UNDERSTANDING HUMAN RIGHTS

MANUAL ON HUMAN RIGHTS EDUCATION

EDITED BY **WOLFGANG BENEDEK**

European Training and Research Centre
for Human Rights and Democracy (ETC)

A contribution to the Human Security Network

on the initiative of the Federal Ministry for Foreign Affairs, Austria

Federal Ministry
for Foreign Affairs

PREFACE TO THE SECOND EDITION

In May 2003, the Manual on Human Rights Education "Understanding Human Rights" was first presented to the public in its original English language version at the Ministerial Meeting of the Human Security Network in the Human Rights City of Graz, Austria. The Manual is the result of an initiative by my predecessor Benita Ferrero-Waldner as Chairperson of the "Network" in 2002/2003. It was elaborated by a dedicated team of renowned Austrian and international experts under the auspices of the European Training and Research Centre for Human Rights and Democracy (ETC) in Graz.

The Human Security Network is a group of states from all regions of the world determined to solve pressing problems of human security by action-oriented means. On several occasions, such as its Ministerial Meeting in Santiago de Chile in 2002, the Network has emphasised that "human rights provide a foundation upon which human development and human security can be pursued". Therefore, Human Rights Education has become one of its priorities. In this spirit, the Manual "Understanding Human Rights" addresses audiences all over the world and is intended to function as a genuine, practical "training tool". It consists of training modules which can be varied and adapted by their users according to different contexts and training situations.
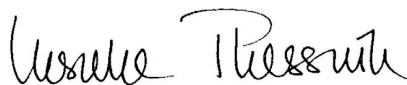
The Graz Declaration on Principles of Human Rights Education and Human Security, endorsed by the 5th Ministerial Meeting of the Human Security Network on 10 May 2003 in Graz, contains a commitment to translate the manual into other languages in order to introduce it into different regional and cultural settings.

Today, just three years after its launch, the manual is available in English, French, Spanish, Chinese, Arabic, Russian, German, Albanian, Croatian, Serbian and Thai. This has been achieved in collaboration and with the generous support of several members of the Human Security Network as well as intergovernmental and non-governmental partners.

The Manual, which has been introduced in several countries and regions by train-the-trainers workshops facilitated by the ETC, has received a very positive feedback from users all over the world. But the rapid developments in the field of human rights have necessitated an update of the Manual. Therefore, with funding from the Austrian Development Cooperation and the Federal Ministry for Education, Science and Culture of Austria, a second edition has been elaborated by the European Training and Research Centre for Human Rights and Democracy (ETC) in collaboration with a large team of Austrian and international experts.

The Manual intends to reach out to people from all world regions, cultures and social groups. The more diverse its users, the more the Manual will achieve its goal to promote human rights and human security. In 2006, with the inception of the Human Rights Council, the international human rights architecture has undergone considerable changes. I trust that this second edition of the Manual on Human Rights Education will be able to serve as a guide to the human rights challenges that lie ahead.

Dr. Ursula Plassnik
Federal Minister for Foreign Affairs
of the Republic of Austria
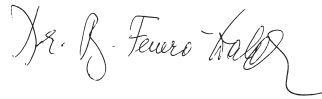Vienna, May 2006

PREFACE TO THE FIRST EDITION

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 Edu-cation 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 Net-work 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.

Dr. Benita Ferrero-Waldner
Austrian Minister for Foreign Affairs

Graz, 5th Ministerial Meeting of the Human Security Network, 9 May 2003

ACKNOWLEDGEMENTS

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 utilised 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 explo-ration of particular human rights, you may start with the "need to know" part of different modules. And those of you interes-ted 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 num-ber 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.

For this purpose, the ETC has opened a feedback section on its website, where the different language versions are available. We have also produced Power Point Presentations on all modules, which can be downloaded from the website. Furthermore, additional resources can be found on all modules with useful teaching materials and updates under http://www.manual.etc-graz.at

We would welcome any feedback to office@etc-graz.at, 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.

LIST OF ABBREVIATIONS

ACHR – American Convention on Human Rights
ACHPR – African Charter on Human and People's Rights
ACP – African, Caribbean and Pacific States
ADL - Anti-Defamation League
AI – Amnesty International
AIDS/HIV – Acquired Immune Deficiency Syndrome / Human Immunodeficiency Virus
ALRC – Asian Legal Resource Centre
ANC – African National Congress
APT – Association for the Prevention of Torture
ASEF – Asia-Europe Foundation
AU – African Union
ASEM – Asia and Europe Meeting

BIM – Ludwig Boltzmann Institute of Human Rights, Vienna, Austria

CCW – Convention on prohibitions or restrictions on the use of certain conventional weapons
CDDRL – Center on Democracy, Development, and the Rule of Law
CEDAW – Convention on the Elimination of All Forms of Discrimination against Women
CERD – Committee on the Elimination of All Forms of Racial Discrimination
CESCR – Committee on Economic, Social and Cultural Rights
CHR – Commission on Human Rights
CIM – Inter-American Commission of Women
CJ – Citizens' Juries
CLADEM – Latin American and Caribbean Committee for the Defence of Women's Rights
CoE – Council of Europe
CONGO - Conference of NGOs in Consultative Relationship with the United Nations
CPT – European Committee for the Prevention or Torture
CRA - Communication Regulation Agency
CRC – United Nation Convention on the Rights of the Child
CRIN - Child Rights Information Network
CSW – Commission for the Status of Women
CSCE – Conference for Security and Cooperation in Europe
CWC - The Concerned for Working Children

DGLI – Directorate General of Legal Affairs

ECHO - European Community Humanitarian Office
ECHR – European Convention for the Protection of Human Rights and Fundamental Freedoms
ECOSOC – Economic and Social Council
ECPAT - End Child Prostitution, Pornography, and Trafficking
EFA – Education for All
ENAR – European Network against Racism
ENOC - European Network of Ombudsmen for Children
EPZ – Export Processing Zone
ETC – European Training and Research Centre for Human Rights and Democracy, Graz, Austria
EU – European Union
EUMC – European Monitoring Center on Racism and Xenophobia
EURONET - European Children' s Network

FAO - The Food and Agriculture Organization
FARE – Football against Racism in Europe Network
FDC – Freedom from Debt Coalition
FGM – Female Genital Mutilation
FIFA - Fédération Internationale de Football Association
FLO – Fairtrade Labelling Organization
FWCW – Fourth World Conference on Women

GA – United Nations General Assembly
GATS – General Agreement on Trade in Services
GC – Global Compact
GDP – Gross Domestic Product
GPF - Global Policy Forum

HDR – UNDP Human Development Report
HIPC – Heavily Indebted Poor Countries
HR – Human Rights
HRC – Human Rights Council

HREL – Human Rights Education and Learning
HSN – Human Security Network

ICC – International Criminal Court
ICCPR – International Covenant on Civil and Political Rights
ICERD – International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR – International Covenant on Economic, Social and Cultural Rights
ICPD – International Conference on Population and Development
ICRC – International Committee of the Red Cross
ICTR – International Criminal Tribunal for Rwanda
ICTY – International Criminal Tribunal for the Former Yugoslavia
ICVA - International Council of Voluntary Agencies
IDB - Inter-American Development Bank
IDEA - International Institute for Democracy and Electoral Assistance
IEC – International Executive Committee
IFEX - International Freedom of Expression Exchange
IHL – International Humanitarian Law
IIDH – Inter-American Institute for Human Rights
IJC – International Commission of Jurists
ILO – International Labour Organization
IMF – International Monetary Fund
IPA – International Publishers Association
IPEC – International Programme for the Elimination of Child Labour
IPI - International Press Institute

MDGs – Millennium Development Goals
MNCs – Multinational Corporations
MSF – Médicins sans Frontières
MPs – Members of Parliament

NGO – Non Governmental Organisation

NPA – National Plan of Action

OAS – Organization of American States
OAU – Organization of African Unity
OCHA - The United Nations Office of the Co-ordination for Humanitarian Affairs
ODIHR – Office for Democratic Institutions and Human Rights
OECD – Organization for Economic Cooperation and Development
OHCHR – Office of the (United Nations) High Commissioner for Human Rights
OIC - Organization of the Islamic Conference
OMCT - World Organisation Against Torture
OSCE – Organization for Security and Co-operation in Europe

PAHO – Pan American Health Organization
PDHRE – People's Movement for Human Rights Education
PLCPD – Philippine Legislators' Committee on Population and Development Foundation Inc.
PRODEC – The Decennial Development Program on Education
PRSPs – Poverty Reduction Strategy Papers

SAPs – Structural Adjustment Programmes of the World Bank
SARS – Severe Acute Respiratory Syndrom
SEE – South-Eastern Europe
SEEMO - South East Europe Media Organisation
SIM – Netherlands Institute of Human Rights, Utrecht, the Netherlands

TASO – The AIDS Support Organisation
TM – Traditional Medicine
TNCs – Transnational Corporations
TRIPs – Trade-Related Aspects of Intellectual Property Rights

UDHR – Universal Declaration of Human Rights
UEFA – Union of European Football Associations

UNCAT – United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNCED – United Nations Conference on Environment and Development
UNDP – United Nation Development Program
UNESCO – United Nations Educational, Scientific and Cultural Organisation
UNEP – United Nations Environment Programme
UNICEF – United Nations Children's Fund
UNMIK – United Nations Mission in Kosovo
UNMISET – United Nations Mission of Support in East Timor
UNTAET – United Nation Transitional Administration in East Timor

VOICE - Voluntary Organisations in Cooperation in Emergencies

WB – World Bank
WCAR – World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance
WCRP - World Conference on Religion and Peace
WFIRC - World Fellowship of Inter-Religious Councils
WFP - The United Nations World Food Program
WHO – World Health Organization
WMA – World Medical Association
WSIS - World Summit on the Information Society
WSSD – World Summit on Sustainable Development
WTO – World Trade Organisation
WUK Kinderkultur – Werkstätten und Kulturhaus Kinderkultur

YAP - Young Rights Action Plan

OUTLINE CONTENTS

DETAILED CONTENTS

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.* «

Sérgio Vieira De Mello, UN High Commissioner for Human Rights. 2003.

LEARNING ABOUT HUMAN RIGHTS IS A JOURNEY WE MUST ALL TAKE

Preface by Shulamith Koenig

The excellent learning document now in your hand presents a framework of hope that charts the way for women and men to achieve age long human expectation for economic and social justice. The indivisibility and interconnectedness of human rights attested to in these pages is critical to understanding human rights as a way of life.

As you journey through these pages written by many people from around the world, sharing their experiences and knowledge, you will learn about the moral and political implication of human rights and how they are firmly protected by law. Furthermore, a vital responsibility will be placed on your shoulders to become a mentor and monitor of human rights in your home, in your neighbourhood and in your organisation. And as you examine human rights' articulations of norms and standards relevant to protecting and promoting human dignity, you will join those who are learning to live with the other in respect and trust to become a viable agent of change….

Every human being inherently knows human rights – we each know when injustice is present and that justice is the ultimate expression of human rights. Spontaneously we all move away from humiliation, but, often in fear of humiliation, we humiliate others. This vicious cycle can be broken if people learn to trust and respect the other, internalising and socialising human rights as a way of life. Learning that human rights call for mutual respect and that all conflicts must be solved, guided by human rights.

The human rights framework, if known and claimed, is the ultimate guideline to chart our future. It is a critical support system and a powerful tool for action against current social disintegration, poverty and intolerance prevalent around the world. Human rights are all about equality and non-discrimination. We live in a world where the patriarchal system is prevalent where justice is injustice and where women as well as men exchange their equality for survival.

In your hands is the miracle of human rights created by the United Nations. It is a gift given to humanity by many nations who have also made a commitment to implement them. Sadly, as millions of people will be born and die and will *not* know that they are owners of human rights and are therefore unable to call on their governments to fulfil their obligations. We say, rightly, that imposed ignorance is a human rights violation.

It is this "human right violation" and many others, the ignorance about human rights that this book steps forward to eliminate. Drop by drop … step by step … – for people to know, internalise and socialise the development of human rights and assure the realisation of human rights for all.

As you embark on this journey, try to think of human rights as the banks of the river in which life can flow freely. When the floods come the people who have learned about human rights will raise and fortify the banks to protect their communities. We have no other option.

Shulamith Koenig, a recipient of the 2003 United Nations Human Rights Award, is the Founding President of PDHRE – People's Movement for Human Rights Learning (www.pdhre.org)

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 of women and men. Solidarity stands for economic and social rights, like the right to social security, just remuneration, and an adequate standard of liv-

"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. 1948.

ing, health and accessible education, 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 realisation 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 of the UDHR). Human rights of others must be respected, not just tolerated. Human rights must not be used to violate other human rights (Art. 30 of the UDHR); thus all conflicts must be solved while respecting human rights even though at times of public emergency and in extreme cases some restrictions may be imposed.

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

*"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 …".*

Upendra Baxi. 1994. *Inhuman Wrongs and Human Rights.*

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 (HRE) 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 and fundamental freedoms…".
☺☞ *Right to Education.*

UN GA Res. 49/184 of 23 December 1994 proclaimed the UN Decade for Human Rights Education to be implemented in the framework of the Action Plan of the UN Decade for Human Rights Education 1995-2004 (UN Doc. A /51/506, Add. 1 of 12 December 1996).
On 10 December 2004, the UN General proclaimed a new World Programme for Human Rights Education (UN GA Res. 59/113A), which is to be implemented by action plans adopted for three years each. The plan of action for the first phase (2005-2007) of the World Programme for Human Rights Educa-

*"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

tion (UN Doc. A/59/525/Rev. 1 of 2 March 2005) focuses on primary and secondary school systems.

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.*

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)* emphasised 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…"

Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education
The implementation strategy sets out four stages:
Stage 1: analyses of current situation of HRE
Stage 2: setting priorities and developing a national implementation strategy
Stage 3: implementing and monitoring
Stage 4: evaluation

"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.

B. HUMAN RIGHTS 😐‼❓
AND HUMAN SECURITY

The UDHR 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. The Declaration's preamble refers to the *"freedom from fear and from want"*. The same approach is inherent in the concept of human security.

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 decentralised 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

> *"Most threats to human security reveal a direct or indirect human rights dimension."*
>
> **IInd Ministerial Meeting of the Human Security Network.** Lucerne. May 2000.

> *"Human rights provide a foundation upon which human development and human security can be pursued."*
>
> **IVth Ministerial Meeting of the Human Security Network**. Santiago de Chile. July 2002.

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.

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."* (Source: **Department of Foreign Affairs and International Trade, Canada. 1999**. *Human Security: Safety for People in a Changing World.*)

Human rights violations reveal threats to human security and therefore are used as indicators in early-warning mechanisms for conflict preven-

"[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.

tion. However, human rights, too, have a role 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 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, PDHRE).

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

UNDP. 1994. *Human Development Report 1994.*

The Graz Declaration on Principles of Human Rights Education and Human Security, endorsed by the 5th Ministerial Meeting of the Human Security Network in Graz on 10 May 2003, aims at reinforcing human security through Human Rights Education, starting from the right to know one's human rights to identifying a responsibility of all relevant actors for Human Rights Education, and welcoming the Manual "Understanding Human Rights", which should be translated, distributed and used widely.

The Graz Declaration also states that human rights and human security are inextricably linked as the promotion and implementation of human rights is a goal and integral part of human security (Art. 1).

☺☞ *The Graz Declaration in Additional Resources, III.*

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 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*

"Deference to national security interests, narrowly conceived of, and a stubborn adherence to myopic visions of state sovereignty have trumped concerns for the human security interests of victims even though, in a twisted irony, it is the security of its people – not just collectively but also, crucially, <u>individually</u> – that allows for the security of the state."

Louise Arbour, UN High Commissioner for Human Rights. 2005.

Security" (http://www.humansecurity-chs. org/doc/sanjosedec.html). Its report on "Human Security Now", elaborated under the co-chairmanship of Sadako Ogata and Amarty Sen, addresses several human rights concerns. According to Bertrand G. Ramcharan, former Acting UN 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 Cove-

"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."

Sérgio Vieira de Mello,
UN High Commissioner for Human Rights. 2003.

nant on Economic, Social and Cultural Rights recognise the right to social security, which together with other economic and social rights corresponds to the freedom from want. The relationship between globalisation and human security is dealt with in the Millennium Report by UN Secretary-General Kofi Annan of 2000, which, too, distinguishes between **freedom from fear** and **freedom from want**, a distinction going 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 UN Secreaty-General's report "In larger freedom" of 2005 focused on how "to perfect the triangle of development, freedom and peace" (para. 12).

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. One cannot be separated from the other, they are interdependent, interrelated and indivisible (☺☞*Freedom from Poverty, Right to Health, Right to Work*). The UN General Assembly, in the "Outcome Document" of its 2005 Summit, requested the elaboration of a definition on Human Security.

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

"Accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights…"

Kofi Annan, UN Secretary-General. 2005.
In larger freedom: towards development, security and human rights for all.

UNDP Human Development Reports contains several indicators, such as access to education, food security, health services, gender equality and political participation, which correspond directly to human rights. In conclusion, the concepts of human security, human rights and human development are overlapping, mutually reinforcing and contingent upon each other.

UNESCO has a focus on Human Security, which gives equal attention to the issues of violence and of development and draws inspiration from a regional approach towards Human Security.

A **"Human Security Report"** has been published under the direction of Andrew Mack in 2005 focusing on violent threats to human security, to be continued on a yearly basis. It shows the relationship between conflicts and democratic governance, demonstrating that an increase of democratic governments across the world leads to a decrease in violent conflicts.

C. HISTORY AND PHILO-SOPHY OF HUMAN RIGHTS

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 for 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 under 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. 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 first 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*.). 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 and the **prohibition of slavery**, such as the declaration on the slave trade of the Vienna Congress in 1815, the

Human Dignity in the African concept:

"I am a human being because of your eyes seeing me as one…"

African Proverb, Mali.

"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.

founding of the American Anti-Slavery Society of 1833 and the International Convention against Slavery of 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 Ongoing Global Struggle for Human Rights in III. Additional Resources)*.

The French revolution, which was inspired by the American Declaration of Independence and the proclamation of the Virginia Bill of Rights of 1776, in 1789 declared the Rights of Men and of the Citizen. They were grouped under the categories of freedom, equality and solidarity, which were taken up again in the Charter of Fundamental Rights of the European Union of 2000.

*"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 …"*

Franklin D. Roosevelt,
32nd President of the United States. 1941.

However, the concept of **universal human rights** for all human beings was acceptable to states only after the horrors of World War II, 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 in large parts be considered customary international law.

The International Law of Human Rights is based on shared values as agreed upon in framework of the United Nations, which constitute elements of a global ethics. Philosophers like Jean-Jacques Rousseau, Voltaire and John Stuart Mill have argued for the existence of human rights. The prevailing "contract theories" granted rights in exchange of loyalty to the ruling power, whereas Immanuel Kant, in his cosmopolitan approach, claimed certain rights for the "*world citizen*". The international project "*world ethics*" under the direction of Klaus Küng found that all major religions share common core values, which largely correspond to basic human rights.
☺☞ *Religious Freedoms.*

An "*ethics of responsibility*" (Hans Jonas) and a "*global ethics in support of human rights*" (George Ulrich) have been proposed in order to meet the challenges of globalisation.

The debate on **priorities for certain rights** and **universality versus cultural relativism** 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*". (**Vienna Declaration and Programme of Action**. 1993. Para. 5)
☺☞ *Religious Freedoms.*

D. CONCEPT AND NATURE OF HUMAN RIGHTS

Today, the concept of human rights is recognised 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) which are based on the Universal Declaration. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) has been ratified by 182 countries, albeit with many reservations, whereas the UN Convention on the Rights of the Child has been ratified by 192 states.

The starting point of the concept of human rights is the concept of the *inherent dignity of all members of the human family* as enshrined in the Universal Declaration and the International Covenants of 1966, which also recognised 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 realised" due to the fact that they place financial obligations on the state. In the past, certain states or groups of states, such as the socialist states 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 a healthy environment. These rights provide a framework necessary for the full enjoy-

ment of all other rights. However, there is no conditionality in the sense that one category of human rights is a precondition for the other. The third category is best described as **solidarity rights**, because they require international cooperation and aim at community-building. Human rights need to be distinguished from "animal rights" and "earth rights" propagated by certain interest groups.

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 of the ICCPR). More particular rules are contained in the UN Declaration on Minority Rights of 1993 and 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.

In the framework of UNESCO, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005 and the Convention for Safeguarding of the Intangible Cultural Heritage of 2003 complement human and minority rights in preserving cultural identity.

The concept of human rights today is shared globally and as such forms a basis for the international community of states, international organisations 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.** Therefore, the concept of human rights is closely linked to the concept of democracy (*Right to Democracy)*. The requirements of the European Union and the Council of Europe for admission of new members point in the same direction. 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 transformative effect.

The traditional concept of human rights has been criticised by feminists for not properly reflecting the equality of women and men and for its lack of gender sensitivity. The World Conferences on Women and 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 (☺☞ *Human Rights of Women*). It is important to note that human rights instruments present a new social and political concept by legally recognising women as full and equal human beings.

Some states also point to their **historical, religious and cultural particularities** in arguing that certain human rights cannot apply to them in the same way as to others. The Declaration and Programme of Action of the Vienna World Conference recognised 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. However, the cultural context should be taken into account. The **dialogue of civilisations** taking place in the United Nations has this very purpose of recognizing the positive value of different civilisations without providing an excuse for not meeting the human rights obligations. One of the most difficult issues is the position of women within certain cultures which may lead to major human rights violations that need to be part of any agenda of dialogue.

E. HUMAN RIGHTS STANDARDS AT THE UNIVERSAL LEVEL

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 2006 the ICCPR had 155 and the ICECSR 152 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 certain human rights of women in this way.

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)

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 of the 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.

☞ *Non-Discrimination.*

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) of the ICCPR). Other state parties need to be informed through the Secretary-General of the United Nations. However, no restrictions are allowed from certain articles such as 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) of the 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 Committee of Ministers 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 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 fulfil** 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 fulfilment 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 recognises the right of everyone to education. However, it specifies that only primary education has to be made available free of charge. Secondary education and higher education 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 also have a *"horizontal dimension"*, which is gaining importance in the era of globalisation 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. ☺☞ *B. 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"*,

such as 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 authorises 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.

Complementary to 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 Resolution 1235, adopted by the UN Economic and Social Council (ECOSOC) in 1967, which allowed 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 ECOSOC resolution 1503 of 1970, allowing for petitions to be sent to the office of the UN High Commissioner of Human Rights in Geneva which are then 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. The situation in a particular country may also be discussed by the Human Rights Council of 47 members, which replaced the Commission on Human Rights in 2006 as a result of the reform of the United Nations in order to strengthen the main human rights body of the UN.

In the work of the Human Rights Commission and its **expert body,** the 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"* like the special representative on Bosnia and Herzegovina and the Federal Republic of Yugoslavia, on Afghanistan, Sudan or Haiti as well as *"thematic rapporteurs"* such as the special rapporteurs on torture or on violence against women. Altogether, there are nearly 40 such special procedures, 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, such as the human rights to education, to food, to adequate housing,

to health, structural adjustment policies and foreign debt. Furthermore, there are also *"independent experts", e.g.* on the right to development, and *"working groups"*, for instance on enforced and involuntary disappearances. In 2006, the **Human Rights Council** has assumed all mandates, functions and responsibilities of the Commission on Human Rights,

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, Colombia, Guatemala, Haiti, Kosovo, Montenegro, Serbia, Sierra Leone etc. They collect information and promote human rights standards, for example by providing advice for the legislative reform process or participating in the work of the international community.

The activities of these special institutions 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. They include universities, the educational sector in general, but also non-governmental organisations (NGOs).

On the **national level** the United Nations recommend the establishment of *"national institutions"* to promote and protect human rights, like ombudspersons 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 have been 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 **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** 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, organisations like Amnesty International or the Helsinki Committees have been subjected to criticism and, in some cases, even persecution for their work. There have been numerous cases worldwide where human rights activists have been imprisoned for their legitimate activities. 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, organising 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 Learn-

ing Institutions, e.g., 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.

The Balkan Human Rights Network (BHRN) assembles a number of human rights NGOs for sharing of information and joint activities.

Civil society organisations help to amplify the voice of the economically and politically disempowered. On issue-specific campaigns related to fair trade, violence against women, human rights and environmental violations, to name a few, international civil society has brought to the world's attention threats to human security.
NGOs can empower and mobilize a range of civil society organizations within their countries through rights-based education to strengthen citizen participation in economic and political processes and to ensure that institutional arrangements are responsive to people's needs.
(Source: **Human Security Now. 2003.** Commission on Human Security, 88)

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 three layers, namely the system of the Council of Europe (presently 46 members), of the Organization for Security and Cooperation in Europe (55 members) and of the European Union (presently 25 members).

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 14 additional protocols
- European Social Charter (1961), as revised in 1991 and 1996 and Additional 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 (ECHR)** 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 distinguish 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 ECHR mainly contains civil and political rights.

The **European Social Charter** of 1961 set out to add economic and social rights, but never gained the same importance as the ECHR. 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 established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Committee 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 ECHR 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.
☺☞ *Prohibition of Torture.*

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 re-action 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.

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.

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)
- European Agency for Fundamental Rights (2007)

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 recognised 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 damages. The supervision of the execution of the judgments is the task of the Committee of Ministers.

The main problem of this system at present is the large number of complaints received which has increased from about 1.000 in 1989 to more than 44.000 in 2004, resulting in an overloading of the system. The Protocol No. 14 to the ECHR of 2004 has been adopted to address this problem.

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 organisation. 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 ombudspersons 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 and Freedom of the Media*), 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 democratisation 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, the political integration of Europe towards a European Union since the 1980s has enabled human rights and democracy to 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, notably 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. Art. 6 and 7 of the 1995 Treaty on European Union explicitly refer to the European Convention of 1950 and it is foreseen that the European Union will accede to that convention as a member.

In 2000 a Convention was convened to draft 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. So far, it has no legally binding status. However, as it enshrines a number of human rights obligations which 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. Although a new European constitution, which should have given the European Charter on Fundamental Human Rights a binding status

has not (yet) come into force, a stronger focus on human rights might be achieved in other ways.

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. A European Agency for Fundamental Rights will be established in Vienna in 2007 to monitor the human rights treated in the European Charter. Based on the work of EUMC, it will collect data and provide reports on Human Rights situations on request and thus support European Union Human Rights policies.

In 1998, Art. 13 was introduced into the on the European Community Treaty 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 of the European Community Treaty member states have to apply the principle of *"equal payment for men and women"* and to adopt measures providing equality of opportunity. Additionally, this principle has been further developed in regulations and directives like the updated equal treatment directive 2002/73/EC.

☺☞ *Non-Discrimination.*

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-Amer-**

ican 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 Belém do Pará)**, which came into force in 1995, deserves special mentioning. It has already been ratified 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 of Women**, established already in 1928. There is also a **Special Rapporteur on the Rights of Women** (since 1994).
☺☞ *Human Rights of Women.*

**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 of individuals, for example 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, in force 1986)
- African Commission on Human and Peoples' Rights (1987)
- Protocol on the Establishment of an African Court on Human and People's Rights (1997, in force 2003)
- Protocol on the Rights of Women (2003, in force 2005)
- African Charter on the Rights and Welfare of the Child (1990, in force 1999)

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, which came into force in 2003. It can receive complaints only through the Commission as in the Inter-American System. The Court can be directly addressed by individuals only if states make a special declaration in that respect, which is the exception so far. However, in 2004, the Assembly of Heads of State and Government decided to merge the Court with the Court of the African Union on the basis of a new legal instrument, while all necessary measures for the functioning of the Human Rights Court can already be taken.

A regular monitoring of the national situation of human rights is to take place on the basis of the examination of **state reports** by the Com-

mission, which, however, are often irregular and unsatisfactory. Following the UN practice, the Commission has appointed **special rapporteurs on extra-judicial, summary and arbitrary executions**, on **prisons** and **conditions of detention,** on the rights of **women,** on human rights defenders and on freedom of expression.

The Commission also sends **fact-finding missions and promotional missions** organises **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 2005 had been ratified by only 35 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

For the Islamic countries, the *"Cairo Declaration on Human Rights in Islam"* of 1990 needs to be mentioned, which was drawn up by the Foreign Ministers of the *Organization of the Islamic Conference*, but never adopted officially? All rights stipulated in this Declaration are subject to the Islamic Sharia.

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 but has never entered into force for lack of ratifications.

In Asia, in spite of several attempts, it has not yet been possible to adopt a regional Human Rights instrument or to establish an Asian Human Rights Commission, mainly because of the diversity within the region. However, there are efforts within regional integration areas like ASEAN, 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."*

I. UNIVERSAL JURISDICTION AND 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 realised 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 remark-

able 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. Charles Taylor, the former head of state of Sierra Leone, was first allowed to leave for Nigeria, but, in March 2006, was returned to be brought to justice. He is to be tried by the Special Court for Sierra Leone, sitting in extraordinary sessions in the Hague.

Other forms of **establishing accountability** without necessarily leading to the punishment of the perpetrators are *"Reconciliation and Truth Commissions"*, which have been estab-lished 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 trail. 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. INTERNATIONAL 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 wide-spread systematic attack directed against any civilian population"*, which includes cases of rape, sexual slavery, forced pregnancy or any other form of grave sexual violence (☺☞ *Rights of Women*), the enforced disappearance of people or similar inhumane acts causing great suffering, such as serious injury to mental or physical health, war crimes and, in the future, the crime of aggression.

The **International Criminal Tribunal on 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 1994 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. As a consequence to the Rwandan genocide of 1994, the **International Criminal Tribunal for Rwanda (ICTR) was** established in Arusha, Tanzania. The Special Court for **Sierra Leone** is in function since 2002 and co-operated with the Truth and Reconciliation Commission, which in the meantime terminated its work. In the case of **Cambodia**, the implementation of an agreement between the United Nations and the

Cambodian government for the Cambodian War Crimes Tribunal of 2003 was delayed. The establishment of the tribunal is expected for 2006.

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.

The semi-international **Special Court for Sierra Leone**, investigates 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, such as Rosario (Argentina), Thies (Senegal), Bongo (Ghana), Kati, Kayes and Timbuktu (Mali), Mogole (South Africa), Nagpur (India), Dinapur (Bangladesh), Bucuy Municipality (Philippines), Porto Alegre (Brazil), the cities of Graz (Austria) and of Edmonton (Canada) 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, like in Venice (2003) and Nuremberg (2005) experiences of good practices are exchanged by the signatory cities and communities.

The **"International Coalition of Cities against Racism"**, initiated by UNESCO, addresses problems of racism and xenophobia in cities in order to assist them to take the increasing cultural diversity of their inhabitants better into account. On the regional level, a "European Coalition of Cities against Racism" has been started in 2004 (see: http://www.unesco.org/shs/citiesagainstracism). Several cities also

have Human Rights Commissions and ombuds-persons or other institutions, which work to prevent and redress human rights violations.

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 realisation 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 realisation 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, led by a Steering Committee, which includes all sectors of society, oversees the long-term process (see: http://www.pdhre.org).

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. A Global Human Rights Cities Campaign has been started by PDHRE with the support of UNDP, which has also engaged in local projects.

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 mobilisation 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 organisations in the city hall of Graz
October 2003:
Conference on results of the first implementation phase
2005:
Announcement to join the European Coalition on Cities against Racism

2006:
Establishment of Advisory Board for Human Rights, launching of human rights prize of the city

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 level. Among them is a more active attitude of the international community, which now includes human rights officers in international missions and thus institutionalises the consideration of human rights concerns in the field, which is expected to have an important preventive effect. The reform of the UN human rights system by replacing the Human Rights Commission with the Human Rights Council should result in a significant strengthening of human rights institutions.

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 organisations as representatives of civil society play a major role. There is still a need for **standard-setting** in several fields of concern, as can be seen from ongoing work in the United Nations on a convention for persons with disabilities, a convention on protection from enforced disappearances, an optional protocol allowing for complaints on economic, social and cultural rights, legal instruments to address, human rights issues related to biotechnology and genetic engineering, trade in human organs, cultural diversity etc.

At the same time, existing human rights can be made more visible by focusing on *"core*

rights" as evidenced by 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.)*. 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. 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.

☺☞ *Rule of Law, Right to Democracy.*

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 organisations, like the World Bank, the IMF or the WTO. Accordingly, the issue of reparation after gross and systematic human rights violations has become topical and the UN Sub-Commission for the Protection and Promotion of Human Rights has prepared "Norms on the responsibility of transnational corporations and other business enterprises".

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 globalisation. Participating companies accept ten basic principles in the fields of human rights, labor standards, environment and anti-corruption and engage in a result-oriented dia-logue related to global problems, i.e. the role of business in zones of conflict.

☺☞ *Right to Work.*

A major challenge is the maintenance of human rights standards, while fighting the increasing threats from terrorism. No human being must be left outside the law or stripped off his inalienable human rights, while, at the same time, the protection of the rights of victims of criminal or terrorist acts needs to be improved. The Council of Europe has adopted "Guidelines on Human Rights and the Fight against Terrorism" as well as on the "Protection of Victims of Terrorist Acts" to address thoese new challenges. The UN Secretary-General and the UN High Commissioner for Human Rights have made it clear that the protection of human rights has to be a part of the struggle against terrorism.

"I believe that there is no trade-off to be made between human rights and terrorism. Upholding human rights is not at odds with battling terrorism: on the contrary, the moral vision of human rights – the deep respect for the dignity of each person – is among our most powerful weapons against it.

To compromise on the protection of human rights would hand terrorists a victory they cannot achieve on their own. The promotion and protection of human rights, as well as the strict observance of international humanitarian law, should, therefore, be at the center of anti-terrorism strategies."

(**UN Secretary-General Kofi Annan.** 2003. See http://www.un.org/News/Press/docs/2003/sgsm8885.doc.htm)

M. REFERENCES

Alfredson, Gundumur; et al. 1999. *The Universal Declaration of Human Rights*. Oslo: Scandinavian University Press.

Alston, Philip (ed.). 1999. *The EU and Human Rights*. Oxford: Oxford University Press.

Andreopoulos, George J. and Richard Pierre Claude (eds.). 1997. *Human Rights Education for the Twenty-First Century*. Philadelphia: University of Pennsylvania Press.

An-Na'im, Abdullahi Ahmed (ed.). 1992. *Human Rights in Cross-cultural Perspectives*, A Quest for Consensus. Philadelphia: University of Pennsylvania Press.

Arbour, Louise. 2005. *The Right to Life and the Responsibility to Protect in the Modern World.* Boston, 9 December 2005, http://www.jfklibrary.net/forum_nuremberg_arbour_remarks.html

Asia-Europe Foundation (ASEF). 2000. *The Third Informal ASEM Seminar on Human Rights*. Singapore.

Bayefsky, Anne F.. 2002. *How to Complain to the UN Human Rights Treaty System*. New York: Transnational Publishers.

Baxi, Upendra. 1994. *Inhuman Wrongs and Human Rights: Unconventional Essays*. Delhi: Har-Anand Publications.

Baxi, Upendra. 2002. *The Future of Human Rights*. Oxford: Oxford University Press.

Benedek, Wolfgang (ed.). 1999. *Human Rights in Bosnia and Herzegovina, Theory and Practice*. The Hague: Martinus Nijhoff Publishers.

Benedek, Wolfgang, Esther M. Kisaakye and Gerd Oberleitner (eds.). 2002. *The Human Rights of Women: International Instruments and African Experiences*. London: Zed Books.

Benedek, Wolfgang and Alice Yotopoulos-Marangopoulos (eds.). 2003. *Anti-Terrorist Measures and Human Rights*. Leiden: Martinus Nijhoff Publishers.

Benedek, Wolfgang, Koen de Feyter and Fabrizio Marella (eds.). *Economic Globalization and Human Rights.* Cambridge: Cambridge University Press, forthcoming.

Binder, Johannes. 2001. *The Human Dimension of the OSCE: From Recommendation to Implementation*. Vienna: Verlag Österreich.

Buergenthal, Thomas, Diana Shelton and David Stewart. 2002. *International Human Rights in a Nutshell*. 3rd Edition. St. Paul: West Group.

Buergenthal, Thomas and Diana Shelton. 1995. *Protecting Human Rights in the Americas – Cases and Materials*. 4th rev. Edition. Kehl: Engel.

Cassese, Antonio. 2001. *International Criminal Law. A Commentary on the Rome Statute for an International Criminal Court*. Oxford: Oxford University Press.

Commission on Human Security. 2003. *Human Security Now, Protecting and empowering people.* New York: Oxford University Press.

Council of the European Union. 1999 et seq. *Annual Report on Human Rights*. Brussels: European Communities.

Davidson, Scott. J. 1997. *The Inter-American Human Rights System*. Aldershot: Ashgate Publishing Company.

De Feyter, Koen. 2005. *Human Rights: Social Justice in the Age of the Market.* London: Zed Books

Department of Foreign Affairs and International Trade, Canada. 1999. *Human Security: Safety for People in a Changing World*. Available online at: http://www.cpdsindia.org/globalhumansecurity/changing-world.htm

Donnelly, Jack. 2003. *Universal Human Rights in Theory and Practice*. 2nd Edition. Ithaca: Cornell University Press.

Drinan, Robert F. 2001. *The Mobilization of Shame, A World View of Human Rights*. New Haven: Yale University Press.

Evans, D. Malcolm and Rachel Murray. 2002. *The African Charter on Human and Peoples' Rights. The System in Practice, 1986-2000*. Cambridge: Cambridge University Press.

Forsythe, David P. 2000. *Human Rights in International Relations*. Cambridge: Cambridge University Press.

Freeman, Michael. 2002. *Human Rights*. Oxford: Polity Press.

Garcia, Ramirez. 2001. *El Futuro del Sistema Interamericano de Protección de los Derechos Humanos*. In: Garcia Ramirez, S. (ed.). La jurisprudencia de la Corte Interamericana de Derechos Humanos. México D. F.: Universidad Nacional Autónoma de México. p. 1118-1144.

Ghai, Yash. 1999. *Human Rights, Social Justice and Globalisation*. In: Bell, D.; Bauer, J. (ed.). The East Asian Challenge to Human Rights. Cambridge: Cambridge University Press.

Ghai, Yash. 1998. *Human Rights and Asian Values'*. Public Law Review. (Volume 9/3). pp. 168-182.

Gomien, Donna. 2005. *Short Guide to the European Convention on Human Rights*. 3rd Edition. Strasbourg: Council of Europe.

Hanski, Raija and Markku Suksi (eds.). 1999. *An Introduction to the International Protection of Human Rights*. A Textbook. 2nd Edition. Turko/Abo: Institute for Human Rights. Abo Akademi University.

Jones, John R.W.D. 2000. *The Practice of the International Criminal Tribunals for the Former Yugoslavia and Rwanda*. 2nd Edition. Irvington-on-Hudson/NY: Transnational Publishers.

Mack, Andrew (ed.). 2005. *Human Security Report*. Human Security Centre, University of British Columbia. Oxford: Oxford University Press.

Maddex, Robert. L. 2000. *International Encyclopaedia of Human Rights*. Washington: Congressional Quarterly Press.

McRae, Rob and Don Hubert (eds.). 2001. *Human Security and the New Diplomacy, Protecting People, Promoting Peace*. Montreal: McGill-Queen's University Press.

Newman, Edward and Oliver P. Richmond (eds.). 2001. *The United Nations and Human Security*. New York: Palgrave.

Nowak, Manfred. 2003. *Introduction to the International Human Rights Regime*. Leiden: Martinus Nijhoff Publishers.

Office of the High Commissioner for Human Rights. 1998. *Basic Human Rights Instruments*. 3rd Edition. Geneva: OHCHR.

OSCE. 2000. *OSCE Handbook*. Vienna: OSCE.

Ramcharan, Bertrand G. 2002. *Human Rights and Human Security*. The Hague: Martinus Nijhoff Publishers.

Report of the International Commission on Intervention and State Sovereignty. 2001. *The Responsibility to protect.* International Development Research Centre. Ottawa, at: http://www.idrc.ca

Robertson, Geoffrey. 2002. *Crimes Against Humanity. The Struggle for Global Justice*. London: Penguin.

Sicilianos, Linos-Alexander and Christiane Bourloyannis-Vrailas, (eds.). 2001. *The Prevention of Human Rights Violations*. The Hague: Martinus Nijhoff Publishers.

Smith, Rhona. 2003. *Textbook on International Human Rights.* Oxford: Oxford University Press.

Steiner, Henry J. and Philip Alston. 2000. *International Human Rights in Context, Law, Politics, Morals, Text and Materials*. 2nd Edition. New York: Oxford University Press.

Symonides, Janusz and Vladimir Volodin (eds.). 2001. *A Guide to Human Rights, Institutions, Standards, Procedures*. Paris: UNESCO.

Symonides, Janusz (ed.). 2000. *Human Rights: Concept and Standards*. Ashgate: UNESCO.

Todorovic, Mirjana (ed.). 2003. *Culture of Human Rights.* Belgrade: Human Rights Centre.

Ulrich, George. 2006. *Towards a theory of global ethics in support of human rights*, in: Wolfgang Benedek, Koen de Feyter, Fabrizio Marella (eds.). 2006, Economic Globalization and Human Rights. Cambridge: Cambridge University Press, forthcoming.

Umozurike, U. Oji. 1997. *The African Charter on Human and Peoples' Rights*. The Hague: Martinus Nijhoff Publishers.

United Nations General Assembly. 2005. *In lager freedom: towards development, security and human rights for all. Report of the Secretary-General.* Available online at: http://www.un.org/largerfreedom/contents.htm

Welch Jr., Claude E. 2000. *NGOs and Human Rights: Promise and Performance.* Philadelphia: University of Pennsylvania Press.

Willets, Peter (ed.). 1996. *The Conscience of the World, The Influence of Non-Governmental Organizations in the UN System.* London: Hurst.

☺☞ *III.B. Suggested Literature on Human Rights.*

DOCUMENTS AND ADDITIONAL INFORMATION:

Balkan Human Rights Network (BHRN), http://www.balkan-rights.net/index.html

Council of Europe. 2002. *Guidelines on Human Rights and the Fight against Terrorism.* http://www.coe.int/T/E/Human_rights/h-inf(2002)8eng.pdf

Council of Europe. *Guidelines on the Protection of Victims of Terrorist Acts.* 2005. http://www.icj.org/IMG/pdf/GLCDDH.pdf

European Training and Research Centre for Human Rights and Democracy: http://www.etc-graz.at

Graz Declaration on the Principles of Human Rights Education and Human Security, 5th Ministerial Meeting, Graz, 10 May 2003, http://www.etc-graz.at/human-security/declaration/declaration.pdf

Human Security Network: http://www.humansecuritynetwork.org

Human Security Centre: http://www.humansecurity centre.org

Network of Human Rights Centres in South-East Europe (SEE-HRCNet): http://www.see-hrc.net

UNESCO: http://www.unesco.org

United Nations. Draft *Declaration on Human Rights of Indigenous People*, http://www.cwis.org/drft9329.html

United Nations. 2005. *World Summit Outcome Document.* UN Doc. A/RES/60/1 of 16 September 2005

United Nations. *United Nations Declaration on Minority Rights* (1993), Available online at: http://www1.umn.edu/humanrts/instree/d5drm.htm

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

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

Article 5, Universal Declaration of Human Rights. 1948.

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. 1999.** *Case of Selmouni v. France.* Judgment from 28 July 1999. Strasbourg.)

Discussion questions

1. How would you characterise 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

At the beginning of the 21st century, a world free from torture and inhuman and degrading treatment is still an unfulfilled aspiration. Human rights organisations and media report increasingly about cases of torture and ill-treatment and try to raise awareness both about commonly agreed standards and the differing compliance of states.

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 industrialised and developed ones as well, contrary to the widely shared view that torture is a phenomenon attributable only to poor and "uncivilised" societies. Even though torture or different forms of ill-treatment exist throughout the world, what differs from place to place is the extent to which they are practiced and the methods used.

The **prohibition of torture is absolute** and has been reaffirmed as such in many international and regional human rights 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, torture and ill-treatment are still practiced. Torture and inhuman and degrading treatment happen frequently and repeatedly; 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 shows 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. And, their effect has not altered; torture and other serious forms of ill-treatment continue to be a severe human rights violation and a threat to human security. They infringe upon the physical and psychological integrity of the human being and thus require 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 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 organisations 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 prohibition of torture and other forms of cruel, inhuman and degrading treatment and punishment.

Prohibition of Torture and Human Security

Torture and ill-treatment are grave human rights violations and direct threats to the security of any person. Thus, protecting human life and preserving the physical and psychological integrity of every human being is central to the human security approach. 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, are the cornerstones for enhanced human security and well-being. Additionally, the improved implementation of all human rights standards constitutes an important element of the overall strategy for enhancing human security. The Statute of the International Criminal Court, whose establishment has been fervently advanced by the Human Security Network, explicitly recognises 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 human rights violations 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 and endorsed by all signatory states of the **United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT),** 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."

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.

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 on 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."* Mr. Theo van Boven, former 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 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 is a court to examine it as a case of torture.

"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. 2001.

**Methods of Torture –
How is Torture Committed?**

In principle, anything, from water to household utensils, can be turned into an instrument of torture. Today, the tools and methods of torture have evolved rather than regressed and their cruelty and inhumanity has also augmented. A great concern about low or lacking governmental control is expressed by the former Special Rapporteur on Torture in a study on the situation in trade and production of equipment which is specifically designed to inflict torture or other inhuman and degrading treatment. A number of torture techniques currently widely practiced 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 her/his 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 deprivation 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 torture of other people, threat of execution or a simulated execution, continuous humiliation and terrorisation, 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 on the dignity of the human being and a violation of her/his human rights. A world free from torture means 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 Practised?**

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 utilised 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 is also practised 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 fulfiling 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 where the laws and the obligations they entail are rarely respected. Ill-treatment happens most often in prisons, police stations and other detention centres, but cases of its occurrence in private homes or in specialised 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 has 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 risk of re-traumatisation. 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 always asked to be killed. Torture is worse than death."*
>
> **Jose Barrera**, Honduran torturer.

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 specialised 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 (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 accepted but also legalised practices throughout a number of religious courts which regulate marriages and inheritance as well as other areas of the 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 criticised 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 inter-rogation 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 torture practices start. Only in 1999, in the case **Public Committee against Torture in Israel v. the State of Israel**, the Israeli Supreme Court 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 seem to be 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 acts of terrorism differ from other human rights violations and crimes and thus necessitate the endorsement of special standards to prevent and fight them. A few countries such as Ireland, Turkey and the USA have anti-terror laws in which fast-track procedures have been introduced, as compared to the usual national penal procedures, and some human rights and freedoms are, as a consequence, curtailed. Following 11 September 2001, a renewal of an age-old debate of whether it is acceptable to torture terror-ists (criminals) in order to save other people's lives could be witnessed in many countries. The most recent discussions on the question of torture in the US Congress initiated in part by Senator McCain, himself a victim of torture during the Vietnam war, demonstrate the need of reinstating the principle of absolute prohibition of torture. In Germany in 2004, the Federal Constitutional Court judgement in the case of Wolfgang Daschner, a German police chief, who threatened the kidnapper of an 11-year-old boy with use of force in the hope to save the boy's life once again firmly upholds the principle of absolute prohibition of torture and the impermissibility of exceptions or derogations under any circumstances. Closely related to this issue are questions as to whether victims are entitled to greater protection of their human rights than criminals and whether the life of a perpetrator of crimes or terrorist attacks has the same value as the 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 and should be strictly respected.

Only in this way, many believe, can the spirit and function of international law as a guardian of world peace, human rights and 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 and ratified those international legal commitments and translated them into domestic leg-

islation and practice. Strong regional systems for the prevention of and protection against torture have evolved (in Europe for example) and national inspection mechanisms (visits) have also emerged.

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

The **United Nations Committee against Torture (CAT)**, the UN monitoring body established in accordance with Art. 17 of the UN Convention against Torture, started with their work on 1 January 1988. CAT 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 to 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 closely co-operates 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.

Optional Protocol to UNCAT

The 57th UN General Assembly Session in New York in 2002 adopted the **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 inter-

national 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. Under supervision of the Sub-Committee, 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 are 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 set.

This Protocol is therefore considered to be a real step forward in strengthening the international and national prevention mechanisms against torture and inhuman and degrading treatment. However, even though international legal safeguards for torture prevention abound, they are not fully implemented at the national level. It is imperative that national legislation provisions are harmonised with international standards and that national systems for monitoring and reporting are created. The full eradication of torture can only become a reality once the international standards that have been elaborated find their place in 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 with their reintegration in societal life are all essential requirements for a just and fair national order.

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 the 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 visiting mechanisms to places of detention, as well as providing for independent monitoring and reporting by civil organisations;
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 writing of letters and appeals. 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

Today, there are numerous activities worldwide which belong to the tight network of initiatives to mobilise 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 improvement of legislation implementation play an important role in the process as well. All these levels are interconnected 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;
• 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.

The Austrian Advisory Board for Human Rights
Set up in 1999 on the suggestion of the European Committeee for the Prevention of Torture and Inhuman Treatment to advise the Minister of the Interior, the Austrian Advisory Board for Human Rights produces reports and recommendations addressing structural problems of

*"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.

Human Rights in all areas of activity of the Austrian police. It oversees six Human Rights Commissions, which can visit any place of police detention in Austria at any time without announcement. This has led to significant improvements in police detention centres
(Source: **Menschenrechtsbeirat – Human Rights Advisory Board:** www.menschen-rechtsbeirat.at)

Activities of International Organisations

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 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").
Since 2004, the UN Special Rapporteur on Torture is Manfred Nowak from Austria. He already undertook visits to Nepal and China, whereas a visit to Guantanamo together with four other special

rapporteurs was cancelled because the U.S. authorities refused free access to the prisoners.

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: **United Nations High Commissioner for Human Rights. 2002.** *Fact Sheet No. 4. Combatting Torture.)*

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 o f 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 Committee 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 latters' 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 24 March 2006, CPT conducted 208 visits (129 periodic visits and 79 ad hoc visits) and published 154 Reports.

(Source: **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):** http://www.cpt.coe.int)

"... 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."

(Source: **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 Organisations (NGOs)

In 1997, the UN proclaimed 26 June an International Day in Support of Victims of Torture. Ever since, world-wide international networks for the 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 the article „The Forgotten Prisoners" in the newspaper The Observer, 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 torture and ill-treatment of women, children, ethnic minorities, lesbians, gays, bisexual and transgender people.

By the end of the year, over 35,000 people from 188 countries had signed up on the torture campaign website, http://web.amnesty.org/pages/stoptorture-index-eng, to take action on urgent cases by sending e-mail appeals.
In October 2000, AI adopted the **12-Point Programme 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 institutionalisation.

