

# East Africa Human Rights Program



## Resource manual

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# Stream 1

## Why a Participatory Approach for Human Rights Education?

*David M. Donahue*

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**Four reasons** why a participatory approach to human rights training is appropriate:

- 1) Human Rights are part of our experience
- 2) Human Rights are based on conflicting values
- 3) Human Rights Education is about social transformation
- 4) Human Rights Education should spark reflection

### 1. Human Rights - Part of Our Experience

When we think of human rights, we usually first think of our own lives. Human rights are not abstract but directly related to our lives.

Thinking about human rights begins with an examination of our own lives and the awareness of our dignity and that of others.

For example, how have we been oppressed? How have we oppressed others? We need to ask such questions in order to break systems of oppression and improve our lives and the lives of others. In doing so, we come to know human rights not only as a value system, but as a meaningful way of life to maintain our dignity and promote the dignity of others.

We need to be active participants in human rights, not recipients of rights granted by others. Think about questions like: "Where do human rights come from? Do they come from documents? from tradition? from governments? from God?" Human rights are not only for "experts." All of us have theories about human rights. Accordingly, a participatory approach to human rights education is the most appropriate. We must look at human rights from our own realities, share different perspectives, develop analytical skills to understand, exercise, and promote human rights. "Participatory" is not just to keep people active but to help them become analytical.

### 2. Based on Conflicting Values

Another reason for a participatory approach to human rights education is because human rights involve norms and values. These values are evolving and are rarely unambiguous. They often conflict (e.g., right to a clean environment v. right to employment, right to religious expression v. right to an identity, right to free



expression v. right to freedom from persecution). These are the kinds of dilemmas that spark our reflection. John Dewey<sup>1</sup>, in “How we think: Restatement of the relation of reflective thinking to the educative process” described learning as a process of reflecting on experiences that puzzle us. There is no one right answer to these questions. Therefore, we need to be active participants in figuring out the answers.

We need to discuss and reflect on conflicts, especially if the persons living together in a society are to agree on resolution. The world is not a static, given reality. Rather it is a problem to be worked on and solved. Human rights are a value system, a map for creating the kind of society we want to live in. Everyone is capable of looking critically at the world, especially when in dialogue with others.

All of us can benefit from analyzing human rights. We come from different societies where different kinds of rights are accorded different priorities: collective (development, environment) v. individual rights (develop own property), political and civil rights (vote, speech, assembly), social and economic rights (education, employment, health care). We need to question and to analyze the assumptions underlying the question: what are human rights?

### 3. Human Rights Education - Social Transformation

Another reason for a participatory approach is because human rights education is rooted in social justice. Human rights workers are agents of social change and justice. We need to create more agents.

Knowing human rights alone helps us, but is not sufficient for moving us into public and political arenas. We need to practise and value human rights to feel competent and equal to others in making decisions that affect our lives and the lives of others.

Paulo Freire<sup>2</sup> stated: “Our reason for being is to be a subject, not an object, to act upon and transform the world.”

Learning to act upon the world implies a different relation between students and teachers: “Individuals gain back the right to say his or her own word, to name the world.” (Freire) “I now realize I am a person, an educated person.” “We were blind;

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<sup>1</sup> John Dewey, (1859-1952) was an influential American philosopher and educator who changed the current education practice of his day by focusing on “learning-by-doing” rather than rote-learning.

<sup>2</sup> Paulo Freire (1922-1997) was a Brazilian educator, who worked mainly in the field of literacy among the rural poor. Considered by many scholars to be among the most influential theorist of his time, his approach to education was called emancipatory, and included an emphasis on critical awareness and critical thinking. He advocated learning activities that start from the realities of the participants.

now our eyes have been opened." "Before this, words meant nothing to me; now they speak to me, and I can make them speak."

When men and women learn to read, they become creators of culture. We can't copy this pedagogy exactly because the context is different, but we can learn from the parallels. People in our societies, too, are often objects, lacking in critical perspectives. Unversed in the literacy of human rights, they see little connection between themselves and an abstract concept like human rights.

There is no such thing as neutral education. All education either facilitates our adjustment to the current system or helps us view it critically.

#### **4. Human Rights Education - Sparks Reflection**

To stimulate this kind of thinking about the possibilities for social transformation, teachers of human rights need to prompt reflection (and involve learners) rather than inculcate new values (a non-participatory approach). Most education, following the banking system, comes closer to the former than the latter.

We must make a distinction between active and participatory. Education can be active, involving people in simulations and games. To be participatory, it needs to include the voices of learners, voices that may disagree with the teacher, voices that may steer the course of learning in new ways. If human rights educators are to model what they preach, they must allow for participation or they are denying the very kind of rights they purport to uphold.

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**Source:** *Adapted from notes by David M. Donahue.*



## Excerpts from Participatory Practices in Adult Education

*Eds., Pat Campbell, Barbara Burnaby*

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### Introduction

*Pat Campbell, Centre for Research on Literacy, University of Alberta, p. 1 – 11*

... [T]he term participatory practices refers to education and management, or both. Participatory education is a collective effort in which the participants are committed to building a just society through individual and socioeconomic transformation and ending domination through changing power relations. As educators and students work toward building a just society, participants share, create, analyze, and act on their knowledge and experiences. Participatory management involves the representation of marginalized individuals in an organization's democratic decision-making process. Educators and students, and employers and employees, who work toward creating a democratic organization challenge the hierarchical social relations and power structures that create boundaries among individuals.

The origins of participatory education can be traced to popular education, a model and approach to learning developed in Latin America and pioneered by a Brazilian educator named Paulo Freire. Popular education has been used throughout Latin America to promote literacy and to help people educate and organize themselves around issues such as health care, agriculture, elections, and working conditions. Participatory education and popular education are both based on socialist principles of equality and justice, with the goal of building a new, more humane, democratic, and just society. As well, both models involve a dialectical, collective process of sharing, analysis, and action. Popular education tends to be highly creative, relying on cultural forms (drama, drawing, music, stories, photos) as educational tools.

The major difference between popular education and participatory education is that they have evolved from different contexts: Popular education is from Latin America whereas participatory education is from North America. Freire's work in literacy was rooted in developing countries; the literacy campaigns he organized occurred in the context of revolutionary social change. The specific historical, political, cultural, social, and economic factors that fueled these literacy campaigns are different from those in the relevant contexts in North America. Nonetheless, North American programs have incorporated and modified aspects of his pedagogy, with the understanding that this approach is likely small-scale social change, rather than revolutionary social change.

Freire denounced liberal and conservative approaches to literacy education by arguing that these ideologies subjugate literacy to the political and pedagogical



imperatives of social conformity and domination. ...Freire offered, instead, an emancipatory theory of literacy along with a transformative pedagogy.

...

## PARTICIPATORY PRACTICES IN ADULT EDUCATION

Within the field of adult education, the term participatory has been linked with education, communication, research, evaluation, planning, development, and decision making. ...

The terms participatory practices and participatory education made their debut in the literature during the 1980s (Jurmo, 1987; Sauvé, 1987). The notion of participatory practices has evolved, particularly within the field of adult basic education. Between 1987 and 1992, four significant pieces of literature on participatory practices were published (Auerbach, 1992; Fingeret & Jurmo, 1989; Jurmo, 1987; Sauvé, 1987), creating a foundation for educators and learners to build on.

Sauvé (1987), a community educator and ESL Instructor, defined participatory education as:

a learning/teaching process wherein all participants are involved in and committed to defining their own learning needs and wants, working out an approach to addressing them, and evaluating that process as they live out of and into it, all within a context of making life better for themselves and those around them. (p. 19)

In her publication, entitled *From One Educator to Another: A Window on Participatory Education*, Sauvé vividly described the struggles, tensions, and joys of working with the participants to create a learning community based on the participants' strengths, interests, and knowledge. In her work as a participatory educator, Sauvé emphasized the role of praxis, a dialectical process between thought (theory) and action (practice).

Auerbach (1992) believed that although the bottom line in a participatory approach is action, the term needs to be defined broadly. In her early work as a participatory educator, Auerbach postulated action needed to be some form of concrete, visible social change outside the classroom – that addressing an issue didn't 'count' if it wasn't followed by an immediate attempt to transform conditions in students lives" (p. 101). As she gained more experience, Auerbach realized that action is a nonlinear, nonsequential process that develops unevenly over time. Action can encompass changes at the personal, classroom, and community levels, including gaining self-confidence, determining curriculum content, and writing letters to the editor.



Jurmo's (1987) doctoral dissertation, *Learner Participation Practices in Adult Literacy in the United States*, identified efficiency, personal development, and social change as the major arguments supporting participatory practices in the program components of instruction and management. The participatory model provided opportunities for learners to engage in democratic decision making, which led to a more efficient program responsive to learners' needs. With respect to personal development, Jurmo found that participatory practices enhanced critical thinking, self-esteem, and the ability to work collaboratively with others. The participatory approach created a milieu in which learners and educators could work together to analyze and challenge the status quo.

The concept of changing power relationships between students and educators was introduced in the early literature on participatory practices (Fingeret & Jurmo, 1989; Sauv  , 1987). Traditional adult basic education programs, for example, do not usually give students a voice in the conduct of the program because students are viewed as passive recipients of services. Often marginalized people such as those with low literacy skills are simply excluded from the opportunity to participate because the "literate society uses literacy as an indicator of the ability to reason and, therefore, to actively participate in the human social world" (Fingeret, 1983, p. 141). The early literature slid over the slippery question of how to change power relationships; the underlying assumption seemed to be that participatory literacy practices formed a locus in which power relationships between literacy workers and students were altered, and this created new roles for both parties.

...

## SOCIAL RELATIONS

Among participatory educators, there is a belief in democratic participation and social relations within workplace, educational, and community settings. Yet, how can democratic participation exist when the multiple identities of group members are considered? ... [S]ocial identity plays a pivotal role in the transformation or reproduction of power relationships between and among educators and students, employers and employees, faculty and staff, facilitators and participants. The participants' social identities – based on race, gender, class, intellectual and physical ability, location, and language-influence their social relations. Moreover, the participants' social identities and the power, privilege, and oppression embedded within these identities affect how they process information, what they can accomplish, and how comfortable they are in expressing themselves.

...

Social identity is an important aspect of participatory education because it influences communication, relationships, interactions, and decision making among participants in educational, institutional, community and workplace settings.

...

## **PEDAGOGY**

If you are new to participatory education, you will find there are no pat solutions to the questions about “how to do it”; there is no method to follow or prescription to rely on. ... Your practice, instead, needs to be grounded in a vision that rests on egalitarian social relations, community and democratic participation, and a vision for a just society in which it is not “us” against “them”. To work toward this vision, many of the contributing authors base their practice on a cyclical model of sharing, analysis, and action in which a personal experience becomes a springboard for political action. ... Participatory education is a cyclical process that begins with sharing the participants' experiences and knowledge, analyzing and building on the experiences to find commonalities and differences, planning for action, and reflecting on the action. Auerbach summarizes this approach as a process where students look at what is, ask why it is that way, and ask what can be done about it.

...

[P]articipatory practices within education and workplace settings face a spectrum of barriers, ranging from material to ideological constraints. Packaged as a whole, these barriers could overwhelm and deter you from engaging in participatory practices. Yet, if you view participatory practices as a vision rather than as a set of goals, and place importance on the process rather than the product, you will be more accepting of the challenges ahead. By connecting with other participatory educators, you will create a community in which to share your visions, struggles, and successes.

## **Chapter 1: A Personal Journey into Participatory Education**

*Virginia L. Sauvé, Portals: Educational Consulting Services, Inc., p. 15 – 27*

... I would like to start with what participatory education, as I understand it, is not. It is not a methodology or a technique, and it cannot be successfully done by those who lack at least the will to let go of unconscious values and understandings that have quietly invaded and shaped their worldview since the day they were born. It is not comfortable. It is not easy. And it is not to be rushed. It flies in the face of the language we use to talk about education (e.g., program delivery, target audience, etc.) and indeed the English language itself, laden as it is with racist and sexist words and expressions. Lest that sound discouraging, let me assure you that it is also the



most exciting, liberating, and fulfilling approach to learning that I have experienced in my long career.

Participatory education, from the perspective of an educator, is the enabling of a group of people to name their world, recognize their potential to create an experience, and begin working to fulfill that potential, as individuals and communities. It is learning to see new, more life-giving choices and developing the confidence and skills to act on them.

...

If we are to locate ourselves on a common ground with the learner, which I believe we must do in this work, we must be willing to seek out and break the bonds that have kept us from moving in a broader world of experience, bonds that have caused us all too easily to judge the other and assume we know what is best for them. Whatever problems the other has, she has survived. Her strategies for doing so may appear counterproductive to us, but in some manner they have served her in the past and we need to recognize this, as does she, if she is to move beyond that and claim her dignity in its fullness.

...

## **WHO ARE THE LEARNERS?**

...First of all, we are all challenged, barriered, and wounded; it is simply much easier for people without power to acknowledge that fact. Those who lack power are conscious of that absence. They feel their woundedness, suffer their challenges, and daily bat their heads against one or several of the barriers that prevent them from enjoying a life of relative ease: poverty, racism, a language in which they do not comfortably reside, illiteracy, learning disabilities, abuse, physical and/or mental health problems, low levels of functioning intelligence, lack of support in their lives, and the list goes on.

These are the people who find light in participatory education and, in it, discover they have the personal power to transform their lives against the unbelievable odds. Those of us in the mainstream are there because we have learned to cope with (and in spite of) patriarchal systems, and employment situations that use our skills without acknowledging our spirits.

...[T]he less mainstream society expects in the way of capacity from an individual, the more likely such an individual is to grasp these ideas... and run with them.

Freire, the famed critical educator from Brazil who loved his work ... knew the secret that most of us have to struggle to learn, that we cannot teach anyone

anything truly significant. What we can do is enable people to learn if we ourselves are open to learning and relearning, to letting go of that which we struggled to learn in the first place.

...

### **Commitment**

... Telling stories allows one to vent bottled up emotions, to name negative (and positive) events, and to position oneself in relation to those events. However, if one is to rise above the woundedness of one's past and the traps of the present, one has to move beyond the stories. One needs to develop clarity as to what one wants, believe one can achieve it, develop a plan of action, and, most of all, commit to getting there.

... It takes a great deal of trust, commitment, and support to overcome the fear of change.

... Vision is the ability to see what it is you want to create as an alternative to what you have already experienced. ... Vision requires great detail and clarity. It is a giving of full rein to the imagination, a return to the joys of being childlike in one's sense of wonder and belief in possibility. Without vision, one returns to the void. We do not create peace by stopping war. We create peace by understanding and seeing what it is that peace is, not what it is not. ...

Action-reflection, or praxis, is the union of two notions that we have previously thought to be separate although related. We know it is not enough to have an idea; we have to take action. We know action without reflection is probably ill conceived. What we have not recognized historically is that the deliberation of reflection is itself an action that sets off a series of consequences, and that, in reflective action, we are, though in motion, evaluating what we are doing and changing as we go. To see them as the linear circle – first this, then that, then this again – is limiting. To see it as one movement, as did the Greeks in their word praxis, the highest form of action, is to create new possibilities for ourselves.

## **CHAPTER 14: The Many Faces of Participatory Adult Education**

*Barbara Burnaby, Faculty of Education, Memorial University of Newfoundland, p. 307 - 318*

...

### **WHERE SHOULD WE LOOK FOR PARTICIPATORY EDUCATION?**



Many discussions of concepts begin with attempts at a definition of the topic. Participatory education as an idea presents more challenges than most. As a one-time denizen and chair of an academic department of adult education studies, I am highly aware of the fact that aspects of adult education can be seen in virtually every facet of life. The idea of participatory education has more or less the same problems for conceptualization. Any activity that involves learning and (directly or indirectly) more than one person can be thought of in terms of participatory education if we examine how the learner is engaged in the learning. If we think of learning as some kind of activity aimed at changes in a person's concepts or skills, it seems the participatory part has to do with the relationship the learner has to change. In a search for participatory education, then, we are looking for activities, change, and relationships.

...

With this range of activity, relationships, and changes, it does not seem worthwhile to try to define participatory education, to draw a line around it, or to look for its presence and effects in terms of numbers. However, it is possible to look for its dimensions and character in the examples we have so we can recognize it elsewhere and bring its strengths into our projects. Experiential learning from our current practice, from reflection on past work, and from vicarious learning such as the examples in this book can help to firm up the concept for us.

## KINDS AND DEGREES OF PARTICIPATION

...There are lessons to be learned in our societies about ways to increase the likelihood of individuals' and groups' acting on their own for their own advancement. Clearly, some of these ways include creating the social environment where freedom to act and learn exists. In other situations, people with power can take the initiative to change the power balance. Social wisdom is perhaps in knowing when to let the initiative come from the group and when to insert catalysts from outside.

Finally, along with the issues of who is to take initiative and what kind of initiative to take is the matter of who is to evaluate the results and how. In my own experience, one of the best lessons I learned about evaluation came inadvertently when I kept a teaching diary. I started it just to keep myself organized about the content I was covering. However, as I took notes on what happened in class, not just the lesson plans, I had a revelation about the extent of the real learning that was going on. This, in turn, helped me give students feedback about essential aspects of the learning other than grammar and pronunciation. ...Evaluation of all the outcomes, especially those that are unanticipated, is an essential part of the examination of a process if we are to learn from it. Current resistance to draconian



forms of evaluation, usually dictated by funding or other controlling bodies, in terms of the original objectives only and solely on the basis of "objective" measures such as test results, is a good start in the move toward true evaluation, but much more is needed.

