only be achieved when **training** and **education** make everyone aware that in armed conflicts the enemy is still a human being who deserves respect.

Broadly speaking, there are three types of strategies employed by IHL to ensure its implementation:

- Preventive measures
- Measures to ensure compliance during armed conflicts
- Repressive measures



Preventive Measures

States party to the Geneva Conventions – that means almost every state in the world – have

» *We can learn how easily a person, regardless of nationality, can be trapped by the psychology of brutality when involved in war. Such brutality is often caused by hatred of others, as is clearly illustrated in acts of racism. The most fundamental problem we must address when dealing with any war crime is the profound fear of death that soldiers experience. In order to overcome fear during war, people tend to rely upon violence, which in turn degrades their morals and manifests itself as an outbreak of brutality.*«

YUKI TANAKA, JAPANESE SCHOLAR

an **obligation** to spread knowledge of international humanitarian law as widely as possible. It is not enough that the armed forces of a state are taught IHL: civil society and youth also need to be made aware of the humanitarian perspective on armed conflict. The immediate focus of IHL is protecting life and human dignity in times of war; however, by extension, it is also about protecting such values in all of our experiences. As such, alongside human rights education, IHL has a unique contribution to make to citizenship education at the local, national and international levels. Education and training must start in times of peace, in order to inculcate a true humanitarian reflex.

Measures for Monitoring Compliance

The **International Committee of the Red Cross (ICRC)** plays a major role in reminding states that they have undertaken to make the humanitarian provisions known and that they must take all the necessary steps to ensure that the law is effectively applied and fully respected.

Repressive Measures

International humanitarian law obligates states to suppress all its violations. Certain grave human rights violations, called war crimes, are criminalized by IHL. Indeed, there is a requirement that states enact domestic legislation to punish war crimes, to search for people who have allegedly committed such crimes, and to bring them before their own courts or to extradite them to another State for prosecution. These repressive measures may also serve as a deterrent and prevent human rights violations from reoccurring.

The international community has recently created a permanent International Criminal Court (ICC), which will be competent to try war crimes, crimes against humanity, and genocide. Unlike the *ad hoc* Tribunals created for the conflicts in Yugoslavia and Rwanda, the ICC will have universal jurisdiction.

GOOD TO KNOW

The International Red Cross and Red Crescent Movement is composed of the International Committee of the Red Cross (ICRC), the National Red Cross and Red Crescent Societies of approximately 180 countries, and the International Federation of Red Cross and Red Crescent Societies. The National Societies act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief and health and social programs. The Federation is the organization that promotes cooperation between national Societies and strengthens their capacity.

As guardian and promoter of IHL, the ICRC plays the lead role in seeking to preserve a measure of humanity in the midst of armed conflict.

1. GOOD PRACTICES



Protection of Civilians

Humanitarian law is founded on the principle of immunity of the civilian population. People not taking part in the hostilities may under no circumstances be attacked; they must be spared and protected. In today's conflicts, however, civilians often

endure horrific violence, sometimes as direct targets. Massacres, hostage-taking, sexual violence, harassment, expulsion, forced transfer and looting, and the deliberate denial of access to water, food and health care, are some of the practices which spread terror and suffering among civilians.

The ICRC maintains a constant presence in areas where civilians are particularly at risk. Special attention is given to **women** and **children** since IHL affords them specific protection.

Women experience armed conflict in a multitude of ways – from taking an active part as combatants to being targeted as members of the civilian population or because they are women. Women's experience of war is multifaceted – it means separation, the loss of family members and livelihood, and an increased risk of sexual violence, wounding, deprivation and death. Responding to this reality involves:

- Teaching arms bearers about women's rights.
- Providing assistance for gynecological and reproductive health care to medical facilities and health posts serving victims of hostilities.

The disintegration of families in times of war leaves women and girls especially vulnerable to violence. Nearly 80% of the 53 million people uprooted by wars today are women and children. When fathers, husbands, brothers and sons are drawn away to fight, they leave women, the very young and the elderly to fend for themselves. Refugee families cite rape or the fear of rape as a key factor in their decisions to seek refuge.

THE STATE OF THE WORLD'S CHILDREN,
1996

- Reminding detaining authorities, that female detainees must be put under the immediate supervision of women and that their sleeping quarters and sanitary facilities must be adequately separated from those of men.
- Working at restoring contact between family members that have been separated as a result of armed conflict.
- Providing support to the families of those who have gone missing.

Children are all too often first-hand witnesses of atrocities committed against their parents or other family members. They are killed, mutilated, imprisoned or otherwise separated from their families. Cut off from the environment familiar to them, even those who manage to escape lack any certainty as to their own future and that of their loved

ones. They are often forced to flee, abandoned to their own devices and rejected without an identity. In addition, children living with their families or left to themselves in conflict zones are potential candidates for recruitment as soldiers. Deprived of a family, these child recruits find it almost impossible to imagine life without war. Joining an armed group is a way of ensuring one's own survival. Responding to this reality involves:

- Promoting respect for the rights of children amongst arms bearers.
- Banning the recruitment and participation of children in armed conflicts.
- Providing child victims of conflict with adequate medical, psychological and social assistance.
- Working at restoring family links by providing protection for unaccompanied children and tracing missing persons.
- Monitoring conditions of detention for children – making sure that they are kept separate from adults unless they are members of the same family – and working to bring about the release of children.

There are children who join for so-called voluntary reasons. But I think one has to be very careful to recognize that there is no voluntary joining, in the sense that the vast majority of children who join willingly do so out of necessity or victimization, fear or security. Unaccompanied children who have no parents to protect them, people who are fearful that they will die of hunger or who have inadequate health care may seek military activity.

DR. MIKE WESSELLS



Protecting Prisoners

One of the consequences of armed conflict is the taking and holding of prisoners. Being deprived of their freedom puts people in a vulnerable position vis-à-vis the detaining authorities and within the prison environment. This vulnerability is particularly acute in times of conflict and internal violence, when the excessive and illegal use of force is commonplace and structural deficiencies are exacerbated. IHL includes measures specifically intended to protect prisoners. Ways to ensure respect for the life and dignity of prisoners include:

- Ensuring that those in charge of prisons receive training in the rules and are penalized if they fail to obey these rules.

- Making sure that the authorities provide adequate funds and means for the prisons.
- Allowing neutral humanitarian organizations such as the ICRC to visit prisoners and monitor their treatment.
- Restoring family links where they have been disrupted.
- Supporting human rights organizations such as Amnesty International and Human Rights Watch or local human rights organizations that make public what they learn about the abuse of prisoners by their captors.



Restoring Family Links

In almost all emergencies – armed conflicts, mass population displacements, and other crisis situations – children become separated from their parents, families and other responsible adults. Because their status is seldom immediately clear, they are referred to as ‘separated or unaccompanied children’ rather than ‘orphans’. Others, such as the elderly or disabled, might also be in a difficult situation during a conflict. They might remain behind, be isolated and separated from their relatives and unable to take care of themselves. Because of their particular vulnerability, the ICRC will

undertake, when necessary, specific measures aimed at their protection and family reunification. Some of these measures involve:

- Forwarding family news through Red Cross messages, radio broadcasts, the telephone and the internet, via the International Red Cross and Red Crescent Movement.
- Organizing repatriations and family reunifications.
- Facilitating family visits to detained relatives or across front lines.
- Issuing ICRC travel documents for those who, owing to a conflict, do not have or no longer have identity papers, and are about to be repatriated or resettled in a third country.
- Informing and supporting the families of missing persons.

A Word about The Emblem

The Geneva Conventions mention three emblems: the Red Cross, the Red Crescent and the Red Lion and Sun, although only the first two are now being used. IHL regulates the use, size, purpose and placing of the emblem, the people and property it protects, who can use it, what respect for the emblem entails and what the penalties for misuse are.

In times of armed conflict, the emblem may be used as a protective device only by:

- The medical services of an armed force;
- National Red Cross and Red Crescent Societies duly recognized and authorized by their governments to lend assistance to the medical services of armed forces;
- Civilian hospitals and other medical facilities recognized as such by the government;

Working Principles of Humanitarian Action

In order to be qualified as humanitarian, an organization must abide by certain key principles. The most important of these working principles are **neutrality** and **impartiality**. Neutrality can be understood as not taking sides. This principle allows humanitarian workers to gain and keep the

- Other voluntary relief agencies subject to the same conditions as National Societies.

Three types of misuse of the emblem:

1. **Imitation:** a humanitarian organization uses a confusingly similar red cross to identify itself.
2. **Usurpation:** a pharmacist announces his/her business with a Red Cross flag.
3. **Perfidy:** combatants use an ambulance bearing a red cross to carry weapons.

States must take all measures to prevent and repress misuse of the emblem. The most severe cases of misuse are regarded as war crimes.

confidence of everyone involved in the conflict. Impartiality means that priority will be given on the basis of needs. Indeed, humanitarian workers make no distinction based on nationality, race, religious beliefs, social class or political opinions. They are guided solely by the needs of individuals and must give priority to the most urgent cases.

The Fundamental Principles of the Red Cross and Red Crescent Movement

Humanity – protecting life, health and ensuring respect for the human being.

Impartiality – no discrimination as to nationality, race, religious beliefs, class or political opinions: guided solely by needs.

Neutrality – no side may be taken in the hostilities.

Independence – full autonomy from all types of external authority.

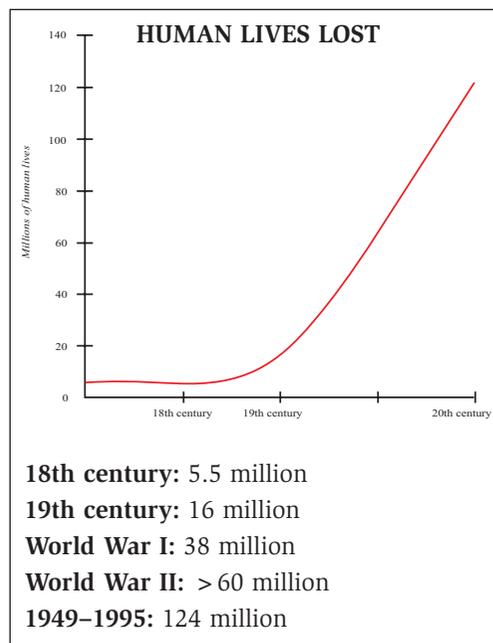
Voluntary service – non-profit organization.

Unity – there can only be one Red Cross or Red Crescent Society in any one country.

Universality – a worldwide organization

Because of the politically sensitive nature of the work performed by the ICRC, whether it involves visiting prisoners or acting as neutral intermediary between warring parties, and because it wants to be present, and at least be tolerated by all sides, **confidentiality** plays an important role in the organization's work. This principle along with those of neutrality and impartiality raises certain ethical dilemmas for humanitarian workers who cannot denounce abuses where doing so might endanger the lives of victims or hinder their ability to access those who need their assistance.

2. TRENDS



SOURCE:

“THE 20TH CENTURY, THE DEADLIEST OF ALL,” THE PARLIAMENTARIAN HANDBOOK

The Ban on Anti-Personnel Landmines

Throughout the 1990's, the International Red Cross and Red Crescent Movement, international organizations and a vast coalition of NGOs worked relentlessly to achieve prohibition of anti-personnel mines,

and to bring relief to mine victims and mine-affected communities. This work culminated in 1997 with the adoption of the Ottawa Treaty, *the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-personnel Mines and on their Destruction*, which came into force on 1 March 1999. It is the first Convention ever to prohibit, under international humanitarian law, a weapon in widespread use, and it became law more quickly than any previous multilateral arms-related agreement.

The Human Security Network emerged and consolidated as a result of the Ottawa Convention preparation and adoption process. This involvement elucidates the priorities set on the HSN agenda and the commitment of HSN member states to the reduction of small arms and the banning of landmines.

As of December 2002, 130 countries had ratified the 1997 Mine Ban Treaty, and an additional 16 had signed it. The member states of the Human Security Network were among the most ardent proponents of the treaty and the Network has also become one of the leading international coalitions for the treaty's full and timely implementation.

A Few ICRC Assistance Figures for the Year 2001

Prison visits

346,807 detainees were visited in **1,988** places of detention in over **70** countries, including **24,479** detainees who were registered and visited for the first time. **70,164** people visited a detained relative with help from the ICRC. **32,815** certificates of detention were issued.

Restoring Family Links

447,004 Red Cross messages were collected **418,461** Red Cross messages were distributed **1,897** people whose families had filed tracing requests were located **1,662** people were reunited with their families

7,463 people were issued with travel documents to allow them to return home or resettle elsewhere.

Assistance

1,000,000 people received direct assistance and monthly assistance is provided for an average of **320,000** internally displaced people and some **260,000** from resident population. A further **96,000** people deprived of their freedom received regular assistance. In all, **135,000** tons of food, clothing, blankets, tents, etc., worth **128** million Swiss francs, as well as **29** million Swiss francs' worth of medical, water/sanitation and orthopedic materials were distributed in **60** countries.

3. CHRONOLOGY

Some armed conflicts have had a more or less immediate impact on the development of humanitarian law.

The First World War (1914-1918) witnessed the use of methods of warfare that were, if not completely new, at least deployed on an

unprecedented scale. These included poison gas, the first aerial bombardments and the capture of hundreds of thousands of prisoners. The treaty of 1925 prohibiting the use of certain methods of warfare and the treaties of 1929 dealing with the treatment of prisoners of war were a response to those developments.

The Second World War (1939-1945) saw civilians and military personnel killed in equal numbers, as against a ratio of 1:10 in the First World War. In 1949, the international community responded to those tragic figures, and more particularly to the terrible effects the war had on civilians, by revising the Conventions then in force and by adopting a new instrument: the Fourth Geneva Convention for the protection of civilians.

In 1977, the Additional Protocols were a response to the new challenges for protection in decolonization wars as well as to the development of new military technology. In particular, the Additional Protocol II includes also dissident armed forces or other organized armed groups which, under responsible command, exercise control over a part of the territory.

Principal Instruments of IHL and Other Related Instruments

- 1864** Geneva Convention for the amelioration of the condition of the wounded in armies in the field
- 1868** Declaration of St. Petersburg (prohibiting the use of certain projectiles in wartime)
- 1899** The Hague Conventions respecting the laws and customs of war on land and the adaptation to maritime warfare of the principles of the 1864 Geneva Convention
- 1906** Review and development of the 1864 Geneva Convention
- 1907** Review of The Hague Conventions of 1899 and adoption of new Conventions
- 1925** Geneva Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare
- 1929** Two Geneva Conventions:
- Review and development of the 1906 Geneva Convention
 - Geneva Convention relating to the treatment of prisoners of war (new)
- 1949** Geneva Conventions:
- I Amelioration of the condition of the wounded and sick in armed forces in the field
- II Amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea
- III Treatment of prisoners of war
- IV Protection of civilian persons in time of war (new)
- 1954** The Hague Convention for the protection of cultural property in the event of armed conflict
- 1972** Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxic weapons and on their destruction
- 1977** Two Protocols additional to the four 1949 Geneva Conventions, which strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts
- 1980** Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (CCW), which includes:
- The Protocol (I) on non-detectable fragments
 - The Protocol (II) on prohibitions or restrictions on the use of mines, booby traps and other devices
 - The Protocol (III) on prohibitions or restrictions on the use of incendiary weapons
- 1993** Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction
- 1995** Protocol relating to blinding laser weapons (Protocol IV (new(to the 1980 Convention)
- 1996** Revised Protocol on prohibitions or restrictions on the use of mines, booby traps and other devices (Protocol II (revised(to the 1980 Convention)
- 1997** Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction
- 1998** Rome Statute of the International Criminal Court
- 1999** Protocol to the 1954 Convention on cultural property
- 2000** Optional Protocol to the Convention on the rights of the child, dealing with the involvement of children in armed conflict
- 2001** Amendment to Article 1 of the CCW
- 2002** Coming into force of the Rome Statute establishing the first permanent international criminal court
- 2002** Coming into force of the Optional Protocol to the Convention on the rights of the child, dealing with the involvement of children in armed conflict

SOURCE:
EXPLORING HUMANITARIAN LAW, EDUCATION MODULES FOR YOUNG PEOPLE, ICRC 2002.

SELECTED ACTIVITIES



1

ACTIVITY I: WHY RESPECT IHL?

PART I: INTRODUCTION

For many people, the idea that there can be rules in war seems absurd because they believe that the very idea of war is in contradiction to the notion of law or human rights. But the fact is that most of the countries in the world accept and enforce the rules of IHL. Why is that? In the proposed discussion, participants will be given some questions that will help them work through some of the main reasons states comply with their humanitarian obligations in times of armed conflict.

Type of activity: discussion

Discussion questions:

1. If I am winning in a war, why should I obey rules that limit my behavior?
2. If these rules get broken all the time, why do we need them?
3. Do we really need IHL in the light of all the Human Rights instruments that exist? Why don't states just make it more difficult to suspend their human rights obligations in times of war?

4. How can IHL pretend to improve prospects for peace and human security if it accepts the reality of war?

PART II: GENERAL INFORMATION

Objectives

- to understand some of the reasons why rules are needed for armed conflict
- to become aware of difficult questions that are raised by the idea of IHL
- to become familiar with the reasons for which states respect IHL
- to understand the complementarity between human rights law and IHL
- to know some of the basic rules of IHL

Target group: young adults and adults

Group size / Social organization: between 12 and 20

Time: 90 minutes

Preparation and material

- Distribute copies of the basic rules of IHL as well as the graph showing the complementarity of IHL and Human Rights Law
- There should be a visible board on which to write down some of the key ideas that are brought out during the discussion

- Distribute the discussion questions a week or so before the day of the activity so that participants have a chance to think them over and discuss them among themselves or with friends and family

Skills involved

- ability to develop an argument
- ability to think critically
- ability to communicate effectively
- ability to deal with conflicting opinions

PART III: SPECIFIC INFORMATION

Introduction of the topic

This discussion addresses some difficult questions to which there are no easy answers. Participants should be encouraged to think creatively and critically, and not to waste time looking for the *right* answer. It is also important that cynical answers are not ignored, as the point of the activity is for the participants to discover that states have incentives to respect IHL above and beyond their moral and legal reasons for doing so. Cynical comments can be used to bring out these incentives and demonstrate the pragmatic nature of IHL.

Discussion process

The participants are divided into four subgroups and each subgroup is assigned one of the four discussion questions. Thirty minutes are allotted to the group discussion during which the instructor can circulate and help the discussion along by bringing up some of the issues listed below. Each subgroup should nominate one *rapporteur* to report back to the rest of the group once the thirty minutes are over. For the remaining hour, the floor is open to the entire group to discuss each question in light of what the *rapporteurs* have said.

Question 1

- Think about the country's long-term interest
- What if your side starts losing the war?
- What is the role of public opinion?

Question 2

- Does abiding by the rules make the news?
- How do we know that the rules get broken all the time?
- imperfect respect of the rules may still provide protection to some people
- What if sanctions were more consistently applied for breaking the rules?

Question 3

- Think about good reasons for suspending certain rights in times of armed conflict
- Does IHL protect human rights?
- Can you ask combatants to respect the right to life when they are fighting a war?
- Do human rights instruments say anything about the means and methods of combat?

Question 4

- When a conflict ends, do you think that the parties forget what happened during the hostilities?
- Can the prevention of extensive destruction contribute to peace?
- Think about the repressive measures that can be used to ensure justice after a conflict. How do these contribute to peace? Or do they at all?

Feedback

Ten minutes at the end of the session should be devoted to getting feedback from the group on what they liked or did not like about the discussion. If other questions were raised during the discussion, they should be noted on the board and, perhaps, be used for future discussion.

Methodological hints

Encourage students to get beyond the idea of what is wrong and what is right and steer them toward an exploration of why it is in states' interest to respect IHL.

Suggestions for variation

After the discussion has taken place in the subgroups, organize a role play where each group has ten minutes to use the answers they have come up with in order to convince their government that it should ratify the IHL treaties. One participant can be asked to play the role of the doubtful Head of State who does not see the point of IHL.

PART IV: FOLLOW-UP

Review world news in recent newspapers and identify breaches of IHL that have been committed in various conflicts. Do the media, the governments or the United Nations come across as accepting these as a fact of war, or do you find that there is condemnation of such behavior?

Further areas of exploration

Complementarity of human rights and IHL

SOURCE

EXPLORING HUMANITARIAN LAW, EDUCATION MODULES FOR YOUNG PEOPLE, ICRC 2002, P. 93.



2

ACTIVITY II: ETHICS OF HUMANITARIAN ACTION

PART I: INTRODUCTION

An ethical dilemma can be defined as a situation in which pursuit of one worthy goal conflicts with another worthy goal or leads to harm as well as good. Humanitarian workers often experience ethical dilemmas in their work. As a result of this, much criticism is directed at humanitarian action more generally. It is important to understand what types of dilemmas are involved in providing humanitarian assistance and to discuss whether sustainable alternatives exist. In the proposed activity, participants will have to analyze situations which present an ethical dilemma and decide what action they would take. In doing so, they will also develop arguments to repudiate the criticism.

Type of activity: case study

PART II: GENERAL INFORMATION

Objectives

- to be aware of the principles, such as those of neutrality and impartiality, that guide humanitarian action
- to understand some of the dilemmas that humanitarian workers may face in performing their work

- to understand that even in no-win situations, humanitarian workers cannot avoid making a choice: doing nothing is as much a choice as taking some specific action.

Target group: young adults and adults

Group size/Social organization: between 12 and 20

Time: 60 minutes

Preparation and material

Distribute copies of the four cases described below and post the questions that illustrate each situation where everyone can see.

Skills involved

- Ability to see a problem from various angles
- Ability to develop a personal opinion
- Ability to solve problems
- Ability to empathize

PART III: SPECIFIC INFORMATION

Introduction of the topic

Ask whether anyone knows of specific codes of conduct that bind the behavior of people in doing the work of their profession. Answers could include the rules and duties a medical doctor has to follow or journalists'

code of ethics that prevents them from disclosing the names of people who gave them information if it might endanger the informants or their desire for privacy. Review the part of the module entitled "Working Principles of Humanitarian Action" and make sure participants understand the principles of neutrality and impartiality. Write out on the board the main consideration of a humanitarian worker in delivering assistance: *assisting and protecting those in need.*

Case study process

The cases are distributed and read out loud by participants. The ethical dilemma must be identified by the participants. The debate should center on whether or not the humanitarian effort should be continued in light of the dilemma identified.

A. Aid agencies came to the rescue of desperate civilians in a war-torn area. Since the agencies provided outside support for civilian survival, the groups who were waging the war were able to ignore the needs of their own civilians. This outside aid enabled them to use all their country's resources to supply their soldiers. And that helped to keep the war from ending.

➤ **Are we prolonging the war?**

B. Civilians fled to a Protected Zone that was set up as a haven for victims of “ethnic cleansing” in their country. From the zone, humanitarian workers assisted in their evacuation to refugee centers outside the country. This humanitarian action thereby contributed to ethnic cleansing by removing the victims from their homeland.

➤ **Are we assisting policies of ethnic separation?**

C. Two countries are at war, and casualties among the civilian population are enormous. Some voices in other countries decry the victims’ plight, but no foreign government is willing to intervene either to get the two fighting parties to stop or to put pressure on them to spare the civilian population. “What does it mean to try to bring humanitarian assistance when we know perfectly well that it will be only a ‘drop in the ocean’ and that without foreign political pressure or military intervention, we humanitarian organizations just provide a good conscience for the world?” laments a humanitarian worker.

➤ **Does humanitarian action provide a pretext for politicians’ non-involvement?**

D. To reinforce control of a village in a fighting zone that rebel fighters used for shelter, the civilians were forced to settle in a camp 30 kilometers from their home. Humanitarian aid agencies were asked to take food and medical assistance to the camp. Doing so, however, would sanction the forced displacement of civilians.

➤ **Are we sanctioning forced displacement of civilians?**

To help the participants think about these situations, the instructor should ask whether inaction in these cases is a valid alternative.

Feedback

Ten minutes at the end of the session should be devoted to getting feedback from the group on what they liked or did not like about the activity. If questions regarding the work of specific organizations were raised during the discussion, they should be noted and could form the basis for an assignment.

Methodological hints

This activity may be frustrating for the participants because it will not yield any clear answers. What is important is that the analysis focus on the humanitarian workers’ perspective and that participants always refer back to the consideration of protecting and assisting those in need as well as the

principles of neutrality and impartiality. If the discussion has strayed from these points, the instructor may want to point out the fact that there are many actors involved in an armed conflict whose actions complement those of the humanitarian workers.

Suggestions for variation

After the discussion, a few participants are asked to act out the following situation:

An aid worker is standing at the gate of a refugee camp. He is faced with a family that wants to enter but fears enemies inside the camps. The father insists he has to keep his gun to protect his sick wife and baby. The family is also terrified of becoming separated.

After they acted out the scenario, the participants discuss the principles the aid worker has to consider and whether some principles conflicted with others in this situation.

PART IV: FOLLOW-UP

Further areas of exploration

Do human rights activists face ethical dilemmas in carrying out their work?

SOURCE

EXPLORING HUMANITARIAN LAW, EDUCATION MODULES FOR YOUNG PEOPLE, ICRC 2002, P. 359.

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http://www.icrc.org/web/eng/siteeng0.nsf/iwpList2/About_the_ICRC:Discover_the_ICRC.

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ICRC. 2001. *Human Rights and the ICRC*, International Humanitarian Law, ICRC July 2001.

ICRC. 2002. *Exploring Humanitarian Law, Education modules for young people*. ICRC.

ICRC. 2002. *International Humanitarian Law: Answers to your Questions*. ICRC.

International Committee of the Red Cross:

<http://www.icrc.org>

ADDITIONAL INFORMATION

Action contre la Faim (ACF): <http://www.acf-fr.org>

CARE International: <http://www.care.org>

Caritas Internationalis: <http://www.caritas.org>

Conference of NGOs in Consultative Relationship with the United Nations (CONGO):

<http://www.ids.ac.uk/eldis/data/d021/e02162.html>

Disasters Emergency Committee (DEC):

<http://www.dec.org.uk>

European Community Humanitarian Office (ECHO):
http://europa.eu.int/comm/echo/index_en.htm.

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Handicap International:

<http://www.handicap-international.org>

Human Rights Watch: <http://www.hrw.org>

InterAction: <http://www.interaction.org>

International Council of Voluntary Agencies (CVA):

<http://www.icva.ch>

Inter-American Development Bank (IDB):

<http://www.iadb.org>

International Humanitarian Law Research Initiative:

<http://www.ihlresearch.org/portal/ihli/portalhome.php>

International Save the Children:

<http://www.savethechildren.net>

Liaison Committee of Development NGOs to the European Union:

<http://www.ids.ac.uk/eldis/data/d021/e02162.html>.

Mac Coubrey, Hilaire. 1990. *International humanitarian Law. The regulation of armed conflicts*.

Médecins du Monde:

<http://www.medecinsdumonde.org>

Médecins sans Frontières (MSF): <http://www.msf.org>

NGO Millennium Forum:

<http://www.millenniumforum.org>

Organization of African Unity (OAU):

<http://www.africa-union.org/fr/home.asp>

Organization of American States (OAS):

<http://www.oas.org>

Organization of the Islamic Conference (OIC):

<http://www.oic-oci.org>

OXFAM: <http://www.oxfam.org>

Provost, Renâe. 2002. *International human rights and humanitarian law*.

Save the Children-UK:

<http://www.savethechildren.org.uk>

The Food and Agriculture Organization (FAO):

<http://www.fao.org>

The Office of the United Nations High Commissioner for Refugees (UNHCR): <http://www.unhcr.ch>

The United Nations Department of Peacekeeping Operations (UNDPKO):

<http://www.un.org/Depts/dpko/dpko/home.shtml>

The United Nations High Commissioner for Human Rights (UNHCHR): <http://www.unhchr.ch>

The United Nations Office of the Coordinator for Humanitarian Affairs (OCHA):

http://www.reliefweb.int/ocha_ol

The World Food Program (WFP): <http://www.wfp.org>

Voluntary Organizations in Cooperation in Emergencies (VOICE): <http://www.ngovoice.org>

World Vision International: <http://www.wvi.org>

WORK

HUMAN RIGHTS IN THE WORLD OF WORK
THE RIGHT TO WORK AND WORK-RELATED
HUMAN RIGHTS

*»...Universal and lasting peace
can be established only if it is
based on social justice...«*

CONSTITUTION OF THE INTERNATIONAL
LABOR ORGANIZATION

ILLUSTRATION STORY

Appalling Working Conditions in Free Trade Zones

Xiao Shen, a young girl who lived in a little rural village called Zhongyuan in the middle of China, had a harsh existence. She had little to no rice to eat and no future prospects. Day after day she had to kneel in deep water helping her father with the rice crop.

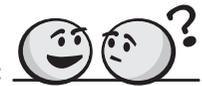
Finally, one day she decided to leave. She had heard about a better, foreign place far away somewhere behind the forbidding mountains. And so one morning before sunrise she and some of her friends who shared her dreams of a better life left home. Two thousand kilometers and endless days of strain, anxiety and uncounted tears later they reached their destination – a town called Shenzhen, a free trade zone in the South of China next to the border of Hong Kong. There they hoped to find work, earn money and to fulfill their dreams. Xiao Shen happened to get to know two businessmen called Huang Guoguang and Lao Zhaoquan, who were hiring workers for their “Zhili Handicrafts Factory”, a company that produced toys. Xiao Shen was one of the 472 employees and pretty soon she got the impression that she was even worse off now than she used to be in her little village. From dusk till dawn she drudged in the Zhili-factory for a starvation wage – just enough to survive

on it (26-40 Euro a month!). The businessmen both feared that the employees could steal their goods, so the factory was set up like a prison, where the workers lived 24 hours a day. All windows were bared and all emergency exits were blocked. State superintendents were bribed to turn a blind eye to these conditions.

Day after day Xiao Shen lived behind bars, unable to leave the building, unable to lead a normal life, without her own space. On the afternoon of 19 November 1993 a fire broke out and spread out all over the building with uncontrollable speed. Highly flammable chemicals were stored throughout the building, causing an inferno of nightmare proportions. Xiao Shen and the others desperately tried to flee the fire – but how? All windows were bared and all doors were closed. Two hundred men and women, many of them not older than sixteen, were literally circumvented by flames screaming for their lives. Xiao Shen managed to break open one of the bared windows in the second floor and had the decision between either jumping or burning alive. She decided to jump and broke both of her ankles – but she survived. Altogether 87 people lost their lives this afternoon and over 47 were seriously injured.

SOURCE:

THIS STORY, INVESTIGATED BY KLAUS WERNER AND HANS WEISS, TWO JOURNALISTS, HAS BEEN ADAPTED FROM THEIR PUBLICATION “BLACK BOOK ON BRAND COMPANIES”. AS A VERY FACT INTERNATIONAL HUMAN RIGHTS BODIES AND NGOS ARE INCREASINGLY CONCERNED ABOUT THE BAD WORKING CONDITIONS IN THE SO CALLED “FREE-TRADE ZONES”.



DISCUSSION QUESTIONS:

1. Which human rights are violated by the conditions under which Xiao Shen needs to work?
2. What are the major problems connected to the right to work?
3. Which measures could be taken on an international scale to enhance the prospects or at least the working conditions of employees like Xiao Shen?

NEED TO KNOW

1. “THE WORLD OF WORK IN THE 21ST CENTURY”

New technologies and the global data-highway have the potential to transform the world of work even more than the Industrial Revolution.

Due to ongoing industrialization, the 20th century has seen the further decline of the agricultural sector and the increasing importance of the services sector. The liberalization of the world market and the “cyber revolution” have meant that opportunities in the global economy have become much broader.

This **new global economy** calls for highly specialized workers, who have to be well-trained, flexible and highly motivated, as well as willing to adapt themselves faster to current market demands. Workers are having to cope with increasing stress and changing working conditions in the light of accelerated technological and structural change. More and more people work part-time, are self-employed or face unstable working conditions. In this regard globalization is exposing social gaps between those with the education, skills and mobility to flourish in an integrated world economy, and those without. These new inequalities and

insecurities are leading to tensions between different sectors of society.