12-Point Programme for the Prevention of Torture
Amnesty International calls on all governments to implement the organisation's 12-Point Programme 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 recognised 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 con-

fessions 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: In Tokyo in 1975, the World Medical Association (WMA) adopted a **Declaration on 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:** 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. In response to an initiative of the former special rapporteur against torture, Theo van Boven, the European Union in 2005 has introduced a ban on the trade with torture instruments.

- 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.

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 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

1989 The European Convention for the Prevention of Torture and 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

SELECTED ACTIVITIES

**ACTIVITY I:
TORTURING TERRORISTS?**

😊**1**

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: 10-12

Time: 90 min

Preparation:

- Collect recent local and international newspaper clippings, articles and photos, and prepare and copy a collection of the international and regional human rights standards on the prohibition of torture;

- Ask the participants to bring a topic-related item themselves;
- Alternatively, review the judgement in the German case of Wolfgang Daschner.

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 the 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 on 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, the 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 organisation 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 summarise, 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: **Flowers, Nancy; 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

ACTIVITY II: 😊**2**
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: 10-20 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 the 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 antonyms of torture as possible. Record all answers on a 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. In advance, you can decorate both corners with posters, relevant journalistic 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, sports, 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 characterise 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 summarise, 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

REFERENCES

Amnesty International. 2003. *Combating Torture: A Manual for Action.* London: AI.

Amnesty International. 1999. Israel Supreme Court to Rule on Torture and the Holding of Hostages. AI Index: MDE 15/39/99, 25 May. Available online at: http://t2web.amnesty.r3h.net/library/Index/ENGMDE150391999?open&of = ENG-2D2

Association for the Prevention of Torture (APT). 2005. *Annual Report 2005.* Available online at: http://www.apt.ch/pub/library/APT%20Annual%20Report%202005%20English.pdf

Association for the Prevention of Torture (APT). 2004. *Monitoring places of detention: a practical guide.* Available online at: http://www.apt.ch/pub/library/Monitoring%20Guide%20EN.pdf

Association for the Prevention of Torture (APT). 2002. *Torture under International Law - Compilation of Standards.* Geneva: APT.

Burgers, J. Herman and Hans Danelius. 1988. *The United Nations Convention against Torture – A Handbook on the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.* Dordrecht: Martinus Nijhoff Publishers.

Coyle, Andrew. 2002. *A Human Rights Approach to Prison Management – A Handbook for Prison Staff.* London: International Center for Prison Studies. Available online at: http://www.kcl.ac.uk/depsta/rel/icps/human_rights_prison_management.pdf

Danner, Mark. 2004. *Torture and Truth: America, Abu Ghraib, and the War on Terror.* New York: New York Review of Books.

European Court of Human Rights. 1999. C*ase of Selmouni v France from 28 July 1999.* Available online at: http://www.echr.coe.int

Evans, Malcolm D. and Rod Morgan. 1998. *Preventing Torture – A Study of the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment.* Oxford: Oxford University Press.

Evans, Malcolm D. and Rod Morgan. 1999. *Protecting Prisoners – The Standards of the European Committee for the Protecton of Torture in Context.* Oxford: Oxford University Press.

Evans, Malcolm D. and Rod Morgan. 2001. *Combating torture in Europa – the work and standards of the European Committee for the Prevention of Torture (CPT).* Strasbourg: Council of Europe Publishing.

Giffard, Camille. 2000. *The Torture Reporting Handbook.* Essex: Human Rights Center of the University of Essex. Available online at: http://www.essex.ac.uk/torturehandbook/english.htm

Human Rights Watch. 2005. *Torture: A Human Rights Perspective.* New York: The New Press.

Inter-American Institute for Human Rights (IIDH). *Optional Protocol. A Manual for Prevention.* Available online at: http://www.apt.ch/pub/library/OPCAT%20Manual.pdf

Kellaway, Jean. 2004. *The History of Torture & Execution: From Early Civilization through Mediaval Times to the Present.* London: Mecury Books.

Menschenrechtsbeirat – Human Rights Advisory Board: www.menschenrechtsbeirat.at

Niyizurugero, Jean Baptiste (ed.). 2003. *Preventing Torture in Africa.* Geneva: APT. Available online at: http://www.apt.ch/pub/library/Preventing%20Torture%20in%20Africa.pdf

Office of the United Nations High Commissioner for Human Rights. 2002. *Fact Sheet No. 4 "Combating Torture" of the Human Rights Fact Sheet series.* Geneva: OHCHR.

OSCE. *Preventing Torture. A Handbook for OSCE Field Staff.* Available online at: http://www1.osce.org/documents/odihr/1999/08/754_en.html

Popovic, Sabina. 1999. *Torture, Consequences and Rehabilitation. A Manual.* Sarajevo: CTV.

Rodley, S. Nigel. 2000. *The Treatment of Prisoners under International Law.* Oxford: Oxford University Press.

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.*

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/55/290 from 11 August 2000. *Interim 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. CAT/C/XXVII/Concl.5 (Concluding observations/comments) from 23 November 2001. *Conclusions and Recommendations of the Committee against Torture: Israel.*

UN Doc. E/CN.4/2006/120 from 15 February 2006. *Report on Situation of Detainees in Guantanamo Bay.*

UN Doc. E/CN.4/2003/69 from 13 January 2003. *Study on the situation in trade in and production of equipment which is specifically designed to inflict torture or other inhuman and degrading treatment, its origin, destination and forms by the Special Rapporteur on Torture.*

United Nations. Economic and Social Counsel. 2004. *Civil and Political Rights, including the Questions of Torture and Detention. Torture and other cruel, inhuman or degrading treatment. Report of the Special Rapporteur on the Question of Torture, Theo van Boven.* E/CN.4/2005/62. Available online at: http://daccessdds.un.org/doc/UNDOC/GEN/G05/104/83/PDF/G0510483.pdf?OpenElement

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: http://www.ohchr.org/english/law/cat.htm

Walmsley, Roy. 2002. *Findings 188: World Prison Population List, (*4th edition). London: Home Office. Available online at: http://www.homeoffice.gov.uk/rds/pdfs2/r188.pdf

Zamfara State of Nigeria Shari'a Penal Code Law from January 2000: 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.apt.ch

Canadian Centre for Victims of Torture:
http://www.ccvt.org

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

International Rehabilitation Council for Torture Victims: http://www.irct.org

No Torture: http://notorture.ahrchk.net

Special Rapporteur of the Commission on Human Rights on the question of torture: http://www.un-hchr.ch/html/menu2/7/b/mtor.htm

Stop Torture Campaign: http://web.amnesty.org/pages/stoptorture-index-eng

United Nations Committee against Torture:
http://www.unhchr.ch/html/menu2/6/cat.htm

United Nations Special Rapporteur on Torture:
http://www.ohchr.org/english/issues/torture/rapporteur

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. «

Art. 22, 23, 25, 26 of the Universal Declaration of Human Rights. 1948.

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 subsidised 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 labourers. 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: **Luke Harding. 2002.** *Dying of hunger in a land of surplus. Caste and corruption connive to keep food from India's poor*. In: Baran, Rajasthan. 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 in 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 between society and 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 on 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 characterised 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 participate in decision-making processes, lack of personal security, inability to participate in the life of a community and threats to sustainable and intergenerational equity.* **Poverty is the denial of economic, social and political power and resources that keeps the poor immersed in poverty**.

> **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.

Amartya Sen, while stressing the need for viewing the challenges of global equity and human security, somewhat differently stated that *"the urgent tasks include 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."* (Source: Report on the **Second Meeting of the Commission on Human Security**, 16-17 December 2001, http://www.humansecurity-chs.org/activities/meetings/second/index.html)

Thus poverty is both a state of deprivation and of vulnerability. The resultant growing inequality and discrimination between nations and within nations violates the rights of the poor to live in security and 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, their income level is below the defined poverty line. Many countries have adopted income poverty lines to monitor the 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 (HDR)** 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 ed-

ucation, 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 labour, but does not take responsibility for their shelter, health and educational needs, pushing them further into vulnerability and insecurity. 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.
☺☞ *Right to Work.*

Basic needs – Denial of food, education, healthy living and housing, e.g. the commercialisation of water, electricity, school and

hospital services pushes the prices of essential services beyond the reach of the poor, forcing them to sell their meagre assets and live a sub-human existence, which **ultimately robs them of the right to living in dignity.**
☺☞ *Right to Health, Right to Education.*

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.
☺☞ *Rule of Law and Fair Trial.*

Organisation – Denial of the right to organise, assume power and to resist injustice, e.g. poverty interferes with the freedom of workers to organise 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 usurps 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 meagre wages. Children, instead of being at school, are forced into exploitative labour 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.

Feminisation 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 labour. Most female labour is undocumented and unpaid. Women are preferred to men as workers 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 realising their human rights.
☺☞ *Human Rights of Women.*

Poverty denies **children** the opportunity to fulfil 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 the rapid rise of urbanisation, 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 labour. Furthermore, increasing commercialisation of education and health services deprives children of their basic

constitutional rights in many countries.
☺☞ *Human Rights of the Child.*

Why Poverty Persists
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 industrialised 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 programmes (SAPs)** of the World Bank and the stabilisation 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 paying off debts, thereby however neglecting expenditure on basic services like health, education and shelter. *(☺☞ Good Practices, Poverty Reduction Strategy Papers.)*

The **neo-liberal globalisation** puts emphasis on production for exports and ignores the basic rights of people to fulfil 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 the absence of safety nets impact the poor. Inflation, contraction of employment and erosion of real wages brought out by liberalisation and privatisation 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. Interestingly, the Human Development Report 2005 states that this measurement method does not enjoy full recognition anymore, instead more specified data is needed in order to monitor the progress on the way to achieving the Millennium Development Goals. Consequently, the examination of developments in this process also leads to highly alarming data, such as the prediction that in case the present policies are kept, the goal to reduce child mortality will be missed and the goal to ensure primary education will not be met, leaving 47 million children out of school by 2015. While there has been progress as far as access to safe drinking water and the provision of basic vaccinations are concerned, some goals, like the achievement of literacy, still lack proper implementation. According to the Hu-

man Development Report 2005, 800 million people remain illiterate worldwide. Another issue to be considered remains the pledge to combat child mortality, a challenge highlighted by the 2005 Human Development Report according to which in 2002 every three seconds a child under 5 years of age died. More needs to be done, for example, in the fight against HIV/AIDS, and the policy of some of the worst-affected countries to deny and neglect the topic or even emphasise stereotypes will certainly not add to the achievement of the relevant MDG.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

Relative Poverty and Absolute Poverty
Relative Poverty denotes that a person or 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 categorised as absolutely poor by American standards may be considered relatively poor, say, in the African context.
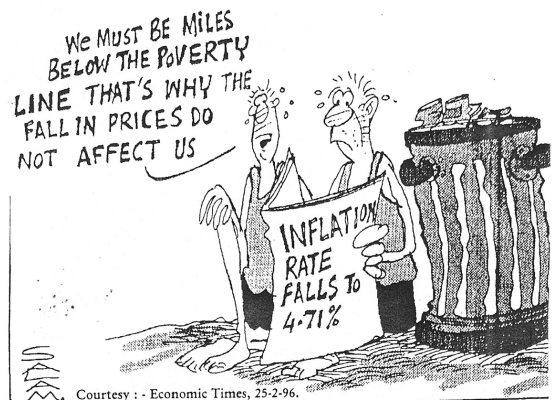
Courtesy : - Economic Times, 25-2-96.

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? …"* **Lothian Anti Poverty Alliance:** http://www.lapa.org.uk

Although Jim's basic economic needs are taken care of, he experiences exclusion and stagnation and is unhappy with his atomised existence and powerlessness. The latter indeed shows how 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 paralysing 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.

Questions for Discussion:

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 the continued extraction and exploitation of natural resources by commercial interests of the developed countries resulting in the 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 over gaining control over resources, causing political, social and economic instability.

The argument that a large number of poor people stand 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 such as to reduce

greenhouse gas emissions, to bring in energy efficiency standards and to pay transaction taxes for movement of capital across borders, sustainable development can 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 defence 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 actually decided to write off existing debts against concrete commitments by governments in order to channel funds into poverty eradication based on local social requirements.
The estimated costs would be further reduced if respective states decided to undertake radical reforms in the area of redistribution of wealth and resources and if they decided to give developmental spending priority over defence expenditures.

4. IMPLEMENTATION AND MONITORING

During the UN Millennium Assembly session in 2000, heads of states and governments 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. These 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 **the First United Nations Decade for the Eradication of Poverty**. Each year, **17 October** is celebrated as the **UN International Day for the Eradication of Poverty**.

THE UN MILLENNIUM DEVELOPMENT GOALS

Goal 1:
Eradicate extreme poverty and hunger
Goal 2:
Achieve universal primary education
Goal 3:
Promote gender equality and empower women
Goal 4:
Reduce child mortality
Goal 5:
Improve maternal health
Goal 6:
Combat HIV/AIDS, Malaria and other diseases
Goal 7:
Ensure environmental sustainability
Goal 8:
Develop a global partnership for development

(Source: **UN Millennium Development Goals:** http://www.un.org/millennium-goals)

Globalisation and its controversial implications are generating new forms of poverty. Moreover, these new forms are 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 globalisation on Africa is quite unlike that on India mainly due to the different socio-political and economic conditions in Africa as compared to 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 marginalisation.

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 to 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 period after the second World War.

It is the holistic approach to human rights that enables a response to the multi-dimensional nature of poverty. This approach goes beyond charity, recognising 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 fulfil. While individual states have the main responsibility for realising the human rights of its citizens, other states and non-state actors also have an obligation to contribute to and support this process. This is of utmost importance for establishing equitable, just and non-protectionist systems of multilateral trade, an adequate flow of financial assistance, and for ensuring that the poor

have a stake in the development process in this globalising 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 the state reports at regular intervals, may accept complaints, and make observations and recommendations to states, economic institutions, 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 instrument are impeding factors. Reports observe that debt burden, the 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 the 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 made on international platforms like the WTO (e.g. TRIPS which could result in increasing the costs of medi-

cines to satisfy corporate greed, and thus denying individuals their basic human right to a healthy life and living in dignity) and inadequate resource allocation for realising 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 Human Rights and 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 the 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 presented essential findings on how the situation of the poor can be changed. To fulfil those requirements, human rights education is necessary to empower the poor and help them change their destiny. 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 the building of organisations and the creation of self-help networks so that they can claim and pursue the progressive realisation of all human rights and fully eradicate

poverty. In her 2004 report, the Independent Expert on human rights and extreme poverty, Ms. A.-Z. Lizin of Belgium, pointed out that "The total world military budget for 2003 alone would cover the cost of building all the schools that Africa needs for young people aged from 0 to 18 years and pay their teachers for 15 years".

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: **United Nations General Assembly. 2001.** *Road map towards the implementation of the United Nations Millennium Declaration.* Available online at: http://www.un.org/documents/ga/docs/56/a56326.pdf)

GOOD TO KNOW

There is a consensus emerging based on the experience of peoples' movements and the work of NGOs and aid agencies that, for development to reach the poor, some fundamental steps which involve land reforms, ownership and control of livelihoods and resources by the poor, literacy and education, health, shelter and nutrition need to be taken. Offering hybrid cows instead of land to the landless, exclusive loans for buying land for agriculture without addressing other infrastructural needs in a situation where crops are dependent on irrigation, providing flexible schools for child labourers 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 is successful when it takes place at the local, decentralised 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 right to information and human rights education enables the marginalised to become aware of their human rights and this can lead to their taking action.
- Building organisations of the people enhances their collective strength, whereby they can claim their human rights. Through empowerment the poor can assert their right to resources and enhance their dignity and self-respect.
- Ensuring work at liveable 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 globalisation.
- Greater accountability of international and domestic developmental 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 sectors they would contribute to poverty reduction.

- War and strife increase poverty. Efforts to eradicate poverty without ensuring conditions of real peace and 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 were 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 mobilise the poor and move them forward primarily through local capital accumulation and asset creation. Its purposes are to extend banking facilities to poor men and women in rural Bangladesh, eliminate the exploitation by money lenders, create opportunities for self-employment for unutilised and underutilised human resources, organise the disadvantaged people in way they understand and ensure 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 creditworthy. 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 attempted in other neighbouring countries, too. (Source: **Grameen Bank:** http://www. grameen-info.org/bank)

Mali's Initiative 20-20
After the World Social Summit in Copenhagen in 1995, 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 March 2006, 25 countries have reached the decision point under the original HIPC and four countries reached the completion point under the enhanced regime of 1999 and receive now relief that will amount to $ 40 billion over time.

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 recognising the multidimensional nature of poverty;
- partnership-oriented – involving coordinated

participation of development partners (bilat-eral, multilateral, and non-governmental);

- based on a long-term perspective for pov-erty reduction.

(Source: **Sao Tomé and Principe:** http://www.worldbank.org/poverty/strategies/overview.htm)

The PRSPs have been subject to critique by civil society groups for certain crucial short-comings such as their funding structure which heavily depends on and is driven by external aid and the wish to promote foreign direct in-vestments. The participation of stakeholders, especially of marginalised groups, remains questionable, as there is an absence of institu-tional mechanisms for their participation and impediments such as information and docu-ments not being available in local languages understood by them. These and other limita-tions will need to be further and timely ad-dressed. As a reaction to the criticism, the UN High Commissioner for Human Rights com-missioned three experts (Paul Hunt, Manfred Nowak and Siddiq Osmani) to examine the integration of human rights in poverty reduc-tion strategies. Their study has been further developed and is available online at http://www.ohchr.org/english/about/publications/docs/Broch_Ang.pdf.

Our Water is Not for Sale
The Council of Canadians is Canada's pre-emi-nent citizens' watchdog organisation, compris-ing over 100.000 members and more than 70 Chapters across the country. Strictly non-parti-san, the Council lobbies Members of Parliament, conducts research, and runs national campaigns aimed at turning the light on some of the coun-try's most important issues: safeguarding social programmes, promoting economic justice, re-newing democracy, asserting Canadian sover-eignty, advancing alternatives to corporate-style free trade, and preserving the environment.
In early 1999, the Council launched a success-ful campaign to protect Canadians and their environment from the effects of bulk water ex-ports and privatisation. 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. Recog-nising the vested interests of the corporations and investors who see Canada's freshwater lakes, rivers and aquifers as rich reservoirs to tap, the campaign mobilised public opinion and action against the commodification and privatisation of this priceless resource.

In recognition of the growing opposition to pri-vatisation and corporate theft of water around the world and to galvanise this opposition into a new vision for the future of the planet, the Council of Canadians along with many or-ganisations around the world launched a Glo-bal 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. (Source: **The Council of Canadians:** 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 im-pact of their footprints is a positive example of checking damage to the environment by the government of an industrialised country; as it reports on the progress to the UN Commission on Sustainable Development, together with reports on implementation of Agenda 21.

Freedom from Hunger
Food First, based in California, USA, is com-

mitted to eliminate the injustices that cause hunger. It believes that all people have the basic right to feed themselves and that they must have real democratic control over the resources needed to sustain themselves and their families. The organisation works to awaken people to the possibility and their own power to bring about social change by undertaking research, analysis, education and advocacy in order to explode myths and expose root causes, identify obstacles to change and address ways to remove them, evaluate and publicise successful and promising alternatives. (Source: **Foodfirst - Institute for Food and Development Policy:** 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 mobilisation, policy research and analysis, alliance building and provincial networking.

(Source: **Freedom from Debt Coalition:** http://www.freedomfromdebtcoalition.org)

Cotonou Agreement

The **Partnership Agreement between ALP 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 recognises 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

Progress towards Millennium Development Goals – Are countries on track?

Many countries have made significant progress but others, generally the poorest countries, seem unlikely to achieve the goals. The analysis of five of the eight millennium goals – child mortality, school enrolment, gender parity in education as well as access to water and sanitation – led to the following findings in the 2005 UN Development Report: 50 countries, out of which 24 are in Sub-Saharan Africa, with a population of at least 900 million go backwards instead of forwards with regard to

Figure **1.17** — Missing the targets for children

GOAL: Reduce child mortality by two-thirds
Number of countries

GOAL ACHIEVED: 69, 107, 115
GOAL UNMET: 90 (2015), 52 (2035), 44 (2050)

GOAL: Universal primary education

GOAL ACHIEVED: 53, 73, 81
GOAL UNMET: 67 (2015), 47 (2035), 39 (2050)

Source: Calculated on the basis of data on child mortality and primary enrolment from UN 2005b; for details see *Technical note 3.*
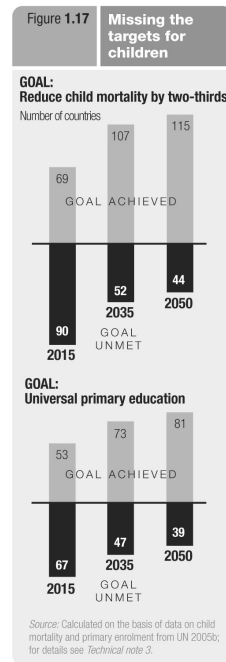
(Source: **UNDP. 2005.** *Human Development Report 2005*)

at least one Millennium Development Goal. Even worse, another 65 countries will not meet even one Millennium Development Goal until after 2040. This affects primarily, but not exclusively, their 1.2 billion inhabitants.
(Source: **UNDP. 2005.** *Human Development Report 2005.)*

3. CHRONOLOGY

Freedom from poverty –
main provisions and activities
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).
1998 Independent Expert on Human Rights and Extreme Poverty
2000 Adoption of Millennium Development Goals by UN General Assembly
2005 World Summit 'Outcome Document' reiterates commitment to the Millennium Development Goals and to the eradication of poverty (UN Doc. A/RES/60/1, paras. 17, 19, 47)

SELECTED ACTIVITIES

ACTIVITY I: 1
"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 sensitise young people to 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 fulfilment of their human rights. It gives them

an opportunity to realise 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: 20–25

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), colour pencils/markers.

Skills involved: analytical skills, discussion and reflective skills.

Part III: Specific Information on the Exercise

(Source: Adapted from: **Adhivyakti – Media for Development:** 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 substandard housing (80 % of the 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 the 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 realisation 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 the 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 sensitise their peers.

Worksheet for Activity I
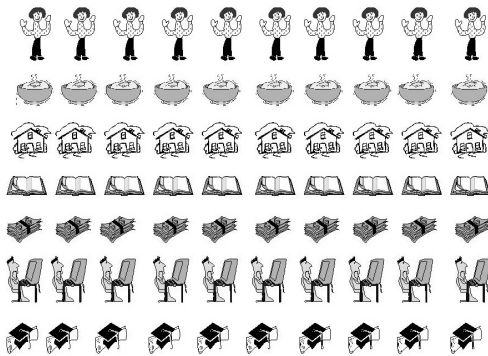
MAXI ACTIVITY II: ACTION CAMPAIGN 2

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 sensitisation 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 in 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 that hand over to the multinational corporations the right to privatise 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 the participants to mention the individuals/groups/communities from their contexts who live in absolute or relative poverty or face 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, thus 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 of 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 facts known about poverty/globalisation, to summarise the insights in relation to micro-macro linkages of poverty and encourage creative ideas on how to proceed from there

Part IV: Follow up

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

REFERENCES

Economic and Social Commission for Asia and the Pacific (ed). 2003. *Critical Analysis of Urban Policies and Their Impact on Urban Poverty Eradication: A Review of Tools, Techniques and Practices.* New York: United Nations.

Focus on the Global South. 2001. *Profiting from Poverty. The ADB, Private Sector and Development in Asia.* Bangkok. Available online at: http://www.focusweb.org/publications/Books/Profiting%20%20from%20Poverty.pdf

Haq, Mahbub-ul. 1995. *Reflections on Human Development.* New York: Oxford University Press.

Goldin, Ian and Reinert Kenneth. 2006. *Globalization for Development: Trade, Finance, Aid, Migration, and Policy.* Washington, D.C.: World Bank Publications.

Harris, John. 1994. *Poverty and Anti- Poverty Policy: A Perspective for SCF in the South Asian Region.* Saro Briefing Paper No. 2. Save the Children.

Hertel, Thomas and Alan L. Winters. 2005. *Poverty and the WTO: Impacts of the Doha Development Agenda.* Washington, D.C.: World Bank Publications.

International Human Rights Internship Programme, Asian Forum for Human Rights and Development. 2000. *Circle of Rights. Economic Social and Cultural Rights Activism: A Training Resource.*

Khan, Azizur Rahman and Carl Riskin. 2001. *Inequality and Poverty in China in the Age of Globalization.* Oxford: Oxford University Press.

Nayyar, Rohini. 1992. *Rural Poverty in India - An Analysis of Inter-State Differences.* Bombay: Oxford University Press.

People's Decade for Human Rights Education (PDHRE). 2002. *Passport to Dignity.* New York: PDHRE.

People's Movement for Human Rights Education (PDHRE). *A Call for Justice: Resource Packet.* New York: PDHRE.

Pernia, Ernesto M. 1999. *Urban Poverty in Asia. A Survey of Critical Issues*. Oxford: Oxford University Press.

Perry, Guillermo E., J. Humberto Lopez, William F. Maloney, Omar Arias and Luis Serven. 2006. *Poverty Reduction and Growth: Virtuous and Vicious Circles*. Washington, D.C.: World Bank Publications.

Pogge, Thomas W. 2002. *World Poverty and Human Rights.* Oxford: Polity Press.

Subramanian, S. 1998. *Measurement of Inequality and Poverty*. Bombay: Oxford University Press.

United Nations (ed). 2002. *Capacity-building for Poverty Eradication: Analysis of, and Lessons from, Evaluations of UN System Support to Countries' Efforts.* United Nations Publishing.

United Nations General Assembly. 2001. *Road map towards the implementation of the United Nations Millennium Declaration.* Available online at: http://www.un.org/documents/ga/docs/56/a56326.pdf

UNDP. 2005. *Human Development Report 2005*. Available online at: http://hdr.undp.org/reports/

UNDP. 2002. *Human Development Report 2002.* Available online at: http://hdr.undp.org/reports/

UNDP. 1998. *Training Manual on human Rights and Sustainable Human Development*. Available online at: http://hdr.undp.org/reports

UNDP. 1997. *Human Development Report 1997*. Available online at: http://hdr.undp.org/reports

SAARC. 1992. *Report of the Independent South Asian Commission on Poverty Alleviation. Meeting the challenge*.

Sainath. Palagummi. 1996. *Everybody Loves A Good Drought.* London: Penguin Books.

Sachs, Jeffrey D. 2005. *The End of Poverty. How We Can Make it Happen in Our Lifetime.* London: Penguin Books.

Sen, Amartya. 2000. *Development as Freedom.* New York: Anchor Books.

Watkins, Kevin. 1995. *The Oxfam Poverty Report*. London: Oxfam UK & Ireland.

World Bank. 2001. *World Development Report 2000/2001*. Oxford: Oxford University Press. Available online at: http://www.worldbank.org

Yanus, Muhammad; et al. 1999. *Banker to the Poor: Micro-Lending and the Battle against World Poverty*. New York: Public Affairs.

ADDITIONAL INFORMATION

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

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

Development Gateway: http://www.development-gateway.org

Division for the Advancement of Women: http://www.un.org/womenwatch/daw

ELDIS Gateway to Development Information: http://www.ids.ac.uk/eldis/poverty

Eliminating World Poverty: http://www.dfid.gov.uk/pubs/files/whitepaper2000.pdf

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

International Labour Organization (ILO): http://www.ilo.org

Jubileesouth: http://www.jubileesouth.org

Office of the High Commissioner for Human Rights (UNHCHR): http://www.unchchr.ch

OneWorld International Foundation: http://www.oneworld.net

"Our World is Not For Sale" Network: http://www.ourworldisnotforsale.org

PovertyNet: http://www.povnet.org

The Poverty Alliance: http://www.povertyalliance.org

United Nations Development Programme (UNDP): http://www.undp.org

World Bank – Poverty Net: http://www.worldbank.org/poverty

NON-DISCRIMINATION

THE RIGHT TO 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, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status…* «

Article 2, Universal Declaration of Human Rights. 1948.

ILLUSTRATION STORY

In 1960, the grandstand of an important sporting ground in Toowoomba, Queensland, Australia, was named "E.S. 'Nigger' Brown Stand", in honour of a well-known sporting personality, Mr. E.S. Brown. The word "nigger" ("the offending term") appears on a large sign on the stand. Mr. Brown, who died in 1972, was of white Anglo-Saxon extraction and acquired the offending term as his nickname. The offending term is also repeated orally in public announcements relating to facilities at the ground and in match commentaries.

In 1999, Mr. S., an Australian of Aboriginal origin requested the trustees of the sports ground to remove the offending term, which he found objectionable and offensive. After considering the views of numerous members of the community who had no objection to the use of the offending term on the stand, the trustees advised the petitioner that no further action would be taken. In a public meeting chaired by a prominent member of the local indigenous community, and attended by a cross-section of the local Aboriginal community the mayor and the chair of the sports ground trust passed the resolution "That the name 'E.S. Nigger Brown' remain on the stand in honour of a great sportsman and that in the interest of the spirit of reconciliation, racially derogative or offensive terms will not be used or displayed in future".

The petitioner brought a federal court action, on the basis of the federal Racial Discrimination Act 1975. He sought removal of the offending term from the grandstand and an apology from the trustees. The Federal Court dismissed the petitioner's application. The Court considered that the petitioner had not demonstrated that the decision was an act "reasonably likely in all the circumstances to offend, insult, humiliate or intimidate an indigenous Australian or indigenous Australians generally". Nor was the decision an act "done because of the race". The High Court of Australia refused the petitioner's application.

In an individual complaint at the CERD, the petitioner seeks the removal of the offending term from the sign and an apology, as well as changes to Australian law to provide an effective remedy against racially-offensive signs.

The Committee (CERD) considers that the memory of a distinguished sportsperson may be honoured in ways other than by maintaining and displaying a public sign considered to be racially offensive. The Committee recommends that the State party takes the necessary measures to secure the removal of the offending term from the sign in question, and to inform the Committee of such action it takes in this respect.

(Source: CERD/C/62/D/26/2002. 14 April 2003. Available online at: http://www.unhchr.ch/tbs/doc.nsf)

Discussion Questions

1. What is the message of the story?
2. Which rights have been violated?
3. What did Mr. S. do to defend his rights?
4. Why did the national courts not follow his consideration?
5. Why did the local indigenous community not support him?
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 END-LESS 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. In a civic and political sense, it means that governments have to grant the same rights and privileges to all citizens, because everyone is equal before the law and therefore, equally entitled to freedom and justice. 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, colour 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 terrorisation of black Americans 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 institutionalised 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, in particular the prohibition of discrimination based on race, colour or ethnic origin, is established in many international treaties and constitutes an important element in the legislation of a variety of nations. Nevertheless, discrimination based on race, colour, 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,*
        Religious Freedoms.

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 hu-

man dignity of the discriminated human being. Racial discrimination, violation of rights of persons belonging to vulnerable groups, minorities or immigrant workers can also be a cause for serious conflicts and a 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 discrimination:

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 the private sphere of each individual, whereas the latter involves actions which also affect others. As a consequence, we can identify phenomena such as racism, xenophobia and prejudice as ideologies, states of mind and personal opinions, because theoretically these opinions could stay "within" the minds of people. As long as these attitudes are not manifested, they do not harm anyone and are not 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 and violence. These kinds of actions can be characterized as discrimination, which under certain conditions can be sanctioned by law.

Actors of Discrimination – States 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.

A good example is 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. The latest development worth mentioning is the Anti-Discrimination Directive of the European Community with an obligation to implementation for the member states against discrimination in the private sector, concerning the labour market and the access to goods and services.

Different terms related to the topic exist, such as racism, xenophobia, prejudice and intolerance, even though discrimination incorporates elements from all of them, as these phenomena are usually part of the precursor for subsequent discriminatory actions.

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, colour, 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.

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. Education in the native language is an example of such a gap, because treating every student equally in legal terms would hinder schools to offer special mother tongue language classes for students of ethnic minorities, which in any case means unequal treatment of these students with linguistic background. Such provisions are desired, not discriminatory and necessary in order to fully promote the cultural education of all minority students.

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,

- <u>causes</u> of discrimination, personal characteristics such as race, colour, descent, national/ethnic origin, gender, age, physical integrity etc.,
- <u>purposes and/or consequences</u> 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 disadvantages 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"), in which case the minority can also dominate the majority like in the case of apartheid in South Africa. 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"**, as 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. **Institutionalised discrimination** refers to established laws, policies and customs, which systematically result in inequalities and discrimination within 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 might mean treating equal people in equal situations unequally in order to compensate unequal treatment in 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

---

"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."

Lyndon B. Johnson, US President. 1965.

---

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 most probably is the better description for most of the actual attitudes of today's "racist" people. In fact, the term "race" itself is racist, racism as a definition of an attitude can be seen completely separate from the term "race".

However, racism **as a way of thinking** may be harmful, but without manifestation it cannot be sanctioned. This means that racist ideas and racist ways of thinking can not be characterised as human rights violations, because freedom of opinion and belief itself constitutes an important non-derogable 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 the relation between the victim and the perpetrator:

- 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 institutionalised form of racism and racial discrimination, where the Apartheid laws structurally segregated blacks from whites. ☺☞ *Good to Know.*

Racial discrimination: The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 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, colour, 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 the horrors of the Holocaust and to the continuing existence of racist attitudes and policies in the post-war world.
Racial discrimination occurs in a great number of fields and has plagued humankind through-out history, bringing suffering both to those people who have been discriminated against and to those who, on the basis of perceived distinctions, have treated others as unequal human beings, leading to devastating and grave consequences for their well-being.

Racial violence is a particular 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, colour, 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 has been developed, including the realisation 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, 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 characterises attitudes, prejudices and behaviour that reject, exclude and often vilify per-

sons, 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.

Xenophobia is again an **attitude** and/or **belief.** Therefore only manifestations of xenophobia as discriminatory behaviour are sanctioned by national or international law.

The distinction between racism and xenophobia may be important in an 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 children.Racism leads to fears that crack a child's confidence in themselves and others. If they are a victim of racism, these fears have propped the door open for racist tones, words and stereotypes to enter their minds and become part of how to think about themselves and their people in the future.

During an 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 individuals or groups based on characteristics such as race, colour, 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 an-*

*"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

tipathy 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" behaviours 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.

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 recognising 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 Elimi-

nation of all Forms of Discrimination (ICERD), which came into force in 1969. 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 170 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. The fundamental principle of non-discrimination guarantees individuals a certain "behaviour" of states and their authorities. Therefore, states have the obligation to respect, to protect and to fulfil the principle of non-discrimination.

Obligation to respect: In this context, states are prohibited from acting in contravention of recognised 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. In regard to discrimination, this means that states have to respect the equality of individuals, that is, governments must not financially support or tolerate racist or discriminatory organisations or individuals.

Obligation to protect: This element requires that states protect individuals from violations of their rights. With regard to discrimination, it refers to racism among private persons, meaning that the state has to actively "combat" racial discrimination by individuals in society.

Obligation to fulfil: This obligation demands that the state provides for the most effective realisation of the guaranteed rights through adequate legal, administrative, judicial or factual measures. Art. 5 of ICERD 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, also has immense power to fight against discrimination and racism. Its actors constitute the broadest part of civil 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 victimised. This can lead to the dangerous perception that racism is only perpetrated by others and is therefore someone else's responsibility. In order to successfully confront such opinions and beliefs, racial discrimination, racism and related intolerance has to be seen as a challenge that needs to be met through strengthening a culture of human rights at all levels of society. Racism, as a multi-faceted phenomenon, must be countered with a range of measures conducted at all levels. This includes also the systematic incorporation of intercultural values, respect and understanding for racial, ethnic and cultural diversity in youth education, because only through education aimed at children and young adolescents can the human rights principles be effectively transported and rooted in society.

In many countries, training programmes for teachers exist in order to assist them in handling racist incidents at school. The European Commission against Racism and Intolerance (ECRI) stated in a conducted survey that the exclusion of students of minority backgrounds from classes is increasingly monitored, and that local education authori-

ties are requested to address these problems where they exist.

During the World Conference against Racism preparatory process, a lot of other interesting examples and ideas were reported. They include the efforts already going on in a number of African countries to combat racial prejudices in schoolbooks and curricula or a proposed European initiative that school networks draw up a code of conduct, incorporating clear principles of non-discrimination into their educational objectives. In many countries, school exchange programmes exist, encouraging students from different countries to share their cultures and learn each others´ languages. Many governments and NGOs include teaching programmes on cultural diversity and sensitivity in their material on human rights education, which foster understanding on the contribution of each culture and nation.

In general, it is important to recognise and support the use of the impressive quantity of existing educational curricula and resources against racism at all levels of formal education to promote understanding of human rights, especially historical and intercultural approaches.

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 facilitates disseminating information and opinions.

☺☞ *Trends;*
    Freedom of Expression.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

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

though 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 West, 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 against the members of "lower 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 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.

The African Commission on Human and People's Rights held "to subject its own indigenes to discriminatory treatment only because of the colour of their skin is an unacceptable discriminatory attitude and a violation of the very spirit of the African Charter and of the letter of its Article 2."

(Source: *Malawi and others v. Mauretania. 13th Activity Report 1999-2000.* Annex V. Para. 131.)

In **Europe**, on the other hand, 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 delimma (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.

Since several years there is again an increase in anti-Semitism which is a particular form of racism, which is manifested by a growing number of incidents. This was addressed by the OSCE Conference on Anti-Semitism and on other forms of intolerance organised in June 2005 in Cordoba, Spain.

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. 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 of any of their rights set forth in the Convention by that state. CERD was the first important enforcement mechanism in the struggle against racism and racial discrimination, and promotes a strong implementation of the Convention.

Since the manifestation of racism and xenophobia has been 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.

All regional human rights instruments (i.e. American Convention of Human Rights, Banjul Charta on Human and Peoples' Rights, European Convention of Human Rights) include provisions against discrimination. These provisions are accessory, which means that they can only be claimed together with another right of the respective convention if a court trial is foreseen. The Additional Protocol No. 12 to the ECHR, which is in force since April 2005, contains a general prohibition of discrimination (Art. 1) and thus gives the opportunity to complain about different forms of discrimination, independently of any other right being violated. The Council of Europe established an expert body in 1993, the European Commission against Racism and Intolerance (ECRI), to regularly monitor the actual situation and the efforts taken against discrimination in the member states.

Another important monitoring instrument are **anti-discrimination** or **anti-racism ombudspersons**; these ombudspersons 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.

The importance of **preventive strategies** such as early-warning systems, preventive visiting mechanisms, urgent procedures 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 2004, a total of 7,649 bias-motivated criminal incidents were reported to the FBI in the United States:
a. 52.9% motivated by racial prejudice
b. 12.7% motivated by ethnicity/ national origin
c. 18.0% motivated by religious intolerance
d. 15.7% motivated by sexual orientation bias
e. 0.7% motivated by disability bias
(Source: **Federal Bureau of Investigation. U.S. Department of Justice. 2004.** Uniform Crime Reports. Hate Crime Statistics 2003.)

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

---

"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

---

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.

Discrimination among non-state actors: Another problem regarding efficient protection against discrimination is the fact that the prevention of discrimination among private persons is a legal grey area. Usually, only discriminatory acts in the public sphere (by state authorities) and of those private individuals who act in public can be sanctioned by law, so very often discrimination among individuals in their "private sphere" cannot be sanctioned in the same way.

The European Union introduced **three Anti-Discrimination Directives** concerning the private sector, in 2000 and 2002. **Council directive 2000/78/EC** established a general framework for equal treatment in employment and occupation, while **Council directive 2000/43/EC**

implemented the principle of equal treatment between persons irrespective of racial or ethnic origin. Both documents enlarged equal treatment from the classical notion of equal treatment between women and men in order to provide a more comprehensive protection based on the needs of today's society.

Directive 2002/73/EC represents a development and adjustment of the principle of equal treatment between men and women in work and occupation in the 21st century.

By Oct 2005, all three of them had to be implemented into the national law of all 25 member states. Violations of the rights stated in these laws can be claimed in civil courts. This is conceived as a milestone in the development of anti-discrimination legislation.

What can WE do?

The real challenge is 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 behaviour. This very difficult task can only be achieved through institutionalised 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 an 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 ombudspersons.

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 voluntary codes of conduct for themselves and their partners to prevent, amongst other things, racially motivated discrimination.

**Anti-discrimination Clauses in
Public Procurement Contracts**
The Swedish government introduced a law that requires a certificate from private companies confirming that they do obey all anti-discrimination laws and do promote equality within their policy when contracting with public bodies.

**International Coalition of Cities
against Racism**
UNESCO launched an initiative of cities to fight racism at local level in 2004. In a ten-point-action-programme the member cities commit themselves to promote initiatives against racism.

(For further information see: http://www.unesco.org/shs/citiesagainstracism)

**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.

Abolition of Apartheid
In the case "AZAPO vs. President of the Republic of South Africa" of the South African

---

"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

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 permitted again and its famous leader and later president of South Africa, Nelson Mandela, was released from prison in February 1990. 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. Do racism or xenophobia cause poverty? And fur-

thermore, 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 behaviour 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 500 million potential users around the world. It is an important medium for all actors in society. But this medium also has its dark sides. Racist, violent and extremist organisations and groupings quickly learned to use this medium and took advantage of it.

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 Con-

vention on Cyber Crime. This newly adopted protocol criminalises *"…acts of racist and xenophobic nature committed through computer systems…"* and hopefully will function as a role model for further development in the field.

Islamophobia:
The Aftermath of 11 September 2001

In the week following the September 11 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). There were reports of racial profiling by the police.
☺☞ *Religious Freedoms.*

In Europe, there were similar experiences after the terrorist attacks on the London subway. In relation to these facts, the following article is to be seen as an illustrative personalised example and a starting point for a discussion:

Excerpts from an interview of a 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 after-*math 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, 7 July 2002: *"Bearing the weight of the world, but on such narrow shoulders"* by Somini Sengupta.)

Questions for Discussion:
- 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 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)

1960 UNESCO Convention against Discrimination in Education

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

1994 Arusha Tribunal on Rwanda

2001 Third World Conference Against Racism and Racial Discrimination, Xenophobia and Related Intolerance (Declaration and Programme of Action)

2004/Anti-discrimination laws for the
2005 private sector in 25 member states of the European Community

2005 Additional Protocol No. 12 to the ECHR comes into force.

SELECTED ACTIVITIES

ACTIVITY I. "ALL HUMAN BEINGS ARE BORN EQUAL" 1

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: 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 advan-

tages 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 she/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: **Claude, Richard Pierre. 1998.** Methodologies for Human Rights Education.)

ACTIVITY II. "GUESS WHO IS COMING FOR DINNER" 2

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: 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 Ghana):

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 are 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 that 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 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: **Council of Europe. 1995.** *All different – all equal. Education pack. Ideas, resources, methods and activities for informal intercultural education with young people and adults.* Available online at: http://www.coe.int/T/E/human_rights/Ecri/3-Educational_resources/Education_Pack/Education_Pack_pdf.pdf)

References

Allport, Gordon. [1954] 1988. *The Nature of Prejudice.* Cambridge: Perseus Publishing.

Amnesty International USA, 2001. *September 11th Crisis Response Guide, Human Rights Education Program.* New York: Amnesty International.

Anti-Defamation League. 1999. *Poisoning the Web: Hatred Online, An ADL Report on Internet Bigotry, Extremism and Violence.* New York: Anti-Defamation League.

BBC News. 2001. *Europe's Neglected Race.* Available online at: http://news.bbc.co.uk/1/hi/world/europe/1525617.stm

Capitanchik, David and Michael Whine. 1996. *The Governance of Cyberspace:* Racism on the Internet. Available online at: http://www.media-awareness.ca/english/resources/articles/online_hate/governance_cyberspace.cfm

Cervenakova, Anna. 2001. *Institutionalised Racism and Roma.* Speech held at panel discussion, Institutionalised Racism/Castism. NGO Forum of the World Conference on Racism.

Constitutional Court of South Africa. *Case AZAPO v. President of the Republic of South Africa.* Available online at: www.concourt.gov.za/idex.html.

Council directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. Official Journal of the European Union, L 303, 2 December 2000.

Council directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal of the European Union, L180, 19 July 2000.

Council of Europe. 2002. *COMPASS, A Manual on Human Rights Education with Young People.* Strasbourg: Council of Europe.

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Official Journal of the European Union L 269, 5 October 2002.

European Commission against Racism and Intolerance (ECRI) (ed). 2004. *Compilation of ECRI'S General Policy Recommendations.* Strasbourg: Council of Europe.

European Commission against Racism and Intolerance (ECRI) (ed). 1996. *Combating Racism and Intolerance: A Basket of Good Practices.* Strasbourg: Council of Europe.

European Monitoring Centre on Racism and Xenophobia (EUMC). 2005. *Policing Racist Crime and Violence. A Comparative Analysis.* Vienna: EUMC.

European Monitoring Centre on Racism and Xenophobia (EUMC). 2005. *Racist Violence in 15 EU Member States. A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004.* Vienna: EUMC.

European Monitoring Centre on Racism and Xenophobia (EUMC). 2001. *Statement on Behalf of EUMC at Public Hearing of the EC Regarding Computer-Related Crime".* Brussels. Available online at: http://europa.eu.int/ISPO/eif/InternetPoliciesSite/Crime/PublicHearingPresentations/EUMC.html

Federal Bureau of Investigation. U.S. Department of Justice. 2004. *Uniform Crime Reports, Hate Crime Statistics 2003.* Washington D.C.. Available online at: http://www.fbi.gov/ucr/ucr.htm

Flinterman, Cees and Catherine Henderson. 1999. *Special Human Rights Treaties. Edited by Raija Hanski and Markku Suksi. An Introduction to the International Protection of Human Rights.* Turku/Abo: Institute for Human Rights, Abo Akademi University.

Fredman, Sandra. 2002. *Discrimination Law, Clarendon Law Series.* New York: Oxford University Press.

Fredman, Sandra. 2001. *Discrimination and Human Rights, The case of Racism.* New York: Oxford University Press.

Fredrickson George M. 2002. *Racism A Short History.* Princeton: Princeton University Press.

Geiss, Imanuel. 1988. *Geschichte des Rassismus.* Frankfurt: Suhrkamp.

Hagendoorn, Louk. 1999. *Introduction: A Model of the Effects of Education on Prejudice and Racism.* Edited by Louk Hagendoorn and Shervin Nekuee. Education and Racism. Aldershot: Ashgate Publishing Ltd.

Heckmann, Friedrich. 2001. *Racism, Xenophobia, Anti-Semitism: Conceptual Issues in the Raxen Project.* Paper read at Raxen Workshop. 5-6 November in Vienna, Austria.

Jackson, Andrew. 2001. *Poverty and Racism.* Article based on a presentation made to the Canadian Human Rights Commission's Forum on Racism. 21 March. Available online at: http://www.ccsd.ca/perception/244/racism.htm.

Jusuf, Ester I. 2000. *About Racism.* In Bev. Jennie S. 2000. Human Rights Law and Issues. Available online at: http://www.suite101.com/article.cfm/human_rights/43265

Kongidou, Dimitri, Evangelia Tressou-Mylona and Georgios Tsiakalos. 1994. R*assismus und Soziale Ausgrenzung unter Bedingungen von Armut.* Edited by Siegfried Jäger. Aus der Werkstatt: Antirassistische Praxen. Konzepte - Erfahrungen - Forschung. Duisburg: DISS.

Lodenius, Anna-Lea for Save the Children Sweden. 2000. *How to Fight Racism on the Internet.* Available online at: http://se-web-01.rb.se/Shop/Products/Product.aspx ~ ItemId ~ 422

MacEwen, Martin. 1995. *Tackling Racism in Europe.* United Kingdom: WBC Bookbinders, Bridgend, mid Glamorgan.

Maddex, Robert L. 2000. *International Encyclopedia of Human Rights, Freedoms, Abuses, and Remedies.* Washington: CQ Press.

Morawa, Alexander H.E. 2002. *The Concept of Non-Discrimination: An Introductory Comment.* Journal on Ethnopolitics and Minority Issues in Europe (Nr. 3/2002). Flensburg.

Nowak, Manfred. 2005. *U.N. Covenant on Civil and Political Rights - CCPR Commentary.* 2nd revised edition. Kehl/Strasbourg/Arlington: N.P. Engel Publishers.

Nowak, Manfred. 2003. *Introduction to the international Human Rights Regime.* Leiden/Boston: Martinus Nijhoff Publishers.

OSCE/ODIHR. 2004. *International Action against Racism, Xenophobia, Anti-Semitism and Intolerance in the OSCE Region.* Warsaw: OSCE.

Oxford Advanced Learner's Dictionary. 2000. Available online at: http://www.oup.com/elt/select?url = / eltnew/catalogue/teachersites/oald7

Reardon, Betty A. 1995. *Educating for Human Dignity, Learning about Rights and Responsibilities.* Philadelphia: University of Pennsylvania Press.

Taran, Patrick A. 2001. *Foundations of Dignity, Current Dynamics of Migration and the Response of International Standards.* Speech held at parallel event of World Conference on Racism and Xenophobia in Durban 2001. Available online at: http://www.december18.net/web/general/page.php?pageID = 145&menuID = 36&lang = EN

UNESCO & Office of High Commissioner of Human Rights. 2001. *United To Combat Racism, Selected Articles and Standard-setting Instruments.* Paris: UNESCO Publishing.

Zivilcourage und Anti-Rassismus-Arbeit (ZARA). 2001-2004. *Racism Report: Case Reports on Racist Excesses and Structures in Austria.* Vienna: Manz Crossmedia.

ADDITIONAL INFORMATION

Anti Racism Network:
http://www.antiracismnet.org

Commission for Racial Equality:
http://www.cre.gov.uk

Convention on the Elimination of All Forms of Racial Discrimination:
http://193.194.138.190/html/menu3/b/d_icerd.htm

Committee on the Elimination of Racial Discrimination:
http://www.ohchr.org/english/bodies/cerd/

Council of Europe. 2005. *Domino - A manual to use peer group education as a means to fight racism, xenophobia, antisemitism and intolerance.* Strasbourg: Council of Europe.

Council of Europe. 2000. *Diversity and Cohesion: New Challenges for the Integration of Immigrants and Minorities.* Strasbourg: Council of Europe.

Declaration and Action Plan of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance:
http://www.un.org/WCAR/durban.pdf

European Coalition of Cities against Racism:
http://www.unesco.org/shs/citiesagainstracism

European Commission against Racism and Intolerance - ECRI:
http://www.coe.int/T/e/human_rights/ecri/1-ECRI

European Network against Racism - ENAR:
http://www.enar-eu.org

European Roma Rights Centre:
http://www.errc.org

European Training and Research Centre for Human Rights and Democracy (ETC Graz):
http://www.etc-graz.at

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

Football Against Racism in Europe:
http://www.farenet.org

International Movement Against All Forms of Discrimination and Racism:
http://www.imadr.org

South African Human Rights Commission:
http://www.sahrc.org.za

The Asia Foundation:
http://www.asiafoundation.org

Third World Network:
http://www.twnside.org.sg

United Nations Educational, Scientific and Cultural Organization (UNESCO) (ed). 2001. *UNESCO against RACISM. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.* Available online at: http://unesdoc.unesco.org/images/0012/001238/123862e.pdf

United Nations High Commissioner on Human Rights:
http://www.unhchr.ch

RIGHT TO HEALTH

SOCIAL IMPLICATIONS

SCIENTIFIC PROGRESS

AVAILABILITY AND QUALITY

» *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...* «

Article 25, Universal Declaration of Human Rights. 1948.