The perspective of the initiators is important, but, in participatory terms, the assessment of other stakeholders is most telling. ... For evaluation of participatory practices to take account of the assessment of all the stakeholders, it requires a sustained change in the way all perspectives are gathered and made part of the public debate.

In sum, what should and could be the kinds of participatory education is an open question with a great deal of scope for expansion. ... Within situations, participation can be enhanced in content, form of teaching and learning, and beyond what is obvious in terms of education. Degrees of participation vary not only in who takes the initiative, but also in how the participation of all stakeholders changes throughout the life of the activity. Finally, throughout the process and at the end, the various players have views about the success of the venture. Means of tapping the perspectives of all involved are slowly growing, but much more work is needed before the views of all are solicited much less brought to light and into the public debate that, in turn, shapes future decision making.

## **FACILITATOR/PARTICIPANT/ORGANIZATION RELATIONSHIPS**

All the actors in a participatory (or any other) education situation bring to the encounter the characteristics and identities they have in their lives. It seems to me that the main point of participatory education is to alter some of the socially taken-for-granted ways they interact with each other. Also, the facilitator, by definition, is in a position to direct, at least to some extent, the activities of the learners. The facilitator is often in this position because he or she has knowledge the learners presumably do not have and skills in helping learners in the learning process. The kind of social institution in which the activity takes place also has its baggage in terms of the sorts of expectations individuals have about what it does and what authority it has. However, these assumptions are held up to scrutiny in a situation in which the goal is more participation.

...

Among all these factors, a kind of chemistry must develop for all participants to set aside the expectations they have of one another, themselves, and the institution or circumstances of the project. The institution or circumstances must either be such that the participants feel free to risk taking on new roles or be so bad that the learners feel they have no choice but to change. Facilitators must be able to



encourage trust and propose changes that seem acceptable and possible to the learners (and often other gatekeepers as well). They must show they have the skills and knowledge to do what the group needs, such skills and knowledge often being different from what they were originally hired for. Learners must be prepared to risk and make efforts to do things which they may not be accustomed to. In every case, for a project to be participatory, organizations and all participants must undertake new social roles; they must 'see themselves as at least possibly possessing characteristics and relationships with others they didn't have or express before. Those who led before must let go of some of that control; those who followed must take responsibility and ownership; those who knew must accept the knowledge of others; those who could act must stand aside for others to show their skills. Charisma and personality strengths of leaders are much talked about in public discussion of institutional and widespread change, but attention must also be paid to the role all the players have in making change possible and viable.

Thus, the relationship among the various constituents of participatory education is complex in any situation, and each is important to the effectiveness of change toward greater participation. ...

## MOTIVATION FOR LEARNING

Following from this discussion about relationships among participants, it is essential that we attend to issues directly related to the learners. Leaders or facilitators often have the choice whether to initiate a project, although learners may take this step themselves. Once the project has been proposed, learners may or may not have much choice about whether to take part. Learners in literacy agencies and other community projects usually attend if they are attracted to the activity and if their personal situations permit, but targeted people in the workplace, for example, may feel they risk their jobs by taking part, not taking part, or both. For me, again, it is my experience as an evaluator of educational programs that has given me the impetus to examine my own practice.

...

Discussion of reasons why people do or do not take certain actions, such as to be involved in an educational project, often include examination of push and pull factors. Push factors are factors in the present situation that make people look for a way to change. The kinds of push factors one might look for include poverty, undereducation, civil strife, frustration with government policies and the justice system, disaffection with the organization of work in organizations, and so on. Pull factors are factors in a proposed project that might draw people to take part. They are often the mirror image of the push factors, such as ways to make a better income, to become more educated, to escape or resolve civil strife, to influence governments



or the justice system, to get work organized more satisfactorily in organizations, and the like.

However, we must be careful about whose judgment we rely on in assessing the reality and extent of the push and pull factors related to any participatory project. Few projects will succeed in attracting active participants if the target group does not see itself as being pushed or pulled in the same ways as the would-be initiators. There is no substitute for consultation with potential participants before and throughout a project to be sure the participants' interests are being addressed.

...

In sum, the success of participatory work can be studied in terms of the kinds of motivations of the participants, or at least the potential participants. They may resist if they think they are being coerced. They may feel that they do not want or need what is promised. They may not be convinced the project will provide a solution. They may be prevented from taking part by any number of practical or organizational factors. And they may lack the confidence in their abilities or disagree with some principles that are central to the project. To my mind, some of the most interesting parts of the chapters in the book show how participatory activities have revealed such barriers and created solutions to deal with factors in situations that have blocked people from taking part and have broadened their possibilities in doing so.

## CONCLUSION

Participatory practice in adult education can pervade a broad range of more and less traditional educational activity. Although its dimensions are not easy to identify in terms of the kinds of activities, participants, or processes involved, the examples in this book demonstrate an essential strategy that is a potent force in adult learning. This stance is that learning will be enhanced if control over and responsibility for learning is concentrated in the hands of the learners, or at least shared between learners and resource people. Through it, many individual and group learning goals are supported, indeed, sometimes made possible. It can broaden the scope of simple learning tasks step by step until the learners are shocked at the strides they have taken. It makes learning authentic at the personal level and at the level of social and political action. It exists in the tension between individuals' vision of changes for the better, and the strength, commitment, and resources of a group, without which the change could not be brought about. For myself, the best lessons I have learned are that this possibility of participation exists and that it will never be perfectly achieved. The discussion here raises as many questions as it answers about what kinds of situations participatory education is most effective in, and the limits of its



usefulness, but the stories told here demonstrate it has much more potential than is being realized.

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## Stream 2

### Do We Still Have Universal Values?

*Kofi Annan*

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*Following is the text of a speech delivered by UN Secretary-General Kofi Annan on Global Ethics, entitled “Do We Still Have Universal Values?” at Tübingen University, Germany.*

Let me start by thanking Professor Küng — not only for that very kind introduction, but also for inviting me here to give this lecture. I was deeply touched when, eighteen months ago in Berlin, he handed me a note asking me to do this as a birthday gift for him, at any time after his 75<sup>th</sup> birthday on 19 March 2003.

As you know, dear Hans, I had not intended to make you wait so long for your birthday present. I had hoped to be here on April 30<sup>th</sup>. The pressure of world events made that impossible, but here I am now. And yet I cannot really think of this lecture as a gift from me to you. It is you who do me a great honour, by asking me to speak on your home turf, on a subject — global ethics — about which you have thought as profoundly as anyone in our time.

Indeed, I realise now that the title I chose for my lecture might even strike you as a little offensive. When someone has written as extensively and inspiringly about universal values as you have, it seems rather impertinent for me to march right into your Global Ethics Foundation and question whether we still have such things at all!

Let me spare you any suspense, and tell you right now that my answer is Yes! The values of peace, freedom, social progress, equal rights and human dignity, enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights, are no less valid today than when, over half a century ago, those documents were drafted by representatives of many different nations and cultures.

And they were not any more fully realized in actual human conduct at that time than they are now. Those great documents expressed an optimistic vision, not a description of existing realities. Let’s not forget that among the States that drafted and signed them was the Soviet Union, at the height of Stalin’s terror, as well as several unrepentant colonial powers.

The values of our founders are still not fully realized. Alas, far from it. But they are much more broadly accepted today than they were a few decades ago. The Universal Declaration, in particular, has been accepted in legal systems across the world, and has become a point of reference for people who long for human rights in



## Stream 2 ● ● ● ● ● ● ● ●

every country. The world has improved, and the United Nations has made an important contribution.

But universal values are also more acutely needed, in this age of globalization, than ever before.

Every society needs to be bound together by common values, so that its members know what to expect of each other, and have some shared principles by which to manage their differences without resorting to violence.

That is true of local communities and of national communities. Today, as globalization brings us all closer together, and our lives are affected almost instantly by things that people say and do on the far side of the world, we also feel the need to live as a global community. And we can do so only if we have global values to bind us together.

But recent events have shown that we cannot take our global values for granted. I sense a great deal of anxiety around the world that the fabric of international relations may be starting to unravel — and that globalization itself may be in jeopardy.

Globalization has brought great opportunities, but also many new stresses and dislocations. There is a backlash against it -- precisely because we have not managed it in accordance with the universal values we claim to believe in.

In the Universal Declaration, we proclaimed that “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”.

Just three years ago, in the Millennium Declaration, all States reaffirmed certain fundamental values as being “essential to international relations in the twenty-first century”: freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. They adopted practical, achievable targets — the Millennium Development Goals — for relieving the blight of extreme poverty and making such rights as education, basic health care and clean water a reality for all.

Many millions of people in the world today are still far from enjoying these rights in practice. That could be changed, if governments in both rich and poor countries lived up to their commitments. Yet, three years after the Millennium Declaration, our attention is focused on issues of war and peace, and we are in danger of forgetting these solemn commitments to fulfill basic human rights and human needs.

Globalization has brought us closer together in the sense that we are all affected by each other's actions, but not in the sense that we all share the benefits and the burdens. Instead, we have allowed it to drive us further apart, increasing the disparities in wealth and power both between societies and within them.

This makes a mockery of universal values. It is not surprising that, in the backlash, those values have come under attack, at the very moment when we most need them.

Whether one looks at peace and security, at trade and markets, or at social and cultural attitudes, we seem to be in danger of living in an age of mutual distrust, fear and protectionism – an age when people turn in on themselves, instead of turning outwards to exchange with, and learn from, each other.

Disillusioned with globalization, many people have retreated into narrower interpretations of community. This in turn leads to conflicting value systems, which encourage people to exclude some of their fellow human beings from the scope of their empathy and solidarity, because they do not share the same religious or political beliefs, or cultural heritage, or even skin colour.

We have seen what disastrous consequences such particularist value systems can have: ethnic cleansing, genocide, terrorism, and the spread of fear, hatred and discrimination.

So this is a time to reassert our universal values.

We must firmly condemn the cold-blooded nihilism of attacks such as those that struck the United States on 11 September 2001. But we must not allow them to provoke a “clash of civilisations”, in which millions of flesh-and-blood human beings fall victim to a battle between two abstractions – “Islam” and “the West” – as if Islamic and Western values were incompatible.

They are not, as millions of devout Muslims living here in Germany, and elsewhere in the West, would be the first to tell you. Yet many of those Muslims now find themselves the objects of suspicion, harassment and discrimination, while in parts of the Islamic world anyone associated with the West or Western values is exposed to hostility and even violence.

In the face of such a challenge, we can reassert universal values only if we are prepared to think rigorously what we mean by them, and how we can act on them.

That means we must also be clear about what they are not. And one thing that should be clear is that the validity of universal values does not depend on their being universally obeyed or applied. Ethical codes are always the expression of an





ideal and an aspiration, a standard by which moral failings can be judged rather than a prescription for ensuring that they never occur.

It follows that no religion or ethical system should ever be condemned because of the moral lapses of some of its adherents. If I, as a Christian, for instance, would not wish my faith to be judged by the actions of the Crusaders or the Inquisition, I should be very careful to judge anyone else's faith by the actions that a few terrorists may commit in its name.

Also, our universal values require us to recognise the human characteristics, both good and bad, that we have in common with all our fellow human beings, and to show the same respect for human dignity and sensitivity in people of other communities that we expect them to show for ours.

That means we should always be prepared to let other people define their own identity, and not insist on classifying them, however well-meaningly, by our own criteria. If we believe sincerely in individual rights, we must recognise that an individual's sense of identity is almost always bound up with the sense of belonging to one or more groups — sometimes concentric, sometimes intersecting.

Therefore the rights of an individual include the right to empathize, and to express solidarity, with others who share this or that aspect of that individual's identity.

And that in turn should affect the way we define the obligations of citizenship, in each of our national communities. We should not oblige people to dissociate themselves from the fate of their co-religionists, or ethnic kin, who are citizens of other States.

Muslims, for example, should not be reviled or persecuted because they identify with Palestinians or Iraqis or Chechens, whatever one thinks of the national claims and grievances of those peoples, or the methods used in their name. And no matter how strongly some of us may feel about the actions of the state of Israel, we should always show respect for the right of Israeli Jews to live in safety within the borders of their own State, and for the right of Jews everywhere to cherish that State as an expression of their national identity and survival.

But if it is wrong to condemn a particular faith or set of values because of the actions or statements of some of its adherents, it must also be wrong to abandon the idea that certain values are universal just because some human beings do not appear to accept them. Indeed, I would argue that it is precisely the existence of such aberrations that obliges us to assert and uphold common values. We need to be able to say that certain actions and beliefs are not just contrary to our own particular morality, but should be rejected by all humanity.



Of course having such common values does not solve all problems, or eliminate the scope for different societies to solve them in different ways.

We may all be sincerely committed to non-violence and respect for life, and yet disagree about whether it is legitimate to take the lives of those who have themselves taken life, or to use violence to defend the innocent when violence is being used against them.

We may all be genuinely committed to solidarity with our fellow human beings and a just economic order, and yet not agree which policies will be most effective in bringing about that order.

We may all be deeply attached to tolerance and truthfulness, and yet not agree how tolerant we should be of States or systems that seem to us intolerant and untruthful.

And we may all be genuinely committed to equal rights and partnership between men and women, without agreeing on how far the social roles of men and women should be differentiated, or whether it is the responsibility of society to enforce the sanctity of the marriage bond.

On all such issues we must expect differences to continue for a long time — between societies and within them. The function of universal values is not to eliminate all such differences, but rather to help us manage them with mutual respect, and without resorting to mutual destruction.

Tolerance and dialogue are essential, because without them there is no peaceful exchange of ideas, and no way to arrive at agreed solutions allowing different societies to evolve in their own way.

Those societies that consider themselves modern need to recognise that modernity does not automatically generate tolerance. Even sincere liberals and democrats can sometimes be remarkably intolerant of other views. One should always be on one's guard against such temptations.

On their side, societies that put a high premium on tradition need to recognise that traditions survive best, not when they are rigid and immutable, but when they are living and open to new ideas, from within and from without.

It may also be true that, in the long run, tolerance and dialogue within a society are best guaranteed through particular institutional arrangements, such as multi-party elections, or the separation of powers between legislature, executive and judiciary.

But these arrangements are means to an end, not the end in itself. No society should consider that, because it has found them useful, it has an absolute right or obligation



to impose them on others. Each society should be given the space, not to distort or undermine universal values, but to express them in a way that reflects its own traditions and culture.

Values are not there to serve philosophers or theologians, but to help people live their lives and organize their societies. So, at the international level, we need mechanisms of cooperation strong enough to insist on universal values, but flexible enough to help people realize those values in ways that they can actually apply in their specific circumstances.

In the end history will judge us, not by what we say but by what we do. Those who preach certain values loudest — such as the values of freedom, the rule of law, and equality before the law — have a special obligation to live by those values in their own lives and their own societies, and to apply them to those they consider their enemies as well as their friends.

You don't need to be tolerant of those who share your opinions, or whose behaviour you approve. It is when we are angry that we most need to apply our proclaimed principles of humility and mutual respect.

Nor should we ever be satisfied with things as they are. The state of the world does not allow that.

In our own case, at the United Nations, we are sometimes tempted to proclaim our self-evident utility and relevance to the world, and to blame our Member States for not making better use of such a valuable institution. But that is not enough.

We need to do everything we can to improve the United Nations — that is, to make it more useful to the world's peoples, in whose name it was founded, and more exemplary in applying the universal values that all its members claim to accept.

That means that we need to be more effective in many aspects of our work, and especially in what we do to promote and protect human rights.

Human rights and universal values are almost synonymous — so long as we understand that rights do not exist in a vacuum. They entail a corresponding set of obligations, and obligations are only meaningful where there is the capacity to carry them out. "Ought implies can."

So what is my answer to the provocative question that I took as my title? Do we still have universal values? Yes, we do, but we should not take them for granted.

They need to be carefully thought through.

They need to be defended.

They need to be strengthened.

And we need to find within ourselves the will to live by the values we proclaim -- in our private lives, in our local and national societies, and in the world.

Thank you very much.

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**Source:** "Do We Still Have Universal Values?", a speech by Kofi Annan; Dec 12, 2003; Tübingen University, Germany.

<http://www.un.org/News/Press/docs/2003/sgsm9076.doc.htm>



## Stream 3

### **The Universal Declaration of Human Rights: Launching and Sustaining a Revolution**

*Paul Gordon Lauren*

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When it was adopted 60 years ago, the Universal Declaration of Human Rights was described by its detractors as “mere words,” as “only a declaration,” and as “simply a statement of principle devoid of any binding legal force.” They believed that it would have little or no impact. Within just a few months, however, its vision struck a chord and rapidly began to take on a life of its own. The Universal Declaration began to assume growing political, moral, and even legal authority, and it propelled human rights from the margins of international relations to one of its central pillars. In the process, it launched and sustained a human rights revolution that the British Broadcasting Corporation would deem “our century’s greatest achievement.”

#### **The Challenges of Creating the Declaration**

When the members of the newly created United Nations Commission on Human Rights elected Eleanor Roosevelt, the former first lady of the United States, to chair the committee that would draft what would become known as the Universal Declaration of Human Rights, they had no idea that their efforts would have such an enormous impact. Success seemed remote, and it appeared as though they would surely fail. The United Nations had assigned the Human Rights Commission the nearly impossible tasks of defining the meaning of the expression “human rights” and of somehow creating what was called an “international bill of rights” for the entire world. Each undertaking posed daunting philosophical and political challenges.