Heightened competition as a result of the liberalization of trade and financial regimes exerts a high pressure on companies to reduce production costs. To meet these targets they can either reduce the cost-intensive factor of production “work” through automation, making labor redundant, or transfer production to low-wage countries, where social standards are much lower. On the whole pay and working conditions may be pressured downwards. Too often exploitation, forced and child labor are the consequences.

The “globalization” phenomenon affects people in all parts of the world but its positive outcomes are spread unevenly. Governments however have decreasing powers to mitigate the negative effects of the lowering trade barriers, mostly due to the new “global players”: multinational enterprises.

The **social dimension of globalization** has to become a major concern of international policies. More than ever it is important to promote social standards and human rights on an international scale in order to secure social stability, peace and development, giving a human face to the global economy.

Work and Human Security

Social and economic security is an important aspect of human security. In this regard the right to work and rights at work play a crucial role in the achievement of human security. People without an access to work are either dependent on social aid or have no prospects at all. The right to work as a human rights standard goes far beyond the mere safeguarding of survival, because the satisfaction of basic needs will not suffice to enhance human security. Worker’s rights secure decent working conditions, but also protect against discrimination and exploitation at the workplace. Work shall not only secure survival and well-being, but has also to do with one’s relation and participation in the society. It is also closely related to self-determination, self-respect, self-realization and therefore to human dignity. Besides leading to personal insecurity, dangerous, unhealthy or unjust working conditions, unemployment and the denial of trade unions are prone to produce unrest and thus create insecurity and unstableness in a society. For these reasons the promotion of standards of decent work without exploitation is conditional for the enhancement of human security.

In order to understand how the humane dimension of labor gained ground it is necessary to take

“A LOOK BACK IN HISTORY”

The role of social justice and just working conditions in promoting peace and development should not be underestimated. Injustices, hardships and privation related to work are liable to produce unrest. The recognition that decent work is a precondition for human dignity is predominantly the result of worker’s struggles for their rights. Consequently worker’s rights have been embodied in the ILO’s labor legislation since 1919 and in the UN’s post World War II standard-setting.

18th Century: The idea that work is a fundamental entitlement of all members of society was a claim initially advanced in the **French Revolution**. Charles Fourier, a utopist social philosopher was the first to use the term “right to work” and emphasized the importance of work not only for the social but also for the psychological well-being of the individual. He maintained that states had an obligation to provide equivalent opportunities and concluded that the realization of

this right would require a complete reorganization of society.

We come across this view of the right to work again in Socialist theories; Communist governments later promoted it as well. It can be said therefore, that the right to work has a rather “socialist tradition.”

19th century: The **Industrial Revolution** led to the emergence of the working class, a social group dependent on wage labor due to the lack of production means. Workers were exploited and suffered dangerous working conditions in factories, textile mills and mines. The impoverishment of workers created a feeling of solidarity among them and they started to organize (Karl Marx in “Workers of the World, Unite!”).

Gradually the voice of workers grew louder and their situation was increasingly publicized. Due to the pressure from the first **trade unions**, reform laws relating to working hours and conditions were passed in a number of countries. Continued labor unrest, however, pressured industrialists and governments to consider further measures.

20th century: Some industrialists proposed setting common international standards in order to avoid comparative advantages of

nations disregarding labor standards and finally, in 1905 and 1906 the first two international labor conventions were adopted. Initiatives to draft and adopt further conventions were interrupted by World War I.

The Treaty of Versailles, ending the war finally recognized the interdependence between labor conditions, social justice and universal peace *on an international scale*, assigning the foundation of the **ILO** as a mechanism for international standard setting in the field of work and labor.

In this context the concept of labor as a human value, social need and means of self-realization developed and enhanced.

Between 1919 and 1933 the ILO drafted forty conventions addressing a wide range of work-related issues.

The stock market crash in 1929, known as “Black Friday” resulted in a severe setback. It caused a large economic slowdown accompanied by large scale unemployment. Demonstrations and riots of unemployed workers followed. In Germany the world economic crisis was followed by a severe political crisis, contributing to the rise of Adolf Hitler and finally leading to World War II.

After World War II: The United Nations consequently included economic and social concerns in its aims and programs for a new world order, to prevent such a situation arising again.

The link between work and human dignity was emphasized in the *Declaration Concerning the Aims and Purposes of the International Labour Organisation* adopted in Philadelphia in 1944 (known as the “Declaration of Philadelphia”; incorporated in the ILO Constitution in 1946) stating that “Labour is not a commodity” and that “all human beings...have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.”

This was also spelt out in the Papal Encyclical “*Laborem Exercens*” of 1981, which enhanced the position of workers as subjects and not objects from a philosophical and religious viewpoint.

Much has been done to improve the fate of workers all over the world, by the ILO as well as the UN. Today however, in the light of the globalizing economy, new challenges and new insecurities require new and more complex solutions.

» *Decent work is a global demand today, confronting political and business leadership worldwide. Much of our common future depends on how we meet this challenge.*«

ILO, 1999

2. DEFINITION AND DESCRIPTION OF THE ISSUE

Examples of human rights violations in the context of work range from children working in coal mines, trade-unionists that are imprisoned to modern slavery, such as bonded labor or the commercial sexual exploitation of children. Human rights from this perspective also deal with bad working conditions such as an unhealthy or dangerous working environment or exploitative hours of work. Issues falling under this topic cover the protection of particularly vulnerable groups in the world of work as for example women or migrants. And last but not least the link between human dignity, human security and decent working conditions needs to be discussed.

In the following, the two major international mechanisms for the protection of the right to work and worker’s rights, the ILO System on the one hand and the International Bill of Human Rights on the other, will be set forth.



INTERNATIONAL LABOR LEGISLATION

The International Labor Organization (ILO)

The International Labor Organization was created in 1919. It was founded mainly to give expression to the growing concern for social reform after World War I. It is based on the strong belief that poverty is a danger to prosperity and security everywhere and aims to improve conditions for working people all over the world without discrimination as to race, gender or social origin.

In 1947 the ILO became a specialized agency of the United Nations and in 1969 it was granted the Nobel Peace Prize for its work.

Among the UN agencies the ILO is unique because it enjoys a **tripartite structure**, whereby decisions reached by its organs represent the views of **employers** and **workers** as well as those of **governments**.

The ILO

- formulates policies and programs to promote basic human rights, to improve working and living conditions and enhance employment opportunities;
- establishes international standards (conventions and recommendations) in

these fields and monitors their national implementation;

- conducts an extensive program of technical cooperation to help countries in making its policies effective.

The ILO has drafted some 180 Conventions, laying down standards in such fields as conditions of work, occupational safety and health, social security, employment policy

and vocational training and providing protection for women, migrants and indigenous people.

Only a handful of conventions of the ILO however are usually referred to as **basic human rights conventions**. Below you can find a list of these most important ILO conventions together with their ratification status.

As a response to the new challenges posed by globalization on 18 June 1998 the ILO adopted the **Declaration on Fundamental Principles and Rights at Work and its Follow up**. It precisely defines which labor standards or worker's rights are fundamental, namely the core ILO conventions in the box above. This is an important first step to carefully directed international efforts to meet these challenges. It reflects the commitment of states to a common set of values expressed in a certain number of rules constituting a "social minimum".

The declaration is binding upon *all* members of the ILO notwithstanding whether they have ratified the conventions in question or not. States that have not ratified the core conventions are asked to submit reports on progress made in implementing the principles enshrined in the Declaration.

The ILO also issues a global report on the progress made in implementing the fundamental principles of *all* member states every four years, which serves as a basis for assessing the effectiveness of the action taken during the preceding period.

The ILO's most important conventions

Ratification of core International Labour Organization Conventions

(as of 8 January 2003)

Principle	Conventions	Number of countries ratifying
Freedom of association and protection of the right to organize and collective bargaining	Convention 87 (1948)	141
	Convention 98 (1949)	152
Minimum working age	Convention 138 (1973)	120
Prohibition of forced labor	Convention 29 (1930)	161
	Convention 105 (1957)	158
Rights to equal remuneration and prohibition of discrimination in employment and occupation	Convention 100 (1951)	160
	Convention 111 (1958)	158

SOURCE:
ILO, 2003



WORK-RELATED HUMAN RIGHTS IN THE INTERNATIONAL BILL OF HUMAN RIGHTS

The Universal Declaration of Human Rights

The Universal Declaration of Human Rights contains a wide range of human rights relating to work. All these rights are further developed in the Covenants which make them binding upon States Parties. Below you can find an extract of the UDHR listing the rights in question, that will be described in detail subsequently.

“No one shall be held in slavery or servitude...Everyone has the right to freedom of peaceful assembly and association ... Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work. Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. Everyone has the right to form and join trade unions for the protection of his

interests. Everyone has the right to rest and leisure, including reasonable limitation of working hours...Everyone has the right to a standard of living adequate for the health and well-being of himself and his family...and the right to security in the event of unemployment, sickness...disability...or other lack of livelihood...”

UNIVERSAL DECLARATION OF HUMAN RIGHTS,
ARTICLES 4, 20, 23, 24 AND 25

The International Covenant on Civil and Political Rights

Freedom from Slavery

Article 8 ICCPR states that *“No one shall be held in slavery...No one shall be required to perform forced or compulsory labor...”*

Although universally condemned, slavery and forced labor practices are still in existence in various forms today. Often they are deeply rooted in either ideological considerations or in the legacy of traditional cultural settings. According to the ILO there is an apparent link to undemocratic structures. Millions of men, women and children around the world are forced to lead their lives as slaves. Although this exploitation is often not called slavery, the conditions are the same. A slave is:

- forced to work – through mental or physical threat;
- owned or controlled by an ‘employer’, usually through mental or physical abuse or threatened abuse;
- dehumanized, treated as a commodity or bought and sold as ‘property’;
- physically constrained or has restrictions placed on his/her freedom of movement.



What Types of Slavery Exist Today?

Bonded labor – affects at least 20 million people around the world. People become bonded laborers by taking or being tricked into taking a loan for as little as the cost of medicine for a sick child. To repay the debt, they are forced to work long hours, seven days a week, 365 days a year. They receive basic food and shelter as ‘payment’ for their work, but may never pay off the loan, which can be passed down through several generations.

Forced labor – affects people who are illegally recruited by governments, political parties or private individuals, and forced to work – usually under threat of violence or other penalties.

Worst forms of child labor – refers to children who work in exploitative or dangerous conditions. Tens of millions of children around the world work full-time, deprived of the education and recreation crucial to their personal and social development.

Commercial sexual exploitation of children – children are exploited for their commercial value through prostitution, trafficking and pornography. They are often kidnapped, bought, or forced to enter the sex market.

Trafficking – involves the transport and/or trade of humans, usually women or children, for economic gain using force or deception. Often migrant women are tricked and forced into domestic work or prostitution.

Early and forced marriage – affects women and girls who are married without choice and are forced into lives of servitude often accompanied by physical violence.

Traditional or ‘chattel’ slavery – involves the buying and selling of people. They are often abducted from their homes, inherited or given as gifts.

SOURCE:
ANTI SLAVERY, 2002

The International Covenant on Economic, Social and Cultural Rights

The Right to Work

Article 6 ICESCR *provides for the right to work, which includes the right of everyone to the opportunity to gain his living by work freely chosen or accepted. The steps to be taken...to achieve the full realization of this right shall include technical and vocational guidance and training programmes.*

Work: Right or Obligation?

Why do we need a human right to something that is a duty, related to strain or mental or physical effort? For these negative implications, there is often confusion about the concept of the right to work. Work, however, is closely related to human dignity and to one’s participation in society, whereas unemployment can lead to severe frustration and even depression. Work can also be a means of self-realization and contributes to the development of personality.

The right to work ensures that nobody is excluded from the world of work per se, i.e. this right deals predominantly with access to work, but also covers protection of unfair dismissal. However, it does not include a guarantee to work and in fact, unemployment exists in all states, but governments

have to take steps by all appropriate means to achieve progressively the full realization of the right (Article 2 ICESCR).

The Right to just and favorable conditions of work

Article 7 ICESCR *–... States Parties ... recognize the right of everyone to...just and favorable conditions of work which ensure... fair wages and equal remuneration for work of equal value without distinction of any kind...; a decent living...safe and healthy working conditions; equal opportunity for everyone to be promoted ...; rest, leisure, and reasonable limitation of working hours ...*

This article inter alia provides for minimum remuneration guaranteeing a decent living as well as for just and favorable working conditions. It is closely related to a large number of conventions adopted by the ILO that are also used by the Committee on Economic, Social and Cultural Rights to concretize States’ obligations arising from this provision.

The Right to Form and Join Trade Unions

Article 8 ICESCR *...States Parties recognize the right of everyone to form trade unions and join the trade union of his choice...for the promotion and protection of his economic and social interest...; the right to strike...*

Banding together in organizations has always been a way for people to enhance their security, whether at their workplace or within their community or nation.

Art. 8 ICESCR is linked closely to the right to freedom of association. The right to collective bargaining makes freedom of association effective in the world of work. These rights are considered so important, because they often hold the key to the realization of other fundamental rights and entitlements at work. Yet they do not always have the same public commitment or identification as, for example, the struggle against child labor.

Equality of Treatment and Non-Discrimination Rights

When discussing work-related rights, provisions on the principles of non-discrimination and equality of treatment cannot be left out. The rules of non-discrimination and equal treatment pervade the whole law of social rights. Special attention needs to be given to rules securing the equal treatment of women in the labor market.

  Human Rights of Women Module.

An important milestone in the recognition of the equal rights of women in the access to economic opportunities has been the adoption of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international instrument addressing also the reproductive rights of women. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their right to work, states parties shall prohibit dismissals on the grounds of pregnancy or of maternity leave and discrimination on the basis of matrimony. Furthermore, they shall introduce maternity leave with pay or with comparable social benefits without loss of former employment.

Levels of Obligation

The ultimate effectiveness of international instruments is always contingent on the measures taken by governments to give effect to their international legal obligations. Duties of states relating to the aforementioned rights include:

> the obligation to respect:

The most basic obligation is that states respect the freedom from slavery and forced labor. Another very important aspect is the

respect of freedom of association, to join and form trade unions. These rights are frequently violated as they have the potential to pressure a state to implement other important workers' rights.

> the obligation to protect:

States parties are obliged to lay down minimum standards, below which the working conditions of no worker should be allowed to fall. The right to work furthermore requires protection of unfair dismissals and in any case states have to assure protection against discrimination in access to work.

> the obligation to promote:

With regard to work this obligation can be understood as an obligation to facilitate access to work, providing vocational guidance and training facilities.

> the obligation to fulfill:

Although the right to work is often misunderstood in this regard, it does not require states to guarantee a job to everyone, but calls on states to pursue policies to achieve steady economic, social and cultural development and full and productive employment.

3. INTERCULTURAL PERSPECTIVES AND CONTRO- VERSIAL ISSUES



Within this international legal framework, implementation activities have to take into consideration the developmental and institutional diversity of people who experience an increasingly common world of work in different ways. The well-known parable of the fisherman is a good illustration for the fact that “work” has a different value in different cultural settings and that measures changing the patterns of work have to be well-balanced.

A Parable: The Fisherman

One late morning a fisherman was lying on a beautiful beach, with his nets dispersed in the sand, he was enjoying the warmth of the sun, glancing at the sparkling blue surf now and then.

About that time, a tourist came walking down the beach. He noticed the fisherman sitting on the beach and decided to find out why this fisherman was relaxing instead of working hard to make a living for himself and his family.

“You’re not going to catch many fish that way,” said the tourist, “You should be working harder rather than lying on the beach!”

The fisherman looked up, smiled and replied, “And what will my reward be?”

“Well, you can get bigger nets and catch more fish!” was the tourist’s answer.

“And then what will my reward be?” asked the fisherman, still smiling.

The tourist replied, “You will make money and you’ll be able to buy a boat, which will then result in larger catches of fish!”

“And then what will my reward be?” asked the fisherman again.

The tourist was beginning to get a little irritated with the fisherman’s questions. “You can buy a bigger boat, and hire some people to work for you!” he said.

“And then what will my reward be?”

The tourist was getting angry. “Don’t you understand? You can build up a fleet of

fishing boats, sail all over the world, and let your employees catch fish for you!”

Once again the fisherman asked, “And then what will my reward be?”

The tourist was red with rage and shouted at the fisherman, “Don’t you understand that you can become so rich that you will never have to work for your living again! You can spend all the rest of your days sitting on this beach, looking at the sunset. You won’t have a care in the world!”

The fisherman, still smiling, looked up and said, “And what do you think I’m doing right now?”

4. IMPLEMENTATION AND MONITORING

Conventions ratified by states are binding upon them. Yet the effectiveness of international instruments depends on the willingness of states to enforce them through national laws and to conform with the findings of the monitoring authorities. There are only limited possibilities of sanctions against a state in breach of its obligations,

often the enforcement depends on the “*mobilization of shame*”. In the globalizing economy weak enforcement mechanisms have led to calls for linking human rights, and particularly labor rights, with trade. This would open the possibility of trade sanctions against states violating international standards. This issue however is highly controversial. Trade sanctions would force states to take measures, e.g. the prohibition of child labor, but regularly the problems require much more complex solutions.

For the enforcement of international standards the ILO and the UN assign various **supervisory and complaints procedures**.

States Parties to ILO Conventions have to submit periodic reports that are analyzed and commented by **the Committee of Experts on the Application of Conventions and Recommendations**. The Reports of this Committee are consequently submitted to the annual International Labor Conference. Though this procedure may seem a rather toothless instrument of implementation, about 2000 changes in national labor and social legislation in over 130 countries have been noted since 1967!

Besides this supervisory mechanism the ILO provides **two complaints procedures** for the implementation of labor standards. The first allows employers’ or workers’ organizations to file a complaint against a member state. The second allows a member state to make a complaint against another member state. Thereafter a commission of inquiry may be appointed. The findings of these commissions are regularly received by the governments concerned.

It is worth mentioning that besides this there is also a special **Committee on Freedom of Association** for examining allegations of violations of trade union rights. Complaints may be made against *any* government whether it has ratified the relevant conventions or not. Since its inception in 1950 the Committee has had success ranging from the amendment of laws, the reinstatement of dismissed workers to the release of imprisoned trade union members.

The assigned **UN body** that monitors the appropriate implementation of the ICESCR is the **Committee on Economic, Social and Cultural Rights**. Unlike other human rights treaty bodies it was not established by its corresponding instrument, but entrusted by the ECOSOC in 1985 with the monitoring of

the Covenant. It is comprised of 18 independent experts.

State Parties to the Covenant have to submit reports every 5 years, outlining judicial, policy and other measures which they have taken to guarantee economic, social and cultural rights. After analysis of reports through the Committee and discussion with delegates of the states concerned the Committee issues its considerations in “concluding observations”. On several occasions the Committee has identified violations of the Covenant and subsequently urged states to desist from any further infringements of the rights in question.

It is not yet possible, however, for individuals or groups to submit formal complaints on the infringement of their rights to the Committee.

GOOD TO KNOW



1. GOOD PRACTICES

> International Programme for the Elimination of Child Labor (IPEC)

The ILO has developed the International Programme for the Elimination of Child Labor (IPEC). Working together with national governments, as well as NGOs, it develops special programs, taking into account the complexity of the matter and the necessity for thoughtful and consistent methods of remedying the problem. It has to find alternatives to child labor, for example launching programs to withdraw the children from labor and provide them with educational alternatives as well as their families with alternate sources of income and security. During its ten years of existence, IPEC has been able to enlarge its operational activities from the initial 6 to a current total of 82 countries.

Global estimate of economically active children ages 5 to 17 in 2000

Age group	Ratio of number at work to total population (%)
5-9	12,2
10-14	23,0
Total (5-14)	17,6
15-17	42,4
Total (5-17)	23,0

SOURCE:
ILO

In partnership with the African Football Confederation and the organizers of the African Cup of Nations (COCAN), IPEC carried out a major campaign to raise awareness on child labor issues on the occasion of the 2002 Championship in Mali. With a simple and straightforward message: “Red Card to Child Labor”, understandable to anyone familiar with the sport of football, the campaign used a variety of different media – video, popular music and print, distributed through television, radio, two international airlines and the football matches themselves – to reach millions of people in Africa and beyond. Activities were carried out in 21 African nations and the national media in several countries widely publicized the campaign. It is estimated that 12 million people received the message in Kenya and 5 million in Zambia alone. In some African countries, such as Egypt and Ghana, enthusiasm for the campaign was so great that it will continue to be part of many upcoming national or local football competitions and other public events.

DID YOU KNOW THAT...

...some 250 million children between the ages of 5 and 14 work either full-time or part-time. This means out of 100 children in this world, 16 work for a living.

...almost half of those, some 120 million, work full-time, every day, all year round.

...70 % of them work in agriculture.

...70 % of them work in a dangerous environment.

...of the 250 million children concerned, some 50 million to 60 million are between 5 and 11 years and work, by definition, in hazardous circumstances, considering their age and vulnerability.

...child labor is also common in developed countries. For example in the United States, more than 230 000 children work in agriculture and 13 000 in sweatshops.

SOURCE:
UNITED NATIONS

> Codes of Corporate Conduct Dealing with Labor and Human Rights:

The multinational companies cannot evade the accountability for their activities anymore. Consumers and NGOs exert considerable pressure on them to improve working conditions in their companies.

Increasingly this pressure results in the adoption of codes of corporate conduct, including human rights, labor standards as well as environmental concerns. For more examples see <http://www1.umn.edu/humanrts/links/sicc.html>

The most prominent example is probably the *Levi Strauss and Co. Business Terms of Engagement and Guidelines for Country Selection*, which are directed to the company's contractors and suppliers. They cover, inter alia, occupational safety and health, freedom of association, wages and benefits, working time, child labor, forced labor and non-discriminatory hiring practices.

These efforts certainly have a positive effect on social conditions, but they frequently do not aim at a very high level of standards, as for example provided by the international human rights instruments, but rather of national standards. Furthermore they lack effective monitoring systems. It can be argued, therefore, that often they pay nothing more than lip-service to established standards. Nonetheless they are a step into

the right direction to increased social accountability.

➤ Labeling of Items

The labeling of items produced in conformity with good social practices is increasingly urged as a contribution to better social practices and protection of human rights. It permits consumers to influence production practices by using their purchasing power in support of good practices. Today there are labeling initiatives in 17 countries, mainly throughout Europe and North America, and the product range now includes coffee, drinking chocolate, chocolate bars, orange juice, tea, honey, sugar and bananas.



Rugmark, for example, is a global nonprofit organization working to end child labor. It offers educational opportunities for children in India, Nepal and Pakistan. The RUGMARK label assures that no illegal child labor was employed in the manufacture of a carpet or rug.



The Fairtrade Foundation exists to ensure a better deal for marginalized and disadvantaged Third World producers. The Foundation awards a consumer label, the FAIRTRADE Mark, to products which meet internationally recognized standards of fair trade. The label is on sale in most major European supermarket chains.

➤ The Global Compact

» *Let us choose to unite the powers of markets with the authority of universal principles.*«

KOFI ANNAN, UN SECRETARY-GENERAL

The "Global Compact" (GC) is based on an idea launched by UN Secretary-General Kofi Annan in an address to the World Economic Forum on 31 January 1999 calling on the business community to comply with values universally supported and endorsed. The emerging trend of corporate accountability lacked an international framework to assist companies in the development and promotion of global, values-based

management. The GC closed that gap and received great acceptance from the business community.

It lays down 9 core values, embracing human rights, labor and environmental issues. As for labor it includes commitments to the compliance with the most basic labor standards of the ILO,



- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labor;

- the effective abolition of child labor and
- the elimination of discrimination in respect to employment and occupation.

The ILO assists in formulating concrete measures to promote these standards effectively.

The website <http://www.unglobalcompact.org> provides easy access to information on the principles of this initiative, including a list of participating companies. Since the launch, hundreds of companies and organizations have engaged in the Global Compact.

The Global Compact is a voluntary set of principles. Although it has been widely

recognized as a positive step in encouraging corporations to act responsibly, some question whether its implementation can be effective. Critics argue that challenges to the initiative's effectiveness are its lack of legally enforceable standards, independent monitoring and enforcement mechanisms, and clarity about the meaning of the standards themselves.

2. TRENDS

• Export Processing Zones (EPZs):

To attract foreign investors more and more countries establish so-called free trade zones, that offer exemptions not only from fiscal levies but also from the obligation to comply with laws which protect the rights of workers. The multinational companies benefit from low labor costs, but nevertheless workers flow into the zones, because the salaries are still higher than for corresponding jobs outside the zones. In return, the other working conditions may be less satisfactory, like for example safety and health issues. Disregard of fire prevention rules, failure to install first aid facilities and unsafe machinery are only some of the problems that may occur in the EPZs. The

conditions have certainly improved with increased publicity, yet problems remain.

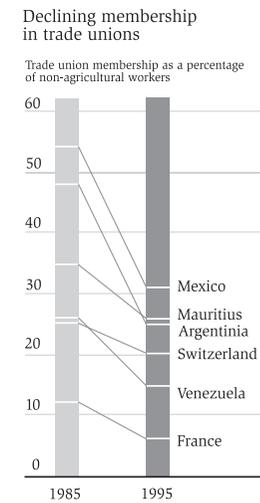
EPZs can be found in at least 70 countries.

The world's 845 EPZs employ 27 000 million workers.

SOURCE:

UNDP 2000.

• Decline of Trade Unions



Source: ILO 1997c

In some developed countries, labor union membership is at an unprecedented low. In the US for example only about 15% of workers are members of trade unions. The power of trade unions is much weaker than in the immediate past. In most developing countries, freedom of association for labor unions scarcely exists; obstacles of various kinds are placed

in the way of organizing workers and, in certain countries, violence, torture, arbitrary killings and arbitrary arrests are routinely used to prevent workers from uniting to reclaim their rights.

• **Increasing International Mobility: the Migration of Workers**

Poverty and violence are today the tragic reasons pushing millions of people to leave their home countries in search of a better future. This development is increasing due to the disparities in economic development. All too often migrant workers are subject to all kinds of discrimination and exploitation.

In total there are 150 million migrants, who make up 2% of the world's population. And 50 million of them live in Africa alone. According to the ILO over 100 million of the migrants are workers, including a very large proportion of women (47,5%). In addition to this estimate there is a growing number of clandestine migrants, i.e. without papers (30 to 40 million). These numbers are likely to rise, unless the inequalities in our globalized world are not tackled adequately.

The relevant ILO Conventions on Migrant Workers (Conventions 97 and 143) have regrettably received relatively few ratifications because of states fearing further conditioning of their immigration policies. A positive development is the coming into force of the "UN Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families" in December 2002, (thanks to the ratification by East Timor the critical threshold of 20 signatures has been crossed), opening up better prospects for migrants all over the world.

» *Youth make up more than 40 per cent of the world's total unemployed. There are an estimated 66 million unemployed young people in the world today – an increase of nearly 10 million since 1965. Underemployment is also another growing concern. The majority of new jobs are low-paid and insecure. Increasingly, young people are turning to the informal sector for their livelihood, with little or no job protection, benefits, or prospects for the future.*«

KOFI ANNAN,
UN SECRETARY-GENERAL, 2001

• **Youth Unemployment**

One of the most daunting problems faced by developed and developing countries alike is the large and growing number of unemployed youth.

The most seriously affected regions are Southern Europe (Greece, Italy and Spain), Eastern Europe (particularly Bulgaria, Latvia, the former Yugoslav Republic of Macedonia and Poland) and the Caribbean (including Jamaica and Trinidad and Tobago). However, youth unemployment is not high in all countries. In Austria, Japan, Mexico, Singapore, South Korea and the United Republic of Tanzania, less than one in 12 young workers is unemployed and the difference between youth and adult rates is relatively low. (Country data relate to 1997 or earlier, ILO).

...over 510 million young women and 540 million young men live in the world today according to United Nations estimates.

...this means that approximately one person in five is between the ages of 15 and 24 years, or youth comprises almost 18 per cent of the world's population.

...on average, and almost everywhere, for every unemployed adult, two young persons find themselves without a job.

...about 70 million young people are unemployed throughout the world according to ILO estimates.

...in countries as diverse as Colombia, Egypt, Italy and Jamaica, more than one in three young persons are classified as "unemployed" – declaring themselves to be without work, to be searching for work and/or to be available for work.

Anything like long-term unemployment causes social distress and the consequences of being unemployed in youth can be serious. Youth unemployment is often associated with serious social problems such as violence, crime, suicide and abuse of drugs and alcohol, thereby perpetuating a vicious circle. Effective youth policies and programs need to be closely targeted to take account of specific capabilities, needs and differences.

SELECTED ACTIVITIES



ACTIVITY I: WOMEN – CHILDREN – WORK

PART I: INTRODUCTION

This activity involves a role-play about the issues of women's reproductive rights at the workplace. Reproductive rights include the right to a choice whether to have or not to have children.

Type of activity: role play

PART II: GENERAL INFORMATION ON THE ROLE PLAY

Aims and objectives:

This role play aims to develop knowledge about women's reproductive rights, it tries to give participants a feeling of what it feels like to be discriminated against and it promotes equality, justice and responsibility.

Target Group: young adults, adults

Group size/soc. organisation: 15–25

Time: about 1 1/2 hour

Skills involved: critical thinking, opinion building, linguistic and empathetic skills

PART III: SPECIFIC INFORMATION ON THE ROLE PLAY

Introduction of the topic:

- Read out the background scenario for the role play

“Maria has been unemployed for almost a year and is looking hard for a new job. Ten days ago she went for an interview for her dream job. Everything went well and she was offered the position. The company asked her to have a meeting with Mr. W., the personnel officer in order to sign the contract. She had already discussed her duties and other job-related issues at the interview but just as Maria was to sign the contract, Mr. W. said that a condition of the job was that she signs a declaration that she will not have a baby for the next two years.”

Performance of the role play:

- Divide the group into smaller groups (4-6 each)
- Read out the scenario and let each small group twenty minutes to decide on an ending for the story and to develop it into a role play. The role play should start with the meeting between Maria and Mr. W. and should not last for more than 5 minutes.
- Invite each small group to present their role play – you might use the following methods as well
 - Role Reversal: Without warning, stop the action, ask actors to exchange roles and

continue the action from that point. Debrief thoroughly.

- Replay: After a role play, change the situation (e.g. you are unable to get pregnant, you are already pregnant...) and ask the actors to replay the same scene with this change.
- Keep comments for debriefing.

Feedback:

- Begin with feedback from each small group (how did they develop the role play; was it difficult?), then talk about the implications and what should be done about discrimination of this sort.
 - *Was anyone surprised at the situation?*
 - *On what kind of outcome did the groups decide (realistic endings?; good points – weak points?; is it better to be assertive, aggressive or submissive?)*
 - *What rights do women have in your country (especially when they get pregnant?)*
 - *Why did the company react that way – was it fair?*
 - *Were any human rights violated? If so, which ones?*
 - *If Maria were a man, would the same thing have happened to her?*

- *In what ways do men see this issue; differently from the way women do?*
- *What can be done to promote and protect women's reproductive rights?*

Methodological hints:

- Explain to the group what reproductive rights are.
- You might try to form single-sex groups which may lead to more provocative endings.
- Bear in mind that a discussion about abortion may arise which requires participants to put aside stereotypes and pre-conceived opinions.

Tips for Variation:

- Start with two volunteers to play the role play, with the rest of the group as observers.
- *stop presentation at intervals and ask for comments.*
- *let observers exchange roles with the actors.*
- *add other characters to the situation (husband, a trade union representative).*
- Let the group do some research into reproductive rights in your country (interviews, participate in human rights plays in public places – invite observers to take place).

PART IV: FOLLOW-UP

Related rights/further areas of exploration:

Social rights, Gender equality, Discrimination, Xenophobia

Sources: Adapted from: *Compass: A Manual on Human Rights Education with Young People*. 2002. Strasbourg Cedex: Council of Europe Publishing.



2

ACTIVITY II: ECONOMIC FAIRNESS

PART I: INTRODUCTION

The distribution of wealth and power within society usually affects person's opportunities to achieve full human rights and live a life in dignity. In this case study the participants examine the concept of "fairness" and reflect on their own situations. They make connections between their own clothes and the people who make them.