CASE STUDY

Maryam is 36 years old and the mother of six children. She grew up in a village far from the urban centres. She stopped schooling after the second grade. Her parents were poor and the school was a four-kilometre 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 kilometres from the village and did not attend deliveries. Maryam'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 put 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, although 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 obey him and 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 dishonour. Maryam 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 centre for treatment nor was there 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 children 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.

(Source: **Adapted from World Health Organization. 2001.** *Transforming Health Systems: 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 the figures of authority (father, husband, nurse and missionary)? Why?
3. What impact did poverty have 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 as far as their status and power are concerned? 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 centre 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?

Examples of the links between Health and Human Rights

Torture

Torture

Harmful traditional practices

Violence against women and children

Human rights violations resulting in ill-health

Right to health

Right to participation

Right to education

Freedom from discrimination

Health & Human Rights

Reducing vulnerability to ill-health through human rights

Promotion or violation of human rights through health development

Right to food and nutrition

Right to information

Freedom from discrimination

Right to privacy

NEED TO KNOW

> *"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."*
> **Dalai Lama.**

1. THE HUMAN RIGHTS 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, thus making human rights realisation 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, both physiological, such as the need for air, water, food and sex, and social and psychological, such as the need 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 Declaration of Human Rights (UDHR), Art. 25 which states that *"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 constitution 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.

The WHO places increased importance on operationalising human rights principles in its work and focuses in three main areas: supporting governments in adopting and implementing a human rights based approach to health development, strengthening WHO's capacity to integrate a human rights-based approach in the WHO's work, and advancing the right to health in international law and development processes. The organisation has adopted a position paper on health and human rights activities within WHO to mainstream human rights into its work and to ensure that human rights can raise their status as a key ingredient in national public health systems.

> **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 the human right to life at the centre of the right to health. Organisations, such as the International Committee of the Red Cross, Physicians for Human Rights, Médecins sans Frontières and Médecins du Monde mobilise 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 realisation 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, which happens during 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 Art. 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966. 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 was sympto-

"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.

matic of Cold War tensions during which the Eastern countries prioritised the human rights in the ICESCR while the Western countries championed civil and political rights as the centre of human rights concerns. To date, the ICCPR has been ratified by 155 countries and the ICESCR by 152; The United States signed both but only ratified the ICCPR, and China signed both but only ratified the ICESCR.

The text of Art. 12 of the ICESCR is the bedrock of the right to health and it reads:

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 stillbirth-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 defined the right to health, including Art. 11 of the European Social Charter of 1961, which was revised in 1996, Art. 10 of the Addition Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988, and Art. 16 of the African Charter on Human and Peoples' Rights of 1981.

Governments approach their obligations under Art. 12 of the ICESCR in different ways, and the body in charge of monitoring the application of the Covenant sought to clarify states' obligations by its General Comment No. 14, an interpretative text adopted in May 2000. This General Comment stresses how the realisation of the human right to health relies on the realisation 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 of public health and health-care facilities, goods and services, as well as programmes, which have to be available in sufficient quantity.

"Man is the cure for man."

Traditional Wolof saying.

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 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.

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 the 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 (ICERD) 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. Art. 10, 12 and 14 of the 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.

Non-Discrimination.

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." These principles are mainstreamed throughout the UN system and through the efforts of non-governmental organisations (NGOs). Women, children, people with disabilities and indigenous and tribal peoples are among the vulnerable and marginalised 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 realisation 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 realise 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. For long, governments have recognised in Art. 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. At the same time, Art. 15 also protects the interests of authors of scientific, literary or artistic production. 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 to overcome obstacles of patent protection led to a decision of the Doha Ministerial Conference in 2001. The members of the World Trade Organization (WTO) 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.". Furthermore, it made specific reference to the right of each state *"…to determine what constitutes a national emergency or other circumstance of extreme urgency [allowing for compulsory licenses]; it is thus understood that a 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."*
(Source: **WTO. 2001.** *Doha Declaration on the TRIPS Agreement and Public Health.* See also the following section.)

Globalisation and the Human Right to Health

Since the 1970s the world economy has changed dramatically due to globalisation, which has had direct and indirect impacts on health. Some results led to positive changes such as: an increase in employment opportunities, sharing of scientific knowledge, and an increased potential for delivery of a high standard of health throughout the world, enabled by partnerships between governments, civil society and corporations. However, negative consequences have also been numerous as trade liberalisation, investment in countries with low labour standards and marketing of 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 of 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 increased awareness of the need for better regulation has occurred regarding pharmaceutical licenses. Through the Doha Declaration (2001) on TRIPS and public health already referred to in the previous section, 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).

A decision of the WTO General Council in August 2003, to be replaced by an amendment of the TRIPS agreement agreed in 2005 allows countries to give **compulsory licences** for the production of patented drugs to be exported in particular to least developed countries who have little or no manufacturing capacity. In this way, public health needs are given priority over patent rights. However, there are concerns that these achievements

"Human beings are at the center of concerns for sustainable development."

Rio Declaration on Environment and Development. 1992.

might again be limited through so-called TRIPS-plus rules contained in bilateral and regional trade agreements, which are creating new challenges to the right to health and the right to life.

Health and the Environment

The right to a healthy environment, as stated in the UN General Assembly resolution 45/94 of 14 December 1990, calls for people to have a right *"…to live in an environment adequate for their health and well-being"*. This right has been recognised 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 realisation of the right to health. Yet, ten years after Agenda 21, the following statistics show the inadequacies of efforts to reach the desired goals:

- More than 840 million people suffer from hunger;
- 83 percent of the world population have no substainable access to an improved water source;
- 58 percent of the world population have no sustainable access to improved sanitation

(Source: **UNDP. 2005.** *Human Development Report 2005.*)

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 degrada-

tion 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, to reduce the prevalence of HIV, to reduce toxic elements in the air and water and to 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**. This principle, better defined and formulated by an international group of scientists, government officials, lawyers, and labour and grass-roots environmental activists in Wisconsin, USA, in 1998, requires the proponent of 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 must be *culturally appropriate*. One cultural aspect of the human right to health is the over-emphasis on the biomedical system of health and therefore on the understanding of how to realise 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 and/or 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. Recognising 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 mutilation (FGM**) 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 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 behaviours and culture values, however senseless or destructive they may appear from a personal and cultural standpoint of others, have meaning and fulfil 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 publicise 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 over the right. Protecting the right to health in terms of public health has been used by the state as a reason to place restrictions on other human rights. It is often in an effort to prevent the spread of infectious diseases that limits have been placed on other freedoms. Inhibiting the freedom of movement, setting up quarantines and isolating people are measures that have been taken to prevent the spread of serious communicable diseases such as Ebola, AIDS, typhoid and tuberculosis. These measures have been excessive at times. 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 fulfil the right to health requires mechanisms at both 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. Although there is no way of enforcing compliance, this report becomes part of the public record and in this respect, the country may not wish to be blamed for human rights abuses for that can have, among other consequences, a direct impact on relations with other countries.

In 2002, the UN Commission on Human Rights has established a Special Rapporteur on the right of everyone to enjoyment of the highest attainable standard of physical and mental health. The Rapporteur compiles information and conducts a dialogue with governments and interested parties, reports regularly on the status of the right to health, including laws, policies, good practices and obstacles and makes the necessary recommendations. To this end, the Rapporteur undertakes country visits and reacts to alleged violations of the right to health. He has also visited the World Trade Organisation.

GOOD TO KNOW

1. GOOD PRACTICES

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:

- Behavioural 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 behavioural change in a population. Prevention programmes on a national scale need to focus on multiple components developed with close input from the target population.

"When the friendly plants heard what the animals had decided against mankind, they planned a countermove of their on. Each tree, shrub, herb, grass, and moss agreed to furnish a cure for one of the diseases named by the animals and insects. Thereafter, when the Cherokee Indians visited their Shaman about their ailments and if the medicine man was in doubt, he communed with the spirits of the plants. They always suggested a proper remedy for mankind's diseases. That was the beginning of medicine among the Cherokee tribe a long, long time ago."

Cherokee. The Orgin of Medicine.

- General population prevention programmes need to focus especially on the young.
- Partnerships are essential for success. Multiple programmes 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 to 16 ordinary citizens, broadly representative of the population, to scrutinise 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 organisation 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 programme offered participants a chance to tackle problems such as health, hygiene, environmental issues, financial and material management skills. TOSTAN started a programme 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 great 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 promising to end 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 13 January 1999, the National Assembly of Senegal passed a law prohibiting female genital mutilation. 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 emphasised 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/AIDS and, in particular, to help HIV-positive mothers tell their children about the state of their infection. Terminally ill parents and their children work together to compile a 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 Organisation (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 out that HIV-infected mothers have great difficulty communicating with their children about their ill health; the memory books were good ways for the women to introduce the idea of HIV/AIDS 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/AIDS prevention because children witness and understand the ordeal the parent is going through and do not want to suffer the same fate.

> *"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.** *Cutting the Rose.*

Attention to the most vulnerable members of society

Everywhere in the world, drug users and prisoners are among the most vulnerable members of society. In the context of HIV/AIDS and other serious conditions, the right to health is scarcely implemented among this population because their status as criminals or the criminalisation of drug addiction results in a lack of access to information, education and basic health and social services. In the 1980s, the United Kingdom and the Netherlands conceptualised a model known as Harm Reduction. Since then, it has been replicated and adapted to local use throughout the world. This strategy is dedicated to reducing harm to drug users, both individuals and communities. A spectrum of practices ranges from safe use to managed use and abstinence. Although the harm reduction paradigm may involve the decriminalisation of some drugs previously designated illicit, as in the Netherlands, it at least requires a change in attitude towards drugs by non-users to the extent that human rights norms guide the treatment of drug users whether they are incarcerated or free in society. Strong evidence shows that communities implementing harm reduction policies have

fewer incidences of HIV/AIDS and other blood transmitted infections among IV drug users than communities not using this approach. Countries that have introduced measures such as safe injection facilities, clean needle exchange and education and rehabilitation are also signatories of drug control treaties and have not deemed harm reduction to come into conflict with other international treaties.

The Montreal Declaration
On Intellectual Disabilities

After many years of discussing the needs of people with intellectual disabilities, the Montreal PAHO/WHO Conference on Intellectual Disabilities made an important declaration on 6 October 2004 that promises a paradigmatic change in the way states and international organisations define handicapped persons' rights. The fact that they are first of all human beings, rather than individuals with handicaps, must be central to all policies. The Declaration calls on the international community to be fully aware of the distinct task of ensuring that people with intellectual disabilities exercise their full rights as citizens. The focus is on the fundamental qualities of: equality, non-discrimination and auto-determination. Turning away from a purely biomedical model, the Declaration acknowledges "…the importance of a human rights approach to health, well-being and disability." Although it is not legally binding, the Declaration is the only document that serves as a guide and sets the standard in dealing with the rights of people with intellectual disabilities and, therefore, will be the most important reference in this field.

SARS

The SARS epidemic began in November 2002 and was considered controlled by July 2003. During that time 8,400 people were reported infected and over 900 were dead. The response strategies of the countries most seri-ously affected – China, Hong Kong, Vietnam, Taiwan and Canada – brought out the various human rights implications and underscored the need for vigilance in order to protect all human rights while ensuring the right to health. Issues that arose during the epidemic included: the significance of freedom of the press, states' obligations to international security, and the individual right to health and justifications for quarantine. WHO cited Vietnam for its success during the 45 day outbreak during which 65 were infected and 5 died. The holistic nature of the right to health is evident in the areas that were identified as directly responsible for Vietnam's successful handling of the situation:

• A comprehensive and well-functioning national public health network,
• Rigorous treatment, surveillance and isolation of infected individuals,
• Effective work with WHO and other partners
• Early public acknowledgement of the outbreak,
• Transparency in daily information given to the public through mass media and electronic communication,
• Excellent co-operation among all local and national agencies and institutions.

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 realisation of the human right to health. The following list indicates current trends:

Areas where experiences exist 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 programmes 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
- Specific trade agreements and their impact on the right to health
- Post-disaster rehabilitation
- Poverty alleviation

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.)

3. STATISTICS

The following pages provide a sample of available statistics that support the need for increased efforts in adopting a human rights perspective on health:
- HIV Prevalence: Estimated number of people living with HIV (2003):
  World: 37.8 million
  Least developed countries: 12 million
  Developing countries: 34,9 million
  Industrialised countries: 1,6 million
  (Source: **UNICEF.** *The State of the world's Children 2006.*)

- 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. 2002.** *25 Questions and Answers on Health and Human Rights.*)

- Violence is among the leading causes of death among people aged 15 to 44 years worldwide, accounting for 14 % of the deaths among males and 7 % of the deaths among females.
  (Source: **WHO. 2002.** *World Report on Violence and Health.*)

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

Human Development Report 2000.

Public expenditure on: (in % of GDP)			
Country	**Education (2000 –02)**	**Health (2002)**	**Military expenditure (2003)**
Australia	4.9	6.5	1.9
Austria	5.7	5.4	0.8
Burkina Faso		2.0	1.3
China		2.0	2.7
Cuba	9.0	6.5	
Georgia	2.2	1.0	1.1
Germany	4.6	8.6	1.4
India	4.1	1.3	2.1
Mali		3.2	1.9
Sweden	7.7	7.8	1.8
United Kingdom	5.3	6.4	2.8
United States	5.7	6.6	3.8
Zimbabwe	4.7	4.4	2.1
(Source: **UNDP. 2005.** *Human Development Report 2005.*)			

Health expenditure (2002)			
Country	**Public (% of GDP)**	**Private (% of GDP)**	**Per Capita (PPP US$)**
Australia	6.5	3.0	2,699
Austria	5.4	2.3	2,220
Burkina Faso	2.0	2.3	38
China	2.0	3.8	261
Cuba	6.5	1.0	236
Georgia	1.0	2.8	123
Germany	8.6	2.3	2,817
India	1.3	4.8	96
Mali	2.3	2.2	33
Sweden	7.8	1.4	2,512
United Kingdom	6.4	1.3	2,160
United States	6.6	8.0	5,274
Zimbabwe	4.4	4.1	152
(Source: **UNDP. 2005.** *Human Development Report 2005.*)			

Life expectancy of the national average calculated from birth (2003)			
Country	**Total Population**	**Female**	**Male**
Australia	80.3	82.8	77.7
Austria	79.0	81.8	76.0
Burkina Faso	47.9	48.2	46.8
China	71.6	73.5	69.9
Cuba	77.3	79.2	75.5
Georgia	70.5	74.3	66.6
Germany	78.7	81.5	75.7
India	63.3	65.0	61.8
Mali	47.9	48.5	47.2
Sweden	80.2	82.4	77.9
United Kingdom	78.4	80.6	76.0
United States	77.4	80.0	74.6
Zimbabwe	36.9	36.5	37.3
(Source: **UNDP. 2005.** *Human Development Report 2005.*)			

Maternal Mortality	
Country	Maternal mortality ratio – adjusted 2000 (per 100,000 live births)
Australia	8
Austria	4
Burkina Faso	1,000
China	56
Cuba	33
Georgia	32
Germany	8
India	540
Mali	1,200
Sweden	2
United Kingdom	13
United States	17
Zimbabwe	1,100
(Source: **UNDP. 2005.** *Human Development Report 2005.*)	

4. 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 (UNESCO)

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

2003 International Declaration on Human Genetic Data (UNESCO)

SELECTED ACTIVITIES

ACTIVITY I:
IMAGING A "STATE OF COMPLETE PHYSICAL, MENTAL AND SOCIAL WELL-BEING"

1

Part I: Introduction
For many people, the concept of health is not fully enough developed to include the broad needs of society as well as the state of the individual. This activity allows the participants to recognise the various elements that make up a state of optimal health and to share ideas with other members of the group in order 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 realise 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 into 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 rewriting 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 reads 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 in 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 them clearly. No idea is to be excluded. Once the group has exhausted their ideas, someone will read all the ideas as

they have been recorded. The papers are put on the wall for all to see. At this point, the facilitator asks the individual persons to explain their thoughts since everyone listed an element. The participants may ask each other about the listed topics. (This takes approximately one hour.)

Step 1:

The facilitator distributes copies of the Universal Declaration of Human Rights (UDHR) or another thematically arranged source. She/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 2:

The facilitator instructs the participants to split 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 3:

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 4:

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 should speak more than once until all others have been heard.

• Emphasise 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.

ACTIVITY II: 2
MAPPING THE REALISATION OF THE HUMAN RIGHT TO HEALTH

Part I: Introduction

Realisation 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 citizens' awareness of the strengths and weaknesses of the health infrastructure within the national system and the level of responsibility to be borne 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 objectives:

• 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 levels.

- Gaining skills 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 splitting 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, which 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 1: 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 realise 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 organisations, 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 2: Participants record on another sheet of paper the extent to which the institution is fulfilling community expectations. (20 minutes)
Step 3: Participants reassemble in the large group. The reporter of each group uses the map and the list of expectations to present the group's findings.
Step 4: 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 realisation of the human right to health in the community.
Methodological hints:
- When 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.

REFERENCES

3D. *TRIPS and Health.* In: Practical Guide to the WTO. Available online at: http://www.3dthree.org/pdf_3D/Guide-075Ch4.pdf

Abbot, Frederick M. 2005. *The WTO Medicines Decision: World Pharmaceutical Trade and the Protection of Public Health.* In: American Journal of International Law (Volume 99. 2005). p. 317-358.

Chan, Kevin. 2004. *SARS and the Implication for Human Rights.* In: Case Studies. The Carr Center for Human Rights policy. Cambridge.

Farmer, Paul. 1999. *Infections and Inequalities* and **Farmer, Paul. 2003.** *Pathologies of Power.* Berkeley: University of California Press.

Fourth World Conference on Women, Beijing. 1995. *Beijing Declaration and Platform for Action, and its follow-up, Beijing Plus 5.*

Jackson, Helen. 2002. *Aids in Africa.* Harare, Zimbabwe: SAFAIDS.

Mann, Jonathan, Sofia Gruskin, Michael A. Grodin and George J. Annas (eds.). 1999. *Health and Human Rights.* New York: Routledge.

Marks, Stephen (ed.). 2002. *Health and Human Rights: The Educational Challenge.* Boston: François-Xavier Bagnoud Center for Health and Human Rights. Harvard School of Public Health.

Nygren-Krug, Helena. 2005. *Integrating Human Rights in Health. Human Rights in the Context of Public Health.* In: Bulletin of Medicus Mundi Switzerland (Nr. 96). Available online at: http://www.medicusmundi.ch/mms/services/bulletin/bulletin200502/kap02/02nygren.html

Oxfam International. 2004. *Undermining access to medicines: Comparison of five US FTA's.* Oxfam Briefing Note. Available online at: http://www.oxfamamerica.org/pdfs/fta_comparison.pdf

Second United Nations Conference on Human Settlements (Habitat II). **1996.** Istanbul Declaration on Human Settlements.

Second World Assembly on Ageing. 2002. Political Declaration.

Stott, Robin. 2000. *The Ecology of Health.* Devon. U.K: Green Books Ltd.

The Montreal Declaration On Intellectual Disabilities: http://www.declarationmontreal.com/

The People's Movement for Human Rights Education (PDHRE). 2002. *A Call for Justice.* Available online at: http://www.pdhre.org/justice.html

The People's Movement for Human Rights Education (PDHRE). 2002. *Passport to Dignity: Working With the Beijing Platform for Action for the Human Rights of Women.* New York: PDHRE.

UNAIDS. 2002. *Report on the Global HIV/AIDS Epidemic.*

UNDP. 2005. *Human Development Report 2005.* Available online at: http://hdr.undp.org/reports/

UNDP. 2000. *Human Development Report 2000.* Available online at: http://hdr.undp.org/reports/

UNICEF. 2005. *The State of the World's Children 2006.* New York. Available online at: http://www.unicef.org/sowc06/pdfs/sowc06_fullreport.pdf

United Nations. Economic and Social Council. 2005. *Economic, Social and Cultural Rights. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt. E/CN.4/2005/51.* Available online at: http://daccessdds.un.org/doc/UNDOC/GEN/G05/108/93/PDF/G0510893.pdf?OpenElement

United Nations. Economic and Social Council. 2004. *Economic, Social and Cultural Rights. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Report of the Special Rapporteur. Paul Hunt. E/CN.4/2004/49.* Available ondine at: http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/8585ee19e6cf8b99c1256e5a003524d7/$FILE/G0410933.pdf

United Nations Conference on Environment and Development, Rio de Janeiro. 1992. *Rio Declaration on Environment and Development and Agenda 21.*

United Nations General Assembly Special Session (UNGASS) on AIDS. 2001. *Declaration of Commitment on HIV/AIDS "Global Crisis-Global Action".*

UNU. 2002. *Report on Sustainable Development.* United Nations University.

World Conference Against Racism, Racial Discrimination Xenophobia and Related Intolerance. 2001. *Durban Declaration and Programme of Action.*

World Conference on Human Rights. 1993. *Vienna Declaration and Programme of Action.*

World Food Summit. 2002. *Declaration of the World Food Summit: Five Years Later, International Alliance Against Hunger.* Available online at: http://www.fao.org/worldfoodsummit/english/index.html

World Food Summit. 1996. *Rome Declaration on World Food Security and World Food Summit Plan of Action.* Available online at: http://www.fao.org/wfs/homepage.htm

World Health Organization (WHO). 2005. *Traditional Medicine: A Novel Approach for Available, Accessible and Affordable Health Care.* Available online at: http://w3.whosea.org/LinkFiles/Meetings_document17.pdf

World Health Organization (WHO). 2005. *Working Paper on health and human rights activities within WHO:* http://www.who.int/hhr.

World Health Organization (WHO). 2002. *25 Questions & Answers on Health & Human Rights.* Geneva: WHO.

World Health Organization (WHO). 2002. *World Report on Violence and Health.* Available online at: http://www.who.int/violence_injury_prevention/violence/world_report/outline/en/

World Health Organization (WHO). 2001. *Report on Violence and Health.* International Conference on Population and Development, Cairo, 1994: Programme of Action.

World Health Organization (WHO). 2001. *Transforming Health Systems: Gender and Rights in Reproductive Health.* Geneva. Available online at: http://www.who.int/reproductive-health/publications/transforming_healthsystems_gender/index.html

World Health Organization (WHO). 1997. *Female Genital Mutilation – A joint WHO/UNICEF/UNFPA Statement.* Available online at: http://www.who.int/reproductive-health/publications/fgm/fgm_joint_st.pdf

World Summit for Social Development. 1995. *Copenhagen Declaration on Social Development. Development and Programme of Action of the World Summit for Social Development.* Available online at: http://www.un.org/esa/socdev/wssd

World Summit for Social Development. 2000. *Copenhagen Plus 5.*

World Summit for Children. 1990. *World Declaration on the Survival, Protection and Development of Children and Plan of Action for Implementing the World Declaration, and its follow-up, the United Nations General Assembly Special Session (UNGASS) on Children (2002): A World Fit for Children.*

World Trade Organization (WTO). 2003. *Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health.* WT/L/540.

World Trade Organization (WTO). 2001. *Ministerial Declaration on the TRIPS.* Available online at: http://www.wto.org/english

ADDITIONAL INFORMATION

3D (Trade, Human Rights, Equitable Economy): http://www.3dthree.org

Food and Agriculture Organization of the United Nations (FAO): http://www.fao.org

François-Xavier Bagnoud Center for Health and Human Rights: www.hsph.harvard.edu/fxbcenter

Health and Human Rights: http://www.who.int/hhr/en

Health Statistics and Health Information System: http://www.who.int/healthinfo/en

Human Rights Standards on Post-Disaster Resettlement and Rehabilitation: http://www.hic-net.org/documents.asp?PID = 395

International Harm Reduction Association: http://www.ihra.net

Médecins sans Frontières (MSF): http://www.msf.ch

UNAIDS: www.unaids.org

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. 1995.

ILLUSTRATION STORY

**Real Life Case: Story
of Maria Da Penha Maia 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 Carribean 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, Art. 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. The Brazilian State failed to comment on the petition. In its report, dated 16 April 2001, the Inter-American Commission found that Brazil had violated Maria da Penha Maia Fernandes' rights to a Fair Trial and to Judicial Protection. 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. 2001.** *Report N°54/01, Case 12.051, Maria da Penha Maia Fernandes*. Available online at: http://www.cidh.oas.org/annualrep/2000eng/ChapterIII/Merits/Brazil12.051.htm)

Discussion questions

1. What are the main issues raised by the case for human rights of women?
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 equal treatment of women and men?
4. Can similar actions be prevented? Specify which mechanisms on local, regional or international levels 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 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 almost globally, society still hinders the full and immediate implementation of human rights for women all over the world. 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 nor did anybody at that time object to such policy. 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, "de iure" equality often results in "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 emphasises 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 realised.

Gender and the Widespread Misconception of Human Rights of Women

Gender is a concept which does not only address 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…"*

> *"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.** 1998.

after state 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 are still suffering from discrimination and have not been able to and still do not fully enjoy their basic rights.

☺☞ *Non-Discrimination*.

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, colour, 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. Domestic and other forms of violence are threatening the human security of women.
>
> 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 human security cannot 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.
> ☺☞ *Human Rights in Armed Conflicts.*

2. DEFINITION AND DESCRIPTION OF THE ISSUE

It is useful to consider the history of women's rights movements in order to better 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 recognised 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 equalization. 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 on 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 1830's, 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 General Assembly, through cooperation at all levels with other non-governmental organisations, through three-year plans of action in each of its 5 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 Inter-American 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 1970's 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 recognised as full human beings by CEDAW, which contains civil and political rights as well as economic, social and cultural rights, uniting human rights which otherwise are divided into two categories.

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. As of March 2006, 182 states have ratified the Convention.

"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 realisation 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, organisation or enterprise;
- To repeal all national penal provi-

sions 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;
- o 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 traffic 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.

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, being 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. By January 2006, 76 states had signed the protocol, and 74 of them have also ratified it.

(Source: **CEDAW:** http://www.un.org/ womenwatch/daw/cedaw/protocol/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 girl children 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 to assess 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"*. Subsequently, an assessment of both Beijing and Beijing + 5 took place in March 2005, marking the tenth anniversary of the last world conference.

A Plan of Action was 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 of 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.

"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 Declaration and Platform for Action. 1995.

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 labour 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 pay 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 labour based on gender is one of the structural dimensions of poverty that affects women. The biological function

"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.

of maternity is another structural dimension, which is understood as a social function of parenthood and social responsibility.

☺☞ *Right to Work; Freedom from Poverty.*

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 organisations 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 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-ec-*

lampsia and eclampsia). An estimated 7 million of reproductive age are considered high risk for pregnancy because they: a) are too young (less than 18 years old); b) have had 4 or more pregnancies; c) have had closely spaced pregnancies […]; and d) are concurrently ill […]. Even with these risks, 2.6 million of these women are still expected to become pregnant each year. […] 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. 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. The Maternal Mortality and Infant Mortality Rate in the Philippines are one of the highest in the world."

PLCPD – Philippine Legislators' Committee on Population and Development Foundation Inc: http://www.plcpd-found.org/PDF/news/SB2325.pdf

☺☞ *Right to Health.*

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 face rape, sexual abuse, sexual harassment or intimidation. Sexual slavery, forced pregnancy, enforced prostitution, sterilisation 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

"Twenty-four 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.

nullify women's enjoyment of human rights and fundamental freedoms. Hence it was 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.

☺☞ *4. 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 intimida-

tion 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.
Art. 2 of the Declaration on the Elimination of Violence against Women. 1994.

Besides the international system, some regional organisations 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 by way of the **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women** of Belém do Pará of 1994.

☺☞ *Good to Know, 1. Good Practices.*

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 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 rape, forced pregnancy, forced prostitution etc. as crimes against humanity 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 has stated 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 dealing with their special needs.

☺☞ *Human Rights in Armed Conflict.*

Women and Natural Resources

As the excerpt from "Monocultures, Monopolies, Myths and the Masculinisation of Agriculture" by Vandana Shiva indicates, women in India 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 millennia." 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.

"Most documented cases [of rape] 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.

"The phenomenon of bio piracy 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.

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 discrimination in access to education and specialised training.

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 is 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.

☺☞ *Freedom of Religion.*

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.

Numerous Islamic states have made partly far reaching **reservations** to the CEDAW obligations. The CEDAW Committee puts particular emphasis on the withdrawal of the reservations, which prevent the full enjoyment of the rights of women contained in the Convention.

Today, the **political participation of women** is considered much more important than ever as women can best further their own concerns. In the last 50 years more and more women

---

"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.

---

were given the right to vote, to run for and hold public offices. This will hopefully result in more gender-sensitive politics world-wide.

☺☞ *Right to Democracy.*

Since the fall of communism, women in post-communist countries have earned 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.**

☺☞ *Right to Work.*

Customs and traditions 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. ☺☞ *Right to Health.*

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.
  ☺☞ *Introduction, A.*
- Another step is **to encourage women to monitor the performance of their states** to find out if they are fulfiling 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, which monitors the compliance of state parties with their obligations under the CEDAW 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 yet ratified, campaigns should be organised to lobby for its rapid ratification. A ratification of this Optional Protocol means that the ratifying state recognises 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. In the case of gross and systematic violations, the Committee may decide to start an investigation, if this possibility has not been excluded by the respective state when ratifying the protocol.
- 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 realise 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,** set up in 1994. In August 2003, Ms. Yakin Ertürk, Turkey, took over this position from Radhika Coomaraswamy. 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 organisations 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 realise 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 organisations 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 1994 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. The member states of the **African Union (AU)** adopted the Protocol on 11 July 2003; it subsequently entered into force on 25 November 2005.

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 Declaration and 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 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"** organised a campaign against trafficking in women in 2002 and supported the Malinowka project in Minsk, Belarus, 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.

"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,
UN High Commissioner for Human Rights. 2000.

---

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. Women realised that without an organised 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 **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 12 January 2006, 100 states across the world have ratified the Rome Statute.

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: **Rome Statute of the International Criminal Court:** http://www.ohchr.org/english/law/criminalcourt.htm)

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 traditions like polygamy and wife beating.

(Source: **African Studies Quarterly:** http://web.africa.ufl.edu/asq/v7/v7i4a1.htm)

3. CHRONOLOGY

1789 The Declaration on the Rights of the Women and Female Citizen by Olympe de Gouges

1888 Foundation of the International Council of Women

1921 International Convention for the Suppression of the Traffic in Women and Children and amending Protocol

1950 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

1953 Convention on the Political Rights of Women

1957 Convention on the Nationality of Married Women

1962 Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages

1967 Declaration on the Elimination of All Forms of Discrimination against Women

1975 First United Nations World Conference on Women (Mexico City)

1976 Start of the UN Decade for Women: Equality, Development and Peace

1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

1980 Second UN World Conference on Women (Copenhagen)

1985 Third UN World Conference on Women (Nairobi): Adoption of the Nairobi Forward-Looking Strategies for the Advancement of Women to the Year 2000

1994 Establishment of Special Rapporteur on Violence against Women

1994 Convention on the Prevention, Punishment and Eradication of Violence against Women of Belém do Pará

1995 Fourth UN World Conference on Women (Beijing)

1998 Rome Statute of the International Criminal Court

1999 Optional Protocol to the Convention 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

2000 23rd Special Session of the General Assembly on "Women 2000: Gender Equality, Development and Peace for the 21st Century"

2003 Additional Protocol to the African Charter on Rights of Women

2005 Review and Appraisal of the Beijing Declaration and Platform for Action and the Outcome Document of the Twenty-Third Special Session of the General Assembly

SELECTED ACTIVITIES

**ACTIVITY I:
PARAPHRASING THE CEDAW** 1

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: 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, and 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 to organize a women's rights campaign.

Related rights/further areas of exploration:
Human rights generally, minority rights

ACTIVITY II: 2
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 of 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: 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 teacher should then show the participants gender-specific behaviour 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.
• 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 point for discussion 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 teacher to decide what s/he can expect without running the risk of a "rebellion".

Part IV: Follow-up
A suitable follow-up could be to analyse 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

REFERENCES

Abiella, Rosalie. 1987. *The Evolutionary Nature of Equality.* in: Mahoney, Kathleen and Sheilah Martin. Equality and Judicial Neutrality. Toronto: Carswell.

African Studies Quarterly: http://web.africa.ufl.edu/asq/v7/v7i4a1.htm

Amnesty International Australia. *Defending women's rights. Nigeria: Condemnation of the death penalty. Concerns on the implementation of new Sharia-based penal codes.* Available online at: http://www.amnesty.org.au/women/action-letter09.html

Amnesty International. *Female Gender Mutilation – A Human Rights Information Pack.* Available online at: http://www.amnesty.org/ailib/intcam/femgen/fgm1.htm

Benedek, Wolfgang, Gerd Oberleitner and Esther Kisaakye (eds.). 2005. *Human Rights of Women:* *International Instruments and African Experiences.* London: Zed Books.

Boletín Red Feminista Latinoamericana y del Caribe contra la violencia doméstica y sexual. Isis, No. 20. July/September 1998.

Bravo, Rosa. 1998. *Pobreza por razones de género. Precisando conceptos. En Género y Pobreza, Nuevas dimensiones*. Santiago de Chile: Editores Isis.

Cook, Rebecca. 1994. *State Accountability under the Women`s Convention.* In: Human Rights of Women. Philadelphia: University of Pennsylvania.

ECLAC Women and Development Unit. 2000. *The challenge of gender equity and human rights on the threshold of the twenty-first century.* Santiago: ECLAC.

Emily Davison: http://www.spartacus.schoolnet. co.uk/Wdavison.htm

Falcón O´Neill, Lidia. 1999. *Historia de los Derechos de las Mujeres. La construcciòn del Sujeto Politico.* Lima: Seminario Internacional de Derechos Humanos. Movimiento Manuela Ramos.

Inter-American Commission on Human Rights. 2001. Report N°54/01, Case 12.051, Maria da Penha Maia Fernandes. Availabe online at: http://www. cidh.oas.org/annualrep/2000eng/ChapterIII/Merits/ Brazil12.051.htm

International Center for Research on Women. 1998. *Information Bulletin: After the Peace: Women in Post-Conflict Reconstruction*. Available online at: http:// www.icrw.org/docs/postconflictinfobulletin.pdf

ICTR. *Summary of the Judgement in Jean-Paul Akayesu Case. ICTR-96-4-T. Delivered on 2 September 1999.* Available online at: http://www.un.org/ictr/ english/singledocs/jpa_summary.html

Kamat, Jyostna. *The tradition of Sati in India.* Available online at: http://www.kamat.com/kalranga/ hindu/sati.htm

Karam, Azza. 1998. *Beyond Token Representation*. In: Women in Parliament: Beyond Numbers. Available online at: http://www.idea.int/women/parl/toc.htm

Kartusch, Anglika, Katharina Knaus and Gabriele Reiter. 2000. *Bekämpfung des Frauenhandels nach internationalem und österreichischem Recht.* Volume 9. Vienna: Studienreihe des Ludwig-Boltzmann-Instituts für Menschenrechte.

Koenig, Shulamith. 1998. *Embracing Women as Full Owners of Human Rights,* In: Haxton, Eva; Olsson, Claes (ed.). Gender Focus on the WTO. Uppsala: ICDA.

Koenig, Shulamith and Betty A. Reardon. 2001. *Passport to Dignity.* New York: PDHRE.

Moller Okin, Susan. 1998. *Justice, Gender and the family.* New York: Basic Books.

Neuhold, Brita and Birgit Henökl. 2000. *Women's Rights – Human Rights: From Dream to Reality.* Vienna: Austria Service for Development Co-Operation.

Neuhold, Brita, Renate Pirstner-Ebner and Silvia Ulrich. 2003. *Menschenrechte – Frauenrechte.* Vienna: Studienverlag.

NGO Committee on UNICEF. 2000. *Factsheet: Girl Child Health Issues.* Available online at: http://www. girlsrights.org/factsheets/health.pdf

Niarchos, Catherine M. 1995. *Women, War, and Rape: Challenges Facing The International Tribunal for the Former Yugoslavia*. In: Human Rights Quarterly 17 (1995). pp. 649-690.

Pandjiarjian, Valeria. 2003. *Investigating and Analyzing a Strategy*. In: Women, Law and Development International. Saõ Paulo: Cladem Brazil.

People's Decade for Human Rights Education. 2002. *Passport to Dignity*. New York: PDHRE.

People's Decade for Human Rights Education. 2002. *Women hold up the Sky*. New York: PDHRE.

People's Decade for Human Rights Education. 1999. *Between their Stories and our Realities.* New York: PDHRE

PLCPD – Philippine Legislators's Committee on Population and Development Foundation Inc: http:// www.plcpdfound.org

Power, Carla. 2002. *The Shackles of Freedom. The end of communism was supposed to make life better for women. Has it?.* In: Newsweek International. Available online at: http://www.cdi.org/russia/johnson/6142-2.cfm

Reimann, Erich. 1996. *Germany Breaks Up Sex Slave Ring.* In: Associated Press.

Resolution A/Res/48/104 from 20 December 1993. *Declaration on the Elimination of Violence against Women.*

Rome Statute of the International Criminal Court: http://www.ohchr.org/english/law/criminalcourt.htm

Robinson, Mary. 2000. *Women Uniting for Peace. Statement by the United Nations High Commissioner for Human Rights and Secretary-General of the World Conference against Racism*. Available online at: http://www.unhchr.ch/huricane/huricane.nsf/0/DD6773BCD73D1F478025689C005B52B7?opendocument

Seifert, Ruth. 1996. *The Second Front: The Logic of Sexual Violence in Wars.* In*:* Women's Studies International Forum 19 (1/2). pp. 35-43.

Shiva, Vandana. 1998. *Monocultures, Monopolies, Myths and The Masculinisation of Agriculture.* Available online at: http://gos.sbc.edu/s/shiva2.html

Torrevillas, Domini M. 2002. *Why I am for House Bill 4110.* Available online at:http://www.remedios.com.ph/fhtml/mk4q2002_wiaf.htm

United Nations - Division for the Advancement of Women: http://www.un.org/womenwatch/daw

United Nations. 2004. *Report of the Committee on the Elimination of Discrimination against Women.* New York.

United Nations. 2001. *Multilateral Treaty Framework: An Invitation to Universal Participation, Focus 2001: Right of Women and Children.* New York.

United Nations. 2000. *Women, Peace and Security, Study submitted by the Secretary-General pursuant to Security Council resolution 1325* (2000).

Vlachova, Marie, Biason, Lea (ed.). 2005. *Women in an Insecure World.* Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF).

ADDITIONAL INFORMATION

African Union: www.african-union.org

Campaign for a Latin American and Caribbean Convention on Sexual Rights and Reproductive Rights: www.convencion.org.uy

CLADEM – Latin American and Caribbean Committee for the Defense of Women Rights: www.cladem.org

Economic Commission for Latin America and the Caribbean: http://www.eclac.org

Equality Now: http://www.equalitynow.org

International Council of Women: http://www.icw-cif.org

Terre des Femmes: http://www.terredesfemmes.de

Organization of American States: http://www.oas.org

People's Movement for Human Rights Education: http://www.pdhre.org

RSMLAC – Latin American Women's Health Network: http://www.rsmlac.org

United Nations: Commission on the Status of Women: http://www.un.org/womenwatch/daw/csw

United Nations: Committee on the Elimination of Discrimination against women: http://www.un.org/womenwach/daw/cedaw

United Nations: Division for the Advancement of Women: http://www.un.org/womenwatch/daw

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. 1986.

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 Court found that the right to fair trial as stated under Art. 6 of the European Convention on Human Rights had been violated.

(Source: **European Court of Human Rights. 2000.** Magee v. The United Kingdom. Available online at: http://www.worldlii.org/eu/cases/ECHR/2000/216.html)

DISCUSSION QUESTIONS:

1. What do you think are the reasons for Mr. A's treatment?
2. Which rights have been violated?
3. If Mr. A.'s solicitor had been called earlier, would the situation have changed?
4. What can be done to prevent similar situations from occurring?
5. Do you know about international protection systems, which can be used in such cases?

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 taken place 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
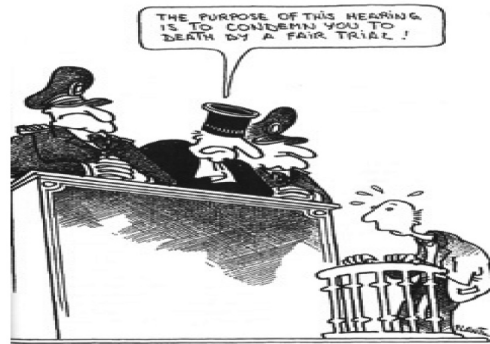
administration of justice', is one of the cornerstones of a democratic society abiding by the 'rule of law'.

The Rule of Law
The rule of law cuts across various policy fields and comprises political, constitutional, and legal as well as human rights aspects. Any society which endorses democracy has to recognise human rights and the primacy of the law as fundamental principles.
☺☞ *Right to Democracy.*

"Yes, the rule of law starts at home. But in too many places it remains elusive. Hatred, corruption, violence and exclusion go without redress. The vulnerable lack effective recourse, and the powerful manipulate laws to retain power and accumulate wealth. At times even the necessary fight against terrorism is allowed to encroach unnecessarily on civil liberties."

Kofi Annan, UN Secretary-General. 2004.

Although the rule of law is a cornerstone of a democratic society, there is no complete consensus on all its elements. However, it is commonly accepted 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 recognised 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 an essential pillar of the democratic process. The rule of law also ensures **accountability** and provides a mechanism for control of those in power.

Historical Development of the Rule of Law

The roots of the principle of the rule of law can be traced back to the Greek Philosophers like Aristoteles, who preferred the rule of law over the rule by discretion. A further step can be recognised in medieval England where, in 1066, a central administration was established by William the Conqueror. Although the king embodied the central executive, legislative and juridical power, he himself did not stand above the law – it was the law that had made him king. Con-

sequently, 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.

In Europe, the principle of the rule of law gained importance against the background of civil revolutions throughout the 17th and 18th century. Today, the rule of law is a core principle of national and regional institutions across the world.

Rule of Law, Fair Trial and Human Security

Human security is rooted in the rule of law and fair trial and cannot be realised without them. The principles of rule of law and fair trial contribute directly to the security of the person and guarantee that no one is persecuted and arrested arbitrarily and that everyone is provided with a fair court hearing presided by an independent and impartial judge. Fairness in court proceedings is constituent to justice and assures the confidence of the citizens in a law-based and impartial jurisdiction.

Furthermore, a strong judicial system performs not only a corrective but also a strong preventive function; it can help curtail crime rates and corruption, thus contributing to freedom from fear. In post-conflict situations,

> *"…support for human rights and the rule of law actually works to improve human security. Societies that respect the rule of law do not provide the executive a blanket authority even in dealing with exceptional situations. They embrace the vital roles of the judiciary and the legislature in ensuring governments take a balanced and lawful approach to complex issues of national interest."*
>
> **Louise Arbour,** UN High Commissioner for Human Rights. 2004.

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 certainty, the unbiased administration of justice and good governance. These are key means by which citizens can regain confidence and trust in the state and its authorities.

With regard to economic growth and development, a favourable investment climate also strongly depends on a well functioning administrative and judicial system. Hence, economic progress and social welfare, which assure social and economic security and directly contribute to freedom from want, are also dependent on the rule of law and fair trial.

Fair Trial as a Core Element of the Rule of Law

The rule of law means, in the first place, the existence and the effective enforcement of publicly known and non-discriminatory laws. For this purpose, the state has to establish institutions that safeguard the legal system, including courts, prosecutors and police. These institutions are themselves bound by human rights guarantees, as laid down in the univer-

sal 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 a few international human rights treaties, like the ICCPR, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and the American Convention on Human Rights, make special reference to **juveniles**. For example, Art. 6 and 14 of the ICCPR provide 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 D.C. Ten people were shot by a sniper in a month-long killing spree, three more were seriously injured. On 24 October 2002, 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, faced court procedure in Virginia where he could have been sentenced to death. This had triggered a public discussion in the US as to whether the death penalty can ever be justified for a 17-year-old. On 23 December 2003, after convicting him of murder for his part in the sniper attacks, a jury in Chesapeake, Virginia, decided to reject the death penalty and recommended a life-without-parole sentence.

On 10 March 2004, John Lee Malvo was officially sentenced to the recommended punishment.
(Source: **American Bar Association**: http://www.abanet.org/crimjust/juvjus/malvo.html/)
On 1 March 2005, the US Supreme Court outlawed the execution of child offenders (those who were under 18 at the time of the crime) in a landmark decision.

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 as-

Recorded executions of child offenders since 1990			
Year	Recorded executions of child offenders	Total recorded executions worldwide	Countries carrying out executions of child offenders (numbers of reported executions are shown in parentheses)
1990	2	2029	Iran (1), USA (1)
1991	0	2086	
1992	6	1708	Iran (3), Pakistan (1), Saudi Arabia (1), USA (1)
1993	5	1831	USA (4), Yemen (1)
1994	0	2331	--
1995	0	3276	--
1996	0	4272	--
1997	2	2607	Nigeria (1), Pakistan (1)
1998	3	2258	USA (3)
1999	2	1813	Iran (1), USA (1)
2000	6	1457	Congo (Democratic Republic) (1), Iran (1), USA (4)
2001	3	3048	Iran (1), Pakistan (1), USA (1)
2002	3	1526	USA (3)
2003	2	1146	China (1), USA (1)
2004	4	3797	China (1), Iran (3)
2005	8	Not available	Iran (8)
(Source: **Amnesty International:** http://web.amnesty.org/pages/deathpenalty-children-stats-eng)			

pects: 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.

(Source: Extracted from the main **UN Human Rights instruments**)

The international provisions, for example Art. 14 of the ICCPR on the right to a fair trial apply to all courts and tribunals, no matter if ordinary or specialised. 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 it lays down clearly indicate that the trying of civilians by such courts should be exceptional and take place under conditions which fully guarantee the provisions stipulated in Art. 14.

**The Most Important Provisions
on Rule of Law and Fair Trial**

1948 Universal Declaration of Human
Rights, Art. 6, 7, 8, 9, 10, 11
1948 American Declaration of the Rights
and Duties of Man, Art. XXVI
1949 Geneva Convention (III) relative to
the Treatment of Prisoners of War,
Art. 3 (d) (non-international armed
conflict), Art. 17, 82, 83, 84, 85, 86,
87, 88 (international armed conflict)
1949 Geneva Convention (IV) relative to
the Protection of Civilian Persons in
Time of War, Art. 3 (d) (non inter-
national armed conflict), Art. 33, 64,
65, 66, 67, 70, 71, 72, 73, 74, 75, 76
(international armed conflict)
1950 European Convention for the Protec-
tion of Human Rights and Funda-
mental Freedoms, Art. 6, 7
1965 International Convention on the
Elimination of All Forms of Racial
Discrimination, Art. 5 (a), 6
1966 International Covenant on Civil and
Political Rights, Art. 9, 11, 14, 15, 16,
26
1969 American Convention on Human
Rights, Art. 8, 9
1977 Protocol Additional to the Geneva
Conventions of 12 August 1949, and
Relating to the Protection of Victims
of International Armed Conflicts
(Protocol I), Art. 44 (4), 75
1977 Protocol Additional to the Geneva
Conventions of 12 August 1949, and
Relating to the Protection of Victims
of Non-International Armed Con-
flicts (Protocol II), Art. 6
1979 Convention on the Elimination of
All Forms of Discrimination against
Women, Art. 15

1981 African Charter on Human and Peo-
ples' Rights (Banjul Charter), Art. 7,
Art. 26
1984 Convention against Torture and
other Cruel, Inhuman, or Degrading
Treatment or Punishment, Art. 15
1984 Protocol No. 7 to the Convention for
the Protection of Human Rights and
Fundamental Freedoms,
Art. 1, 2, 3, 4
1985 UN Basic Principles an the Inde-
pendence of the Judiciary
1985 UN Standard Minimum Rules for the
Administration of Juvenile Justice
(Beijing Rules)
1985 Inter-American Convention to Pre-
vent and Punish Torture
1989 Convention on the Rights of the
Child, Art. 37, 40
1990 UN Basic Principles on the Role of
Lawyers
1990 UN Guidelines on the Role of Pros-
ecutors
1994 Inter-American Convention on the
Prevention, Punishment and Eradi-
cation of Violence against Women,
Art. 4 (f),(g)
1994 Arab Charter on Human Rights,
Art. 6, 7, 8, 9, 10, 16, 18, -
not ratified)
1998 Declaration on Human Rights De-
fenders, Art. 9

**Equality Before the
Law and Before the Court**

The guarantee of equality is one of the gen-
eral 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 their opponent.

The other aspect of equal treatment by the courts is that every accused person is entitled to be treated equally to 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 by 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 point at issue in cases alleging a violation of the right of access to court is that the state cannot restrict or 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.

The Amnesty International Report 2005 states that in Egypt trials of civilians before courts established under emergency legislation, including state security courts, continue to take place. Cases involving national security or "terrorism"-related charges have often been tried before military courts. These courts deny the right to an independent and impartial trial as well as the right to full review before a higher tribunal.

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, a fair trial cannot 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 recognised 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 in a place 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 any 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, they are 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) of the 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 severity 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 assigning the counsel, it should be taken into consideration that the accused has a right to an experienced, competent and effective defence counsel. They also have the right to confidential consultations with their 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 defence 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 defence 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. They come into force on the basis of the conduct of the accused, if 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, they have the right to have 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 changed since then. Accordingly, a higher penalty than that applicable at the time of the criminal offence cannot be imposed. 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.

Right to Bail

Most legislations foresee a right to bail, i.e. to be set free against a financial security while waiting for the court proceedings to start. When existing, the right to bail must not be denied and not implemented in an arbitrary or excessive way although the judge usually has some discretion in making his decision.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

The principle of the rule of law is generally recognised. 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 the one 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 characterised as *rule by* than *rule of* law, is closely connected to the notion of *"Asian-style democracy"*.

Distinctions on the basis of sex are prohibited by Art. 2 and Art. 3 of the ICCPR. However, in some regions, 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 a court on an equal footing with men.

Justice denied for honour crimes also limits the rule of law and the right to a fair trial. Human Rights Watch defines **honour crimes** as *"…acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonour upon the family. A woman can be targeted by her family for a variety of reasons*

including refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce — even from an abusive husband — or committing adultery."