Those confronted with these tasks quickly came to realize, for example, that perhaps no public policy issue raised more difficult philosophical questions. Thoughtful men and women from different religious and philosophical traditions had wrestled over these very questions for centuries. What exactly are “human rights” and what is their source? Do they come from “God,” from “nature,” from “reason,” or from governments? To whom do they apply? Can they be universally claimed by all people, or are they restricted to a particular gender, race, class, state, culture, or stage of development? What is the connection between human rights and “peace,” “security,” and “justice”? What is the relationship between responsibilities and rights? Are some rights (such as civil and political rights) more important than others (such as economic and social rights), or are they all interdependent and indivisible and of equal value? Is it possible to establish normative worldwide

standards of behaviour while respecting different philosophical, religious, legal, and cultural values? These profound questions were followed by others.

Politics also greatly endangered the tasks at hand. Whatever euphoria existed from the Allied victory in the Second World War quickly evaporated. At exactly the time that the Human Rights Commission was drafting the UDHR language, the roster of international developments and crises was ominous:

- The Soviet Union was imposing the Iron Curtain over Eastern Europe.
- The Cold War between the United States and the Soviet Union was expanding.
- The strategic arms race — featuring new atomic weapons of mass destruction — was escalating.
- The Berlin Blockade was emerging.
- Violence was exploding in colonial empires among those who now insisted on their right to self-determination.
- The forces of Mao Zedong were advancing in China.
- Armed conflict in Palestine revolving around the creation of the new state of Israel was erupting.
- Race riots were breaking out in several countries (including the United States).
- India was publicly confronting South Africa over its policies of apartheid.
- Private individuals suddenly were challenging their own governments over violations of human rights before the eyes of the world.

In addition, agreement seemed remote because the members of the new United Nations possessed many highly divergent political systems of government.

These political difficulties were worsened by internal contradictions within the United Nations Charter, adopted during the San Francisco Conference of 1945. The Preamble and Article 1, among other textual provisions, had eloquently established human rights and fundamental freedoms for all without discrimination among the basic principles in its quest for peace, security, and justice. But at exactly the same time, Article 2(7) had reinforced claims of national sovereignty by stating that nothing contained in the charter could authorize the new organization to interfere in matters “essentially within the domestic jurisdiction” of any member state. Thus, if the human rights provisions for all people were honored, national sovereignty would be diminished. If, on the other hand, national sovereignty and domestic jurisdiction were protected, human rights might be jeopardized. The challenge was that the very governments most guilty of violating their own people’s human rights were being asked to provide protection against themselves. This proved to be too radical a departure from traditional approaches. A number of national governments therefore instructed their commission representatives to avoid any binding



measures or measures of implementation and to focus instead on a declaration alone.

These challenges produced what participants and observers alike described as “explosive” arguments, “extremely delicate” issues, “fireworks,” and intense “battles.” Given all these challenges and the high stakes involved, it is a wonder that anything was achieved at all. When the U.N. General Assembly adopted the Universal Declaration in December 1948, those who had labored so hard to draft it thus described the result as nothing short of “a miracle.”

#### **The Vision of the Declaration**

The Universal Declaration of Human Rights did something that had never been done before: It proclaimed a universal vision of fundamental values and normative principles, or what it called “a common standard of achievement for all peoples and all nations.” In language that merits considerable attention and reflection, the very first article declared: “All human beings are born free and equal in dignity and rights.” This single sentence boldly insisted that human rights are natural (not granted by man-made governments, but inalienable and inherent to people simply by being human), are equal (not just for one segment of society, but the same for all), and are universal (not restricted to a few places or a few actors, but everywhere in the world).

Article 2 asserts that in applying these rights, there is to be no distinction or discrimination of any kind: not by race, color, or sex; not on account of language, religion, or political or other opinion; not by national or social origin, property, birth, or status of the country or territory to which a person belongs. In order to emphasize this point throughout the text, and to answer definitively the question of exactly who should enjoy these human rights, almost every article in the Declaration begins with one single word: “Everyone.”

Having established these broad principles, the Universal Declaration next enumerated and delineated a wide variety of human rights. It proclaimed that everyone has certain civil rights: the right to life, liberty, and security of person; the right to be free from slavery or servitude; the right to be free from torture and other cruel forms of treatment or punishment; the right to enjoy equal protection under the law; the right to be free from arbitrary arrest, detention, or exile; the right to a fair trial; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; the right to freedom of movement within one’s own country; and the right to seek asylum from persecution, among others.

In what has been described as “a revolution within a revolution,” the UDHR declared vitally and dramatically that everyone has certain political rights: the right

to take part in the government of their country either directly or through freely elected representatives, and the right to live under a government whose authority is derived from the will of its people as determined by periodic and genuine elections of universal and equal suffrage. It further declared that everyone has certain economic and social rights: the right to marry and found a family, the right to own property alone as well as in association with others, the right to social security and an adequate standard of living, the right to work, the right to receive equal pay for equal work, the right to an education, and the right to participate in the cultural life of the community, among others. Finally, it also declared that everyone has duties to others and to the larger society as well.

The Universal Declaration was exactly that — a declaration of words, not an enforceable treaty. It was a negotiated document that emerged from a highly politicized process, not a perfect one. In some ways it raised more questions than it provided answers. Moreover, it is important to remember that at the time of its adoption, no state — not one — regardless of location, system of government, or level of economic or cultural development, could possibly meet or satisfy the UDHR’s standards of achievement.

Despite these problems and limitations, however, the Declaration nevertheless made two extremely important contributions. The first is that it held out an inspirational vision for those willing to struggle to secure rights for themselves and others. The Declaration’s universal principles were not written as a narrow set of legal provisions (or what one observer described as “a document for lawyers”), but rather in language that could be readily understood by ordinary people in all walks of life and in any city or village and thereby serve as an expression of aspiration and inspiration. Secondly, by overwhelmingly adopting the Universal Declaration, the official representatives of governments from around the world pledged themselves to promote and secure its principles and thereby give them legitimacy. They were understood as having contracted with their peoples to protect their human rights. Together these two contributions created the essential ingredient that launched and sustained an international human rights revolution: hope for the future.

### **The Impact of the Declaration**

Over the course of the 60 years that followed, the Universal Declaration emerged as one of the most important and influential documents in history. It would inspire and influence innumerable local, national, regional, and international human rights developments.

The process began almost immediately. Several new national laws and constitutions, including those of Costa Rica, El Salvador, Haiti, Indonesia, Jordan, Libya, Puerto Rico, and Syria, incorporated either its specific language or principles into their





texts. Judicial opinions and court cases, ranging from municipal courts to the International Court of Justice, referred to the Universal Declaration by name. Indigenous peoples seeking to assert the right of self-determination from colonial empires eagerly seized on its vision. The 1951 Treaty of Peace with Japan specifically proclaimed that Japan would “strive to realize the objectives of the Universal Declaration of Human Rights.” A number of other postwar bilateral treaties explicitly made reference to the Universal Declaration, as did official complaints from one government to another about human rights violations. This process would escalate through time.

The UDHR also inspired a wide variety of other declarations that focused on more specific aspects of human rights. In the years that followed, the General Assembly of the United Nations, the United Nations Economic, Scientific, and Cultural Organization, and the International Labor Organization all have based their subsequent proclamations of rights on the vision and the legitimacy of the Universal Declaration and have cited it by name. Regionally, these have included statements and declarations issued by the Asian-African Conference, the Summit Conference of Independent African States creating the Organization of African Unity, the Afro-Asian Peoples’ Solidarity Organization, the European Union, and the Organization of American States.

Internationally, they have included:

- The Declaration of the Rights of the Child (1959);
- The Declaration on the Granting of Independence to Colonial Countries and Peoples (1960);
- The Declaration on the Elimination of All Forms of Racial Discrimination (1963);
- The Declaration on the Elimination of Discrimination Against Women (1967);
- The Declaration on the Protection of All Persons From Being Subjected to Torture (1975);
- The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981);
- The Declaration on the Right to Development (1986);
- The Declaration on the Rights of Indigenous Peoples (2007).

Inspired by the Universal Declaration, most of these declarations went on to set the stage for the emergence of critical standard-setting international treaties. These established both monitoring bodies and the regional conventions that in turn laid the foundation of a rich body of international human rights law, one designed to protect victims of specific kinds of human rights abuses.

Among these, and all explicitly citing the UDHR, are:



- The European Convention on Human Rights (1950);
- The Convention Relating to the Status of Refugees (1950);
- The Convention on the Political Rights of Women (1952);
- The International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- The International Covenant on Civil and Political Rights (1966);
- The International Covenant on Economic, Social, and Cultural Rights (1966);
- The International Convention on the Suppression and Punishment of the Crime of Apartheid (1973);
- The Convention on the Elimination of All Forms of Discrimination Against Women (1979);
- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984);
- The Convention on the Rights of the Child (1989);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

When the U.N. Commission on Human Rights determined to create provisions to receive individual petitions and to institute both advisory services in the field and what it called “special procedures” of working groups and rapporteurs to investigate particularly egregious violations of human rights outside of treaty obligations, it referred constantly to the Universal Declaration as the basis of its actions.

The Universal Declaration stimulated and inspired other human rights protections. One has been the further elaboration of international humanitarian law designed to protect the rights of both civilians and combatants during wars and armed conflicts, as evidenced by the additional protocols of 1977 and 2005 to the 1949 Geneva Conventions. Still another has been the extremely significant development of an international criminal law that seeks to hold government leaders personally responsible for war crimes, crimes against humanity, and genocide. The International Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda, and, especially, the landmark International Criminal Court all reflect this important trend.

In addition to all of these contributions, the Universal Declaration has become the foremost statement of human rights for what Eleanor Roosevelt called “the everyday people” of the world. Although it began as a document of governments, it now has become the most translated single document in history, and thereby a document of peoples. From small grassroots human rights movements at the local level, such as the Mothers of the Plaza de Mayo in Argentina, to large nongovernmental organizations that operate on a global scale, the Universal Declaration has provided what has been called “a common language of mankind” when speaking of human



rights. Thus, we find the explicit UDHR references of such recent human rights champions as Nelson Mandela of South Africa, Aung San Suu Kyi of Burma, the Dalai Lama of Tibet, Harry Wu of China, and Shirin Ebadi of Iran. Today the Universal Declaration is featured prominently on the Web sites of the United Nations, the United Nations High Commissioner for Human Rights, Amnesty International, Human Rights Watch, the Fédération Internationale des ligues des Droits de l'Homme, and those of the many, many others who work on behalf of human rights.

#### **Continuing the Vision**

Those who created the Universal Declaration of Human Rights hardly could have imagined the widespread impact that it would have on the world during the course of its first 60 years. They would be amazed that their vision, despite all of the odds against it at the beginning and all of the resistance that has been mounted against it since, accomplished so much. Never before in history have there been so many achievements in promoting, extending, enhancing, and actually protecting human rights.

Nevertheless, not all of the UDHR's vision has yet been fully realized. Severe abuses of human rights still exist. It is precisely for that reason that the revolution launched and sustained by the Universal Declaration must continue.

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**Source:** Lauren, Paul Gordon. "The Universal Declaration of Human Rights: Launching and Sustaining a Revolution" U.S. Department of State (November, 2008). Vol 13 (11)

<http://www.america.gov/st/hr-english/2008/November/20081119125630xjyrrep0.872204.html>

## Who Wrote the Universal Declaration of Human Rights?

*Susan Waltz*

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Eleanor Roosevelt's name is commonly associated with the Universal Declaration of Human Rights, and for good reason. The widow of U.S. President Franklin Delano Roosevelt served as chair of the U.N. Human Rights Commission from 1946 to 1951, and she brought to that role the respect and affection of people all around the world. In the difficult political environment of the late 1940s — with an emerging Cold War and mounting opposition to colonial rule — Mrs. Roosevelt's political acumen, diplomatic skills, and steadfast determination were crucial for the success of efforts to secure a human rights declaration.

While her role proved a vital one, Eleanor Roosevelt was not in any sense the author of the UDHR. She supplied neither the text nor the substantive ideas that shaped the UDHR. How, then, did this important document come into being? While Mrs. Roosevelt and a number of draftsmen played significant roles, the historical record discloses that the Universal Declaration reflects the contributions of diplomats from many nations and represents a true international consensus and a real commitment — even if only partially fulfilled — to expand and secure the rights of individuals everywhere.

In the most literal sense, credit for proposing a bill of human rights to the United Nations belongs to Ricardo Alfaro, former president of Panama. As Panama's representative to the United Nations' inaugural meeting in 1945, Alfaro brought with him a draft bill of international rights and formally proposed that it be incorporated into the U.N. Charter. Civic groups around the world, legal professionals, and public intellectuals such as British writer H.G. Wells had been advocating an international proclamation of rights for several years, and Alfaro had worked with the American Law Institute (a group of judges, lawyers, and law teachers that drafts "model" laws — templates from which legislatures can craft simpler, more easily understood statutes) to produce the draft he carried. Diplomats assembled that May in San Francisco were not prepared to adopt anything as specific as Alfaro's proposal, but they did decide to establish a Commission on Human Rights, and they agreed informally that among the commission's first tasks would be to develop an international bill of human rights.

The next months were spent setting up the bodies envisioned by the U.N. Charter and appointing staff to work with them. Canadian law professor John Humphrey was asked to head up a small Division of Human Rights at the U.N. Secretariat, and a preparatory committee appointed by the U.N.'s new Economic and Social Council gave shape to the U.N. Human Rights Commission. By January 1947, 18 member states had been chosen and the commission set to work.



#### Seeking a Common Approach

Drafting, however, turned out to be a protracted affair. The initial intention was to have the commission's three officers prepare a draft for discussion, but that plan proved unworkable. When Eleanor Roosevelt invited Commission Vice Chairman Zhang Pengjun (also known as P.C. Chang) and Rapporteur Charles Habib Malik (Lebanon) to work on the draft at her New York apartment, the two men spent the afternoon locked in philosophical argument. One a proponent of natural rights philosophy and the other a Confucianist, the commission's two towering intellects were unable to agree on a common approach, leaving Roosevelt and Humphrey despairing in the wings.

The impasse between Zhang and Malik had important consequences for the ultimate shape of the Universal Declaration. A high-phrased, philosophical approach to the Declaration was abandoned in favor of a pragmatic, negotiated text, and the task of preparing the draft was transferred to the U.N. Secretariat. John Humphrey — a practically minded legal scholar — was charged with producing a “documented outline” for the Declaration. At the same time, the commission's internal drafting group was expanded to include representatives from five more states, a recognition of the inherent difficulties in crafting a text acceptable to all.

It did not take Humphrey long to produce a text because he already had at hand an impressive array of documents. Included among them were drafts and proposals submitted by numerous countries and nongovernmental associations, as well as the constitutions of all U.N. member states. Borrowing freely from these documents, Humphrey produced the first and basic draft of the UDHR. Over the next 15 months, this text was worked and reworked. French legal scholar René Cassin was asked to rearrange the articles and provide a preamble to frame them, and the drafting committee subsequently discussed and edited every line.

If the main task in 1947 was to develop and hone the text, the challenge in 1948 was to secure political agreement from all the U.N. member states. When the U.N. General Assembly convened in late September 1948, U.S. State Department officials hoped that deliberations over the Declaration would not last more than a few days. Those hopes were quickly dashed. The General Assembly's Third Committee (covering social, humanitarian, and cultural affairs) was charged with reviewing the document before it was considered in the plenary session, and Charles Malik was elected to preside over the hearings. Malik recognized that broad participation was necessary to build consensus and to foster among member states a shared sense of political ownership. He therefore resisted efforts to rush the process. “Matters must be allowed to mature slowly, free from sharp corners,” he counseled.

After opening statements from more than 40 countries, Malik proceeded to lead an article-by-article scrutiny of the text. In daily sessions over a period of two months, delegates considered scores of written amendments (the great majority submitted by Cuba, the Soviet Union, Panama, Lebanon, France, and Egypt). Each amendment was debated, some extensively, and each article of the draft Declaration was put to a separate vote. The debate on Article 1 alone spanned six days, and though Malik eventually bought a stopwatch to ensure that speakers did not exceed time limits, the official record of the Third Committee's painstaking deliberations fill some 900 printed pages.

When the Third Committee finally completed its work in early December of 1948, it referred the Declaration to the plenary session of the General Assembly for one more article-by-article review. The General Assembly's historic vote on the final text took place shortly after midnight on December 10, the date now celebrated as Human Rights Day. Twenty-three of the 30 articles were accepted unanimously, and while South Africa, Saudi Arabia, and the Soviet bloc abstained on the final vote, 48 states cast affirmative votes. No state opposed.

### **Negotiating a Text**

For many years, the detailed history of this elaborate process lay forgotten or obscured, and in the absence of nuanced understanding, many unwarranted assumptions were made. With the benefit of recent research, we now recognize that world powers were not the moving force behind the UDHR, the document did not have a single author, and its text was shaped by diplomats and civil servants rather than philosophers. Not only was each element scrutinized, but every article was modified over the course of the Declaration's two-year incubation: The resulting text bears the stamp of many individuals representing many countries.

The story behind that text may surprise some readers today. The most ardent champions of socioeconomic rights, for example, came from Latin America (rather than Soviet bloc countries, as often supposed). The Soviet bloc delegations resisted encroachments on sovereignty but tenaciously pressed the issue of non-discrimination, and it is thanks in large part to their persistence that every article of the Declaration applies to everyone. Egypt is responsible for the strong statement of universality at the opening of the Declaration, its delegate having pushed to make the Declaration's provisions applicable "both among peoples of the Member States and among peoples of territories under their jurisdiction."