Type of activity: case study

PART II: GENERAL INFORMATION ON THE CASE STUDY

Aims and objectives:

This activity helps participants to make connections between their own clothes and the people who make them. In addition they pose questions about our responsibilities.

Target group: young adults to adults

Group size/social organization: about 25

Time: about 1 1/2 hour

Material: flip chart paper or blackboard, markers or chalk; discussion questions

Handout: T-Shirt Math

Skills involved: analysing, reflection, linguistic and critical thinking skills; writing skills.

PART III: SPECIFIC INFORMATION ON THE CASE STUDY

Introduction of the case:

T-Shirt Math (handout):

A t-shirt that sells for 20\$ in the United States is manufactured by an international corporation at one of its factories in El Salvador. This factory is an example of a

maquiladora, which is a foreign owned factory that assembles goods for export. The Salvadoran workers producing the shirt were paid 0.56\$ an hour. On average, a worker is able to sew approximately 4.7 shirts per hour.

Using the information above, calculate the following:

- How much does a worker receive per t-shirt?

In 1994, the Salvadoran government calculated that to support a family at a bare subsistence level, it would take about four times the wages provided by a maquiladora worker.

- If a worker's wage were quadrupled, how much would they make per hour?
- How much would they earn per t-shirt?
- If the company passed on this increased cost to the consumer, how much would a t-shirt cost?

Now imagine that a worker's wage were increased by ten times?

- What would be their hourly rate?
- How much would they earn per shirt?
- If the company passed on this increased cost to the costumer, how much would you pay for the shirt?

Instruction for the case study:

Warming up:

Ask half of the group members to check the labels they can find on all their clothing. Then make a list (chart paper, blackboard) and record all the information about the labels and countries where apparel are made. Once this list is completed, ask participants to analyze the results. In almost every case, the majority of the garments will indicate that they were made in poorer countries. Discuss with the whole group the following questions:

WHO

- do you think made your clothes, sunglasses, shoes, buttons, zippers, other decorations...?
- Was it more likely a man, a woman, a child???

WHAT

- do you imagine were these workers paid?
- kind of working conditions do they face?

List the results on the flip chart/blackboard.

Evaluation of the case:

- Explain to the group that the following case should evaluate the validity of a claim often made by clothing retailers when approached about requiring better wages for the workers who make our clothes. They often assert that wages must be held low so that consumers can have inexpensive products
- Hand out the case to everyone, group members shall answer the questions in pairs.
 - Hand out the following questions to the group
 - *Would you be willing to pay more for a shirt? If yes – how much?*
 - *Are any human rights of the Universal Declaration of Human Rights violated? Cite specific articles.*
 - *Why do manufacturers sell their goods in western countries but produces them in El Salvador?*
 - *Who should be responsible for seeing that Salvadoran workers make wages, sufficient to support themselves and their families?*
 - *Discuss these questions in the group.*

Feedback:

- Pose a summarizing question:
 - What remarks that you have heard here today will you especially remember as meaningful
 - Try to think of a word or phrase that sums up your feelings?
- Ask participants to respond in turns

Methodological hints:

Case studies are often used to set up effective debates. In this particular case it is necessary to create an environment of trust and respect to have participants take part in a discussion. Therefore, the whole group should think of some principles for the discussion, which they think everyone should follow. List all these suggestions and place them somewhere where everybody can see them.

Tips for Variation:

Let the whole group do one (senseless) exercise. Hand out labels that quote the sex, the age and how much this person gets paid for his work (e.g. 10 sweets for five minutes of work; 2 sweets for 10 minutes...). When the task is completed, pay each person according to age, sex and as laid out on their labels. Count the “money” (= sweets) out loud so that everyone is aware of how much

each other is getting for the SAME work they ALL did. Discuss their feelings. Hand out T-shirt Math.

PART IV: FOLLOW-UP

Related rights/further areas of exploration:
social, political, and economic rights

SOURCES:

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ILO. What are International Labour Standards? Available online at:
<http://www.ilo.org/public/english/standards/norm/whatare/index.htm>

ADDITIONAL INFORMATION

Anti-Slavery International :
<http://www.antislavery.org>

Bread and Roses:
<http://www.bread-and-roses.com/>

China Labour Bulletin
<http://www.china-labour.org.hk>

Child Workers in Asia
<http://www.cwa.tnet.co.th>

Global March Against Child Labour:
<http://www.globalmarch.org/>

International Confederation of Free Trade Unions:
<http://www.icftu.org>

International Labour Organisation:
<http://www.ilo.org>

International Organization for Migration:
www.iom.int

The Anti-Slavery Portal:
<http://www.iabolish.com>

The Concerned for Working Children (CWC):
<http://www.workingchild.org/htm/cwc.htm>

The Fairtrade Foundation:
<http://www.fairtrade.org.uk/>

The Reference Centre on Corporate Social Responsibility:
<http://www.csreurope.org/home/default.asp>

UNICEF:
<http://www.unicef.org/crc/>

FREEDOM OF EXPRESSION AND FREEDOM OF THE MEDIA

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

**ARTICLE 19, UNIVERSAL DECLARATION
OF HUMAN RIGHTS**

ILLUSTRATION STORY

We have a natural right to make use of our pens as of our tongues, at our peril, risk and hazard.



'LIBERTY OF THE PRESS' IN
PHILOSOPHICAL DICTIONARY (1764)

In response to the tragic events in a Moscow Theatre in October 2002 the Russian Parliament quickly adopted – on the request of the President of Russia – a new law, designed to allow the Russian Government to limit reporting on terrorist acts in Russia ...

Dr. Manorani Saravanamuttu is the mother of Richard de Zoysa, a journalist who was abducted and killed in Sri Lanka in February 1990. Dr. Saravanamuttu campaigned to bring to light the truth about her son's murder. She provided information to the authorities to obtain an investigation of the killing, but the only thing she ever received was a letter stating: "Mourn the death of your son. As a mother you must do so. Any other steps will result in your death at the most unexpected time ... Only silence will protect you." (Jan Bauer, Only Silence Will Protect

you, Women, Freedom of Expression and the Language of Human Rights, International Centre for Human Rights and Democratic Development, 1996.)

In November 2002 the Humanitarian Law Centre in Belgrade informed the public that the mayor of a Serbian city openly threatened to "kill and destroy" a journalist and his family for reporting about his involvement in shady business dealings. When the article appeared the journalist was interrogated by the police who came to take him without warrant. He was also sued for libel and damages.



Fieret appeared in *Paumes chéries*, Paris, éditions du Centurion.

DISCUSSION QUESTIONS



1. Which human rights have been violated by whom in the above stories?
2. What reasons may justify limitations of the freedom of expression and the freedom of the media?
3. What should be done to protect these freedoms in a better way?
4. What can victims of a violation do?
5. What are the obligations of responsible journalists?

NEED TO KNOW

1. PAST AND PRESENT RELEVANCE

The freedom of opinion and expression – including the “*freedom to receive and impart information and ideas for any media and regardless of frontiers*” (Art. 19 of the Universal Declaration of Human Rights of 1948) – is one of the basic civil and political rights, which is accordingly laid down in all respective human rights instruments. It has its roots in the struggle for personal freedoms in the 18th and 19th century, when it was enshrined in the US and European constitutions. The British philosopher *John Stuart Mill* called the liberty of the press “*one of the securities against corrupt and tyrannic government*” (On Liberty, 1859). It is also a constitutive right for a democratic system in which everyone, not only the citizens of a state, have the human right to say what they think and to criticize the government. In January 1941, President Roosevelt announced the freedom of speech and expression as one of the four freedoms on which to base a future world order after the Second World War. The access to and the free flow of information across frontiers is a major element of an open and pluralistic society.

Human Security, Freedom of Expression and of the Media

“*Freedom from fear*” also includes the freedom of expressing one’s opinions and the freedom of the media. Since the concept of human security is also based on the right of the individual to seek and receive information and ideas of any kind, including those critical of the ruling powers, intimidation of journalists and control of the media constitute major threats against human security. New threats to human security, but also new opportunities come with the “*new technologies*”.

The new “*connectivity*” can be used for educational purposes as well as for organized crime. International campaigns against landmines and for the International Criminal Court are made easier, but new risks appear in the form of “*cyber crimes*”. As economies and services become more dependent on the new technologies, new forms of inclusion and exclusion evolve. For example, the Vienna-based South East Europe Media Organisation (SEEMO) complained that Telekom Serbia was applying “*limitations*” on leased internet lines in order to force media and others to change from a private internet provider to Telekom Serbia internet service.

» *Sir, I do not share your views, but I would risk my life for your right to express them.*«

VOLTAIRE (1694-1778)

The “*CNN factor*” of bringing any conflict right into the living room has changed the role of the media. Because of the importance of public opinion, the media has become a more important part of the warfare as could be seen in the case of Kosovo. “*Info wars*” and “*infotainment*” stand for the trend that information is subordinated to other objectives.

Old and New Challenges

The freedom of information, expression and the media was of particular importance during the **Cold War**, when people in the socialist countries of Eastern Europe did not have access to foreign or independent newspapers and magazines. Later on, the Government of China tried to limit the use of satellite dishes in order to prevent its people from following Western channels and today certain countries are limiting the access to the internet in order to prevent their citizens from reaching websites they consider undesirable.

The **media** can have a **dual role** as beneficiaries and violators of the freedom of

expression. Their role can be of informing about global problems, strengthening global solidarity, but it can also be one of instrument of propaganda of the state or of particular economic and other interests. According to the UNESCO Commission on Culture and Development, modern communication technologies have made control of information flows more difficult, creating **new opportunities**, but also **new threats**, especially if the media become a target either of attack or of political control. The diversity and quality of programs may be reduced as a result of commercialization, eager to gain always wider audiences or to compete for a higher share of readers and viewers by concentrating on sex and crime-stories.



A major threat to the freedom of the media has been the **concentration of the media**, which exist both on the local and the global level. Therefore, in many countries and the European Union there are laws against media concentration in order to preserve media pluralism.

Further and more elaborated new challenges of the freedom of information and of the

media are brought about by **technological developments** like the spreading of satellite communication and the increasing access to the internet. Quite often, states try to restrict access to the **new media** because of oppositional views or contents they fear to be against their national policies, i.e. on religious or moral grounds. Since there are plenty of websites offering racist and xenophobic propaganda or child pornography, such concerns are indeed not always unjustified. The question arises, however, how the fragile balance between freedom of expression and legitimate protection of the interests of a democratic state can be kept. Due to the borderless nature of the internet, answers are to be found mainly at the international level. In its Convention on Cyber Crime, the OECD already condemned child pornography and tried to enhance domestic criminal liability as well as international cooperation for prosecution; work on an additional protocol dealing with racist and xenophobic propaganda is in progress. The Convention has not yet entered into force.

The **United Nations Summit on the Information Society** in Geneva in 2003 and in Tunis in 2005 deals with yet another

extremely important issue: inclusion and exclusion in an age of communication, also called the *“digital age”*. Its major aim is to develop an action plan on how to close the digital and knowledge gap between the *“haves”* and *“have-nots”* of access to information and communication technologies. Since the so-called digital divide between the North and the South (but also within the North, where rural and less prosperous areas lag behind considerably) keeps on widening dramatically, it is indeed high time to find a global line of action. The freedom of expression is essentially affected by the denial of access to the information infrastructure, because the growing importance of the internet makes it almost impossible to retrieve and spread ideas anywhere else that easily.

In any case it has to be pointed out that there can be **no freedom without responsibility** and that unlimited freedoms may lead to violation of other human rights, like the right to privacy. But restrictions need to be justified by the government with legitimate reasons, which can be scrutinized by public opinion and, as the last resort, judicial institutions.



2. CONTENTS AND THREATS

The freedom of expression is a framework right containing several elements, like the freedom of information and the freedom of the press and the media in general. It is based on the freedom of opinion and intrinsically linked to it. Its manifestations range from the individual expression of opinions to the institutional freedom of the media. Freedom of opinion is an absolute civil right, whereas freedom of expression is a political right, which can be subjected to certain restrictions.

Freedom of expression is a dual right in the sense of the freedom to impart, i.e. express opinions and ideas of all kind, and the freedom to seek and receive information and ideas, both in any form – orally, in writing or in print, in the form of art, or through any other media, including new technologies. Frontiers must not be used to interfere with the right. Consequently, the freedom of expression is an integral part of the “*right to communicate*”. A declaration on this right is currently drafted, but since it is a compilation of already existing human rights (such as, besides freedom of expression, the right to freedom of thought, conscience and religion, the right to participation in cultural life and the right to privacy) rather than a new right in itself, the concept is not entirely clear yet.

Main Elements of the freedom of expression:

- freedom to hold opinions without interference (freedom of opinion)
- freedom to seek, receive and impart information and ideas (freedom of speech, freedom of information)
 - orally, in writing, or in print, in the form of art
 - through any media (freedom of the media)
 - regardless of frontiers (freedom of international communication)

SOURCES:

ART. 19 UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR), ART. 19 INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR);
 ART. 10 EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR), ART. IV AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN (ADRDM) AND ART. 13 AMERICAN CONVENTION ON HUMAN RIGHTS (ACHR),
 ART. 9 AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (ACHPR).

Certain **elements** of the right to expression are also **connected with other human rights**, i.e.:

- The Right to Freedom of Thought, Conscience and Religion (Art. 18 ICCPR)  Religious Freedoms Module.
- The right of authors to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production, i.e. the copyright (Art. 15(2) ICESCR).
- In relation to the human right to education (Art. 13 ICESCR), the freedom of expression results in the **academic freedoms** and the autonomy of institutions of higher learning to protect those freedoms.

A major qualification of the freedom of expression is contained in Art. 20 ICCPR prohibiting **war propaganda** and any advocacy of **national, racial or religious hatred** that constitutes incitement to discrimination, hostility or violence. The state is under an obligation to enforce those prohibitions by national legislation.

 Non-Discrimination Module.

Violations of the Right, Threats and Risks

In practice, we witness wide spread violations of this basic human right through restrictions of the freedom of expression and of the media in many countries of the world as can be seen from the yearly reports of *Amnesty International* or *Human Rights Watch*. According to *Reporters Without Borders*, 31 journalists were killed and 489 imprisoned in executing their duties in 2001. The organization, therefore, proposed special legal instruments, such as the “*Charter for the Safety of Journalists Working in War Zones or Dangerous Areas*”.

The “*war against terrorism*” after September 11th, 2001 has brought new threats for the freedom of information by various governments. For example, the association of writers, PEN, urged a review of the US PATRIOT Act in this respect. However, the freedom of expression and of the media may also be misused to instigate hate and conflict as has been documented by the *International Helsinki Federation* in its publication on “*Hate speech in the Balkans*”.

There is the threat of **censorship**, which may occur in the form of state censorship or censorship through economic or other

means. It can mean that articles can be published only after approval by an authority as has been the practice in most socialist countries of Eastern Europe before the end of the Cold War in 1989. It can also mean that economic interests prevent the publication of certain opinions, for example if the military industry prevents articles with a critical attitude towards war.

Censorship may also occur through **self-censorship**, when political or other interests are already taken into account by the journalist or media director. Finally, the decision on the newsworthiness, what is “*fit to print*” may exclude information not considered opportune, minority views or what does not sell well.

Decisions what to publish will often be disputable. **Codes of good practice** can give orientation. Otherwise, the purpose of **media pluralism** is to assure that different views can be read, heard and seen.



Legitimate Restrictions of the Right

According to Art. 29 of the Universal Declaration of Human Rights the exercise of rights and freedoms of everyone is subject to

limitations as are determined by law, in particular „*for the purpose of securing due recognition and respect for the rights and freedoms of others ...*”. Art. 19(3) ICCPR reminds that the rights enumerated carry with them **special duties and responsibilities**. This shows that the freedom of expression and the media is a very sensitive right, which has to be handled with proper care. The duties and responsibilities are not indicated in the Covenant, but usually to be found in codes of professional ethics or state legislation, which, however, must not restrict the content of the human right. Typical duties and responsibilities relate to the duty of objective information, i.e. to seek for the truth or at least allow for different opinions, etc.

Some responsibilities coincide with reasons for **restrictions** of the freedom of expression, whereas there are **no legitimate restrictions** for the freedom of opinion.

According to Art. 19(3), three types of restrictions are possible, provided they are done through legislation and considered necessary:

- for the respect of the rights and reputation of others
- for the protection of national security or of public order (ordre public)
- for the protection of public health or morals

According to legal interpretation rules, limitations of rights have to be interpreted restrictively, i.e. the main right should not be undermined and the restriction should not be larger as necessary to protect the rights of others and of the basic public goods mentioned.

In **Art. 10 of the European Convention on Human Rights**, the list of **possible restrictions** is even longer although more precise. It states that the exercise of the freedom of expression may be subject to *“conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society”*. Such restrictions may be justified by:

- *“interests of national security, territorial integrity or public safety,*
- *for the prevention of disorder or crime, for the protection of health or morals,*

- *for the protection of the reputation or rights of others,*
- *for preventing the disclosure of information received in confidence,*
- *for maintaining the authority and impartiality of the judiciary.”*

No other right has such a long list of reasons for exceptions. However, two major **preconditions** have to be met in order to legitimize the restriction of the right. The exception has to be:

- prescribed by law and
- necessary in a democratic society.

“Prescribed by law” means that the restriction has to be an act of parliament and not an executive order by the government. Of particular importance is the qualification: *“necessary in a democratic society”*. This links the freedom of expression and the media to the concept of an open and pluralist society which is governed by democratic means. The European Court of Human Rights has been very strict on these requirements as can be seen from the so-called **Lingens case**. In 1986, the European Court of Human Rights in Strasbourg decided that a politician has to accept a higher degree of criticism than an

ordinary person and cannot silence a journalist with reference to the need to protect his reputation. Accordingly, the laws on **libel**, which allow persecuting journalists who criticize persons in public positions, have to be balanced with the freedom of the press.



3. IMPLEMENTATION AND MONITORING

There is a large variety of instruments and procedures to implement the human right of freedom of expression and its component rights. First is the obligation of states to incorporate the freedoms in their domestic law and provide legal remedies in cases of alleged violation. Accordingly, the right can be found in most constitutions as part of the catalogue of fundamental rights and freedoms. The minimum standards derive from international obligations on the universal and, where existing, the regional level.

The various **media and communication laws** and regulations are very important, too. They further specify the right and its restrictions in daily practice in conformity

with international obligations and national constitutional law. They may set up **national monitoring bodies** – such as press or media councils – to regulate in particular the media, which are often composed of experts and/or representatives of civil society. In order to regulate the media sector, to ensure quality standards and to stimulate competition, the state may issue **licenses**, which have to be made available on a non-discriminatory basis.

Monitoring compliance by the state is the task of several control or monitoring mechanisms. For example, under the UN Covenant on Civil and Political Rights (ICCPR), states have the obligation to submit **state reports** in regular intervals (every 5 years) on the implementation of their obligations, which are considered by the *UN Committee on Civil and Political Rights*. It gave an interpretation of Article 19 in its General Comment No. 10 of 1983. The Committee may also receive **communications**, i.e. complaints by individuals, if the respective state has ratified the First Optional Protocol to the ICCPR of 1966 (104 out of 149 states by end of 2002).

Regional monitoring mechanisms like the Inter-American and the African systems provide for individual communications to Commissions, which can issue conclusions and recommendations. In the case of the European and the Inter-American system, the Court may give decisions binding on states and also grant compensation. In addition, there is a “*monitoring procedure of the Committee of Ministers*”, which, *inter alia*, also covers the freedom of expression and information in member states.

All conventions also foresee the possibility of “*state complaints*”, which are hardly ever used.



Besides the conventional procedures, there are also so-called charter-based procedures like the **Special Rapporteur on the Promotion and Protection of the Freedom of Opinion and Expression**, who reports to the UN Commission on Human Rights on the situation of the freedom of expression world wide and provides observations, recommendations and a commentary on elements of the human right.

For the 55 members of the **Organization of Security and Cooperation in Europe (OSCE)**, a **Representative for the Freedom of the Media** has been appointed in 1997. His mandate is to follow the developments in the media sector of the participating states in order to promote free, independent and pluralistic media, which are crucial to a free and open society and accountable system of government, based on the international obligations and the OSCE standards adopted in a series of follow up conferences and expert meetings since the Helsinki Final Act of 1975.

Role of Professional Associations and other NGOs

Professional associations like the International Federation of Journalists, the International Press Institute (IPI), International P.E.N. or the International Publishers Associations (IPA) do have comprehensive information on the state of the freedom of the media in different countries or regions of the world and support their members against restrictions. They draw attention to situations where those freedoms are neglected, denounce restrictions, launch campaigns or urgent action appeals and prepare reports on particular

problems like media concentration, state secrets and transparency according to Freedom of Information regulations, or corruption. In doing so, they are supported by NGOs specialized in the protection of the freedom of the press and the media like Article 19 or Reporters without Borders (see list of institutions under “*Additional Information*”) as well as general human rights NGOs like Amnesty International or the International Council on Human Rights Policy. Furthermore, they cooperate with inter-governmental organizations and their special institutions like the UN Special Rapporteur on Freedom of Expression and the OSCE Representative for the Freedom of the Media.

Institutional monitoring bodies or professional associations and NGOs almost always also aim at the **prevention** of violations of the human rights in question, excessive libel laws and practices, which may silence critical journalists.

4. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES



Cultural differences lead to pluralism in the implementation of the right. Compared to the

USA, Europe and other states take a different attitude in the case of hate speech which attacks the dignity of a group. Europe does not tolerate the advocacy of national, racial or religious hatred, in particular Anti-Semitism, Nazi propaganda or the denial of the Holocaust, and other forms of right-wing extremism, whereas this is at least partly covered by the freedom of expression (First Amendment) in the United States constitution.

The sometimes **subtle distinctions** can be seen from the ECHR case *Jersild v Denmark*, when the Court found that the punishment of a journalist, who had broadcasted an interview with young racists making racist statements, had been a violation of the freedom of information in Art. 10 ECHR, whereas those who had made the statements were not protected by Art. 10.

According to the “*margin of appreciation-doctrine*” of the European Court of Human Rights, also between European states there is room for differences. This is of particular relevance for the protection of moral with regard to speech, literature or broadcasting considered as pornographic. The question of decency or protection of minors, as well as

other harmful content, is left to the state, which often uses independent bodies to guide the media in this respect.

Different standards do also exist regarding public criticism of politicians or religious institutions. For example, what is **artistic freedom** for some may be considered as blasphemy by others. Consequently, the freedom of expression and of the media is a very sensitive right which has to respect certain limits but also has to be protected against the tendency of the state and influential persons to silence their critics.

In **Asian countries** severe restrictions of the freedom of expression and of the media have been long justified on the ground of maintaining the stability of the country which was threatened by the “*irresponsible reporting*” of the press instigating political conflict. However, as an **ASEM seminar** held in 2000, dealing with this topic in a Euro-Asian dialogue, found, governments tend to overreact and so curtail the freedom of the media more than necessary. Common problems like media concentration or the lack of independence of journalists were found much larger than regional differences. In cases of dispute, it is the responsibility of

the independent judiciary to draw the fine line between freedom of expression and the media, and legitimate restrictions for the sake of the stability of a democratic state and the moral integrity of a person, which has become subject to unjustified allegations in the media.

For example, in Banja Luka in **Bosnia and Herzegovina** few years after the end of the civil war, a newspaper published lists of persons alleged to have committed war crimes. This was legitimately interdicted by the authorities because of the danger that these persons, who had not (yet) officially been indicted, could become subject to personal revenge.

In the case of *Constitutional Rights Project, Civil Liberties Organisation and Media Rights Agenda v. Nigeria*, the **African Commission on Human and Peoples' Rights** had to deal with the proscription of newspapers by way of an executive decree by the military government of Nigeria, which was directed against the opposition. The Commission found:

"Decrees like these pose a serious threat to the public of the right to receive information not in accordance with what the government would like the public to know. The right to receive information is important: Art. 9 (of

» *To speak is not an easy thing, to remain silent is dangerous.*«

PROVERB; SOURCE: CUN CA KI CA, KALILU TERA, ABIDJAN: EDITION EDILIS, 2002

the African Charter on Human and Peoples' Rights) does not seem to permit derogation, no matter what the subject of the information or opinions and no matter the political situation of a country. Therefore, the Commission finds that the proscription of the newspapers is a violation of Art. 9 (1).

(Thirteenth Activity Report of the African Commission on Human and Peoples' Rights, 1999-2000, Annex V, para. 38.)

With regard to measures against journalists after a coup in The Gambia the **African Commission** found:

"The intimidation and arrest or detention of journalists for articles published and questions asked deprives not only the journalists of their right to freely express and disseminate their opinion, but also the public, of the right to information. This action is clearly a breach of the provision of Art. 9 of the Charter."

(Thirteenth Activity Report of the African Commission on Human and Peoples' Rights, 1999-2000, Annex V, para. 65.)

CHRONOLOGY

- 1948** Universal Declaration of Human Rights
- 1966** UN Covenant on Civil and Political Rights
- 1978** UNESCO Declaration of Fundamental Principles concerning the contribution of the Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War.
- 1983** General Comment by the UN Human Rights Committee on Article 19 ICCPR
- 1993** UN Special Rapporteur on Protection and Promotion of the Right to Freedom of Opinion and Expression
- 1999** Resolution of the Commission on Human Rights on Freedom of Opinion and Expression (1999/36)
- 2003** World Information Summit, first part, in Geneva
- 2005** World Information Summit, second part, in Tunis

GOOD TO KNOW

1. ROLE OF FREE MEDIA FOR A DEMOCRATIC SOCIETY

» *Information is the oxygen of democracy.*«

ARTICLE 19

(LONDON-BASED INTERNATIONAL NGO)

Media pluralism is an indispensable element of a pluralistic democracy. The importance of the rule of the media as a so-called “*fourth power*”, besides the legislative, executive and judiciary powers requires also particular care and responsibility from journalists and media owners not to violate human rights of others by exercising their freedoms.

 Democracy Module.

The freedom of a particular society can easily be determined by the freedom of the press and the media. The first step authoritarian governments or dictatorships are usually taking is to curtail or abolish the freedom of expression and of the media.

For the reconstruction and rehabilitation of democratic societies after war and conflict, a pluralistic media system, which works on the basis of respect and tolerance of other opinions and refrains from instigation to hatred and violence, is of utmost importance.

» *The media have a central role in democracy to inform the public and to scrutinise the conduct of public affairs without fear of being prosecuted, sued or suppressed.*«

KEVIN BOYLE, CO-FOUNDER OF ARTICLE 19, IN: RESTRICTIONS ON THE FREEDOM OF EXPRESSION, 2000.

This requires an appropriate legal framework, which assures the independence of the public media and pluralism among the private ones, and monitors the activities of the media with regard to the standards of objectivity, fairness and decency.



2. MEDIA AND MINORITIES

Minorities often face problems in the access to the media and in having media in their own language. In Europe, specific binding standards based on Art. 19 ICCPR and Art. 10 ECHR exist, i.e. in Art. 9 of the European Framework Convention for the Protection of National Minorities of the Council of Europe of 1995. Accordingly, persons belonging to

national minorities do also have the freedom of opinion and expression. Their freedom to seek, receive or impart information or ideas in minority languages regardless of frontiers must be respected by public authorities. Governments have to ensure that persons belonging to national minorities are not discriminated in their access to the media, which should rather be facilitated. They must not be prevented from creating their own print media and, within the law, also their own electronic media. Further standards do exist in the framework of OSCE. The situation, however, is often more problematic regarding the so-called new minorities stemming from migration. In contrast to the national or “*old*” minorities, they usually do not have any legally granted rights ensuring their access to the media. This is especially worrying when taking into account the rather xenophobic way in which they are sometimes portrayed in conventional media, while their possibilities for counter-statements are limited.

The European Charter for Regional and Minority Languages of the Council of Europe of 1992, in Art. 11 commits States Parties to make adequate provision that broadcasters offer programs in the regional or minority languages or to ensure, encourage and/or

facilitate the creation of at least one radio station and one television channel in the regional or minority languages.

3. FREEDOM OF THE MEDIA AND ECONOMIC DEVELOPMENT

Freedom of the media and economic development is as much linked as are freedom from fear and freedom from want. The interdependence and indivisibility of all human rights requiring a holistic approach to human rights in general can also be seen in the importance of the freedom of expression and the freedom of the media for economic development, poverty elevation and meeting basic social and economic rights of the people. Without the reporting by the media shortcomings in access to or redistribution of resources and corruption may remain unnoticed.

» ... *there has never been a substantial famine in a country with democratic form of government and relatively free press.*«

AMARTYA SEN,
NOBEL PRIZE IN ECONOMICS

» *When war is declared, truth is the first casualty.*«

ARTHUR PONSONBY,
BRITISH POLITICIAN, 1871–1946

» *Words kill first, bullets only later.*«

ADAM MIHNIK, POLISH WRITER

4. WAR PROPAGANDA AND ADVOCACY OF HATRED

According to Art. 20 (1) ICCPR any propaganda for war shall be prohibited by law. Accordingly, the media were found to carry part of the responsibility for the wars in former Yugoslavia by propagating the war or instigating hatred and ethnic cleansing.

The transmissions of *Radio Mille Collines* have been found to have had a major role in the violence in Rwanda in 1994, during which more than one million people were killed. “*Do not kill those inyenzi (cockroaches) with a bullet – cut them to pieces with a machete*” was one of the broadcasted statements, calling Hutus to slaughter Tutsis and Hutus who were sympathetic to the Tutsi cause. The radio station itself was founded in 1993 by family members of Hutu President Habyarimana, whose death was one of the main reasons for the outbreak of the genocide. Most of Radio Mille Collines

journalists responsible for warmongering were arrested after the crisis.

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

ARTICLE 20 (2) ICCPR



5. GOOD PRACTICES

- UNESCO has initiated a *World Press Freedom Day*, to be held on the 3rd of May and a *World Press Freedom Prize*.
- The *Crimes of War Project* brings together journalists, lawyers and academics to raise awareness of the laws of war among the media, government and human rights and humanitarian NGOs (www.crimesofwar.org).
- In the case of Bosnia and Herzegovina, an Independent Media Commission, later called *Communication Regulation Agency* (CRA) has been established, which through its Council and Enforcement Panel monitors the implementation of the standards contained in its “*Broadcasting Code*”. It is also in charge of licensing. The

Ombudsmen of the Federation of Bosnia and Herzegovina, in 2001, report that they were closely observing this process and in several cases intervened with regard to transparency and equal conditions for all applicants. The CRA accepted their recommendations, which had a positive impact with both the public and journalists.

- On the initiative of the Republic of Austria, the Council of the European Union on 29 May 2000 took a decision on measures to be taken in the struggle against child pornography on the internet.

6. FREEDOM OF THE MEDIA AND HUMAN RIGHTS EDUCATION

“Within journalism there is a serious lack of knowledge of what human rights are. Many journalists – like many politicians and others working in civil society – are not familiar with the Universal Declaration of Human Rights and the international human rights treaties and mechanisms. Often they do not understand the difference between human rights law and the laws of war. As a result, human rights are often erroneously regarded as relevant only to reporting of conflict.”

SOURCE:

INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY, JOURNALISM, MEDIA AND THE CHALLENGE OF HUMAN RIGHTS REPORTING, 2002.

The *International Publishers Association* (IPA), which represents 78 institutions in 65 countries, in its comments on the UN Decade on Human Rights Education, highlighted the importance of awareness-raising activities concerning freedom of expression and freedom to publish.

SOURCE:

REPORT OF THE UN HIGH COMMISSIONER ON HUMAN RIGHTS ON IMPLEMENTATION OF THE UN DECADE ON HUMAN RIGHTS EDUCATION, E/CN.4/2003/100.

7. TRENDS

☞ Media and World Wide Web

According to the UN Human Development Report 2001, the internet has grown exponentially during the last years, from 16 million users in 1995 to more than 400 millions in 2000. In 2005, more than 1 billion people will use the internet. This rising of the World Wide Web has had a significant impact on the media, offering a variety of new options to both journalists and publishers. Even smaller media enterprises have a

chance to reach the global public now. State control and censorship can more easily be circumvented.