The United Nations Population Fund estimates that the annual worldwide total of honour killings may be as high as 5,000 women. Justice for murder or attempted murder in the case of honour crimes hardly takes place. Taking the example of the Hashemite Kingdom of Jordan, honour killings rarely carry a sentence of more than one year of imprisonment if the perpetrator admits to have acted in a *"… state of great fury resulting from an unlawful and dangerous act on part of the victim …"*. And if the victim's family waives charges against the perpetrator, the sentence can even be reduced to six months (Art. 98 of the Penal Code).

A resolution presented by the UK and Turkey, which aims at eliminating honour crimes was adopted at the UN General Assembly in New York on 28 October 2004. The resolution calls on states to prevent, investigate, punish perpetrators and protect victims of honour crimes. Moreover, from 2003 on, Turkey has made several amendments to its criminal code in order to introduce more severe punishment for honour crimes.

☺☞ *Religious Freedoms.*

Some of the most severe problems countries in transition to democracy face are directly linked to the poor functioning of the national judicial systems. Widespread fraud and corruption, as well as lacking or little regard to law and order sustain violence and crime. The establishment of a well-functioning rule of law regime, however, is essential to democracy, but takes time and requires financial resources. Furthermore, it is difficult to achieve judicial independence without a tradition of respect for democratic values and civil liberties and especially after a violent conflict. However, in a world of economic globalisation, the international demand 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 infrastructure** necessary for the proper

---

"…it is a simple imperative of ensuring that the mechanisms of the rule of law are functioning with full authority and effect, nationally and internationally, so that claims can be heard and redressed, based upon the provisions of law and the requirements of justice."

Sérgio Vieira de Mello, UN High Commissioner for Human Rights. 2003.

administration of justice and promulgate and implement laws and regulations guaranteeing fair and equitable proceedings.

The concept of the rule of law is very closely linked to the idea of democracy,civil and political liberties., and its implementation depends on the realisation 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 organisational structures.

As a general rule, strengthening the rule of law is one of the most effective ways to fight corruption, next to preventing newly elected leaders from falling into authoritarian habits and to fostering respect for human rights through a functioning system of checks and balances. But how can all these concepts be implemented in reality? Basically, three steps are necessary. Firstly, the existing law has to be revised and new legal areas codified. Secondly, the institutions guaranteeing proper administration of justice need to be strengthened, i.e. through the regular training of judges. Lastly, law enforcement and respect for the law have to be increased. Ensuring judicial independence is a fundamental principle in the whole implementation process.

Specific advisory bodies like the Council of Europe's Venice Commission have been established to strengthen the rule of law. Professional associations of judges 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 have been 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 organised.

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 fulfiled 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, such as General Comment No. 13 of 1984 on Art. 14 of the ICCPR, which has been redrafted by the Human Rights Committee in 2006.

Some of the human rights treaties also provide for a **complaint mechanism**. After having exhausted the domestic remedies, an individual may lodge a *"communication"* on 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 (Art. 34), the American Convention on Human Rights (Art. 44) and the African Charter on Human Rights and Peoples' Rights (Art.

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 Peoples' 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 for the victim.

As part of its thematic procedures, the Human Rights Commission of the United Nations has appointed **special rapporteurs** on **extra-judicial, summary or arbitrary executions** (1982) and on the **independence of judges and lawyers** (1994), whereas a working group has been established on **arbitrary detention** (1991).

GOOD TO KNOW

1. GOOD PRACTICES

Development Aid for Establishing a Functioning Judicial System

Most developed 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 funded 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. Croatia, Bosnia and Herzegovina or Kosovo.

Office for Democratic Institutions and Human Rights (ODIHR) – OSCE

The mandate of ODIHR is to *"…ensure full respect for human rights and fundamental freedoms, to **abide by the rule of law**, to promote principles of democracy and […] to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society."* In the field of rule of law, ODIHR is engaged in a variety of technical-assistance projects to foster the development of the rule of law. ODIHR carries out programmes in the areas of fair trial, criminal justice and the rule of law; further it provides lawyers, judges, prosecutors, government officials and the civil society with assistance and training. Through legal-reform and legislative-review projects, the office assists states in bringing domestic laws in line with OSCE commitments and other international standards. In this context, ODIHR mainly operates in Eastern and South-Eastern Europe, as well as in Central Asia and the Caucasus.

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, recognising 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 fulfil 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 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 conflict. Even though these tribunals have done their work quite successfully so far, they have been criticised 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 and fair trial. For example, provisions for the compensation for unlawfully arrested or convicted people were introduced (Art. 85 of the Rome Statute) and the protection of victims and witnesses (Art. 68 of the Rome Statute).

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 neighbourhood 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 through 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 as the alternative to 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.

(Re-)Establishing the Rule of Law in Post-Conflict and Post-Crisis Societies

Recent years have seen an increased focus by the United Nations, other international organisations, as well as the international community on the issue of (re)-establishing the rule of law in post-conflict societies. This increased focus on the rule of law has also led to the development of certain principles for the establishment of the rule of law in post-conflict societies:

- providing rule of law assistance that is appropriate to the particular country concerned and building upon local practice;
- public consultation and debate when planning rule of law reforms;
- establishment of independent national human rights commissions;
- inclusion of appropriate justice and rule of law elements in peacekeeping mandates;
- providing sufficient human and financial resources in the UN to plan the rule of law components of peace operations.

In order to overcome gaps in past and present post-conflict strategies, the Commission of Human Security proposes a comprehensive human security approach which consists of five human security clusters. One of them is *"governance and empowerment"* which pursues as one of its top priorities the establishment of institutions that protect people and uphold the rule of law.

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

1981 African Charter on Human and Peoples' Rights (Banjul Charter)

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 (Beijing Rules)

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 on the Independence of Judges and Lawyers

1998 Rome Statute of the International Criminal Court

2006 Redrafted General Comment No. 13 on Art. 14 of the ICCPR

SELECTED ACTIVITIES

**ACTIVITY I: TO BE
HEARD OR NOT TO BE HEARD?** 😊**1**

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: 15-20
Time: About 90 minutes
Preparation:
Arrange the classroom as a courtroom. Place one table for the judge in the front and two others at right angles to it and facing each other, one for the accused and the defence, the other one 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 defence 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 defence team of two or three people. Allow the defendant to speak and the defence 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 and 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 sur-

prise value might have a greater impact on the participants and will not hinder the performance of the role-play itself. Be careful with the performance, especially in 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, as when one person sues another.

Give participants a definition used by the UN of what constitutes an independent and impartial tribunal: 'independent' and 'impartial' mean that the court should judge each case fairly on the basis of evidence and the rule of law should not favour either side of a case for political reasons.

Related Rights/further areas of exploration:
The presumption of innocence, the recogni-

tion as a person before the law, the right to a competent defence; elements of democracy

(Source: Adapted from: **United Nations Cyberschoolbus:** http://www.un.org/cyberschoolbus/humanrights/declaration/10)

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: 15-20
Time: About 60 minutes
Material: Handouts (see below)
Preparation:
Prepare a handout of the statement of defence 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 the 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 de-

fence attorneys for clients accused of notorious crimes.

Hand out the statement of the defence 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 summarise 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 have been 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 arbitrarily at any time.

Tips for variation:

Discuss the Art. 11 of the UDHR. Write it down on a flip-chart and explain its meaning

and purpose. 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 defence 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 the 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 that you should be legally protected in the same way everywhere and like everyone else. Definition: A person before the law is someone who is recognised 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.

Related Rights/further areas of exploration:

The presumption of innocence, the recognition as a person before the law, the right to a competent defence; democracy

(Source: Adapted from: *Correspondence Bias in Everyday Life,* Minnesota: Carleton College. Available online at: http://www.acad.carleton.edu/curricular/PSYC/classes/psych110_Lutsky/RMII/CB4a.html)

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.)

REFERENCES

Allain, Jean. 2000. *A Century of International Adjudication – The Rule of Law and its Limits.* Cambridge: Cambridge University Press.

Amnesty International. 2005. *Amnesty International Report 2005.* Available online at: http://web.amnesty.org/report2005/index-eng

Amnesty International. 2005. *The Death Penalty – Executions of child offenders since 1990.* Available online at: http://web.amnesty.org/pages/deathpenalty-children-stats-eng

Anheier, Helmut K., Mary H. Kaldor and Marlies Glasius (eds.). 2003. *Global Civil Society 2003.* Oxford: Oxford University Press.

Annan, Kofi. 2002. *Strengthening of the Rule of Law.* Report of the Secretary-General to the General Assembly. A/57/150. Available online at: http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/63233977f02defb2c1256c40002ca6f5/$FILE/N0251433.pdf

Annan, Kofi. 2004. *The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies. Report of the Secretary-General to the Security Council.* S/2004/616. Available online at: http://www.undp.org/bcpr/jssr/4_resources/documents/UN_2004_Rule % 20of % 20Law.pdf

Arbour, **Louise. 2004.** *Security under the Rule of Law.* Available online at: http://www.hchr.org.co/publico/comunicados/2004/cp0431.pdf

Bell, Ryan Brett and Paula Odysseos. 2002. *Sex, Drugs and Court TV? How America's Increasing Interest. In:* Trial Publicity Impacts Our Lawyers and the Legal System. 15 Georgetown Journal of Legal Ethics 653.

Brown, Mark Malloch. 2004. *Rule of Law and Transitional Justice and Post-Conflict Societies.* Available online at: http://www.undp.org/dpa/statements/administ/2004/october

Carothers, Thomas. 1998. *The Rule of Law Revival. 77* Foreign Affairs 2.

Commission on Global Governance. 1995. *Our Global Neighbourhood. The Report of the Commission on Global Governance.* Oxford: Oxford University Press.

Commission on Human Rights. 2002. *Administration of Justice, Rule of Law and Democracy. Report of the Sessional Working Group on the Administration of Justice.* E/CN.4/Sub.2/2002/7. Available online at: http://www.hrni.org/files/reports/HRNi_EN_125.pdf

Commission on Human Security. 2003. *Human Security Now.* New York: Commission on Human Security. Available online at: http://www.humansecurity-chs.org/finalreport

Cotran, Eugene and Mai Yamani. 2000. *The Rule of Law in the Middle East and the Islamic World, Human Rights and the Judicial Process.* New York: Palgrave.

Council of Europe. 2004. *Building Europe together on the Rule of Law.* Strasbourg: Council of Europe.

Goldfarb, Ronald. 1998. *TV or not TV: Television, Justice, and the Courts.* New York: New York University Press.

Huber, Martina. 2002. *Monitoring the Rule of Law, Consolidated Framework and Report.* The Hague: Netherlands Institute of International Relations.

Lawyers Committee for Human Rights. 2000. *What is a fair trial? A basic Guide to Legal Standards and Practice.* Available online at: http://www.lchr.org/pubs/descriptions/fair_trial.pdf

Maravall, Jose Maria and Adam Przeworski (eds.). 2003. *Democracy and the Rule of Law. Cambridge Studies in the Theory of Democracy.* Cambridge: Cambridge University Press.

Murphy, John F. 2004. *The United States and the Rule of Law in International Affairs.* Cambridge: Cambridge University Press.

O'Donnell, Guillermo. October 2004. *Why the Rule of Law Matters.* 15 Journal of Democracy 2.

Office of the High Commissioner for Human Rights. 2003. *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers.* Available online at: http://www.ohchr.org/english/about/publications/training.htm

Office of the High Commissioner for Human Rights. 1985. *Basic Principles on the Independence of the Judiciary.* Available online at: http://193.194.138.190/html/menu3/b/h_comp50.htm

Office of the High Commissioner for Human Rights. 1984. *General Comment No. 13: Equality before the courts and the right to a fair and public hearing by an independent court established by law* (Art. 14): 13/04/84. _CCPR General Comment No. 13.. Available online at:
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/bb722416a295f264c12563ed0049dfbd?Opendocument

Ramen, Frank. 2001. *The Rights of the Accused (Individual Rights and Civic Responsibility).* New York: The Rosen Publishing Group.

Robinson, Mary. 1998. *Building Justice: A Conference on Establishing the Rule of Law in Post-Conflict Situations. Opening Speech.* Vienna 26-27 June 1998.

Tamanaha, Brian Z. 2004. *On the Rule of Law. History, Politics, Theory.* Cambridge: Cambridge University Press.

Weissbrodt, David A. and Rüdiger Wolfrum. 1997. *The Right to a Fair Trial.* Berlin: Springer Verlag.

Weissbrodt, David A. 2001. *The Right to a Fair Trial under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Articles 8, 10 and 11 of the Universal Declaration of Human Rights.* The Hague: Kluwer Academic Publishers.

ADDITIONAL INFORMATION

American Bar Association: The Central and East European Law Initiative: http://www.abanet.org/ceeli/home.html

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

Amnesty International - Death Penalty: http://www.amnesty.org/deathpenalty

Amnesty International - International Justice: http://web.amnesty.org/pages/jus-index-eng

Asian Legal Resource Centre (ALRC): http://www.alrc.net

Center on Democracy, Development, and the Rule of Law (CDDRL): http://cddrl.stanford.edu

Cooperation Programme to Strengthen the Rule of Law: http://www.coe.int/T/E/Legal_Affairs/About_us/Activities/1Activities_DGI.asp#P86_7557

Death Penalty Information Centre:
http://www.deathpenaltyinfo.org

Directorate General of Legal Affairs – DGI:
http://www.coe.int/T/E/Legal_Affairs/About_us/
Activities/1Activities_DGI.asp

European Commission for Democracy through Law (Venice Commission): http://www.venice.coe.int

European Initiative for Democracy and Human Rights:
http://europa.eu.int/comm/europeaid/projects/eidhr/
eidhr_en.htm

European Union:
http://europa.eu.int/pol/rights/index_en.htm

Human Rights Watch (provides information about the situation of the rule of law in specific countries)**:** http://hrw.org

IFES: http://www.ifes.org

International Bar Association:
http://www.ibanet.org

International Criminal Court (ICC):
http://www.icc-cpi.int

International Criminal Tribunal for Rwanda (ICTR):
http://www.ictr.org

International Criminal Tribunal for the Former Yugoslavia: http://www.un.org/icty
Special Court for Sierra Leone:
http://www.sc-sl.org

The Arab Center for Independence of the Judiciary and the Legal Profession: http://www.acijlp.org/
EACIJLP/EHOME.ASP

The Asia Foundation:
http://www.asiafoundation.org

The International Commission of Jurists:
http://www.icj.org

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 Law Association for Asia and the Pacific:
http://www.lawasia.asn.au

The RIGHTS Consortium:
http://www.rightsconsortium.org

Office for Democratic Institutions and Human Rights (ODIHR): http://www.osce.org/odihr

United Nations High Commissioner for Human Rights: http://www.unhchr.ch

United States Institute of Peace: http://www.usip.org

RELIGIOUS FREEDOMS

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

FREEDOM TO MANIFEST THESE RIGHTS
ALONE OR IN COMMUNITY IN TEACHING, PRACTISE,
WORSHIP AND OBSERVANCE

FREEDOM TO ADOPT AND TO CHANGE
ONE'S RELIGION OR BELIEF

» *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. 1948.

ILLUSTRATION STORY

Dhabihullah Mahrami was arrested in 1995 and was sentenced to death for apostasy (by converting from Islam to the Baha'i belief) in 1996. His death sentence was commuted to life imprisonment in 1999. Amnesty International adopted him as a prisoner of conscience in 1996 and campaigned for his immediate and unconditional release, highlighting his case in a report entitled Iran: Dhabihullah Mahrami: Prisoner of Conscience (AI Index: MDE 13/34/96).

According to reports, Dhabihullah Mahrami was found dead in his cell in Yazd prison on 15 December 2005. His family were apparently informed that he had died of a heart attack and were given his body, which has since been buried.

However, Dhabihullah Mahrami was reported to be in good health shortly prior to his death and was not known to be suffering from heart disease, though he was apparently made to engage in strenuous physical labour while in prison raising concern that this may have caused or contributed to his death. He is also said to have received death threats.

In its letter to Ayatollah Mahmoud Hashemi Shahroudi, head of Iran's Judiciary, Amnesty International urged that any investigation into Dhabihullah Mahrami's death in custody should be carried out in conformity with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (☺☞ *Rule of Law and Fair Trial*) and that any person found responsible for his death should be brought to justice and given a prompt and fair trial.

An apparently increasing pattern of harassment of the Baha'i community which has seen at least 66 Baha'is arrested since the beginning of 2005, apparently on account of their identity as Baha'is or their peaceful activities on behalf of the Baha'i community is taking place in Iran. Most have been released but at least nine reportedly remain in prison including Mehran Kawsari and Bahram Mashhadi, sentenced to, respectively, three and one year prison terms in connection with a letter they addressed to former President Hojjatoleslam val Moslemin Sayed Mohammad Khatami demanding an end to human rights violations against Baha'is.

(Source: **Amnesty International. 2006.** Iran: Inquiry needed in the death of Bahai prisoner of conscience. Amnesty International Public Statement. Available online at: http://web.amnesty.org/library/index/engMDE130042006?open&of=eng-IRN)

Discussion Questions: ☺☺?

1. What do you think were the reasons for Mr. Mahrami's treatment?
2. Have you heard of comparable incidents in your country or region?
3. Which international human rights standards have been violated?
4. How can similar situations be prevented from occurring?
5. Which international institutions and procedures exist to address such cases?

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 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 before by Muslims. The actions against Indians of Latin America also took place in the course of Christianisation.

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**.

It 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 the 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 key elements 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

"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. 1689. *Letter Concerning Toleration.*

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 include the suppression of various beliefs in Burma, China (e.g. the Uighur Muslims in Xinjiang, Tibetan Buddhists), Iran (Baha'is), North Korea, Sudan, Saudi-Arabia, in Eritrea; Pakistan, Turkmenistan and Uzbekistan. They range from the new growth of Christian religious fundamentalism in the United States of America, to the intensification of religious extremism of Islam, as well as new forms of anti-Semitism (i.e. fear and hatred of Jews/Judaism) in various countries, and, especially since 11 September 2001, to an increasing but often overlooked Islamophobia (i.e. fear and hatred of Muslims/Islam) 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 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.

stitutionalised, 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 for others' thoughts or religious believes. 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 the philosophical or sociological discussions. However, in the different definitions several common elements have been proposed.

Religion, etymologically, related to the Latin *religare,* refers to "binding". Religion is what binds the believer to some "Absolute"- con-

ceptualised either in personal or impersonal terms. It normally includes a set of rites and rituals, rules and regulations that enables 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. Often, though not always, a legal entity, such as a church or other institution is established to organise 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 Law Dictionary defines 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 narrow intellectual conception of belief as an act of reflection, belief means an act of trusting in or relying on something Supreme (be it personal or not, like the four Noble Truths in Buddhism).

The UN Human Rights Committee, in its General Comment No. 22 on Art. 18 of the International Covenant on Civil and Political Rights (ICCPR) defines the protection of religion or belief as follows: "Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief". The General Comment goes on to say, "The terms religion or belief are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community."

Beliefs of any other character - whether political, cultural, scientific, or economic - do not fall under this protection.

☺☞ *Freedom of Expression and Freedom of the Media.*

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, non-theistic and atheistic beliefs as well as agnostic positions and involve all beliefs with a transcendent view of the universe and a normative code of behaviour.

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 pro-

tected in 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 which are detained for their religious beliefs. The story of Mr. Mahrami 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 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.

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. 1981.

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.

☺☞ *Non-Discrimination.*

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 current standards of 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 of particular language, and associated rituals of your faith. Manifestation of religion or belief also means being able to avoid acts that are incompatible with prescriptions of a faith. Such actions may be the refusal of oaths, military service, and participation in religious ceremonies, confession, or refusal of 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 at stake.

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, forced prostitution, subversive activities and other practices that threaten human health and bodily integrity.

3. INTERCULTURAL PERSPECTIVES AND 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 recognised religious groups.

International standards do not prescribe any particular model of relationship between a state and beliefs. They do not require the vision of secular societies which banish religion from public affairs although the separation of religion from the state is a major characteristic of modern (Western) societies.

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 recognised faiths. But where only *one* religion is taken to be constitutive of national identity, it is difficult to see that equal treatment of different or minority faiths can be guaranteed.

According to Western views, an equal relationship to all religions in the 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 connected with a particular church or religion, it is unlikely that the rights of members of religious minorities receive equal protection.

Questions for discussion

- What is the attitude of your country towards different beliefs?
- Does your country recognise 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 most controversial issue among cultures despite clear international standards.

A person is an apostate if they leave a religion and either adopt another religion or assume a secular lifestyle. Historically, Islam, Christianity and other religions have taken a very dim view of apostates. The penalty was often execution.

Today, in Islam apostasy is still severely punished in many countries where society is based on *Shariah* laws. Countries like Pakistan, Saudi Arabia or Egypt only stand out for many others where life imprisonment or the death penalty for openly rejecting the Islamic faith may be imposed. In practice, this means that there is no freedom to choose and change one's religion or belief.

This is in clear contradiction with international human rights law. A person has the right to choose their beliefs freely and without coercion. The debate on this issue is highly emotional and sensitive as it touches on deep convictions and different understandings of

religious freedoms. It illustrates the cultural differences in the perception of religious and other freedoms.

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 proselytising or evangelising.

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 proselytising, 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 proselytising: the use of money, gifts or privileges in order to make a person convert; proselytising at places where people are present by force of law (classrooms, military installations, prisons and the like).

Inciting Religious Hatred
and Freedom of Expression

In early 2006, civil liberty groups in the UK insisted that the new "Racial and Religious Hatred Bill", which introduced a new offence of "inciting religious hatred", must not prevent the right to criticise and ridicule religious beliefs and practices as part of the freedom of expression. The bill was amended accordingly.

☺☞ *Freedom of Expression*
and Freedom of the Media.

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. A certain trend to acknowledge such a right by national legislations can be noted in some countries where alternative community service is foreseen (for example in Austria, France, Canada, or the USA). However, in other countries such as Greece, Chile, or, especially, Israel there is no such recognition of conscientious objection to military service and people may 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 recognised in international human rights?

4. IMPLEMENTATION
AND MONITORING

The main problem of implementation of religious freedoms is the lack of effective enforcement of Art. 18 of the ICCPR. The *1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,* that provides more detailed provisions, has a certain legal effect as it may be seen as partly stating rules of customary international law. But generally a declaration is not legally binding. Despite an international agreement on the need for a convention there is not yet a consensus as to its possible contents.

A Special Rapporteur on Religious Intolerance has been established in 1986 to monitor the implementation of the 1981 Declaration. Their mandate is mainly to identify incidents and government actions that are inconsist-

ent 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 in 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 the individual.

Regional human rights instruments also deal with the freedom of religion: The African Commission on Human Rights decided in cases concerning 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 cohabitation.* Emphasis has to be put on the role of education as an essential means of combating religious intolerance and discrimination. States have clear duties under 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. A **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*** also in religious affairs. It also means refusing to discriminate against others in employment, accommodation and access to social services because they have another faith. Furthermore, in order to start a change in attitudes. There is a need for interfaith dialogue, as well as for the believers and non-believers to meet on common ground and learn to respect each other.

GOOD TO KNOW

1. GOOD PRACTICES

Interfaith Dialogue for Religious Pluralism

During the last few decades questions about religious and cultural pluralism have reawakened interest in churches and believers´ communities. There is a sense of urgency about building creative relationships between peoples of different 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;
- The World Fellowship of Inter-Religious Councils (WFIRC).

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 into the cities of Graz and Sarajevo;
- The city of Graz has established a Council for Inter-religious Affairs, which discusses inter-faith problems and advises the city how to resolve them.

Question

"In dialogue, conviction and openness are held in balance."

- How can this be done, individually and in a community?

(Source: **Worldwide Ministries - Guidelines for Interfaith Dialogue:** http://www.pcusa.org/pcusa/wmd/eir/dialog.htm)

"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 th books' intended audiences.

2. TRENDS

Cults, Sects and New Religious Movements

VP CONDEMNS MOB ATTACK ON ISLAMIC SECT

JAKARTA (16 July 2005): Vice President Yusuf Kalla on Saturday condemned an attack by about 1,000 Muslims on the headquarters of a little-known Islamic sect denounced as heretical by mainstream Muslim groups around the world. Armed with batons and stones, the mob attacked the headquarters of the Ahamadiyah sect in the town of Bogor, just south of Jakarta, vandalizing offices and living quarters. Police tried to stop the attack, but were outnumbered.

(Source: **Essemby of Indonesia:** http://www.indonesia-ottawa.org/information/details.php?type = news&id = 1220)

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.

Since both terms are defined by "differing from the norm", the views of what constitutes a sect and a cult will be different among different beliefs. Buddhism and Hinduism will use the terms in a neutral way, while in the western world "sect" or "cult" is often used with negative connotations. These 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 founded as 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 – Germany being the best-known example – is not recognised as a church because of being seen as an enterprise.

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 by nearly all faiths. And it is only lately that their religious freedoms have been addressed. Women's discrimination in religion is twofold. They may lack the freedom to manifest their faith, if 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 penalise them or even threaten their lives:

- The rate of young girls being mutilated in rural areas of Egypt is 97 %. **Female Genital Mutilation (FGM)** is a cultural tradition in many countries, and is strongly opposed by international human rights protection standards. Severe health problems may arise subsequently. However, progress in that area was made in June 2003 when the Cairo Declaration for the Elimination of FGM was signed at the Afro-Arab Expert Consultation on "Legal Tools for the Prevention of Female Genital Mutilation" by representatives of twenty-eight African and Arab countries affected by the practice of FGM.

- **Forced marriages** often resulting in slavery are practiced in many countries of the world. The need for the consent of the woman for marriage is not respected. Sometimes "wives" are still children. Forced marriages are also practiced among certain groups in Europe and North-America and are defended or tolerated in the name of culture, tradition and religion in spite of general prohibitions in such countries.

- **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 dishonoured. The children continue to be discriminated against.

Religious Extremism and its Impacts

In the aftermath of the September 11th, 2001 attacks on the World Trade Centre and the Pentagon, but also as a consequence to the 7 July 2005 attack on the London subway, terrorism seems to exploit religious belief more than ever. Many conclude that these tragic events only mark the tip of the iceberg that underlies the nexus of faith and terrorism: the hi-jacking of planes, the bombings of Western embassies in Muslim-dominated countries, not to mention the "Israel/Palestine question" and various "low-intensity" conflicts around the world, mobilise 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.

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 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.

> "*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*".
> (Source: **OSCE – Freedom of Religion and Belief:** http://www.osce.org/odihr/13434.html)

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 Declaration on Religious Liberty of the World Council of Churches

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)

1965 Declaration on Religious Freedom by the Vatican Council)

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

1992 UN- Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities (Art. 2)

1993 Declaration Towards a Global Ethic, endorsed by the Parliament of the World's Religions in Chicago
1994 Arab Charter for Human Rights (Art. 26, 27)
1998 Asian Human Rights Charta (Art. 6)
2001 United Nations International Con-

sultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-discrimination (Madrid)
2001 World Congress for the Preservation of Religious Diversity (New Delhi)

SELECTED ACTIVITIES

ACTIVITY I: 1
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: 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:
- How do participants feel after the discussion? Was it difficult to accept that the comments have hurt others and stay 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 when 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 and Freedom of the Media
(Sources: **United Nations. 2004.** *Teaching Human Rights. Practical Activities for Primary and Secondary Schools.* United Nations Publications. Available online at: http://www.ohchr.org/english/about/publications/training.htm)

ACTIVITY II: 😊2
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 analyse 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: 5–30
Time: 2–4 hours
Preparation: Prepare a flip chart, flip charts papers and text-markers.
Skills involved:
social skills: listening to others analysing, 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 happen 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 (includ-

ing cultural pluralism), democracy and the rule of law."

Second part

- Organise a multicultural gathering. Ask each participant/small group of participants 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 against 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. If despite your instructions students/participants might resent

(an) other feeling discriminated against, they should stop the presentations and not rely on the teacher's notions about the participants´ feelings – they might not be adequate ... 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 is offensive or simply based on misunderstanding or erroneous information. After the presentation has been stopped a discussion on the motives of both sides has to follow.

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, colour, gender or ethnicity

(Source: **United Nations – Global Teaching And Learning Project Cyperschoolbus:** http://www0.un.org/cyberschoolbus/humanrights/declaration/18.asp)

REFERENCES

Abduljalil Sajid, Imam. 2005. *Islamophobia: A new word for an old fear.* Available online at: http://www.osce.org/documents/cio/2005/06/15198_en.pdf

Ahdar, Rex. 2005. *Religious Freedom in the Liberal State.* Oxford: Oxford University Press.

Baptist Joint Committee: http://www.bjcpa.org

BBC. 2005. *Forced marriage 'could be banned'.* Available online at: http://news.bbc.co.uk/2/hi/uk_news/politics/4214308.stm

Black, Henry Campbell. 1990. *Black's Law Dictionary. 6th Edition.* Eagan: West Group.

Cairo Declaration for the Elimination of FGM: http://www.childinfo.org/areas/fgmc/docs/Cairo%20declaration.pdf

Center for Religious Freedom – Freedom House. 2005. *Saudi Publications on Hate Ideology Invade American Mosques.* Washington. Available online at: http://freedomhouse.org/religion/pdfdocs/FINAL%20FINAL.pdf

Courage to Refuse. 2004. *Reservist gets 28 days for refusing Gaza duty – Lily Galili and Charlotte Halle.* Available online at: http://www.seruv.org.il/english/article.asp?msgid=204

Declaration on Religious Freedom by the Vatican Council: http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html

Declaration on Religious Liberty of the World Council of Churches: http://www.religlaw.org/interdocs/docs/wccdecreliglib1948.html

Evans, Malcolm D. and Rachel Murray (eds.). 2002. *The African Charter on Human and Peoples' Rights. The System in Practice. 1986-2000.* Cambridge: Cambridge University Press.

Gahrana, Kanan. 2001. *Right to Freedom of Religion: A Study in Indian Secularism.* Denver: International Academic Publishing.

Institute for the Secularisation of Islamic Society. *Girls' Nightmare in Muslim Families: Forced Marriages in Europe.* Available online at: http://www.secularislam.org/women/nightmare.htm

Krishnaswami, Arcot. 1960. *Study of Discrimination in the Matter of Religious Rights and Practices,* New York: United Nations Publisher.

Küng, Hans and Karl-Josef Kuschel (eds.). 1993. *A Global Ethic. The Declaration of the Parliament of World's Religions.* London: Continuum.

Marshall, Paul. 2000. *Religious Freedom in the World: A Global Report of Freedom and Persecution.* Nashville: Broadman &Holman.

Lerner, Natan. 2000. *Religion, Beliefs, and International Human Rights.* New York: Orbis Books.

OSCE. 2005. *Contribution of H.E. Prof. Ekmeleddin Ihsanoglu, Secretary General of the Organisation of the Islamic Conference, to the Work of the 4th Session of the O.S.C.E. Conference on Anti-Semitism and on their forms of Intolerance.* Available online at: http://www.osce.org/documents/cio/2005/06/15198_en.pdf

OSCE. 2005. *OSCE Conference on Anti-Semitism and on Other Forms of Intolerance.* Available online at: http://www.osce.org/item/9735.html

OSCE. 2002. *Freedom of Religion and Belief.* Available online at: http://www.osce.org/odihr/13434.html

Religions for Peace: http://www.wcrp.org

United Nations. 2004. *Civil and Politcal Rights, Including Religious Intolerance. Report submitted by Mr. Adelfattah Amor, Special Rapporteur on freedom of religion or belief.* E/CN.4/2004/63. Available online at: http://www.ohchr.org/english/issues/religion/annual.htm

United Nations. 2004. *Civil and Politcal Rights, Including the Question of Religious Intolerance. Report submitted by Asma Jahangir, Special Rapporteur on freedom of religion or belief.* E/CN.4/2005/61. Available online at: http://www.ohchr.org/english/issues/religion/annual.htm

United Nations. 2003. *Civil and Politcal Rights, Including Religious Intolerance. Report submitted by Mr. Adelfattah Amor, Special Rapporteur on freedom of religion or belief, in accordance with Commission on Human*

*Rights resolution 2002/40. E/CN.4/2003/66. Available online at: http://www.ohc*hr.org/english/issues/religion/annual.htm

U.S. Department of State. 2005. *Report on Global Anti-Semitism.* Available online at: http://www.state.gov/g/drl/rls/40258.htm

U.S. Department of State. 2001. *Egypt: Report on Female Genital Mutilation (FGM) or Femal Genital Cutting (FGC).* Available online at: http://www.state.gov/g/wi/rls/rep/crfgm/10096.htm

World Congress for the Preservation of Religious Diversity: http://www.infinityfoundation.com/mandala/s_ot/s_ot_world_congress.htm

Worldwide Ministries - Guidelines for Interfaith Dialogue: http://www.pcusa.org/pcusa/wmd/eir/dialog.htm

Yinger, J. Milton. 1970. *The Scientific Study of Religion.* New York: McMillan.

ADDITIONAL INFORMATION

Anti- Defamation League: http://www.adl.org

Cookson, Catharine (ed.). 2003. *Encyclopaedia of religious freedom.* New York: Routledge.

Council for a Parliament of the World's Religions: http://www.cpwr.org/

Global Ethic Foundation: http://www.weltethos.org

Human Rights Watch: http://www.hrw.org/doc/?t = religion

Human Rights Watch. 2005. *Devastating Blows Religious Repression of Uighurs in Xinjiang.* Available online at: http://hrw.org/reports/2005/china0405

Human Rights Without Frontiers International: http://www.hrwf.net

International Association for Religious Freedom: http://www.iarf-religiousfreedom.net

International Religious Liberty Association: http://www.irla.org/index.html

Journal of Religion and Society: http://www.creighton.edu/JRS

Marburg Journal of Religion: http://web.uni-marburg.de/religionswissenschaft/journal/mjr/welcome.html

Ontario Consultants on Religious Freedoms: http://www.religioustolerance.org

OSCE. 2004. *OSCE Conference on Anti-Semitism.* PC.DEL/696/04/Rev.1. Available online at: http://www.osce.org/documents/cio/2004/07/3349_en.pdf

OSCE. 2004. *OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination.* PC.DEL/949/04. Available online at: http://www.osce.org/documents/cio/2004/10/3728_en.pdf

OSCE. 2004. *OSCE Meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crime.* PC.DEL/918/04/Corr.1. Available online at: http://www.osce.org/documents/cio/2004/09/3642_en.pdf

Saeed, Abdullah; et al.. 2004. *Freedom of Religion, Apostasy and Islam.* Aldershot: Ashgate Publishing.

Scalabrino, Michelangela. 2003. *International code on religious freedom.* Leuven: Peeters.

Soka Gakkai International: http://www.sgi.org

United Nations. 2001. *International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination.* Available online at:http://www.unhchr.ch/html/menu2/7/b/main.htm

United States Commission on International Religious Freedom: http://www.uscirf.gov

United States Commission on International Religious Freedom. 2005. *The Religion-State Relationship and the Right to Freedom of Religion or Belief: A Comparative Textual Analysis of the Constitutions of Predominantly Muslim Countries. Available online at: http://www.uscirf.gov/countries/global/comparative_constitutions/03082005/Study0305.pdf*

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: http://www.hri.ca/racism/meetings/declarsantiago.shtml

World Conference on Religion and Peace (WCRP): http://www.wcrp.org

RIGHT TO EDUCATION

AVAILABILITY OF AND EQUAL ACCESS TO EDUCATION

EMPOWERMENT THROUGH 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 and fundamental freedoms...* «

Article 26 (2), Universal Declaration of Human Rights. 1948.

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 UN Millennium Report**. 2000.

Discussion Questions

1. 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?
2. Can you think of reasons why such a large percentage of illiterate people are girl children or women?
3. Do you think that there are different kinds of knowledge? If so, what knowledge is important? What kinds of knowledge lose relevance?
4. Do you think that the right to education is currently a priority for the International Community?
5. Whose responsibility is it to eliminate ignorance and illiteracy and by what measures?
6. Is education important for the enjoyment of other human rights? If so, why?
7. Do you think that education can contribute to human security? If so, how?
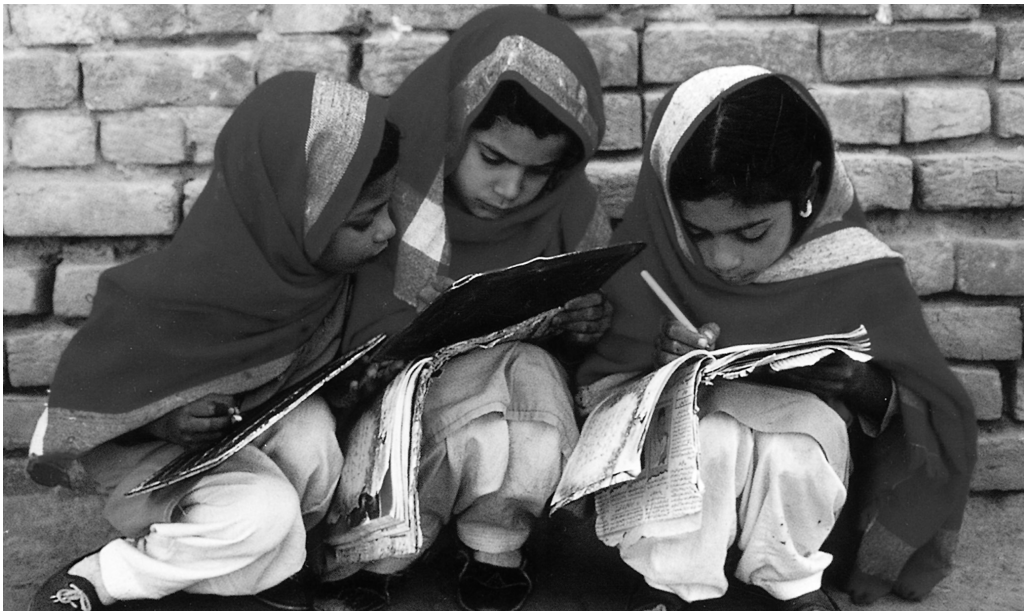
NEED TO KNOW ⊙‼

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 one sixth of the world's population, or the entire population of India, and it is increasing.

The human right to education can be characterised 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 create a universal culture of human rights.

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 lack of human security prevents children to go to school. This is obvious for children in armed conflict, in particular for child soldiers. But poverty as a threat to human security may result as well in the denial of the right to education. 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 in armed conflicts can be prevented or regulated and societal reconstruction after conflicts facilitated.
☺☞ *Human Rights of the Child,*
       Human Rights in Armed Conflict.

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 educational opportunities, e.g. access to primary, secondary, and tertiary education. While acknowledging a broader conception of the right to education, this module focuses on **primary** and **basic education**, as vast numbers of peo-

ple are denied even the foundations of a life-long learning journey.

The human right to education as prescribed in the International Bill of Human Rights of the United Nations refers to free and compulsory education in the *"elementary and fundamental"* stages. States, however, interpret this requirement in different ways. In Europe, North America, Australia and some parts of South Asia, *"elementary"* education extends to full secondary education; however, some 20 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 centuries, 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, which included a section on *"Education and Schooling"*, explicitly recognising the duty of the state to guarantee education by means of free and compulsory school attendance.

The conclusion of peace treaties after the First World War included guarantees of educational rights of minorities. The proclamation of the Declaration of Geneva, the so-called *"Charter of Child Welfare of the League of Nations"* 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 more than 50 countries, for example Nicaragua, Cyprus, Spain, Vietnam, Ireland, Egypt, Japan, Paraguay and Poland.

The United Kingdom 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 levels - have developed certain educational entitlements, particularly relating to equality of educational opportunity.

(Source: **Douglas Hodgson. 1998.** *The Human Right to Education*)

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 (Art. 26), the International Covenant on Economic, Social and Cultural Rights (Art. 13 and 14), the Convention on the Elimination of All Forms of Discrimination against Women (Art. 10) and the Convention on the Rights of the Child (Art. 28 and 29). On the regional level there is the European Convention on Human Rights and Fundamental Freedoms (Art. 2 of the First Protocol), the American Convention on Human Rights (Art. 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 (Art. 17). One of the most recent codifications of human rights, the Charter of Fundamental Rights of the European Union, includes the right to education in its Art. 14.

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 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 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 should the rights of all religious, ethnic and linguistic groups.

"The States Parties to the present Covenant recognize the right of everyone to education. They agree that 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) ICESCR

The obligation to **protect** requires states to take steps through legislation or by other means to prevent and prohibit the violation of individual rights and freedoms by third persons. States should ensure that public or private schools do not apply discriminatory practices to or inflict corporal punishment on pupils.

The obligation to **fulfil** in the International Covenant on Economic, Social and Cultural Rights (ICESCR) means the obligation of the progressive realisation of the right. For this purpose, 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 of this is Art. 14 of the 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** No. 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 realising 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 structural 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 remains a need to be realised as a right.

The provision of secondary and tertiary education is also an important element of the right to education. The requirement of *"progressive introduction of free education"* does not mean that a state can absolve itself from its obligations.

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**.

> *"Educating a woman is educating a family, a community, a nation."*
>
> **African proverb**

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 Art. 10 of the Convention on the Elimination of All Forms of Discrimination against Women.

Acceptability

The former Special Rapporteur on the Right to Education, Katarina Tomasevski, 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. Education has to be culturally appropriate and of good quality. Pupils and parents have a right to be free from indoctrination and mandatory study of materials that are incompatible with a pupil's religious or other beliefs. Using the authority of the public educational system to induce people to change faith can be considered illicit proselytism.
☺☞ *Freedom of Religion,*

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 obligation of governments to ensure that the human right to education is respected, protected and fulfilled is not only a state concern. It is also the task of civil society to promote and assist the full implementation of the right to education.

The UN Literacy Decade 2003-2012 is confronted with a situation, in which still 20 % of the world's adult population is missing basic education. Literacy is crucial for enhancing human capabilities and economic, social and political participation in the knowledge societies of today.

Illiteracy is usually a result of extreme poverty. Women are less literate than men. 132 of 771 million persons without literacy skills are still between 15 and 24 years although there have been significant improvements. (Source: **UNESCO. 2005.** *EFA Global Monitoring Report 2006.*)

A major issue of concern are the still low levels of literacy in poor parts of the world. According to UN GA Res. 56/116, proclaiming the Decade, literacy is at the heart of life-long learning, providing basic education for all and assisting to adjust to changing requirements. **Life-long learning or life-long education for all** has to be part of the future global knowledge societies. In this context the skills-oriented technical and vocational education needs adequate attention, too.

The **World Conference on the Right to and the Rights in Education** of 2004 in its *"Declaration of Amsterdam"* emphasised the need
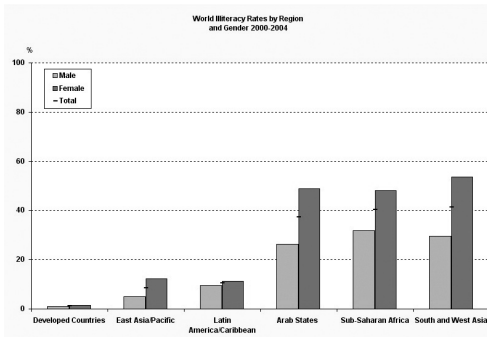
(Source: **UNESCO. 2005.** *EFA Global Monitoring Report 2006*)

to guarantee access to education while safeguarding the educational rights and needs of all students on a non-discriminatory basis. It called on governments and international organisations, *inter alia*, to enlarge the educational opportunities of vulnerable groups like migrants, minorities etc., to improve quality of education and the status of teachers, to take measures to minimise school violence and to meet the growing demand for life-long learning.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

Today, a comparative view of the world at large reveals substantial disparities in the implementation of the right to education. Indeed, the realisation of the right to education varies from region to region.

Most of the children who are not enrolled in school are in Sub-Saharan Africa and South Asia. On average, a child born in Mozambique today can anticipate four years of formal education. One born in France will receive 15 years at vastly higher levels of provision. Average schooling in South Asia, at eight years, is half the level in high-income countries.

Moreover, while the primary school enrolment gap may be closing, the gap between rich and poor countries measured in terms of average years of education is widening. This is before taking into account differences in education quality: less than one-quarter of Zambian children emerge from primary school able to pass basic literacy tests. Meanwhile, access to higher education remains a privilege available mainly to citizens of high-income countries. These education inequalities of today are the global social and economic inequalities of tomorrow.

The example of Uganda: In the second half of the 1990s poverty reduction priorities shifted to education. Free primary education was introduced and public spending increased. Primary school enrolment rose from 5.3 million to 7.6 million between 1997 and 2003. Enrolment rates are the same for the poorest 20 % of the population as for the richest 20 %, and the gender parity gap has been closed at the primary level. Universal enrolment is now within reach, but drop-out rates make achieving universal completion by 2015 unlikely.

If current trends continue: the MDG target of achieving universal primary education by 2015 will be missed by at least a decade. There will be 47 million children out of school in 2015, 19 million of them in Sub-Saharan Africa.
(Source: **UNDP. 2005.** *Human Development Report 2005*)

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 recognised the right to learn one's mother tongue but has not recognised explicitly the right to receive instruction *in* the mother tongue. **The European Charter for Regional or Minority Language***s* 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, recognised 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.

Scientific analysis has shown that *primary education in a foreign language*, e.g. French in West Africa may result in lower levels of achievement of students. Therefore, a **right to primary education in mother tongue** has been called for by the African Academy of Languages in Bamako, Mali.

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 in particular girls, women and minorities. The UNICEF State of the World's Children Report 2006 entitled *"Excluded and Invisible"* or the Human Rights Watch Report: *"Failing our children: Barriers to the Right to Education"* give numerous examples on root causes of **exclusion**. Societies must therefore intensify efforts to address the social and cultural practices that still prevent children and other groups from fully enjoying their educational rights and thus contribute to their human insecurity.

Disadvantaged Groups in Access to the Right to Education

Several groups have been identified, which face particular difficulties in full access to education on the basis of equality. They include women and girls, persons belonging to minorities, refugees and migrants, indigenous people, people with disabilities and socially or economically disadvantaged groups, like demobilized soldiers or marginalized youth. These groups have become the focus of international concern and action, e. g. in the reporting obligations of states.

Particular attention has to be paid to the educational needs of **people with disabilities**. The Framework for Action adopted at the Salamanca conference of 1994 pronounced itself in favour of **inclusive education**. Accordingly, "schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions".

Human Rights in Schools

Contrary to the obligation of Art. 26 (2) of the UDHR, human rights in schools are often missing. Children are still subject to corporal punishment or to work. They are not educated on and informed about their rights as required by the Convention on the Rights of the Child ratified by all UN member states except the U.S. ☺☞ *Human Rights of the Child*.

Accordingly, Human Rights Education in schools and school democracy need to be promoted. Teachers also need protection, if put under pressure by authorities or denied adequate salaries, which is recognized in pertinent UNESCO conventions and recommendations. Violence in schools is another problem, which has increased over recent years and become a focus of attention. Good practice can be found in the 7793 UNESCO schools in 175 countries (as of April 2006).

4. IMPLEMENTATION AND MONITORING

Since its inception in 1945, the United Nations have recognised the necessity of *"international co-operation in solving international problems of economic, social, cultural or humanitarian character."* (Art. 1 (3) of the UN Charter)
International co-operation, through the transfer of information, knowledge and technology, is essential to the effective realisation of the right to education, especially for children in the less developed countries. The right to education is also a precondition for economic development. 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 such as the World Bank and the International Monetary Found (IMF) stress the importance of education as an investment in human capital development. However, precisely these institutions have also forced governments to cut public

---

"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.

---

expenditures, including those relating to education, or to introduce fees even in primary education as a result of stringent conditions attached to their Structural Adjustment Programmes.

The 1990 **World Conference on Education for All** held in Jomtien, Thailand declared that the effective provision of *basic education for all* 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, mainly NGOs. The preparations for the Forum had been particularly thorough. A considerable amount of information had been collected, revealing situations that varied from one country to another, with some countries having made remarkable progress while others were, at the same time, experiencing growing difficulties in various areas of education. The breakthrough outcome of the forum has been the adoption of the **Dakar Framework for Action**.

☺☞ *Good to Know, 2. Trends.*

The Dakar World Education Forum also saw the launching of **nine EFA Flagship programmes**: the Initiative on HIV/AIDS and Education; Early Childhood Care

and Education; The Right to Education for Persons with Disabilities; Towards Inclusion; Education for Rural People; Education in Situations of Emergency and Crises; Focusing Resources on Effective School Health; Teachers and the Quality of Education; the UN Girl's Education Initiative; Literacy in the Framework of the UN Literacy Decade.

Strong **institutional support** for the full implementation of the right to education is required. **UNESCO** as a specialised agency of the United Nations plays a leading role in this regard as, in pursuance of its constitution of 1946 education is one of its main functions. UNESCO, in cooperation with other organisations like UNICEF or ILO, has been instrumental in 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. The National Commissions for UNESCO assure that UNESCO actions are well rooted in the 191 member states.

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.

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 about 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 (1960), but according to the equally-worded Recommendation on Discrimination in Education of the same year all member states have to report periodically on the legislative and administrative provisions which they have adopted and other actions which they have undertaken for the application of the Convention. The responsibility for examining the reports of the member states under the different reporting obligations has been accorded to the Committee on Conventions and Recommendations**.**

In addition, in 1978, the Executive Board established a **confidential procedure** for the examination of complaints against member states about alleged violations of human rights in the competence of UNESCO. The objective is to resolve the problem in the spirit of cooperation, dialogue and conciliation.

The monitoring of the implementation of the right to education on a progressive basis can 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, enrolment 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.

In this respect, the annual **EFA Global Monitoring Report**, produced by UNESCO since 2002 has set new standards complementing the annual report of UNICEF on the *"State of the World's Children"*, which has a wider focus.

The **Committee on Economic, Social and Cultural Rights**, is the UN-supervisory body responsible for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights by the state parties. It examines the national reports to be 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 Covenant.

The full realisation of the right to education can be achieved by a combination of measures, i.e. a greater resolve on the part of states to fulfil their **reporting obligations** under the relevant international instruments conscientiously and in good faith, "shadow reports" by NGOs and lobbying by professional associations.

The UN-Commission on Human Rights, the predecessor of the Human Rights Council, in 1998 established a Special Rapporteur on the Right to Education with the mandate to report on the status of the progressive realisation of the right to education worldwide, including access to primary education as well as the difficulties encountered in the implementation of this right. The first Rapporteur appointed was Katarina Tomasevski, who focused on a rights-based approach to education. She left after 6 years disillusioned about the limited support for her function. In 2004, Venor Muñoz Villalobos became the new Special Rapporteur on the Right to Education.

Education is not a way of escaping the country's poverty. It is a way to fighting it.

Julius Nyerere

There is an increasing emphasis on the **justiciability of the right to education** in national and international courts as pointed out by the Special Rapporteur on the right to education in his 2005 report. The main issues are discrimination in education in particular in the equal access to education.

Problems of Implementation

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*.) 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. 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.

The lack of funds prevents the authorities from building and maintaining schools, operating teacher training colleges, recruiting competent teaching and administrative staff, provid-

ing 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. 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 of **child labour**. Unfortunately, many families need this supplementary income to be able to make ends meet. This problem is particularly addressed in the work of the International Labour Organisation (ILO), e.g. by the Convention against the Worst Forms of Child Labour of 1999 and several programs.