Anticipating concerns of our own times, delegates from India, the Dominican Republic, and Denmark fought to have rights expressed in gender-neutral language and for explicit recognition of the rights of women. The delegate from Poland called attention to the issue of human trafficking, and the draft was amended to prohibit



slavery “in all its forms.” A young woman delegate from Pakistan, herself raised in purdah (the custom of keeping women fully covered with clothing and apart from the rest of society), spoke out strongly against child marriage. And evoking the abuses — and worse — of the Nazi regime in Germany, the Philippine delegate argued forcefully against weakening the Declaration’s prohibition of torture by referring to local cultural customs. Diluting the ban, he cautioned, could provide cover for those who cloak their abhorrent practices in cultural justification.

The record leaves no doubt that the diplomats charged with preparing the Universal Declaration embraced their task and were fully aware of its potential significance. They frequently reminded each other of the need to find language acceptable to all, so that the document’s legitimacy would not be questioned. The strength of their commitment, however, was not sufficient to bridge all divisions and to correct every flaw.

Differences over the importance of sovereignty, the status of socioeconomic rights, and the ultimate question of implementation lurked just beneath the surface of many discussions, at various times threatening the whole enterprise. The eruption of war in the Middle East, South Asia, and elsewhere, and the plight of the resulting refugees, underscored the salience of human rights considerations — but also reminded delegates that rhetorical commitments unmatched by action would be futile. Some have numbered among the Declaration’s weaknesses its emphasis on rights and its relegation of companion duties to one of the final articles, where it risks appearing as an afterthought. As it happens, this placement was due to a last-minute change proposed by the Chinese delegate. John Humphrey saw this as a lapse, as no one had been more attentive than Zhang Pengjun to the need to balance rights with duties.

Time pressures may also have been responsible for the diplomatic failure that resulted in the Saudi Arabian abstention in the final vote on the UDHR. Citing the historical crusades and more recent proselytizing by missionaries, the Saudi delegate objected to the phrase “freedom to change religion” and withheld support from the Declaration. The fact that a few years later, in the context of negotiating a legally binding treaty, the same Saudi representative agreed to the somewhat more nuanced phrase “freedom to adopt a religion” suggests that greater diplomatic effort in 1948 might have secured the Saudi vote and eliminated one source of cultural ambivalence about the Declaration. Finally, the Declaration’s failure explicitly to address minority rights may have owed to the tensions brewing between the Soviet Union and Yugoslavia. The Soviets rarely bypassed an opportunity to expose heinous racial practices and inequities in the United States, but they were unwilling to push the principle of non-discrimination when its application came closer to home. Notably, and regrettably, many delegations focused more intently on the



failings of their political adversaries than on practices in their own country, a tendency as evident among small states as among their more powerful counterparts.

### The Tasks Ahead

Such political considerations inevitably slowed the work of the Human Rights Commission, which had set out in 1946 to develop a binding legal instrument and an implementation mechanism alongside the Declaration. Completing those additional tasks ultimately required 18 more years. In the interim, U.N. member states reluctantly agreed to create two treaties rather than one, separating civil and political rights from social, cultural, and economic rights, each with its own implementation machinery. By the time the two treaties (or covenants) were ready for approval, the U.N. membership had grown to more than 100 states and political dynamics had changed. In the early years of these negotiations, as many as half of member states had advocated strong enforcement mechanisms, but by the mid-1960s, rising concerns about intervention and sovereignty instead often took precedence. Proposals to permit individual and NGO complaints, authorize U.N. investigations, or refer issues to the International Court of Justice were all abandoned. Instead, two standing committees, or “treaty bodies,” were established to monitor human rights performance through periodic reports submitted by the states that ratified the covenants.

To anyone who tracked the full 20-year negotiation process, the disparity between early aspirations and eventual results was abundantly evident. An optional protocol attached to the covenant on civil and political rights did create an opportunity for states to provide a complaint mechanism for their citizens, but this was not the robust enforcement machinery many had envisioned at the outset. The UDHR project did not fulfill optimists’ dreams, but it has exceeded the expectations of the pessimists. When the texts of the two covenants were forwarded to the General Assembly in 1966, the votes were unanimous. This time no state abstained or opposed.

U.N. member states have since reaffirmed their commitment to the Universal Declaration at a 1993 world conference on human rights, and more than 150 countries have ratified the two covenants. Collectively, these three documents — the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Social, Economic, and Cultural Rights — are informally called the International Bill of Rights. Together, they form the bedrock of international human rights law.

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**Source:** Waltz, Susan “Who Wrote the Universal Declaration of Human Rights?” U.S. Department of State (November, 2008). Vol 13 (11)



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<http://www.america.gov/st/hr-english/2008/November/20081119135247xjyrrep6.023806e-02.html>



## Stream 4

### Summary of the Article “Area Expressions” and the Universality of Human Rights

*Abdullahi A. An-Na'im*

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This article deals with the discussion if human rights have a universal or relative character; it is divided into an introduction and three sections.

In the introduction, the author tries to give a definition of the term “universality” and raises some questions: he says that “universality” could be a *normative claim notion*, in the sense of rights that all human beings “ought to have” in accordance with some general justification or it could be an empirical assertion that a specific set of rights is in fact universally accepted everywhere. Furthermore, he poses the question whether these definitions lead to the consequence that all human beings are entitled to the same rights in precisely the same manner or whether there is room for a degree of variation. The author thinks about the relationship of different “area expressions” of human rights and universality. In An-Na'im's opinion, the universality of human rights and their area expressions can be compatible and even mutually supportive. The premise of his analysis in this article is that the universality of human rights should be seen as a *product of a process* rather than as an established “given” concept.

The proponents of universality need to understand the nature of this process in order to develop appropriate strategies for the achievement of their objectives, instead of expecting affirmation of universality to emerge as simply “self-evident”. The arguments of the opponents (commonly known as cultural/contextual relativists) have to be taken seriously but not conceded to defeat the possibility of the universality of these rights. The author agrees with the relativistic opinion that the notion of universally valid and applicable norms are problematic but he negates the conclusion that the effort to establish and implement universal human rights norms should be abandoned for that reason alone.

In the first section, “The Quandary of Universality and Relativity,” An-Na'im elaborates that there is a need to develop and implement effective strategies for overcoming the difficulties connected with the universality of human rights. In his view the problem is that there are countries which on the one hand claim cultural/religious relativity or contextual specificity to justify rejecting or qualifying certain universal human rights norms and on the other hand claim to fully accept the universality of all human rights.



The author notes that human rights could only be the product of culture and be interpreted for practical application in a specific context. He considers that the idea of human rights is founded on the beliefs in the possibility of universal rights due to all human beings everywhere to ensure equal respect for human dignity worldwide. An-Na'im affirms that the "quandary" of the universality and the relativity of human rights lie in the fact that you have to determine universally valid human rights standards that are acceptable to all societies although there are cultural and contextual differences. He emphasizes that human rights are not a static concept and the understanding of human rights is constantly evolving as people come to know more about the human condition. Furthermore, the author mentions the paradox of state self-regulation in the human rights field. Given the realities of national sovereignty and international relations, the charter of the United States and the Universal Declaration of Human Rights had to strike a balance between the need for international supervision and respect for the domestic jurisdiction of nation states.

An-Na'im points out the following connection: If Western countries have not shown consistent acceptance of the universality of human rights in their own national policies, particularly in relation to economic, social and cultural rights (probably because of ideological and cultural reasons) then Islamic and East Asian countries are resisting the universality of human rights like equality for women in the name of their own ideology or culture. For example, the United States is notorious for seeking to fashion international human rights treaties to fit its own ideological views and social institutions during the drafting process, only to fail to ratify and incorporate those treaties into its domestic law. This is true from the 1948 Genocide Convention, which took the United States more than forty years to ratify, to the 1989 Convention on the Rights of the Child, which is now ratified by every country in the world except the United States and Somalia. The author believes that this position is particularly damaging for the universality of human rights because other relativists can cite it as justification for their own positions.

He concedes that the full acceptance of the universality of human rights is difficult for all countries but the object of the discourse within cultures, and cross-dialogue among them, is to promote an overlapping consensus over the meaning and implications of the universality of human rights. The authors wants to clarify that the concept and normative content of the universality of these rights is to be constructed over time, rather than proclaimed once and for all. He emphasizes that the quest for universality must continue, because that is in the immediate self-interest of all human societies under present conditions of global interdependence as well as the moral imperative for the protection of universal standards of human rights everywhere. In his view a compelling justification of the universality of human rights is that these rights are necessary for securing freedom and social

justice for all individual persons and communities against the excess or abuse of power by the state. An-Na'im concludes from the preceding discussion that there is a necessity for deliberate strategies to mediate the apparent conflict between the cultural and contextual specificity of all norms, and he claims that certain norms have universal validity regardless of culture or context.

In the second section, "Area Expressions and the Synergy of the Specific and Universal," the author illustrates his theoretical underpinnings to different forms of "area expressions" discussed in some other articles from the book in which An Na'im's article appear. He gives a short summary of the relevant articles. In "Does Region Matter in Provision of the Human Right to Physical Integrity?" Steven C. Poe investigates the impact of regional factors on countries' human rights practices. David L. Richards's *"The Civilizational Geography of the Government Respect for Human Rights"* provides a cross-regional overview and analysis of government respect for a wide variety of human rights. In *"Promoting Women's Rights against Patriarchal Cultural Claims"*, Zehra F. Kabasakal Arat examines continued violations of human rights of women in Islamic countries, which are usually justified on the grounds that the provisions of international conventions are not consistent with the tradition and culture heritage. In *"The Status of Human Rights in the Middle East"*, Emile Sahliyah surveys his topic by employing the Political Terror Scale data set and the Freedom House Index on civil rights to measure the conditions of human rights in the region.

In the author's view all these articles confirm the reality of regional variations in compliance with international human rights standards as well as the difficulty of drawing reliable conclusions about the relationship between that and the universality of these standards. He points out the serious risk of circular logic in the selection. In other words, patterns of violations may in fact be due to other causes than those assumed or implicit in the selection criteria.

An-Na'im continues with summaries of more articles: In "Between Delight and Despair: The Effects of Transnational Women's Networks in the Balkans," Patrice C. McMahon examines the work of international and regional organizations and international nongovernmental organizations on women's rights in the Balkans of the 1990s. Eva Brems's article, *"The Margin of Appreciation Doctrine of the European Court of Human Rights,"* presents a clear and strong model of the relationship between "area expressions" and the universality of human rights. In *"African Women, Traditions, and Human Rights,"* Corinne Packer examines some of the challenges facing African women and states in redressing human rights violations. Mahmood Monshipouri points out in *"Human Rights and Child Labor in South Asia"* that adopting a human rights approach to the elimination of poverty is a desirable but difficult and paradoxical task, given that freedom from child labor and socio-economic rights continue to be conflicting concerns in South Asia. The articles by



Richard Burchill and Ilan Peleg, *“The Role of Democracy in the Protection of Human Rights”* and *“Ethnic Constitutional Orders and Human Rights,”* deal with the relationship between human rights and two related concepts, namely, democracy and constitutionalism, which provide good examples of the sort of mediation An-Na'im is proposing. Finally, Robert K. Hitchcock's *“Human Rights and Indigenous Peoples in Africa and Asia”* examines the human rights situation of indigenous peoples.

The author raises the question to what extent the communal integrity and autonomy of communities should be respected when they violate the rights of their own women and children. He recommends a kind of mediation, which should be used to promote the universality of human rights within communities of indigenous peoples as well as to promote their rights against violation by the state.

In the third section, *“Mediating the Contingent Universality of Human Rights,”* An-Na'im examines how the difficulties of universality of human rights might be overcome. He states that the normative formulation and practical application of the universality of human rights presupposes the political will to allocate the necessary resources and take appropriate administrative or judicial action, including making hard choices in cases of apparent conflict with other national priorities or concerns. The author emphasizes that there needs to be a distinction between two aspects: one internal to the particular community and another external in its relationship with other communities. On the internal front, advocates of universality must be able to use whatever arguments are likely to be persuasive to the specific community, or able to address their apprehensions and concerns, in relation to whatever frame of reference is accepted by that community as authoritative or applicable. The external factor may be seen in the community's perception of how seriously others take the universality of human rights. That is why perceptions of “double standards” in the domestic or foreign policies of other countries regarding human rights in general are so damaging to the universality of these rights. Such failure undermines the credibility of the notion of universality itself from the perspective of other countries.

The author highlights that the study of area expressions of the universality of human rights provides deep and contextual knowledge of local conditions as a resource for strategies of overcoming objections to the universality of human rights. But to play this critical role, the limitations of studies of area expressions must be appreciated and redressed. Therefore studies of area expressions need to be supplemented and operationalized in order to bridge the famous gap between theory and practice. He suggests two ways to improve the utility of these studies: First, by being brutally honest about the limitations of a human rights approach and exploring radical alternative approaches to safeguarding human dignity. Second, these studies can

help in better defining the scope of universality in ways that make its achievement more realistic.

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**Source:** An-Na'im, Abdullahi A. "Introduction: "Area Expressions" and the Universality of Human Rights: Mediating a Contingent Relationship", in David P. Forsythe and Patrice C. MacMahon, editors *Human Rights and Diversity: Area Studies Revisited*, University of Nebraska Press: Lincoln, 2003, pp. 1-21.

<http://www.law.emory.edu/aannaim/pdfiles/area.pdf>



## Does Culture Matter?

*Abdullahi A. An-Na'im*

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I may seem to be an outsider to this dialogue between Americans and East Asians, but the fact that I am here is in itself significant in many respects. I feel, as an African and as a Sudanese, that what happens in the United States and in Asia is relevant to what happens in my part of the world. Also, my concerns are global; I do not see myself as merely a Sudanese Muslim from the northern part of my country, with all the implications of that, but as a global citizen and scholar who tries to make a difference with what I say.

What is implicit in the question, Does culture matter, is not whether or not culture is relevant, but rather the problematic of culture's relevance. This is what I would like to highlight. In particular, I would like to underscore the notion that globalization is not a power-neutral process. To me, as an African, globalization is a vehicle of current power relations. It facilitates the process of power and the impact of power; it does not mediate the forces of power. So when we speak about globalization, we should not assume that it is necessarily benevolent, progressive, or enlightened. It is what we make of it because it signifies our ability to affect each other in our economic, political, security, and other concerns.

Culture matters to globalization, to economic and social rights, and to civil and political rights because the very idea of rights is a cultural construct. It is not a culturally neutral concept to begin with, and its normative content is also culturally conditioned. The institutions for implementing rights are culturally embedded. Both the force and appeal of rights and the resistance to that appeal are culturally imprinted. The problematic of culture's relevance is precisely that paradox: that the notion of rights is a cultural construct while its counterforces are also culturally embedded.

We should appreciate by now that questions of cultural difference are relevant to human rights concerns in Western as well as non-Western societies. However, because culture is often presented as peculiar to non-Western societies, we tend to deal with it in relation to those societies. For example, I am a Muslim from northern Sudan. We obviously have human rights problems regarding women, religious minorities, and so on. But I suggest to you that culture is integral to human rights problems in the United States, in Washington, D.C., on this street as we sit here two blocks away from the homeless population of Dupont Circle. American resistance to economic and social rights as human rights is a cultural construct. We should not focus on non-Western societies as culturally problematic, but instead should think in terms of how that problematic manifests itself in every society. We have to take



culture seriously, so that what we say at these meetings and what we do as human rights activists has resonance, relevance, and efficacy in producing changes in our respective societies.

In order that Vitit Muntarbhorn's shopping list not remain a wish list, we must think of how to build a political constituency for our agenda, and of why human rights activism in our communities is marginalized. We lack resonance in our communities because we are perceived as representing an alien cultural construct, so-called human rights. We should be raising questions about who speaks for culture, whose vision and definition of the boundaries of the normative content hold, and what the policy implications of human rights are. The premise here is that cultural norms and institutions are not only open to change over time, they are also subject to differing interpretations at any given point in time. In fact, American culture, to the extent that one can speak of any national culture, is being contested at this very moment.

The debate about culture and its relevance is about agency, it is about representation, it is about legitimacy—and none of these is a foregone conclusion. Civil and political rights are integral to any claim about the relevance of culture, because the very people who speak in the name of a culture need the concept of civil and political rights in order to defend their right to speak for their culture. The interdependence is crucial; every claim that is made on behalf of a culture is embedded in a claim about civil and political rights. Violations of civil and political rights in the name of culture are indefensible. The question of Asian values is not whether there are Asian values or what their relevance is to human rights in the abstract; rather, it is whose understanding of Asian values is taken seriously.

One of the challenges before us is how the human rights movement is to cope with culture. What I have seen, among both activists and scholars, is a reticence to engage the cultural issue because of a fear of opening the door to relativism. Because of an inability to articulate a counter cultural argument to the hegemony of Islamic fundamentalism or of Asian values (or our governments' versions of them), we avoid the whole issue. But in doing so we are conceding our inability to relate to our cultures and communities meaningfully in order to transform the thinking about what the culture stands for and what the cultural priorities and issues are. In the final analysis, there is no alternative to reconciling elements of our respective cultures with human rights norms.

Some of my colleagues and I are attempting to promote a dual process of internal cultural discourse and cross-cultural dialogue. Civil and political rights are vital because they create the space in which this debate can occur, but even with these rights there are still structural impediments to dialogue, such as language, access to communications, lack of resources, and political strife and civil unrest, reflecting a



variety of dependencies—economic, military, security, and others. Unless we are able to address these structural and root causes of human rights violations we will continue chasing violations after the fact and we will be unable to have an effective dialogue, either internally or internationally, about human rights. One of the main challenges before us is to minimize those structural impediments, while expanding the scope of what we can do. Otherwise, the human rights paradigm becomes a logical extension of other forms of hegemony by legitimizing the status quo.