☞ Growth of the Media in Developing Countries

During the last thirty years, the print run of daily newspapers in developing countries has more than doubled; in 1996, 69 out of 1000 people had their own copy – compared to only 29 in 1970. Compared to developed countries, where the share of people reading a daily newspaper has slightly decreased from 292 out of 1000 in 1970 to 226 in 1996, this figure is still not entirely satisfying, but it remains remarkable. The increased accessibility creates a new and more efficient “*market of ideas*” on which a much broader variety of opinions and views is available. Information can be published and retrieved more easily, thus providing a stable basis for democratic structures and good governance.

SELECTED ACTIVITIES



1

ACTIVITY 1: FRONT PAGE

PART I: INTRODUCTION

This is a role-play of a group of consultants working to get the front page of a paper ready to go to press. Participants will discuss the role-play in exploring issues about censorship, stereotyping and objectivity in the media.

Type of activity: role play

PART II: GENERAL INFORMATION ON THE ROLE PLAY

Aims and objectives:

- To reflect on the media and their approach to human rights issues
- To explore and reflect sensationalism, stereotyping and objectivity in the media.
- To identify mechanisms of censorship and problems of freedom of expression and the media

Target group: Young adults and adults

Group size/social organization: 8 to 25

Time: about 90 minutes

Preparation:

Select front pages of local or international newspapers.

Skills involved: communication, analytical and critical thinking skills

PART III: SPECIFIC INFORMATION ON THE ROLE PLAY

Performance of the Role Play:

- Explain that is a simulation of a working group on the freedom of the press and its limits that is going to be broadcasted on a local TV station.

Inform participants that the discussion will be based on some front pages you collected to better illustrate opinions and show them around.

Appoint a group of four people for the role-play:

- A human rights activist: S/he points out the dual character of the media. On the one hand, the media reports about human rights violations, on the other hand, however, they commit human rights violations themselves; i.e. by spreading untrue allegations or instigating hatred. The activist will underline her/his statement through stories of the sample front pages.

- A journalist: S/he will pledge for the human right of freedom of expression and freedom of the media. S/he will talk about the necessity of free media reporting and support her/his opinion with some stories of the sample front pages. What if people would never have read about these stories? Journalists have the obligation to investigate and to keep their readership informed.
- A state regulator of the media: S/he will strongly point out the limits of the freedom of expression and the media. They appear when conflicting with other rights such as the right to privacy. S/he will remind the responsibilities of the state as protector and the special role of particular authorities such as the head of state, religious leaders, the ruling party or the police.
- A moderator: S/he will lead the discussion on the freedom of the press and pose questions to the participants. S/he will refer to the sample front pages to get concrete answers.

Now bring the participants for the role-play together in a circle and let the moderator start the discussion. S/he should close the discussion after 30 minutes.

Feedback:

Bring everybody back together. Now go on to reflect on the role-play by raising some discussion questions:

- What do you consider the main problems of freedom of expression and freedom of the media?
- What forms can censorship take, in the case of public or private censorship?
- Have you yourself experienced any form of censorship or self-censorship in your life?
- Why is freedom of opinion, the press and the media so important?
- What could be done to better protect those freedoms?
- Are there persons or institutions, which may not be criticized?
- Should certain forms of censorship be allowed in order to preserve (democratic) stability, religious peace, inter-ethnic confidence etc.?

Methodological hints:

The more careful you choose your front pages, the livelier your role-play and discussion will be. Decide first whether to take local or international ones. Try to get some with pictures, possibly written in an attention grabbing style.

Tips for variation:

Use newspaper articles with photos. Separate the picture from the headlines and let participants guess which picture belongs to which articles. Involve them in a discussion.

PART IV: FOLLOW-UP

Many local radio or TV stations have opportunities for community groups to make their own broadcasts. Work on a group project to research and produce a broadcast about issues of concern to them. Use a headline such as *“Think globally, act locally”* or similar.

Related rights/further areas of exploration:

The right to freedom of thought, opinion and expression, the rights to development, life and health, the right to privacy



2 ACTIVITY 2: THE IMPACT OF THE INTERNET

PART I: INTRODUCTION

This activity involves both small-group and plenary discussions to analyze the positive and negative aspects of the use of the internet, its implications on the freedom of

expression and challenges for the future of the Internet.

Type of activity: discussion

**PART II: GENERAL INFORMATION
ON THE DISCUSSION****Aims and objectives:**

- To raise awareness about the implications of the internet and access to information worldwide
- To identify the implications of the internet on human rights
- To explore phenomena related to the internet

Target group: Young adults and adults

Group size/social organization: any

Time: about 45 minutes

Preparation:

Copies of the handout (see below)

Material:

Copies of the handout, flipchart

Skills involved:

Analytical skills, expressing different points of view on the issue, team-building skills

PART III: SPECIFIC INFORMATION ON THE DISCUSSION

Introduction to the topic:

Introduce the activity by providing some common knowledge, give the group a few basic facts about the Internet i.e., as laid out in the module; then ask them to talk in pairs about their own experiences with the Internet and the advantages and disadvantages of using/not using it. Allow about ten minutes for this.

Discussion process:

Distribute copies of the handout. On the basis of the handout, discuss the impact of the Internet, its disadvantages but also advantages using the following questions:

- Do participants know about human rights violations through the Internet (such as child pornography, cyber crime)?
- Why do those violations have an increasing impact on society?
- What can the Internet do to prevent such things from happening?

Ask one or two participants to write the key points up on the flipchart.

Feedback:

Start with what participants learned about the Internet.

- How much do people already know about the Internet? How much do they use it? What do they use it for?
Now take a look on what kind of advantages you have collected on the flip chart.
- Do the advantages of using the Internet outweigh the disadvantages?
- What needs to be done to address the disadvantages?

Methodological hints:

Assess how familiar participants are with the internet prior to the activity so that you can pitch the level and the overall approach. In the feedback, it is a good idea to focus on global as well as on local issues of access to new information technology, making sure that those who completely lack access or have difficulties accessing the Internet can make their voices heard.

Tips for variation:

“*Internet for Human Rights*” can be done as variation or following the activity. Collect information on various human rights organizations on both international and/or

local level. If you can access the internet, print out their websites and distribute copies. Ask people about their knowledge on these organizations. Compare their activities and their promotion via the internet. Based on these findings, discuss the most important advantages or uses of the internet for promoting human rights.

PART IV: FOLLOW-UP:

Encourage participants to visit web sites of human rights organizations. They could then go on reflecting about a project to

- Use available internet resources to increase awareness about human rights issues in their neighborhood.
- Create their own web site and link it to other youth organizations to fight for a human right in particular danger in their community.

Related rights/further areas of exploration:

Any human rights

SOURCE:

ADAPTED FROM: COMPASS: A MANUAL ON HUMAN RIGHTS EDUCATION WITH YOUNG PEOPLE. COUNCIL OF EUROPE PUBLISHING: STRASBOURG 2002

Handout: POISONING THE WEB: HATRED ONLINE

The Internet, and particularly the World Wide Web, has grown dramatically since the creation of *Stormfront*, the first extremist hate site, in 1995, and its growth shows no sign of abating. As increasing numbers of people come online, more are potentially exposed to the growing mass of bigotry easily available, their attitudes and behavior conceivably influenced by its malignant presence and insidious appeals.

The appearance of a set of hate sites with contents created specifically by and for extremist women, such as *Her Race*, *Women for Aryan Unity*, and *World Church of the Creator Women's Frontier*, heralds a new development in online hate. By speaking up and working to define their own roles in the white supremacist "movement", these female extremists have appropriated feminism's struggle for women to be heard for the despicable purpose of spreading intolerance. Some hateful women on the Web echo the positions promoted by their male counterparts: opposition to non-whites, hatred of miscegenation, and anger at "anti-White" control of the media.

From *Her Race Web* site, which is housed at *Stormfront*, comes: "Gaia: Everyone's Mother". It declares "Whites are facing extinction as more non-Whites reproduce and invade our lands." It asserts that "Whites have a right to have more children than non-Caucasians."

Anti-Semites and racists have not been alone in spreading hate on the Internet. Anti-gay web sites, anti-abortion web sites, and the anti-government presence of the militia and common law court movement have joined them online, as have bomb-making pages, which promote violent extremism of all kinds.

Combating online extremism presents enormous technological and legal difficulties. Even if it were electronically feasible to keep sites off the Internet, the international nature of this medium makes legal regulation virtually impossible.

SOURCE:

POISONING THE WEB: HATRED ONLINE; AN ADL REPORT ON INTERNET BIGOTRY, EXTREMISM AND VIOLENCE, AN ADL PUBLICATION, USA, 1999

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ADDITIONAL INFORMATION

Relevant Institutions and Associations/NGOs

African Women's Media Centre:
<http://www.awmc.com>

Asia Media Information and Communication Centre:
<http://www.amic.org.sg>

Crimes of War Project: <http://www.crimesofwar.org>

International Federation of Journalists: www.ifj.org

International P.E.N: www.internatpen.org

International Publishers Association (IPA):
<http://www.ipa-ue.org>

Media Foundation for West Africa:
<http://www.mediafoundationwa.org>

Reporters Without Borders, Annual Report 2002:
<http://www.rsf.fr>

South East Europe Media Organization (SEEMO):
<http://www.freemedia.at/seemo>

UNESCO Advisory Group for Press Freedom:
http://www.unesco.org/webworld/fed/temp/communication_democracy/group.htm

DEMOCRACY

REPRESENTATION AND PARTICIPATION

PLURALISM

DEMOCRATIZATION

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

ARTICLE 21, UNIVERSAL DECLARATION OF HUMAN RIGHTS

ILLUSTRATION STORY

Democracy-Making in East Timor

In 1999, after 450 years of foreign rule and 25 years of Indonesian occupation, the East Timorese voted for independence in a popular referendum supervised by the UN. The call for independence from Indonesia was immediately met with communal violence. Backed by Indonesian armed forces, pro-Indonesian militia groups responded by killing at least 1000 people and deporting hundreds of thousands to Indonesian West Timor. Towns and villages were destroyed by the troops.

In response to the crisis the UN deployed troops on 20 September 1999 and introduced the Transitional Administration in East Timor (UNTAET) on 26 October.

With the help of the UN, the Democratic Republic of East Timor officially came into being on 20 May 2002. An 88-member constituent assembly was elected on 30 August 2001 during the first free democratic elections in East Timor. The assembly wrote the country's constitution, which created a democratic republic with a parliament, prime minister and ceremonial president.

The first presidential elections were held on 14 April 2002. The winner was Xanana Gusmao, a former guerrilla leader in the struggle for independence. Gusmao is a legend among his people and it is hoped his popularity will help to stabilize the country. The UNTAET was replaced by the UN Mission of Support in East Timor (UNMISSET), which remains in the country until May 2003. With its 5000 troops and 1250 police officers, UNMISSET helps the government provide security for its citizens during its first year of existence.

On 27 September 2002 East Timor became the 191st member of the United Nations.

Justice and Reconciliation

East Timor's transition to democracy has been clouded by the fact that the majority of the people who perpetrated atrocities in 1999 have not been held accountable for their crimes.

Most of the perpetrators live in Indonesia, and the government refuses to extradite suspects to the East Timor authorities.

Upon the initiative and recommendation of the international community, the Indonesian

government created a human rights tribunal in Jakarta to prosecute crimes against humanity committed in 1999. The tribunal was set up to try government officials and members of security forces.

Many observers have criticised the tribunal's failure to indict a key suspect, General Wiranto, the chief of Indonesian armed forces at the time of the massacres. Moreover, the officials who have already been tried have either been acquitted or given lenient sentences.

Both the United Nations Human Rights Commission and human rights groups such as Amnesty International and Human Rights Watch have argued that the trials have been deeply flawed from the beginning.

Human rights advocates argue that an UN-sponsored international criminal tribunal should be created for East Timor the way it was for atrocities committed in the former Yugoslavia and Rwanda.

The leaders of East Timor, however, are divided over the fate of the militia members who perpetrated atrocities.

In an effort to promote a spirit of national unity and reconciliation, President Gusmao has urged that those accused of violence should be given amnesty. However, Prime Minister Mari Alkatiri argues that justice must be served.

More Challenges Ahead

The government must also face the challenge of repatriating thousands of refugees.

Over 250 000 East Timorese fled to West Timor following the vote for independence in 1999, many under the threat of force. Although most have returned to East Timor in recent months, it is estimated that around 30 000 East Timorese are still living as refugees in camps in Indonesia.

The UN has stated that any refugees remaining in West Timor at the end of 2002 will be henceforth considered Indonesian citizens.

Many challenges lay ahead for the new nation, including how to deal with the perpetrators of atrocities, the hundreds of thousands of refugees and poverty, and, of course, the task to foster the newly achieved democratic structures.

SOURCE:

ADAPTED FROM: BBC WORLD SERVICE. AVAILABLE AT:
[HTTP://WWW.BBC.CO.UK/WORLDSERVICE/PEOPLE/FEATURES/IHAVEARIGHTTO/INDEX.SHTML](http://www.bbc.co.uk/worldservice/people/features/iHAVEARIGHTTO/index.shtml)

DISCUSSION QUESTIONS



1. Do you know of other states struggling for democracy? What are the problems they face?
2. Which main elements should a democratization process feature and foster?
3. How can the challenges faced by the new administration in East Timor be met democratically?
4. How can active citizens contribute to the process of democratization in their countries? Try to give concrete suggestions.

NEED TO KNOW

1. DEMOCRACY ON THE RISE?

The right to participate is at the heart of human rights, and is a foundation of the principles, visions and values reflected by the Human Security Network. The specific policy agenda followed by its member countries, the advancement of human security, relies on both participation and democracy.

Democracy is usually translated as rule of the people. However, democracy is hard to define – it is a form of government, it is also an idea which underlines the socio-political and legal organisation of the state, it can be seen as an ideology, it appears in the form of many different models both in reality and in scientific theory – altogether it is a token for countless different meanings.

Democracy is strongly related to the principles of human rights and cannot function without assuring the full respect and protection of human dignity. There is an apparent link between undemocratic structures and human rights violations. To this date democracy is indisputably the system most conducive to guaranteeing human rights protection and human security.

GLOBAL DEMOCRATIC PROGRESS	GLOBAL FRAGMENTATION
Since 1980, 81 countries have taken significant steps towards democracy, with 33 military regimes replaced by civilian governments.	Of the 81 new democracies, only 47 are fully democratic. Many others do not seem to be in transition to democracy or have lapsed back into authoritarianism or conflict.
140 of the world's nearly 200 countries now hold multiparty elections – more than at any time in history.	Only 82 countries, with 57% of the world's people are fully democratic.
125 countries, with 62% of the world's population, have a free or partly free press.	61 countries, with 38% of the world's population, still do not have a free press.
The number of countries ratifying the six main human rights conventions and covenants has increased dramatically since 1990. Ratifications of ICESCR and ICCPR grew from 90 to nearly 150.	106 countries still restrict important civil and political freedoms.
38 countries have not ratified or signed the ICCPR, and 41 have not ratified or signed the ICESCR.	Worldwide, only 14% of parliamentarians are women-and in 10 countries none are women.
In 10 countries more than 30% of parliamentarians are women.	

SOURCE:

UNDP, HUMAN DEVELOPMENT REPORT, 2002.

Democracy depends on the interest and active participation of its beneficiaries. Being informed and having access to knowledge is a precondition to meaningful participation in a democratic system. Only those with a basic understanding of how the system works, and knowledge of the mechanisms and institutions in a democratic society can contribute and benefit. Imparting this message is one of the most important functions of democratic education, whose aim is the formation of responsible citizens.

This module aims at sketching out a picture of democracy and human rights which makes it clear that democracy is not something that is achieved once and for all, but is a process that requires permanent work and commitment.

Democracy and Human Security

The human security agenda focuses on attaining freedom from pervasive threats to people's lives or livelihood, be they political, social or economic, and starts with the notion that respect for human rights and democratic freedoms as well as empowerment for human development are indispensable for safeguarding and promoting human security. The advancement of human rights,

human development and human security – three overlapping and interlinked concepts that are at the core of a vision for an innovative world order – can indeed only take root in societies in which democratic values are not only propagated, but also practiced.

Only in a democracy, the respect for human rights implies freedom from fear and from threats to one's fundamental existence; human development asserts a claim to the resources and freedoms one needs to develop fully one's human potential; human security evokes freedom from hunger, war, ecological disaster, corrupt governance and other impediments to a life lived in justice, solidarity, with equality of opportunity for all.

To sum it up, only equitable, free and democratic **participation** in the political, social and economic life of a state or a community can promote human security. Only the full guarantee of human rights, participatory governance, the rule of law, sustainable development, and equal access to resources can assure that human security turns from a new diplomatic paradigm to a broad basis for democratic decision-making and international co-operation.

2. DEFINITION AND DESCRIPTION



What Is Democracy and How Did it Develop?

Democracy is a form of government in which state authority is derived from the people. The word “democracy” originates from the Ancient Greek words *demos* – meaning people, and *kratos* – meaning power. The principles of *modern* democracy gradually developed out of the Calvinist religious movement during the 17th century especially in Scotland, England and Holland where communities began supporting and sharing not only religious, but also political ideas. The philosophy of freedom and equality for all emerged and was further enhanced during the period of Enlightenment to become recognized later on as the core values of democracy.

The first modern democratic state was established in the USA, whereas France was the first European state to be founded on democratic principles, following the French Revolution.

After 1945 there has been a spread of liberal Western democracy both in Europe and across the world, which has replaced the

alternative authoritarian forms of government. Following the defeat of fascist governments, it seems as if the crisis witnessed by democracy in the 20th century has been overcome. The long and troublesome decolonization process in which the right to self-determination was recognized by Western countries has finally brought democracy to most of the former colonies. Dictatorships in Spain, Portugal, Greece, Argentina and Uruguay have all become democracies during the past few decades. With the fall of the Berlin Wall in 1989 and the collapse of the Stalinist systems in Central and Eastern Europe, it seemed that democracy had indeed succeeded. However, still not all of the countries theoretically endorsing democracy as a form of government do fully respect the democratic principles or live democracy in practice. This rather paradoxical development demonstrates that holding a critical debate on democracy and democratization is a necessity.



Core Elements of Modern Democracy

It is difficult to measure how democratic a society is. However, there is a number of key elements which constitute the basis of every

» *My notion of democracy is that under it the weakest should have the same opportunity as the strongest.*«

MAHATMA GANDHI

democratic society. To better understand those elements, education and learning on all levels have a key role to play.

- **Equality** – The principle of equality means that all human beings are born equal, should enjoy equal opportunities and participation in the political life of the community as well as be entitled to equal treatment before the law. This includes also social and economic equality between women and men.  Human Rights of Women Module.
- **Participation** – Democracy is meaningless without participation. Participation in community and policy affairs is a precondition for building a democratic system. **Democracy** is a form of participation, yet participation is a broader concept and does not only have strong political implications but also social and economic ones. But participation alone cannot be a guarantee for democracy.

- **Majority rule and minority rights** – Even though democracy is per definition the rule by the people, it is in fact the rule of the majority. This also means an obligation of the majority to take into account the rights and different needs of minority groups. The extent to which this obligation is met is an indicator for the further enhancement of democratic values in a society.

 Discrimination Module.

- **Rule of law and fair trial** – Democracy is meant to prevent a single person or a small group from ruling over the people in an arbitrary manner. The rule of law ensures that a state has an autonomous legal order ensuring equality before the law, limiting the power of public authority and providing equitable access to an independent and fair judiciary.

 Fair Trial and Rule of Law Module.

- **Respect for human rights** – Accepting that *all human beings are born equal and free in dignity and rights* is the basis of a functioning democratic community. A democratic state has the obligation to assure the respect, protection and fulfilment of all human rights in order to

ensure that its citizens can live *free from fear* and *free from want*. With respect to democracy a special focus should be laid on those rights crucial for civic participation, such as freedom of assembly, freedom of speech, freedom of thought, conscience and religion. Still, civil and political rights alone cannot guarantee peace and human security. Only if the basic economic, social and cultural needs are also taken into account, a favourable environment for democracy can be fostered.

- **Political pluralism** – Traditionally it is the task of political parties to consolidate the diversity of ideas and opinions and to represent them in the public debate. Only political pluralism can secure structures flexible enough to adapt to changing needs but still remain a stable ground for democratic governance. However, political freedom can also be misused for spreading ideas that incite hatred, provoke violence and thus pose a threat to a democratic society and order. In fact it is difficult to handle such tendencies democratically without infringing the freedom of expression but also protecting the interests of the society at large. To a certain extent,

democracies also need to protect themselves, i. e. against terrorism.

- **Free and fair elections** – Elections are democracy's most fundamental and unique characteristic. No other type of regime leaves the decision on political leadership to those primarily affected by the governmental system – the people. In every election, they can express their desire for change as well as their consent with current policies and participate in a permanent process of evaluation. However, history has shown that it is not self-evident who has the possibility to participate, and who does not. Women, for example, have been excluded from this process for a very long time. In Appenzell-Outer-Rhododens, a part of Switzerland, a country well-known for its highly developed democratic structures, they acquired voting rights only at the beginning of the 1990s. It is essential to ensure that the right to vote is universal, free, equal, secret and direct.
- **Division of powers** – The division of powers, introduced as a concept by Locke ("Two Treatises of Government," 1690) and furthered by Montesquieu ("De

l'esprit des lois", 1748) in their fight against the absolutist state, is a fundamental principle of modern democracies. According to this principle state power is divided between legislative, executive and judicial bodies functioning independently but accountable to each other and to the people. This system of checks and balances provides for adequate control mechanisms and as such prevents the misuse of state power.

Theories of Democracy

The dazzling complexity of democratic reality has produced a vast array of theories and models.

One distinction between groups of theories shall be mentioned because of its traditional role and despite its being too simple for today's debate: the distinction between identity and competition theory of democracy. In short, to see democracy as competition allows for different, legitimate opinions which compete (with the competition of opinions usually settled along the lines of majority rule). Democracy as identity sees an identity between the rulers and the ruled and denies the existence of legitimate differences but strives to find what Rousseau

called the *volonté générale*, subsequently to be put down in legislation.



Forms of Democracy

Today, democracies differ a great deal in their design and structure. The traditional distinction made concerning liberal democracies is that between models of **direct and representative democracy**.

Direct democracy is a form of government in which the right to make political decisions is exercised directly by the whole body of citizens, acting under procedures of majority rule. This form is only feasible in small entities. Therefore, no modern democratic system is a purely direct democracy, though almost all of them feature elements of direct democracy. Institutions of direct democracy are popular assemblies, popular legislative initiatives, recall, referenda, etc.

The second basic form is that of **representative democracy**. This is a form of government in which the citizens exercise the same right not in person, but through representatives chosen by and accountable to them. Two essential elements of representative democracy are the separation between the rulers and the ruled, and periodical elections as a means of control of the rulers by the ruled.

Representative democracy is associated with two basic systems of government: parliamentary and presidential democracy.

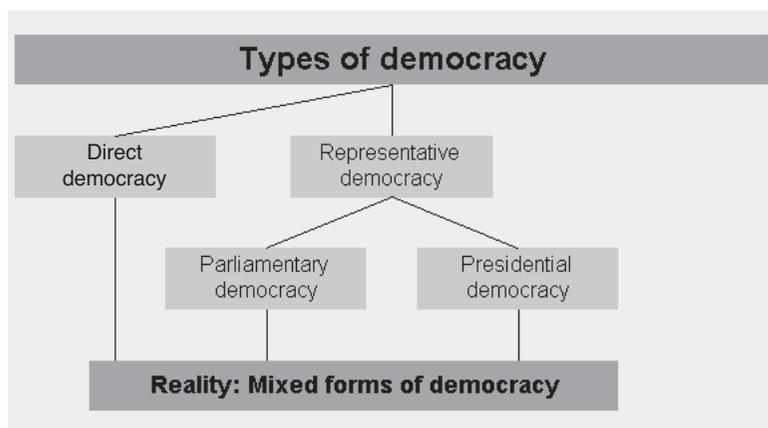
– *Parliamentary democracy*: In this form of government the parliament has a central role; the executive is headed by a prime

minister or a cabinet leader and is dependent on the confidence of the parliament; the head of state usually has little or no executive powers but only a representative function.

– *Presidential democracy*: The executive is headed by the head of state him-/herself, who is directly elected by the people and does not depend on the parliament's confidence.

When the two models are put into contrast, differences that emerge include:

- In a presidential system, separate elections are held for the government and the parliamentary assembly, whereas in parliamentary democracies one election decides both (while the head of state can be elected separately).
- In parliamentary systems the government is authorized by the parliament, which can also recall it. This option is denied to parliaments in presidential systems, barring impeachment procedures.
- On the other hand the head of state in parliamentary systems usually has the possibility to dissolve the parliamentary assembly under certain conditions.
- Membership of parliament is a condition for membership in the government in



SOURCE:
D@DALOS

many parliamentary systems, whereas this is incompatible in most presidential systems.

- Parliament and government are usually more closely interlinked in parliamentary democracies, whereas presidential systems have a clearer separation of powers. Yet, the executive power itself is often split between a head of state on the one hand and a prime minister on the other hand.
- Legislative initiative in parliamentary democracies is to a large degree incumbent on government initiative.
- Parties, in particular opposition parties, play a much stronger role in representative democracies.

Today, the most common form among the numerous mixed models is that of a parliamentary democracy with an enhanced role for the head of state.

Forms of Democracy in Reality

Most existing democracies are combinations of these ideal types and feature elements from all forms.

Examples: The classic examples illustrating the model outlined above are: parliamentary democracy as the model which underlies the systems of Great Britain and most Western European states; on the other hand the United States of America are the best known example of a presidential democracy. Even in Western Europe examples of peculiar models are quite numerous: Switzerland, France (a semi-presidential democracy), Portugal. The distinction can also be applied to all other democracies world-wide, though they do not necessarily make use of the same traditions stemming from liberalism.

3 INTERCULTURAL PERSPECTIVES AND CONTRO- VERSIAL ISSUES



Democracy takes many forms, has various manifestations and is understood differently among cultures. While some democracies put an emphasis on the division of powers and the rule of law, others might be predominantly built around the concept of participation. The distinctions emerging are mainly based upon the different interplay of core elements constituting democracy.

A major line of criticism in this context refers to the “Euro-centrism” involved in much of the political thought, theory and practice with regard to democracy.

There is no such thing as a “perfect democracy”, neither in the Eastern, nor the Western hemisphere. One may universally agree on several constitutive elements of democracy, but the importance placed on these elements and their realization often differ among cultures. Western understanding of democracy in general is based on the notion of an individual who gains maximum of freedom and voice in relation to free others in a democratic society. The overwhelming emphasis on civil and political rights underlying this model is a problem for some other countries.

The “Asian Values” Debate

Some Asian social models are based on concepts of participation that have little to do with democracy as it is understood in the West. They are based on a sense of community-orientation and traditional concepts of oligarchic leadership, rather than on the idea of maximum freedom for the individual. This model is not necessarily inconsistent with participation and democracy.

It flows from foundational Confucian teaching, and requires active participation of a moral and rational ruling elite acting for the common good. The so-called clash between “Asian” and “Western” values and notions of democracy springs from a misunderstanding of democracy and participation. Rather than being criticism of democracy itself, Singaporean leader/philosopher Lee Kuan Yew and others’ critique is directed against the social and cultural order of the USA and some other Western countries.

The Challenge of Democracy in the Muslim World

Defining the relationship between Islam and democracy has been problematic for both Muslims and non-Muslims. Western observers who have asserted that Islam and democracy are incompatible, have based their arguments on the Islamic understanding of the sovereignty of God, who is the sole source of political authority and from whose divine law all regulations governing the community of believers have to come.

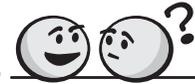
Muslims, too, have been sharply divided in their understandings and approaches toward democracy. While leaders of mainstream Islamic movements and many scholars think

that Islam and democracy are compatible, extremists or radical Islamists propagate the opposite. The latter reject democracy by saying that the concept of popular sovereignty denies the fundamental creed of Islam which is God’s sovereignty. The basic legislative framework has been provided by Allah and cannot be modified. Anybody implementing his laws can only be his representative. This radical approach is opposed to basic democratic values, such as openness, pluralism and the separation of powers.

The Islamic vision of democracy is manifested in the *Shura*, the Islamic concept of consultation in conducting common affairs. Consultation is required in mutual affairs that affect collective life, whereby people should have full freedom of expression. However, the *Shura* is limited by Allah’s legislation, leaving this means of Islamic participation as another obstacle to democracy in a Western understanding.

☺👉 Religious Freedoms Module.

DISCUSSION QUESTIONS



- Why are some elements of democracy more important than others among different cultures?
- Is it acceptable to have different notions of democracy in different cultures?
- If different interpretations of democracy are inevitable and acceptable, where are the limits, i. e. what core elements must be retained under any circumstances in order to perceive a given state as “democratic”?
- What is the role of media in shaping the notion of democracy in different cultures?

A Few Further Points for Thought

- **The relationship between majority and minority**, and in particular the protection of the political minority, is a crucial issue. The democratic principle of electing on the basis of the majority vote which thus gains the right to yield power means that a minority is created and often excluded from political decision-making. This minority has to comply with the majority’s decisions. Minorities therefore require special protection in order to guarantee respect for their rights and a fair degree of consideration for their political will.

- **Civil society** has become one of the key topics in the debate on and practice of democracy. Democracy needs free and active human beings, as well as responsible people. Bertolt Brecht has once ironically suggested that the government, if so dissatisfied with the people, should dissolve the people and elect a new one. Only free and active citizens can challenge their government and hold it accountable to its pre-election commitments.
- **Free and independent media** are an important pillar of every democracy. Control over the means of information is nowadays almost synonymous with control over decision-making in a democracy. Media play a crucial role in the daily life of democracies, be it newspapers, television, radio, the entertainment industry and of course the internet. Individuals, societies and states have to be able to communicate with each other. To facilitate electorate's decision-making, they have to be informed about the aims and objectives of those seeking to be elected. Freedom of expression is therefore another very basic and delicate human right for the realization of a functioning democracy.



Freedom of Expression and Freedom of the Media Module.

- **Democracy and human rights** are inseparable – the relationship varies from one of interplay to one of identity. In this sense, all human rights are of crucial importance for and in a democracy. The legal systems of some countries differentiate between citizens' rights and human rights, meaning that some rights, especially certain political rights, are guaranteed to citizens only and others to all human beings.

Human rights can only be guaranteed in and through a functioning democracy, but formal democracy alone does not guarantee human rights and human security. The realization of human rights is therefore an indicator for the vitality of a democracy.

4. IMPLEMENTATION AND MONITORING

No perfect democracies have ever existed or exist today. Modern democracies integrate to some extent all of the core elements of democracy in their public life as a measure of equality, non-discrimination and social justice. Democracy is a process of constant interaction, perfection and adjustment between the basic needs of the society and the social structures in place to cater for those needs.

On the regional level, various mechanisms safeguarding the principle of democracy exist. The European Convention of Human Rights, which offers the possibility to sue member states for a breach of the Convention, is a good example. Since democracy is the only form of government considered in the Convention, it is also the only form compatible with it. In 1967 Denmark, Norway and Sweden took the decision to file a complaint against Greece after a harsh military regime had taken over control there. The Greek government thereafter resigned from the Convention, but nonetheless the trial was carried on and ended with the suspension of Greece from the Council of Europe. With the re-establishment of a democratic government in 1974, the Convention entered into force again, and compensation had to be paid to the victims of the military regime.

Obviously, not all mechanisms are as effective as that established by the Council of Europe, but there are various other organizations struggling for protecting democracy, too. In 1990, the OSCE established the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, which has the task, among others, to help OSCE participating states in building, strengthening and protecting democratic institutions. It is in

charge of the observation of national elections, thus ensuring the obedience to democratic principles.

On the international level, the Inter-Parliamentary Union is playing an important role. The IPU is composed of the parliaments of sovereign nation states and seeks to foster dialogue and co-operation among peoples for the strengthening of democracy worldwide. It was established as early as 1889 and till today is an organization for facilitating the networking of national parliaments and promoting democracy.