☺☞ *Right to Work.*

> 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.

Poverty and child labour are a notable obstacle for the **education of girls** in particular. (☺☞ *Human Rights of Women.*) 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 they are also faced with social expectations regarding early motherhood and old-fashioned attitudes. These traditional views concerning girls' edu-

---

"…there is no tool for development more effective than the education of girls"

Kofi Annan, UN Secretary-General. UNICEF. 2003. *The State of the World's Children 2004.*

---

cation, though near-sighted and one-sided, still prevail and finally result in a lack of motivation of parents to send girls to school. 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. At the World Education Forum in Dakar in 2000, the *"Ten-Year United Nations Girls' Education Initiative"* was launched, which aims at awareness-raising, the education of girls and the elimination of gender disparities.

HIV/AIDS, which caused more than 3 million deaths in 2004 has a profound impact on education, in particular in sub-Saharan Africa. Kenya, Tanzania and Zambia will each loose at least 600 teachers in 2005. Absenteeism due to AIDS has become a major problem for schools in Africa.
(Source: **UNESCO. 2005.** *EFA Global Monitoring Report 2006*)

International and internal **armed conflicts** and civil strife can disrupt normal patterns of life. Regular schooling for students may be impossible when schools are located in or near the regions of conflict. Despite being protected under international humanitarian law, schools are often objects of attack. In 2003, there were 36 armed conflicts in 28 countries. 90 % of the victims were civilians. School buildings

and teachers often became targets and battle fields. For example, 95 % of the classrooms were destroyed in the clashes related to independence in East-Timor and 83 teachers were killed in Colombia in 2003.

(Source: **UNESCO. 2005.** *EFA Global Monitoring Report 2006*)

☺☞ *Human Rights in Armed Conflict.*

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, or less than half of what North American parents spend on toys for their children each year and less than half of what Europeans spent each year on computer games or mineral water.
> (Source: **Kevin Watkins. 1999.** *Education Now. Break the Cycle of Poverty*.)

GOOD TO KNOW

1. 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** (1994), Uganda (1997), Tanzania (2002) and Kenya (2003) have cut the cost of schooling for parents by eliminating school fees. Some countries also abolished 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 of achieving a 75 % primary school enrolment in **Mali** by the year 2008.
- As a result of the economic crises in Argentina, spending for education fell dramatically. In 2004, Spain agreed to a proposal by **Argentina** for a **debt for education swap**. Accordingly Argentina transferred US $ 100 million on a special education account instead of repayment to Spain. The new funds will help 215.000 students in three of the poorest parts of the country.

(Main Sources: **UNESCO. 2005.** *EFA Global Monitoring Report 2006;* **UNICEF. 1999/2001.** *Annual Reports 1999/2002***; Kevin Waktins. 1999**. *Education Now*)

The Right to Education Project was set up by the Special Rapporteur on the Right to Education in 2001 in order to increase the transparency of her work and to provide a forum for education on the right to education. Being the only public access human rights resource site devoted solely to the right to education, the project promotes the enhancement of all human rights through education, carries out assessments of the global realisation of the right to education, provides input for education strategies and facilitates exposing and opposing human rights violations. (www.right-to-education.org)

2. TRENDS

The Dakar Framework for Action - Education for All adopted at the World Education Forum, (Dakar, Senegal, April 2000) expresses the commitment of the entire international community to the full realisation 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 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, es-

pecially 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 recognised and measurable learning outcomes are achieved by all, especially in literacy and essential life skills.

The **achievement of universal primary education** for all boys and girls and of gender equality and empowerment of women by eliminating gender disparity in primary and secondary education, preferably by 2005, and at all levels of education for all girls and boys by 2015 was affirmed by the Millennium Summit in September 2000 as the second and third of the eight **Millennium Development Goals (MDGs).** Also other MDGs like the reduction of child mortality and improvement of ma-

ternal health or combating HIV/AIDS cannot be achieved without appropriate educational policies. The *"EFA Flagship Initiatives"* like the initiative on the impact of HIV/AIDS on education, which are multi-partner collaborative mechanisms in support of EFA goals, provide examples in case.

The **World Bank**, which in the past has come under attack for being not enough supportive of free primary education, in 2002 has started an **EFA Fast Track Initiative** as a global partnership between donor and developing countries to ensure faster progress towards universal primary education. Low-income countries which demonstrate a serious commitment to achieve the second MDG can receive additional support from the donor community under the co-chairmanship of UNESCO and the World Bank. By January 2006 some 20 countries had become fast-track partners.
(Source: http://www1.worldbank.org/education/efafti)

Commercialisation of Education

Globalisation has increased the commercialisation of education, which is becoming a payable service rather than a public good resulting from a human right. Private educational insti-

Table 2.4: Number of out-of-primary-school children, 1998 and 2002

	1998				2002			
	Total	Male	Female	% female	Total	Male	Female	% female
	Thousands				Thousands			
World	106 268	45 067	61 201	58	99 303	44 722	54 581	55
Developing countries	102 052	42 971	59 081	58	95 459	42 701	52 758	55
Developed countries	1 911	961	950	50	2 376	1 285	1 091	46
Countries in transition	2 304	1 135	1 170	51	1 468	736	732	50
Sub-Saharan Africa	44 581	20 648	23 933	54	40 370	18 367	22 003	55
Arab States	8 491	3 501	4 991	59	6 906	2 882	4 025	58
Central Asia	775	375	400	52	635	294	341	54
East Asia and the Pacific	8 309	4 158	4 151	50	14 782	7 410	7 372	50
South and West Asia	35 722	12 534	23 189	65	30 109	12 698	17 411	58
Latin America and the Caribbean	3 620	1 623	1 997	55	2 084	858	1 226	59
North America and Western Europe	1 429	718	711	50	1 848	1 012	836	45
Central and Eastern Europe	3 340	1 510	1 830	55	2 569	1 203	1 366	53

Note: Figures may not add to totals due to rounding.
Source: Statistical annex, Table 5.

(Source: **UNESCO. 2005.** *EFA Global Monitoring Report* 2006)

tutions set up as businesses can undermine public education. To counter this trend and in response to concerns from professional associations the European Union has refrained from making any concessions on services in education in the Doha Round of International Trade Negotiations.

Progress towards Education for All: Mixed Results

Positive Trends since 1998
- Enrolment in primary schools in sub-Saharan Africa and South and West Asia increased sharply. There are an additional 20 million children in school in each region.
- Girls primary enrolment has risen rapidly, in particular in poor countries.
- Public spending and official aid for education has increased significantly.

Remaining Challenges
- More than 100 million children still do not have access to primary education; 55 % of them are girls.
- 47 countries out of 163 have reached universal primary education; only 20 more countries are on track to achieve it by 2015
- Although there are a number of positive examples of countries which decided to abolish school fees, out of 103 countries surveyed 89 are still requiring primary school fees, contrary to the obligation under Art. 13 of the ICESCR.
- The gender parity target of 2005 has been missed by 94 out of 149 countries surveyed. 86 countries are at risk of not achieving it by 2015.

(Source: **UNESCO. 2005.** *EFA Global Monitoring Report 2006*)

3. CHRONOLOGY

1946 Constitution of UNESCO: ideal of equality of educational opportunities.

1948 The Universal Declaration of Human Rights is adopted by the General Assembly of the UN. Education is declared a basic right of all people.

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 UNESCO: Convention against Discrimination in Education

1965 The International Convention on the Elimination of All Forms of Racial Discrimination, proclaims the right of all to education, regardless of race or ethnicity.

1966 International Covenant on Economic, Social and Cultural Rights.

1973 ILO Convention on the Minimum Age of Employment.

1979 The Convention on the Elimination of All Forms of Discrimination against Women, calls for the elimination of discrimination against women and for equal rights in education.

1985 The Third World Conference on Women. Education is declared the basis for improving the status of women.

1989 Convention on the Rights of the Child.

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, pre-

sented a global consensus on an expanded vision of basic education.

1993 World Plan of Action on Education for Human Rights and Democracy adopted by International Conference in Montreal

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 and provide "inclusive education".

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.

1998 Appointment of Special Rapporteur on Right to Education

1999 General Comment No. 13 on the Right to Education

1999 ILO Convention on the Worst Forms of Child Labour

2000 The Dakar Framework for Action adopted at the World Education Forum in Senegal.

2000 Millennium Assembly: Primary education and equal access for all children by 2015

2003 United Nations Literacy Decade (2003-2012)

2004 World Conference in Amsterdam on the Right to and the Rights in Education

SELECTED ACTIVITIES

ACTIVITY I: ACT IT OUT! 1

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: 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** 2

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: about 20

Time: at least 60 minutes

Preparation: List the Art. 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.

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.

REFERENCES

Alfredsson, Gudmundur. 1995. *The Right to Human Rights Education.* In: Eide, A. C. Krause and A. Rosas, *Economic, Social and Cultural Rights: A Textbook*. Leiden: Martinus Nijhoff Publishers.

Beiter, Klaus-Dieter. 2006. *The Protection of the Right to Education by International Law.* Leiden: Martinus Nijhoff Publishers.

Bloom, Canning, Chan (eds). 2006. *Higher Education and Economic Development in Africa.* Available at: http://www.worldbank.org/afr/teia/pdfs/Higher_Education_Econ_Dev.pdf

Bruns Barbara, Mingat Alain and Ramahatra Rakotomalala. 2003. *Achieving Universal Primary Education by 2015: A Chance for Every Child*. Washington. D.C.: World Bank.

Coomans, Fons. 1998. *Identifying Violations of the Right to Education*. In: Van Boven, Theo, Cees Flinterman and Ingrid Westendorp (eds.). *The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights.* Utrecht: The Netherlands Institute for Human Rights.

Coomans, Fons. 1995. *Clarifying the Core Elements of the Right to Education.* In: Coomans, Fons and Fried Van Hoof. *The Right to complain about Economic, Social and Cultural Right*. Utrecht: The Netherlands Institute for Human Rights.

Council of Europe. 2002. *COMPASS- A Manual on Human Rights Education with Young People.* Strasbourg: Council of Europe.

Daudet, Yves and Kishore Singh. 2001. *The Right to Education: An Analysis of UNESCO´s Standard-Setting Instruments*. Paris: UNESCO.

De Groof, Jan and Gracienne Lauwers (eds.). 2004 *Access to and Equality in Education*. Paris: UNESCO, European Association for Education Law and Policy (ELA) and Wolf Legal Publishers.

Delbrück, Jost. 1992. *The Right to Education as a Human Right.* In: German Yearbook of International Law, Vol. 35, 92-104.

EFA Global Monitoring Report 2002. 2001. *Education for All – Is the World on Track?* Paris: UNESCO.

EFA Global Monitoring Report 2003/04. 2003. *Gender and Education for All: The Leap to Equality.* Paris: UNESCO.

EFA Global Monitoring Report 2005. 2004. *Education for All – The Quality Imperative.* Paris: UNESCO.

EFA Global Monitoring Report 2006. 2005. *Literacy for life.* Paris: UNESCO.

European Centre for Global Interdependence and Solidarity (ed.). *The Interdependent.* Available online at: http://www.coe.int/T/E/North-South_Centre

Fernandez, Alfred and Siegfried Jenkner. 1995. *International Declarations and Conventions on the Right to Education and the Freedom of Education*. Frankfurt am Main: Info3 – Verlag.

Hodgson, Douglas. 1998. *The Human Right to Education.* Aldershot: Ashgate Publishing.

Human Rights Resource Center. *Circle of Rights. Economic, Social and Cultural Rights Activism: A Training Resource*. Available online at: http://www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm

Human Rights Watch (HRW). 2005. *Failing Our Children: Barriers to the Right to Education*. Available online at: http://hrw.org/reports/2005/education0905

Muñoz Villalobos, Vernor. 2004. *The Right to Education.* Report submitted by the Special Rapporteur on the right to education, E/CN.4/2005/50.

Nambissan, Kabeer, Subrahmanian (eds). 2003. *Child Labour and the Right to Education in South Asia: Needs Versus Rights?* Sage Publications Ltd.

Nowak, Manfred. 2001. *The Right to Education in the Economic, Social and Cultural Rights.* In: Eide, Asbjorn, Catarina Krause and Allan Rosas (eds.). *Economic, Social and Cultural Rights.* The Hague: Martinus Nijhoff Publishers.

Office of the United Nations High Commissioner for Human Rights. 1999. *The United Nations Decade for Human Rights Education (1995-2004) No.3. A compilation of provisions of international and regional instruments dealing with human rights education.* Geneva: United Nations.

Organisation for Economic Co-operation and Development. 2006. *Education at a Glance. OECD Indicators.* Paris: OECD Publishing.

Sen, Amartya. 2002. "*Basic Education and Human Security.* Available online at: http://www.humansecurity-chs.org/activities/outreach/Kolkata.pdf

The World Bank Group. 2006. *Education For All – Fast-Track Initiative(EFA-FTI).* Available at*:* http://www1.worldbank.org/education/efafti

Tomasevski, Katarina. 1999. *Preliminary Report of the Special Rapporteur on the Right to Education*, UN Doc. E/CN.4/1999/49. See also the progress report of the Special Rapporteur, UN Doc. E/CN.4/2000/6 and her regular annual reports, e.g. E/CN.4/2001/52 etc.

Tomasevski, Katarina. 2003. *Education Denied, Costs and Remedies.* London: Zed Books.

Tomasevski, Katarina. 2004. *Manual on Rights-Based Education: Global Human Rights Requirements made Simple.* Bangkok: UNESCO.

Tomasevski, Katarina. 2005. *Has the Right to Education a Future within the United Nations? A Behind-the-Scenes Account by the Special Rapporteur on the Right to Education 1998-2004*. In: Human Rights Law Review, Vol. 5, 2, 205-237.

United Nations. 2001. *Beijing to Beijing + 5. Review and Appraisal of the Implementation of Beijing Platform for Action*-Report of the Secretary General. New York: United Nations.

United Nations. 2001. *We the Peoples: the Role of the United Nations in the 21st Century*. Report by the UN Secretary-General. New York: United Nations.

United Nations Children's Fund (UNICEF). 2006. *Gender Achievements and Prospects in Education: The GAP Report (Part I)*. Paris: UNICEF.

United Nations Children's Fund (UNICEF). 2005. *The State of the World's Children 2006. Excluded and Invisible*. New York: UNICEF.

United Nations Children's Fund (UNICEF). 2004. *Accelerating Progress in Girls' Education.* UNICEF.

United Nations Children's Fund (UNICEF). 2003. *The State of the World's Children 2004*. Available online at: http://www.unicef.org/sowc04/index.html

United Nations Children's Fund (UNICEF). 2001. *The State of the World's Children 2002.* Paris: UNICEF.

United Nations Children's Fund (UNICEF). 1999. *The State of the World's Children 1999.* Paris: UNICEF.

United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Statistics and Organization for Economic Co-operation and Development (OECD). 2005. *Education Trends in Perspective. Analysis of the World Education Indicators*. Paris: UNESCO, OECD.

UNESCO World Report. 2005. *Towards Knowledge Societies.* Paris: UNESCO.

Verheyde, Mieke. 2005. *A Commentary on the United Nations Convention on the Rights of the Child: Art 28, The Right to Education.* Leiden: Martinus Nijhoff Publishers.

Watkins, Kevin. 1999. *Education Now. Break the Cycle of Poverty*. Oxford: OXFAM International.

ADDITIONAL INFORMATION

Education International: http://www.ei-ie.org/en/index.php

Electronic Resource Centre for Human Rights Education: http://erc.hrea.org

Human Rights Education Associates: www.hrea.org

Human Rights Internet: www.hri.ca

Human Rights Network: www.derechos.net

Human Rights Watch: www.hrw.org

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

United Nations Children's Fund: www.unicef.org

United Nations Educational, Scientific and Cultural Organization: www.unesco.org

World Bank: www.worldbank.org

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. 1989.

ILLUSTRATION STORY

Corporal Punishment of Children

Childrens answers on:

 "Why do you think children get smacked?"

- 'When people have been naughty and they're fighting, they get smacked by [their] mum or dad' (6 year-old boy)'

- '[Children get smacked] when you fight with other people, when you throw stones and things' (7 year old boy)

- 'maybe [you] do painting on the carpet [or] drawing on the settee [or] not tidying your room up – if you play with paint and get it on something. And if you knock your mum's favourite glass over and it smashes' (5 year-old girl)

- 'well, if it was time to tidy up your room and you only had an hour and you wasted all the hour reading books, you could get smacked' (6 year-old boy)

- 'because their parents tell them not to do something and they do it' (7 year old girl)"

(Source: **Willow, Carolyne; Hyder, Tina. 1998.** *It hurts you inside – children talking about smacking.* Excerpt available online at: www.childrenareunbeatable.org.uk)

Discussion Questions

1. Why do people smack their children?
2. Is it a legitimate form of discipline to smack children?
3. What could be alternatives to corporal punishment?
4. Why have only 16 states in the world comprehensively prohibited corporal punishment at home, in schools and in the penal system?
5. What could you do about this yourself and with others?

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."

Sharon, a 13-year-old girl, was abducted by the Lord's Resistance Army, a rebel group based in the north of Uganda fighting the Ugandan government but also terrorising the local population, particularly by abducting children to use them in their rebel forces. In more than 85 countries worldwide children up to 18 are being recruited into national armies or armed opposition groups, some 300.000 children are actively participating in armed conflicts.

(Source: **Human Rights Watch. 1997.** *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda.*)

Discussion Questions

1. What may be the reasons for adults using children to fight their wars?
2. What should be done to remove child soldiers from this cycle of violence?
3. What will be the consequences of using children in war – for the child, for the society?

NEED TO KNOW

1. THE STRUGGLE FOR PROTECT-ING THE RIGHTS OF THE CHILD

Discussing the human rights of children is sometimes a strange, ambivalent experience. At first thought, everyone would immediately agree on young people's rights to a home, to live with family and friends, to develop personality and talents, to be protected from harm and to be respected and taken seriously. However, once questions arise about concrete standards of parenting and about responsibilities for realizing these objectives, 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 the most widely ratified human rights treaty ever, with 192 States Parties including all UN member states except two (Somalia and the United States). So the CRC sets truly universal human rights standards for children. But the good news on the standards side sharply contrast with the disastrous picture on the implementation side. The UN/UNICEF end-of-decade review for the UN Special Session on Children in 2002 has revealed that, for instance, chances for child survival in sub-Saharan Africa have even deteriorated and that globally, 149 million children remain under-nourished and 100 million children do not receive formal education.

Therefore, expectations were high when, in May 2002, several thousand government delegates and representatives from non-governmental organisations (NGOs) and more than 600 young people (up to 18) gathered in New York for the UN General Assembly Special Session on Children. However, the new international Plan of Action ("A World Fit for Children"), which took nearly two years to be negotiated, brought 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 freedom of pervasive threats to rights and security of the person, promoting freedom 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 and poverty and further aggravated by discrimination and social exclusion. The requirement of prioritisation and the element of urgency to counter immediate threats to a person's security favourably complements the concept of children's rights, in particular following the principle of giving priority to the consideration of the child's best interests. However, when using the human security concept as a political tool, some caveats should be taken into account.

First, a binding legal framework for the protection of human rights of children is already in place, providing for comprehensive rights with corresponding bind-

ing obligations on states - while human security lacks this normative foundation so far. Second, human security/child security approaches might lead to (over-) protectiveness, stressing the vulnerability and dependency of the child - while neglecting the child's own capacities and resources. Therefore, a conceptual challenge for child security lies in how to best integrate the empowerment/self-enabling aspect, which is central to the human rights discourse.

From this follows that the synergies between child rights and child security approaches should be emphasised, as seen, for instance, in the context of the current discussion on the participation of children in peace processes and post-conflict reconstruction.

„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.

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, on the other hand, also derived from other developments in the social, educational and psychological field over the last 200 years. This includes the impact of state-sponsored institutionalised compulsory education in schools, the negative effects of industrialisation on children (for example child exploitation in factories or mines) and the consequences of war for children. 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 1978/79 within the United Nations with 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 and Emancipation, 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 both the concepts of emancipation and 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 towards young people.

Factually, children still remain dependent on adults (in line with their physical, emotional and social development, lack of material resources/income etc) and the given economic and social situation of their care-givers (e.g. unemployment, separation of parents), which have immediate impact on the child's standard of living. However, by protecting the human rights of children, their status in law and in society at large will change. It is not a solution to all problems children face nor an end in itself but a necessary means for engaging in a process that addresses these problems in a comprehensive way based on the child's (and society's) best interests. Accepting young people's rights, thus, does not create a specifically "privileged" social group, but instead, 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 or 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 specific, distinct social group be taken seriously – a crucial challenge considering the demographic situation in Northern "ageing societies" but also in the Southern hemisphere where young people often constitute 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 honour", exclusion and disadvantages in education and employment as well as degrading stereotypes in the media and the entertainment industry clearly show their twofold 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, thus, 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 exclusive but mutually reinforcing; the Convention does not favour e.g. autonomy rights over protective

> *"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

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 recognises 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 the Child

The Convention contains a clear prohibition of discrimination against children, providing a long list of grounds unacceptable for differentiation (also in regard to the child's parent/guardian): *"…race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."* (Art. 2) The UN Committee on the Rights of the Child, which monitors the implementation of the CRC, has interpreted this list quite broadly, also referring to discrimination against children e.g. infected with HIV/AIDS, street children, children living in remote rural areas, asylum-seeking children etc.

"I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin but by the content of their character."

Martin Luther King Jr. 1963.

"The future promise of any nation can be directly measured by the present prospect of its youth."

John F. Kennedy. 1963.

Best Interests of the Child

Art. 3(1) formulates the overall guiding principle of the entire Convention, namely to give prior attention to *"the best interests of the child"*. 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 of any actor (state or private) to conduct a "child impact assessment", which sets out to consider possible consequences of any measure and alternatives and to further monitor the implementation of that measure and its impact on children.

In addition, the principle of "best interests of the child" serves as an umbrella provision, where no CRC provision might be explicitly applicable and as guidance for any situation of conflicting CRC rights.

The CRC definition of the "Child"

Finally, one key question remains: Who is actually considered a "child" under the Convention on the Rights of the Child? Well, following a rather legalistic approach, the CRC defines a "child" as any human being below the age of 18 (unless majority is reached earlier in the respective country, Art. 1), thereby separating adults from non-adults. Evidently, challenges and needs of a teenage girl will often differ widely from that of a new-born baby. Because of this very diverse, inhomogeneous, social

constituency of "under-18s", it is essential in the application of the CRC to be clear about the relevant target group of any measures in a given context. Apart from that, the CRC Committee has repeatedly stressed that the Convention also mandates States Parties to generally review their national provisions on age limits both in terms of consistency and continued justification.

Convention Rights:
Participation - Protection - Provision

A commonly used structure for describing the contents of the Convention (apart from the guiding principles indicated above) follows the "three Ps" – *participation, protection, provision*:

- The **participation** aspect is, first of all, represented by the 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 (with adult support as appropriate) which allows them to truly influence processes, to have an impact on decision-making. In addition, the CRC adopts 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.
- Regarding **protection** issues, rights in the CRC include protection from all forms of violence, neglect or exploitation in relation to children.
- **Provision** rights guaranteed under the CRC encompass, for instance, 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 their identity, family and other social relations (including family reunification), it guarantees alternative family environments and adoption, 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 the 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 – they clarify responsibilities and hold those responsible accountable.
- Children's rights empower children – they require a new culture of interaction with children based on their recognition as subjects and bearers of rights.

3. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL ISSUES

The 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 concepts of family and the status of women in that society.

One controversial, i.e. typical example of the

> *"If we wish to create a lasting peace we must begin with the children."*
>
> **Mahatma Gandhi.**

ambiguities often surrounding children relates to corporal punishment of children. While any criminal code in the world would describe the infliction of intentional harm on adults clearly as a criminal act, 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 punishment at school. It is striking to see that currently, there are only some fifteen states in the world which have completely abolished corporal punishment. The Committee of the Rights of the Child has focused on violence inflicted upon children by the state and in family and school during two thematic discussions in 2000 and 2001. It also initiated a major UN study on violence against children, which is due 2006, in order to draw global political attention to this child rights issue.

Other contentious areas are, for instance, the status of girls (e.g. "son preference" in family, education, employment, restrictive interpreta-

tion of religious laws, traditional practices like female genital mutilation, access to reproductive health services) and how to effectively address the problem of child labour, which is linked to various economic and social factors and conditions in the respective country.

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 wider 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, the lack of child-focused infrastructure and of support to child-driven initiatives), but one more contributing factor could also be found in the weak CRC treaty monitoring system. The Convention only established a **state reporting** mechanism for monitoring compliance with its provisions. Under this procedure, States Parties are obliged to submit reports (every five years) to the CRC's supervisory body, the **Committee on the Rights of the Child**, on their progress in implementing the Convention (and the Optional Protocols). This starts a „constructive dialogue" with the respective government, leading to the Committee's "Concluding Observations" as a critical as-

> *"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.

"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.

---

sessment, with recommendations to the government.

Child Rights Caucus, international NGO platform monitoring follow-up to the Special Session on Children. 2002.

There is no individual or state complaint or inquiry procedure provided for in the CRC (as with other human rights treaties), although NGO's have already started lobbying for an individual complaint mechanism which would allow the Committee to develop its own case law – which would be a strong boost to a more elaborate legal discourse on children's rights. However, dealing with the current situation, the Committee has been quite innovative in compensating for the lack of traditional mechanisms. First, it took a very open position towards the involvement of NGOs, inviting them to submit their own ("shadow") 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 direct international attention to those issues. And since 2001, the Committee also has been publishing "General Comments", key authoritative interpretations of CRC standards, as on the protection of separated children outside their home countries or on early childhood (2005). Increasingly, however, the growing number of standards, instruments and institutions poses new challenges for monitoring, requiring closer co-ordination among all actors involved, both on the international and the national level. As far as the latter is concerned, it is important to recall the 2002 UN Special Session's outcome document which required states to submit comprehensive National Plans of Action as the basis for their child-focused policies no later than the end of 2003, "if possible".

Furthermore, on the structural level, the establishment of a child rights perspective in all levels of legislation and government still constitutes a major challenge. Regular child impact assessment of regulations, child-sensitive budgeting, child participation in poverty reduction strategies and the creation/strengthening of independent ombudspersons for children is still rather the exception than the rule. In addition, child rights advocacy continues to be a largely adult-driven movement, so new

---

"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. 2002.

---

ways for supporting child/youth-led initiatives have to be explored.

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 and adults as well. As the CRC Committee stated in its first *General Comment on the "Aims of*

Education" (Art. 29) in 2001: "*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:

"Connecting People"
A sponsorship project for young refugees in Austria, organised by Asylkoordination Österreich (an Austrian NGO co-ordinating refugee and migration organisations), 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 and offer practical support to the refugee, e.g. in education, language courses, jobs, meetings with authorities, sports activities etc. A trusting relationship between the child and the sponsor is established, helping the refugees to stabilise in their 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 2001, the project has received positive feedback from the participants and from the public, authorities and the media.

Everyone has rights/is right - Training for everyday life together (**"Recht hat jede/r - Trainings zum alltäglichen Umgang miteinander"**)
Workshop series organised 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, Vienna (Austria).
This workshop series aims at children (from 7 to 15) both at schools and in child/youth groups and focuses on peaceful conflict resolution, tolerance and communication through discussions, role plays, group activities; each workshop lasts about 2½ 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", "Respect" and "Borders and Limitations" have been developed and presented in more than 100 workshops.

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 regularly submit progress reports on CRC implementation to the CRC Committee. In order to facilitate a comprehensive review of these state reports, the Committee welcomes "shadow reports"/ "alternative 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 some 100 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 in Geneva provides support for NGOs and coalitions in reporting and monitoring 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 to the CRC such as the *Optional Protocols* (2000) 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).

Some recent trends and discussions in the child rights field include:

- **Structural aspects**: child rights monitoring; the role of child rights; NGOs as service providers and critical watchdogs at the same time; support for child/youth-led initiatives and organisations, establishment of ombudsoffices for children and youth.
- **Child and youth participation** (locally, nationally, internationally): participation in major UN conferences, in national poverty reduction strategies; political participation/ right to vote.
- **The child and the family environment:** separation of parents, "patchwork families", single-parent households; children without parental care and alternative settings.
- **Rights of the girl child:** social role models; media stereotypes; religious/cultural backgrounds, reproductive health.
- **Generational aspects**: demographic shifts; distribution of wealth; access to resources and political influence.
- **Right to information:** access to internet/ data protection; violent content in media/ TV/computer games etc.; child pornography on the internet.
- **Violence against children** and **sexual exploitation of children**: global ban on corporal punishment; psychosocial support and parental training; violence among children/peer violence.
- Inclusive education and vocational training for the **disabled child**.
- **Children and the economy**: child labour/ eliminating worst forms; effects of economic globalisation and liberalisation of public services (health, education – GATS); impact of the entertainment and sports industry, advertising, mass media on **youth culture.**
- **Impact of HIV/AIDS on children:** discrimination, loss of parents etc.
- **Children and armed conflict and children in emergencies (natural disasters):** education in emergencies, child soldiers rehabilitation; child participation in post-conflict reconstruction; 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**: only 45% of all children get registered after birth/during their first five years.
- **Child mortality under five**: some 10,5 million children/year, dying often from readily preventable causes (major "killer diseases": diarrhoea, acute respiratory infections, diphtheria, tuberculosis, whooping-cough, measles, tetanus); only 7 countries continued to have indigenous cases of polio in 2002.
- **Mothers dying at childbirth**: global average: 400 maternal deaths per 100 000 live births; Sub-Saharan Africa: 940; South Asia: 560; Middle East and North Africa: 220; Latin America/Caribbean: 190; East Asia/Pacific: 140; CEE/CIS: 64; industrialised countries: 13.
- **Teenage pregnancies**: 14 million infants born to under-19s annually; only 23% of women (married or in union) in sub-Saharan Africa use contraceptives.
- **HIV/AIDS**: in Sub-Saharan Africa an estimated 12,1 million children (0-17) have been orphaned by AIDS in 2003, and 1,9 million children (0-14) live with HIV in the same region (world total: 2,1 million)
- **Food**: an 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 labour**: An estimated 246 million children between 5 and 17 are engaged in child labour; of these, nearly 70 per cent or 171 million children work in hazardous situations or conditions (e.g. in mines, with chemicals and pesticides in agriculture or with dangerous machinery).
- **Street children**: an estimated 100 million children (from 4 up) live and work on streets.
- **Education**: primary school enrolment: 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 defence than on either basic education or basic health care; industrialised countries spend about 10 times more on defence 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**: an 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 and 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.
- **National Plans of Action (NPAs):** following the 1990 World Summit for Children: some 155 countries prepared NPAs.

(Source: **UNICEF.** *The United Nations Special Session on Children. A First Anniversary Report on Follow-up.* Available online at: http://www.unicef.org/specialsession; **UNICEF.** *The State of the World's Children 2006*. Available online at: http://www.unicef.org/sowc06.)

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; entry 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 (entry into force: 29 November 1999)

1996 Graça Machel submits her groundbreaking study "Impact of Armed Conflict on Children" to the UN General Assembly

1996 World Congress against Commer-

cial Sexual Exploitation of Children in Stockholm (2001 Yokohama follow-up)

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 likeminded countries, with a strong emphasis on the situation of children affected by armed conflict

1999 Convention No. 182 on the Worst Forms of Child Labour adopted by the International Labour Organization (entry into force: 19 November 2000)

2000 Adoption of two Optional Protocols to the Convention: on the Involvement of Children in Armed Conflict (entry into force: 12 February 2002) and on the Sale of Children, Child Prostitution and Child Pornography (entry 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); Children's Forum Document and Declaration and Plan of Action (A World Fit for Children) adopted

2003 The Human Security endorses a "Support Strategy for Children affected by Armed Conflict" and a "Child Rights Training Curriculum"

2005 The UN Security Council adopts Resolution 1612, providing for a monitoring and reporting mechanism on children and armed conflict

SELECTED ACTIVITIES

ACTIVITY I.
ROUND TABLE ON ACTION TO REDUCE CHILD LABOUR

😀**1**

Part I: Introduction
Type of activity: Role-play on child labour

Part II: General Information on the Role-Play
Aims and objectives:
to raise understanding for the various interests and motives involved in child labour and its consequences for the development of strategies and possible alternatives; this role play should have been preceded by some earlier discussion on child labour issues to familiarise 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 labour, etc.
Material:
paper, flip chart etc. for documentation

"Mankind owes to the child the best it has to give."

United Nations Declaration of the Rights of the Child. 1959

Skills involved:
communication and analytical skills

Part III: Specific Information on the Role-Play
Introduction of the topic:
Announce that the child labour problem in country X has received growing criticism from local child rights organisations and the ILO internationally; the government has decided to convene a round table to discuss measures against child labour; participants represent various actors involved (teams possible), mainly (not all have to be included) working children, children at school, parents, teachers, employer's organisation, 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), Art. 6 (survival and development), Art. 32 (economic exploitation), Art. 24 (health), Art. 26 and 27 (social security, adequate living standard), Art. 28 and 29 (education), Art. 31 (leisure and play) of the Convention on the Rights of the Child, ILO Convention on the Worst Forms of Child Labour 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.

Note: other suggested topics for Round Tables: ban on corporal punishment at home/in schools; responsibility of child soldiers for their crimes committed and ways of rehabilitation; child prostitution and trafficking.

ACTIVITY II. PARENTAL NEGLECT AND ILL-TREATMENT

2

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, live with their parents in a city suburb. Neighbours start to complain to local police and welfare authorities that the parents frequently quarrel and that the children look uncared for and have been seen crying frequently. In the following months, there are more reports about the children stealing food, being unable to wash and clean themselves at school and about indications of them being beaten and otherwise ill-treated. The child welfare authority then organises a meeting to review the situation and finds out that the housing conditions are very poor (bad sanitation, broken beds, etc.), but offers assistance only to the parents, with no immediate action in relation to the children. However, the children start to show signs of psychological disturbance, becoming unsociable towards others; thus, further meetings between local authorities, parents, psychologists and social workers are held. This goes on for four years until the children are temporarily removed from home to stay with foster parents for some months. Soon after their return, the children's parents get divorced and the mother tells the authorities that they should take over the care of the children, as she cannot cope any more with them, and that she would beat them if they are not removed from her. In the end, five years after the first reports, the child welfare authority issues care orders and all the children are taken to foster parents. A psychologist describes the children's experiences as, "to put it bluntly, horrific", adding that the case is the worst case of neglect and emotional abuse that she has seen in her professional career.

Eventually, with help from lawyers, the children sue the local authorities for compensation for their traumatic suffering, on the

grounds that the authorities have been aware of their severe neglect, abuse and ill-treatment by their parents without intervening in time. But the court declares that it has no legal competence to award compensation in this matter and dismisses the case. The children are now considering to file 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); an individual complaint mechanism is only provided by the ECHR.

Suggestions for variation:

The case could also be used for a role play: form three groups: applicants - government spokespeople – judges and let them discuss the case so that a solution is reached.

Part IV: Follow-up

(Source: **Judgement in the Case of Z. and Others v. The United Kingdom:** http://www.echr.coe.int/Eng/Press/2001/May/Z.andothersv.United%20Kingdomjudepress.htm; **Case of K.A. v. Finland:** http://www.worldlii.org/eu/cases/ECHR/2003/27.html)

REFERENCES

Asylkoordination Austria/Connecting People Project: http://www.asyl.at

Boltzmann Institute of Human Rights/Service Centre for Human Rights Education: http://www.humanrights.at

Bruderlein, Claude and Theresa Stichick. 2001. *Children Facing Insecurity: New Strategies for Survival in a Global Era*. Available online at: http://www.humansecuritynetwork.org

Coalition to Stop the Use of Child Soldiers. 2004. *Global Report*. London: Coalition publication. Available online at: http://www.child-soldiers.org

Freeman, Michael. 1997. *The Moral Status of Children: Essays on the Rights of the Child.* Dordrecht/Boston/London: Martinus Nijhoff Publishers.

Hammarberg, Thomas. 1996. *Making Reality of the Rights of the Child*. Stockholm: Save the Children Sweden.

Machel, Graça. 2001. *The Impact of War on Children*. C. London: Hurst & Co.

NGO Group for the CRC: http://www.crin.org/NGOGroupforCRC

Sen, Amartya. 2002. *Basic Education and Human Security*. Available online at: http://www.humansecurity-chs.org

UN Committee on the Rights of the Child: http://www.ohchr.org/english/bodies/crc

UNICEF. 2002. *Implementation Handbook for the Convention on the Rights of the Child* (fully revised edition). Geneva/New York: UNICEF.

UNICEF. 2003. *The United Nations Special Session on Children. A First Anniversary Report on Follow-up.* Available online at:
http://www.unicef.org/specialsession

UNICEF. 2005. *The State of the World's Children 2006.* Available online at: http://www.unicef.org/sowc06

ADDITIONAL RESOURCES

Alen, André, Johan Vande Lanotte, Eugeen Verhellen, Fiona Ang and Eva Berghmans. 2005. *A Commentary on the United Nations Convention on the Rights of the Child.* Boston/Leiden: Martinus Nijhoff Publishers.

Alston, Philip (ed.). 1994. *The Best Interests of the Child: Reconciling Culture and Human Rights.* Oxford: Clarendon Press.

Brett, Rachel and Margaret McCallin. 1996. *Children - the Invisible Soldiers.* Stockholm: Save the Children Sweden.

Casa Alianza: http://www.casa-alianza.org

Child-hood.com: http://www.child-hood.com

Child Rights Information Network (CRIN): http://www.crin.org

Children in Europe Programme: http://www.separated-children-europe-programme.org

Childwatch International Research Network: http://www.childwatch.uio.no

Defence for Children: http://www.dci-is.org

Detrick, Sharon (ed.). 1992. *The United Nations Convention on the Rights of the Child: A Guide to the „Travaux Préparatoires".* Dordrecht/Boston/London: Martinus Nijhoff Publishers.

Detrick, Sharon. 1999. *A Commentary on the United Nations Convention on the Rights of the Child.* The Hague: Kluwer Academic Publishers.

End Child Prostitution, Pornography, and Trafficking (ECPAT): http://www.ecpat.net

European Centre for Social Welfare Policy and Research/Childhood and Youth Programme: http://www.euro.centre.org/ec_pa5.htm

European Children's Network (EURONET): http://www.europeanchildrensnetwork.org

European Network of Ombudsmen for Children (ENOC): http://www.ombudsnet.org

European Union Guidelines on Children and Armed Conflict: http://europa.eu.int/scadplus/leg/en/lvb/r10113.htm

Franklin, Bob (ed.). 2001. *The New Handbook of Children's Rights: Comparative Policy and Practice.* 2nd Edition. London/New York: Routledge.

Freeman, Michael (ed.). 1996. *Children's Rights: A Comparative Perspective.* Aldershot: Dartmouth Publishing Company.

Freeman, Michael and Philip Veerman (eds.). 1992. *The Ideologies of Children's Rights.* Dordrecht/Boston/London: Martinus Nijhoff Publishers.

Global Initiative to End All Corporal Punishment of Children: http://www.endcorporalpunishment.org

Global March Against Child Labour: http://www.globalmarch.org

Hammarberg, Thomas. 1995. *The Rights of Disabled Children: The UN Convention on the Rights of the Child.* In: Degener, Theresia (ed.). *Human Rights and Disabled Persons: Essays and Relevant Human Rights Instruments.* Dordrecht/Boston/London: Martinus Nijhoff Publishers.

Hammarberg, Thomas and Akila Belembaogo. 2001. *Turning Principles into Practice.* Stockholm: Save the Children Sweden.

Hayward, Ruth Finney. 2000. *Breaking the Earthenware Jar: Lessons from South Asia to end violence against women and girls.* Kathmandu: UNICEF Regional Office for Southeast Asia.

Human Rights Watch Children's Rights Division: http://www.hrw.org/children

International Programme on the Elimination of Child Labour (IPEC): http://www.ilo.org/public/english/standards/ipec

Jensen, An-Magritt and Angelo Saporiti. 1992. *Do Children Count? Childhood as a Social Phenomenon - A Statistical Compendium (EUROSOCIAL Reports No. 36)*. Vienna: European Centre for Social Welfare Policy and Research.

Kindernothilfe: http://www.kindernothilfe.de

Kuper, Jenny. 1997. *International Law Concerning Child Civilians in Armed Conflict*. Oxford: Clarendon Pres.

Office of the United Nations High Commissioner for Human Rights – Commission on the Rights of the Children: http://www.ohchr.org/english/issues/children/index.htm

Save the Children Alliance: http://www.savethechildren.net/alliance/index.html

Sax, Helmut and Christian Hainzl. 1999. *Die verfassungsrechtliche Umsetzung der UN-Kinderrechtskonvention in Österreich [The Constitutional Implementation of the CRC in Austria]*. Vienna: Verlag Österreich.

SOS Kinderdorf International: http://www.sos-childrensvillages.org

Terre des Hommes: http://www.terredeshommes.org

UNAIDS/UNICEF. 2004. *The Framework for the protection, care and support of orphans and vulnerable children living in a world with HIV and AIDS*. Available online at: http://www.unicef.org/uniteforchildren/knowmore/files/SummaryoftheFramework.pdf

UNICEF Innocenti Research Centre: http://www.unicef-icdc.org

UNICEF Statistical Database: http://www.childinfo.org

UNICEF. The State of the World's Children Report (annually): http://www.unicef.org

UNHCR – The UN Refugee Agency: http://www.unhcr.org/cgi-bin/texis/vtx/home

UN Special Rapporteur on the sale of children, child prostitution and child pornography: http://www.ohchr.org/english/issues/children/rapporteur

UN Special Representative of the Secretary-General for Children and Armed Conflict: http://www.un.org/special-rep/children-armed-conflict

UN Study on Violence Against Children: http://www.violencestudy.org

Van Bueren, Geraldine. 1995. *The International Law on the Rights of the Child.* Dordrecht/Boston/London: Martinus Nijhoff Publishers.

Verhellen, Eugeen (ed.). 1996. *Understanding Children's Rights*. Ghent: Children's Rights Centre.

Watchlist on Children and Armed Conflict: http://www.watchlist.org

World Bank – Children and Youth: http://www.worldbank.org/childrenandyouth

World Congress against Commercial Sexual Exploitation of Children: http://www.csecworldcongress.org

World Organisation Against Torture (OMCT) - Children's Rights Programme: http://www.omct.org

Young Rights Action Plan (YAP) (in German): http://www.kinderrechte.gv.at

HUMAN RIGHTS IN ARMED CONFLICT

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 constitutes court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;*
- *The wounded and sick shall be collected and cared for. «*

Article 3 (1) and (2), common to the four Geneva Conventions. 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: **Donovan, David. 2001.** *Once a Warrior King: Memories of an Officer in Viet Nam.* In: ICRC. 2001. Exploring Humanitarian Law, Education modules for young people.)

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 is it 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?

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 organised 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 behaviour 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 behaviour? 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 authorised 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 publicise 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 favour of the individual.

"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.*

For the first time, armed conflict became regulated by written, general law.

IHL as International Law

The rules and principles of IHL are universally recognised 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 co-operation between the members of the international community, i.e. Public International Law

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 inhuman 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 categorised 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 conflicts 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, 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 Geneva Conventions and Additional Protocol I.

IHL   **HR**

- prohibition of hostage-taking
- respect for judicial guarantees
- care for the sick and wounded; humane treatment of persons not (or no longer) taking part in the hostilities;
- rules governing the conduct of hostilities

- right to life
- prohibition of torture and cruel, humiliating or degrading treatment
- prohibition of discrimination (founded on race,color, sex or religion)

- prohibition of slavery
- prohibition of retroactive application of penal provisions
- right to recognition as a person before the law
- right to freedom of conscience and religion
- prohibition of imprisonment for inability to fulfil a contractual obligation

IN ALL CIRCUMSTANCES . . .

"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 […] 9. 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.

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 along-side those aspects of human rights law that continue to be applicable in emergency situations. Additionally, a number of rules originally designed to apply to international conflicts also apply, as customary rules, during non-international conflicts.

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, the Red Crescent and the Red Crystal 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, 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 un-limited 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 objectives.

(Note: These rules, drawn up by the ICRC, summarise 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.)

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 crossfire'. 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.

What Does IHL Protect and How?

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, Red Crescent and the Red Crystal 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 civilians against incidental or collateral effects and combatants

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.
1993. *90th Conference.*

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 armed forces of states or dissident forces – are bound by international humanitarian law. As of January 2006, almost all of the world's states – 192, 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, 164

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 159 state parties.

To check whether your state is party to a treaty, contact the ICRC or consult its web site: 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 though 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 even hap-

"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.

pens 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 if **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 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.

> *"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.

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 gynaecological and reproductive health care to medical facilities and health posts serving victims of hostilities.
- 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 sepa-

"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.

rate from adults unless they are members of the same family - and working to bring about the release of children.

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 organisations such as the ICRC to visit prisoners and monitor their treatment.
- Restoring family links where they have been disrupted.
- Supporting human rights organisations such as Amnesty International and Human Rights Watch or local human rights organi-

sations 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.
- Organising 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 Crystal (since 2006). 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;
- 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**: the armed forces 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.

Working Principles of Humanitarian Action

In order to be qualified as humanitarian, an organisation 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 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.
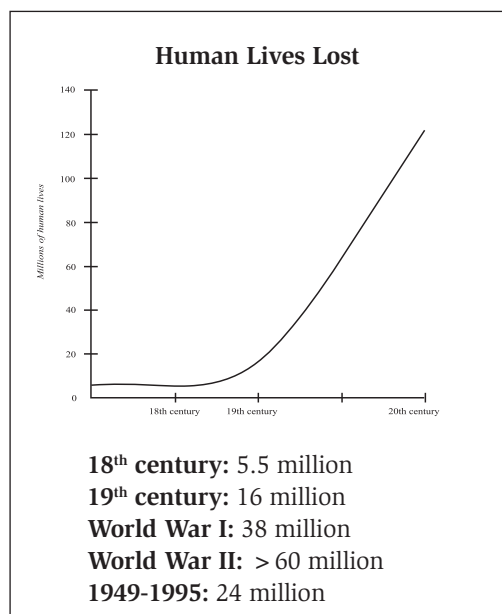**Independence** – full autonomy from all types of external authority.
Voluntary service – non-profit organisation.
Unity – there can only be one Red Cross or Red Crescent Society in any one country.
Universality – a worldwide organisation

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 organisation'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.

3. TRENDS

Human Lives Lost

18th century: 5.5 million
19th century: 16 million
World War I: 38 million
World War II: > 60 million
1949-1995: 24 million

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 organisations 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.

As of January 2006, 149 countries have ratified the 1997 Mine Ban Treaty, and an additional 5 have 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 2004
Prison visits
571,503 detainees were visited in **2,435** places of detention in nearly **80** countries, including **29,076** detainees who were registered and visited for the first time.
39,743 certificates of detention were issued.
Restoring family links
1,362,358 Red Cross messages were collected and distributed
6,166 people whose families had filed tracing requests were located
2,782 people were reunited with their families
9,695 people were issued with travel documents to allow them to return home or resettle elsewhere.

Assistance
- In 34 countries, 1,324,000 persons received food and 2,239,000 household and hygiene items
- 19.4 million people benefited in 40 countries of water and habitat programs
- 2,722,000 people benefited from ICRC-supported health care facilities
- More than 10,576 war wounded were admitted to ICRC hospitals

(Source: **ICRC:** www.icrc.org)

4. 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 organised 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, extending it to non-international conflicts

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

2003 Protocol on Explosive Remnants of War (Protocol V to the 1980 Convention)

(Source: **ICRC:** www.icrc.org/ihl)

SELECTED ACTIVITIES

ACTIVITY I: 1
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 behaviour?
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: 12-20
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, organise 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 seem to treat these as a fact of war, or do you find that there is condemnation of such behaviour?

Further areas of exploration:

Complementarity of human rights and IHL (Source: **ICRC. 2002.** *Exploring Humanitarian Law, Education modules for young people*.)

ACTIVITY II: 2
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 analyse 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: 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 behaviour 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 centre 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 centres 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 popula-

tion. "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 kilometres 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 focuses 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: **ICRC. 2002.** *Exploring Humanitarian Law, Education modules for young people*.)

REFERENCES

Bouvier, Antoine. 2000. *International Humanitarian Law and the Laws of Armed Conflict.* Distance Learning Course Designed for the United Nations Institute for Training and Research, UNITAR POCI.

Breau, Susan. 2005. *Humanitarian intervention: The United Nations and Collective Responsibility*. London: Cameron May.

Cahill, Kevin M. (ed.). 2004. *Human Security For All: A Tribute To Sergio Vieira de Mello.* New York: Fordham University Press.

Commission on Human Security. 2003. *Human Security Now.* Available online at: http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf

Doswald-Beck, Louise and Jean-Marie Henckaerts (eds.). 2005. *Customary International Humanitarian Law.* Cambridge: Cambridge University Press.

Dunant, Henry. 1986. *A memory of Solferino.* Geneva: ICRC Publications.

Fleck, Dieter. 2000. *The Handbook of humanitarian law in armed conflicts*. Oxford: Oxford University Press.

Forest Martin, Francisco. 2006. *International Human Rights and Humanitarian Law: Treaties, Cases, and Analysis.* Cambridge: Cambridge University Press.

Henckaerts, Jean-Marie and Louise Doswald-Beck. 2005. *Customary International Humanitarian Law*. Cambridge: University Press.

Huyse, Luc et al. 2003. *Reconciliation after Violent Conflict: A Handbook*. Stockholm: International Idea.

International Committee of the Red Cross: http://www.icrc.org

International Committee on the Red Cross (ICRC). 2002. *International Humanitarian Law: Answers to your Questions*. ICRC. Available online at: http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_ihl_in_brief?OpenDocument

International Committee on the Red Cross (ICRC). 2003. *Human Rights and the* ICRC: *International Humanitarian Law.* Available online at: http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList314/D0C698167B4EE9A9C1256C5A0033235D

Internatinal Committee on the Red Cross (ICRC). 2005. *Discover the ICRC*. Available online at: http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0790/$File/ICRC_002_0790.PDF!Open

Sassoli, Marco and Antoine Bouvier. 2005. *How does Law protect in War? Cases and Documents on the practice of IHL*. 2nd Edition. Geneva: ICRC.