We tend to think of cultures as being bound to locality, either regional or national. But we do see emerging—and maybe this is a product of globalization—other kinds of cultures, such as the so-called rising global business culture, technology cultures, and security cultures, which are crossing borders. These are transnational cultures in the sense that they are made up of people who share a set of values, who subscribe to certain institutions, so that you find Southeast Asians, East Asians, North Americans, and Europeans in a sense sharing these cultures.

Why not a human rights culture? The notion of culture is contestable and subject to change. We can think of horizontal and vertical cultural constructs, so that while we are rooted in our local communities, we are also sharing values and institutions and dynamics globally. In that sense, I think there is every possibility and every hope that by promoting this human rights culture and translating it to resonate within our communities we can make the difference that turns our shopping list of recommendations into a reality.

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**Source:** An-Na'im, Abdullahi A. "Does Culture Matter?" *Human Rights Dialogue*, "Toward a "Social Foreign Policy" with Asia", series 1. number 11, 1998.

[http://www.cceia.org/resources/publications/dialogue/1\\_11/requisites\\_for\\_shared/598.html](http://www.cceia.org/resources/publications/dialogue/1_11/requisites_for_shared/598.html)



## Stream 5

### Introduction to Rights-Based Programming

*Joachim Theis*

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A rights-based approach to development promotes justice, equality and freedom and tackles the power issues that lie at the root of poverty and exploitation. To achieve this, a rights-based approach makes use of the standards, principles and methods of human rights, social activism and of development.

Development is concerned with the distribution of resources and the access to services, such as health, education, social welfare, poverty alleviation and income generation. Social and political activism mobilises people to demand the redistribution of power. Examples include the redistribution of wealth between rich and poor nations through debt relief or a change in trade rules, women demanding equal pay for equal work, workers demanding fair pay and benefits, or landless peasants demanding the redistribution of farmland.

Human rights are enshrined in a set of internationally agreed legal and moral standards. Such universally agreed standards are largely absent in conventional development theory and practice.

#### Main human rights and humanitarian law treaties

1948 Universal Declaration of Human Rights  
 1949 Geneva Conventions  
 1965 Convention on the Elimination of all Forms of Racial Discrimination  
 1966 Covenant on Civil and Political Rights  
 1966 Covenant on Economic, Social and Cultural Rights  
 1979 Convention on the Elimination of all Forms of Discrimination Against Women  
 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
 1989 Convention on the Rights of the Child  
 2003 Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families

***Rights are universal.*** Human rights treaties establish the basic civil, political, economic, social and cultural entitlements and freedoms of every human being – anywhere in the world – at all times. Equality, non-discrimination and inclusion are fundamental human rights.

***Rights are inalienable.*** Every human being is entitled to the same human rights from birth. Human rights cannot be taken away or given up.

***Rights come with responsibilities.*** Central to the idea of human rights is the relationship between rights holder and duty bearer. States (and other ‘duty bearers’) are responsible to ensure that the rights of all people are equally respected, protected



and fulfilled. This does not mean that the state is responsible to provide everything. It does mean, however, that the state has an obligation to create the conditions that enable other duty bearers, such as parents, private sector, local organisations, donors and international institutions, to fulfil their responsibilities. Rights holders are responsible to respect and not to violate the rights of others.

**States have the duty to respect, protect and fulfil rights**

**Respecting rights** means that state laws, policies, programmes and practices must not violate rights. States must avoid interfering with people's pursuit of their rights, whether through torture or arbitrary arrest, illegal forced housing evictions or the introduction of medical fees that make healthcare unaffordable for poor people.

**Protecting rights** means that states must prevent violations by others and must provide affordable, accessible redress, for example: ensuring that employers comply with basic labour standards, preventing monopoly ownership of the media or preventing parents from keeping their children out of school.

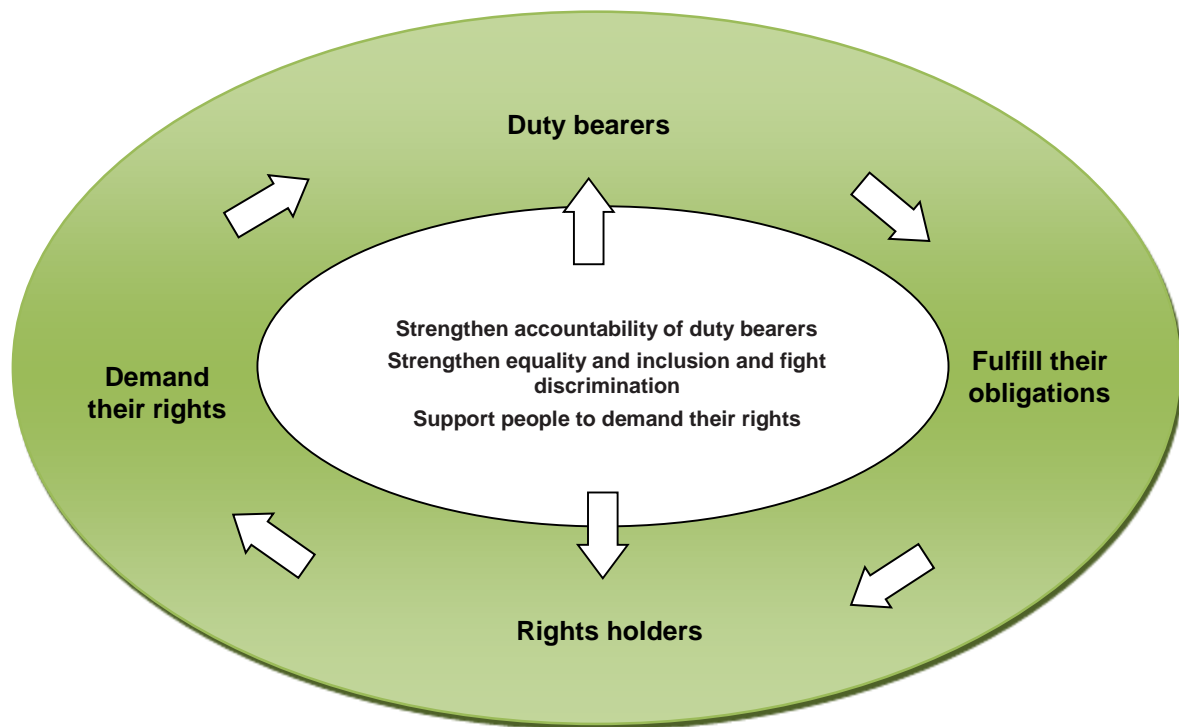
**Fulfilling rights** means that states must take positive actions to realise rights, for example: creating legislation that enshrines equal pay for equal work or increasing budgets to the poorest regions.

International donors have an obligation to ensure that their social and economic policies are based on and promote international human rights standards, such as free and compulsory education for all children. They are responsible to allocate adequate resources for health and education programmes. They have an obligation to ensure that debt payments and economic restructuring do not force poorer countries to cut back on the provision of basic social services and leave poor countries without the resources to provide education for all children. They also have an obligation to remove agricultural subsidies and trade barriers that deny poor countries access to rich-country markets.

*Participation is a fundamental human right.* Every child, woman and man is entitled to demand her or his rights from duty bearers. The civil rights to information, expression and association are some of the instruments through which people can demand their rights.

*Rights are indivisible and interdependent.* Human rights include the whole range of civil, political, social, economic and cultural rights. Denying certain rights undermines other rights. For example, if a government withholds information about the outbreak of an epidemic, people cannot protect themselves and are denied their right to health. States that do not provide protection from domestic violence undermine women's and children's right to health.

## A rights-based approach and the relationship between duty bearers and rights holders



**Changes needed to realise rights.** Implementing human rights requires much more than ratifying an international treaty. It requires that states and other duty bearers:

- change policies, laws and programmes
- promote economic policies that enable rights
- ensure more effective enforcement of laws against rights violations
- allocate larger budgets and more resources for poor, marginalised and at-risk people
- change awareness, attitudes, behaviours, practices, norms and values
- improve the quality, relevance and responsiveness of institutions and services
- create opportunities for greater participation of rights holders in decisions and in claiming
- their rights
- gather better data about people and monitor the fulfilment of their rights.

**Progressive realisation.** A human rights approach recognises that the capacities and resources to fulfil rights are often limited in poor countries. The idea of ‘progressive realisation’ takes this into account and allows countries to make progress towards realising rights based on their resources. This principle should not be abused, however. States have no excuse for violating the freedom of expression, the right to



information or protection from torture. Every state has options and makes decisions on how much to spend on health and education and how much on defense.

***Rights-based programming*** holds people and institutions that are in power accountable to fulfil their responsibilities towards those with less power. It also supports rights holders to demand their rights and to be involved in political, economic and social decisions in society. It aims to increase impact and strengthen sustainability by addressing root causes, bringing about policy and practice changes, working together with others towards common goals and by changing power relations.

**Implications.** A rights-based approach to programming requires:

- **long-term goals** with a clear focus on people and their rights. This requires analysing problems, causes and responsibilities at local, national and international levels working together with other government and non-government agencies towards common rights-based goals
- **equity and non-discrimination** – concentrating on the worst rights violations and paying particular
- attention to the most marginalised people
- **accountability** – strengthening the accountability of duty bearers for human rights at all levels. This
- should be achieved through a combination of direct action, changes in laws, policies and resource
- **allocations**, changes in institutional rules and practices and changing attitudes and behaviours
- **participation** – supporting rights holders (children, adults and civil society institutions) to demand their rights.

***Rights-based goals*** differ from partial and time-bound development targets. They are 100 per cent goals (or visions) that relate directly to the realisation of human rights (eg, Education for All). A rights-based goal is only achieved when all people enjoy the right. Such goals provide a common focus for the work of different organisations. Without such goals, there is no guarantee that programmes will contribute towards realising the intended rights. Organisations have to prioritise their own actions based on what needs to be done to realise the specific rights on what others are doing and in accordance with their own mandate, expertise and skills.

***Working together towards a common goal.*** Rights-based goals are linked to the realisation of human rights. They are not based on what one organisation is able to accomplish on its own. To achieve such a broad, ambitious and long-term goal requires work at different levels, by different organisations forming alliances and

using a variety of approaches. It also means joint analysis, common strategies and collaboration between organisations. In rights-based programming, institutions can no longer work in isolation from each other.

***Concentrating on the worst rights violations and the most marginalised people*** is an essential part of a rights-based approach. Development programmes often try to reach the largest number of people with their limited resources. As a result, those people who are hardest to reach are often overlooked and thereby excluded. A rights-based approach makes particular efforts to identify and reach those who are most marginalised to ensure that their rights are not forgotten. However, this does not mean that a rights-based development approach focuses only on those groups of people who are most excluded in society.

***Accountability and participation.*** The primary role of a rights-based development organisation is to contribute to the fulfilment of human rights by identifying relevant duty bearers and getting them to meet their obligations and by empowering poor and exploited people to claim their entitlements. Directly meeting needs and fulfilling rights helps people, but it does not necessarily strengthen the accountability of duty bearers. It also does not strengthen people's own ability to claim their rights. Where organisations provide services, this should be done in ways that strengthen the accountability of duty bearers and empower people.

#### **Methods used in rights-based programming:**

- pressure decision-makers to change policies, laws, programmes and budget allocations
- mobilise people to demand changes in policies and resource allocations
- utilise mass media to raise awareness and to report abuses of power and rights violations
- establish and monitor standards, rules and procedures. Create systems of incentives and sanctions to enforce these standards
- audit the quality of government services
- monitor and report human rights violations
- establish and support human rights watchdog organisations and functions
- educate the public and decision-makers about human rights
- use courts to claim entitlements and to achieve justice and equality.

***Methods.*** Rights-based programming uses a wide range of methods to achieve concrete and sustainable results for people and their rights. This approach works to get duty bearers to fulfil their obligations, to support people in claiming their rights, to fight discrimination and to strengthen equality and inclusion. The choice of appropriate action depends on the opportunities in a particular country, on the rights or issues that are being addressed and on the organisation's mandate and expertise.

To combat child sexual abuse in Vietnam, an organisation may advocate for changes in legislation, utilise mass media to educate the public about sexual abuse, train social workers and law enforcement personnel in child protection methods and

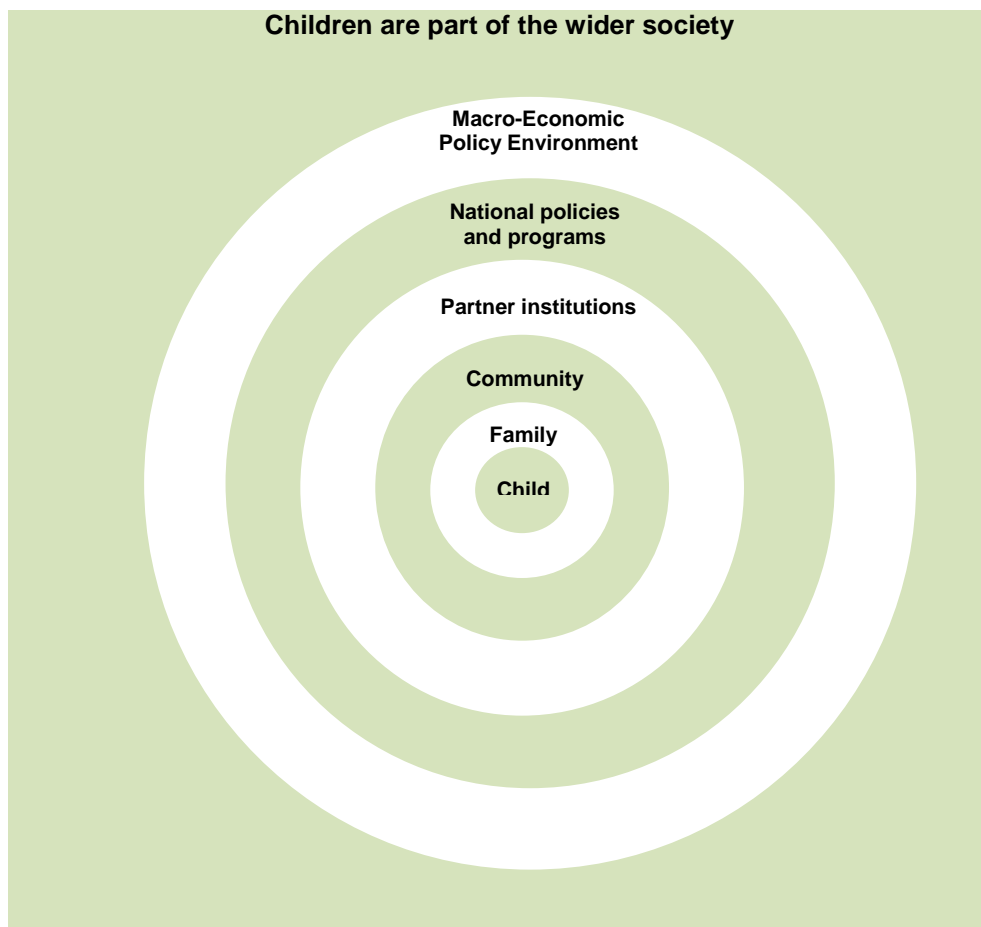


establish mechanisms for listening to children in schools or in shelters for street and working children. An agency working in Cambodia to eradicate poverty may support grassroots organisations to demand land rights for landless peasants or support the Cambodian Government to lobby rich countries to remove trade barriers and open their markets to Cambodian goods.

### **Child Rights Programming**

Child Rights Programming (CRP) is Save the Children's version of a rights-based approach and focuses specifically on children and their rights. For the most part, there is no difference between Child Rights Programming and rights-based approaches in general. However, there are some differences between children and adults, which Child Rights Programming has to take into account. Children are a very diverse group of human beings. They range in years from 0 to 18 and their needs differ greatly depending on their age and abilities. Child Rights Programming has to consider a child's developmental needs, abilities and competencies. All human rights conventions apply equally to children. In addition, children have their own human rights treaty, the Convention on the Rights of the Child. This convention affirms children's civil, political, economic, social and cultural rights. It also recognises children's rights to special protection.

Child Rights Programming is based on what is in children's best interests in the short and long term. It means that decisions about children must always consider children's interests and wishes, as well as the long-term implications of such decisions on children and their survival, development and protection.



*Child Rights Programming* considers children in the broader context of family, community and national and international policies. Children in all parts of the world are affected by policy and budget decisions made in distant capitals. Child rights organisations have a responsibility to monitor and analyse the impact of economic policies on children and to ensure that children's rights and concerns are taken into account by policy-makers.

*Children have the right to participate* in the family, school, community and society. *Children have the right to information, expression, decision-making and association.* From birth, children are able to express themselves. As they grow, children's capabilities to take part in social and economic activities and decisions develop. Child Rights Programming recognises children's social and economic contributions. It supports children's participation in all matters and all environments affecting the child: the family, school, community and society. It encourages parenting and learning methods that support and stimulate children's capacity to express themselves and to make decisions. Child Rights Programming also supports children's involvement in policy consultations, programme planning, implementation, monitoring and evaluation and in child-led organisations.