The United Nations Development Program has presented a number of objective indicators for measuring the advancement of democracy in its Human Development Report of 2002. These include:

- Date of most recent election
- Voter turnout
- Year women received right to vote
- Seats in parliament held by women
- Trade union membership
- Non-governmental organizations
- Ratification of the International Covenant on Civil and Political Rights

- Ratification of the ILO Freedom of Association and Collective Bargaining Convention

Additionally, a number of subjective indicators, among them civil liberties and political rights, press freedom and accountability, political stability and lack of violence, rule of law and corruption perception index, constitute a helpful means of assessing democratic governance. All these indicators reflect the degree to which the core elements forming a democracy interact and develop over time. They provide a basis for comparing democracies and other regimes and assessing progress towards democracy, as well as a qualitative and quantitative measure of the level of improvements reached or threats faced by a country.

In all genuine democracies, popular vote, nationally or locally, is the strongest monitoring mechanism, accompanied by free and independent media and vigilant civil society. A change of government agendas and power holding structures might result from such popular vote, which independently controls the level of implementation of the commitments undertaken by democratically elected representatives.

The standards a democracy must fulfil are not universally agreed upon. However, the standards upon which a broad consensus can be reached are those of human rights. Ensuring human rights is thus a crucial part of ensuring democracy. Therefore, institutional guarantors of human rights are indeed guarantors of democracy.

The worldwide implementation of democracy depends on each and every individual, on state and international institutions required to breathe life into it and to help it withstand authoritarian developments. To make use of one's right to vote, to express opinions and thus participate in political life and decision-making is of crucial importance. Taking part in an active civil society is conducive to democracy as a whole. Education plays a key role in this process as it creates the knowledge that effectively makes participation possible in the first place. It is to these grass-roots elements of democracy-building that attention shall be drawn and that shall be further developed in order to allow democracy to flourish and bear results for all equally and equitably.

GOOD TO KNOW



1. GOOD PRACTICES

On the Road to Democracy

In February 1990, in a historic speech, Fredrik Willem de Klerk spoke in favor of the end of the Apartheid regime and of a democratic **South Africa**. His policy was confirmed in a referendum, where 70% of the white population supported his reforms. The first democratic elections in South Africa were held in April 1994 and in May 1994 Nelson Mandela became the first black President of South Africa. A new chapter in the country's development was opened.

Central and Eastern Europe, Central Asia:

Since 1989, the former communist block countries experienced a wave of democratization. New free and democratic parties were created in Poland, Bulgaria, the Czech Republic, East Germany, Hungary, Romania, Slovakia and a number of ex-Soviet Republics, and a peaceful, democratic transition started changing their national political landscapes. Thereafter, democratic parliamentary and presidential elections took

place at regular intervals on the basis of multi-party systems.

Chile: Unlike other South American countries, Chile has a history of over 150 years as a constitutional republic with democratically elected governments. The re-establishment of democracy in Chile in 1990 after 17 years of military rule under General Augusto Pinochet, gave a new impetus to democratic dialogue and regional and international co-operation. Today the Republic of Chile is consolidating democracy and actively promoting human rights and human security in the whole region.

Ferdinand Marcos' dictatorship of the **Philippines** lasted from 1965 till 1986. In 1986 Corazon Aquino became President and restored the basic civil liberties (freedom of speech, freedom of assembly and freedom of the press) – the Philippines had taken the road to establishing a true democracy.

2. TRENDS

Women's Political Participation

Today, the participation of women in political life is still highly disproportionate to that of men even though women form more than half of the world's population. This obvious imbalance points to certain deficits in a number of national institutions otherwise considered democratic.

The introduction of quotas for encouraging and supporting the participation of women in political life has been used as a tool to improve the situation which is characterized by disproportionate representation and unequal status of men and women in national parliaments. So far, only 10 countries in the world have achieved a representation of women in parliament exceeding 30%, mostly by means of introducing quotas (fixed percentages for assuring women's presence in parliaments, layed down in legislation). If the improvement continues at its current pace, it might take more than 50 years to achieve fully proportionate and fair representation of women.

Discussion question: Could you think of any other incentives and tools for bridging the representational gap between men and women in political life?

Women in Parliament: 1945–1995

In 50 years, from 1945 to 1995:

- The number of sovereign States having a Parliament has increased **seven-fold**;
- The percentage of women MPs worldwide has increased **four-fold**;
- The record average level was reached in **1988** with **14.8%** of all MPs being women.

😊👉 Human Rights of Women Module.

Democr@cy Online

When the use of the internet began to spread out in the mid-1990s, dreams of a better world were nurtured by some – a world where everybody could participate in political decision-making processes thanks to online communication, a world closer to Greek ideals of democracy than ever before. To sum it up, these dreams have not come true yet. Indeed, it is very doubtful they ever will.

Year	1945	1955	1965	1975	1985	1995
Number of Parliaments	26	61	94	115	136	176
% of women MPs	3.0	7.5	8.1	10.9	12.0	11.6
% of women Senators	2.2	7.7	9.3	10.5	12.7	9.4

SOURCE:

INTER-PARLIAMENTARY UNION, WWW.IPU.ORG, 2003

	Single House or Lower House	Upper House or Senate	Both Houses Combined
Nordic countries	39.7%	--	39.7%
Europe – OSCE member countries including Nordic countries	18.1%	14.8%	17.4%
Americas	16.2%	18.4%	16.5%
Europe – OSCE member countries excluding Nordic countries	15.7%	14.8%	15.5%
Asia	15.4%	13.0%	15.2%
Sub-Saharan Africa	13.7%	12.7%	13.6%
Pacific	13.7%	25.9%	15.2%
Arab States	6.1%	2.6%	5.7%

SOURCE:

WWW.IPU.ORG, AS OF 23 DECEMBER 2002

Availability of internet access is not a substitute for democratic structures and does not by itself create political awareness – but it still has its advantages. Information can be searched and retrieved worldwide in real time, and, much more important, it can be exchanged and used for creating informal organizational structures. This has happened frequently in the last years.

The activities of NGOs all over the world have increased dramatically thanks to online communication, establishing links between movements in all parts of the world. Campaigns can reach more people than ever before, mobilizing new forms of issue-oriented cooperation across borders. Totalitarian regimes have no or only limited means to prohibit the exchange of “revolutionary” ideas online. Individuals can express their opinion more easily and make it widely available, thus finding support by like-minded people.

There are new potentials for democracy, but there are also new risks. The lack of political awareness and democratic structures in the offline world is also reflected online.

Presently, approximately 400 million people around the world are familiar with the use of the internet. 5,8 billion are not. The so called digital divide between developed and developing countries (as well as between urban and rural areas within developed countries) has a serious impact on every democratic model – if a major part of the population is computer illiterate, it can not easily participate in online activities.

Democratic challenges are not only about assuring access, but also about contents. For example, the highly racist Ku-Klux-Klan in the USA claims that since it has an online presence, the number of its members has risen considerably, and that its level of organization keeps on increasing. In France, the internet portal “Yahoo!” has been sued for offering neo-Nazi memorabilia on its auction sites – but the offers were made in the USA, where this behaviour is not illegal. Meanwhile, “Yahoo!” declared on a voluntary basis to monitor and prohibit such activities.

Democracy is a complex process, and in order to work properly, it needs our full commitment. The internet can be a medium to facilitate communication, but it will never

be a substitute for a lack of commitment in the offline world.

 Freedom of Expression and Freedom of the Media Module.

Globalization and Democracy

Traditionally, political participation has its demarcation line at national boundaries, decisions affecting peoples’ lives are being made with regard to specific territories.

In the age of globalization many decisions and their outcomes stretch beyond national frontiers. Furthermore, new strong global players such as multinational companies and international organizations are responsible for far-reaching socio-economic changes in our world. Globalization can also facilitate the spread of democracy by making new technologies and information more accessible.

The default of democracy in this globalizing world, where decision-making is often in the hands of economic forces or powerful institutions, is responded to by one of the broadest international social movements of recent times – the anti-globalization movement. Anti-globalization adherents stand up for a variety of purposes including protection

of the environment, debt forgiveness, animal rights, the protection of children, anti-capitalism, peace, and human rights. What they have in common is the feeling that the globalized world lacks democratic fora.

The movement's key mode of campaigning is mass demonstrations. It first came to the attention of the international media in 1999 when 100 000 demonstrators marched on the opening ceremony of the World Trade Organisation's (WTO) third ministerial meeting in Seattle. Thereafter, other protests have occurred at the meeting of the World Bank and the International Monetary Fund (IMF) in Washington DC and Prague, the World Economic Forum in Davos (Switzerland), the European Union summit in Gothenburg (Sweden), and at the G8 summit in Genoa (Italy).

While the majority of protesters are non-violent, there is a camp of radical protesters who actively incite violence at demonstrations by hurling missiles or destroying property. They take the focus away from the movement's agenda because they draw the main attention of the media on them, which many think is unfortunate. Therefore, in February 2002, activists

organized the World Social Forum gathering in Porto Alegre, Brazil as an alternative to the explosive mass demonstrations. The 60 000 attendees to the event discussed alternatives to global capitalism, opposition to militarism and support for peace and social justice.

Exercising their right of assembly, civil society has triggered a public debate on democratic global governance, the democratisation of international economic relations and the participation of civil society in international institutions. The movement calls attention to the constant danger that economic liberalism could undermine its own bases in civil and political liberties by deriding the importance of economic and social rights.

Even though changes of the scenery in which international decision-making takes place and new ways of participation seem to be far-fetched dreams, (new) global players increasingly have to give account on what they are doing due to increased public attention and are forced to think about new ways of democratic representation, transparency and accountability.

  Freedom from Poverty Module and Work Module.

Democratic Deficits in International Organizations, Multi-national Corporations and Non-governmental Organizations

The role of states on the regional and global level is changing. International organizations, multi-national corporations and non-governmental organizations have entered the scene as important actors in world politics. Their decisions and regulations affect the policies of states and the lives of millions of people. Therefore, one of the key questions which needs to be answered is: How democratic/undemocratic are these non-state actors? Finding an answer to this question means exploring practices and policies as well as decision-making processes of every international organization, MNC and NGO and researching if the principles of democracy – accountability, legitimacy, participation, representation and transparency – are fulfilled. Proposals for democratizing the non-state actors are widely discussed. Examples include: a reform of the Security Council; the creation of a Global Peoples Assembly and a more democratic and effective decision-making system for the WTO, IMF and World Bank; establishing a parliament for the WTO; introducing Codes of Conduct and Codes of Ethics for NGOs and MNCs.

SELECTED ACTIVITIES



1

ACTIVITY I: CAMPAIGNING

PART I: INTRODUCTION

This is a discussion-based activity that addresses rights and responsibilities connected with democracy and democratic debate.

Type of activity: Discussion

PART II: GENERAL INFORMATION ON THE DISCUSSION

Aims and objectives:

- To practice and develop skills which are required for listening, discussions and persuasion
- To encourage co-operation and teamwork

Target group: Young adults and adults

Group size/social organization: Any

Time: 60 minutes

Materials:

Paper and color pens to prepare the signs, tape, paper and pens for making notes

Preparation:

- Make two signs, “Agree” and “Disagree”, and tape them onto either end of a long wall or on the floor.
- Place two chairs in the center of the room, leaving space around them in order to allow people to move around.

Skills involved:

Communicating, cooperating, expressing different points of view on an issue, respecting other opinions

PART III: SPECIFIC INFORMATION ON THE DISCUSSION

- Point out the two signs at either end of the wall/floor, and explain that you are going to read out a statement, with which the participants may agree to a greater or lesser extent.
- Select one statement from the list below and read it out to the group.
- Tell participants to position themselves along the wall between the two signs according to the degree to which they agree or disagree.
- When people have positioned themselves, invite the two at the furthest extremes to occupy the two chairs. Everyone else should now gather around the chairs

positioning behind the person whose view they agree with to a higher degree; or stay in the centre when they are undecided.

- Give the two participants on the chairs one minute to state their reasons for disagreeing or agreeing with the original statement. No one should interrupt or assist them. Everyone should keep silence.
- After their statements, ask the others in the group to move behind one or the other of the speakers (they can not remain undecided), so that there is one group “for” and one group “against” the statement. Give both groups ten minutes to prepare arguments supporting their position and to select a different speaker who will present these arguments,
- Give these new speakers three minutes each to deliver their arguments. After their speeches, supporters for one or the other side may change position and move to the opposite group if the opposite side’s arguments have convinced them.

Feedback:

Bring the group back together for the feedback. Now move on to reflect on the process and purpose of discussion as a form, and on the reasons for regarding a pluralist society as a high value. Try not to get drawn back into a discussion of the issue itself.

- Did anyone change his or her mind during the course of the discussion? If so, what were the arguments that convinced him/her?
- Do participants think that any other factor than the arguments had an influence on them. Examples could be peer pressure, emotional language or a feeling of rivalry.
- For those who did not change their view, was there any purpose behind this and in the exercise? Can they imagine any evidence that might persuade them to change their views?
- Why do people hold different opinions? Is this acceptable or should something be done about it in a democratic society?
- Should *all* opinions be tolerated in a democracy?

Methodological hints:

The first part of the activity, when participants position themselves, should not take more than a few minutes. This warming up activity aims to establish people's "starting positions" and to make them see where they stand. The purpose of the activity is as much to practice skills of communication and persuasion as to think through the issues themselves. Participants should be encouraged to think not only about the

content and presentation of their own opinions, but also about the type and form of argument that will be most persuasive.

Note: It will take about 30 minutes to discuss one statement going through the different rounds of discussion. It is advisable to be flexible about the exact order of events, depending on the group. Generally, disturbances in the group take precedence over the discussion.

Tips for variation:

You can raise the issue of whether "pluralism" or freedom of expression should be subject to any limitations in a democratic society. Should for example racist or nationalist demonstrations be permitted? Where and how does a democracy have to draw the line between the acceptable and the unacceptable? In the context, you can discuss the notion of "tolerance" and how people understand it.

PART IV: FOLLOW-UP:

Select pictures from newspapers and magazines that show controversial issues featuring in a current debate. Try to cover subjects such as discrimination of certain groups (children, women, foreigners, religious

groups, disabled persons etc.), pollution, unemployment, poverty, oppression through the state and violations of human rights in general. Clip pictures out and show them to the participants. Let each of them choose one picture that they can still tolerate and one they cannot tolerate anymore. Participants should give reasons why they chose those particular pictures without starting a discussion. Explain to the others that they must respect each participant's opinion.

SOURCE:

THIS ADDITIONAL PART IS ADAPTED FROM: **SUSANNE ULRICH. 2000.** ACHTUNG (+) TOLERANZ – WEGE DEMOKRATISCHER KONFLIKTLÖSUNG. VERLAG BERTELSMANN STIFTUNG.

Related rights/further areas of exploration:

Freedom of expression and any other human right

SOURCE:

THE DISCUSSION ACTIVITY IS ADAPTED FROM: **COMPASS – A MANUAL ON HUMAN RIGHTS EDUCATION WITH YOUNG PEOPLE. 2002.** COUNCIL OF EUROPE PUBLISHING: STRASBOURG.

Statements that may be used for the discussion:

- We have a moral obligation to use our vote in elections.

- We should obey all laws, even unfair ones.
- The only people who have any power in a democracy are politicians.
- People get the leaders they deserve.
- “In a democracy everybody has the right to be represented, even the jerks.” (Chris Patten)
- 51% of a nation can establish a totalitarian regime, suppress minorities and still remain democratic.
- „The job of a citizen is to keep his mouth open.“ (Günter Grass, writer)
- “The best argument against democracy is a five minute conversation with the average voter.” (Winston Churchill)

Note: You can find other statements related to any other human right. The statements should be formulated in such a way that they provoke the expression of different opinions.

2 **ACTIVITY II: A MINARET IN OUR COMMUNITY?**

PART I: INTRODUCTION

This activity simulates an open council-assembly in your community or a fictitious small village. This is the scene where diverse

interests and concerns of different societal and political movements collide over a so-called “hot topic”. The press is attending and documenting the meeting.

Type of activity: A simulation game

PART II: GENERAL INFORMATION ON THE SIMULATION

Aims and objectives:

- To experience processes that take place when people/a community try to make sense of something that is happening
- To identify and understand political contexts and mechanisms
- To elaborate on and put forward different viewpoints
- To identify the limits of democratic and respectful behavior
- To foster sympathy for all sides that are party to a conflict

Target Group: Young adults and adults

Group Size/Social Organization: 15–30

Time: 2–3 hours

Preparation:

Sheets of paper for name tags, a flip chart and paper

Skills Involved:

Communicating, co-operating, expressing different points of view on the issue, respecting other opinions

PART III: SPECIFIC INFORMATION ON THE SIMULATION

Introduction of the Topic:

Start to introduce the activity by explaining the fictitious situation, that the group will be taking part in.

The intended erection of a minaret is moving your community. At short notice, an open community council is called to decide upon the claim of the Islamic community to build the Minaret in its full height, which would be higher than the steeple of the church.

List on the flip chart the different roles you are going to allot to the participants. The following people can take part in an open council:

- The mayor of the community as the chair of the assembly
- Town council members (3–5 persons) representing different parties

- Members of the working group “For one world – against xenophobia” (3–6 persons)
- Members of the citizens’ action committee “Welcome to our lovely community!” (3–5 persons)
- Members of the Islamic Community (3–5 persons)
- The press: Journalists of two local newspapers with opposite political approaches (1–2 persons each)
- Citizens, who are going to take part in the assembly (if there are enough participants)

Note that the better you describe the diverse characters, the more effective the simulation will be. If you wish, you can write down some characteristics of the different people on the flipchart. Try to establish a set of roles that consists of a variety of contrasting characters, in order to stimulate a better discussion.

Now sketch out a timetable: Before the actual simulation starts, participants will develop their personality and write it down in keywords (about 15 minutes). All participants have to stick to their assigned roles and mitigate their own positions.

Simulation:

Elements to include the approximate amount of time required

Phase 1: Preparation (20 minutes)

Ask participants to get together in the groups they have chosen. If possible, they should all be able to leave the classroom and have enough space to be on their own. The characters shall get to know one another and decide and prepare their strategy for the open council. The press starts editing their newspapers and takes first interviews. During this phase you prepare the boardroom for the meeting: The groups should be placed at four different tables. Nametags are put onto each table. The mayor should be seated in an elevated position and has a bell and a watch on his/her table. Explain the rules of procedure separately during the meeting to the person acting as the mayor.

Phase 2: Open Council Meeting (45 minutes)

The mayor is the head and chair of the assembly and opens the meeting with a small speech to introduce the topic and welcome the participants. His/her main task is to moderate the meeting. The groups are successively asked to give their opinions and

objectives. The prepared role-profiles should be their guidelines. Then, the mayor calls to the poll to decide if permission shall be granted to the Islamic Community for the construction of a full-size minaret.

Phase 3: Feedback (45 minutes)

Bring the participants back into a circle which enables a discussion and start the feedback round by greeting everybody by their real names. This is particularly important to allow participants to get out of the roles they performed and get back to behaving as their normal selves.

On the personal level, ask participants

- Does the result of the simulation reflect the objective of your role?
- How much influence did you (in your role) have on the result?
- Did interaction with others necessitate changes in your strategy?

Try to avoid a pursuit of the simulation and to stick to the reflection itself.

To analyze the simulation in comparison to a real life open council, ask

- Was it easy or difficult to identify with your role?
- How close was the simulation to a real situation?

Methodological hints:

If possible, you should do this activity together with another trainer in order to be able to answer questions and to co-ordinate each step of the activity at the same time. When assigning the roles, note that the role of the mayor is highly demanding as it structures the course of the simulation. You should therefore go through this before the simulation together with the participant playing the mayor. Note that you are still leading the activity and that it might be necessary to intervene in the course of the simulation, if participants start disrespecting each other. Also, interrupt if the simulation gets out of control (invention of new facts, changing of the topic). If the open council does not come to an agreement, point out that this can reflect a result in real life and does not mean that the activity has failed.

Tips for variation:

Depending on your community context, you can and should change the topic to “A Church in Our Community” or a “Buddhist Temple in Our Community” instead of a minaret.

PART IV: FOLLOW-UP:

If available, the persons representing the role of “the press” in the simulation could record or film the open council meeting and use this documentation as basis for an analysis of the discussion and its rules one day later.

In an approach to the topic of local democracy in different environments, participants can take a look into their own surroundings, find real life cases and document them. Their results could be displayed in a map or a small exhibition.

Related rights/further areas of exploration:

Discrimination, religious freedoms, freedom of expression and freedom of the media

SOURCE:

ADAPTED FROM: **SUSANNE ULRICH. 2000.** ACHTUNG (+) TOLERANZ – WEGE DEMOKRATISCHER KONFLIKTLÖSUNG. VERLAG BERTELSMANN STIFTUNG.

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III. ADDITIONAL RESOURCES

LITERATURE
RESOURCES
CONTACTS

»Human Rights Education and Learning can make a vital contribution to human security by expressing the objectives of human security within a human rights framework. In this respect, cooperation will be developed amongst the HSN members.«

GRAZ DECLARATION ON PRINCIPLES OF HUMAN RIGHTS
EDUCATION AND HUMAN SECURITY, 2003

A. THE ONGOING STRUGGLE FOR HUMAN RIGHTS – CHRONOLOGY

STRUGGLES AND HISTORICAL EVENTS

Many religious texts emphasize the importance of equality, dignity and responsibility to help others

Over 3,000 years ago Hindu Vedas, Agamas and Upanishads; Judaic text the Torah

2,500 years ago Buddhist Tripitaka and A guttara-Nikaya and Confucianist Analects, Doctrine of the Mean and Great Learning

2,000 years ago Christian New Testament, and 600 years later, Islamic Qur'an

18TH–19TH CENTURIES

1789 The French Revolution and the Declaration of the Rights of Man and of the Citizen

1815 Slave revolts in Latin America and in France

1830s Movements for social and economic rights – Ramakrishna in India, religious movements in the West

1840 In Ireland the Chartist Movement demands universal suffrage and rights for workers and poor people

1847 Liberian Revolution

1861 Liberation from serfdom in Russia

THE 20TH CENTURY

1900–29

1900–15 Colonized peoples rise up against imperialism in Asia and Africa

1905 Workers movements in Europe, India and the US; in Moscow 300,000 workers demonstrate

1910 Peasants mobilize for land rights in Mexico

1914–18 First World War

1914 onward Independence movements and riots in Europe, Africa and Asia

1915 Massacres of Armenians by the Turks

1917 Russian Revolution

1919 Widespread protests against the exclusion of racial equality from the Covenant of the League of Nations

CONFERENCES, DOCUMENTS AND DECLARATIONS

Codes of conduct – Menes, Asoka, Hammurabi, Draco, Cyrus, Moses, Solo and Manu

1215 Magna Carta signed, acknowledging that even a sovereign is not above the law

1625 Dutch jurist Hugo Grotius credited with birth of international law

1690 John Locke develops idea of natural rights in Second Treatise of Government

1792 Mary Wollstonecraft's A Vindication of the Rights of Woman

1860s In Iran Mirza Fath Ali Akhundzade and in China Tan Sitong argue for gender equality

1860s Rosa Guerra's periodical La Camelia champions equality for women throughout Latin America

1860s In Japan Toshiko Kishida publishes an essay, I Tell You, My Fellow Sisters

1860-80 More than 50 bilateral treaties on abolition of the slave trade, in all regions

1900 First Pan-African Congress in London

1906 International convention prohibiting night work for women in industrial employment

1907 Central American Peace Conference provides for aliens' right to appeal to courts where they reside

1916 Self-determination addressed in Lenin's Imperialism, the Highest Stage of Capitalism

1918 Self-determination addressed in Wilson's "Fourteen Points"

1919 Versailles Treaty stresses right to self-determination and minority rights

1919 Pan-African Congress demands right to self-determination in colonial possessions

INSTITUTIONS

1809 Ombudsman institution established in Sweden

1815 Committee on the International Slave Trade Issue, at the Congress of Vienna

1839 Antislavery Society in Britain, followed in 1860s by Confederação Abolicionista in Brazil

1863 International Committee of the Red Cross

1864 International Working Men's Association

1898 League of Human Rights, an NGO, in response to the Dreyfus Affair

1902 International Alliance for Suffrage and equal Citizenship

1905 Trade unions form international federations

1910 International Ladies' Garment Workers' Union

1919 League of Nations and Court of International Justice

1919 International Labour Organization (ILO), to advocate human rights embodied in labour law

1919 Women's International League for Peace and Freedom

1919 NGOs devoted to women's rights start addressing children's rights; Save the Children (UK)

1920s Campaigns for women's rights to contraceptive information by Ellen Key, Margaret Sanger, Shizue Ishimoto

1920s General strikes and armed conflict between workers and owners in industrialized world

1930–49

1930 In India Gandhi leads hundreds on long march to Dandi to protest salt tax

1939–45 Hitler's Nazi regime kills 6 million Jews and forces into concentration camps and murders Gypsies, Communists, labour unionists, Poles, Ukrainians, Kurds, Armenians, disabled people, Jehovah's Witnesses and homosexuals

1942 René Cassin of France urges creation of an international court to punish war crimes

1942 US government interns some 120,000 Japanese-Americans during Second World War

1942–45 Antifascist struggles in many European countries

1949 Chinese Revolution

1950–59

1950s National liberation wars and revolts in Asia; some African countries gain independence

1955 Political and civil rights movement in US; Martin Luther King Jr. leads the Montgomery bus boycott (381 days)

1960–69

1960s In Africa 17 countries secure right to self-determination, as do countries elsewhere

1962 National Farm Workers (United Farm Workers of America) organize to protect migrant workers in US

1960s–70s Feminist movements demand equality

1923 Fifth Conference of the American Republics, in Santiago, Chile, addresses women's rights

1924 Geneva Declaration of the Rights of the Child
1924 US Congress approves Snyder Act, granting all Native Americans full citizenship

1926 Geneva Conference adopts Slavery Convention

1930 ILO Convention Concerning Forced or Compulsory Labour

1933 International Convention for the Suppression of the Traffic in Women of Full Age

1941 US President Roosevelt identifies four essential freedoms – of speech and religion, from want and fear

1945 UN Charter, emphasizing human rights

1948 Universal Declaration of Human Rights

1948 ILO Convention on the Freedom of Association and Protection of the Right to Organize

1949 ILO Convention on the Right to Organize and Collective Bargaining

1950 European Convention on Human Rights

1951 ILO Equal Retribution Convention

1957 ILO Convention Concerning Abolition of Forced Labour

1958 ILO Convention Concerning Discrimination in Employment and Occupation

1965 UN International Convention on the limitation of All Forms of Racial Discrimination

1966 UN International Convention on Civil and Political Rights

1966 UN International Convention on Economic, Social and Cultural Rights

1968 First World Conference on Human Rights, in Tehran

1922 Fourteen National human rights leagues establish International Federation of Human Rights Leagues

1920s National Congress of British West Africa in Accra, to promote self-determination

1925 Representatives of eight developing countries found Coloured International to end racial discrimination

1928 Inter-American Commission on Women, to ensure recognition of women's civil and political rights

1933 Refugee Organization

1935–36 International Penal and Penitentiary Commission, to promote basic rights of prisoners

1945 Nuremberg and Tokyo trials

1945 United Nations

1946 UN Commission on Human Rights

1948 Organization of American States

1949 Council of Europe

1950 ILO fact-finding commission deals with violations of trade union rights

1951 ILO Committee on Freedom of Association

1954 European Commission of Human Rights

1959 European Court of Human Rights

1960 Inter-American Commission on Human Rights holds its first session

1961 Amnesty International

1963 Organization of African Unity

1967 Pontifical Commission for International Justice and Peace

1970–79

1970s Human rights issues attract broad attention – apartheid in South Africa, treatment of Palestinians in occupied territories, torture of political opponents in Chile, “dirty war” in Argentina, genocide in Cambodia

1970s People protest against Arab-Israeli conflict, Vietnam war and Nigeria-Biafra civil war

1976 Amnesty International wins Nobel Peace prize

1980–89

1980s Latin American dictatorships end – in Argentina, Bolivia, Paraguay, Uruguay

1988 In the Philippines peaceful People’s Power Movement overthrows Marcos dictatorship

1989 Tiananmen Square

1989 Fall of the Berlin Wall

1990–2003

1990s Democracy spreads across Africa; Nelson Mandela released from prison and elected president of South Africa

1990s Ethnic cleansing in former Yugoslavia, and genocide and massive human rights violations in Rwanda

1998 Spain initiates extradition proceedings against General Pinochet of Chile

1999 Doctors without Borders win Nobel Peace prize

2000 Court in Senegal charges former Chadian dictator Hissene Habre with “torture and barbarity”

2000 Escalation of violence between Israelis and Palestinians since 2000 (Al-Aqsa Intifada)

2001 Peace Prize awarded jointly to the U. N. and Kofi Annan

2001 Terrorist attacks on the WTC and the Pentagon, President Bush launched the “war against terrorism” targeting “terrorist infrastructures” in Afghanistan

2002 International Criminal Tribunal for the Former Yugoslavia (ICTY) takes up the trial against Slobodan Milosevic

March 2003 US strike against Iraq

1973 UN International Convention on Suppression and Punishment of the Crime of Apartheid

1973 ILO Minimum Age Convention

1974 World Food Conference in Rome

1979 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

1981 African Charter on Human and Peoples’ Rights

1984 UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment

1986 UN Declaration on the Right to Development

1989 UN Convention on the Rights of the Child

1990–96 Global UN conferences and summits on the issues of children, education, environment and development, human rights, population, women, social development and human settlements

1998 Rome statute for establishing International Criminal Court

1999 CEDAW Optional Protocol for Individual Complaints

1999 ILO Worst Forms of Child Labour Convention

2000 Millenium Summit: “The Role of the United Nations in the 21st Century” (New York, 6–8 September)

2000 “Beijing + 5” – Conference on the Rights of Women

2000 CEDAW optional protocol entering into force (complaints procedure for individuals)

2001

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 31 August – 7 September 2001)

2002 Adoption of the Optional Protocol to the UN Convention against Torture (universal system of visits)

2002 May 2002: UN General Assembly: Special Session on Children

1970 First commissions on peace and justice in Paraguay and Brazil

1978 Helsinki Watch (Human Rights Watch)

1979 Inter-American Court of Human Rights

1983 Arab Organization for Human Rights

1985 UN Committee on Economic, Social and Cultural Rights

1988 Africa Commission on Human and Peoples’ Rights

1992 First Organization for Security and Co-operation in Europe (OSCE) High Commissioner for National Minorities

1993 First UN High Commissioner for Human Rights, appointed at the Vienna Conference

1993–94 International criminal tribunals for former Yugoslavia and Rwanda

1995 South African Truth and Reconciliation Commission

1995–99 Ten countries launch national plans of action for the protection and promotion of human rights

1999 Human Security Network established

2002 Rome Statute of the International Criminal Court (ICC) entered into force (1 July 2002)

2003 The ICC takes up its work 1 January 2003

SOURCE:

ADAPTED FROM

“UNDP, HUMAN DEVELOPMENT REPORT 2000”

B. SUGGESTED LITERATURE ON HUMAN RIGHTS

The following books give basic information on the International Human Rights System and its sources. They are useful as a background information for anybody interested in human rights and especially for human rights educators. They also provide basic knowledge and information for further research.

Title: **A Guide to Human Rights. Institutions, Standards, Procedures**

Author/Editor: Janusz Symonides, Vladimir Volodin

Place of Publication: France

Publisher: UNESCO

Year of Publication: 2001

Content: This publication presents brief information on major human rights instruments; procedures and mechanisms to protect human rights; principal events and institutions dealing with human rights issues. It is designed for those interested in human rights, primarily educators, students, human rights activists and mass media professionals.

Title: **An Introduction to the International Protection of Human Rights**

Author/Editor: Hanski Raija/Suksi Markku (eds.)

Place of Publication: Turku/Åbo

Publisher: Åbo Akademi University: Institute for Human Rights

Year of Publication: 1999, 2nd edition

ISBN: 952-12-0247-5

Content: The book aims at providing a general and, at the same time, comprehensive picture of the international protection of human rights. It is an introduction which describes the main systems

and standards and is intended to be complemented by more specialized studies. The book will be of particular interest to undergraduate students, but it may also be used during separate human rights courses, by practitioners, by NGO workers and activists and by all those interested in human rights.