ADDITIONAL INFORMATION

AAction contre la Faim: http://www.actioncontrelafaim.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.ngocongo.org/

Disasters Emergency Committee: http://www.dec.org.uk

European Community Humanitarian Office (ECHO): http://europa.eu.int/comm/echo/index_en.htm

Food and Agriculture Organization of the United Nations (FAO): http://www.fao.org

Global Policy Forum (GPF): http://www.globalpolicy.org

Handicap International: http://www.handicap-international.org

Human Rights Watch: http://www.hrw.org

Human Security Center. 2006. *Human Security Report: War and Peace in the 21st Century.* Oxford:

Oxford University Press. Available online at: http://www.humansecurityreport.info/

InterAction. American Counil for Voluntary International Action: http://www.interaction.org

International Council of Voluntary Agencies (ICVA): http://www.icva.ch

Inter-American Development Bank (IDB): http://www.iadb.org

International Humanitarian Law Research Initiative: http://www.ihlresearch.org/ihl/

International Save the Children Alliance: http://www.savethechildren.net

Mc Coubrey, Hilaire. 1990. *International humanitarian Law. The regulation of armed conflicts.* Aldershot: Dartmouth Pub Co.

Médecins du Monde: http://www.medecinsdumonde.org

Médecins sans Frontières (MSF): http://www.msf.org

Office of the United Nations High Commissioner for Refugees (UNHCR): http://www.unhcr.ch

Organization of African Unity (OAU): http://www.africa-union.org

Organization of American States (OAS): http://www.oas.org

Organization of the Islamic Conference (OIC): http://www.oic-oci.org

OXFAM International: http://www.oxfam.org

Provost, René. 2002. *International Human Rights and Humanitarian Law.* Cambridge: Cambridge University Press.

Save the Children: http://www.savethechildren.org.uk

United Nations High Commissioner for Human Rights (UNHCHR): http://www.unhchr.ch

United Nations Office of the Coordination for Humanitarian Affairs (OCHA): http://ochaonline.un.org

United Nations Peacekeeping Commission: http://www.un.org/Depts/dpko/dpko/home.shtml

United Nations World Food Program (WFP): http://www.wfp.org

Voluntary Organisations in Cooperation in Emergencies (VOICE): http://www.ngovoice.org

World Vision International: http://www.wvi.org

RIGHT TO 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 Labour Organization. 1919.

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 kilometres 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 fulfil 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 then 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 barred 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 barred 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 barred windows in the second floor and had the choice 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: Adapted from: **Klaus Werner and Hans Weiss. 2001.** *Schwarzbuch Markenfirmen*.)

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?
4. What is the responsibility of multinational corporations who produced goods in free trade zones?
5. What actions can consumers take to change situations such as the one described?

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 industrialisation, the 20th century has seen the further decline of the agricultural sector and the increasing importance of the services sector. With the **liberalisation** of the world market and the **"cyber revolution"** opportunities in the global economy have become much broader.

This new global economy calls for highly specialised workers, who have to be well-trained, flexible and highly motivated, as well as willing to adapt themselves faster to current market demands. Workers have 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, globalisation 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 liberalisation of trade and financial regimes exerts 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 labour 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 labour are the consequences.

The "globalisation" 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 globalisation 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. The International Labour Organization (ILO) initiated a World Commission on the Social Dimension of Globalisation which issued a report entitled *A Fair Globalization: Creating Opportunities for All* in February 2004 (For further information see: http://www.ilo.org/public/english/fairglobalization/index.htm)

Work and Human Security

Social and economic security are important aspects 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 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. Workers' 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 to and participation in society. It is also closely related to self-determination, self-respect, self-realisation 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 a precondition for and conducive to the enhancement of human security.

In order to understand how the humane dimension of labour 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. Injustice, 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 workers' struggles for their rights. Consequently, worker's workers' rights have been embodied in the ILO's labour 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, an utopist social philosopher was the first to use the term "right to work" and emphasised 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 realisation of this right would require a complete reorganisation 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 labour 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 organise (Karl Marx in "Workers of the world unite").

Gradually, the voice of workers grew louder and their situation was increasingly publicised. 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 labour 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 la-

bour standards, and finally, in 1905 and 1906 the first two international labour conventions were adopted. Initiatives to draft and adopt further conventions were interrupted by World War I.

The Treaty of Versailles, ending WW I, finally recognised the interdependence of labour 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 labour.

In this context, the concept of labour as a human value, social need and means of self-realisation 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 emphasised 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 Encyclica "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."

International Labour Office. 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 who are imprisoned to modern slavery, such as bonded labour 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 workers' rights, the ILO system on the one hand and the International Bill of Human Rights on the other, will be analysed.

International Labour Legislation: The International Labour Organization (ILO)

The International Labour Organization was created in 1919. It was founded mainly to give expression to the growing concern for social reform after World War I. Based on the strong belief that poverty is a danger to prosperity and security everywhere, ILO aims to improve conditions for working people all over the world without discrimination as to race, gender or social origin.

In 1947, ILO became a specialised agency of the United Nations and in 1969, it was rewarded the Nobel Peace Prize for its work.

Among the UN agencies ILO is unique because it enjoys a **tripartite structure**, under which decisions reached by its organs represent the views of **employers** and **workers,** as well as those of **governments.**

The ILO
- formulates policies and programmes 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 programme of technical cooperation to help countries to make their policies effective.

The ILO's fundamental human rights conventions

Ratification of core International Labour Organization Conventions
(as of 17 January 2006)

Principle	Conventions	Number of countries ratifying
Freedom of association and protection of the right to organise and collective bargaining	Convention 87 (1948) Convention 98 (1949)	145 154
Minimum working age and prohibition of worst forms of child labour	Convention 138 (1973) Convention 182 (1999)	142 158
Prohibition of forced labour and compulsory labour	Convention 29 (1930) Convention 105 (1957)	168 165
Rights to equal remuneration and prohibition of discrimination in employment and occupation	Convention 100 (1951) Convention 111 (1958)	162 163

(Source: **ILO:** www.ilo.org)

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 **fundamental human rights conventions.** These conventions show a relatively high number of ratifications.

As a response to the new challenges posed by globalisation, on 18 June 1998 the ILO adopted the **Declaration on Fundamental Principles and Rights at Work and its Follow up.** It precisely defines which principles and rights of workers are fundamental, namely those core ILO conventions listed 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 affirms that *all* ILO members, irrespective of ratification of the the conventions in question, are obliged to respect, promote and realise the fundamental rights set out in the conventions. States that have not ratified the core conventions are asked to submit annual reports on the progress made in implementing the principles enshrined in the Declaration. In fact, the Declaration has contributed to a significant increase of ratifications of the fundamental human rights conventions. By the end of 2005, 117 of 178 ILO Members had ratified all eight conventions.

ILO also issues yearly global reports focusing on the progress made in implementing the fundamental principles of *all* member states in four year circles. These serve as a basis for assessing the effectiveness of the action taken during the preceding period.

3. WORK-RELATED HUMAN RIGHTS IN THE INTERNATIONAL BILL OF HUMAN RIGHTS

The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights contains a wide range of human rights relating to work. All these rights are further developed in the two UN Covenants which make them binding upon States Parties to them. 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 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 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: Art. 4, 20, 23, 24 and 25.

The International Covenant on Civil and Political Rights (ICCPR)
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 labour…*"

Although universally condemned, slavery and forced labour 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 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;
• dehumanised, treated as a commodity or bought and sold as 'property';
• physically constrained or has restrictions placed on his/her freedom of movement. "

(Source: **Anti-Slavery International**: http://www.antislavery.org/homepage/antislavery/modern.htm)

What types of slavery exist today?
Bonded labour affects at least 20 million people around the world. People become bonded labourers 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 labour affects people who are illegally recruited by individuals, governments or political parties and forced to work - usually under threat of violence or other penalties.

Worst forms of child labour refer 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: **The World Revolution:** http://www.worldrevolution.org/Projects/Webguide/GuideArticle.asp?ID = 1412)

According to ILO's 2005 Global Report "An alliance against forced labour", at least 12.3 million people are victims of forced labour worldwide. Of these, 9.8 million are exploited by private agents, including more than 2.4 million in forced labour as a result of human trafficking. Another 2.5 million are forced to work by states or by rebel military groups.

The International Covenant on Economic, Social and Cultural Rights (ICESCR)
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 which he freely chooses or accepts [...] 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-realisation and contribute to the development of the 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 realisation of the right (Art. 2 ICESCR),

mainly through the adoption and implementation of national employment policies.

The Right to Just and Favourable Conditions of Work

> **Article 7 ICESCR:** *"The States Parties […] recognize the right of everyone to […] just and favourable 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 favourable 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 concretise States' obligations arising from this provision.

The Right to Form and Join Trade Unions

> **Article 8 ICESCR:** *"The 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 organisations 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 closely linked to the right to freedom of association. The right to collective bargaining makes freedom of association ef-

fective in the world of work. These rights are considered so important because they often hold the key to the realisation 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 labour.

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 labour market.

☺☞ *Human Rights of Women.*

An important milestone in the recognition of the equal rights of women concerning 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 that also addresses 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 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 labour. 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. Furthermore, the right to work requires protection against 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 by providing vocational guidance and training facilities.

- **the obligation to fulfil:**
  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.

4. INTERCULTURAL PERSPECTIVES AND CONTROVERSIAL 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 am I doing right now?"

---

5. 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 to 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 "mobilisation of shame". In the globalising economy, weak enforcement mechanisms have led to calls for linking human rights, and particularly labour 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 labour, but regularly, the problems require much more complex solutions.

For the enforcement of international standards, ILO and the UN assign various **supervisory and complaints procedures.**

States Parties to ILO conventions have to submit periodic reports that are analysed 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 Labour Conference. Each year, the Conference goes through a peer review exercise and issues conclusions concerning the application of the Conventions by a number of member States. Although this procedure may seem a rather toothless instrument of implementation, about 2000 changes in national labour 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 labour standards. The first one allows employers' or workers' organisations to file a complaint against a member state. The second one allows a member state and delegates at the International Labour Conference (government, worker or employer delegates) to make a complaint against another member state. Thereafter, a commission of inquiry may be appointed.

It is worth mentioning that apart from these mechanisms, a special **Committee on Freedom of Association** examins 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 experienced success ranging from the amendment of laws and 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, in 1985, entrusted by the ECOSOC with the monitoring of the Covenant. It is comprised of 18 independent experts. In November 2005, the Committee issued a General Comment on the right to work which explains and elaborates the content of this right and the measures that States should take to realise it.

States' parties to the Covenant have to submit reports every 5 years, outlining the legislative, policy and other measures taken to guarantee economic, social and cultural rights. After analysis of the 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. A corresponding Optional Protocol to the ICESCR is still in debate.

GOOD TO KNOW

1. GOOD PRACTICES

International Programme for the Elimination of Child Labour (IPEC)
The ILO has developed the International Programme for the Elimination of Child Labour (IPEC). Working together with national governments, social partners, as well as NGOs, it develops special programmes, 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 labour, for example launching programmes to withdraw the children from the workforce and provide them with educational alternatives, as well as their families with alternative sources of income and security. Since it was founded in 1992, IPEC has been able to enlarge its operational activities from the initial 6 to a current total of 87 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:** www.ilo.org	

In partnership with the African Football Confederation and the organizers of the African Cup of Nations, IPEC carried out a major campaign to raise awareness on child labour issues on the occasion of the 2002 Championship in Mali. With a simple and straightforward message: "Red Card to Child Labour", 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 publicised 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 labour 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 – Global Teaching And Learning Project Cyperschoolbus:** http://www.un.org/cyberschoolbus/briefing/labour/labour.pdf)

Codes of Corporate Conduct Dealing with Labour and Human Rights

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, labour

standards as well as environmental concerns. For more examples see http://www1.umn.edu/humanrts/links/sicc.html

> Prominent examples, amongst others, are the *Gap Inc. Code of Vendor Conduct*, the *Levi Strauss and Co. Global Sourcing and Operating Guidelines* and the *Johnson & Johnson Social Responsibility Policies* which are directed to the employees and/or company's contractors and suppliers. They cover, inter alia, occupational safety and health, freedom of association, wages and benefits, working time, child labour, forced labour 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 at national standards. Furthermore, they lack effective monitoring systems, especially when no external monitoring is designated in the code of corporate conduct. 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.

Labelling of Items

The labelling 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 labelling initiatives in many countries, mainly throughout Europe and North America, and the product range now includes coffee, tea, cocoa, honey, sugar, rice, fresh fruits and juices.

The **Fairtrade Labelling Organizations International (FLO)** exists to ensure a better deal for marginalised and disadvantaged Third World producers. The FLO awards a consumer label, the FAIR-

TRADE Mark, to products which meet internationally recognised standards of fair trade. This label is on sale in most major European supermarket chains. In the United States the Fair Trade Certified label is trademarked by TransFair USA, a member organisation of the FLO.

Rugmark, for example, is a global non-profit organisation working to end child labour in the carpet and rug industry. It offers educational opportunities for children in India, Nepal and

Pakistan. The RUGMARK label assures that no illegal child labour was employed in the manufacture of a carpet or rug.

The Global Compact

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 and to bring companies together with UN agencies, labour

> *"Let us choose to unite the powers of markets with the authority of universal principles."*
>
> **Kofi Annan,** UN Secretary-General.

and civil society. 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 **10 core principles,** embracing human rights, labour and environmental issues, and a commitment against all forms of corruption. As for labour, it includes commitments to the compliance with the most basic labour 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 labour;
- the effective abolition of child labour and
- the elimination of discrimination in respect to employment and occupation.

The ILO assists in formulating concrete measures to promote these standards effectively. Its website http://www.unglobalcompact.org provides easy access to information on the principles of this initiative, including a list of participating entities. Since the launch, hundreds of companies, UN agencies, business associations, labour organisations, civil societies, academic participants and cities have engaged in the Global Compact.

The Global Compact is a voluntary set of principles. Although it has been widely recognised as a positive step in encouraging corporations to act responsibly, some questions remain whether its implementation can be effective. Critics argue that its lack of legally enforceable standards, independent monitoring and enforcement mechanisms and clarity about the meaning of the standards themselves are challenges to the initiative's effectiveness.

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 ILO has distinguished different types of EPZs: free port (regarding trade), special economic zone, industrial free zone, enterprise zone (everything regarding manufacturing), information processing zone, financial services zone, commercial free zone (regarding services). Mainly, the multinational companies benefit from low labour costs but nevertheless, workers flow into the zones because the salaries are still higher than for corresponding jobs outside the zones. In return, the 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.
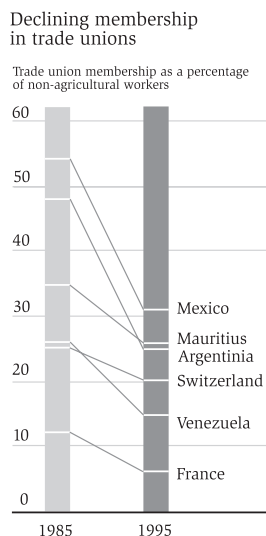
EPZs can be found in at least 100 countries. All in all, the world's EPZs employ about 42 million workers, of which approximately 30 million workers are employed in China's EPZs.

(Source: **ILO:** www.ilo.org; **UNDP. 2005.** *Human Development Report 2005.* **UNDP. 2000.** *Human Development Report 2000.*)

Decline of Trade Unions

In some developed countries, labour union membership is at an unprecedented low. In the US, for example, only about 12,5 % (in 2004) 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 labour unions scarcely exists; obstacles of

various kinds are placed in the way of organ-izing workers and, in certain countries, vio-lence, torture, arbitrary killings and arbitrary arrests are routinely used to prevent workers from uniting to claim their rights.

**Declining membership
in trade unions**

Trade union membership as a percentage
of non-agricultural workers

Source: ILO 1997c

Increasing International Mobility:
the Migration of Workers

Today, poverty and violence are the tragic rea-sons 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 175 million migrants, mak-ing up 2,5 % of the world's population. Accord-ing to the ILO figures of 2004, approximately 86 million of the migrants are economically active, employed or otherwise engaged in re-munerative activity, including a very large pro-portion of women (47,5 %). In addition to this estimate, there is a growing number of clan-destine migrants, i.e. without papers (10 % to 15 % of the total of migrants). These numbers

are likely to rise, unless the inequalities in our globalised world are tackled adequately.

The relevant ILO Conventions on Migrant Workers (Conventions 97 and 143) have re-grettably received relatively few ratifications since states fear international scrutiny 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, opening up better prospects for migrants all over the world.

Youth Unemployment

One of the most daunting problems facing developed and developing countries alike is the large and growing number of unemployed youth.

*"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. Under-employment
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.

…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..

… The world today is very youthful, almost half of its population is under the age of 25..

…on a global level, youth were 3.5 times more likely to be unemployed than adults in 2003.

…about 88 million young people were unemployed throughout the world in 2003 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.

(Source: **United Nations. 2005.** World Youth Report 2005.)

According to the ILO, youth unemployment has increased steadily since 1993 when the unemployment rate for young people was 11.7 per cent. In 2003, the youth unemployment rate had reached its historical height of 14.4 per cent. Youth unemployment rates in 2003 were highest in the regions of the Middle East and North Africa (25.6%) and sub-Saharan Africa (21%) and lowest in East Asia (7%) and the industrialised economies (13.4%). The aggregated youth unemployment rate of G8 countries in the same year was 15.1%, having increased by 3.4% from ten years earlier.

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 programmes need to be closely targeted on taking account of specific capabilities, needs and differences. The UN, the ILO and the World Bank have created a Youth Employment Network to address this problem at a global level.

(Source: **Youth Employment: Gateway:** http://www.youthemploymentgateway.org)

HIV/AIDS and the World of Work

AIDS is a workplace issue not only because it affects labour and productivity, but also because the workplace has a vital role to play in the wider struggle to limit the spread and effects of the epidemic. HIV/AIDS threatens the livelihoods of many workers and those who depend on them - families, communities and enterprises. In doing so, it also weakens national economies. Discrimination against and stigmatisation of women and men with HIV threaten fundamental principles and rights at work and undermines efforts for prevention and care.

ILO has published a **Code of Practice on HIV/AIDS** and the world of work which offers guidance on how to deal with this issues at the enterprise, in the community and on national levels.

(For further information see: http://www.ilo.org/public/english/protection/trav/aids)

SELECTED ACTIVITIES

ACTIVITY I   😊**1**
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 chose 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: 15 - 25
Time: about 1 ½ 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 give 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.

Suggestions 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.
  - Ask observers to exchange roles with the actors.
  - Add other characters to the situation (husband, a trade union representative).
- Ask the group to do some research into reproductive rights in your country (interviews, participate in human rights plays in public places – invite observers to take part).

Part IV: Follow-up
Related rights/further areas of exploration: social rights, gender equality, discrimination, xenophobia
(Sources: Adapted from: **Council of Europe. 2002.** *Compass: A Manual on Human Rights Education with Young People.* Strasbourg: Council of Europe)

ACTIVITY II
ECONOMIC FAIRNESS 😊2

Part I: Introduction
The distribution of wealth and power within society usually affects a 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 it poses questions about our responsibilities.
Target group: young adults to adults
Group size: about 25
Time: about 1 ½ 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 in 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 it would take about four times the wages provided by a maquiladora worker to support a family at a bare subsistence level.

- If the workers' 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 the workers' 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 is made. Once this list is completed, ask the participants to analyse 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 produce them in El Salvador?
  - Who should be responsible for seeing that Salvadoran workers receive wages that are sufficient to support themselves and their families?
- Discuss these questions in the group.

Feedback:

- Pose a summarising question:
  - Which of the 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 the 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:
Ask the whole group to 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: Adapted from: **David A. Shiman. 1999.** *Economic and Social Justice. A Human Rights Perspective.* Minnesota: Human Rights Resource Center of the University of Minnesota.)

REFERENCES

Anti-Slavery and ICFTU. 2001. *Forced Labour in the 21st Century*. London: Anti-Slavery International.

Anti-Slavery International:
http://www.antislavery.org

Auer, Peter, Geneviève Besse and Dominique Méda (eds.). 2006. *Offshoring and the Internationalization of Employment. A Challenge for a Fair Globalization?* Proceedings of the France/ILO symposium. Geneva: International Institute for Labour Studies/ International Labour Office.

Bartram, David. 2005. *International Labour Migration. Foreign Workers and Public Policy*. Houndmills: Palgrave Macmillan.

Bhargava, Pramila H. 2003. *The Elimination of Child Labour: Whose Responsibility? A Practical Workbook*. New Delhi: Sage Publications Ltd.

Cingo, Alessandro and Fruio Camillo Rosati. 2005. *The Economics of Child Labour*. Oxford: Oxford University Press.

Craven, Matthew. 2002. *The International Covenant on Economic, Social and Cultural Rights, A Perspective on its Development*. Oxford: Clarendon Press.

Deutsche Gesellschaft für die Vereinten Nationen. 2001. *Menschenrechte und menschliche Entwicklung. Anregungen zur Arbeit mit dem UNDP-Bericht über die menschliche Entwicklung 2000 in Schulen*. Bonn: DGVN.

Dore, Ronald. 2004. *New Forms and Meanings of Work in an Increasingly Globalized World.* Geneva: ILO Publication.

Drzewicki, Krzystof. 2001. *The Right to Work and Rights at Work.* In: Eide, Asbjorn, Catarina Krause and Allan Rosas. *Economic, Social and Cultural Rights. A Textbook.* Dordrecht: Martinus Nijhoff Publishers.

Goldewijk, Berma Klein, Adalid Contreras Baspineiro and Paulo César Carbonari. 2002. *Dignity and Human Rights. The Implementation of Economic, Social and Cultural Rights.* Antwerp: Intersentia.

Human Rights Resource Center. *Circle of Rights. Economic, Social and Cultural Rights Activism: A Training Resource.* Available online at: http://hrusa.org/hrmaterials/IHRIP/circle/toc.htm

International Labour Office. 2005. *An Alliance Against Forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.* Geneva: ILO Publications.

International Labour Office. 2005. *The Rules of the Game – A brief introduction to International Labour*

Standards. Geneva: ILO Publications. Available online at: http://www.ilo.org/public/english/standards/norm/download/resources/rulesofthegame.pdf

International Labour Office. 2004. *Global Employment Trends for Youth.* Geneva: ILO Publication. Available online at: http://www.ilo.org/trends

International Labour Office. 2004. *A Fair Globalization: Creating Opportunities for All.* Available online at: http://www.ilo.org/public/english/wcsdg/docs/report.pdf

International Labour Office. 2004. *Towards a fair deal for migrant workers in the global economy.* Geneva: ILO Publication. Available online at: http://www.ilo.org/public/english/standards/relm/ilc/ilc92/reports.htm

International Labour Office. 2003. *ILO database on export processing zones*. Geneva: ILO Publication. Available online at: http://www.ilo.org/public/english/dialogue/sector/themes/epz/epz-db.pdf

International Labour Office. 2002. *HIV/AIDS and the World of Work: An ILO Code of Practice*. Geneva: ILO Publication.

International Labour Office. 2000. *Your voice at Work. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*. Geneva: ILO Publication.

International Labour Office. 1999. *Decent Work. International Labour Conference, 87th Session 1999.* Geneva: ILO Publication.

Jenkins, Rhys, Gill Seyfang and Ruth Pearson. (eds.). 2002. *Responsibility and Labour Rights. Codes of Conduct in the Global Economy*. London: Earthscan Publications.

Leary, Virginia and Daniel Warner. 2006. *Social Issues, Globalisation and International Institutions: Labour Rights and the EU, ILO, OECD and WTO (International Studies in Human Rights)*. The Hague: Martinus Nijhoff.

Leary, Virginia A. 1998. *A Violations Approach to the Right to Work*. In: SIM Netherlands Institute of Human Rights. *The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*. Utrecht: The Netherlands Institute for Human Rights.

Leary, Virginia A. 1998. *Globalisation and Human Rights.* In: Symonides, Janusz. (ed.). *Human Rights: New Dimensions and Challenges*. Aldershot: Dartmouth Publishing Company.

Levin, Leah. 2005. *Human Rights. Questions and Answers*. Paris: UNESCO Publishing.

Lieten, Georges Kristoffel. 2005. *Child Labour: Burning Questions*. Amsterdam: Aksant Academic Pubs

McChesney, Allan. 2000. *Economic, Social and Cultural Rights*. New York: American Association for the Advancement of Science.

Richter, Judith. 2002. *Holding Corporations Accountable: Corporate Conduct, International Codes, and Citizen Action*. London: Zed Books.

Shiman, David A. 1999. *Economic and Social Justice. A Human Rights Perspective*. Minneapolis: The Human Rights Resource Center.

Stalker, Peter. 2004. *Workers Without Frontiers: The Impact Of Globalization On International Migration.* Geneva: ILO Publication.

The World Revolution: http://www.worldrevolution.org

United Nations Cyperschoolbus: http://www.un.org/cyberschoolbus/briefing/labour/labour.pdf

UNDP. 2005. *Human Development Report 2005.* New York: Oxford University Press. Available online at: http://hdr.undp.org/reports

United Nations. 2005. *The Inequality Predicament. Report on the World Social Situation 2005*. New York: United Nations.

United Nations. 2005. *Committee on Economic, Social and Cultural Rights, General Comment on Article 6 (right to work) of the International Covenant on Economic, Social and Cultural Rights.* Geneva: United Nations. Available online at: http://www.ohchr.org/english/bodies/cescr/docs/gc18.doc

United Nations. 2005. *World Youth Report 2005. Young people today, and in 2015.* New York: UN Publishing. Available online at: http://www.un.org/esa/socdev/unyin/documents/wyr05book.pdf

United Nations. 2001. *We the peoples: the Role of the United Nations in the 21ˢᵗ Century, Briefing Papers for Students.* New York: United Nations.

United Nations. 1998. *The United Nations in our daily lives. A brief description of the UN and its Specialized Agencies*. Geneva: United Nations.

United Nations. 1996. *The Committee on Economic, Social and Cultural Rights, Fact Sheet No. 16.* Geneva: United Nations.

Werner, Klaus and Hans Weiss. 2001. *Schwarzbuch Markenfirmen.* Vienna: Deuticke.

Youth Employment Gateway: http://www.youthemploymentgateway.org

All Global Reports issued by the ILO are available in English, French and Spanish online at: http://www.ilo.org

ADDITIONAL INFORMATION:

American Anti-Slavery Group: http://www.iabolish.com

Anti-Slavery International: http://www.antislavery.org

Bread and Roses Cultural Project: http://www.bread-and-roses.com

China Labor Watch: http://www.chinalaborwatch.org

Child Workers in Asia: http://www.cwa.tnet.co.th

Fairtrade Labelling Organization International: http://www.fairtrade.net

Global Compact: http://www.unglobalcompact.org

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

Labour Rights Now: http://www.laborrightsnow.org

The Concerned for Working Children (CWC): http://www.workingchild.org/htm/cwc.htm

The Fairtrade Foundation: http://www.fairtrade.org.uk

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. 1948.

ILLUSTRATION STORY

Sri Lanka: 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 the authorities with information 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."
(Source: **Jan Bauer.** 1996. *Only Silence Will Protect You, Women. Freedom of Expression and the Language of Human Rights.* International Centre for Human Rights and Democratic Development.)

Belgrade: On September 6, 2005, the current affairs editor of Radio OK, Sasa Stojkovic, was verbally attacked and threatened with physical violence by two Serbian Radical Party members of the Vranje Municipal Council. This was followed, just days later, by a telephone call from the president of the Council, Nenad Stosic, who threatened him with arrest because of an opinion poll, the results of which had not been broadcast but which Stosic believed to be malicious.

First appeared in *Pauvres chéris*, Paris, Éditions du Centurion.

> *"We have a natural right to make use of our pens as of our tongues, at our peril, risk and hazard."*
>
> **Voltaire. 1764.** Liberty of the Press.

The Association of Independent Electronic Media (ANEM) calls on the appropriate authorities, particularly the Interior Ministry and the Culture and Information Ministry, to protect the journalists and editor of Radio OK.
(Source: mediawatch@lists.opennet.org of 16 September 2005)

Croatia: According to information before SEEMO, on 6 December 2005, Drago Hedl, the editor of the Croatian weekly, Feral Tribune, received a death threat in the form of a letter. Hedl said that the letter was directed at him and his source for the series of articles he published in Feral Tribune on the torture and killings of Serbian civilians in Osijek in 1991. This is not the first time that Hedl has received a death threat.
(Source: seemo@freemedia.at of 12 December 2005)

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 through 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 laid down in all respective human rights instruments. It has its roots in the struggle for personal freedoms in the 18th and 19th centuries, 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 criticise 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 World War II. 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 arise 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 the media and others to change from a private internet provider to Telekom Serbia internet service.

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 have become an important part of warfare as could be seen in the case of Iraq. "Info wars" and "infotainment" stand for the trend that information is subordinated to other objectives. Improving access to information has been a major objective of

"Sir, I do not share your views, but I would risk my life for your right to express them."

Voltaire (1694-1778).

the World Summit on the Information Society 2003/2005.

Old and New Challenges

The freedom of information, expression and the media proved to be 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 limit the access to the internet in order to prevent their citizens from reaching websites they consider undesirable for political or religious grounds.

The **media** can have a **dual role** as beneficiaries and violators of the freedom of expression. Their role can be one of informing about global problems, strengthening global solidarity, but it can also be one of an 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, thereby 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 programmes may be reduced as a result of commercialisation, 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 exists 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 opposition views or contents they fear to be critical of national policies, namely 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 society 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 Cybercrime of 2001, the Council of Europe already condemned child pornography and tried to enhance domestic criminal liability as well as international cooperation for prosecution although with limited human rights guarantees. An additional protocol dealing with acts of racist and xenophobic nature committed through computer systems has been adopted in 2003. The Convention has entered into force in 2004.

The **World Summit on the Information Society (WSIS)** in Geneva in 2003 and in Tunis in 2005 dealt with yet another issue of substantial importance: inclusion and exclusion in an age of communication, also called the *"digital age"*. The freedom of expression is essentially affected by the problem of access to the information infrastructure *(☺☞Good to Know. 7.)*. One major aim was to develop an action plan on how to close the digital and the knowledge gap between the *"haves"* and "have-nots" of access to information and communication technologies, the so-called *"digital divide"*. The WSIS showed that an underlying conflict exists between a techno-

logical and a value and human rights-oriented approach. The final documents contain only few references to human rights. NGOs contributed a "Statement on Human Rights, Human Dignity and the Information Society". (Source: **World Summit on the Information Society:** http://www.pdhre.org/wsis/statement.doc).

2. CONTENTS AND THREATS

The freedom of expression is a framework right containing several elements, including 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 kinds, 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 would also be an integral part of a proposed "right to communicate". However, a draft declaration on this right, completed on a private basis, has not found support from states so far.

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 of the Universal Declaration of Human Rights; Art. 19 of the International Covenant on Civil and Political Rights; Art. 10 of the European Convention on Human Rights; Art. IV of the American Declaration of the Rights and Duties of Man; Art. 13 of the American Convention on Human Rights; Art. 9 of the African Charter on Human and Peoples' Rights)

Certain **elements** of the right to expression are also **connected with other human rights**, such as:
- the right to freedom of thought, conscience and religion (Art. 18 of the ICCPR) *Religious Freedoms.*
- 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(1) (c) of the ICESCR).
- in relation to the human right to education (Art. 13 of the 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 of the ICCPR which prohibits **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.*

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,* 63 journalists and media workers were killed and more than 1.000 media censured or banned were recorded in 2005. This amounts to a growth of 60 % compared to the previous year. The organisation, 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"* that followed the terrorist attacks of 11 September 2001 has brought new threats to 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. 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. This 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. This 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. Various forms of political control of public and private media are common world-wide today. Professional codes are supposed to protect the independence of journalists but also assure the professionalism of their work.

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 what is newsworthy and *"fit to print"* may exclude information not considered opportune, seen as minority views or what does not sell well.

Decisions on what to publish and how 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

There can be **no freedom without responsibility,** as 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 scrutinised by public opinion and, as a last resort, judicial institutions.

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) of the ICCPR reminds that the rights enumerated carry **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 found in codes of professional ethics or state legislation, which, however, must not infringe upon the content of the human right. Typical duties and responsibilities relate to the duty of objective information, in particular, the obligation to report truthfully and, at a minimum, 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 the ICCPR's Art. 19(3), three types of restrictions are possible, provided they are imposed through legislation and considered necessary:
- "…for the respect of the rights and reputation of others; or
- for the protection of national security or of public order (ordre public); or
- for the protection of public health or morals."

According to legal interpretation rules, limitations of rights have to be interpreted restrictively. The main right should not be undermined and the restriction should not be larger as necessary to protect the rights of others and the basic public goods mentioned.

In Art. 10 of the European Convention on Human Rights, the list of possible restrictions is even longer, though, 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, or*
- *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 legitimise 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 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 the persecution of journalists who criticise persons in public positions have to be balanced with the freedom of the press. Thus, the principle of proportionality always needs to be taken into account.

According to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the dissemination of racist ideas, incitement to racial discrimination, or financing of racist activities should be made a punishable offence by state parties, which should also declare illegal and prohibit organisations and propaganda activities which promote and incite racial discrimination.
☺☞ *Non-Discrimination.*

3. IMPLEMENTATION AND MONITORING 😐‼️

A wide variety of instruments and procedures exists to implement the human right of freedom of expression and its component rights. First, it 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 mini-

mum 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** to regulate or self-regulate the press and electronic media, such as press or media councils, 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.

The task of several control or monitoring mechanisms is that of monitoring compliance by the state. 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 *Human Rights Committee*. It gave an interpretation of Art. 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 (105 out of 155 by January 2006).

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"* of the Council of Europe which, *inter alia*, also covers the freedom of expression and information in member states.

Apart form 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 Human Rights Council on the situation of the freedom of expression worldwide 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 introduced 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 an 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.

The Role of Professional Associations and Other NGOs

Professional associations like the International Federation of Journalists, the International Press Institute (IPI), International PEN, the International Publishers Associations (IPA) or the International Freedom of Expression Exchange (IFEX) collect 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 violated, denounce restrictions, launch campaigns or urgent action appeals and prepare reports on particular problems like media concentration, corruption, state secrets and transparency according to Freedom of Information regulations. In doing so, they are supported by NGOs specialised in the protection of the freedom of the press and

the media such as the organizations "Article 19" or Reporters without Borders *(☺☞Additional Resources)* as well as general human rights NGOs like Amnesty International or the International Council on Human Rights Policy. Furthermore, they cooperate with inter-governmental organisations and their special institutions, like the UN Special Rapporteur on Freedom of Expression and the OSCE Representative for the Freedom of the Media.

On the national level, institutional monitoring bodies such as independent media commissions or professional associations and NGOs aim at the prevention of violations of the human rights in question, excessive libel laws and practices which may silence critical journalists. They also watch over the respect for professional codes of ethics in this field.

4. INTERCULTURAL PERSPECTIVES

Cultural differences lead to pluralism in the implementation of the freedom of expression. Compared to the USA, Europe and other states take a different attitude concerning 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; this is at least partly covered by the freedom of expression (First Amendment) in the Constitution of the United States.

For example, the sentencing of British author David Irving in Austria to three years of prison for denial of the holocaust in 2006 has been criticised even by Jewish authors in the United States as a violation of their understanding of freedom of speech, which should include also the "freedom for the thought we hate". (**Jeff Jacoby. 3 March 2006.** *The Boston Globe.*).

The sometimes **subtle distinctions** have been exemplified in the ECHR case *Jersild v. Den-* *mark* when the Court found that the punishment of a journalist who had broadcast an interview with young racists making racist statements had been a violation of the freedom of information in Art. 10 of the ECHR, whereas those who had made the statements were not protected by Art. 10.

According to the European Court of Human Rights' "margin of appreciation doctrine" there is room for differences between European states. This is of particular relevance for the protection of morals with regard to speech, literature or broadcasting considered to be pornographic. The question of decency or protection of minors, as well as other harmful contents, are left to the state, which often uses independent institutions to guide the media in this respect.

Different standards also exist regarding public criticism of politicians or religious institutions. For example, what is **artistic freedom** for some may be considered to be 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.

The cartoons of the prophet Muhammad, which were first published by a Danish newspaper in 2005 and subsequently reprinted in a number of western countries, have provoked violent reactions in several Islamic countries as well as a boycott of Danish goods. The Danish government was forced to apologise. This event led to a world-wide debate on limitations of the freedom of the press and freedom of expression out of respect for religious feelings as part of the freedom of religion, which is of relevance not only on the national level but has nowadays gained a global dimension. In Asian countries, severe restrictions of the freedom of expression and of the media have long been justified on the grounds of main-

taining 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, which dealt with this topic in a Euro-Asian dialogue, found, governments tend to overreact and to curtail the freedom of the media more than necessary. Common problems like media concentration or the lack of independence of journalists were found in a much larger extent 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 of the media and legitimate restrictions for the sake of the stability of a democratic state and the moral integrity of a person who 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 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) been officially 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:

"To speak is not an easy thing, to remain silent is dangerous."

Proverb from Mali.

"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 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)."

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."

(Source: *Thirteenth Activity Report of the African Commission on Human and Peoples' Rights 1999-2000:* http://www.chr.up.ac.za/hr_docs/documents/13th_Annual_Activity_Report-_AHG.pdf)

The Marrakesh Declaration adopted by the conference "The Role and Place of the Media in the Information Society in Africa and the Arab Region" of 24 November 2004 reaffirms that "*freedom of expression and press freedom are at the core of construction of the information society in Africa, the Arab region, and throughout the world.*" (Source: Soulbeat Africa – Communication for Change: http://www.comminit.com/africa)

The NGO Arab Press Freedom Watch has been established to actively defend the freedom of the press and human rights and to promote democracy in close collaboration with the Arab Union of Journalists.

4. 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 Art.19 of the ICCPR
1993 UN Special Rapporteur on Protection and Promotion of the Right to Freedom of Opinion and Expression
1997 OSCE Representative for the Freedom of the Media
1999 Resolution of the Commission on Human Rights on Freedom of Opinion and Expression (1999/36)
2001 CoE Convention on Cybercrime and Additional Protocol 2003
2003 World Information Summit, first part, in Geneva: Declaration on Principles and Plan of Action
2005 World Information Summit, second part, in Tunis: Tunis Commitment and Tunis Agenda for the Information Society

GOOD TO KNOW

1. THE ROLE OF FREE MEDIA FOR A DEMOCRATIC SOCIETY

Media pluralism is an indispensable element of a pluralistic democracy. The importance of the role 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.
☺☞ *Right to Democracy.*
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 usually take is to curtail or abolish the freedom of expression and the freedom 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.

> *"Information is the oxygen of democracy."*
>
> **Article 19 - Global Campaign for Free Expression.**

"Journalists are the guardians of democracy."

Maud de Boer-Buquicco, Deputy Secretary General of the Council of Europe. 2002.

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 terms of access to the media and in having media in their own language. In Europe, specific binding standards based on Art. 19 of the ICCPR and Art. 10 of the ECHR exist. Among them is, notably, 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 also have the freedom of opinion and of 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 against in terms of access to the media, which should indeed be facilitated.

They must not be prevented from creating their own print media and, within the law, also their own electronic media. Further standards 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 guaranteed 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 of expression are limited.

Art. 11 of the 1992 Council of Europe's European Charter for Regional and Minority Languages commits States Parties to make adequate provision that broadcasters offer programmes in the regional or minority languages or 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, alleviation of poverty and for meeting basic social

"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. 2000. *Restrictions on the Freedom of Expression.*

> *"There has never been a substantial famine in a country with democratic form of government and relatively free press."*
>
> **Amartya Sen,**
> Nobel Prize-winning Economist.

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.

4. WAR PROPAGANDA AND ADVOCACY OF HATRED

Pursuant to Art. 20 (1) of the ICCPR, any propaganda for war shall be prohibited by law, whereas Art. 20 (2) requires also the prohibition of incitement to discrimination, hostility or violence through any advocacy of national, racial or religious hatred. 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* had a major role in the genocide 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 broadcast 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. The radio's responsibility has been established by the International Criminal Tribunal for Rwanda based in Arusha.

5. GOOD PRACTICES

- UNESCO has initiated a *World Press Freedom Day* to be held on the 3rd of May and a *World Press Freedom Price*.
- 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.
- In the case of Kosovo, an Independent Media Commission and a Press Council were established, which monitor the implementation of the standards contained in the regulations and law on the media. They are also in charge of licensing. In 2001, the Ombudsmen of the Federation of Bosnia and Herzegovina reported that they were closely observing the licensing process undertaken by the Communication Regulation Agency (CRA) and in several cases intervened with regard to transparency and equal conditions for all applicants. The CRA accepted their recommendations.

> *"When war is declared, truth is the first casualty."*
>
> **Arthur Ponsonby,**
> British Politician and Writer. 1928.

> *"Words kill first, bullets only later."*
>
> **Adam Mihnik,** Polish Writer.

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."

International Council on Human Rights. 2002. *Journalism, Media and the Challenge of Human Rights Reporting.*

The *International Publishers Association* (IPA), which represents 78 institutions in 66 countries, highlighted in its comments on the UN Decade on Human Rights Education the importance of awareness-raising activities concerning the freedom of expression and the freedom to publish.

(Source: **United Nations Economic and Social Council. 2003.** *Promotion and Protection of Human Rights: Information and Education. Implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004, E/CN.4/2003/100)*

7. TRENDS

Media and World Wide Web

According to the UN Human Development Report 2001 and the 2005 UNESCO Report "Towards Knowledge Societies" the internet has grown exponentially during the last years, from 16 million users in 1995 to more than 500 million in 2004. But, still less than 11 % have access to the internet world-wide and less than 1 ‰ in Africa, which raises the issue of "digital solidarity". Nevertheless, the 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. However, some states apply control and censorship of the internet by blocking access to certain web pages. In 2005, certain search engines such as Yahoo! and Google came under attack from NGOs for assisting the Chinese government in tracing political dissidents.

Towards Knowledge Societies in the South

The transformation of the information society to knowledge societies is based on the increased availability of information and communication technology. In the context of the freedom of expression the state is under a positive obligation to provide access to information technology which is indispensable for gaining access to knowledge.

For this purpose on the occasion of the World Summit on the Information Society in 2003 an initiative was launched for the creation of Community Multimedia Centres (CMCs) in order to narrow the digital divide for communities still excluded from the access to information technology. The approach adopted links access, learning and the combination of new and old technologies by combining local neighbourhood radio with community telecentre infrastructures like computers connected to the internet, e-mail services, telephone, fax and photocopy. The aim is to allow community members to become regular users of the new technologies and gain access to information available worldwide.

(Source: **UNESCO. 2005.** *Towards Knowledge Societies.* Paris)

SELECTED ACTIVITIES

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 by 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: 8-25
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 this is a simulation of a working group on the freedom of the press and its limits, which is going to be broadcast on a local TV station.

Inform the 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 report human rights violations, on the other hand, however, they commit human rights violations themselves, for example 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 provide 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 a similar one.

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

ACTIVITY 2:
THE IMPACT OF THE INTERNET

Part I: Introduction
This activity involves both small group and plenary discussions to analyse 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: 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 on local level. If you have access to the internet, print out whose web sites of organisations and distribute copies. Ask people about their knowledge on these organisations. 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 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 as laid out in the module; then ask them to talk in pairs abut 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 the 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 of the participants to write up the key points 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 a variation or following the activity. Collect information on various human rights organisations 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 organisations. 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 the participants to visit web sites of human rights organisations. They could then go on to reflect on a project to

• Use available internet resources to increase awareness about human rights issues in their neighbourhood.
• Create their own web site and link it to other youth organisations to fight for a human right, which is in particular danger in their community.

Related rights/further areas of exploration:
any human rights

(Source: Adapted from: **Council of Europe. 2002.** *Compass: A Manual on Human Rights Education with young people.* Strasbourg: Council of Europe.)

HANDOUT:
Poising 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 go online, more are potentially exposed to the growing mass of bigotry easily available, their attitudes and behaviour 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 *Wom-*

en'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 in order 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 the *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:** http://www.adl.org/poisoning_web/poisoning_toc.asp)

REFERENCES

African Commission on Human and Peoples' Rights. 2000.*Thirteenth Activity Report of the African Commission on Human and Peoples' Rights 1999-2000.* Available online at: http://www.chr.up.ac.za/hr_docs/documents/13th_Annual_Activity_Report-_AHG.pdf

Asia Media Information and Communication Centre. 2000. *Media and Human Rights in Asia.* Singapore: AMIC.

Barendt, Eric. 2005. *Freedom of Speech.* 2nd edition. Oxford: Oxford University Press.

Boyle, Kevin. 2000. *Restrictions on the Freedom of Expression.* In: Asia-Europe Foundation (ASEF). The Third Informal ASEM Seminar on Human Rights. Singapore. pp. 27-37.

Burnheim, Sally. 1999. *The Right to Communicate – The Internet in Africa.* London. Article 19.

Byerly, Carolyn M. and Karen Ross. 2006. *Women and Media: A Critical Introduction.* Oxford: Blackwell.

Carver, Richard. 1995. *Who Rules the Airwaves – Broadcasting in Africa.* London: Index of Censorship.

Chrétien, Jean-Pierre; et al. 1995. *Rwanda – Les Médias du Génocide.* Paris: Karthala.

Cohen, Stanley. 1995. *Denial and Acknowledgement: The Impact of Information about Human Rights Violations.* Jerusalem: Centre for Human Rights. The Hebrew University of Jerusalem.

Council of Europe. 2005. *Safeguarding free speech and the right to information: media in times of crisis. Conference.* Strasbourg. 13 – 14 October 2005.

Council of Europe. 2004. *A guide to the implementation of Article 10 of the European Convention on Human Rights.* 2nd edition. Strasbourg.

Council of Europe. 2002. *The media in a democratic society: reconciling freedom of expression with the protection of human rights.* Available online at: http://www.coe.int/MediaLuxembourgE

Crimes of War Project: www.crimesofwar.org

Emirates Centre for Strategic Studies and Research. 1998. *The Information Revolution and the Arab World – Its Impact on State and Society.* London: I. B. Tauris.

Fallows, James. 1997. *Breaking the News – How the Media Undermined American Democracy*. New York: Vintage.

Freedom House. 2005. *Freedom of the Press 2005: A Global Survey of Media Independence*. Lanham: Rowman & Littlefield.

Freire, Antonio. 1999. *El Kike, La Checchi, La Elvira, El Gonzato y El Malo: La Tevedécada de los Noventa*. Santiago de Chile: Ediciones Eace.

Goff, Peter (ed.). 1999. *The Kosovo News and Propaganda War*. Vienna: International Press Institute.

Gutman, Roy and David Rieff (eds.). 1999. *Crimes of War – What the Public Should Know*. New York: W. W. Norton.

Hammond, Philip and Edward Herman (ed.). 2000. *Degraded Capability – The Media and the Kosovo Crisis*. London: Pluto Press.

Heyns, Christof. 2002. *Civil and political rights in the African Charter*. In: Evans, Malcolm D.; Murray, Rachel. The African Charter on Human and People's Rights. The System in Practice. 1986-2000. Cambridge: Cambridge University Press. pp. 137-177; pp. 164ff.

Hill, Michael W. 2005. *The Impact of Information on Society*. 2nd Edition. London: Bowker Saur.

Human Rights Watch. 1998. *Los Limites de la Tolerancia: Libertad de Expresión y Debate Publico en Chile*. LOM.

IFEX. 2005. *Campaining for Freedom of Expression. A Handbook for Advocates*. Toronto.

International Council on Human Rights Policy. 2002. *Journalism, Media and the challenge of human rights reporting*. Available online at: http://www.protectionline.org/IMG/pdf/journalism_media.pdf

Keane, John. 1991. *The Media and Democracy*. Cambridge: Polity Press.

Lenkova, Mariana (ed.). 1998. *Hate Speech in the Balkans*. Athens: International Helsinki Federation.

Mansell, Robin. 2005. *The fragility of knowledge societies: ambiguity, cost reduction and access in developing countries*. In: Milward-Oliver, G. (ed.). *Maitland + 20 – Fixing the Missing Link*. Bradford: The Anima Centre. pp. 83-97.

McRae, Rob. 2001. *Human Security, Connectivity, and the New Global Civil Society*. In: McRae, Rob and Don Hubert (eds.). Human Security and the New Diplomacy. Montreal: McGill-Queens University Press. p. 236-249.

Mill, John Stuart. 1859. *On Liberty*.

Moeller, Susan D. 1999. *Compassion Fatigue – How the Media Sell Disease, Famine, War and Death*. New York: Routledge.

Nowak, Manfred. 2005. *Commentary on the U.N. Covenant on Civil and Political Rights*. 2nd edition. Kehl am Rhein: N. P. Engel.

Pritchard, David (ed.). 2000. *Holding the Media Accountable – Citizens, Ethics and the Law*. Bloomington: Indiana University Press.

Rantanen, Terhi. 2005. *The Media and Globalization*. London: Sage.

Reporters without Borders. 2004. *Internet under Surveillance. Obstacles to the Free Flow of Information. Available online at:* http://www.rsf.org/rubrique.php3?id_rubrique = 433

Rothberg, Robert I. and Thomas G. Weiss. 1996. *From Massacres to Genocide – The Media, Public Policy, and Humanitarian Crises*. Washington, D.C.: The Brookings Institution Press.

Said, Edward. 1997. *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*. London: Vintage.

Spencer, Graham. 2005. *The Media and Peace. From Vietnam to the 'War on Terror'*. Basingstoke: Palgrave-Macmillan.

Soulbeat Africa – Communication for Change: http://www.comminit.com/africa

South African Human Rights Commission. 2000. *Faultlines – Inquiry into Racism in the Media*. Johannesburg.

Todorovic, Mirjana. 2003. *Freedom of Expression and the Right to Dignity and Reputation*. In: Todorovic, M. (ed.). Culture of Human Rights. Belgrade Human Rights Centre. p. 161-175.

UNESCO. 2005. *UNESCO World Report. Towards Knowledge Societies*. Available online at: http://unesdoc.unesco.org/images/0014/001418/141843e.pdf

United Nations Children Fund. 1999. *The Media and Children's Rights – A Practical Introduction for Media Professionals*. London: PressWise.

United Nations Economic and Social Council. 2003. *Promotion and Protection of Human Rights: Information and Education. Implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004.* Available online at: http://www.unhchr.ch/Huridocda/Huridoca. nsf/0/4a13d09cd91c4ebbc1256cd200509750/$FILE/ G0310042.pdf

Uribe, Hernán. 1999. *La Invisible Mordaza: El Mercado Contra la Prensa*. Santiago: Cuarto Proprio.

Voltaire (François Marie Arouet). 1764. Liberty of the Press. In: *Philosophical Dictionary*. Reprint edition 1984. London: Penguin Classics.

Von Dohnanyi, Johannes and Christian Möller. 2003. *The Impact of Media Concentration on Professional Journalism.* Vienna: OSCE.

Welch, Claude E. 1998. *The African Charter and Freedom of Expression in Africa*. Buffalo Human Rights Law Review 4.

White, Aidan. 2002. *Journalism, Civil Liberties and the War on Terrorism, Final Report on The Aftermath of September 11 and the Implications for Journalism and Civil Liberties*. Brussels: International Federation of Journalists.