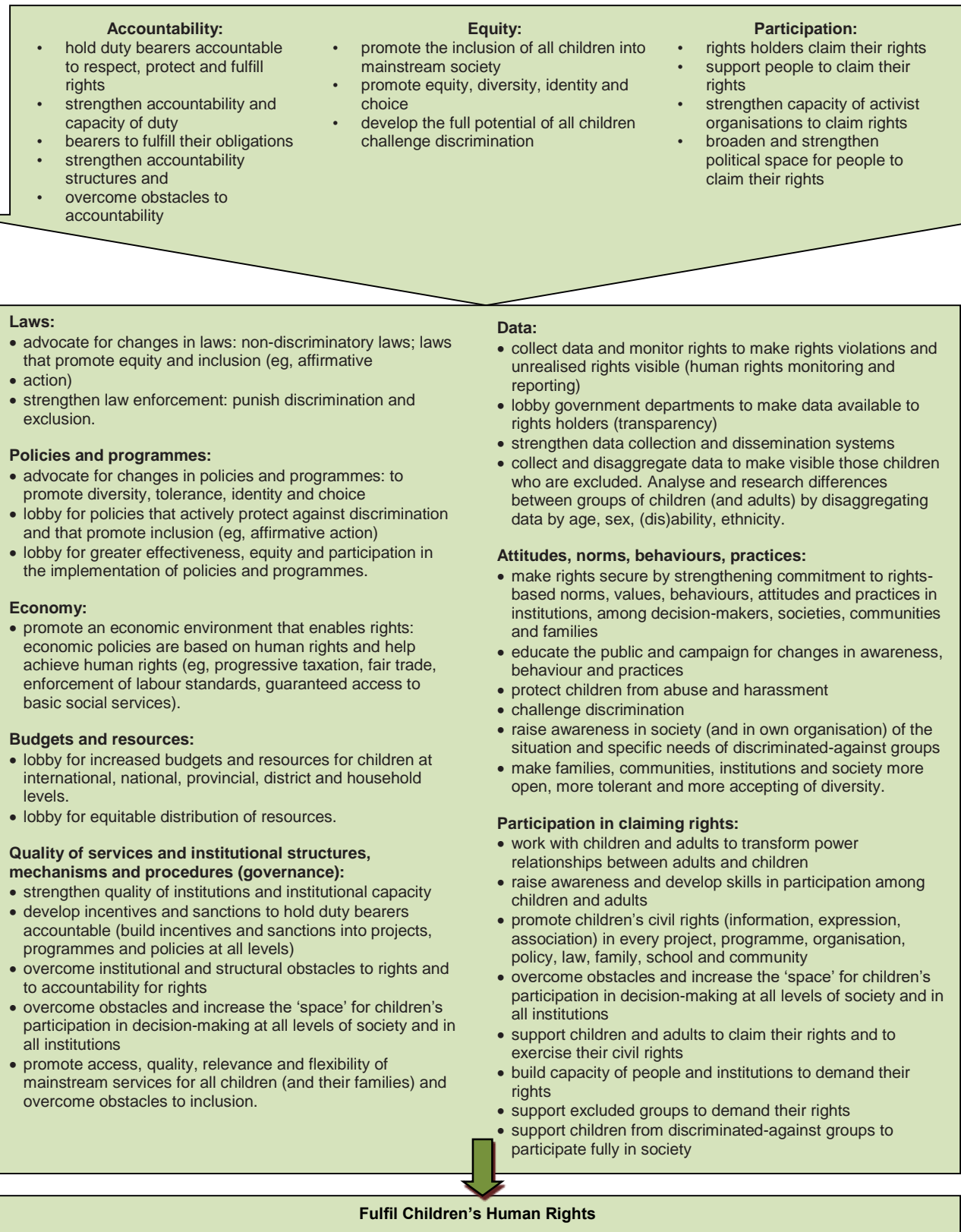




*Children are rights holders.* At the same time, there are several factors that limit children's ability to demand their rights. Children do not remain children. Legally, they become adults at age 18. As a result, organisations run by children continuously lose their most experienced members when they turn 18. While children have many of the same rights as adults, there are some political rights that children are denied, especially the right to vote and the right to run for political office. Children's rights to form organisations, raise funds and sign contracts are also more limited than the rights of adults.

As a result, adults have the responsibility to defend and demand children's rights. Parents, family members and care givers are some of the duty bearers closest to the child. A rights-based approach supports them and other adults and adult-run organisations to demand children's entitlements and freedoms.

## Child Rights Programming – methods of work<sup>1</sup>



Eyben, Rosalind (2003) The Rise of Rights: Rights-Based Approaches to International Development. IDS Policy Briefing, Issue 17. IDS, Sussex, UK. [www.ids.ac.uk](http://www.ids.ac.uk)



Save the Children (2002) Child Rights Programming. How to Apply Rights-Based Approaches in Programming. A Handbook for International Save the Children Alliance Members. International Save the Children Alliance, London, ISBN: 91-7321-038-2.

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<sup>i</sup> Directly meeting needs, fulfilling rights and addressing rights violations helps children but it does not necessarily strengthen accountability of duty bearers. It also does not strengthen the ability of rights holders (including children) to claim their rights.

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**Source:** Theis, Joachim. *Promoting Rights-Based Approaches: Experiences and Ideas from Asia and the Pacific*. Stockholm: Save the Children Sweden, 2004.

[http://seap.savethechildren.se/upload/scs/SEAP/publication/publication%20pdf/child%20rights%20programming/Theis\\_Promoting\\_Rights\\_Based\\_Approaches.pdf](http://seap.savethechildren.se/upload/scs/SEAP/publication/publication%20pdf/child%20rights%20programming/Theis_Promoting_Rights_Based_Approaches.pdf)

## **Who Are HR Defenders?**

*From the UN*

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“Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions (section A below) and of some of the contexts in which they work (section B below) that the term can best be explained.<sup>1</sup> The examples given of the activities of human rights defenders are not an exhaustive list.

### **A. What do human rights defenders do?**

#### **1. All human rights for all**

To be a human rights defender, a person can act to address any human right (or rights) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights.

Human rights defenders address any human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women’s rights, children’s rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities.

#### **2. Human rights everywhere**

Human rights defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong democratic practice; in States that are developing economically as well as those that are classified as developed. They seek to promote and protect human rights in the context of a variety of challenges, including HIV/AIDS, development, migration, structural adjustment policies and political transition.

#### **3. Local, national, regional and international action**



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The majority of human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some defenders act at the regional or international level. They may, for example, monitor a regional or worldwide human rights situation and submit information to regional or international human rights mechanisms, including the special rapporteurs of the United Nations Commission on Human Rights and United Nations treaty bodies.<sup>2</sup> Increasingly, the work of human rights defenders is mixed, with the focus being on local and national human rights issues, but with defenders making contact with regional and international mechanisms which can support them in improving human rights in their countries.

### **4. Collecting and disseminating information on violations**

Human rights defenders investigate, gather information regarding and report on human rights violations. They may, for example, use lobbying strategies to draw their reports to the attention of the public and of key political and judicial officials to ensure that their investigative work is given consideration and that human rights violations are addressed. Most commonly, such work is conducted through human rights organizations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse.

### **5. Supporting victims of human rights violations**

A very large proportion of the activities of human rights defenders can be characterized as action in support of victims of human rights violations. Investigating and reporting on violations can help end ongoing violations, prevent their repetition and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

### **6. Action to secure accountability and to end impunity**

Many human rights defenders work to secure accountability for respect for human rights legal standards. In its broadest sense, this might involve lobbying authorities and advocating greater efforts by the State to implement the international human rights obligations it has accepted by its ratification of international treaties.

In more specific instances, the focus on accountability can lead human rights defenders to bear witness, either in a public forum (for example, a newspaper) or before a court or tribunal, to human rights violations that have already occurred. In this way, defenders contribute to securing justice on behalf of victims in specific

cases of human rights violation and to breaking patterns of impunity, thereby preventing future violations. A significant number of defenders, frequently through organizations established for the purpose, focus exclusively on ending impunity for violations. The same groups of defenders might also work to strengthen the State's capacity to prosecute perpetrators of violations, for example by providing human rights training for prosecutors, judges and the police.

### **7. Supporting better governance and government policy**

Some human rights defenders focus on encouraging a Government as a whole to fulfil its human rights obligations, for example by publicizing information on the Government's record of implementation of human rights standards and monitoring progress made. Some defenders focus on good governance, advocating in support of democratization and an end to corruption and the abuse of power, and providing training to a population on how to vote and why their participation in elections is important.

### **8. Contributing to the implementation of human rights treaties**

Human rights defenders make a major contribution, particularly through their organizations, to the material implementation of international human rights treaties. Many non-governmental organizations (NGOs) and intergovernmental organizations help to establish housing, health care and sustainable income-generation projects for poor and marginalized communities. They offer training in essential skills and provide equipment such as computers to give communities improved access to information.

This group merits particular attention as its members are not always described as human rights defenders and they themselves may not use the term "human rights" in a description of their work, focusing instead on terms such as "health", "housing" or "development" which reflect their area of activity. Indeed, many of these activities in support of human rights are described in general terms as development action. Many NGOs and United Nations bodies fall within these categories. Their work, as much as that of other human rights defenders, is central to respect for and protection and achievement of human rights standards, and they need and deserve the protection given to their activities by the Declaration on human rights defenders.

### **9. Human rights education and training**

A further major action undertaken by human rights defenders is the provision of human rights education. In some instances, education activities take the form of training for the application of human rights standards in the context of a professional activity, for example by judges, lawyers, police officers, soldiers or human rights monitors. In other instances, education may be broader and involve



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teaching about human rights in schools and universities or disseminating information on human rights standards to the general public or to vulnerable populations.

In summary, gathering and disseminating information, advocacy and the mobilization of public opinion are often the most common tools used by human rights defenders in their work. As described in this section, however, they also provide information to empower or train others. They participate actively in the provision of the material means necessary to make human rights a reality – building shelter, providing food, strengthening development, etc. They work at democratic transformation in order to increase the participation of people in the decision-making that shapes their lives and to strengthen good governance. They also contribute to the improvement of social, political and economic conditions, the reduction of social and political tensions, the building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights.

### **B. Who can be a human rights defender?**

There is no specific definition of who is or can be a human rights defender. The Declaration on human rights defenders (see annex I) refers to “individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals” (fourth preambular paragraph).

In accordance with this broad categorization, human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector.

### **1. Defending human rights through professional activities – paid or voluntary**

The most obvious human rights defenders are those whose daily work specifically involves the promotion and protection of human rights, for example human rights monitors working with national human rights organizations, human rights ombudsmen or human rights lawyers.

However, what is most important in characterizing a person as a human rights defender is not the person’s title or the name of the organization he or she works for,



but rather the human rights character of the work undertaken. It is not essential for a person to be known as a “human rights activist” or to work for an organization that includes “human rights” in its name in order to be a human rights defender. Many of the staff of the United Nations serve as human rights defenders even if their day-to-day work is described in different terms, for example as “development”. Similarly, the national and international staff of NGOs around the world working to address humanitarian concerns can typically be described as human rights defenders. People educating communities on HIV/AIDS, activists for the rights of indigenous peoples, environmental activists and volunteers working in development are also playing a crucial role as human rights defenders.

Many people work in a professional capacity as human rights defenders and are paid a salary for their work. However, there are many others who work in a professional capacity as human rights defenders but who are volunteers and receive no remuneration. Typically, human rights organizations have very limited funding and the work provided by these volunteers is invaluable.

Many professional activities do not involve human rights work all of the time but can have occasional links with human rights. For example, lawyers working on commercial law issues may not often address human rights concerns and cannot automatically be described as human rights defenders. They can nevertheless act as defenders on some occasions by working on cases through which they contribute to the promotion or protection of human rights. Similarly, leaders of trades unions undertake numerous tasks, many of which bear no relation to human rights, but when they are working specifically to promote or protect the human rights of workers they can be described as human rights defenders. In the same way, journalists have a broad mandate to gather information and disseminate it to a public audience through print, radio or television media. In their general role, journalists are not human rights defenders. However, many journalists do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen. Teachers who instruct their pupils in basic principles of human rights fulfil a similar role. Doctors and other medical professionals who treat and rehabilitate victims of human rights violations can also be viewed as human rights defenders in the context of such work; and doctors have special obligations by virtue of the Hippocratic oath.

Those who contribute to assuring justice – judges, the police, lawyers and other key actors – often have a particular role to play and may come under considerable pressure to make decisions that are favourable to the State or other powerful interests, such as the leaders of organized crime. Where these actors in the judicial process make a special effort to ensure access to fair and impartial justice, and thereby to guarantee the related human rights of victims, they can be said to be acting as human rights defenders.



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A similar “special effort” qualification can be applied to other professions or forms of employment that bear no obvious relation to human rights. The individuals who hold these jobs may sometimes choose to conduct their work in a way that offers specific support to human rights. For example, some architects choose to design their construction projects in a way that takes into consideration relevant human rights, such as the right to adequate (temporary) housing for the people who will work on the project, or the rights of children to be consulted on the design, if the building is of particular relevance to them.

### **2. Defending human rights in a non-professional context**

Many people act as human rights defenders outside any professional or employment context. For example, a student who organizes other students to campaign for an end to torture in prisons could be described as a human rights defender. An inhabitant of a rural community who coordinates a demonstration by members of the community against environmental degradation of their farmland by factory waste could also be described as a human rights defender. A politician who takes a stand against endemic corruption within a Government is a human rights defender for his or her action to promote and protect good governance and certain rights that are threatened by such corruption. Witnesses in court cases to prosecute the perpetrators of human rights abuses, and witnesses who provide information to international human rights bodies or domestic courts and tribunals to help them address violations, are also considered to be human rights defenders in the context of those actions.

People all over the world strive for the realization of human rights according to their circumstances and in their own way. The names of some human rights defenders are internationally recognized, but the majority of defenders remain unknown. Whether an individual works as a local government official, a policeman upholding the law or an entertainer using his or her position to highlight injustices, all can play a role in the advancement of human rights. The key is to look at how such people act to support human rights and, in some instances, to see whether a “special effort” is made. Clearly, it is impossible to catalogue the huge variety of contexts in which human rights defenders are active. However, common to most defenders are a commitment to helping others, a commitment to international human rights standards, a belief in equality and in non-discrimination, determination and, in many instances, tremendous courage.

### **C. Is a minimum standard required of human rights defenders?**

No “qualification” is required to be a human rights defender, and the Declaration on human rights defenders makes clear, as explained above, that we can all be defenders of human rights if we choose to be. Nevertheless, the “standard” required

of a human rights defender is a complex issue, and the Declaration clearly indicates that defenders have responsibilities as well as rights.

### **Accepting the universality of human rights**

Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights.<sup>3</sup> A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.

### **Who is right and who is wrong – does it make a difference?**

A second important issue concerns the validity of the arguments being presented. It is not essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender. The critical test is whether or not the person is defending a human right. For example, a group of defenders may advocate for the right of a rural community to own the land they have lived on and farmed for several generations. They may conduct protests against private economic interests that claim to own all of the land in the area. They may or may not be correct about who owns the land. However, whether or not they are legally correct is not relevant in determining whether they are genuine human rights defenders. The key issue is whether or not their concerns fall within the scope of human rights.

This is a very important issue because, in many countries, human rights defenders are often perceived by the State, or even the public, as being in the wrong because they are seen as supporting one side of an argument. They are then told that they are not “real” human rights defenders. Similarly, defenders who act in defence of the rights of political prisoners or persons from armed opposition groups are often described by State authorities as being supporters of such parties or groups, simply because they defend the rights of the people concerned.

This is incorrect. Human rights defenders must be defined and accepted according to the rights they are defending and according to their own right to do so.

### **Peaceful action**

Finally, the actions taken by human rights defenders must be peaceful in order to comply with the Declaration on human rights defenders.

### **Notes**

1 The term “human rights defender” has been used increasingly since the adoption of the Declaration on human rights defenders in 1998. Until then, terms such as human rights “activist”, “professional”, “worker” or “monitor” had been most common. The term “human rights defender” is seen as a more relevant and useful term.



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2 For more information on international human rights mechanisms, see Fact Sheets Nos. 10 (Rev.1), 15, 16 (Rev.1), 17 and 27.

3 Adopted by the General Assembly of the United Nations by its resolution 217 A (III) of 10 December 1948. See Fact Sheet No. 2, The International Bill of Human Rights (Rev.1).

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**Source:** Office of the United Nations High Commissioner for Human Rights. “Who are human rights defenders”. Retrieved from

<http://www2.ohchr.org/english/issues/defenders/who.htm>

## **Declaration of Human Rights Defenders**

*From the United Nations*

*(Formally known as the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms)*

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### **Preamble**

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfill, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfill this obligation according to the Charter of the United Nations,

Acknowledging the important role of international cooperation for and the valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,



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Reiterating that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated, and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of these rights and freedoms,

Stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international levels,

Declares:

### *Article 1*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

### *Article 2*

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all these rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in this Declaration are effectively guaranteed.

### *Article 3*

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed, and within which all activities referred to in this Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

### *Article 4*

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations nor as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

#### ***Article 5***

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

#### ***Article 6***

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how these rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge of all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to these matters.

#### ***Article 7***

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles, and to advocate their acceptance.