Title: **Economic, Social and Cultural Rights. A Textbook. Second revised Edition**

Author/Editor: Asbjorn Eide, Catarina Krause, Allan Rosas

Place of Publication: Dordrecht; Boston; London

Publisher: Martinus Nijhoff

Year of Publication: 2001

ISBN: 90-411-1595-1

Content: This book is a comprehensive textbook on internationally recognized economic, social and cultural rights. It focuses these categories of rights but also analyses their relationship to civil and political rights. This second revised edition includes chapters on the domestic realization of economic, social and cultural rights.

Title: **Effective Strategies for Protecting Human Rights: Economic Sanctions, Use of National Courts and International Fora and Coercive Power**

Author/Editor: David Barnhizer (ed.)

Place of Publication: Dartmouth

Publisher: Ashgate

Year of Publication: 2001

Content: This text brings together the experiences of a diverse range of leading human rights advocates and activists to demonstrate strategies for protecting human rights. The book identifies

strategic problems and approaches and offers a range of strategies for sanctioning human rights offenders and for inhibiting the behaviour of those who might otherwise engage in such activities. The contributors include Noam Chomsky, Justice Richard Goldstone of the Constitutional Court of South Africa and David Rawson, United States Ambassador to Rwanda during the tragic genocide.

Title: **Human Rights: Concept und Standards**

Author/Editor: Janusz Symonides (ed.)

Place of Publication: Aldershot

Publisher: Dartmouth Publishing Company Limited

Year of Publication: 2000

ISBN: 92-3-103589-4

Content: This volume presents reflections on historical perspectives and philosophical foundations of human rights. It gives a detailed analysis of civil, political, economic, social and cultural rights as well as the rights of persons belonging to such vulnerable groups as women, children, minorities, indigenous people and migrant workers, and the interrelation between humanitarian law and human rights.

Title: **Human Rights: New Dimensions and Challenges. Manual on Human Rights**

Author/Editor: Janusz Symonides

Place of Publication: Brookfield [ao]

Publisher: UNESCO, Ashgate

Year of Publication: 1998

ISBN: 1 84014 426 2

Content: This book presents the interrelation and interdependence between human rights, and

peace, democracy, development and the environment. It analyses obstacles and threats to human rights, suggests ways and means to overcome them, discusses the positive and negative impact on human rights of globalization, and the information revolution and scientific and technological progress.

Title: **Human Rights. Questions and Answers**

Author/Editor: Leah Levin

Place of Publication: Paris

Publisher: UNESCO

Year of Publication: 1996

ISBN: 92-3-103261-5

Content: This book provides basic information on major human rights instruments, procedures for their implementation and activities of international organizations in order to promote and protect human rights. The book is useful to students and teachers and to all those who are involved or interested in the promotion and protection of human rights and fundamental freedoms.

Title: **Human Rights Protection: Methods and Effectiveness**

Author/Editor: Frances Butler

Place of Publication: Kluwer

Publisher: The Hague

Year of Publication: 2002

ISBN: 90-411-1702-4

Content: This book explores human rights protection mechanisms and the extent to which they function in practice. There is plenty of evidence that human rights protection is as important as ever and this book looks at what is required to achieve this effectively.

Title: **Human Rights Reference Handbook**

Author/Editor: Theo R. G. van Banning, Willem J. M. van Genugten

Place of Publication: Netherlands

Publisher: Netherlands Ministry of Foreign Affairs, Human Rights, Good Governance and Democratisation Department

Year of Publication: 1999

Content: This book aims to help the international community to develop a more coherent and consistent policy on human rights, so that in the future an even greater contribution to the respect of human rights can be made worldwide.

Available on the internet:

<http://www.minbuza.nl>

Title: **Human Rights Standards and the Responsibility of Transnational Corporations**

Author/Editor: Michael K. Addo

Place of Publication: The Hague

Publisher: Kluwer Law International

Year of Publication: 1999

Content: This book addresses such questions as: What is the nature and scope of corporate responsibility with regard to human rights? Should companies themselves be responsible for human rights violations involving themselves or their subsidiaries? What principles should guide business in countries known to violate human rights? Is self-regulation sufficient, or are corporations best regulated by national or international codes, and on what should these codes be based?

Title: **Human Rights Today. UN Briefing Papers**

Author/Editor: United Nations

Place of Publication: New York

Publisher: United Nations Publication

Year of Publication: 1998

ISBN: 92-1-100797-6

Content: This paper outlines the concrete steps that are being taken by the UN at the international and national levels to strengthen its human rights programs and work more effectively with its partners in government and civil society to assure human rights for all. In addition it provides a blueprint of the work of various intergovernmental human rights bodies.

Title: **International Encyclopedia of Human Rights. Freedoms, Abuses, and Remedies**

Author/Editor: Robert L. Maddex

Place of Publication: Washington D. C.

Publisher: CQ Press

Year of Publication: 2000

ISBN: 1-56802-490-8

Content: An illustrated reference describing the concepts and terms, agreements, people, and organizations that help guarantee human rights around the world.

Title: **Manual on Human Rights Reporting**

Author/Editor: United Nations

Place of Publication: Geneva

Publisher: United Nations Publication

Year of Publication: 1997

ISBN: 92-1-100752-6

Content: The main purpose of this Manual is to serve as a practical tool for government officials in the preparation and submission of reports required under the United Nations' international human rights treaties.

Title: International Human Rights in Context: Law, Politics, Morals

Author/Editor: Henry J. Steiner; Philipp Alston

Place of Publication: Oxford

Publisher: Oxford University Press

Year of Publication: 2000

ISBN: 0-19-829849-8

Content: This coursebook presents a diverse range of carefully edited primary and secondary materials alongside with extensive text, editorial commentaries, and study questions. It covers a broad range of human rights topics such as: the basic characteristics of international law, evolution of the human rights movement; civil, political, economic, and social rights; international humanitarian law; globalization; self-determination; women's rights; implementation and enforcement a. o.

Title: International Human Rights Regime

Author/Editor: Manfred Nowak

Publisher: Kluwer Law Publishers

Year of Publication: 2003

Content: This textbook gives a short but comprehensive introduction to the idea and doctrine of human rights as well as to the structure, mechanisms and current challenges for the international human rights protection system.

Title: Textbook on International Human Rights

Author/Editor: Rhona K. M. Smith

Publisher: Oxford University Press

Year of Publication: 2003

Content: This textbook provides a basic introduction into the historic background of human

rights, the universal and regional standards and procedures of human rights protection as well as to a number of substantive rights like equality and non-discrimination, the right to life, and minority rights.

Title: UNDP Report 2000

Author/Editor: United Nations

Place of Publication: New York, Oxford

Publisher: United Nations Publishing, Oxford University Press

Year of Publication: 2000

Content: The UNDP Human Development Reports, which come out every year, are an excellent resource providing information on developmental issues in a broader context. The UNDP Report from 2000 looks at human rights as an intrinsic part of development and at development as a means to realizing human rights.

Title: Universal Human Rights in Theory and Practice

Author/Editor: Jack Donnelly

Place of Publication: Ithaca, London

Publisher: Cornell University Press

Year of Publication: 2003, 2nd edition

Content: Jack Donnelly elaborates on the theory of human rights, addresses arguments of cultural relativism, and explores the efficacy of bilateral and multilateral international action. Entirely new chapters address prominent post-Cold War issues including humanitarian intervention, democracy and human rights, "Asian values", group rights, and discrimination against sexual minorities.

C. RESOURCES ON HUMAN RIGHTS EDUCATION

The following section contains information about books and materials on Human Rights Education, ranging from methodological introductions to comprehensive manuals on Human Rights Education.

BACKGROUND INFORMATION

Title: **Amnesty International Educators' Network Human Rights Education Resource Notebooks**

Author/Editor: Amnesty International

Place of Publication: New York

Publisher: Amnesty International Educators' Network

Year of Publication: 1997

Languages: English

Content: A collection of human rights education curricula on specific topics, including women's human rights; children's rights; religion, race and ethnicity; indigenous peoples; death penalty; teaching young children about human rights; conflict resolution and peace; and teaching human rights through literature.

Title: **Human Rights Education for the Twenty-First Century**

Author/Editor: George J. Andreopoulos; Richard Pierre Claude (Ed.)

Place of Publication: Philadelphia

Publisher: University of Pennsylvania Press

Year of Publication: 1997

Languages: English

Content: This book of previously unpublished essays addresses both conceptual and practical human rights education problems and challenges.

The book is designed to be useful to practitioners, offering not only theoretical guidance but also "nuts-and-bolts" advice regarding planning and implementing programs of formal and non-formal human rights education activities.

Title: **Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights**

Author: Nancy Flowers

Place of Publication: University of Minnesota

Publisher: Human Rights Resource Center

Year of Publication: 1997

Languages: English

Content: A primer for human rights education that includes background information, strategies for teaching human rights and activities for a variety of age groups and situations.

Available online: <http://www.hrusa.org/hrh-and-n/default.htm>

Title: **Methodologies for Human Rights Education**

Author: Richard Pierre Claude

Place of Publication: New York

Publisher: NY: Peoples Decade for Human Rights Education

Year of Publication: 1995

Languages: English

Content: A practical introduction to human rights education pedagogy, including an essay on the right to know one's rights, a guide to curriculum planning, suggestions for empowerment and targeting specific user-groups, and methodologies for evaluation.

<http://www.pdhre.org>

Title: **Tips for the classroom**

Author: Felisa Tibbitts

Place of Publication: Cambridge, MA, Amsterdam

Publisher: HREA

Year of Publication: 1996

Languages: English

Content: Practical exercises that can be used in teacher trainings. Includes tips for leading discussions, establishing rules for discussion, working in pairs and small groups, developing a lesson and lesson evaluation.

Available at:

<http://www.hrea.org/pubs/tips.html>

MANUALS AND EDUCATIONAL MATERIALS

Children

Title: **ABC of Teaching Human Rights: Practical Activities for Primary and Secondary Schools**

Author: UN Publication

Place of Publication: New York, Geneva

Publisher: UN Centre for Human Rights

Year of Publication: 1989

Languages: English

Content: This book aims at fostering awareness and comprehension of human rights by providing basic information about rights and respect for self and others, within the context of the Universal Declaration of Human Rights. Activities for children of all age groups are outlined; those for younger children focus on nurturing their sense of self worth and respect for others.

Title: All Human Beings . . . A manual for human rights education

Author: UNESCO

Place of Publication: Paris

Publisher: UNESCO Publishing

Year of Publication: 1998

Languages: English, Arabic

Content: Published on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, this manual is intended to help students and teachers of primary and secondary levels to understand the universal human rights principles. It provides basic documentation, specific teaching materials and practical exercises.

Title: Educating for Human Dignity: Learning about Rights and Responsibilities

Author: Betty A. Reardon

Place of Publication: Philadelphia

Publisher: Pennsylvania Studies in Human Rights

Year of Publication: 1995

Languages: English

Content: This is one of the foremost books on human rights education for the primary and secondary levels. It is written for both teachers and teacher educators. It is a resource offering both guidance and support materials to educators for human rights education programs from kindergarten up to high school. It opens possibilities for a holistic approach to human rights education.

Title: First Steps: A Manual for Starting Human Rights Education

Author: Amnesty International

Place of Publication: London

Publisher: Amnesty International

Year of Publication: 1996

Languages: English

Content: This Manual was developed by Amnesty International for use specifically in Central and Eastern Europe. The manual has been used in numerous countries in the region. First Steps is conceived as a learning tool for the teacher as well as a resource for organizing activities in educational settings. The text provides a total of 27 lessons for younger children (up to age 12) and 18 lessons for older ones.

Title: Human Rights for Children: A Curriculum for Teaching Human Rights to Children Ages 3 – 12

Author: Virginia Hatch, Patsy Hegstad, Norman Heimgartner

Place of Publication: Alameda, CA

Publisher: Hunter House, Inc. Publishers

Year of Publication: 1992

Languages: English

Content: This resource book for teachers addresses ten fundamental principles derived from the UN Convention on the Rights of the Child. The book provides teachers with teaching strategies and activities.

Title: Raising Children with Roots, Rights & Responsibilities. Celebrating the UN Convention on the Rights of the Child

Author: Lori Dupont, Joanne Foley, Annette Gagliardi

Place of Publication: University of Minnesota

Publisher: Human Rights Resource Center; Stanley Foundation

Year of Publication: 1999

Languages: English

Content: This book seeks to meet the responsibility laid down in the Preamble of the Universal Declaration of Human Rights urging every individual and every organ of society to “strive by teaching and education to promote respect for these rights and freedoms”.

Title: Siniko. Towards a Human Rights Culture in Africa

Author: Amnesty International-International Secretariat

Place of Publication: London

Publisher: Amnesty International

Year of Publication: 1999

Languages: English and French

Content: This manual, for teachers and educators in Africa who work with young people in formal and non-formal educational environments and who want to introduce human rights in their teaching practices, is designed as a basic introduction – with advice on methodology, activities for older and younger children and ideas for action.

Title: Tolerance – the Threshold of Peace. Primary School Resource Unit

Author: Betty A. Reardon

Place of Publication: Paris

Publisher: UNESCO Publishing

Year of Publication: 1997

Languages: English

Content: This volume is one of three produced by UNESCO as a contribution to the United Nations Year for Tolerance, 1995, and to the launching of the United Nations Decade for Human Rights Education (1995–2004). It is part of UNESCO’s

Integrated Framework of Action on Education for Peace, Human Rights and Democracy.

Title: One World, One Earth. Educating Children with Social Responsibility

Author: Rob Collins and Merryl Hammond

Place of Publication: Gabriola Island, British Columbia

Publisher: New Society Publishers

Year of Publication: 1993

Languages: English

Content: One World, One Earth is a handbook for adults who want to work with children to explore peace, environmental and social justice issues. It features sensitive discussions about how to co-learn and co-lead with young people, and detailed suggestions for organizing a group within existing institutions (schools, scout troops, churches), creating a cooperative learning environment, involving the wider community, and sustaining enthusiasm.

Youth

Title: Compass – A Manual on Human Rights Education with Young People

Author: Council of Europe

Place of Publication: Strasbourg

Publisher: Council of Europe

Year of Publication: 2002

Languages: English and Russian

Content: This educational guide presents a wide range of approaches of themes and methods, that should inspire anyone interested in human rights, democracy and citizenship. This guide also provides a series of 49 sheets for complete practical activities, proposing a detailed framework for

working activities at school as well as related multiple texts and documents.

Title: Economic and Social Justice. A Human Rights Perspective

Author: David A. Shiman

Place of Publication: University of Minnesota

Publisher: Human Rights Resource Center; Stanley Foundation

Year of Publication: 1999

Languages: English

Content: This book provides background information, ideas for taking action and interactive activities to help people think about human rights in a broader, more inclusive manner. It strives to help us define issues like homelessness, poverty, hunger and inadequate health care, not only as “social or economic problems”, but also as human rights challenges.

Title: Education Pack: Ideas, Resources, Methods and Activities for Informal Intercultural Education with Young People and Adults (All Different All Equal campaign)

Author: Mark Taylor, Pat Brander, Carmen Cardenas, Rui Gomes, and Juan de Vincente Abad

Place of Publication: Strasbourg

Publisher: Council of Europe

Year of Publication: 1995

Languages: English, French

Content: All Different, All Equal education pack was developed by the Youth Directorate of the Council of Europe as part of the European Youth Campaign Against Racism, Xenophobia, Anti-Semitism and Intolerance. The Education Pack is a book intended for use in informal education

settings but activities may also be incorporated into the classroom setting. The book has two major sections, the first dealing with the key concepts for intercultural education and the second suggesting activities, methods and resources.

Title: Human Rights for All

Author: Edward O’Brien, Eleanor Greene, and David McQuoid-Mason

Place of Publication: Minneapolis

Publisher: National Institute for Citizenship Education in the Law (NICEL)

Year of Publication: 1996

Languages: English, Russian, Romanian, Hungarian, Spanish

Content: Human Rights For All is a textbook published for use in a full-year curriculum. There is both a student textbook and an accompanying teacher’s manual. The textbook is intended for use in middle and secondary schools (ages 12–18), but might also be used with adults. Lessons proceed logically from the origins and classification of human rights to the content of political, social and economic rights, and procedures for dealing with human rights abuses.

Title: It’s Only Right! A Practical guide to Learning About the Convention on the Rights of the Child

Author: Susan Fountain

Place of Publication: New York

Publisher: UNICEF

Year of Publication: 1993

Languages: Languages

Content: This book was published by UNICEF and is written for teachers working with students of thirteen years and older. The book was developed with input from specialists from Latin America, Asia, Africa, Western Europe and North America and is intended for different national settings. A core strength of this guide is its multicultural approach. Examples are drawn from many countries, encouraging students to use a comparative approach in understanding the situation of children. Another interesting feature of *It's Only Right!* is the section on taking action, which guides students through issue identification, research, and project planning.

Title: **Lesbian, Gay, Bisexual and Transgender Rights: A Human Rights Perspective**

Author: Dave Donahue

Place of Publication: Minneapolis

Publisher: University of Minnesota Human Rights Resource Center

Year of Publication: 2000

Languages: English

Content: This curriculum is intended to further thoughtful examination and responsible action among high school students with regard to lesbian, gay, bisexual and transgender issues.

Title: **Our World. Our Rights**

Author: Margot Brown

Place of Publication: London

Publisher: Educators in Human Rights Network

Year of Publication: 1995

Languages: English

Content: *Our World. Our Rights* was produced by the Educators in Human Rights Network and Amnesty International (UK) for use in the upper primary school classroom (ages 8–12). The book is intended to introduce children to the Universal Declaration of Human Rights, and contains 20 lessons that can be used in the school or out-of-school setting. Although designed primarily for use in the UK, educators from other countries will be able to extract and adapt lessons to fit their local context.

Title: **The Human Rights Education Handbook. Effective Practices for Learning, Action, and Change**

Author: Nancy Flowers a. o.

Place of Publication: University of Minnesota

Publisher: Human Rights Resource Center, Stanley Foundation

Year of Publication: 2000

Languages: English

Content: This manual is intended to assist human rights educators in their work. To further human rights education in all its forms, this book draws on the experience of many educators and organizations, illustrating their effective practices and insights.

Title: **Tolerance – the threshold of peace. Secondary School Resource Unit**

Author: Betty A. Reardon

Place of Publication: Paris

Publisher: UNESCO Publishing

Year of Publication: 1997

Languages: English

Content: This volume is one of three produced by UNESCO as a contribution to the United Nations Year for Tolerance, 1995, and to the launching of the United Nations Decade of Human Rights Education (1995–2004). It is cast within UNESCO's Integrated Framework of Action on Education for Peace, Human Rights and Democracy.

Adults

Title: **A Call for Justice**

Author: PDHRE

Place of Publication: New York

Publisher: PDHRE

Year of Publication: 2000

Languages: English

Contents: Governments' Commitments and Obligations to Human Rights Providing a Human Rights Framework to Empower the Work of NGOs, Community Workers and all those committed to: GROUPS: Aged Persons, Children and Youth, Differently Abled Persons, Indigenous Peoples, Migrant Workers, Minorities and Ethnic Groups, Refugees, Women.

ISSUES: Development, Discrimination, Education Environment Health Housing, Livelihood and Land, Participation; Peace and Disarmament, Poverty, Race, Religion, Sexual Orientation, Work.

Title: **Learning, Reflecting and Acting: 149 Activities Used in Learning Human Rights**

Place of Publication: New York

Publisher: PDHRE

Content: This publication of PDHRE is a compilation from training programs from around the world.

Title: **Passport to Dignity**

Author: PDHRE

Place of Publication: New York

Publisher: PDHRE

Year of Publication: 2001

Languages: English

Contents: The 536 pages guide and workbook demonstrate the holistic nature of human rights as a powerful tool for action in the achievement of full equality, well being, and participation in the decisions that determine women's lives. Complementary to this manual we recommend the video series "**Women hold up the sky**", containing eight short training videos.

Title: **Popular Education for Human Rights. 24 Participatory Exercises for Facilitators and Teachers**

Author: Richard Pierre Claude

Place of Publication: Amsterdam

Publisher: Human Rights Education Associates

Year of Publication: 2000

Languages: Training manual with exercises designed for non-formal grass-roots education emphasizing, among others: women's and children's issues, and organized around specified values, e. g., respect for dignity and fair rules, links between human rights and responsibilities, building civil society, confronting prejudice, and "information for empowerment", etc. The manual's highly participatory methods can be adapted to diverse settings and cultures and, while designed for popular education, nevertheless, have been successfully used in programs of formal education as well.

English version available in full text online:
<http://www.hrea.org/pubs/claude00.html>

Title: **Self-Help Human Rights Education Handbook**

Author: J. Paul Martin

Place of Publication: New York

Publisher: Center for the Study of Human Rights, Columbia University

Year of Publication: 1996

Languages: English

Content: This online-handbook is designed to support experienced and prospective human rights educators, and to set clear educational goals for human rights programs, to improve their capacity to plan and evaluate programs, and to make the most of the resources available as well as to create their own when necessary or possible.

Available online:

http://www.hrea.org/erc/Library/curriculum_metadata/SELFHELP.html

Title: **Tolerance – the threshold of peace. Teacher-training resource unit**

Author: Betty A. Reardon

Place of Publication: Paris

Publisher: UNESCO Publishing

Year of Publication: 1997

Languages: English

Content: This volume is one of three produced by UNESCO as a contribution to the United Nations Year for Tolerance, 1995, and to the launching of the United Nations Decade for Human Rights Education (1995 – 2004). It is cast within UNESCO's Integrated Framework of Action on

Education for Peace, Human Rights and Democracy.

Title: **"We the peoples". The role of the United Nations in the twenty-first century. Briefing papers for students**

Author: United Nations

Place of Publication: New York

Publisher: UN

Year of Publication: 2001

Languages: English

Contents: This publication is a resource for teachers on the challenges facing mankind today and what Governments and peoples can do to meet them. It contains background information, statistics, stories, resources and suggested classroom activities for students.

HUMAN RIGHTS EDUCATION ON THE INTERNET

Educational Material

Database on Human Rights Education of the UNHCHR

<http://193.194.138.190/hredu.nsf>

This database of the **United Nations High Commissioner for Human Rights (UNHCHR)** provides information on organizations, materials and programs for human rights education. The database constitutes a contribution to the UN Decade for Human Rights Education (1995 – 2004) and aims to facilitate information-sharing on the many resources available in the area of human

rights education and training among all interested partners.

See also

<http://193.194.138.190/education/main.htm>

This is the main page of the UNHCHR on Human Rights Education and Training. It provides inter alia UNHCHR Materials, Activities and Related Links on Human Rights Education.

Council of Europe-COE-Portal

<http://www.coe.int/portalT.asp>

The Council of Europe site under the column Public Relations offers two links: Educational and Human Rights Fact Sheets. The Fact Sheets provide general information about the history of the Council, European history, culture and languages but also information on Human Rights and their protection. The Human Rights Fact Sheets deal with the protection of human rights, offer a simplified version of the European Convention on Human Rights and contain a lot of exercises and games.

UNICEF <http://www.unicef.org>

UNICEF under the link “education for human rights” provides a range of topics which deal with human rights education and material links. For example one may find a link to cartoons for children’s rights which illustrate the Rights of the Child.

United Nations Cyberschoolbus

<http://www.cyberschoolbus.un.org/>

The United Nations Cyberschoolbus was created in 1996 as the online education component of the Global Teaching and Learning Project, whose mission is to promote education about international issues and the United Nations. The Global Teaching and Learning Project produces high quality teaching materials and activities designed for educational use (at primary, intermediate and secondary school levels) and for training teachers. On this site there are a number of activities and projects that introduce students to global issues in an interactive, engaging and funny way.

Human Rights Education Associates

www.erc.hrea.org

Human Rights Education Associates (HREA) is an international non-governmental organization that supports human rights learning; the training of activists and professionals; the development of educational materials and programming; and community-building through on-line technologies. The Electronic Resource Centre for Human Rights Education is an on-line repository of human rights education and training materials, on-line forums, databases and links to other organizations and resources. The online Human Rights Learning Centre is a new section of the HREA web site.

The Peoples Movement for Human Rights

Education www.pdhre.org

The web site of this human rights education organization is dedicated to human rights learning in order to change social and economic situations. The site offers links to HRE methodology and learning materials. It is also a helpful resource to all interested to know more about the Human Rights Cities initiative.

Human Rights Internet www.hri.ca

Founded in 1976, HRI is a leader in the exchange of information within the worldwide human rights community. HRI is dedicated to the empowerment of human rights activists and organizations as well as to the education of governmental and intergovernmental agencies, officials and other actors in the public and private sphere. Moreover it aims to strengthen the role of civil society in raising awareness about different human rights issues.

National Center for Human Rights Education

<http://www.nchre.org>

The mission of the National Center of Human Rights Education (NCHRE) is to build a human rights movement in the United States by training community leaders and student activists to apply human rights standards to issues of injustice. NCHRE programs reflect the belief that a multi-faceted approach to social change will cultivate a strong human rights movement.

Human Rights Education Programme

<http://www.hrep.com.pk>

Human Rights Education Programme (HREP) was set up in August 1995 as an independent, non-profit organization. HREP works mainly with school children and teachers, using the full spectrum of rights as the basis of its work. The overall aim of HREP is to contribute towards the development of a civil and humane society by providing children and young people a socially relevant and human rights-sensitive education.

The Human Rights Resource Center
<http://www.hrusa.org>

The Human Rights Resource Center is an integral part of the University of Minnesota Human Rights Center and works with the University Human Rights library to create and distribute Human Rights Education resources via electronic and printed media, train activists, professionals and students, build advocacy networks to encourage effective practices in human rights educations as well as support the United Nations Decade for Human Rights Education (1995–2004).

D@dalos <http://www.dadalos.org>

D@dalos aims to contribute to the building of a culture of peace, democracy and active citizenship through “peace education programs” and supports technical assistance for inclusive participatory civic initiatives in BiH and other countries of South Eastern Europe. It carries out its work in close cooperation with schools, NGOs and community-based organizations and places a particular emphasis on empowering young people

and those who work with youth and children to organize for sustainable social action that promotes values of equality, equity and civic responsibility in the community.

The Amnesty International USA Human Rights Education Network
<http://www.amnesty-volunteer.org/usa/education/educate.html>

This page provides links to classroom materials and resources, sample lessons, human rights syllabi, information on further resources, children’s rights (with case studies).

Teaching Human Rights Online
<http://www.oz.uc.edu/thro/index.html>

Teaching Human Rights Online seeks to improve ethical reasoning and cross-cultural communication for undergraduate students as well as high school social studies. This site contains critical thinking exercises for individual learning, a case library and an educators’ guide.

BBC World Service/ I have a right to . . .
<http://www.bbc.co.uk/worldservice/people/features/ihavearightto/index.shtml>

“I have a right to . . .” is a global education project, developed by the BBC World Service Trust. The World Service’s “I have a right to . . .” project aims to assist people to make informed choices about their lives and participate in discussions and debates. It consists of radio programs, produced in

25 languages, international awareness-raising events, debates and an acclaimed website, entitled “I have a right to . . .” The website, which was launched in October 2000, acts as a global hub for information about human rights.

Online Libraries

Stephen A. Hansen, Getting online for Human Rights. Frequently Asked Questions and Answers About Using the Internet in Human Rights Work: <http://shr.aaas.org/online/cover.htm>

Concise Guide to Human Rights on the Internet (Derechos, Septiembre 1998): <http://www.derechos.org/human-rights/manual.htm>

Project **DIANA Online Human Rights Archive**: <http://diana.law.yale.edu/>

University of Minnesota Human Rights Library: <http://www.umn.edu/humanrts>

International Law and Human Rights through the Doddel server: <http://doddel.cs.unimaas.nl>

Human Rights Education Bibliography: http://soros.org/fmp2/html/bib_intro.html

For **Audio-Visual Material** please consult the following website: <http://www.hrea.org/pubs/HREresourcebook/2nd/>

D. USEFUL CONTACTS

Below you find information on international institutions and organizations in the field of human rights and human rights education. Many of them produce Human Rights materials, hold workshops and provide information and advice on human rights.

ORGANIZATIONS

International Organizations

United Nations (UN)

UN Headquarters
First Avenue at 46th Street
New York, NY 10017;
USA

Homepage: www.un.org

Email: inquiries@un.org

The homepage of the UN contains all the information about its specialized- or sub-organizations listed below. However, links are often not easily accessible. We therefore give a list of the most relevant institutions in the field of Human Rights and Human Rights Education.

United Nations Office of the High Commissioner for Human Rights (OHCHR-UNOG)

8-14 Avenue de la Paix
1211 Geneva 10

Switzerland, Europe

Telephone Number: + 41 22 917 9000

Homepage: <http://www.unhchr.ch/>

Email: see:

<http://www.unhchr.ch/html/hchr/contact.htm>

Working Languages: English, French, Spanish

Type of programs: development of national action plans, support to NGOs, training for various professional groups, treaty reporting and international obligations, curriculum development, etc.

Target groups: legislators, judges, lawyers, magistrates, police, prison officials, teachers, government officials, media, civil servants

The database provides information on organizations, materials and programs for human rights education. The database constitutes a contribution to the UN Decade for Human Rights Education (1995 – 2004), facilitates information-sharing on the many resources available in the area of human rights education and training. The five sections can be searched by geographical focus, target groups, substantive focus, country/region, type and language. The information contained in the database is accessible in English, French and Spanish.

United Nations Educational, Scientific and Cultural Organizations (UNESCO)

7 Place de Fontenoy
75352 PARIS 07 SP

France, Europe

Telephone Number : + 33 1 45 68 10 00

Homepage: www.unesco.org

Email: geneva@unesco.org

Working Languages: French, English

Types of programs: HRE policy-making, publications; foster human rights and HRE research networks; HRE in secondary schools; training of professional groups (parliamentarians, local politicians, NGO representatives); HRE at university level

Target groups: secondary school and university level; professional groups

The main objective of UNESCO is to contribute to peace and security in the world by promoting collaboration among nations through education, science, culture and communication in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

United Nations High Commissioner for Refugees (UNHCR)

P. O. Box 2500,

1211 Geneva 2 Depot 2

Switzerland, Europe

Telephone Number: + 41 22 739 8111

Homepage: www.unhcr.ch

Email: towle@unhcr.ch

Working Languages: English, French,

Type of programs: public education; public awareness campaigns; text development

Target groups: teacher; refugees; government agencies

The Office of the United Nations High Commissioner for Refugees is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

United Nations Children Fund (UNICEF)

UNICEF House (Mail address)
3 United Nations Plaza
New York, 10017
New York, U. S. A.
Telephone Number: + 1 212 326 7000

Homepage: www.unicef.org

Email: info@unicef.org

Working Languages: English, French, Spanish

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behavior towards children.

International Labor Organization (ILO)

4 Route des Morillons
CH-1211 Geneva 22 ,
Switzerland, Europe
Telephone Number: + 41 22 799 6111

Homepage: www.ilo.org

Email: ilo@ilo.org

Working Language: English

The International Labor Organization is the UN specialized agency which seeks the promotion of social justice and internationally recognized human and labor rights. The ILO formulates international labor standards in the form of Conventions and Recommendations setting minimum standards of basic labor rights. It promotes the development of independent

employers' and workers' organizations and provides training and advisory services to those organizations.

Regional Organizations**AFRICA****African Commission on Human and Peoples' Rights (ACHPR)**

90 Kairaba Avenue, P. O. Box 673 Banjul, The Gambia

Telephone Number: + 220 392962; 372070

Fax: + 220 390764

Homepage: www.achpr.org

E-Mail: achpr@achpr.org, idoc@achpr.org

Working languages: English and French, also Arabic and Spanish.

The African Commission on Human and Peoples' Rights (ACHPR) is the main body of the African system of human rights. The main task is the promotion and protection of human rights. In the field of promotion it disseminates information on the African human rights system and organizes workshops and conferences. In the field of protection it receives "communications" from individuals or groups with regard to alleged human rights violations. Its seat is in Banjul, The Gambia. It is an organ of the African Union, the former Organization of African States. After the coming into force of an additional protocol to the African Charter an African Court on Human and Peoples' Rights will be established to complement the work of the African Commission by rendering binding decisions which may also include compensation for damages.