ADDITIONAL INFORMATION

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

Communication Regulation Agency (CRA) of Bosnia-Herzegovina: http://www.cra.ba

Council of Europe – Media Division:
 http://www.coe.int/t/e/human_rights/media

International Federation of Journalists: www.ifj.org

International Freedom of Expression Exchange: www.ifex.org

International PEN – A world Association of writers: http://www.internationalpen.org.uk

International Publishers Association (IPA):
 http://www.ipa-uie.org

Media Foundation for West Africa:
http://www.mfwaonline.org

OSCE - Representative on Freedom of the Media: http://www.osce.org/fom

Reporters Without Borders: http://www.rsf.fr

South East Europe Media Organisation (SEEMO): http://www.seemo.org

UNESCO Advisory Group for Press Freedom:
http://www.unesco.org/webworld/wpfd/group.html

RIGHT TO DEMOCRACY

REPRESENTATION AND PARTICIPATION

PLURALISM AND INCLUSION

HUMAN DIGNITY AND FREEDOM

» *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. 1948

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 brutal 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 that his popularity will help to stabilise the country. UNTAET was replaced by the UN Mission of Support in East Timor (UNMISET), which remained in the country until May 2003. With its 5000 troops and 1250 police officers, UNMISET helped 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.

After intense pressure from 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 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.

Immediate Challenges

The government also had to face the challenge of repatriating thousands of refugees.

Many challenges lie ahead for the new nation, including how to deal with the perpetrators of atrocities, the hundreds of thousands of refugees, poverty and, of course, the task to foster the newly achieved democratic structures.

With the help of the United Nations, the newly-independent democracy of East Timor (or Timor Leste in Portuguese, which together with Tetun is one of two national languages) was able to meet and overcome these challenges. An abundance of oil and gas reserves within its territorial waters also gives the young nation the essential resources it needs to build and maintain civil society and a dem-ocratic culture founded on inclusion, participation and human dignity.

(Source: Adapted from: **BBC World Service:** http://www.bbc.co.uk/worldservice/people/features/ihavearightto/index.shtml)

Discussion questions

- Are justice and reconciliation interdependent or do they exclude each other?
- Do you know of other states struggling for democracy? What are the problems they face?
- What main elements should a democratisation process feature and foster?
- How can active citizens contribute to the process of democratization in their countries? Try to make 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 more complex in its definition. 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 encompasses countless different meanings.

Yet, in its essence, democracy is strongly relat-ed to the principles of human rights and cannot function without assuring the full respect and protection of human dignity. Apart from participation and representation, it is also about inclusion, which is the right to be fully included in the civic life of one's community, one's region or one's state. How fully an individual citizen exercises the right to be included and to participate is at the citizen's own discretion, yet, the right cannot be denied. Along with inclusion, the notion of **pluralism** is at the heart of democratic governance. Pluralism means overcoming "otherness" and affirming that people with different currents of human experience can live together in dignity, under the rule of law, with diversity seen as a source of strength and resiliency. In essence, nobody with a justified claim to citizenship or other forms of legal residence can be denied inclu-

sion and human dignity. This is the litmus test of democracy.

There is an apparent **link between undemocratic structures and human rights violations.** Yet, even functioning democracies can be weak if they condone the denial of human rights. A violation is a specific breach, but the denial of human rights – which can often be the denial of genuine **inclusion** and pluralism - is societal and systematic. Even an advanced democracy like Canada, for instance, a perpetual leader in the United Nations Human Development Index, acknowledges that inclusion has not been achieved for its aboriginal population. In many advanced democracies, the full inclusion of women in circles of power and spheres of influence continues to be denied. In the United States, inclusion and pluralism is an ongoing struggle for minority populations and minority genders such as homosexuals and lesbians.

Conversely, the failure of inclusion and deficiencies in the practice of pluralism can have grave consequences. These were seen in widespread and violent civil unrest in France in late 2005, originating within minority populations and in continuing tensions in Germany with legal residents of Turkish ancestry.

A fuller understanding of the obligations of pluralism and inclusion is essential to the healthy evolution of a democracy. This is why, to this date, democracy is indisputably the system most conducive to guaranteeing human rights protection and human security.

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 that 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.

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.
In 10 countries, more than 30 % of parliamentarians are women.	Worldwide, only 14 % of parliamentarians are women – and in 10 countries none are.
(Source: **UNDP. 2002.** *Human Development Report 2002.*)	

Democracy gains ground: (in percent of all governments)		
	1990	**2003**
Autocracy	39 %	18 %
Intermediate	22 %	27 %
Democracy	39 %	55 %
(Source: **UNDP. 2005.** *Human Development Report 2005.)*		

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 develop-ment are indispensable for safeguard-ing 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 in-novative world order - can indeed only take root in societies in which the demo-cratic values are not only propagated but also practiced.

Only in a democracy, the respect for hu-man rights implies freedom from fear and from threats to one's fundamental exist-ence; human development asserts a claim to the resources and freedoms one needs to fully develop one's human potential; human security evokes freedom from hunger, war, ecological disaster, corrupt governance and other impediments to a life lived in justice and solidarity, with equality of opportunity for all.

To sum up, only equitable, free and democratic **participation** in the politi-cal, social and economic life of a state or a community can promote human security. Only the full guarantee of hu-man 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 inter-national 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 sup-porting and sharing not only religious but also political ideas. The philosophy of freedom and equality for all emerged and was further en-hanced during the period of Enlightenment to become later on recognised as the core values of democracy.

The first modern democratic state was estab-lished 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 liber-al democracy both in Europe and across the world, often replacing the alternative: authori-tarian 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 decolonisation process, in which the right to

> *"My notion of democracy is that under it the weakest should have the same opportunity as the strongest."*
>
> **Mahatma Gandhi.** 1948.

self-determination was recognised 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 communism in Central and Eastern Europe, it seemed that democracy had indeed succeeded. However, still not all of the countries which theoretically endorse 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 democratisation is still a necessity.

Core Elements of Modern Democracy

It is difficult to measure how democratic a society is. However, there are a number of key elements which constitute the basis of every democratic society.

- **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 also includes social and economic equality between women and men.
  ☞ *Human Rights of Women.*
- **Participation:** Democracy is meaningless without participation. Participation in community and political affairs is a precon-

dition for building a democratic system. Democracy requires participation, which is as such, however, a broader concept and does not only have strong political implications but also social and economic ones. Participation alone cannot be a guarantee for democracy, though.

- **Majority rule and minority rights:** Even though democracy is per definition the rule of 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 further enhancement of democratic values in a society.
  ☞ *Non-Discrimination.*
- **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.
  ☞ *Rule of Law and Fair Trial.*
- **Commitment to 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, 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 which 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. The challenge is to handle such tendencies democratically, without infringing the freedom of expression but also protecting the interests of the society at large. Up to a certain extent, democracies also need to protect themselves.

  ☺☞ *Freedom of Expression.*

- **Free and fair elections:** Elections are a 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 to 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-Innerrhoden, a part of Switzerland, a country well-known for its highly developed democratic structures, women 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 John Locke ("Two Treatises on Government" 1690) and furthered by Charles de Montesquieu ("De l'esprit des lois" – "The Spirit of the Laws" 1748) in their fight against the absolutist state,

is a fundamental principle of modern democracies. According to this principle, state power is divided into 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 being settled along the lines of majority rule). Democracy as identity sees an identity of the rulers and the ruled and denies the existence of legitimate differences but strives to find what Jean-Jacques 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 with regard to 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
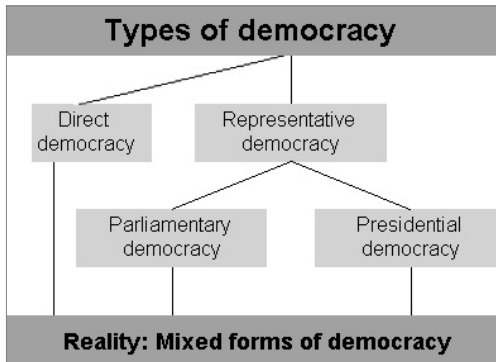
(Source: **International UNESCO Education Server for Civic, Peace and Human Rights Education:** http://www.dadalos.org/)

assemblies, popular legislative initiatives, recalls, 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 dependant 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, 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 (though the head of state can be elected separately).
- In parliamentary systems, the government is authorised by the parliament, which can also recall it. This option is denied to parliaments in presidential systems, which, however, usually provide for 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 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, in parliamentary systems 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 the responsibility of the government.
- Parties, in particular opposition parties, play a much stronger role in representative democracies.

Forms of Democracy in Reality
Most existing democracies are combinations of these ideal types and feature elements from all forms. Today, the most common form among the numerous mixed models is that of a parliamentary democracy with an enhanced role of the head of state.

Examples: Parliamentary democracy is 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. However, even in Western Europe, examples of peculiar models are quite numerous: they include Switzerland, France (a semi-presidential democracy) and Portugal. The distinction outlined above 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 CONTROVERSIAL 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 founded on 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. Yet, the practice of democracy in itself is pluralistic. There are many forms of viable democracy which clearly are not eurocentric. An extremely poor and overcrowded country such as Bangladesh, for instance, adheres to democracy in the face of formidable temptations to choose more authoritarian forms; yet, its democracy is organic and indigenous rather than an external imposition.

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 realisation often differ among cultures. Western understanding of democracy in general is based on the notion of individuals who gain a maximum of freedom and voice 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

China is a leading proponent of an ancient and patriarchal social model based on concepts of collective rights and societal well-being which differ significantly from a Western democratic notion of individual rights. They are based on a sense of community-orientation and traditional concepts of patriarchal leadership rather than on the idea of maximum freedom for the individual. Indeed, most democracies exist somewhere between these extremes of unfettered individual freedom and a well-ordered society. Canada, for instance, has "*peace, order and good government*" as its constitutional theme whereas the United States are founded on *"life, liberty and the pursuit of happiness."* Asian models are not necessarily inconsistent with participation and democracy. East Asian models, such as those practised in Singapore, Malaysia and to a slightly lesser extent in South Korea and Japan, derive from foundational Confucian teaching and require active participation of a moral and rational ruling elite acting for the common good. Confucius' "great learning" posits that a harmonious individual begets a harmonious family, which begets a harmonious community, which begets a well-ordered polity, which begets a harmonious nation. 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 and 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 are derived. This is a too simplistic perception as the division of powers is not incompatible with Islam. Islam and democracy have proven to be fully compatible, while indeed, some western nations also pay theocratic homage. Despite the official separation of Church and state, the United States proclaims itself as "*one nation under God*", as part of its foundational ethos. Similarly, the preamble to the Canadian Charter of Rights and Freedoms, the guarantor of human rights in Canada's Constitution, begins with: *"Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law…".*

Muslim nations have been sharply divided over their understanding and approaches towards democracy, the denial of democracy being most prevalent in the Middle East. While leaders of mainstream Islamic movements and many scholars think that Islam and democracy are compatible, those who uphold that divinely-ordained constructs are superior in every way to human societal constructs 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. They believe that the basic legislative framework has been provided by Allah and cannot be modified. Only his representatives can implement his laws. This traditional and conservative approach contradicts basic democratic values, such as openness, pluralism and the separation of powers.

However, despite this apparent division, there are good examples of democratic states in the Islamic world. The world's most populous Muslim country, Indonesia, is a young and vibrant democracy founded on a commitment to inclusion and pluralism. The world's second largest Muslim population, in India, has lived in democracy since 1947. The fourth-largest Muslim nation, Bangladesh, is a democratic country. Indeed, three of the four most populous Muslim nations are democracies, and the third-largest Muslim country, Pakistan, has set a timetable for a return to democratic rule. In late 2005, a democratic parliament was established following elections in Afghanistan, which had previously been under the rule of the traditional and conservative Taliban and which followed a strict *"God's sovereignty"* view of Islam. Mali, a Muslim nation in West Africa, is a further example for many states with a Muslim majority population embarking on varying forms of democratic governance.

Indeed, at the time of this writing in late 2005, most of the Muslims of the world lived in democracies or in societies in transition to democracy. In South and Southeast Asia alone, more than 500 million Muslims lived in democracy, in India, Bangladesh, Afghanistan, Indonesia, Malaysia and the Maldives. It is particularly in the Middle East, which has a much smaller population of Muslims than the rest of Asia, that the absence of democracy is most clearly seen.

One Islamic vision of democratic inclusion 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 laws, making Islamic participation different from democracy in a Western understanding.

☺☞ *Religious Freedoms.*

Questions for Discussion

- 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. which core elements must be retained under any circumstances in order to perceive a given state as "democratic"?
- What is the role of the 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 political minorities, is a crucial issue. The holding of free and fair elections on the basis of majority vote means that a minority is created and often excluded from political decision-making. Generally, the 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 of 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 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 or, of course, the internet. Individuals, societies and states have to be able to communicate with each other. To facilitate the 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 necessary for the realisation of a functioning democracy.

  ☺☞ *Freedom of Expression and Freedom of the Media.*

- **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 realisation of human rights is therefore an indicator for the vitality of a democracy.

4. IMPLEMENTATION AND MONITORING

Perfect democracies have never existed nor do they exist today. Modern democracies inte-

grate, 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 society and the social structures available to cater for those needs.

On the regional level, various mechanisms safeguarding the principle of democracy exist. The European Convention of Human Rights, which established a permanent European Court of Human Rights and offers the possibility to file complaints against 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 denounced the Convention, but nonetheless, the trial was carried on and ended with Greece leaving the Council of Europe in order to avoid suspension. With the re-establishment of a democratic government in 1974, Greece rejoined the Convention and compensation had to be paid to the victims of the military regime.

Obviously, not all mechanisms are as effective as those established by the Council of Europe, but there are various other organisations struggling for the protection of democracy, too. In 1990, the OSCE established the **Office for Democratic Institutions and Human Rights (ODI-HR)** in Warsaw, which has the task, among others, to help OSCE participating states build, strengthen and protect democratic institutions. It is in charge of the observation of national elections, thus ensuring respect for democratic principles by OSCE member states.

On the international level, the **Inter-Parliamentary Union** plays an important role. The IPU is composed of the parliaments of sovereign nation states and seeks to foster dialogue and cooperation among peoples for the strengthening of democracy worldwide. It was established as early as 1889 and is until today an organisation 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 organisations;
- 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 to assess democratic governance. All these indicators reflect the degree to which the core elements that form 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 a 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.

Not all democratic standards set out above are 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 and on state and international institutions which are 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-root 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 favour 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: In the years after 1989, the former communist block countries experienced a wave of democratisation. 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 to change their national political landscapes. Thereafter, democratic parliamentary and presidential elections took place at regular intervals on the basis of multi-party systems.

The success of new democracies also depends on the existence of a vibrant civil society with active citizens. Therefore, the Council of Europe proclaimed 2005 as the European Year of Education for Democratic Citizenship and, partly together with the US-funded organisation "Civitas" engaged in large programs of democracy, human rights and citizenship education in schools, for example in Bosnia-Herzegovina.

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 cooperation. Today the Republic of Chile is consolidating democracy and actively promoting human rights and human security in the whole region.

Ferdinand Marco's dictatorship of the **Philippines** lasted from 1965 until 1986. In 1986, Corazon Aquino became President and restored 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

Rise of Democracies

According to the **Human Security Report 2005**, the decline in the number of wars and civil conflicts in the 90s coincided with a rise of the number of democracies by nearly a half. This seems to confirm the conventional wisdom that true democracies hardly go to war against each other and there is also a lower risk of civil war. However, the rise of the number of "anocracies", regimes which are neither democratic nor autocratic at the same time, is a cause of concern.

(Source: **Human Security Report. 2005.**)

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 characterised by disproportionate representation and unequal status of men and women in national parliaments.

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:

- The number of sovereign states having a parliament has increased **seven-fold.**
- The percentage of women MPs worldwide has increased by more than 40 % in the past 10 years.
- If the current incremental rates continue, it will not be until 2040 that there will be gender parity in all parliaments.
- The number of parliaments with female membership less than 10 percent has decreased significantly from 63 percent in 1995 to 37 percent today.
- **Sweden** has got the highest representation of women with 45.3 percent of parliamentarians being women (in October 2005), followed by Norway, Finland, Denmark and Iceland. In contrast, women are still least represented in the **Arab States**, where as at October 2005 the regional average lower houses is 8.2 percent. While this is half of the global average, it is in fact double the rate of eights years ago.

(Source: **Inter-Parliamentary Union. 2006.** *Women in Politics: 60 years in retrospect.)*

Women in Parliament 1945 – 2005							
Year	**1945**	**1955**	**1965**	**1975**	**1985**	**1995**	**2000**
Number of Parliaments	26	61	94	115	136	176	177
% women representatives (lower house)	3.0	7.5	8.1	10.9	12.0	11.6	13.4
% women representatives (upper house)	2.2	7.7	9.3	10.5	12.7	9.4	10.7
(Source: **Inter-Parliamentary Union. 2006.** Women in Politics: 60 years in retrospect.)							

Women's political participation						
	Year of woman received right to vote	Year of woman received right to stand for election	Year first women elected for parliament	Women in government at ministerial level (% of total) 2005	Seats in Parliament – lower house 2005	Seats in Parliament – upper house 2005
Australia	1902, 1962	1902, 1962	1943	20.0	24.7	35.5
Austria	1918	1918	1919	35.5	33.9	27.4
Burkina Faso	1958	1958	1978	14.8	11.7	
China	1949	1949	1954	6.3	20.2	
Cuba	1934	1934	1940	16.2	36.0	
Georgia	1918, 1921	1918, 1921	1992	22.2	9.4	
Germany	1918	1918	1919	46.2	32.8	18.8
India	1950	1950	1952	3.4	8.3	11.6
Mali	1956	1956	1959	18.5	10.2	
Sweden	1862,1921	1862,1921	1921	52.4	45.3	
United Kingdom	1918, 1928	1918, 1928	1918	28.6	18.1	17.8
United States	1920, 1965	1788*	1917	14.3	15.0	14.0
Zimbabwe	1919, 1957	1919, 1978	1980	14.7	10.0	
* No information is available on the year all women received the rights to stand for election. The constitution does not mention gender with regard to this right.						
(Source: **UNDP.** 2005. *Human Development Report 2005*)						

☺☞ *Human Rights of Women.*

Democr@cy Online

When the use of the internet began to spread in the mid-1990s, dreams of a better world were nurtured by some – a world where everybody could participate in political decision-making processes by making use of online communication, a world closer to Greek ideals of democracy than ever before. In reality, however, these dreams have not come true yet. Indeed, it is very doubtful they ever will.

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, what is much more important, it can be exchanged

and used for creating informal organisational structures. Take the US presidential elections in 2000 as an example. In some states (the so-called "*swing states*") the result of the elections was completely open. The critical factor was the number of votes for the Green Party's candidate Ralph Nader. Nader himself had no chance of being elected for president, and, when asked afterwards, a majority of people who had voted for Nader would have preferred the Democrats' candidate Al Gore to the Republican George Bush; yet, they were not asked. This led to the strange situation that in all swing states, Nader voters involuntarily contributed to enhancing the chances of George Bush. To avoid this undesirable effect in ensuing ballots, an internet user had the noteworthy idea to create internet sites based on a Napster-type software to allow citizens to exchange their votes. A Nader voter from a swing state could swap his vote with a Gore voter living in a Bush state; the Nader voter would then vote for Gore in a state where he had a real chance of winning, while the Gore voter would vote Nader in a state where the Gore vote would have no impact at all. Although possibly a bit complicated a system (and not considered legal in all US states), the phenomenon of "*vote-swapping*" is an excellent example for new democratic potentials through informal civic organization.

This is far from being the only example. 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, mobilising new forms of issue-oriented cooperation across borders. Totalitarian regimes have 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 so easily or can not at all participate in online activities.

Democratic challenges are not only about assuring access but also about contents. For example, the highly racist Ku-Klux-Klan from the USA claims that since it has online presence, the number of its members has risen considerably and that its level of organisation keeps on increasing. In France, the internet portal "Yahoo!" was 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 its readiness to monitor and prohibit such activities on a voluntary basis.

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.*

Globalisation and Democracy
Traditionally, political participation has its demarcation line at national boundaries, and decisions affecting peoples' lives are made with regard to specific territories.

In the age of globalisation, many decisions and their outcomes stretch beyond national frontiers. Furthermore, new strong global

players such as multinational companies and international organisations are responsible for far-reaching socio-economic changes in our world.

The default of democracy in this globalising world, where decision-making is often in the hands of economic forces or powerful undemocratic institutions, is responded to by one of the broadest international social movements of recent times - the anti-globalisation movement. **Anti-globalisation** adherents stand up for a variety of purposes including protection of the environment, debt relief, animal rights, the protection of children, anti-capitalism, peace, and human rights. What they have in common is the feeling that the globalised world lacks democratic fora.

The movement's key mode of campaigning is mass demonstrations. It first caught the attention of the international media in 1999 when 100 000 demonstrators marched on the opening ceremony of the World Trade Organization's (WTO) third ministerial meeting in Seattle. Thereafter, other protests have occurred at meetings of the World Bank and the International Monetary Fund (IMF) in Washington, D.C., 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 turn away the focus from the movement's agenda by drawing the main attention of the media on themselves, which many think is unfortunate. Therefore, in February 2001, activists organised the first **World Social Forum** gathering in Porto Alegre, Brazil, as an alternative to the explosive mass demonstrations. The 60 000 attendees to the Forum, which since then has become an annual event, discussed alternatives to global capitalism, op-

position to militarism and support for peace and social justice under the slogan "Another World Is Possible".

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 of economic liberalism undermining 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, 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, Right to Work*.

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 organisations, multi-national corporations (MNCs) and non-governmental organisations 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 state and non-state actors? Finding an answer to this question means exploring practices and policies as well as decision-making processes of every international organisation, MNCs and NGOs and assessing whether the principles of democracy - accountability, legitimacy, participation, representation and transparency - are fulfilled. Proposals for democratising these 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; and introducing Codes of Conduct and Codes of Ethics for NGOs and MNCs.

SELECTED ACTIVITITES

ACTIVITY I: CAMPAIGNING 1

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 consider some of the aspects which can become controversial in a democratic society
- 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: Any

Time: 60 minutes

Materials:
Paper and colour 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 to the floor.
- Place two chairs in the centre 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 unde-cided.), so that there is one group "for" and one group "against" the statement. Give both groups ten minutes to prepare argu-ments supporting their position and to se-lect 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 argu-ments have convinced them.

Feedback:

Bring the group back together for the feed-back. 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 their mind during the course of the discussion? If so, what were the arguments that convinced them?
- Do participants think that any other fac-tor 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 evi-dence 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 de-mocracy?

Methodological hints:

The first part of the activity, in which the par-ticipants 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 per-suasion as to think through the issues them-selves. Participants should be encouraged to think not only about the content and the pres-entation 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 dis-cuss one statement, going through the dif-ferent rounds of discussion. It is advisable to be flexible about the exact order of events, depending on the group. Generally, distur-bances 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 demonstra-tions be permitted? Where and how does a democracy have to draw the line between the acceptable and the unacceptable? In this con-text, you can discuss the notion of "tolerance" and how people understand it.

Part IV: Follow-up:

Select pictures from newspapers and maga-zines that show controversial issues featuring in a current debate. Try to cover subjects such as discrimination against certain groups (chil-dren, women, foreigners, religious groups, disabled persons etc.), pollution, unemploy-ment, poverty, oppression through the state and violations of human rights in general. Clip the pictures out and show them to the participants. Let each of them choose one pic-ture 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 par-ticipant's opinion.

(Source: The 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

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, British Statesman and Governor of Hong Kong)
- 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, British Statesman and Author)

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.

(Source: The discussion activity is adapted from: **Council of Europe**. **2002.** *Compass - A Manual on Human Rights Education with Young People.* Strasbourg: Council of Europe Publishing.)

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 a 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 behaviour;
- To foster sympathy for all sides that are party to a conflict.

Target group: Young adults and adults

Group size: 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 introducing 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 follow-ing 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) repre-senting 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 newspa-pers with opposite political approaches (1-2 persons each);
- Citizens who are going to take part in the as-sembly (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 key-words (about 15 minutes). All participants have to stick to their assigned roles and miti-gate their own positions.

Simulation:
Elements to include and the approximate amount of time required

Phase 1: Preparation (20 minutes)
Ask the 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 news-papers 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 el-evated position and has a bell and a watch on his/her table. Explain the rules of procedure separately during the meeting to the person simulating the mayor.

Phase 2: Open Council Meeting (45 minutes)
The mayor is the head and chair of the as-sembly and opens the meeting with a small speech to introduce the topic and welcome the participants. Her/his main task is to mod-erate 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 al-low the participants to give up the roles they performed and get back to behaving as their normal selves.

On the personal level, ask the 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 the others necessitate changes in your strategy?

Try to avoid a pursuit of the simulation and to stick to the reflection itself.

To analyse 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-life situation?

Methodological hints:
If possible, you should do this activity together

with another trainer in order to be able to an-swer 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 the task with the participant play-ing the mayor before the simulation. 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 a 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, the 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.)

REFERENCES

Annan, Kofi. 2000. *We the Peoples. The Role of the United Nations in the 21st Century.* New York: United Nations. Available online at: http://www.un.org/millennium/sg/report

Beetham, David and Kevin Boyle. 1995. *Introducing Democracy: 80 Questions and Answers.* Cambridge: Polity Press.

Boutros, Boutros-Ghali. 2002. *The Interaction between Democracy and Development.* Paris: UNESCO.

Cotran, Eugene and Adel Omar Sherif (eds.). 1999. *Democracy, the Rule of Law and Islam.* London/The Hague/Boston: Kluwer.

Democracy Coalition Project: http://www.demcoalition.org/html/home.html

Fox, Jonathan. 1999. *The World Bank Inspection Panel: Will it increase the Bank's Accountability?* Santa Cruz: University of California.

Gould, Carol C. 2004. *Globalizing Democracy and Human Rights.* Cambridge: Cambridge University Press.

Held, David. 1995. *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance.* Oxford: Polity Press.

Inoguchi, Takashi, Edward Newman and John Keane. 1998. *The Changing Nature of Democracy.* Tokyo: United Nations University Press.

International Institute for Democracy and Electoral Assistance (IDEA): www.idea.int

International UNESCO Education Server for Civic, Peace and Human Rights Education: http://www.dadalos.org

Inter-Parliamentary Union: www.ipu.org

Inter-Parliamentary Union. 2006. *Women in Politics: 60 years in retrospect.* Available online at: http://www.ipu.org/english/surveys.htm

Keohane, Robert O. 2002. *Global Governance and Democratic Accountability*. Durham: Duke University. Available online at: http://www.lse.ac.uk/collections/LSEPublicLecturesAndEvents/pdf/20020701t1531t001.pdf

Kovach, Hetty, Caroline Neligan and Simon Benall. 2003. *The Global Accountability Report 2003. Power without Accountability?*. London: One World Trust. Available online at: http://www.wto.org/english/news_e/news03_e/gar2003_e.pdf

Locke, John. 1690. *The Treatises on Government.*

Mack, Andrew (ed.). 2005. *Human Security Report 2005, War and Peace in the 21st Century.* Human Security Center, The University of British Columbia. New York: Oxford University Press.

Montesquieu, Charles de. 1748. *De l'esprit des lois.*

Nayyar, Deepak and Julius Court. 2002. *Governing Globalization: Issues and Institutions*. Helsinki: UNU/WIDER.

Newman, Edward and Roland Rich. 2004. *The UN Role in Promoting Democracy: Between Ideals and Reality.* Tokyo: United Nations University Press.

Nye, Joseph S. 2001. *Globalization's Democratic Deficit: How to make International Institutions more accountable*. In: Foreign Affairs (Volume 80. Issue 4. July/August 2001). New York: Council on Foreign Relations.

O'Shea, Karen. 2003. *Education for Democratic Citizenship: Policies and Regulatory Frameworks*. Strasbourg: Council of Europe.

Porter, Tony. 2001. *The democratic deficit in the institutional arrangements for regulating global finance*. In: Global Governance. Vol. 7 No. 427.

Reinalter, Helmut. 2002. *Die Zukunft der Demokratie*. Innsbruck: Studien Verlag.

Saikal, Amin and Albrecht Schnabel (eds.). 2003. *Democratization in the Middle East: Experiences, Struggles, Challenges.* Tokyo: United Nations University Press.

Scholte, Jan Aart. 2002. *Civil Society and Democracy in Global Governance*. In: Global Governance. Vol. 8. Issue 3.

UNDP. 2005. *Human Development Report.* Oxford: Oxford University Press. Available online at: http://hdr.undp.org/reports

UNDP. 2002. *Human Development Report.* Oxford: Oxford University Press. Available online at: http://hdr.undp.org/reports

Woyke Wichard. 2000. *Handwörterbuch Internationale Politik*. Opladen: Leske + Budrich.

Zacharia, Fareed. 2004. *The Future of Freedom. Illiberal Democracy at Home and Abroad*. New York: WW Norton.

ADDITIONAL INFORMATION

Bretton Woods Project:
www.brettonwoodsproject.org

Charter99: http://www.oneworldtrust.org/documents/charter99g.pdf

Council of Europe, Education for Democratic Citizenship: www.coe.int/edc

Foreign Policy in Focus:
www.foreignpolicy-infocus.org

International Network "Education for Democracy, Human Rights and Tolerance": http://www.tolerance-net.org

Inspection Panel of the World Bank:
www.inspectionpanel.org

One World Trust: www.oneworldtrust.org

Open Society Institute & Soros Foundation Network: www.soros.org

United Nations: www.un.org

United Nations Development Programme:
www.undp.org

World Bank: www.worldbank.org

World Trade Organization: www.wto.org

III. ADDITIONAL RESOURCES

LITERATURE

RESOURCES

CONTACTS

METHODOLOGY

GLOSSARY

» *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 GLOBAL STRUGGLE FOR HUMAN RIGHTS - CHRONOLOGY

STRUGGLES AND HISTORICAL EVENTS	CONFERENCES, DOCUMENTS AND DECLARATIONS	INSTITUTIONS
Up to the 17th century		
Many religious texts emphasise 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	**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 **1776** Virginia Bill of Rights **1789** Bill of Rights: Amendments I–X to the US Constitution	
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	**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	**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

The 20th century 1900 – 29		
1900–15 Colonised 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 mobilise 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 **1920s** Campaigns for women's rights to contraceptives in formation by Ellen Key, Margaret Sanger, Shizue Ishimoto **1920s** General strikes and armed conflict between workers and owners in the industrialised world	**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 **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	**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** National Congress of British West Africa in Accra, to promote self-determination **1922** Fourteen National human rights leagues establish International Federation of Human Rights Leagues **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
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 Roma and Sinti, Communists, labour unionists, political dissidents, mentally and physically disabled, Jehovah's Witnesses, homosexuals and others **1942** René Cassin of France urges creation of a 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	**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 Organise and Collective Bargaining	**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 – 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)	**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	**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 – 69		
1960s In Africa 17 countries secure right to self-determination, as do countries elsewhere **1962** National Farm Workers (United Farm Workers of America) organises to protect migrant workers in US **1960s–70s** Feminist movements demand equality	**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	**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, Viet Nam war and Nigeria-Biafra civil war **1976** Amnesty International wins Nobel Peace prize	**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)	**1970** First commissions on peace and justice in Paraguay and Brazil **1978** Helsinki Watch (Human Rights Watch) **1979** Inter-American Court of Human Rights

1980 – 89		
1980s Latin American dictatorships end - in Argentina, Bolivia, Paraguay, Uruguay **1986** In the Philippines peaceful People's Power Movement overthrows Marcos dictatorship **1989** Tiananmen Square **1989** Fall of the Berlin Wall	**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	**1983** Arab Organization for Human Rights **1985** UN Committee on Economic, Social and Cultural Rights **1988** Africa Commission on Human and Peoples' Rights

1990 – 2000		
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 Price awarded jointly to the UN and Kofi Annan **2001** Terrorist attacks on the World Trade Center and the Pentagon, President Bush launches "war against terrorism" targeting "terrorist infrastructures" in Afghanistan **March 2003** US strike against Iraq **2003** December: Iraqi Ex-Dictator Saddam Hussein apprehended in Tikrit; Sérgio Vieira de Mello, United Nations High Commissioner for Human Rights and Special Representative of the UN Secretary-General for Iraq, died in an attack in Baghdad **2004** Terrorist attack in Madrid and Beslan; Photo material detailing the abuse of prisoners in Iraq is published. **2004/2005** Tsunami and earthquake disaster in southeast Asia, about 300.000 people die **2005** Terrorist attack in London	**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** Millennium 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 to the UN convention against Torture (universal system of visits) **2002** May 2002: UN General Assembly: Special Session on Children **2004** 4th Ministerial Conference on Environment and Health Nairobi Summit on a Mine-Free World **2005** "Beijing + 10" Conference on the Rights of Women WTO Minist, Meeting – Hong Kong UN World Summit – New York **2006** Conference on Disarmament – Geneva/Switzerland Commission on Narcotic Drugs – Vienna/Austria 4th World Water Forum – Mexico City/Mexico Conference of the Parties to the Convention on Biological Diversity – Curitiba/Brasil World Urban Forum – Vancouver/Canada Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons. New York	**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 World Conference on Human Rights in Vienna **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 Statue of the International Criminal Court (ICC) entered into force (1 July 2002) **2003** The ICC takes up its work on 1 January 2003 **2006** General Assembly establishes Human Rights Council

(Source: This overview has been taken from the UNDP Human Development Report 2000 and subsequently adapted and updated by the editors.)

B. SUGGESTED LITERATURE ON HUMAN RIGHTS

The following books offer information, ranging from basic to specific, on the International Human Rights System and its sources. They provide useful background information for everybody interested in human rights and especially for human rights educators. They also provide information and tools for further research. The descriptions are usually taken from information material provided by the publishers.

SELECTION OF BOOKS

Title: **International Human Rights Law**
Author/Editor: Michael K. Addo
Place of Publication: Aldershot
Publisher: Ashgate Publishing Ltd.
Year of Publication: 2006
Language: English
Content: International law is a social construct crafted by human endeavour to achieve or at least contribute to the achievement of goals perceived to be valuable or necessary to effective social relations. In effect, international law is no more than a facilitative process and so cannot have answers and conclusions of its own other than what lies within the ambitions of those who define the limits of the process. The essays collected together here reveal how international law facilitates the achievement of the long standing ambition of turning human rights ideals and rhetoric into reality.

Title: **Studying Human Rights**
Author/Editor: Todd Landman
Place of Publication: London
Publisher: Routledge
Year of Publication: 2006
Language: English
Content: The book draws on key theories and methods from the social sciences to develop a framework for the systematic study of human rights problems. It argues that solid empirical analysis of human rights problems rests on examining the observable practices from state and non-state actors that constitute human rights violations to provide plausible explanations for their occurrence and provide deeper understanding of their meaning.

Title: **A Dictionary of Human Rights**
Author/Editor: David Robertson
Place of Publication: London
Publisher: Europa Publications
Year of Publication: 2005
Language: English
Content: This key reference work reflects the growing international concern over human rights and provides explanations of the terminology, issues, organisations and laws central to this emotive subject. Now in its second edition, the dictionary provides clear definitions combined with up-to-date information. Features include: outlines of eminent thinkers, such as Locke, Cardozo and Nozick; explanations and examples of fundamental terms; expanded entries; an appendix containing texts and extracts of leading documents, such as The Declaration of the Rights of Man and the Citizen, and The Universal Declaration of Human Rights; an easy-to-use cross-referencing system New to this edition are entries on human rights in Eastern and Central Europe,

Russia and Hong Kong; the EU Charter of Fundamental Rights; and the British Human Rights Act

Title: **Global Responsibilities. Who Must Deliver on Human Rights?**
Author/Editor: Andrew Kuper (ed.)
Place of Publication: London
Publisher: Routledge
Year of Publication: 2005
Language: English
Content: Andrew Kuper asks, "*Who* must do *what* for whom?" and is answered by the world's leading thinkers in ethics, international politics, and economics. Divided into four sections: *The Nature of Responsibility, Allocating Responsibilities, Individual Responsibility for Poverty Release,* and *Accountability of Actors in the Global Economy,* this crucial text delivers a comprehensive compilation of essays on a new global moral code.

Title: **International Human Rights Lexicon**
Author/Editor: Susan Marks, Andrew Clapham
Place of Publication: Oxford
Publisher: Oxford University Press
Year of Publication: 2005
Language: English
Content: This book presents a wide-ranging survey of the scope and significance of international human rights law. Arranged thematically in alphabetical format, it side-steps the traditional categories of human rights law, to investigate rights in the specific contexts in which they are invoked, debated, and considered. This book is an informative and accessible guide to key issues confronting international human rights law today.

Title: **The Global Struggle for Human Rights: Universal Principles in World Politics**
Author/Editor: Debra L. DeLaet
Place of Publication: Belmont

Publisher: Wadsworth Publishing
Year of Publication: 2005
Language: English
Content: This book combines uniquely strong coverage of human rights in relation to gender equity, feminist perspectives, and sexual orientation with the theme of a universal perspective on human rights that is sensitive to cultural differences and diversity among and within nations. The book is also comprehensive and accessible in its discussion of human rights law and the question of whether human rights are universal. DeLaet also addresses the tension between state sovereignty and human rights, genocide, economic rights, and various concepts of justice as they relate to the promotion of fundamental human rights.

Title: **The Protection Role of National Human Rights Institutions**
Author/Editor: Bertrand G. Ramcharan (ed.)
Place of Publication: Leiden/Boston
Publisher: Brill Academic Publishers
Year of Publication: 2005
Language: English
Content: One of the more promising developments in global efforts to uphold human rights over the past decade has been the growing role of national human rights institutions. A role for national institutions was foreseen by the United Nations Economic and Social Council as early as 1946 and since the adoption of the Universal Declaration of Human Rights in 1948 the Commission on Human Rights and the United Nations Secretariat have sought to promote the role of such institutions. This volume offers a wealth of information on the protection functions of existing national human rights institutions in a wide selection of countries, drawn from Asia, Africa, Europe, Latin America and Oceania. These essays together make clear the genuine striving by national human rights commissions to act for the protection of human rights in the coun-

tries they serve, and the variety of protection models that can and are being adopted, both in developed and developing countries

Title: **The UN Special Procedures in the Field of Human Rights**
Author/Editor: Ingrid Nifosi
Place of Publication: Antwerp
Publisher: Intersentia
Year of Publication: 2005
Language: English
Content: The UN Commission on Human Rights began establishing the Special Procedures in the late 1960s. Since then, the UN mechanisms have developed and become veritable tools of human rights protection and monitoring. This book endeavours to capture the evolution of the human rights activity carried out by the Special Procedures and evaluate their importance and impact. It provides a thorough and up-to-date insight of the institutional history of the Special Procedures, analyzes their legal dimension, puts forward a conceptual definition of them, elucidates their evolution and assesses their effectiveness.

Title: **United Nations and Human Rights. A Guide for a New Era**
Author/Editor: Julie Mertus
Place of Publication: London
Publisher: Routledge
Year of Publication: 2005
Language: English
Content: This is a comprehensive and timely guide to the United Nations (UN) human rights machinery. Today, virtually all UN bodies and specialised agencies are undertaking efforts to incorporate the promotion or protection of human rights into their programs and activities. "The United Nations and Human Rights" examines these recent initiatives within the broader context of human rights practice. It provides the most up-to-date and incisive analysis of this increasingly important

area of global politics. Issues that are examined include: - the historical and philosophical development of the UN human rights system - the UN structures and procedures for addressing human rights - changes to the UN human rights machinery post-9/11 - the managing of international conflict - the promotion of individual rights - the advancement of agendas of social movements.

Title: **Human Rights. Between Idealism and Realism**
Author/Editor: Christian Tomuschat
Place of Publication: Oxford
Publisher: Oxford University Press
Year of Publication: 2004
Language: English
Content: The book presents human rights in action, focusing on their effectiveness as legal tools designed to benefit human beings. By combining conceptual analysis with an emphasis on procedures and mechanisms of implementation, this volume provides a multidimensional overview of human rights.

Title: **The History of Human Rights: From Ancient Times to the Globalization Era**
Author/Editor: Micheline R. Ishay
Place of Publication: Berkeley
Publisher: University of California Press
Year of Publication: 2004
Language: English
Content: Micheline Ishay recounts the dramatic struggle for human rights across the ages in a book that brilliantly synthesises historical and intellectual developments from the Mesopotamian Codes of Hammurabi to today's era of globalisation. As she chronicles the clash of social movements, ideas, and armies that have played a part in this struggle, Ishay illustrates how the history of human rights has evolved from one era to the next through texts, cultural traditions, and creative expression. Writing with verve and extraordinary range,

she develops a framework for understanding contemporary issues from the debate over globalisation to the intervention in Kosovo to the climate for human rights after September 11, 2001. The only comprehensive history of human rights available, the book will be essential reading for anyone concerned with humankind's quest for justice and dignity. Ishay structures her chapters around six core questions that have shaped human rights debate and scholarship: What are the origins of human rights? Why did the European vision of human rights triumph over those of other civilizations? Has socialism made a lasting contribution to the legacy of human rights? Are human rights universal or culturally bound? Must human rights be sacrificed to the demands of national security? Is globalisation eroding or advancing human rights? As she explores these questions, Ishay also incorporates notable documents-writings, speeches, and political statements-from activists, writers, and thinkers throughout history.

Title: **Human Rights**
Author/Editor: Jack Donnelly
Place of Publication: Cambridge
Publisher: Independence Educational Publisher
Year of Publication: 2003
Content: What are human rights and how are they protected? Has the Convention on the Rights of the Child had a positive impact? This book explores a wide range of important issues relating to human and civil rights. A number of key areas are discussed including: children's rights, women's rights, slavery, child labour, sexual exploitation, birth rights, privacy rights and freedom of information. The information in this volume comes from a wide variety of sources and includes government reports and statistics, newspaper reports, features, magazine articles and surveys, literature from lobby groups and charitable organisations.

Title: **Introduction to the International Human Rights Regime**
Author/Editor: Manfred Nowak
Place of Publication: Leiden
Publisher: Martinus Nijhoff Publishers
Year of Publication: 2003
The present textbook attempts to provide a first and at the same time comprehensive introduction to the idea and significance of human rights, its philosophical and theoretical foundations, historical development, the main structures and procedures of international human rights protection by the UN and regional organisations, and modern trends, such as preventive mechanisms, international criminal law, human rights as essential elements of peace keeping and peace-building operations ...

Title: **Protecting Human Rights. Instruments and Institutions**
Author/Editor: Tom Campbell et al.
Place of Publication: Oxford
Publisher: Oxford University Press
Year of Publication: 2003
Language: English
Content: What should and what should not to be counted as a human right? What does it mean to identify a right as a human right? And what are the most effective and legitimate means of promoting human rights? This book addresses these questions and the complex relationship between the answers to them.

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 (reprint 2005)
Content: Jack Donnelly elaborates a theory of human rights, addresses arguments of cultural relativism, and explores the efficacy of bilateral and multilateral international ac-

tion. 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.

Title: **Human Rights: Social Justice in the Age of the Market**
Author/Editor: Koen de Feyter
Place of Publication: London
Publisher: Zed Books
Year of Publication: 2005
Content: Rampant market economics in today's world has led to violations of human rights. The author questions how far the international human rights system - focussing as it does on legal conventions and enforcement by state machinery - really provides effective protection against the adverse effects of globalization. He makes some suggestions for improving the human rights system, including rethinking the state's obligations, creating human rights responsibilities for big companies and international financial institutions, and developing human rights obligations for states beyond their own national territories.

Title: **Globalization and Human Rights**
Author/Editor: Alison Brysk (ed.)
Place of Publication: Berkeley
Publisher: University of California Press
Year of Publication: 2002
Language: English
Content: The editor has assembled an impressive array of scholars to address new questions about globalisation and human rights. Is globalisation generating both problems and opportunities? Are new problems replacing or intensifying state repression? How effective are new forms of human rights accountability? These essays include theoretical analyses by Richard Falk, Jack Donnelly, and James Rosenau. Chapters on sex tourism, international markets, and communications technology bring new

perspectives to emerging issues. The authors investigate places such as the Dominican Republic, Nigeria, and the Philippines. The contemporary world is defined by globalisation. While global human rights standards and institutions have been established, assaults on human dignity continue. These essays identify the new challenges to be faced, and suggest new ways to remedy the costs of globalisation.

Title: **Human Rights Protection: Methods and Effectiveness**
Author/Editor: Frances Butler
Place of Publication: The Hague
Publisher: Kluwer Law International
Year of Publication: 2002
ISBN: 90-411-1702-4
Content: This book explores how human rights are supposed to be protected, by whom and the extent to which this happens 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: **A Guide to Human Rights. Institutions, Standards, Procedures**
Author/Editor: Janusz Symonides, Vladimir Volodin
Place of Publication: Paris
Publisher: UNESCO
Year of Publication: 2003
Content: This publication provides brief information on major instruments, procedures and mechanisms to protect human rights, principal events (international conferences, decades, years, days, etc.), and institutions dealing with human rights. It is dedicated to the tenth anniversary of the World Conference on Human Rights, held in Vienna, Austria, in 1993. It is also a contribution to the United Nations Decade for Human Rights Education (1995-2004), which is aimed at the building of a universal culture of human rights.

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: **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 organisations that help guarantee human rights for all around the world.

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 extensive text, editorial commentary, and study questions. It covers the major topics of international human rights:

the basic characteristics of international law, evolution of the human rights movement; civil, political, economic, and social rights; the humanitarian laws of war; globalisation; self-determination; women's rights; implementation and enforcement a.o.

Title: **An Introduction to the International Protection of Human Rights**
Author/Editor: Hanski Raija/Sukski 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 specialised 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: **Human Rights: New Dimensions and Challenges. Manual on Human Rights**
Author/Editor: Janusz Symonides
Place of Publication: Brookfield/Alderhot
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 globalisation, and the information

revolution and scientific and technological progress.

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: **EU Guidelines on Human Rights**
Author/Editor: Council of the European Union
Year of Publication: 2005
Content: This booklet compile five guidelines – on death penalty, torture, dialogues with third countries, children affected by armed conflict and human rights defenders – issued by the Council of the European Union. The aim of publishing the guidelines is to ensure that they can be implemented fully and effectively, by raising awareness on the European Union's commitments on human rights among all in the international community, and especially among those engaged in working for human rights.

INFORMATION ON HUMAN RIGHTS SITUATIONS

Title: **Human Rights Watch Report 2006**
Author/Editor: Human Rights Watch
Place of Publication: New York
Year of Publication: 2006
Content: The Human Rights Watch World Report 2006 contains information on human rights developments in more than 60 countries in 2005. Mouse over the map or view the regional listings below for country information.
Available online at: http://www.hrw.org/wr2k6/wr2006.pdf

Title: **Amnesty International Report 2005. The State of the World Human Rights**
Author/Editor: Amnesty International
Year of Publication: 2005
Content: This Amnesty International Report, which covers 149 countries, highlights the failure of national governments and international organisations to deal with human rights violations, and calls for greater international accountability.

Title: **2005 Country Reports on Human Rights Practices**
Author/Editor: US State Department: Bureau of Democracy, Human Rights, and Labor
Year of Publication: 2005
Content: The Country Reports on Human Rights Practices are submitted annually by the U.S. Department of State to the U.S. Congress. The reports cover internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights.
Available online at: http://www.state.gov/g/drl/rls/hrrpt/2005/index.htm

Title: **Human Development Report 2005**
Author/Editor: United Nations
Place of Publication: New York/Oxford
Publisher: United Nation Publishing, Oxford University Press
Year of Publication: 2005
Content: The Human Development Report 2005 takes stock of human development, including progress towards the Millenniums Development Goals (MDGs). Looking beyond statistics, it highlights the human costs of missed targets and broken promises. Extreme inequality between countries and within

countries is identified as one of the main barriers to human development – and as a powerful brake on accelerated progress towards the MDGs.

Available online at: http://hdr.undp.org/reports

Title: **EU Annual Report on Human Rights 2005**
Author/Editor: Council of the European Union
Year of Publication: 2005
Content: This, the seventh EU Annual Report on Human Rights, records the actions and policies undertaken by the EU between 1 July 2004 and 30 June 2005 in pursuit of its goals to promote universal respect for human rights and fundamental freedoms.
Available online at: http://bookshop.eu.int/eGetRecords

Title: **Report on the Situation of Fundamental Rights in the European Union in 2004**
Author/Editor: E.U. Network of Independent Experts on Fundamental Rights
Year of Publication: 2005
Content: The E.U. Network of Independent Experts on Fundamental Rights has been set up by the European Commission upon request of the European Parliament. It monitors the situation of fundamental rights in the Member States and in the Union, on the basis of the Charter of Fundamental Rights. It issues yearly reports on the situation of fundamental rights in the Member States and the Union as well as specific reports on certain issues of concern.
Available online at: http://europa.eu.int/comm/justice_home/cfr_cdf/doc/report_eu_2004_en.pdf

Title: **Human Rights in Asia and the Pacific**
Author/Editor: James T. Lawrence
Place of Publication: Huntington
Publisher: Nova Science Pub Inc.
Year of Publication: 2004
Content: The existence of human rights helps secure the peace, deter aggression, promote the rule of law, combat crime and corruption, and prevent humanitarian crises. These human rights include freedom from torture, freedom of expression, press freedom, women's rights, children's rights, and the protection of minorities. This book surveys the countries of Asia and the Pacific and is augmented by a current bibliography and useful indexes by subject, title and author.

Title: **Human Rights in Africa. From the OAU to the African Union**
Author/Editor: Rachel Murray
Place of Publication: Cambridge
Publisher: Cambridge University Press
Year of Publication: 2004
Content: This work examines the role of the Organization of African Unity, now the African Union, and how it has dealt with human rights since its inception in 1963. It considers the role of its main institutions both under the OAU and its transformation recently into the African Union. The book is divided into chapters examining various themes including the rights of women, the rights of the child, the concept of democracy and the right to development. Written by a leading human rights scholar, this book is essential reading for lawyers acting for African states, and for foreign governments and NGOs active in Africa, as well as being of interest to international and comparative human rights scholars.

C. RESOURCES ON HUMAN RIGHTS EDUCATION

The following section contains information about books and other material on Human Rights Education, ranging from methodological introductions to comprehensive manuals on Human Rights Education.

BACKGROUND INFORMATION

Title: **Human Rights Worldwide: A Reference Handbook**
Author/Editor: Zehra F. Kabasakal Arad
Place of Publication: Oxford
Publisher: ABC-Clio
Year of Publication: 2006
Content: This work offers an insightful guide to the global struggle for human rights, the problems and shortcomings of the international human rights regime, and the resources essential to human rights studies.