#### ***Article 8***





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1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of one's country and in the conduct of public affairs.
2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work which may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

### *Article 9*

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in this Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of violation of these rights.
2. To this end, everyone whose rights or freedoms are allegedly violated, has the right, either in person or through legally authorized representation, to complain to and competent judicial or other authority established by law, and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms; as well as enforcement of the eventual decision have that complaint promptly reviewed in a public hearing before an independent, impartial and award; all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, inter alia:
  - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms by petitions or other appropriate means to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
  - (b) To attend public hearings, proceedings and trials, to form an opinion on their compliance with national law and applicable international obligations and commitments;
  - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

### ***Article 10***

No one shall participate, by act or failure to act where required, in violating human rights and fundamental freedoms, and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

### ***Article 11***

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

### ***Article 12***

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in this Declaration. In this connection, everyone is entitled, individually and in association with others, to be effectively protected under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States which result in violations of human rights and fundamental freedoms as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

### ***Article 13***



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Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms, through peaceful means, in accordance with article 3 of this Declaration.

### *Article 14*

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, inter alia:
  - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
  - (b) Full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.
3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institutions.

### *Article 15*

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education, and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

### *Article 16*

Individuals, non-governmental organizations and relevant institutions have an important role in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to further strengthen, inter alia, understanding, tolerance, peace and friendly relations among nations and amongst all racial and religious groups, bearing in mind the various backgrounds of societies and communities, in which they carry out their activities.

### *Article 17*

In the exercise of the rights and freedoms referred to in this Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and 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.

### *Article 18*

1. Everyone has duties towards and within the community in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Likewise, they have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized. *Article 19*

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in this Declaration.

### *Article 20*

Nor shall anything in the present Declaration be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

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**Source:** Office of the United Nations High Commissioner for Human Rights. (1999). Available from:  
[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument)



## Stream 5 ● ● ● ● ● ● ● ●

### Universal Declaration of Human Rights

*G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).*

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#### ***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*



## Stream 5 ● ● ● ● ● ● ● ●

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

### *Article 9*

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

### *Article 10*

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

### *Article 11*

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

### *Article 12*

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

### *Article 13*

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

### *Article 14*

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



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

### ***Article 15***

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

### ***Article 16***

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

### ***Article 17***

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

### ***Article 18***

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

### ***Article 19***

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

### ***Article 20***

1. Everyone has the right to freedom of peaceful assembly and association.



## Stream 5 ● ● ● ● ● ● ● ●

2. No one may be compelled to belong to an association.

### *Article 21*

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right to equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

### *Article 22*

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

### *Article 23*

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

### *Article 24*

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

### *Article 25*

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of

unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

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

### ***Article 26***

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

### ***Article 27***

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

### ***Article 28***

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

### ***Article 29***

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.



## Stream 5 ● ● ● ● ● ● ● ●

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

### *Article 30*

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

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**Source:** <http://www1.umn.edu/humanrts/instree/b1udhr.htm>

## **International Covenant on Civil and Political Rights**

*G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.*

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### ***PREAMBLE***

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

### **PART I**

#### ***Article I***

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.



## Stream 5 ● ● ● ● ● ● ● ●

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

### PART II

#### *Article 2*

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

#### *Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

#### *Article 4*

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant

may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

#### ***Article 5***

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

### **PART III**

#### ***Article 6***

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to





## Stream 5 ● ● ● ● ● ● ● ●

derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

### *Article 7*

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

### *Article 8*

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

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

### ***Article 9***

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

### ***Article 10***

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.



### *Article 11*

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

### *Article 12*

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

### *Article 13*

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

### *Article 14*

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) 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;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

### ***Article 15***



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1. 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. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

### *Article 16*

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

### *Article 17*

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

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

### *Article 18*

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### *Article 19*

1. Everyone shall have the right to hold opinions without interference.

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

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

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

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

### ***Article 20***

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

### ***Article 21***

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

### ***Article 22***

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to



apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

### *Article 23*

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

### *Article 24*

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

### *Article 25*

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

### *Article 26*



All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### ***Article 27***

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

#### **PART IV *Article 28***

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

#### ***Article 29***

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

#### ***Article 30***

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-



## Stream 5 ● ● ● ● ● ● ● ●

General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

### *Article 31*

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

### *Article 32*

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

### *Article 33*

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who

shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

#### ***Article 34***

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

#### ***Article 35***

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

#### ***Article 36***

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

#### ***Article 37***

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

#### ***Article 38***



## Stream 5 ● ● ● ● ● ● ● ●

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

### *Article 39*

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

### *Article 40*

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

### *Article 41*

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

- (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
- (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
- (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;
- (d) The Committee shall hold closed meetings when examining communications under this article;
- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;
- (f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;



## Stream 5 ● ● ● ● ● ● ● ●

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

### *Article 42*

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information. 7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.





## Stream 5 ● ● ● ● ● ● ● ●

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

### *Article 43*

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### *Article 44*

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

### *Article 45*

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

## **PART V**

### *Article 46 .*

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

### *Article 47*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

## **PART VI**

### ***Article 48***

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

### ***Article 49***

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

### ***Article 50***

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

### ***Article 51***



## Stream 5 ● ● ● ● ● ● ● ●

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

### *Article 52*

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

### *Article 53*

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

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**Source:** <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

## **African Charter on Human and People's Rights**

*Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986*

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The African States members of the Organisation of African Unity, parties to the present Convention entitled “African Charter on Human and Peoples’ Rights

**Recalling** Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of “a preliminary draft on an African Charter on Human and Peoples’ Rights, providing inter alia for the establishment of bodies to promote and protect human and peoples’ rights”;

**Considering** the Charter of the Organisation of African Unity, which stipulates that “freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples”;

**Reaffirming** the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

**Taking into consideration** the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples’ rights;

**Recognizing** on the one hand, that fundamental human rights stem from the attitudes of human beings, which justifies their international protection and on the other hand that the reality and respect of peoples’ rights should necessarily guarantee human rights;

**Considering** that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

**Convinced** that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;



## Stream 5 ● ● ● ● ● ● ● ●

*Conscious* of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, language, religion or political opinions;

*Reaffirming* their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organisation of African Unity, the Movement of Non-Aligned Countries and the United Nations;

*Firmly convinced* of their **duty** to promote and protect human and peoples' rights and freedoms and taking into account the importance traditionally attached to these rights and freedoms in Africa;

**Have agreed as follows:**

### **PART I RIGHTS AND DUTIES**

#### **CHAPTER I HUMAN AND PEOPLES' RIGHTS**

##### **ARTICLE 1**

The Member States of the Organisation of African Unity, parties to the present Charter shall recognise the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them.

##### **ARTICLE 2**

Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.

##### **ARTICLE 3**

1. Every individual shall be equal before the law
2. Every individual shall be entitled to equal protection of the law

#### **ARTICLE 4**

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

#### **ARTICLE 5**

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

#### **ARTICLE 6**

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

#### **ARTICLE 7**

1. Every individual shall have the right to have his cause heard. This comprises:

- a) The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
- b) The right to be presumed innocent until proved guilty by a competent court or tribunal;
- c) The right to defence, including the right to be defended by counsel of his choice;
- d) The right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

#### **ARTICLE 8**

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.



### ARTICLE 9

- 1 Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

### ARTICLE 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association.

### ARTICLE 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

### ARTICLE 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country.

This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.
4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.



## **ARTICLE 13**

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of the country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

## **ARTICLE 14**

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

## **ARTICLE 15**

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

## **ARTICLE 16**

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick

## **ARTICLE 17**

1. Every individual shall have the right to education
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

## **ARTICLE 18**



## **Stream 5** ● ● ● ● ● ● ● ●

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

### **ARTICLE 19**

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

### **ARTICLE 20**

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

### **ARTICLE 21**

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
- 2 In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.

4. State Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity.

1. State Parties to the present Charter shall undertake to eliminate all forms of foreign exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

## **ARTICLE 22**

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

## **ARTICLE 23**

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, State Parties to the present Charter shall ensure that:

- a) any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State Party to the present Charter;
- b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State Party to the present Charter.

## **ARTICLE 24**

All peoples shall have the right to a general satisfactory environment favourable to their development.



### ARTICLE 25

State Parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

### ARTICLE 26

State Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

## CHAPTER II DUTIES

### ARTICLE 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

### ARTICLE 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

### ARTICLE 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need.
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;

4. To preserve and strengthen social and national solidarity, particularly when the latter is strengthened;

5 To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law;

6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

## **PART II MEASURES OF SAFEGUARD**

### **CHAPTER I ESTABLISHMENT AND ORGANISATION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

#### **ARTICLE 30**

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organisation of African Unity to promote human and peoples' rights and ensure their protection in Africa.

#### **ARTICLE 31**

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity.

#### **ARTICLE 32**

The Commission shall not include more than one national of the same State.

#### **ARTICLE 33**



## Stream 5 ● ● ● ● ● ● ● ●

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the State Parties to the present Charter.

### ARTICLE 34

Each State Party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the State Parties to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

### ARTICLE 35

1. The Secretary General of the Organisation of African Unity shall invite State Parties to the present Charter at least four months before the elections to nominate candidates;
2. The Secretary General of the Organisation of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections;

### ARTICLE 36

The members of the Commission shall be elected for a six year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of three others, at the end of four years.

### ARTICLE 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organisation of African Unity shall draw lots to decide the names of those members referred to in Article 36.

### ARTICLE 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

### ARTICLE 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary General of the Organisation

of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.

2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary General of the Organisation of African Unity, who shall then declare the seat vacant.

3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term, unless the period is less than six months.

#### **ARTICLE 40**

Every member of the Commission shall be in office until the date his successor assumes office.

#### **ARTICLE 41**

The Secretary General of the Organisation of African Unity shall appoint the Secretary of the Commission. He shall provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organisation of African Unity shall bear cost of the staff and services.

#### **ARTICLE 42**

1. The Commission shall elect its Chairman and Vice Chairman for a two-year period. They shall be eligible for re-election.
2. The Commission shall lay down its rules of procedure.
3. Seven members shall form the quorum.
4. In case of an equality of votes, the Chairman shall have a casting vote.
5. The Secretary General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

#### **ARTICLE 43**

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organisation of African Unity.





### ARTICLE 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organisation of African Unity.

## CHAPTER II MANDATE OF THE COMMISSION

### ARTICLE 45

The functions of the Commission shall be:

1. To promote human and peoples' rights and in particular:
  - a) to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to Governments.
  - b) to formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation.
  - c) cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
3. Interpret all the provisions of the present Charter at the request of a State Party, an institution of the OAU or an African Organisation recognised by the OAU.
4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

## CHAPTER III PROCEDURE OF THE COMMISSION

### ARTICLE 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary General of the Organisation of African Unity or any other person capable of enlightening it.

## **COMMUNICATION FROM STATES**

### **ARTICLE 47**

If a State Party to the present Charter has good reasons to believe that another State Party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This Communication shall also be addressed to the Secretary General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the Communication, the State to which the Communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible, relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.

### **ARTICLE 48**

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

### **ARTICLE 49**

Notwithstanding the provisions of Article 47, if a State Party to the present Charter considers that another State Party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary General of the Organisation of African unity and the State concerned.

### **ARTICLE 50**

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

### **ARTICLE 51**

1 The Commission may ask the State concerned to provide it with all relevant information.



2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representation.

### ARTICLE 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of human and peoples' rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in Article 48, a report to the States concerned and communicated to the Assembly of Heads of State and Government.

### ARTICLE 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

### ARTICLE 54

The Commission shall submit to each Ordinary Session of the Assembly of Heads of State and Government a report on its activities.

### OTHER COMMUNICATIONS

### ARTICLE 55

1. Before each Session, the Secretary of the Commission shall make a list of the Communications other than those of State Parties to the present Charter and transmit them to Members of the Commission, who shall indicate which Communications should be considered by the Commission.
2. A Communication shall be considered by the Commission if a simple majority of its members so decide.

### ARTICLE 56

Communications relating to Human and Peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter requests anonymity,
2. Are compatible with the Charter of the Organisation of African Unity or with the present Charter,

3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organisation of African Unity,
4. Are not based exclusively on news disseminated through the mass media,
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged,
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized with the matter, and
7. Do not deal with cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organisation of African Unity or the provisions of the present Charter.

#### **ARTICLE 57**

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

#### **ARTICLE 58**

1. When it appears after deliberations of the Commission that one or more Communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.
2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its finding and recommendations.
3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

#### **ARTICLE 59**

1. All measures taken within the provisions of the present Chapter shall remain confidential until the Assembly of Heads of State and Government shall otherwise decide.
2. However the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.



3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

### CHAPTER IV APPLICABLE PRINCIPLES

#### ARTICLE 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on Human and Peoples' Rights, the Charter of the United Nations, the Charter of the Organisation of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of Human and Peoples' Rights, as well as from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the Parties to the present Charter are members.

#### ARTICLE 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognised by Member States of the Organisation of African Unity, African practices consistent with international norms on Human and Peoples' Rights, customs generally accepted as law, general principles of law recognised by African States as well as legal precedents and doctrine.

#### ARTICLE 62

Each State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter.

#### ARTICLE 63

1. The present Charter shall be open to signature, ratification or adherence of the Member States of the Organisation of African Unity.

2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary General of the Organisation of African Unity.

3. The present Charter shall come into force three months after the reception by the Secretary General of the instruments of ratification or adherence of a simple majority of the Member States of the Organisation of African Unity.

### **PART III GENERAL PROVISIONS**

#### **ARTICLE 64**

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.

2. The Secretary General of the Organisation of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organisation within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

#### **ARTICLE 65**

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of the instrument of ratification or adherence.

#### **ARTICLE 66**

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

#### **ARTICLE 67**

The Secretary General of the Organisation of African Unity shall inform members of the Organisation of the deposit of each instrument of ratification or adherence.

#### **ARTICLE 68**

The present Charter may be amended if a State Party makes a written request to that effect to the Secretary General of the Organisation of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the State Parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the State Parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary General has received notice of the acceptance.



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Adopted by the eighteenth Assembly of Heads of State and Government, June 1981 - Nairobi, Kenya

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Source: [http://www.achpr.org/english/\\_info/charter\\_en.html](http://www.achpr.org/english/_info/charter_en.html)



## Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa

*Adopted 11 July 2003, entered into force 25 November 2005*

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The States Parties to this Protocol,

**Considering** that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHG/Res.240 (XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

**Considering** that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

**Further considering** that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

**Noting** that Articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

**Recalling** that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;

**Noting** that women's rights and women's essential role in development, have been reaffirmed in the United Nations Plans of Action on the Environment and



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Development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

*Recalling also* United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security;

*Reaffirming* the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

*Further noting* that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender-based violence against women;

*Recognising* the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

*Bearing in mind* related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional Instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

*Concerned* that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

*Firmly convinced* that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

*Determined* to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

**Have agreed as follows:**

## **Article 1 Definitions**

For the purpose of the present Protocol:

- a) "African Charter" means the African Charter on Human and Peoples' Rights;
- b) "African Commission" means the African Commission on Human and Peoples' Rights;
- "Assembly" means the Assembly of Heads of State and Government of the African Union;
- "AU" means the African Union;
- "Constitutive Act" means the Constitutive Act of the African Union;
- "Discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
- "Harmful Practices" means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
- "NEPAD" means the New Partnership for Africa's Development established by the Assembly;
- "States Parties" means the States Parties to this Protocol;
- "Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;
- "Women" means persons of female gender, including girls;



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### Article 2 Elimination of Discrimination Against Women

1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:

- a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
- b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
- c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
- d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
- e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.

2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

### Article 3 Right to Dignity

- Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights;
- Every woman shall have the right to respect as a person and to the free development of her personality;
- States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;

- States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

#### **Article 4 The Rights to Life, Integrity and Security of the Person**

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.

2. States Parties shall take appropriate and effective measures to:

- a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
- b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
- c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
- d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;
- e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
- f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
- g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
  - prohibit all medical or scientific experiments on women without their informed consent;
  - provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;



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- ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women.
- ensure that women and men enjoy equal rights in terms of access to refugee status, determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents;

### Article 5 Elimination of Harmful Practices

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
- provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting;
- protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

### Article 6 Marriage

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- no marriage shall take place without the free and full consent of both parties;
- the minimum age of marriage for women shall be 18 years;

- monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
- every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;
- the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
- a married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
- a woman shall have the right to retain her nationality or to acquire the nationality of her husband;
- a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
- a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
- during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

### **Article 7 Separation, Divorce and Annulment of Marriage**

States Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

- separation, divorce or annulment of a marriage shall be effected by judicial order;
- women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
- in case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;





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- in case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

### **Article 8 Access to Justice and Equal Protection before the Law**

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- effective access by women to judicial and legal services, including legal aid;
- support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;
- that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- that women are represented equally in the judiciary and law enforcement organs;
- reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

### **Article 9 Right to Participation in the Political and Decision-Making Process**

1. States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:

- a) women participate without any discrimination in all elections;
- b) women are represented equally at all levels with men in all electoral processes;
- c) women are equal partners with men at all levels of development and implementation of State policies and development programmes .

2. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

## **Article 10 Right to Peace**

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.

2. States Parties shall take all appropriate measures to ensure the increased participation of women:

a) in programmes of education for peace and a culture of peace;

b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;

- in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
- in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
- in all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.

3. States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

## **Article 11 Protection of Women in Armed Conflicts**

- States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women.
- States Parties shall, in accordance with the obligations incumbent upon them under the international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.
- States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are



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considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.

- States Parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

### **Article 12 Right to Education and Training**

1. States Parties shall take all appropriate measures to:

- a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;
  - b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
- protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
  - provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;
  - integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

2. States Parties shall take specific positive action to:

- a) promote literacy among women;
- b) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;
- c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely.