THE AMERICAS**Inter-American Commission on Human Rights (IACHR)**

1889 F Street, N. W. Washington D. C., 20006
Washington, DC., USA

Telephone Number: +1 202 458 - 6002

Homepage: www.cidh.oas.org/DefaultE.htm

Email: cidhoha@oas.org

Working Languages: English, French, Portuguese, Spanish

Type of programs: monitoring; human rights courses; postgraduate scholarships in human rights

Target groups: universities; indigenous peoples

The Inter-American Commission on Human Rights (IACHR) is one of the two bodies in the inter-American system for the promotion and protection of human rights. The Commission has its headquarters in Washington, D. C. The other human rights body is the Inter-American Court of Human Rights, which is located in San José, Costa Rica. The IACHR is an autonomous organ of the Organization of American States (OAS). The IACHR has the principal function of promoting the observance and the defense of human rights of both the general situation of human rights and individual complaints. Any person, group of persons or non-governmental organization may present a petition to the Commission alleging violations of the rights protected in the American Convention and/or the American Declaration.

Inter-American Institute of Human Rights (IIDH)

P. O. Box 10081-1000

San José, Costa Rica

Telephone Number: + 506 234 04 04

Homepage: www.iidh.ed.cr

Email: cre@iidh.ed.cr

Working languages: English, Spanish

Type of programs: monitoring; publications; various courses and trainings in regional and international mechanisms for human rights protection and international law; HRE in secondary schools

Target groups: NGO activists, professional groups, government officials, teachers

The IIDH works for the promotion and achievement of the rights enshrined in the American Convention on Human Rights, and to help consolidate democracy, through education, research, political mediation, training programs, technical assistance on matters related to human rights, and the dissemination of knowledge through specialized publications. The IIDH's endeavors are guided by the principles of representative democracy, the rule of law, ideological pluralism and respect for fundamental rights and freedoms. The IIDH works with the Inter-American Court and the Inter-American Commission on Human Rights, all sectors of civil society and the State in countries in the western hemisphere, and international organizations.

EUROPE

Council of Europe (CoE)

F-67075 Strasbourg Cedex

Strasbourg, France

Telephone Number: + 33 3 88 412 000

Homepage: www.coe.int

Email: dhr@coe.int

Working languages: English, French

Type of programs: documentation centers; publications; teacher trainings

Target groups: primary and secondary school level, professional groups

The Council of Europe covers all major issues facing European society except defense. Its work program includes the following fields of activity: human rights, media, legal co-operation, social cohesion, health, education, culture, heritage, sport, youth, local democracy and trans-frontier co-operation, the environment and regional planning. The Council of Europe should not be confused with the Council of the European Union. The two organizations are quite distinct. The 15 European Union states, however, are all members of the Council of Europe, which has 45 members.

Organization for Security and Cooperation in Europe (OSCE)

Kaerntner Ring 5-7, 4th floor,

1010 Vienna, Austria

Telephone Number: + 43-1 514 36 180

Homepage: www.osce.org

Email: info@osce.org

Working Language: English

OSCE is the largest regional security organization in the world with 55 participating States from Europe, Central Asia and North America. It is active in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The OSCE approach to security is comprehensive in dealing with a wide range of security-related issues including arms control, preventive diplomacy, confidence- and security-building measures, human rights, democratization, election monitoring and economic and environmental security.

OSCE – Office for Democratic Institutions and Human Rights (ODIHR)

Al. Ujazdowskie 19

00-557 Warsaw, Poland

Telephone Number: + 48 22 520 0600

Homepage: www.osce.org/odihr

Email: office@odihr.pl

Working Language: English

ODIHR is the principal institution of the OSCE responsible for the human dimension.

The ODIHR promotes democratic elections through a cycle of in-depth observations of national elections and assistance projects aimed at strengthening democracy and good governance, and enhancing stability. It provides practical support in consolidating democratic institutions and the respect for human rights as well as strengthening civil society. Furthermore it serves as the OSCE Contact Point for Roma and Sinti issues and last but not least it contributes to early warning and conflict prevention by monitoring the implementation of OSCE human dimension commitments.

NGOs**International NGOs****Anti-Defamation League (ADL)**

823 United Nations Plaza, New York, NY 10017

Telephone Number: + 212 885 7805

Fax: + 212 885 5860

Homepage: www.adl.org

Email: webmaster@adl.org

Working language: English

Type of programs: ADL Resources for classroom and community; variety of interactive training opportunities for law enforcement professionals (extremism training, hate crime training, anti bias training); tips for responding to hate-crime; student film/video productions

Target groups: pre-school children, elementary school children, middle school children, senior high school children, university students, law enforcement professionals (civil society as a whole)

Amnesty International (AI)

1 Easton Street, London WC1 8DJ

United Kingdom, Europe

Telephone Number: + 44 20 741 355 00

Homepage: www.amnesty.org

Email: jluck@amnesty.org;

cthomas@amnesty.org

Working languages: English, Arabic, French, Spanish

Type of programs: development of HRE materials, teacher training; trainings for police, military and other professional groups

target groups: primary and secondary school levels; professional groups

Amnesty International is a worldwide campaigning movement that works to promote internationally recognized human rights. Its mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of their work to promote all human rights. Amnesty International has more than a million members and supporters in over 140 countries.

Human Rights Education Associates (HREA)

P. O. Box 382396, Cambridge

MA 02238 – 2396, USA

Telephone Number: + 1 617 625 0278

Homepage: www.hrea.org

Email: info@hrea.org

Working Language: English

Human Rights Education Associates (HREA) is an international non-governmental organization that supports human rights learning; the training of activists and professionals; the development of educational materials and programming; and community-building through on-line technologies. HREA is dedicated to quality education and training to promote understanding, attitudes and actions to protect human rights, and to foster the development of peaceable, free and just communities.

Human Rights Watch

350 Fifth Avenue, 34th Floor

New York, NY 10118-3299, USA

Telephone Number: + 1 212 290 4700

Homepage: www.hrw.org

Email: hrwnyc@hrw.org

Working Languages: English

Human Rights Watch is the largest human rights organization based in the United States. Human Rights Watch researchers conduct fact-finding investigations of human rights abuses in all regions of the world. Human Rights Watch then publishes those findings in dozens of books and reports every year, generating extensive coverage in local and international media. Human Rights Watch then meets with government officials to urge changes in policy and practice.

International Committee of the Red Cross (ICRC)

19 Avenue de la Paix

1202 Geneva, Switzerland/ Europe

Telephone Number: + 41 22 734 60 01

Homepage: www.icrc.org

Email: webmaster.gva@icrc.org

Working Languages: English, French, Spanish

The ICRC is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and international conflict and to provide them with assistance. It directs and coordinates the international relief activities conducted by the movements in situations of conflict. It also endeavors to prevent suffering by promoting and strengthening humanitarian law principles and implementation.

People's Decade of Human Rights Education (PDHRE)

526 West 111th Street, Suite 4E
New York, NY 100025, USA
Telephone Number: + 1 212 749 – 3156
Homepage: <http://www.pdhre.org>
Email: pdhre@igc.apc.org

Type of programs: resource centre for research and development of educational materials, training of adult populations, conferences and coalition building

Target groups: formal and informal education sectors

PDHRE views human rights as a value system capable of strengthening democratic communities and nations through its emphasis on accountability, reciprocity, and people's equal and informed participation in the decisions that affect their lives. PDHRE was pivotal in lobbying the United Nations to pronounce a Decade for Human Rights Education and in drafting and lobbying for various resolutions by the World Conference on Human Rights, the UN General Assembly, the UN Human Rights Commission, the UN Treaty Bodies, and the Fourth World Conference on Women.

World Association for the School as an Instrument for Peace (EIP)

5, Rue de Simplicon
CH-1207 Geneva,
Switzerland, Europe
Telephone Number: + 41 22 7352422 (fax)
Homepage: <http://www.eip-cifedhop.org/>
Email: cifedhop@mail-box.chT

Type of programs: International Training Center on Human Rights and Peace Twining (CIFEDHOP); with English, French and Spanish speaking sections

Target groups: human rights educators

The EIP carries out its activities in the field of human rights, peace and citizenship education. EIP has contributed throughout the world in making educational circles, governmental authorities and public opinion aware of the need of such education in schools and in the community. Thus, EIP proposes teacher training activities, curriculum strategy and content, as well as specific actions contributing to the development of attitudes, skills and knowledge for the enhancement of human rights, fundamental freedoms, and non-violent conflict resolution.

Regional NGOs

Africa and the Middle East

African Rights

Director: Rakiya Omaar
P.O. Box 18368
London EC4 A 4JE
England/U.K
Telephone number: + 44 (0) 20 7947 3276, Fax + 44 (0) 20 7947 3253

Type of programs: African Rights is an organization dedicated to working on issues of grave human rights abuses, conflict, famine and civil reconstruction in Africa. African Rights does investigations and research on human rights violations especially in Rwanda, Somalia, Sudan

and tries to identify structures and components for lasting peace and sustainable human rights regimes.

Afronet

P. O. Box 31145
Lusaka, Zambia
Telephone number: + 260 1 251813/4,
Fax.: + 260 1 251776
Homepage: <http://afronet.org.za>
E-mail: info@afronet.org.zm

Type of programs: Afronet aims at facilitating networking, co-operation and organization among non-governmental organizations (NGOs) in Africa. It undertakes programs to facilitate the implementation by African states of the African Charter on Human and Peoples Rights and other regional treaties and instruments adopted by African states for the enhancement of living standards in Africa and it challenges corruption by facilitating programs of empowerment and popular participation for the purpose of ensuring public accountability at all levels of the African society.

Arab Institute for Human Rights (AIHR)

10, rue Ibn Masoud
El Manzah, 1004 Tunis, Tunisia
Telephone number: + 216 1 767 889/767 003
Homepage: www.aihr.org.tn
Email: aihr.infocenter@gnet.tn

Working Languages: English, French, Arabic
Type of programs: various training programs for human rights NGOs; human rights courses for university students; documentation; research

Target groups: members of NGOs; professionals groups; teachers, students, children; women

The Arab Institute for Human Rights is an independent Arab NGO founded in 1989. The Institute aims to raise awareness on civil, political, cultural, social and economic human rights. It also aims to disseminate and promote human rights education through seminars, workshops, research, surveys on women's rights, child rights, etc.

Cairo Institute for Human Rights Studies (CIHRS)

P.O. Box 117

Maglis El Shaab

Cairo, Egypt

Telephone Number: + 202 354 – 3715

Homepage: <http://www.cihrs.org/>

Email: cihrs@idsc.gov.eg

Type of programs: research; training of trainers, trainings on CEDAW and Convention on the Rights of the Child; Cinema Club of Human Rights; publications; annual Regional Arab Training Course, annual Summer Educational Course on Human Rights for university students

Target groups: human rights NGOs, churches, women, teachers

Working Languages: English, Arabic

CIHRS is a research center specialized in the field of human rights. Its main task is to analyze and explain difficulties faced by the process of implementing human rights law in the Arab world. It strives to promote human rights in Arab countries through the development of intellectually vigorous and novel approaches for overcoming problems of implementation.

Institute for Human Rights and Development in Africa

P.O. Box 1896

Banjul

The Gambia

Telephone Number: + 220 496421,

Fax.: + 220 494 178

Homepage: www.AfricanInstitute.org

Email: info@AfricanInstitute.org

The Institute's purpose is to contribute to human rights and development in Africa by using African human rights treaties, especially the African Charter on Human and Peoples' Rights. It also serves as counsel for individuals and NGOs, litigating their cases against states parties before the African Commission.

Lawyers for Human Rights (LHR)

National Office, Kutlwano Democracy Centre

357 Visagie Street (cnr. Prinsloo Street)

Pretoria 0002, South Africa

Telephone Number: + 27 12 320 2943 (fax)

Homepage: <http://www.lhr.org.za>

Email: lhr@lhr.org.za

Type of programs: voter education, legal advice, litigation, paralegal training, penal reform, law reform; refugee rights, child rights, women's rights

Target groups: professional groups; secondary school levels; public officials; general public

Countries: South Africa, Southern Africa, sub-Saharan Africa

Lawyers for Human Rights is a non-governmental, non-profit organization whose vision is to be a leading, effective human rights and constitutional watchdog and advocate; an international force in the development and delivery of human rights,

with a primary focus in Africa, and a primary contributor to clear strategic policy on the delivery of socio-economic rights for the disadvantaged. LHR rapidly achieved a proud record of fighting oppression and abuse of human rights under apartheid. LHR later helped usher in the transition to democracy through its voter education and monitoring.

Asia and the Pacific

Asian Regional Resource Center for Human Rights Education (ARRCHR)

2738 Ladprao, 128/3 Klongchan, Bangkok

Bangkok 10240, Thailand

Telephone Number: + 66 2 377 5641

Homepage: www.rrc-hre.com/

Email: arrc@ksc.th.com

Working Languages: English

Type of programs: clearing house of HRE materials in Asia and the Pacific region; training of trainers in HRE; popular education

Target groups: formal education; non-formal education; professional groups:

The ARRCHR aims at popularizing and institutionalizing human rights education in the Asia-Pacific region. It works towards mobilizing people to participate in transforming a society sensitive to human rights and in evolving a culture of peace, democracy and justice.

The ARRCHR serves as an institute and a network for human rights education in the Asia-Pacific region, providing human rights training, workshops, development and exchange of instructional and other relevant materials, research and HRE campaigns.

Asian Human Rights Commission (AHRC)

Asian Human Rights Commission & Asian Legal Resource Centre

Unit D, 7th Floor, Mongkok Commercial Centre,
16-16B Argyle Street, Kowloon
Hong Kong, Republic of China

Telephone Number: + 852 2698-6339

Homepage: <http://www.ahrchk.org>

Email: ahrchk@ahrchk.org

Working Languages: English, Hungarian

Type of programs: education at local levels to promote human rights awareness; reporting; monitoring; internships

Target groups: community groups, NGOs, professionals, students

The AHRC was founded in 1986 by a prominent group of jurists and human rights activists in Asia. The AHRC is an independent, non-governmental body, which seeks to promote greater awareness and realization of human rights in the Asian region, and to mobilize Asian and international public opinion to obtain relief and redress for the victims of human rights violations. AHRC promotes civil and political rights, as well as economic, social and cultural rights. AHRC endeavors to achieve the objectives stated in the Asian Charter.

Europe**Danish Centre for Human Rights**

Grundtvigs Hus

Studiestraede 38

DK-1455 Copenhagen K, Denmark

Telephone number: + +45 33 30 88 68,

Fax: + +45 33 30 88 00

E-mail: DB@humanrights.dk

Homepage: www.humanrights.dk/

The goals of the centre are to gather and develop knowledge about human rights nationally, regionally and internationally. The work of the centre includes research, information and publishing, education, documentation and interdisciplinary projects. The staff represents a broad range of disciplines such as law, anthropology, sociology, economics, history and journalism. Since 1999 there is a senior consultant working on women's human rights and sexual and reproductive rights. The centre co-operates with non-governmental organisations and public authorities on both national and international level. It also co-operates with the Nordic Council, the Council of Europe, OSCE, EU and UN.

Helsinki Foundation for Human Rights (HFHR)

18 Bracka street apt. 62,

00-028 Warsaw, Poland

Telephone number:

+48 22 828 10 08/828 69 96

Homepage: www.hfhrpol.waw.pl/En/index.html

Email: hfhr@hfhrpol.waw.pl

Working Language: English

Type of programs: education and training in human rights of professional groups; Human Rights School; public education campaigns; monitoring; legislative initiatives

Target groups: lawyers, parliamentarians, leaders of NGOs, journalists, judges, police, prison staff

The Helsinki Foundation for Human Rights (HFHR) is a non-profit institution independent of the State and political parties, involved within its international activity in education in human rights, the rule of law and constitutionalism of

persons associated with non-governmental organizations, State institutions and the media. HFHR also teaches effective actions for protection and promotion of human rights.

International Helsinki Federation (IHF)

Rummelhardtgasse 2/18

A-1090 Vienna, Austria

Telephone Number: + 43-1-408 88 22

Homepage: www.ihf-hr.org

Email: office@ihf-hr.org

Working Language: English

Type of programs: training of professional groups; monitoring of human rights situation

Target groups: member organizations of IHF; judiciary, human rights activists

countries: members states of the OSCE

The International Helsinki Federation for Human Rights is a self-governing group of non-governmental, not-for-profit organizations that act to protect human rights throughout Europe, North America, and the Central Asian republics formed from the territories of the former Soviet Union. A primary goal is to monitor compliance with the human rights provisions of the Helsinki Final Act and its follow-up documents. The IHF Secretariat based in Vienna supports and provides liaison among forty-one member "Helsinki committees" and associated human rights groups, and represents them at the international political level. The IHF also has direct links with individuals and groups supporting human rights in countries where no Helsinki committees exist.

Raoul Wallenberg Institute of Human Rights and Humanitarian Law

P. O. Box 1155

S-22105 Lund

Sweden

Tel: + +46 46 222 12 08,

Fax: + +46 46 222 12 22

Homepage: <http://www.rwi.lu.se>

E-mail : secretariat@rwi.lu.se

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law is an academic institution formed in 1984 at the Faculty of Law at Lund University, Sweden. The purpose of the Institute is to promote research, training and academic education in the fields of human rights and humanitarian law.

The Americas

Comisión para Defensa de los Derechos Humanos en Centroamérica (CODEHUCA)

189-1002, San José, Costa Rica

Telephone Number: + 506 224 5970

Homepage: www.codehuca.or.cr/

Email: codehuca@codehuca.or.cr

Working Languages: Spanish, English

The Commission for the Defense of Human Rights in Central America (CODEHUCA) is an independent, non-profit, non-governmental, non-religious regional association. Since its creation in 1978 it has been an institution firmly rooted in Central American civil society. CODEHUCA 's most important goal is to increase respect for human rights in Central America. To achieve this goal, the association develops and puts into practice an integrated concept of human rights, deepens the Central American concept of human

rights, emphasizes prevention of human rights violations, supports the most vulnerable sectors of Central American society.

HUMAN RIGHTS MASTER PROGRAMS

European Master's Degree in Human Rights and Democratisation

European Inter-University Centre (EIUC) for Human Rights and Democratisation

E.MA Secretariat: Monastery of San Nicolò, Riviera San Nicolò, 26, I-30126 Venice – The Lido

Tel: + 39 041 2720 923 (direct)

Tel: + 39 041 2720 911 (Secretariat)

Email: ema-info@venis.it, secretariat@ema-humanrights.org

<http://hrd-euomaster.venis.it>

European Regional Master in Democracy and Human Rights in South-East Europe

Center for Interdisciplinary Postgraduate Studies
University of Sarajewo, Obala Kulina bana 7/I,
71 000 Sarajewo, Bosnia and Herzegovina

Tel. + 387 33 668 685

Email:

coordination@cps.edu.ba, law@cps.edu.ba

[http:// www.eurobalk.net](http://www.eurobalk.net)

Mediterranean Master's Degree in Human Rights and Democratisation

University of Malta

Old University Building, St, Paul Street, Valletta
VLT 07, Malta

Tel: (356) 242791, 234121 ext 242

E-mail: hrights@maltanet.net

<http://home.um.edu.mt/laws/test/hrd/>

African Master on Human Rights and Democratization

Centre for Human Rights, University of Pretoria,
PRETORIA 0002, South Africa

Tel: + 27 12 420 3228

Email: chheyns@hakuna.up.ac.za

<http://www.up.ac.za/chr/newmasters/masters.html>

Asian Master in Human Rights

Centre for Comparative and Public Law, 4th
Floor K. K. Leung Building, Pokfulam Road,
University of Hong Kong

Tel.: (852) 2859 – 2951

Email. awpgs@hkusua.hku.hk

<http://www.hku.hk/ccpl/hr-programs/i>

Graduate Program in International Law and Human Rights Studies

University for Peace, Apdo. 138 – 6100 , Ciudad
Colon, Costa Rica

Tel: + 506-205-9000

Email: acadmin@upeace.org

http://www.upeace.org/academic/masters/int_law.htm

Master Program in Human Rights Law of the Raoul Wallenberg Institute

Faculty of Law, University of Lund,
Box 207, SE-221 00 LUND, Sweden

Tel: + 46 46 222 1249

E-mail: frida.ericmats@jur.lu.se or

frida.nilsson@jur.lu.se

<http://www.rwi.lu.se/>

E. SELECTED HSN HUMAN RIGHTS ORGANIZATIONS

In this section you will find useful information on all member states of the Human Security Network, including information on their national and international initiatives and programs in the field of human rights, human rights education and human security

AUSTRIA

Name of the organization: **European Training and Research Center for Human Rights and Democracy (ETC)**

Address: Schubertstraße 29, A-8010 Graz, Austria

Telephone/Fax number: + 43 (0)316 322 888

1/ + 43 (0)316 322 888 4

Homepage: www.etc-graz.at

Email: office@etc-graz.at

Working languages: English, German

Type of programs: local, regional and international human rights education and training programs; annual human rights summer school; conceptualisation and co-ordination of HRE programs in South-Eastern Europe through the University Human Rights Centers Network in SEE; conferences and workshops, research projects.

Target groups: students, high school teachers, young researchers and university faculty, HRE trainers, NGO representatives, government officials, independent national HR institutions, police officers, etc.

Name of the organization: **Ludwig Boltzmann Institute for Human Rights – Vienna (BIM)**

Address: Heßgasse 1, A-1010 Wien, Austria

Telephone/Fax number: + 43 (0)1 4277 27420

+ 43 (0)1 4277 27429

Homepage: www.univie.ac.at/bim

Email: bim.staatsrecht@univie.ac.at

Working languages: English, German

Type of programs: research programs, BIM hosts the Human Rights Education Service Center and organizes regularly training sessions, workshops and seminars.

Target groups: students, teachers, civil society, etc.

Name of the organization: **The Austrian Human Rights Institute**

Address: Mönchsberg 2, Edmundsburg, A-5020 Salzburg, Austria

Telephone/Fax Number: + 43 (0) 662 84 25 21 181/
+ 43 (0) 662 84 25 21 182

Homepage: www.sbg.ac.at/oim/home.htm

Email: human.rights@sbg.ac.at

Working languages: English, German

Target groups: lawyers, academia, administration

Type of programs: Newsletter on practice of European Convention on Human Rights, Seminars, Research

CANADA

Name of the organization: **Canadian Human Rights Foundation (CHRF)**

Address: 1425 René-Lévesque Blvd. West, Suite 407, Montréal, Québec, H3G 1T7, CANADA

Telephone/Fax Number: + 1 514 954-0382/
+ 1 514 954-0659

Homepage: www.chrf.ca

Email: chrf@chrf.ca

Working languages: English, French, Russian, Indonesian.

Type of programs: International Human Rights Training Program (IHRT): annual training session to strengthen the capacity of HR organizations to undertake HRE efforts; HRE programs in Asia, Africa and Central and Eastern Europe and Central Asia; conferences and workshops.

Target groups: civil society, particularly NGOs involved in HRE, Government officials, independent national HR institutions.

Name of the organization: **John Humphrey Centre**

Address: Box/PC 11661, Edmonton, AB, T5J 3K8, CANADA

Telephone/Fax number: + 1 780 453-2638/
+ 1 780 482-1519

Homepage: www.johnhumphreycentre.org

Email: info@johnhumphreycentre.org

Type of programs: summer camps and youth programs on HR, HR-related publications

Target groups: especially children and youth

CHILE

Name of the organization: **Programa Interdisciplinario de Investigaciones en Educación (PIIE)**

Address: Enrique Richard 3344, Ñuñoa, Santiago de Chile, CHILE

Telephone/Fax Number: + 56-2-209 66 44/
+ 56-2-2204 74 60

Homepage: www.piie.cl

Email: piie@academia.cl

Type of programs: courses and projects on HRE, seminars, HR publications, etc.

GREECE

Name of the organization: **Human Rights Defence Centre**

Address: 3, Lempessi Street, Makrygianni, Athens 117 42, GREECE

Telephone/Fax Number: + 30210-92 10 977/
+ 30210-92 46 056

Homepage: www.kepad.gr

Email: info@kepad.gr

Working language: English

Type of programs: HR education

Target groups: young people, ages 20 to 30 (university students, graduates, NGO representatives, journalists and other members of the society) from South-East European countries (in the near future also from Middle East and Eastern Europe).

Name of the organization: **Marangopoulos Foundation for Human Rights**

Address: 1, Lycavittou Street, Athens 106 72, GREECE

Telephone/Fax Number: + 3 - 010 3637455,
+ 3 - 010 3613527/+ 3 - 010 3622454

Homepage: www.mfhr.gr

Email: info@mfhr.gr

Working languages: English, French, Greek, Italian

Type of programs: courses and seminars on HRE, scholarships for students specializing in HR, HRE-related publications and lectures.

IRELAND

Name of the organization: **Irish Centre for Human Rights**

Address: National University of Ireland Galway, Galway, IRELAND

Telephone/Fax Number: + 353 91 750464/
+ 353 91 750575

Homepage:

www.nuigalway.ie/human_rights

Email: humanrights@nuigalway.ie

Working language: English

Type of programs: conferences on HR, summer school, training programs, study programs, publications and projects on HR-related topics

Target groups: students, researchers

JORDAN

Name of the organization: **Amman Center for Human Rights Studies (ACHRS)**

Address: Amman-1121, P. O. box 212524, JORDAN

Telephone/Fax Number: + 962-6-4655043

Homepage : www.achrs.org

Email: achrs@joinnet.com.jo

Working language: Arabic

Type of programs: Training courses on HR, women's and children's rights, youth and voluntary work, justice and penal reforms; programs to convey social, educational and economic HR.

Target groups: women, children, adolescents, volunteers, journalists, school teachers, lawyers, judges, etc.

MALI

Name of the organization: **Association Malienne des Droits de l'Homme (AMDH)**

Address: Avenue Mamadou KONATE, Porte 400, Bamako-Coura, Bamako, B. P. 3129

Telephone/Fax Number: + 223-222-34-62

Homepage: www.afrdh.org/amdh

Email: amd@malinet.ml

Type of programs: Promotion and protection of human rights (seminars, conferences, workshops), documentation, Human Rights Education

Name of the organization: **Mouvement de People pour l'Education aux Droits Humains (PDHRE/DPEDH-MALI) and the Institut Africain d'Apprentissage pour l'Education aux Droits Humains (INAFEDH/ALIHRE)**

Address: B. P. E 5168 Bamako Mali

Telephone/Fax Number: + 223 220 41 73/
+ 223 220 41 74

Email: pdhre@afribone.net.ml

Type of programs: Human Rights Education Programs, Human Rights City (Kati)

THE NETHERLANDS

Name of the organization: **Netherlands Institute of Human Rights (SIM)**

Address: Utrecht University, Janskerkhof 3, 3512 BK Utrecht, The NETHERLANDS

Telephone/Fax Number: + 31 30 2538033/
+ 31 30 2537168

Homepage: www2.law.uu.nl/english/sim

Email: sim@law.uu.nl

Type of programs: research projects and studies, distribution of HR information at national and international level, courses, conferences, symposia, lectures

NORWAY

Name of the organization: **Norwegian Centre for Human Rights (previous name: Norwegian Institute of Human Rights)**

Address: University of Oslo - Faculty of Law, Norwegian Centre for Human Rights (NCHR), P. b. 6706 St. Olavs plass, 0130 Oslo, NORWAY

Telephone/Fax Number: + 47 - 22842001/
+ 47 - 22842002

Homepage:

<http://www.humanrights.uio.no/english/>

Email: admin@nchr.uio.no

Working languages: Norwegian, English

Type of programs: HR study programs, courses, other HRE-related activities, including textbook projects.

Target groups: university students, secondary school teachers, primary school teachers

Name of the Organization: **The Norwegian Refugee Council (NRC)**

Address: P. O. Box 6758 St. Olavs Plass, N-0130 Oslo, NORWAY

Telephone/Fax Number: + 47-23 10 98 00/
+ 47-23 10 98 01

Homepage: www.nrc.no

Email: Eldrid.Midtun@nrc.no

Working languages: English, French, Portuguese and the local official languages (Armenia, Azerbaijan, Georgia, Burundi).

Type of programs: support of societies in acute/chronic emergencies or in a transition phase. Main objectives: HRE, workshops, production of teaching material in national languages.

Target groups: national education authorities and institutions; regional education officials, decision makers and headmasters; teachers and teacher trainers; pupils and their parents.

SLOVENIA

Name of the organization: **Educational Research Institute (ERI)**

Address: Gerbizceva 62, 1000 Ljubljana, SLOVENIA

Telephone/Fax Number: + 386 1 420 12 40/
+ 386 1 420 12 66

Homepage: www2.arnes.si/~uljpeins/

Email: pedagogski.institut@guest.arnes.si

Type of programs: basic, research, development and applied projects on education and related areas; training and post-graduate education of researchers; organization of seminars, professional meetings and international conferences.

Name of the organization: **Foundation “Together” – Regional Centre for Psychosocial Well-being of Children**

Address: Resljeva 30, 1000 Ljubljana, SLOVENIA

Telephone/Fax Number: + 386 1 430 12 99/
+ 386 1 430 12 98

Homepage: www.together-foundation.si

Email: Eva.Marn@together-foundation.si

Type of programs: programs to strengthen local structures in the field of child care and development of models of psychosocial protection and empowerment of children affected by war and by social adversities in South-Eastern Europe.

Target groups: teachers, school staff, health care workers, NGOs, etc.

Name of the organization: **Institute for Ethnic Studies (IES)**

Address: Erjavzceva 26, 1000 Ljubljana, SLOVENIA

Telephone/Fax Numbers: + 386 1 200 18 70/
+ 386 1 251 09 64

Homepage: www.inv.si

Email: INV@inv.si

Type of programs: research programs and projects in the field of ethnic studies, expert studies especially for state institutions dealing with ethnic, minority and cultural policy.

Name of the organization: **Mirovni institut – Peace Institute**

Address: Metelkova ulica 6, 1000 Ljubljana, SLOVENIA

Telephone/Fax Number: + 386 1 234 77 20/
+ 386 1 234 77 22

Homepage: www.mirovni-institut.si

Email: info@mirovni-institut.si

Type of programs: conferences, seminars, research studies and projects in the fields of HR, democratisation, peace and war, racism, gender and cultural studies, etc.

Name of the organization: **HUMANITAS**

Address: Gosposka 10, 1000 Ljubljana, SLOVENIA

Telephone Number: + 386 1 43 00 343

Homepage: www.humanitas-slovenia.org

Email: humanitas@siol.net

Type of Programs: projects to offer assistance and protection to less privileged members of society at home and around the world; to represent their interests, especially those of children; and to promote and provide education and advice on basic HR.

SOUTH AFRICA

Name of the organization: **Centre for Human Rights – University of Pretoria**

Address: University of Pretoria, 0002, Pretoria, SOUTH AFRICA

Telephone/Fax Numbers: + 27 12 420-4111/
+ 27 12 362-5168

Homepage: www.up.ac.za/chr

Email: scs@up.ac.za

Type of programs: workshops, seminars, conferences, specialized training sessions, education programs, projects on HRE and HR law in Africa

Target groups: social workers, teachers, lawyers, police officials, NGOs

Name of the organization: **UNESCO `Oliver Tambo' Chair of Human Rights**

Address: University of Fort Hare, Private Bag X1314, Alice 5700, SOUTH AFRICA

Telephone/Fax Number: + 27-40 602 2220/
+ 27-40 602 2544

Homepage: <http://www.ufh.ac.za> (search under: departments/research)

Email: nrembe@ufh.ac.za

Working language: English

Type of programs: HR education, professional training, research, documentation etc in the area of HR, democracy, values, peace and tolerance

Target groups: professional groups, national HR institutions, NGOs, students and educators from secondary schools to universities, agents of social change, structures of civil society.