Title: **Economic, Social and Cultural Rights: Handbook for National Human Rights Institutions**
Author/Editor: United Nations
Place of Publication: New York/Geneva
Publisher: United Nations
Year of Publication: 2005
Content: This handbook's aim is to assist national human rights institutions in the development of policies, processes and skills to integrate economic, social and cultural rights further into their work. It examines ways in which national institutions' legal mandates can be interpreted to these rights within their

jurisdictions and how their functions and powers can be exercised more appropriately in their regard

Title: **Teachers, Human Rights And Diversity: Educating Citizens in Multicultural Societies**
Author/Editor: Audrey Osler (ed.)
Place of Publication: London
Publisher: Trentham Books
Year of Publication: 2005
Content: How should we educate citizens in multicultural societies? This question is receiving increasing attention in countries across the world. In this volume authors from England, Northern Ireland, the Republic of Ireland and the United States report on recent research in this field and consider the implications for teachers, teacher educators and student teachers. Case studies illustrate how young citizens can learn to apply the principles of human rights and equality in resolving complex and controversial issues.

Title: **The Human Rights Handbook: A Global Perspective for Education**
Author/Editor: Liam Gearon
Place of Publication: London
Publisher: Trentham Books
Year of Publication: 2003
Content: An authoritative guide to human rights for teachers, students and researchers. It presents an increasingly complex field in a straightforward and accessible manner. Each chapter has a similar user-friendly format. The chapter summary is followed by a general introduction to the theme. International

legal standards are set out in a selection of key documents. The relevant human rights organisations are described: UN, regional-governmental and non-governmental (NGO). Because the handbook does not claim to be exhaustive, each chapter concludes with a brief selection of additional resources for further reading and research.

Title: **Human Rights: International Protection, Monitoring, Enforcement**
Author/Editor: Janusz Symonides
Place of Publication: Ashgate
Publisher: Unesco Publishing
Year of Publication: 2003
Content: The series of volumes prepared by UNESCO for teaching human rights at higher education level comes to a conclusion with the publication of this volume. „Human Rights: International Protection, Monitoring, Enforcement" takes an institutional approach to the international protection of human rights, examining first the United Nations system, which may be seen as universal, and then analysing regional systems of protection. A useful source of information on the protection of human rights, the volume can also be employed as a practical guide to the use of existing procedures in the defence of human rights.

Title: **Methodologies for Human Rights Education**
Author/Editor: Richard Pierre Claude
Place of Publication: New York
Publisher: Peoples Decade for Human Rights Education (PDHRE)
Year of Publication: 1998
Content: A practical introduction to human rights education pedagogy, including an essay on the right to know one's right, a guide to curriculum planning, suggestions for empowerment and targeting user-groups, and methodologies for evaluation.

Available online: http://www.pdhre.org/materials/methodologies.html

Title: **Human Rights Education for the Twenty-First Century**
Author/Editor: George J. Andreopoulos and Richard Pierre Claude (eds.)
Place of Publication: Philadelphia
Publisher: University of Pennsylvania Press
Year of Publication: 1997
Content: Human rights education, which includes teaching people about their rights, is a difficult task. To help interested groups meet these obligations, this book of previously unpublished essays addressing problems and challenges that are both conceptual and practical has been developed. 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 (or school-based) and non-formal (or out-of-school) human rights education.

Title: **Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights**
Author/Editor: Nancy Flowers
Place of Publication: University of Minnesota
Publisher: Human Rights Resource Center
Year of Publication: 1997
Content: A primer for human rights education that includes background information, strategies for teaching human rights and activities for a variety of ages and situations.
Available online at: http://www1.umn.edu/humanrts/edumat
Available at the same address:
Topic Book 1: Economic and Social Justice: A Human Rights Perspective
Topic Book 2: Raising Children With Roots, Rights & Responsibilities: Celebrating the UN Convention on the Rights of the Child
Topic Book 3: Lesbian, Gay, Bisexual, and

Transgender Rights: A Human Rights Perspective

Topic Book 4: The Human Rights Education Handbook: Effective Practices for Learning, Action, & Change

Topic Book 5: Lifting the Spirit: Human Rights and the Freedom of Religion or Belief

Title: **Tips for the Classroom**
Author/Editor: Felisa Tibbitts
Place of Publication: Cambridge, US/Amsterdam
Publisher: HREA
Year of Publication: 1996
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 online 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: Sérgio Vieira de Mello
Place of Publication: New York/Geneva
Publisher: United Nations Publications
Year of Publication: 2004
Content: *ABC: Teaching Human Rights* aims to serve as a user-friendly tool for human rights education and a multi-coloured umbrella covering a number of basic human rights areas. It offers practical advice to teachers and other educators who want to foster human rights awareness and action among primary and secondary school children, including suggestions for developing learning activities. It is not meant to place an extra burden on an already overloaded curriculum but to assist in infusing human rights issues into subjects already taught in schools.
Available online: http://www.un.org/events/humanrights/2004/education.htm

Title: **Why Do People Abuse Human Rights?**
For Children from 9 to 11 years
Author/Editor: Alison Brownlie
Place of Publication: London
Publisher: Hodder Wayland
Year of Publication: 2004
Content: This book looks at how and why human rights are abused. It examines how the rights of those in different sectors of society can be abused, such as children and workers, and how human rights are affected during war and other conflicts. It goes on to explain that we have to actively campaign for human rights - and the best way to do this is through education. Including case studies and quotes from people around the world.

Title: **Time for Rights: Activities for Citizenship and PSHE for 9–13 Year Olds**
Author/Editor: UNICEF
Place of Publication: Geneva
Publisher: UNICEF
Year of Publication: 2002
Content: Explores citizenship and rights in relation to the UN Convention on the Rights of the Child. Through role play, cartoons, stories, poems and a wide variety of activities, the book looks at what rights mean to an individual child, in the family, in the school and in the community.

Title: **Stand Up For Your Rights**
Author/Editor: Peace Children International
Place of Publication: London
Publisher: Two-Can Publishing
Year of Publication: 2001
Content: Written and edited by young people

from all over the world, this book looks at the issues of human rights. It contains stories, poems, personal recollections, to express hopes and fears about how we treat each other. It is a celebration of where we have reached in the development of human rights, followed by a quest for a definition of what they should mean for the future.

Title: **All Human Beings ... A Manual for Human Rights Education**
Author/Editor: 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 elements of human rights. It provides basic documentation, specific teaching materials and practical exercises. The materials are to be completed and developed locally to fully discover the meaning of human rights in the daily life of each particular cultural context.

Title: **Educating for Human Dignity: Learning about Rights and Responsibilities**
Author/Editor: 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 the first resource offering both guidance and support materials for human rights education programs from kindergarten through high school. It opens possibilities for an holistic approach to human rights education that directly confronts the values issues raised by human rights problems in a context of global interrelationships.

Title: **First Steps: A Manual for Starting Human Rights Education**
Author/Editor: Amnesty International
Place of Publication: London
Publisher: Amnesty International
Year of Publication: 1996
Languages: English
Content: This Manual was developed by *Amnesty International* specifically for use 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 children.

Title: **Human Rights for Children: A Curriculum for Teaching Human Rights to Children Ages 3-12**
Author/Editor: Virginia Hatch, Patsy Hegstad, Norman Heimgartner
Place of Publication: Alameda, US
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 Declaration of 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/Editor: Lori Dupont, Joanne Foley and Annette Gagliardi
Place of Publication: Minneapolis
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 which exhorts every individual and every organ of society to "strive by teaching and education to promote respect for these rights and freedom".

Title: **Siniko. Towards a Human Rights Culture in Africa**
Author/Editor: 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.
Available online: http://web.amnesty.org/library/index/engAFR010031999?open&of = eng-326

Title: **Tolerance – the threshold of peace. Primary School Resource Unit**
Author/Editor: 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: **One World, One Earth. Educating Children with Social Responsibility**
Author/Editor: 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.

Title: **The Universal Declaration of Human Rights. An Adaptation for Children**
Author/Editor: Ruth Rocha and Otavio Roth
Place of Publication: New York
Publisher: United Nations Publications
Year of Publication: 1990
Language: English
Content: Educational and fun to read, this beautifully illustrated book will captivate all, especially children. Written by world renown children's author Ruth Rocha and featuring the vivid linocut illustration of Brazilian artist Otavio Roth, the book helps us all to understand better the importance of human rights.

Young Adults

Title: **Our World. Our Rights**
Author/Editor: Amnesty International
Place of Publication: London

Publisher: Educators in Human Rights Network

Year of Publication: 2006

Languages: English

Content: Well-illustrated teachers' primer, which introduces the Universal Declaration of Human Rights to the primary classroom. The workbook, with a thoughtful introductory chapter on the role of human rights within the school, is full of tested lesson plans, suggestions, activities, games, quizzes and case studies in different subject disciplines and areas of the curriculum from History and Geography to English.

Title: **Compass – A manual on Human Rights Education with young people**

Author/Editor: Council of Europe

Place of Publication: Strasbourg

Publisher: Council of Europe

Year of Publication: 2003, 2nd edition

Languages: English, Arabic, Bosniac, Croatian, Dutch, Hungarian, Italian, Romanian, Russian, Slovenian

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: **Human Rights in the Curriculum: History**

Author/Editor: Margot Brown and Sarah Slater

Place of Publication: London

Publisher: Amnesty International/Education in Human Rights Network

Year of Publication: 2002

Language: English

Content: This book includes exciting activities and lesson ideas for history teachers. It will give students the opportunity to study areas of the Curriculum in a new and thought-provoking way.

As well as encouraging students to consider slavery, child labour, the struggle for women's rights and the Holocaust from a human rights perspective, the textbook also introduces inspiring historical figures from Bartolomé de las Casas to Eleanor Roosevelt. By examining key stages from history in this way, the students will develop understanding of human rights and the need for their promotion.

Title: **Freedom!: Human Rights Education Pack**

Author/Editor: Amnesty International

Place of Publication: London

Publisher: Amnesty International

Year of Publication: 2001

Language: English

Content: A stimulating investigation of what our human rights are and how they have been developed denied and challenged. This pack is suitable for students across a range of abilities from age 14 to 19. Strikingly illustrated, the pack provides information, suggestions and instructions for teachers, as well as case studies, activities, research projects and exercises for students. Excellent for courses in Citizenship, Religious Education, General Studies, Geography, History, English, PSHE, Media Studies, Theatre Studies, Law and Sociology.

Title: **The Human Rights Education Handbook. Effective Practices for Learning, Action, and Change**

Author/Editor: Nancy Flowers et. al.

Place of Publication: Minneapolis

Publisher: Human Rights Resource Center, Stanley Foundation

Year of Publication: 2000

Languages: English

Content: This manual is intended to help people who care about human rights to be-

come effective educators, able to share both their passion and their knowledge. To further human rights education in all its many forms this book lays out the basics: why, for whom, what, where, who, and how. It draws on the experience of many educators and organisations, illustrating their effective practices and distilling their accumulated insights.

Title: **Lesbian, Gay, Bisexual and Transgender Rights: A Human Rights Perspective**
Author/Editor: 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 about lesbian gay, bisexual and transgender issues.

Title: **Economic and Social Justice. A Human Rights Perspective**
Author/Editor: David A. Shiman
Place of Publication: Minneapolis
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: **Tolerance – the threshold of peace. Secondary School Resource Unit**
Author/Editor: Betty A. Reardon
Place of Publication: Paris
Publisher: UNESCO Publishing

Year of Publication: 1998
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: **Education Pack: Ideas, Resources, Methods and Activities for Informal Intercultural Education with Young People and Adults (All Different All Equal campaign)**
Author/Editor: 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/Editor: 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 by the National Institute for Citizen Education in the Law (U.S.) for use in a full-year curriculum. There is both a student text-book and an accompanying teacher's manual. The book was developed by a South African NGO in cooperation with a U.S. one, and is intended to be adapted for use in different national settings. The textbook is intended for use in middle and secondary schools (ages 12-18), but might also be used with adult populations. 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/Editor: 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 populations 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 walks students through issue identification, research, and project planning.

Adults

Title: **A Call for Justice**
Author/Editor: 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.
Available online: http://www.pdhre.org/justice.html

Title: **Learning Reflecting and Acting: 149 Activities Used in Learning Human Rights**
Author/Editor: PDHRE
Place of Publication: New York
Publisher: PDHRE
Year of Publication: 2000
Languages: English
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/Editor: PDHRE
Place of Publication: New York
Publisher: PDHRE
Year of Publication: 2001
Languages: English
Contents: The 536 pages guide and workbook demonstrates 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.

Title: **Popular Education for Human Rights. 24 participatory exercises for facilitators and teachers**
Author/Editor: Richard Pierre Claude
Place of Publication: Amsterdam
Publisher: Human Rights Education Associates
Year of Publication: 2000
Languages: English, Chinese, Spanish, Dutch
Languages: Training manual with exercises designed for non-formal grass-roots education emphasizing, among others: women's and children's issues, and organised 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 programmes of formal education as well.
Available online: http://www.hrea.org/pubs/claude00.html

Title: **Self-Help Human Rights Education Handbook**
Author/Editor: 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 enable 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_methodology/SELFHELP.html

Title: **Tolerance – the Threshold of Peace. Teacher-training Resource Unit**
Author/Editor: Betty A. Reardon
Place of Publication: Paris
Publisher: UNESCO Publishing
Year of Publication: 1998
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.

HUMAN RIGHTS EDUCATION ON THE INTERNET

Education Material

Database on Human Rights Education and Training of the UNHCHR:
http://www.unhchr.ch/hredu.nsf
This database of the United Nations High Commissioner for Human Rights (UNHCHR) provides information on organisations, materials and programmes 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 UNHCHR on Human Rights Education and Training. It provides inter alia UNHCHR Materials, Activities and Related Links on Human Rights Education.

Council of Europe: http://www.coe.int
The Council of Europe site offers two links under the column Public Relations: Educational and Human Rights Fact Sheets. The Fact Sheets provide general information on 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
Under the link 'education for human rights' UNICEF 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 Cyber School Bus:
http://www.cyberschoolbus.un.org
The United Nations Cyber School Bus 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:
http://www.erc.hrea.org
Human Rights Education Associates (HREA) is an international non-governmental organisation that supports human rights learning, the training of activists and professionals, the

development of educational materials and programming, and community-building through online technologies. The Electronic Resource Centre for Human Rights Education is an online repository of human rights education and training materials, online forums, databases and links to other organisations and resources. The online Human Rights Learning Centre is a new section of the HREA website.

The Peoples Movement for Human Rights Education: http://www.pdhre.org
The website of this human rights education organisation 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: http://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 organisations 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 for 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 programmes reflect the belief that a multifaceted 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 organisation. 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 education as well as support the United Nations Decade for Human Rights Education (1995-2004).

European Training and Research Centre for Human Rights and Democracy (ETC):

http://www.etc-graz.at

The ETC provides on its website the Manual on Human Rights Education "Understanding Human Rights" in several languages and also offers Power Point presentations on the different modules as well as additional resources and tools for human rights learners and educators.

Amnesty International USA Human Rights Education:

http://www.amnestyusa.org/education

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 … helps you understand your rights: 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 programmes 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.

Partners in Human Rights Education:

http://www1.umn.edu/humanrts/education/partners

Partners in Human Rights Education is a community Education Project to help students learn about human rights and practice respect for others both in and out of school. While it was originally established in 1992 as a joint project of Minnesota Advocates for Human Rights and the University of Minnesota Human Rights Center, it is now housed at Minnesota Advocates. Partners in Human Rights Education teams include community representatives, lawyers, and classroom teacher in the Twin Cities, Greater Minnesota, Wisconsin, and North Dakota.

Research and Teaching on Human Rights, Gender Issues and Democracy in Southern Africa: http://www.hrdc.unam.na/teaching_resources.htm

The website has been created by the Human Rights and Documentation Centre (HRDC-University of Namibia), the UNESCO Social and Human Sciences Programme in Southern Africa (Windhoek, Namibia), and Human Rights Internet (HRI-Ottawa, Canada) in cooperation with universities and organisations throughout Southern Africa. It has been designed to serve as a forum to document and disseminate information pertaining to Human Rights, Gender Issues and Democracy relevant to the 14 member countries of the Southern African Development Community (SADC). This site provides selected teaching resources for human rights education. The online resources provide curricula, links and background information to assist in the instruction of human rights to a wide variety of audiences.

Online libraries

Audio-Visual Material:
http://www.hrea.org/pubs/HRE-resource book/2nd

Austrian Institute of Human Rights:
http://www.2.sbg.ac.at/home.htm

Concise Guide to Human Rights on the Internet:
http://www.derechos.org/human-rights/manual.htm
European Court of Human Rights Portal:
http://cmiskp.echr.coe.int/tkp197/search.asp?skin = hudoc-en

HURIDOCS – Human Rights Information and Documentation Systems:
http://www.hurisearch.org

Netherlands Institute of Human Rights Documentation Site:
http://sim.law.uu.nl/SIM/Dochome.nsf?Open

OHCHR – Database on Human Rights Education and Training:
http://www.unhchr.ch/hredu.nsf

Open Society Institute. Educational Support Program:
http://public.soros.org/initiatives/esp/resources

Project DIANA Online Human Rights Archive:
http://www.yale.edu/lawweb/avalon/diana/index.html

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

The European Library:
http://www.theeuropeanlibrary.org/portal/index.htm

United Nations Online Databases:
https://unp.un.org/online_online_databases.aspx

University of Minnesota Human Rights Library:
http://www.umn.edu/humanrts

D. USEFUL CONTACTS

Below you can find information on international governmental and non-governmental organisations in the field of human rights and human rights education. Many of them publish human rights materials, hold workshops and provide information and advice on human rights. There is also a list of pertinent Master programs.

INTERNATIONAL ORGANISATIONS

United Nations (UN)

UN Headquarters
First Avenue at 46th Street
New York, NY 10017
USA
Homepage:www.un.org
Email: inquiries@un.org
Working Languages: Arabic, English, French, Spanish, Russian, Chinese
The homepage of the UN contains all the information about its specialised- or sub- organisations listed below. However, links may be difficult to find. The present volume therefore provides an overview of the web-sites of the most relevant Human Rights and Human Rights Education institutions.

United Nations Office of the High Commissioner for Human Rights (OHCHR)

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 of this website provides information on organisations, 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 Labour 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 specialised agency which seeks the promotion of social justice and internationally recognised 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' organisations and provides training and advisory services to those organisations.

REGIONAL ORGANISATIONS

Africa

African Commission on Human and Peoples' Rights (ACHPR)
Kairaba Avenue, P.O. Box 673
Banjul, The Gambia
Telephone Number: + 220 4392962
Fax: + 220 4390764
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 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: cidhoea@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 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 organisation 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 specialised publications. The IIHR' s endeavors are guided by the principles of representative democracy, the rule of law, ideological pluralism and respect for fundamental rights and freedoms. The IIHR 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 organisations.

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.fr
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 other than defense.
Its work program includes the following fields
of activity: human rights, media, legal co-op-
eration, social cohesion, health, education,
culture, heritage, sport, youth, local democracy
and trans-frontier co-operation, the environ-
ment and regional planning. The Council of
Europe should not be confused with the Eu-
ropean Union. The two organisations are quite
distinct. The 15 European Union states, how-
ever, are all members of the Council of Europe.

**Organization for Security and Cooperation
in Europe (OSCE)**
Kärntner Ring 5-7
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 organisa-
tion in the world with 55 participating States
from Europe, Central Asia and North America.
It is active in early warning, conflict preven-
tion, crisis management and post-conflict re-
habilitation. The OSCE approach to security is
comprehensive in dealing with a wide range
of security-related issues including arms con-
trol, preventive diplomacy, confidence- and
security-building measures, human rights,
democratisation, election monitoring and eco-
nomic 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 na-
tional elections and assistance projects aimed
at strengthening democracy and good gover-
nance, and enhancing stability. It provides
practical support in consolidating democratic
institutions and the respect for human rights
as well as strengthening civil society. Further-
more it serves as the OSCE Contact Point for
Roma and Sinti issues and last but not least it
contributes to early warning and conflict pre-
vention by monitoring the implementation of
OSCE human dimension commitments.

NON-GOVERNMENTAL
ORGANISATIONS

Note: NGOs, which are based in member
states of the Human Security Network are
listed in the following section.

Amnesty International (AI)
1 Easton Street, London WC1X 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 recognised 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 our work to promote all human rights. Amnesty International has more than a million members and supporters in over 140 countries.

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.

Asian Regional Resource Center for Human Rights Education (ARRCHR)

2738 Ladprao, 128/3 Klongchan, Bangkapi

Bangkok 10240, Thailand

Telephone Number: + 66 2 377 5641

Homepage: www.arrc-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 popularising and institutionalising 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.net

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 realisation of human rights in the Asian region, and to mobilise

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 following objectives stated in the Asian Charter.

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 specialised in the field of human rights. Its main task is to analyze and explain difficulties faced by the process of implementing the law of human rights in the Arab world. It strives to promote human rights in Arab countries through the development of intellectually vigorous and novel approaches conducive to surmounting problems of implementation.

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, emphasises prevention of human rights violations, supports the most vulnerable sectors of Central American society.

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 organisations, State institutions and the media. HFHR also teaches effective actions for protection and promotion of human rights. For many years now, it is the leading world center educating human rights specialists and activists in the post-communist world.

Human Rights Education Associates (HREA)

P.O. Box 382396
Cambridge, MA 02238-2396, USA
Telephone Number: + 1 617 625-0278
Homepage: http://www.hrea.org
Email: info@hrea.org
Type of programs: evaluation of HRE programs; assistance in the conception, development and fundraising of programming; consultation in curriculum and materials development; training of professional groups; organisational development; on-line Resource Center for Human Rights Education
Target groups: primary and secondary levels, NGOs, professional groups
HREA is an international non-governmental organisation 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 (HRW)

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 organisation based in the United States. Human Rights Watch researchers conduct fact-finding investigations into 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. This publicity helps to embarrass abusive governments in the eyes of their citizens and the world. 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 organisation 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 movement in situations of conflict. It also endeavors to prevent suffering by promoting and strengthening humanitarian law and principles.

International Helsinki Federation for Human Rights (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 specific goal

is to monitor compliance with the human rights provisions of the Helsinki Final Act and its Follow-up Documents. The IHF 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.

People's Movement for 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 programmes: 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 found 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 Simpion
CH-1207 Geneva
Switzerland
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.

HUMAN RIGHTS MASTER PROGRAMS

African Master on Human Rights and Democratization

Centre for Human Rights, University of Pretoria
Pretoria 0002, South Africa
Telephone Number: +27 12 420 3228
E-mail: chheyns@hakuna.up.ac.za
http://www.up.ac.za/chr/newmasters/masters.html

CEU-Master Programs on Human Rights (LLM, MA)

Central European University, Department of Legal Studies
1051 Budapest, Nador U. 9
Hungary
Telephone Number: + 361 327-3023
Fax: + 361 327-3198
E-mail: legalst@ceu.hu
http://www.ceu.hu/legal

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, Italy
Telephone Number: + 39 041 2720 923 (direct)
Tel: + 39 041 2720 911 (Secretariat)
E-mail: ema-info@venis.it, secretariat@ema-humanrights.org
Homepage : www.ema-humanrights.org

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
Telephone Number: + 387 33 668 685
E-mail: coordination@cps.edu.ba, law@cps.edu.ba
Homepage: http://www.eurobalk.net, http://www.cps.edu.ba

Graduate Program in International Law and Human Rights Studies
University of Peace, Apdo. 138-6100, Ciudad Colon, Costa Rica
Telephone Number: + 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
Telephone Number: + 46 46 222 1249
E-mail: frida.ericmats@jur.lu.se.or
Frida.nilsson@jur.lu.se
http://www.rwi.lu.se

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

E. HUMAN SECURITY NETWORK – NGOS

In this section you will find useful information on selected NGOs in states of the Human Security Network, which have programs in the field of human rights, human rights education and human security

AUSTRIA

Name of the organisation: **European Training and Research Centre 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 organisation: **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 organises regularly training sessions, workshops and seminars.
Target groups: students, teachers, civil society, etc.

Name of the organisation: **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

CANADA

Name of the organisation: **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 (IHRTP): annual training session to strengthen the capacity of HR organisations 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 organisation: **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 organisation: **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.

COSTA RICA

Name of the organisation: **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

GREECE

Name of the organisation: **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.

Name of the organisation: **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 repre-
sentatives, journalists and other members of
the society) from South-East European coun-
tries (in the near future also from Middle East
and Eastern Europe)

IRELAND

Name of the organisation: **Irish Centre for
Human Rights**
Address: National University of Ireland Gal-
way, 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 organisation: **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 organisation: **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: amdh@malinet.ml
Type of programs: Promotion and protection of human rights (seminars, conferences, workshops), documentation, Human Rights Education

Name of the organisation: **Mouvement de People pour l'Education aux Droits Humains (PDHRE/DPEDH-MALI) and the Institut Africain d'Apprentissage pour l'Education aux Droits Humains (INA-FAEDH/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)

NORWAY

Name of the organisation: **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 programmes, courses, other HRE-related activities, including textbook projects.
Target groups: university students, secondary school teachers, primary school teachers

Name of the organisation: **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.Midttun@nrc.no
Working languages: English, French, Portuguese and the local official languages of Armenia, Azerbaijan, Georgia and 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 organisation: **Educational Research Institute (ERI)**
Address: Gerbiceva 62, 1000 Ljubljana, SLOVENIA
Telephone/Fax Number:
+ 386 1 420 12 40/ + 386 1 420 12 66
Homepage: www2.arnes.si/ ~ uljpeins/
Email: pedagoski.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; organisation of seminars, professional meetings and international conferences.

Name of the organisation: **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 organisation: **Institute for Ethnic Studies (IES)**
Address: Erjavceva 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 organisation: **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 organisation: **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 organisation: **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, specialised training sessions, education programs, projects on HRE and HR law in Africa, moot courts, publications.
Target groups: social workers, teachers, lawyers, police officials, NGOs

Name of the organisation: **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 organisation: **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 organisations concerned with HR

Name of the organisation: **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 organisation: **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 organisation: **Asian Regional Resource Center for Human Rights Education (ARRC)**
Address: 2738 Ladprao, 128/3 Klongchan, Bangkapi, Bangkok 10240, THAILAND
Telephone/Fax Numbers:
+66 2 377 5641/+66 1 642 7278
Homepage: www.arrc-hre.com
Email: arrc@ksc.th.com
Working language: English
Type of programs: organisation of HRE training activities at regional and national level, reports and publications on HRE
Target groups: Trainers of HRE organisations

The NETHERLANDS

Name of the organisation: **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

Name of the Organisation: **Human Rights Education Associates**
Address: Postbus 59225, 1040 KE Amsterdam, NETHERLANDS
Telephone/Fax Number:
+ 1-31-20 524 1404/ + 1-31-20 524 1498

Name of the Organisation in the US: **Human Rights Education Associates, Inc.**
Address: P.O. Box 382396, Cambridge, MA 02238, USA

Telephone/Fax Number:
+ 1 617 625 0278/ + 1 617 249 0278
Homepage: www.hrea.org
Email: info@hrea.org
Working languages: English, French, Spanish, Russian, German, Dutch
Type of programs: support of individuals, NGOs, governments and inter-governmental organisations in implementing HRE and learning programmes
Target groups: educators, activists, professional groups, students, interested persons

F. GENERAL REMARKS ON HUMAN RIGHTS EDUCATION METHODOLOGY

INTRODUCTION

Human rights education (HRE) is all learning that develops the knowledge, skills, and values of human rights. It asserts the responsibility of both 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. Like any other educational field HRE encompasses a set of methods that reflect the intentions of the respective educational approach – as the realisation of the rights and dignity of the human being is at the centre of HRE, the educational approach has to focus on the human being: human rights trainings and workshops have to comply with the concerns and needs of the participants, they have to combine intellectual challenges with the development of

skills and the shaping of attitudes. Needless to say, this cannot be achieved without active involvement of the participants and without taking into account their personal und professional experiences.

In the conception of human rights trainings or workshops, several points have to be taken into consideration. Before a human rights educator can start selecting appropriate activities, they have to clarify all factors and parameters that determine the training situation in general as well as the specific training to be planned. The main determinants are the four dimensions of content, methodology, organisational framework and attitudes of educators as well as participants.

- **Content:** Each human rights training or workshop has to take into account the inter-

ests and needs of the specific target group, to consider their professional settings and standards and to adjust the concept of the contents according to these parameters. Of course, basic knowledge of the contents, principles and protection of human rights is indispensable but the focus of the training should always meet the needs of the target group. Some aspects such as diversity or gender perspectives can form the topic of a training session but should in any other case be treated as cross-cutting issues to be discussed in different contexts and questions such as health, religious freedoms, labour law or the human rights dimension of the respective job settings.

- **Methodology:** Each education methodology can be described as a specific combination of constituents such as group size, social organisation, activities of the educator and the participants, learning phases and media. Since the educator usually is not free to control all of these factors, they should focus on the layout and coordination of those they can have an affect on. Especially by choosing adequate social organisation and media, the educator can control the education process and the social interaction and communication in the classroom and take measures not to override groups of learners. Whenever diversity and gender aspects are concerned, it is recommended to keep in mind that HRE should be focused on the learners rather than on "experts" or "learning matter". When expertise, attitudes and skills are shared not only by the educator but also by the participants, based on their individual educational and professional experiences, the teacher quits her/his traditionally dominant position and gives room for the implementation of various methodological and didactic elements that have in common interactivity, communication and the competence of each student, regardless

of her/his gender, educational or cultural background.

- **Organisational framework:** To ensure the empowerment aspect of human rights education, provisions should be made to give everybody the opportunity to participate in the human rights training or workshop. These provisions can affect time management and location of the training as well as possible affirmative action measures.
- **Attitudes of educators and participants:** Since HRE should be more than just the transfer of knowledge, human rights educators should have several competencies as follows:
  - professional competence (knowledge about human rights and their protection, implementation of human rights in different professional or social settings)
  - methodological and didactical competence (knowledge about education and learning processes in general and in HRE and the professional skills to transfer this knowledge into practice)
  - communicative competence
  - affective or empathic competence (ability to reflect one's own existential orientation and to interact with students and co-trainers in an empathic way)
  - Intercultural and gender competence (ability to reflect one's own determination in cultural and gender specific behaviour patterns, knowledge about social circumstances and contexts, "mentalities", discrimination etc.)

These standards as well as the necessity to address different types of learners lead to the demand that a human rights training or workshop should at best be conducted by a pair of co-trainers of different sexes and/or ethnic origin, especially when intercultural and gender aspects are addressed and respective skills and attitudes are to be trained. Apart from

this, the cooperation of two co-trainers, different personalities with different working habits (e.g. content-oriented vs. process-oriented) results in more effective tuition.

PLANNING HUMAN RIGHTS TRAININGS

The quality of trainings or workshops in human rights education largely depends on the thorough planning of each step. In the following, you can find a brief overview over the most important factors in preparation.

- **Learning targets**
  The overall goal of HRE is to understand the human rights system and to accept human rights as an important and reasonable part of one's life, accompanied by an implementation of human rights principles in daily work. To successfully conduct human rights trainings it is of utmost importance to map out very clearly the learning targets. These should aim at meeting the specific demands of the participants. Each HR training should result in an advancement of the professional and social competences of the participants. This competence-oriented approach is characteristic for trainings and workshops.
  Three essential goals should be the basis for HRE in general and the thread for trainings and workshops:
  - transfer of knowledge and information (what are human rights, human rights standards, protection of human rights, what do human rights mean for participants' daily life and work)
  - building skills (empowering participants to live, work and fulfil their tasks respecting and implementing human rights)
  - shaping attitudes (to clarify values, find out negative attitudes, revise them and accept new attitudes)
  It is not enough to learn and to know human rights standards. Learners need additional support to be able to apply them in their daily lives. This support has to be provided by training the necessary skills that are a precondition for the implementation.
  A human rights training should always be based on criteria that are formulated in the beginning and assessed by the end of the course. It is helpful to pose the question "What should the learners master?" before the course and never loose sight of it during the course. Oral or written tests and feedback can provide data for the evaluation of the learning process.

- **Target group**
  Whenever a human rights training is organised the composition of the target group has to be clarified in advance:
  - Since each professional target group (e.g. administrators, police officers, judges, lawyers, social and health care workers, students, teachers, military etc.) has specific needs according to their professional tasks "mixed" groups should be avoided as far as possible.
  - The specific needs of the target group have to be reflected in the planning process. According to the needs the training can be focused on different aspects – standards important for the respective professional group, orientation on content, skills-building or attitude-shaping, sensitisation etc.
  - Training methodology and activities should mirror the mostly pragmatic attitudes of adult learners – give the opportunity for the implementation of ideas and concepts, work on real problems and cases taken from the participants' professional settings, take into account the participants' professional expertise.
  Human rights learners should be aware of their own responsibility – real work starts when the training is finished and the ac-

quired knowledge, skills and attitudes have to compete in everyday life and work.

Apart from the specific needs certain organisational conditions should be fulfilled to facilitate the learning process (adequate premises, equipment and material; an overview at the beginning of the day, a summary at the end; a timeframe with sufficient breaks; refreshments when possible).

- **Participation**

    According to the statement that the most effective way of learning is "learning by doing", it is strongly recommended to further the participatory approach in human rights education. Educational participation is characterised by elements such as interactive processes, flexibility, variety in methodology and social organisation and relevance of issues and materials. To achieve an active as well as efficient training process the following issues should be reflected upon.

    - *Topics and presentation of standards*

        During the preparation of a human rights training on a specific topic it is recommended to invite experts in this special field. Pools of experts are usually accessible via local projects, universities and administrations. Rather than presenting a panel of academic and scientific experts, a mixed panel of scientists and practitioners might encourage discussion and secure practical applicability.

        In addition, the relevant human rights standards and instruments should be presented in the training. The facilitator has to keep in mind that the standards are discussed in respect of the target group, and that the question of practical implementation of standards in the participants' daily routine is dealt with.

    - *Interactive approach*

        Learners/participants have to be integrated into the education process with all their abilities, personal experience and professional expertise. In an interactive education process, the educator's role model is shifting from the all-dominant position of the traditional teacher to the role of a facilitator or moderator. While questions of content and knowledge should not be neglected, the trainer has to maintain group processes and facilitate and further the acquisition of attitudes and skills by setting the frames, preparing material and group organisation and giving professional methodological support (e.g. teaching/learning techniques) at the same time.

        The trainer's new role as facilitator can also contribute to opening doors that have been closed for traditional teachers. Especially persons with little or negative schooling experience might be encouraged by a participatory approach that emphasises the expertise instead of the shortcomings of learners.

- *Practical approach*

    It is a goal of HRE to popularise the idea that human rights are or at least can be a key element of everyday life. In this aspect HRE meets the needs of practitioners who are not only interested in the abstract idea of human rights but mostly in the question how they themselves can deal with human rights questions in their private and professional settings. How can they do a good job within the human rights standards? What is in it for them? What is the benefit in understanding and living human rights?

    Accordingly, human rights educators have to include practical information into their programme, to prepare literature, material and cases relevant for the code of practice. If a trainer has no personal experience with the professional settings of her/his target group, it is usually a good idea to consult a respective practitioner.

- **Awareness shaping and skills-building**

  Human rights education that is not based on the three pillars of knowledge transfer, attitude shaping and skills-building always resembles an unfinished painting. Attitude shaping and skills-building without knowledge transfer lack the informational basis. Knowledge transfer and attitude shaping make no sense without the necessary skills to implement human rights. Finally, knowledge transfer and skills-building without attitude shaping might even be used to work against human rights. Therefore, besides giving information and training skills, it is the task of human rights education to sensitise the participants and to make them aware of their own potential – to support human rights or to violate them. Awareness raising and attitude shaping activities demand that the participants reflect upon the relativity of their own cultural and gender roles.

  Skills-building comprises elements such as communication and active listening, arguing and debate, critical analysis etc.

- **Feedback**

  Evaluation in trainings and workshops cannot be considered as a one-way street but should be a permanent process of mutual feedback. Positive and constructive feedback has to keep to three rules:

  - Positive assessment and acclamation always come first!
  - Focus on concrete actions or statements.
  - State your opinion and give reasons for your point of view.

- **Flexibility**

  Human rights trainings have to be designed in a way that they can easily be adapted to different situations, target groups and circumstances, according to the respective cultural and educational needs and experiences. The preparation also has to take into account that there might be different target groups within one course or different preconditions within the target group. Therefore, human rights educators should be very careful in using "ready-made" material without reflecting on the specific needs of a target group. They should be ready to adapt or amend the available material or to search new data, cases etc. This applies also to the users of the manual "Understanding Human Rights", which is meant as a "work in progress". The technical means for the progress is the website of the ETC that offers additional materials, updates and activities and invites all users to make their thematic or local amendments available to the learning community.

  Thorough choice and preparation of material makes it much easier to conduct a course and a broader selection of material and activities contributes to the trainer's flexibility in class, to react more promptly to the needs or complexity of the group. Another helpful trick is to organise the subject matters in modules that can be flexibly handled and re-arranged if necessary.

  Although it is absolutely necessary to give participants a timeframe for orientation, trainers should not stick too strictly to it to avoid frustration and indifference among the participants. Educators have to find the best compromise between the physical (breaks, refreshments, moving around) and intellectual needs of the participants.

- **Evaluation**

  Test questions as an evaluation tool have three main functions, depending on when they are used: In the beginning, when the training starts, by providing an insight into the needs, the attitudes and the level of previous knowledge among the learners, they

indicate a status quo, which is the basis for all progress and achievements made in the course. During the course, they support the trainer in adjusting their programme. Final testing shows the achievements and is thus an important tool for the further modification and development of courses and materials.

- **Sustainability/Follow-up**
  The question what happens after the training to make the results last should also be a part of the training programme. Elements of a planned and structured follow-up could be periodical meetings, field trips and expert hearings, reports on learners' work after the training (achievements and problems) or the building of networks to foster professional exchange of information.

ACTIVITIES

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, non-violent 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 fulfilment 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 methods that 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);
  - prioritising, analysing the output, and clustering solutions.
  Brainstorming sessions are a helpful icebreaker 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 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 ends, summarise 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/Summarising: "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 criticising someone's idea and criticizing the person.
- Do not laugh when someone is speaking – unless they make a joke.

- Encourage everyone to participate.

Finally yet importantly, 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 teambuilding. 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 choose 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, organisations, social groups, or geographical regions;
- **fieldwork case** that 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 pretend to either be someone else or even act as themselves in a novel situation. 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 "icebreaker", an activity to help participants to learn more about each other and become comfortable expressing themselves in a group.

Icebreakers are for example:
- **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 them.
- **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 himself or herself 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.

- **Group rules**
  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 timekeeper, 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 basic rules for the group.
- Together with the group, establish basic rules that 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 aloud, 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 she/he liked or disliked. The person next to her/him 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 summarising 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 HUMAN RIGHTS EDUCATION?

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. However, 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 highly practical, embodying the hopes and ideals of most human beings and 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 behaviour;
- 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 behaviours,
- clarify values,
- develop solidarity,
- analyse situations in terms of human rights,
- strategise 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, 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 respect for the rights of others.

(Source: **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, adapted and amended by ETC.)

G. GRAZ DECLARATION ON PRINCIPLES OF HUMAN RIGHTS EDUCATION AND HUMAN SECURITY

Preamble

We, the Members of the Human Security Network (These are Austria, Canada, Chile, Greece, Ireland, Jordan, Mali, the Netherlands, Norway, Slovenia, South Africa as an observer, Switzerland and Thailand).

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and reaffirming Article 26 of the UDHR, which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms",

Guided by the international human rights instruments, as well as documents, declarations and reports adopted by relevant regional and international conferences, especially the Vienna World Conference on Human Rights in 1993 and its outcome document the "Vienna Declaration and Programme of Action", and UNESCO's International Congress on Education for Human Rights and Democracy in Montreal 1993, which both reaffirm the importance of human rights education for an effective implementation of human rights mechanisms and recommend that States develop specific programmes and strategies for ensuring the widest human rights education,

Recalling also the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995–2004, which has defined Human Rights Education as "training, dissemination and information efforts aimed at the building of a universal culture of human rights",

Welcoming the Declaration of San Jose of 2 December 2001 on Human Rights as an Essential Component of Human Security, stating "human rights and the attributes stemming from human dignity constitute a normative framework and a conceptual reference point which must necessarily be applied to the construction and implementation of the notion of Human Security", reaffirming that Human Rights Education can function as an important means to promote and strengthen Human Security while acknowledging the norms and principles of International Humanitarian Law as another essential component of Human Security.

Convinced that Human Rights Education and Learning should enhance knowledge, clarify values, promote solidarity, change attitudes and develop critical thinking and skills contributing to the respect for and enforcement of human rights and the promotion of human dignity, leading to an active commitment and to the defence of such rights and to the building of a holistic, fully comprehensive culture of human rights,

Recognizing the important and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights, having human rights

education as part of their agenda, disseminating information and engaging in dialogue on human rights, especially at the grass-roots level and in remote and rural communities,

Affirming that human rights education and learning is a collective responsibility of States, peoples, individuals and the various components of civil society,

Decide to adopt the following Principles of Human Rights Education,

Reinforcing Human Security Through Human Rights Education

1. HSN members affirm that human rights and human security are inextricably linked as the promotion and implementation of human rights is a goal and integral part of human security. This linkage is realized through a long-term commitment of all HSN members to a holistic Human Rights Education and Learning. 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.

2. Human Rights Education and Learning is a strong instrument for conflict prevention and the prevention of human rights violations, but also in processes of post-conflict transformation and consolidation, thus a key factor for achieving human security. Human Rights Education can provide a valuable basis and common vision with regard to norms and standards for sustainable conflict resolution. Strategies of conflict prevention and post-conflict rehabilitation) should therefore be built integrally upon strategies of promoting and protecting human rights.

3. HSN will aim at reaffirming Human Rights Education and Learning as a necessary operational development strategy towards human security, societal development and the affirmation of human dignity.

4. Human Rights Education and Learning needs to be incorporated into training programmes for all target groups, and, together with the learning about international humanitarian law, raises the awareness about the moral, political and legal concepts of human rights of those involved in armed conflict and thus contributes to the implementation of human security. Furthermore, the learning about the human rights of the child, in particular in armed conflict, is a pivotal strategy of the HSN in the efforts to achieve human security.

The Right to Know One's Human Rights

5. HSN members underscore the importance that every woman, man, youth and child has the right to know, understand and demand their human rights, which is part of the human dignity of each individual and which forms an important dimension of ensuring human security.

6. The HSN reaffirms that Human Rights Education and Learning is an imperative for the promotion and protection as well as the full enjoyment of all human rights.

7. HSN members acknowledge that Human Rights Education and Learning is an integral part of the right to education and the fight against illiteracy, thus guaranteeing the dignity of women, men, youth and children and their capabilities to play an effective role in the realization of human, societal and economic development.

8. Human Rights Education and Learning encompasses the right to know, seek, obtain, receive, hold and disseminate information about all human rights and fundamental freedoms, including information as to how human rights and freedoms are given effect to in domestic legislative, judicial or administrative systems.

Strengthening Society and Empowering the Individual

9. HSN reaffirms that Human Rights Education and Learning is a future-oriented proactive process of gaining knowledge, raising awareness, transferring knowledge and building consciousness that provide skills for meeting common future challenges and contribute to a culture of human rights.

10. The core elements of Human Rights Education and Learning are:

   • emphasizing the universal character of human rights

   • strengthening respect for human rights and fundamental freedoms, in particular

   • capacity-building for society and the empowerment of the individual or of groups to make full use of its/their human rights

   • intensifying efforts against discrimination, racism, xenophobia and related intolerance

   • ensuring gender equality

   • the full development of the human personality and the sense of its dignity

   • enabling participation in democratic processes

   • the promotion of understanding, respect and mutual dialogue

11. HSN members will promote Human Rights Education and Learning as a tool for peaceful societal transformation with a gender perspective and a framework for social development aiming at the empowerment and the building of capabilities of women, men, youth and children through critical thinking, understanding, applying and claiming all human rights, including civil and political, economic, social and cultural rights, and the right to development.

Respecting Diversity: Gender, Culture, Equality and Good Governance

12. A key challenge for the future of Human Rights Education and Learning is to enhance the universality of human rights by rooting these rights in different cultural traditions, taking into consideration the cultural diversity of communities and societies. However, cultural diversity must not be used to justify or excuse discrimination or violations of human rights obligations.

13. The HSN members recognize that Human Rights Education and Learning should be free of gender bias, racial and other stereotypes, be sensitive to particular needs and be based on the principles of non-discrimination and equality in the enjoyment of all human rights, recognizing that all people are born equal in dignity.

14. In recognition of the interdependence and mutually reinforcing nature of democracy, development and human rights, the HSN members will cooperate closely to ensure that Human Rights Education and Learning should seek to further effective democratic participation in the political, economic, social and cultural spheres. It should be utilized as a means of promoting economic and social progress and people-centred sustainable development and thereby contribute to strengthening the Rule of Law and capacity building for Good Governance, recognized as an important strategy towards democratization, accountability and global governmental stability.

Implementing New Methods of Human Rights Education and Learning

15. Human Rights Education and Learning has to address human rights in a pro-active, cohesive and holistic way, giving equal attention to all parts and dimensions of the human rights framework, illuminating the universal, indivisible, interdependent and interrelated nature of human rights.

16. Human Rights Education has to be a participatory learning process, using inter-

active methodologies and pedagogies in addressing the relevance of human rights to people's daily lives and concerns.

17. Human Rights Education and Learning has to involve and be integrated as a life long process of learning in formal education, included, in particular, in the curricula on history, political education and democratic citizenship, non-formal learning at the community level, and informal education for example through cultural means. It has to be culturally sensitive, practical and skills-oriented and adequately address the needs of learners across all sectors of society.

Being Responsible for
Human Rights Education

18. HSN members acknowledge that states have the main responsibility to ensure the promotion of Human Rights Education within public institutions on all levels - executive, legislative and judiciary on national and local level - by disseminating knowledge about human rights and encourage its incorporation into the education on all levels, the creation of instruments and the promotion of networks for reviewing, systematizing and disseminating experiences and materials on Human Rights Education – in collaboration with NGOs, academic institutions, National Human Rights Commissions and other national human rights institutions (ombudsmen) as well as international organizations – to be internalized by society.

19. HSN members further believe that Human Rights Education and Learning is also the responsibility of all public institutions and civil society as well as the media, which have an important role in informing people, in reporting about human rights violations and in ensuring that the standards of reporting reflect human rights principles (e.g. non-biased, respectful of people and non-racist). Private companies are encouraged to contribute to the education and learning of Human Rights.

20. HSN underscores the importance of ensuring that Human Rights educators and learners are protected from any persecution or oppression resulting from their educational activities. The HSN members therefore welcome cooperation between the Special Representative for Human Rights Defenders, UNESCO and OHCHR in developing monitoring and protection procedures.

The Way Ahead: Steps to be Taken

21. HSN members will assist the Office of the High Commissioner for Human Rights to coordinate relevant UN education and public information programmes in the field of Human Rights as set out in his mandate.

22. HSN members will give attention to the concrete implementation of the remaining part of the UN Decade for Human Rights Education and promote the continuation of strengthened Human Rights Education activities beyond December 2004, including the development of comprehensive, participatory and effective national strategies for Human Rights Education.

23. As an important contribution HSN members will advance human rights training programs held locally, nationally and regionally to increase the numbers of human rights educators at the community level.

24. HSN members will also consider supporting new innovative approaches for Human Rights Education and Learning such as, inter alia, the building of Human Rights Cities and Communities which provide new opportunities for enhanced respect for Human Rights at the local level. Regional Learning Institutions for Human Rights Education can contribute to capac-

ity-building in Human Rights Education and form a flexible and regionally relevant resource base.

25. To this end, HSN members welcome the Manual "Understanding Human Rights" as a concrete contribution to the work of the HSN under the Austrian chair and will encourage respective training institutions to use and distribute it by, inter alia, considering to translate the manual into different languages in order to introduce it into their respective regional and cultural settings. HSN members will furthermore promote and support the creation of a network of civil society institutions in the field of Human Rights Education and Learning and stimulate activities based on intercultural materials and information on Human Rights Education.

(V[th] Ministerial Meeting of the Human Security Network, Graz, 10 May 2003)

H. 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.

I. 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, legalised 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.

Apostasy: is a term employed, often pejoratively, to describe the renunciation of one's religion.

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 organised 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 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 Labour: child labour 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 wellbeing or educational opportunities, or that might be harmful to health or physical, mental, spiritual, moral, or social development." (Art. 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 pornogra-

phy 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 generalised 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, organisations and behaviour 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 (definition by the London School of Economics).

Civilian Object: any object that is not a military objective.

Civilian: person who is not a combatant.

Collateral Damage: damage or loss caused incidentally during an attack undertaken de-

spite all necessary precautions designed to prevent, or in any event to minimise, 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 organisation 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 and ICCPR) 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 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 favourable treatment than another person or group in the same position would have received on the grounds of their race, colour, 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: a UN council of 54 members dealing principally with the fields of population, economic development, human rights, and criminal justice.

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.

Enlightenment: an intellectual movement which began in England in the seventeenth century, rooted in an intellectual scepticism to traditional beliefs and dogmas, denotes an "illumined" 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: is 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: is 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 civilisations. 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 their nature include individualism, human rights, secular authority

and law, and the separation of religion and state. It is possible that eurocentrism grew out of such concepts as the "white man's burden" or rather, the universality of humanism and principles derived from the Judeo-Christian ethical system, recognised by Humanity regardless of origin.

Faith: is a religion, or any of the recognised 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)

Forced 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. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy.

Forced Prostitution: to force somebody into prostitution, used as a means in armed conflict.

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: in 1998, Art. 7, para. 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 differ-

ent 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: worth and honour 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, reli-

gious 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 (IDPs): 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 (ILO): established in 1919 as part of the post-WWW I peace treaties to improve working conditions and promote social justice; the ILO became a Specialised Agency of the UN in 1946.

Internee: is a 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.

Islamophobia: is a new term referring to a fear of, and accompanying hostility towards,

the religion of Islam and its adherents.

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. Working conditions usually are very poor. The word is sometimes 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 organisation (NGO): any non-profit, voluntary citizens' group which is organised 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.

Ombudsperson: 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 (PRSPs): introduced by the World Bank (together with the IMF) in 1999, PRSPs are meant to describe a country's macroeconomic state, including its 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 a human rights violation. It is characterised 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 prejudge a person or a group in a negative light. This negative judgments is usually made without adequate evidence. These negative attitudes are often not recognised 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.

Proselytism: the act of attempting to convert a person from one point of view to another, usually in a religious context. Inducing people to change their religion can be considered illicit, if improper means, such as coercion, threats, the weight of authority of the public educational system, access to public health care or other material inducements, are employed.

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 ethnocultural minority groups, but also to social structures that exclude such individuals and groups. Racism may be present

in organisational and institutional structures and programs, as well as in the attitudes and behaviour 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. There is disagreement as to whether the government is obliged to provide these benefits.

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 now replaced by the Human Rights Council to prepare regular reports on the situation of human rights in a particular country ("country-specific rapporteur") 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
    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 liberalisation, 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.

Sura: is any of the 114 chapters or sections of the Koran.

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: 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 labour.

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: 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. If used too often, terms of scorn soon lose their strength, no longer wounding or even impressing their targets.

INDEX