SWITZERLAND

Name of the organization: **Human Rights Information and Documentation Systems, International – HURIDOCs**

Address: 48, chemin du Grand-Montfleury, CH-1290 Versoix, SWITZERLAND

Telephone/Fax Number: + 41-22 755 52 52/
+ 41-22 755 52 60

Homepage: <http://www.huridocs.org>

Email: info@huridocs.org

Working languages: English, French, Spanish (translations of publications also in Arabic, Russian and other languages)

Type of programs: regional meetings and training on HR information handling and documentation, training for trainers courses

Target groups: information workers and documentalists of organizations concerned with HR

Name of the organization: **International Training Centre on Human Rights and Peace Teaching (CIFEDHOP)**

Address: 5, rue du Simplon, 1207 Geneva, Switzerland

Telephone/Fax Number: + 41-22 735 24 22/
+ 41-22 735 06 53

Homepage: www.eip-cifedhop.org

Email: cifedhop@mail-box.ch

Working languages: French, English

Type of programs: international sessions on HRE; regional and national training sessions in several countries; publication and distribution of HRE-related material; support of research, study and preparation of educational materials.

Target groups: teachers from primary, secondary and vocational schools and teacher training colleges in HR and peace education.

Name of the organization: **Menschenrechte Schweiz MERS (Human Rights Switzerland)**

Address: Gesellschaftsstraße 45, 3012 Bern, SWITZERLAND

Telephone/Fax Number: + 41-31 302 01 61/
+ 41-31 302 00 62

Homepage: www.humanrights.ch

Email: info@humanrights.ch

Working language: German

Type of programs: online-information, adult formation

Target groups: administration, social workers, police etc.

THAILAND

Name of the organization: **Asian Regional Resource Center for Human Rights Education (ARRC)**

Address: 2738 Ladprao, 128/3 Klongchan, Bangkok, Bangkok 10240, THAILAND

Telephone/Fax Numbers: + 66 2 377 5641/
+ 66 1 642 7278

Homepage: www.rrc-hre.com

Email: rrc@ksc.th.com

Working language: English

Type of programs: organization of HRE training activities at regional and national level, reports and publications on HRE

Target groups: Trainers of HRE organizations

Name of the organization: **Office of Human Rights Studies and Social Development, Mahidol University.**

Address: Faculty of Graduate Studies, Mahidol University, Salaya Campus, Nakhon Pathom 73170, THAILAND

Telephone/Fax Numbers: (66 2) 441-4125 ext. 400,
401/441-9427

E-mail: tencs@mahidol.ac.th

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest

importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

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

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory

to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

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

Article 12

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

Article 13

Everyone has the right to freedom of movement and residence within the borders of each State.

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

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

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

Article 18

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

Article 19

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

Article 20

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right to equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

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

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

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

Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and

necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

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

Article 26

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

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

Article 29

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

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

GENERAL REMARKS ON HUMAN RIGHTS EDUCATION METHODOLOGY

Human rights education is all learning that develops the knowledge, skills, and values of human rights. It asserts the responsibility both of states and individuals to respect, protect, and promote the rights of all human beings without distinction of race, sex, age, ethnic and national background or belief.

The activities listed in all the modules of the manual help learners to develop understanding about the main human rights principles, communication skills, critical thinking and analytical skills, creativity and persuasion skills, all of them essential to a democracy. They provide multi-cultural, socio-economic and historical perspectives on the universal struggle for justice and dignity. They are meant to engage the heart as well as the mind and challenge different learners to understand what human rights mean to them personally, and to encourage them to translate understanding into informed, nonviolent action. Last but not least the activities aim to examine human rights issues in their complexity without bias and from different angles through a variety of educational practices. Therefore the ultimate goal of all the activities is to demonstrate that everyone can bring about changes and contribute to the fulfillment of human rights, justice, and dignity for all.

The activities chosen in this manual are discussions, case studies, role plays, and, alternatively, free action activities. The main features of each method are listed below and accompanied by other useful hints on method which are intended to help facilitators to develop a creative and innovative approach to the complex problems presented in each activity.

BRAINSTORMING

Brainstorming encourages creativity and the quick generation of many ideas. It can be used for identifying alternative ways of solving a specific problem, answering a question, introducing a new subject, raising interest, and making a survey of knowledge and attitudes.

A brainstorming session can take the following forms:

- introducing a question, problem, or topic (orally and/or in writing)
- inviting the group members to respond with as many ideas or suggestions as possible, ideally in single words or short phrases
- recording responses on a flip-chart (keep in mind that, very often, the most creative or outrageous suggestions are the most useful and interesting)
- prioritizing, analyzing the output, and clustering solutions

Brainstorming sessions are a helpful ice-breaker and introduction to different topics and can be used as a stimulus for a dialogue, game, or activity.

DISCUSSION

Discussions encourage reflection, analysis and critical thinking, they provide non-hierarchical, democratic, collaborative learning and they help participants to respect and accept a variety of viewpoints and opinions. To keep a discussion focused, you might initially pose several key questions. The larger the group, the more likely that some participants will dominate and others remain silent. To ensure that everyone has the opportunity to speak you can divide the whole group into smaller units. When any discussion comes to an end, summarize the main points orally and in writing. Facilitators need to keep the goal of the discussion clearly in mind; they have to provide questions that encourage participation and analysis.

- Hypothetical: “What would you do if ...?”
- Speculating: “How might we solve the problem?”
- Defining: “Can you tell us how you think that idea would work?”
- Probing: “Why do you think that?”
- Clarifying/Summarizing: “Am I right in saying that you think ...?”

One way of helping to create an environment of trust and mutual respect is to have participants develop their own “Discussion Rules”:

- Ask them to think of some principles for discussion which they think everyone should follow.
- Write all these suggestions where everyone can see them, combining and simplifying where necessary. If the rules listed below are not suggested, add those you think are absolutely necessary for a discussion:
 - Listen to the person who is speaking
 - Only one person speaks at a time
 - Agree on a special sign for being noticed if you want to say something
 - Avoid interrupting when someone else is speaking
 - When you disagree with someone, make sure that you make a difference between criticizing someone’s idea and criticizing the person
 - Do not laugh when someone is speaking – unless they make a joke
 - Encourage everyone to participate

Last but not least you should copy the list of rules and hang it where everyone can refer to it, add, or make changes if necessary.

CASE STUDIES

Cases can encourage analysis, critical thinking, problem solving, and planning skills, as well as

cooperation and team building. They can be used to set up effective debates (e.g. groups assigned to argue allocated positions on an issue) and comparisons (e.g. different analyses of or solutions to problems in the case). The case you chose can be a

- **Real case**, drawn from historical or current events.
- **Fictional or hypothetical case** to address particular issues or workshop topics. Fictional situations can often address locally sensitive issues without provoking responses about particular individuals, organizations, social groups, or geographical regions.
- **Fieldwork case** which might lead participants to work and react within their community.

Role play

In role plays participants are placed in fictional circumstances. Facilitators can either provide a role play in detail or just give a little information on it and let participants develop it on their own. Actors in a role play can either pretend to be someone else or even act as themselves in a novel situation. But nevertheless it is necessary to state clearly at the very beginning that a role play should not be too long or too elaborately scripted to give viewers as well as actors the chance to follow them easily. Very often role plays have an open end in order to achieve the learning objectives and to stimulate a discussion. However, careful questioning at the end is essential to enable

participants to draw parallels between what they have experienced and situations in the real world. Facilitators should be very sensitive to the fact that some people may feel uneasy, uncomfortable or even helpless in the assigned situation.

INTRO/WARMING UP

To start an activity, get people to introduce themselves and try to make them feel welcome. If needed, use a so called “ice-breaker”, an activity to help participants to learn more about each other and become comfortable expressing themselves in a group.

ICEBREAKERS:

- **Group Still Life:** Each person brings a meaningful object from home to contribute to an opening display as a way of introducing something important about themselves.
- **Get into one line:** Let people line up according to their height, their age, the month of their birthday, shoe size and so on.
- **Interviews:** Each person pairs off with another and asks several questions. Then each partner introduces the other one to the whole group.
- **Me Too!** One person says her or his name and starts talking about themselves. As soon as someone else hears something they have in common with the speaker, they interrupt,

giving their name, and begin telling something about themselves. Continue until everyone in the group has introduced themselves in this way.

- **Musical Chairs:** Arrange chairs in a close circle and ask participants to sit down. Stand in the middle of the circle and say your name and something about yourself. When you do so, everyone for whom your statement is true as well must change chairs (e.g.: I am X and I have two children; I am X and I dislike rats....) Try to get a chair for yourself now. The person left without a chair introduces themselves and says something (as in the above example) which again they may have in common with others.
- **Knots:** Tell everyone to stand shoulder to shoulder in a circle with their arms stretched out in front of them. They should now grab hands across the circle. No one may hold the hand of someone beside him. Now tell participants to untangle the knot without letting go of the hands.

After people get to know each other facilitators should point out a few things to the whole group in order to get the most out of the activity:

- State the time frame for this activity and your intention to respect participants' time by beginning and ending promptly. You may even ask someone to serve as a time keeper, especially for small group activities.

- Explain the scope of the activity and ask participants to state their expectations; record these on a flip-chart. Then examine the list and evaluate honestly whether the session is likely to meet the expectations listed.
- Ask the group what they do not want and list these as well. This provides a good basis for setting rules basic rules for the group.
- Together with the group establish basic rules which help you to provide an environment of trust and make interaction respectful, confidential, and useful.

Giving Feedback

Giving feedback is an essential part of the whole activity itself. There are various ways to get feedback and provide participants with it, so facilitators should ask themselves the following questions:

- How did people feel about this activity?
- Was it more or less difficult than they had first imagined?
- What were the most difficult aspects of it, or the most difficult things to represent?
- Did people learn anything new about human rights?
- Where were the similarities or differences among the group(s)?
- Were there any fundamental disagreements over the idea of human rights? Why?

When giving feedback, it is important to respect the others, to focus on what they said or did, and to give reasons for your point of view.

Some ways of giving feedback:

- **Slip Box:** Each participant states his/her opinion about the activity on a piece of paper and puts it in a box. Then everyone takes one of the slips and reads it out loud, and the whole group discusses the opinion stated on it.
- **Go on, I'm listening:** Each participant has 5 minutes to tell the listeners his/her personal view of the activity.
- **The People Machine:** All participants form a circle, holding hands, and one person starts with something he/she liked or disliked. The person next to him/her repeats this opinion, agrees or disagrees with it and then gives an opinion about something else.
- **Weather report:** Participants describe how they feel about the activity as if it were a weather report.

CONCLUDING

It is important to end an activity on the right note. In particular participants need an opportunity to sum up what they have learned, individually as well as collectively. In general the way to conclude depends greatly on the goals and tenor of the activity. Here are a few ideas:

- **Ball Toss:** Participants toss a ball from one to another. Each person who catches the ball states one thing she or he learned or can use from this session.
- **Collective Summary:** Pose a summarizing question (What remarks that you have heard today will you especially remember as meaningful?) or an open-ended statement (Try to think of a word or phrase that sums up your feelings). Ask participants to respond in turn.
- **Slide Show:** The facilitator has taken photos of the session, including each participant. As a reflection on the activity each participant gives a brief comment on his or her contribution, his feelings before, during, and after the session.

WHY HRE? – THE METHODOLOGY OF HRE

Human rights education is essential to active citizenship in a democratic and pluralistic society. Citizens need to be able to think critically, make moral choices, take principled positions on issues, and devise democratic courses of action. Only humans who understand human rights will work to secure and defend them for themselves and others. But in order to be involved in this way, it is necessary to be informed. Effective human rights education has two essential objectives: learning ABOUT human rights and learning

FOR human rights. Learning about is largely cognitive, including rights history, documents, and implementation mechanisms. Education for human rights means understanding and embracing the principles of human equality and dignity and the commitment to respect and protect the rights of all people. It is not so much what we know, as the way we act.

Human rights are highly inspirational and also highly practical, embodying the hopes and ideals of most human beings and also empowering people to achieve them. Human rights education shares those inspirational and practical aspects. It sets standards but it also brings about changes. So human rights education can:

- bring about changes in values and attitude
- bring about changes in behavior
- bring about empowerment for social justice
- help develop attitudes of solidarity across issues, communities, and nations
- help develop knowledge and analytical skills
- encourage participatory education

In this new field many goals have arisen and the content needed to meet these goals are under continual and generally creative debate. Some of the most motivating goals are to:

- develop critical analysis of one's own life situation
- change attitudes

- change behaviors
- clarify values
- develop solidarity
- analyze situations in terms of human rights
- strategize and implement appropriate responses to injustice

The Manual "Understanding Human Rights" aims to contribute to the current human rights education debate in terms both of content and form and also add to the process of shaping a genuine culture of human rights world-wide. Our intention is to assist learners to gain knowledge as well as skills to take control of their own lives. We believe that understanding human rights, a process in which human rights education has a pivotal role, and means empowerment and a better life for many. Only respecting the principles of human rights in one's own life can eventually bring about the fundamentals for a common co-existence and respecting the rights of others.

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Flowers, Nancy. 2000. *The Human Rights Education Handbook. Effective Practices for Learning, Action, and Change. Human Rights Education Series. Topic Book 4.* University of Minnesota: Human Rights Resource Center and The Stanley Foundation.

GLOSSARY

Absolutist State: the term indicates that the **only legitimate source of power** in such states was the monarch. In particular the rulers of such states tried to deprive the aristocracy and the church of the ability to compete with the monarch. This ideal was rarely achieved. The term **does not mean** that the monarch had immediate and direct control of everyday life.

Affirmative Action: a set of explicit actions or programs designed to increase the educational and employment opportunities of individuals or groups denied full participation and access in those areas.

Anti-Semitism: hatred, prejudice, oppression, or discrimination against Jews or Judaism. Actually, the term is a misnomer. "*Semitic*" originally indicated the descendents of Shem, which include both Jews and Muslims in the Middle East. Now, the term is used mainly to refer to Jews.

Apartheid: apartheid is the Afrikaans word for the systematic, legalized discrimination that existed in South Africa between 1948-94. Under the Population Registration Act of 1950 the population was classified in different racial categories with education, residence and marriage only permitted within each category. With the election of Nelson Mandela as President in 1994 the system was legally dismantled, although some apartheid-like practices still continue informally.

Arbitration: (*Law*) the hearing and determination of a dispute, esp. an industrial dispute, by an impartial referee selected or agreed upon by the

parties concerned; (*International law*) the procedure laid down for the settlement of international disputes.

Armed Conflict: situation in which two or more organized groups are engaged in armed fighting, whether international or internal. Any difference arising between two states and leading to the intervention of armed forces is an armed conflict even if one of the parties denies the existence of a state of war.

Bioethics: bioethics is the study of moral issues arising from the principles and practices of a broad range of human sciences. The field of bioethics incorporates examination of moral issues arising from scientific practices as well as philosophical inquiry into questions of value, and investigation into issues of public policy.

Child Labor: Child labor is work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. The 1989 UN Convention on the Rights of the Child calls for protection "*against economic exploitation and against carrying out any job that might endanger well-being or educational opportunities, or that might be harmful to health or physical, mental, spiritual, moral, or social development.*" (Article 32).

Child Pornography: a visual depiction of an individual who is under 18 years of age, or who appears to be under 18 years of age, engaged in sexually explicit conduct. A visual depiction may also constitute child pornography if it is advertised, promoted, or presented in such a way

that "conveys the impression" that the material contains a visual depiction of a minor engaging in sexually explicit conduct. Child pornography may be contained in videotapes, photographs, undeveloped camera film and computer graphic files.

Child Refugee: a child refugee or displaced child is every person below the age of 18 who is seeking refugee status or other international protection, considered a refugee in accordance with applicable international or domestic law and procedures, whether unaccompanied or accompanied by his or her parents or by any other adult, or who is forced to flee across an international border (as a result, for example, of war, civil war or generalized violence.)

Child: the United Nations 1989 Convention on the Rights of the Child defines a child as a "*human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier*".

Civil Society: civil society refers to the set of institutions, organizations and behavior situated between the state, the business world, and the family. Specifically, this includes voluntary and non-profit organizations of many different kinds, philanthropic institutions, social and political movements, other forms of social participation and engagement and the values and cultural patterns associated with them (source: London School of Economics).

Civilian Object: any object that has not a military objective.

Civilian: person who is not a combatant.

Collateral Damage: damage or loss caused incidentally during an attack undertaken despite all necessary precautions designed to prevent, or in any event to minimize, loss of civilian life, injury to civilians and damage to civilian objects.

Combatant: person taking a direct part in hostilities or member of the armed forces of a state or organization involved in an armed conflict.

Committee on Economic, Social and Cultural Rights: established by the ECOSOC in 1985, the primary function of the Committee is to monitor the implementation of the Covenant (ICESCR) by states. It strives to develop a constructive dialogue with these and seeks to determine through a variety of means whether or not the norms contained in the Covenant (relating to all basic necessities of life – work, food, housing, health care, education and culture) are being adequately applied in these states and how the implementation and enforcement of the Covenant could be improved so that all people who are entitled to the rights enshrined in the Covenant can actually enjoy them in full.

Communication: an individual or collective complaint to a treaty body regarding an alleged violation of human rights. Also called “*application*”, “*complaint*” or “*petition*”.

Complaint: an individual or collective communication to a treaty body drawing attention to an alleged violation of human rights. See also communication.

Confidentiality: an ability to keep something secret. Confidentiality has been chosen as a standard working method by the International Committee of the Red Cross (ICRC) in order to be able to have access to victims and to protect them by developing efficient dialogue with the authorities.

Convention: a multilateral treaty which under international law is binding on all parties. Also called “*covenant*” in the case of the ICCPR and ICESCR.

Crimes against Humanity: murder, extermination, enslavement, deportation, imprisonment or torture, when committed as part of a widespread or systematic attack directed against any civilian population.

Crimes against Peace: planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties.

Cultural Rights: The rights to preserve and enjoy one’s cultural identity and development.

Declaration: a solemn statement by a treaty body, which may contain recommendations but is not legally binding. A declaration can also be a statement by individual states on the interpretation of an obligation.

Deprivation Techniques: methods of psychological torture including social or educational deprivation, solitary confinement, deprivation of employment and cultural, political and religious activities, sensory deprivation, deprivation of

physical space, of sleep, communications, hygiene, nourishment, medical care, etc.

Derogation: a suspension of an obligation regarding a human right in certain clearly defined circumstances like public emergency.

Detainee: civilian who is accused of a crime and held prisoner during an armed conflict.

Direct Discrimination: it occurs when one person or group of people receive less favorable treatment than another person or group in the same position would have received on the grounds of their race, color, descent or national or ethnic origin.

Discrimination: the denial of equal treatment, civil liberties, or opportunity to individuals or groups with respect to education, accommodation, health care, employment, or access to services, goods, or facilities. Discrimination may occur on the basis of race, nationality, gender, age, religious, political, or ethnic affiliation, marital or family status, physical, developmental, or mental handicap.

Drop-out Rate: the percentage of those leaving school or college before they have finished their studies.

Due process: law in its regular course of administration through the courts of justice. The guarantee of due process requires that every person has the protection of a fair trial.

Economic and Social Council: UN council of 54 members concerned principally with the fields of

population, economic development, human rights, and criminal justice. This high-ranking body receives and discharges human rights reports in a variety of circumstances. Abbreviated ECOSOC.

Economic Rights: human rights that concern the production, development, and management of material for the necessities of life.

Education: discipline that is concerned, in this context, mainly with methods of teaching and learning in schools or school-like environments as opposed to various informal means of socialization (e.g., between parents and their children).

Elementary Education: also called primary education, the first stage traditionally found in formal education, beginning at about age 5 to 7 and ending at about age 11 to 13.

Endemic disease: the constant presence of a disease or infectious agent within a given geographic area; may also refer to the usual prevalence of a given disease within such area.

Enforced pregnancy: the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.

Enforced prostitution: to force somebody into prostitution, used as a means in armed conflict.

Enlightenment: an intellectual movement which began in England in the seventeenth century,

rooted in an intellectual skepticism to traditional beliefs and dogmas, denotes an “illuminated” contrast to the supposed dark and superstitious character of the Middle Ages. From its inception, the Enlightenment focused on the power and goodness of human rationality.

Enrolment: the act of officially joining a course, school, etc.

Epidemic Disease: attacking or affecting many people simultaneously in a community or area.

Equity: impartial or just treatment, requiring that similar cases be treated in similar ways.

Ethnic Cleansing: forcibly displacing or exterminating an ethnic population from a particular area in order to assert the identity and power of another ethnic group.

Eurocentrism: the process of placing more emphasis on European (and, generally, Western) theories and ideas, at the expense of other cultures. Implicit in this definition is the assumption that Western concepts are fundamentally different from those in other cultures or civilizations. A somehow contradictory but equally important implication is the assumption that Western concepts are universal. That is, they have evolved to something of a universal cultural currency into which elements of other cultures can relatively easily convert. There are a number of such Western concepts, always in a process of flux. Usually, ideas defined as Western in nature include individualism, human rights, secular

authority and law, and the separation of religion and state.

Faith: a religion, or any of the recognized communities of religious belief.

Female Genital Mutilation (FGM) or Female Genital Cutting (FGC): FGM comprises all procedures that involve partial or total removal of female external genitalia and/or injury to the female genital organs for cultural or any other non-therapeutic reason. (Definition by WHO 1995)

Free-Trade Zone: an industrial area in which a country allows foreign companies to import material for production and export finished goods without paying significant taxes or duties (fees to the government). A free-trade zone thus decreases a company’s production costs.

Gender: Article 7, paragraph 3, of the Rome Statute of the International Criminal Court defines gender as the “*two sexes, male and female, within the context of society. The term ‘gender’ does not indicate any meaning different from the above*”. More liberal definitions also include the societal positions accorded to women and men.

Genetic Modification: is the deletion, change or moving of genes within an organism as well as the transfer of genes from one organism to another. It can also mean the modification of existing genes or the construction of new genes and their incorporation into any organism.

Genocide: deliberate and systematic destruction of a racial, ethnic, religious or cultural group, through killing, injuring, worsening of the conditions of life, prevention of births or transfer of children.

Hors de Combat: describes combatants that have been captured or wounded or who are sick or shipwrecked and thus no longer in a position to fight.

Human Poverty Index: the UNDP's Human Poverty Index was developed for the measurement of poverty that goes beyond mere income distribution. The five real-life attributes of poverty taken into account are illiteracy, malnutrition among children, early death, poor health care, and poor access to safe drinking water.

Humanity: human nature of all people no matter who they are, and irrespective of their nationality, race, religious beliefs, social class, political opinions or other group or personal characteristics.

Illiteracy: inability of a person to read or write.

Impartiality: serving people or making decisions about people based only on their needs, without considering their nationality, race, religious beliefs, social class or political opinions.

Indirect Discrimination: it includes practices or policies that appear to be "neutral" or "fair" but adversely affect a higher proportion of people of one racial, national or ethnic group. It can occur even when there is no intention to discriminate.

Individual Racism: a form of racial discrimination that stems from conscious, personal prejudice by individuals.

Interfaith Dialog: an attempt to initiate dialog, cooperation, and understanding among individuals of different religions. Inter-religious dialog bears the same meaning.

Internally Displaced Person: people who have moved from their homes, but not left their country, because of fear of persecution, in order to avoid the effects of armed conflict or violence, violations of human rights or natural or man-made disasters.

International Labour Office: established in 1919 as part of the Versailles Peace Treaty to improve working conditions and promote social justice; the ILO became a Specialized Agency of the UN in 1946. Abbreviated ILO.

Internee: civilian or combatant who is not accused of a crime but held prisoner as a preventive security measure during an armed conflict.

Intolerance: unwillingness to endure and/or respect the beliefs and practices of others. Racial intolerance prevents members of other racial groups from sharing equally or benefiting fully from the opportunities available in a community, while religious intolerance refuses to accept or respect the religious beliefs of others.

Legitimacy: the degree to which a government's procedures for making and enforcing laws are acceptable to the people. A legitimate system is legal, but more important, citizens believe in its appropriateness and adhere to its rules. Legitimacy

is closely tied to governance: voluntary compliance with laws and regulations results in greater effectiveness than reliance on coercion and personal loyalties.

Maquiladora: a factory, often foreign-owned, that assembles goods for export. From Spanish, the word is pronounced mah-kee-lah-DOH-rah. It is usually shortened to maquila.

Mediation: a problem-solving negotiation process in which a third party works with disputants to assist them to reach a satisfactory negotiated settlement. Mediators have no authority to decide the dispute between the parties; instead, the parties empower the mediator to help them resolve the issues between them.

Military Necessity: concept whereby the use by a belligerent of a degree of force necessary to achieve the objective of the war is justifiable, the objective of war being the total submission of the enemy as quickly as possible with the minimum human, material and financial losses.

Military Objectives: objects which by their nature, location, purpose or use make an effective contribution to military action and whose destruction offers a definite military advantage.

Neutrality: not taking sides in a conflict.

Non-governmental organization (NGO): is any non-profit, voluntary citizens' group which is organized on a local, national or international level. Task-oriented and driven by people with a common interest, NGOs perform a variety of service and humanitarian functions, bring citizens'

concerns to governments, advocate and monitor policies and encourage political participation through provision of information.

Non-Religious: naturalistic world views and convictions in the realm of human thought associated with ultimate beliefs and principles of conscience by which individuals live their lives.

Ombudsmen: Institution, usually a government official whose job is to examine and report on complaints made by ordinary people about the government or public authorities.

Poverty Reduction Strategy Papers: in 1999, the World Bank (together with the IMF) introduced the concept of Poverty Reduction Strategy Papers (PRSP). These papers are meant to describe a country's macroeconomic state, including structural and social policies. They are prepared by governments, but offer new participation processes in order to involve a wide variety of civil society's stakeholders.

Poverty: poverty is characterized by: lack of income/money and productive resources sufficient to ensure a sustainable livelihood; lack of food, hunger and malnutrition, ill health; increasing morbidity; limited or lack of access to education, homelessness and social discrimination and exclusion.

Prejudice: a frame of mind which tends to pre-judge a person or a group in a negative light. This negative judgments is usually made without adequate evidence. These negative attitudes are often not recognized as unsoundly-based assumptions because of the frequency with which

they are repeated. They become "common sense" notions which are widely accepted, and are used to justify acts of discrimination.

Prisoner of War: captured combatant in an international armed conflict. Only the combatants fulfilling certain conditions are entitled to this status (mainly members of the armed forces).

Proportionality: principle according to which loss of civilian lives and damage to civilian objects must not be excessive in relation to the military advantage anticipated from an attack against a military objective.

Race: the term 'race' is an artificial construct used to classify people on the basis of supposed physical and cultural similarities deriving from their common descent. Modern science has shown that the biological category of race is meaningless when applied to the human species. Biologically, the human species shares a common gene pool, and there is much more genetic variation within each so-called racial group than between them. Sometimes this ideology is a basis of social action, a foundation of government policy and often a justification for distinctive treatment of one group by another.

Racism: a set of mistaken assumptions, opinions, and actions resulting from the belief that one group is inherently superior to another. Racism refers not only to social attitudes toward ethno-cultural minority groups, but also to social structures that exclude such individuals and groups. Racism may be present in organizational and institutional structures and programs, as well as in the attitudes and behavior of individuals.

Ratification: a procedure by which a state, sometimes after having reached the agreement of the parliament, declares to be legally bound by a treaty.

Reservation: a statement made by a state at the occasion of the ratification of a treaty excluding or modifying the legal effects of certain provisions on the state.

Rule of law: the rule of law reigns over government, protecting citizens against arbitrary state action, and over society generally, governing relations among private interests. It ensures that all citizens are treated equally and are subject to the law rather than to the whims of the powerful. The rule of law is an essential precondition for accountability and predictability in both the public and private sectors. The establishment and persistence of the rule of law depend on clear communication of the rules, indiscriminate application, effective enforcement, predictable and legally enforceable methods for changing the content of laws and a citizenry that perceives the set of rules as fair, just or legitimate, and that is willing to follow it.

Secular: of or marked by secularism; relating to earthly things as distinguished from things relating to religion. Secularism is a belief that religion and ecclesiastical affairs should not enter into the functions of the state, esp., into public education.

Sexual Violence: gender-based violent behaviour that is intended to hurt or kill somebody.

Slavery: it is identified by an element of ownership or control over another's life, coercion, the restriction of movement and by the fact that

someone is not free to leave or change employers. Contemporary slavery is not always easy to identify or root out because much of it is accepted within a culture. Debt bondage is practiced in many parts of the world.

Social and Economic Rights: rights that give people social and economic security, sometimes referred to as security-oriented or second-generation rights. Examples are the right to food, shelter, and health care.

Solitary Confinement: the separate confinement of a prisoner with only occasional or limited access by other people, to an environment which is stripped of all but the basic necessities for maintaining life and which is generally restrictive of light, sound, diet, reading material, exercise and occasionally of temperature.

Special Rapporteur: an individual appointed by a body on the universal or regional level like the UN Human Rights Commission to prepare regular reports on the situation of human rights in a particular country or on a particular issue of human rights (*“thematic rapporteur”*). If appointed by the UN-Secretary General called *“special representative”*. A similar function can be given to an *“independent expert”*.

Special Representative – See Special Rapporteur.

Structural Adjustment Programs: most IMF loans are conditional, specifying a variety of requirements a country has to meet in order to receive money. Since these requirements – the so-called structural adjustment programs – are heavily

orientated towards cost reduction in the social sector and market liberalization, they have often been criticized.

Structural Racism: inequalities rooted in the system-wide operation of a society which exclude substantial numbers of members of particular ethnic categories from significant participation in its major social institutions.

Suffragette: the term for British and US-American feminists fighting for the rights of women, especially the right to vote.

Sustainable Development: development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Torture Rehabilitation: the act of empowerment of torture victims to regain capacity, confidence and ability to resume as full a life as possible. Rehabilitation centres and programs adopt and implement a variety of different treatment approaches, taking into account the specific physical and psychological needs of the individual torture victim and the cultural, social, and political environment in which they are operating.

Torture: any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person in the custody or under the control of the accused; torture does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.

Trade Union: an organisation of workers created to protect and advance the interests of its members by negotiating agreements with employers on pay and conditions of work. Unions may also provide legal advice, financial assistance, sickness benefits and education facilities. An independent trade union is not under the domination or control of an employer and is financially independent of the employer.

Trafficking in Human Beings: illegal trading in people, especially women and children.

Trafficking in human beings: is the illicit and clandestine movement of people across national and international borders, largely from developing countries and some countries in transition, with the end goal of forcing women, girls and children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers, crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labor.

Working Poor: poverty has other meanings besides a protruding stomach and sunken eyes. It can also mean the working poor—those who have jobs yet still find themselves unable to make ends meet.

Xenophobia: xenophobia is hatred and fear of foreigners. When these feelings are applied to a visible minority the expression ‘racism’ is often used. It is probably better to see ‘racism’ as a special case of xenophobia than to use it too loosely.

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The **Human Security Network** is an inter-regional grouping of countries including continued collaboration with academic research institutions. Its policy vision is a human world where people can live in security and dignity, free from violent threats, poverty and despair. Emerging from the landmines campaign the Network was launched in 1999.

Members of the Human Security Network are: Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Switzerland, Slovenia, Thailand and South Africa as an observer.

The Austrian Minister for Foreign Affairs, Ms. Benita Ferrero-Waldner, in her capacity as Chair of the Human Security Network has made Human Rights Education and Children Affected by Armed Conflict priority themes of the Network in 2002/2003.

This Manual, an innovative tool for Human Rights Education for global use in a culture-sensitive manner, is available on the Internet: <http://www.bmaa.gv.at>

The **Manual** has been elaborated on the initiative of the Austrian Minister for Foreign Affairs, Ms. Benita Ferrero-Waldner, in her capacity as Chair of the Human Security Network (HSN) in 2002/2003 by the European Training and Research Centre for Human Rights and Democracy (ETC) in Graz, Austria, in collaboration with HSN Partners, over thirty institutions and experts.

The Manual is intended as a concrete contribution to strengthening human security through human rights education and learning. It reflects a culture-sensitive approach based on the universality of human rights.

The Manual addresses itself to human rights educators and learners worldwide and should serve for human rights trainers in formal as well as non-formal education. It contains a variety of pedagogical materials to be used in human rights education of either youth or adults. It is designed in an open-ended way to be completed by trainers and learners on the basis of their own experiences.

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