### **Article 13 Economic and Social Welfare Rights**

States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:

- a) promote equality of access to employment;
- b) promote the right to equal remuneration for jobs of equal value for women and men;
- c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;
- d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;
- e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
  - establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;
- g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;
- h) take the necessary measures to recognise the economic value of the work of women in the home;
- i) guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;
- j) ensure the equal application of taxation laws to women and men;
- k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
- l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the State and the private sector have secondary responsibility;
- m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

## **Article 14 Health and Reproductive Rights**

1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:



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- the right to control their fertility;
- the right to decide whether to have children, the number of children and the spacing of children;

c) the right to choose any method of contraception;

d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;

e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices;

- the right to have family planning education.

2. States Parties shall take all appropriate measures to:

a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;

b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;

c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

### **Article 15 Right to Food Security**

a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;

b) establish adequate systems of supply and storage to ensure food security.

### **Article 16 Right to Adequate Housing**

Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.

### **Article 17 Right to Positive Cultural Context**

1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.
2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

### **Article 18 Right to a Healthy and Sustainable Environment**

1. Women shall have the right to live in a healthy and sustainable environment.
2. States Parties shall take all appropriate measures to:
  - a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
    - promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;
    - protect and enable the development of women's indigenous knowledge systems;
  - c) regulate the management, processing, storage and disposal of domestic waste;
    - ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

### **Article 19 Right to Sustainable Development**

Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:

- a) introduce the gender perspective in the national development planning procedures;
- b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
  - promote women's access to and control over productive resources such as land and guarantee their right to property;



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- promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;
- take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
- ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

### **Article 20 Widows' Rights**

States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a) that widows are not subjected to inhuman, humiliating or degrading treatment;
- b) a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
- c) a widow shall have the right to remarry, and in that event, to marry the person of her choice.

### **Article 21 Right to Inheritance**

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.

2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

### **Article 22 Special Protection of Elderly Women**

The States Parties undertake to:

- provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;

- ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

### **Article 23 Special Protection of Women with Disabilities**

The States Parties undertake to:

- ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

### **Article 24 Special Protection of Women in Distress**

The States Parties undertake to:

- ensure the protection of poor women and women heads of families including women from marginalized population groups and provide them an environment suitable to their condition and their special physical, economic and social needs;
- ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

### **Article 25 Remedies**

States Parties shall undertake to:

- provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;
- ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.

### **Article 26 Implementation and Monitoring**

- States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of





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the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights herein recognised.

- States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised.

### **Article 27 Interpretation**

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

### **Article 28 Signature, Ratification and Accession**

1. This Protocol shall be open for signature, ratification and accession by the States Parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

### **Article 29 Entry into Force**

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
2. For each State Party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the AU shall notify all Member States of the coming into force of this Protocol.

### **Article 30 Amendment and Revision**

1. Any State Party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.
3. The Assembly, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of States Parties, in accordance with the provisions of paragraph 2 of this article.

4. Amendments or revision shall be adopted by the Assembly by a simple majority.
5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the Chairperson of the Commission of the AU has received notice of the acceptance.

#### **Article 31 Status of the Present Protocol**

None of the provisions of the present Protocol shall affect more favourable provisions for the realisation of the rights of women contained in the national legislation of States Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

#### **Article 32 Transitional Provisions**

Pending the establishment of the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.

**Adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo , 11 July 2003**

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**Source:** [http://www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html)



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### United Nations Declaration on the Rights of Indigenous Peoples

*From the UN, Adopted by General Assembly Resolution 61/295 on 13 September 2007*

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#### The General Assembly

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter,

*Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Affirming* also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

*Affirming further* that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

*Reaffirming* also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Further recognizing* the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing also* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

*Emphasizing* the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

*Recognizing in particular* the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering also* that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*Bearing in mind* that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular



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those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing and reaffirming* that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing also* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect,

### **Article 1**

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

### **Article 2**

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

### **Article 3**

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

#### **Article 4**

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

#### **Article 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

#### **Article 6**

Every indigenous individual has the right to a nationality.

#### **Article 7**

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

#### **Article 8**

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - d. Any form of forced assimilation or integration;
  - e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

#### **Article 9**



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Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

### Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

### Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

### Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

### Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### **Article 14**

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

#### **Article 15**

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

#### **Article 16**

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.

#### **Article 17**





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1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

### Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

### Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

### Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

### Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

#### **Article 22**

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

#### **Article 23**

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

#### **Article 24**

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

#### **Article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

#### **Article 26**



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1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

### Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

### Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

### Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

### **Article 30**

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

### **Article 31**

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

### **Article 32**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or



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territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

### Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

### Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

### Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

### Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

### Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with

States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.

### **Article 38**

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

### **Article 39**

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

### **Article 40**

Indigenous peoples have the right to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

### **Article 41**

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

### **Article 42**

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.



### Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

### Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

### Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

### Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

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<http://www.un.org/esa/socdev/unpfii/en/drip.html>

## **International Covenant on Economic, Social and Cultural Rights**

*G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976.*

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### **PREAMBLE**

The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

### **PART I**

#### **Article 1**

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote





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the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

### **PART II**

#### *Article 2*

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

#### *Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

#### *Article 4*

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

#### *Article 5*

1. Nothing in the present Covenant 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 or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or

custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

### **PART III**

#### ***Article 6***

1. The States Parties to the present Covenant recognize 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, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

#### ***Article 7***

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

#### ***Article 8***

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and



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protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

### *Article 9*

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

### *Article 10*

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

### ***Article 11***

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

### ***Article 12***

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;



## Stream 5 ● ● ● ● ● ● ● ●

(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.

### *Article 13*

1. 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.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

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

#### ***Article 14***

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

#### ***Article 15***

1. The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

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 the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

### **PART IV**

#### ***Article 16***

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.



2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

### *Article 17*

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

### *Article 18*

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

### *Article 19*

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16



and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

#### ***Article 20***

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

#### ***Article 21***

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

#### ***Article 22***

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

#### ***Article 23***

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

#### ***Article 24***

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.





### *Article 25*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

## **PART V**

### *Article 26*

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

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

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

### *Article 27*

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

### *Article 28*

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

### *Article 29*

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

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

### ***Article 30***

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

### ***Article 31***

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

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**Source:** <http://www1.umn.edu/humanrts/instree/b2esc.htm>



## Stream 5 ● ● ● ● ● ● ● ●

### The Convention on the Rights of the Child

*Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989*

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#### Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, 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,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, 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,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the

International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

... have agreed as follows:

## ***Part I***

### ***Article 1***

For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

### ***Article 2***

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

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

### ***Article 3***



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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.

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

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

### *Article 4*

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

### *Article 5*

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

### *Article 6*

States Parties recognize that every child has the inherent right to life.

States Parties shall ensure to the maximum extent possible the survival and development of the child.

### *Article 7*

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

### *Article 8*

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

### *Article 9*

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

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

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

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

### *Article 10*

In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the



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purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (order public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

### *Article 11*

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

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

### *Article 12*

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

### *Article 13*

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

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



For respect of the rights or reputations of others; or

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

#### ***Article 14***

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

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

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

#### ***Article 15***

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

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

#### ***Article 16***

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

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

#### ***Article 17***

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





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

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

Encourage the production and dissemination of children's books;

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

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

### *Article 18*

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

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

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

### *Article 19*

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

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

### *Article 20*

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

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

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

### *Article 21*

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

Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

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

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

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

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

### *Article 22*



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

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

### *Article 23*

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

States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

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

States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their

capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### *Article 24*

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

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

To diminish infant and child mortality;

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

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

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

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

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

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

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

#### *Article 25*

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



### *Article 26*

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

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

### *Article 27*

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

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

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

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

### *Article 28*

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

Make primary education compulsory and available free to all;

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

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

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

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

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

States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

### ***Article 29***

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

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

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

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

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

The development of respect for the natural environment.

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

### ***Article 30***



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

### *Article 31*

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

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

### *Article 32*

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

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

Provide for a minimum age or minimum ages for admission to employment;

Provide for appropriate regulation of the hours and conditions of employment;

Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### *Article 33*

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

### *Article 34*



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

The inducement or coercion of a child to engage in any unlawful sexual activity;

The exploitative use of children in prostitution or other unlawful sexual practices;

The exploitative use of children in pornographic performances and materials.

### ***Article 35***

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

### ***Article 36***

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

### ***Article 37***

States Parties shall ensure that:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;

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

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

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





### *Article 38*

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

States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.

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

### *Article 39*

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

### *Article 40*

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

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

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

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

To be presumed innocent until proven guilty according to law;

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

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

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

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

To have the free assistance of an interpreter if the child cannot understand or speak the language used; (vii) To have his or her privacy fully respected at all stages of the proceedings.

To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

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

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

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

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



### *Article 41*

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

The law of a State Party; or

International law in force for that State

## **Part II Implementation and monitoring**

### *Article 42*

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

### *Article 43*

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

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

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

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

The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall

be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

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

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

The Committee shall establish its own rules of procedure.

The Committee shall elect its officers for a period of two years.

The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

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

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

#### ***Article 44***

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

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

Thereafter every five years.

Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a



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comprehensive understanding of the implementation of the Convention in the country concerned.

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

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

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

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

### *Article 45*

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

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

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

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

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

### **Part III**

#### ***Article 46***

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

#### ***Article 47***

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

#### ***Article 48***

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

#### ***Article 49***

The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### ***Article 50***

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

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



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

### *Article 51*

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

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

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

### *Article 52*

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

### *Article 53*

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

### *Article 54*

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

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

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**Source:** <http://www1.umn.edu/humanrts/instree/k2crc.htm>



## **Convention on the Elimination of All Forms of Discrimination Against Women**

*G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.*

### **The States Parties to the present Convention,**

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,





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Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## **PART I**

### *Article 1*

For the purposes of the present Convention, the term "discrimination against women" 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.

### *Article 2*

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) 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;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;



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(g) To repeal all national penal provisions which constitute discrimination against women.

### *Article 3*

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, 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.

### *Article 4*

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### *Article 5*

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) 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.

### *Article 6*

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

## **PART II**

### *Article 7*

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

### *Article 8*

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

### *Article 9*

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## **PART III**

### *Article 10*

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general,



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technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

### *Article 11*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

### ***Article 12***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.



### *Article 13*

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

### *Article 14*

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## **PART IV**

### ***Article 15***

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### ***Article 16***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;





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(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

### PART V

#### *Article 17*

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

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

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-

General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

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

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

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6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

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

### ***Article 18***

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;



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(b) Thereafter at least every four years and further whenever the Committee so requests.

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

### *Article 19*

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

### *Article 20*

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

### *Article 21*

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

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

### *Article 22*

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## **PART VI**

### *Article 23*

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

#### ***Article 24***

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

#### ***Article 25***

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### ***Article 26***

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### ***Article 27***

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



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### *Article 28*

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

### *Article 29*

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

### *Article 30*

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

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

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**Source:** <http://www1.umn.edu/humanrts/instree/e1cedaw.htm>

## Stream 6

### Good Practices in Human Rights Education and Training: Guidelines, Indicators and Evaluation

*The Arab Institute for Human Rights Documentation, Information and Training Centre for Human Rights of Morocco*

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#### 1. Introduction

The Arab Institute for Human Rights with the help of the Documentation, Information and Training Centre for Human Rights of Morocco and the support of the Office of the United Nations High Commissioner for Human Rights organized the “Workshop on human rights education and training issues among NGOs working in the field of human rights” in Marrakech on 1-4 June 2002. The Workshop was opened by Mr. Mohamed Auajjar, Minister of Human Rights of Morocco. A message from Mrs. Mary Robinson, High Commissioner for Human Rights, was delivered.

The workshop’s goals were:

- To reflect on and share specific experiences in human rights education and training;
- To identify models of “good practice” in those areas, with particular reference to guidelines, indicators and evaluation strategies;
- To further the concept of “good practice”.

This workshop built upon the previous workshop “Training issues within human rights NGOs” (Cairo, Egypt) organized by the Arab Institute for Human Rights in April 2001. That Workshop explored the variety of HRE experiences in the Arab World and discussed obstacles to that work. Among the recommendations were the need to establishing clear training policies, to develop effective materials and training of trainers initiatives, as well as to further evaluation strategies and effective networking among all NGOs doing HRE in the region.

The following reflexions are not exhaustive but they reflect only the experiences presented by participants from different countries and continents (Africa, Asia, Latin America, North America, Europe, Middle East and North Africa) and the conclusions made during the workshop to stimulate deeper analysis.



## 2. Definition of HRE

As embodied in the Universal Declaration of Human Rights and the main international human rights treaties, human rights education can 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;
- d. The enabling of all persons to participate effectively in a free society;
- e. The furtherance of the activities of the United Nations for the maintenance of peace. (Decade's Plan of Action, para 2 – bold added).

Also, when proclaiming the Decade for HRE, 1995-2004 (Resolution 49/184, 1994), the General Assembly stated :

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.

HRE contributes to a concept of development consistent with the dignity of women and men of all ages that takes into account the diverse segments of society.

The main underlining concepts of this definition are:

- HRE as a life-long learning process
- HRE as a comprehensive process - for all and involving all
- HRE as an empowering process.
- HRE as a tool of a social justice including marginalized categories.

## 3. Current challenges to human rights and human rights education / possible human rights education responses

### Challenges

Although HRs are protected by international, regional and national instruments, lack of implementation and human rights violations create a major contradiction between human rights theory and practice.

Exacerbating this chronic contradiction are recent discriminatory laws and policies brought about in reaction to the events of 11 September 2001 and justified in the name of a “war against terrorism”. These reactions, which threaten human rights, confuse the right of peoples to self-determination, which is guaranteed in international instruments, and terrorism. They also marginalize some countries and cultures, undermine the concept of international solidarity and facilitate the development of dangerous ideologies such as a “war of religion” and “war among civilizations”.

These events and other issues challenge human rights education, for example:

- Globalisation (in its negative sense) and resulting marginalization, poverty, exploitation;
- Violations of civil, cultural, economic, political, social rights and the right to development;
- Violations of peoples’ rights, such as denial of the right to self-determination and equality among people;
- Conflicts, causing waves of refugees and internally displaced persons;
- Political apathy, extremism and xenophobia;
- Authoritarian regimes, lack of democracy and marginalization of civil society;
- Resistance to the concept of human rights universality;
- Unequal access to new technologies;
- Colonization and its effects on Human rights implementation;
- Use of double standards when speaking about HR.

HRE is necessarily influenced by cultural and political contexts. However, it must also be able to influence this context, impacting values and changing behaviours: a double challenge.

#### Possible HRE responses

- HRE should not avoid challenges to human rights (e.g., globalization, HIV/AIDS, violence and extremism, poverty) but should address them directly from a human rights perspective.
- HRE must develop methodologies for impacting values and behaviours to meet these challenges in ways that respect the human rights of all.
- HRE needs to reach out and relate to all segments of society, including marginalized groups.
- HRE is a tool to combat racism and discrimination and specially discrimination against women.
- HRE should start with people’s own experiences, adopting different approaches for different contexts.
- HRE should be empowering, including imparting the skills to claim rights and resolve conflicts, using methods consistent with human rights principles.





- HRE should address despair and alienation and empower people for participation.
- HRE must include democracy EEDeducation and encourage prompt action to defend human rights using methods that reflect human rights principles.
- HRE should address the gap between human rights principles and people's lived realities.
- HRE should enable people to take control of their lives.
- HRE should encourage active civic participation and challenge citizen apathy.
- HRE should emphasize universal human rights values, which are affirmed in all cultures.
- HRE should include strategies and structures at all levels for the redress of human rights abuses.
- HRE must be able to change individual, community and societal reality.

#### 4. National planning

These challenges underscore the importance of the development of national strategies for human rights education.

National strategies/plans for human rights education should be :

- comprehensive (in terms of outreach – children, youth as well as adults),
- participatory (in terms of involvement of all relevant actors – ministries, national institutions, non-governmental organizations; human rights centres, etc.) and
- effective (in terms of educational methodologies).

Priority should be given to sustainable approaches (i.e. training of trainers, integration of human rights into all relevant training and educational curricula, organization of networks, etc.). Also, the strategies/plans should be developed implemented and evaluated through partnerships and coalitions within and among governmental and non-governmental actors.

**Guidelines** for national planning in human rights education have been developed by human rights education practitioners and experts gathered at the United Nations in 1997 (UN Doc A/52/469/Add.1 and Corr.1). The guidelines propose:

general principles to govern the plan (such as that HRE should promote the interdependence, indivisibility and universality of human rights ; its importance for democracy, sustainable development, the rule of law, the environment and peace ; and its role in encouraging analysis of chronic and emerging human rights problems, which would lead to solutions consistent with human rights standards), as well as organizational and operational principles (e.g., pluralistic representation of society, transparency of operation, public accountability and democratic

participation) and principles for educational activities (e.g., respect for and appreciation of diversity of opinions, and participatory teaching and learning).

The Guidelines also propose a series of concrete steps to develop and implement the plans, as well as a series of indicators for evaluating them, such as statistical and qualitative data collections.

## **5. Target sectors**

### **HRE in the formal school education system**

#### Guidelines

- HRE is an integral component of the right to education.
- HRE should be based on democratic principles.
- HRE should be fully integrated into the framework and standards of the formal education system.
- HRE is much more effective when fully integrated into the curriculum rather than isolated as occasional lessons or separate subject matter.
- An all-school approach involving the whole school community (e.g., school administrators, staff, parents, etc.) is the most effective learning environment for HRE.
- The formal education sector should encourage inclusion of family, community institutions and civil society in HRE.
- The school community should reflect the HRs principles taught in the curriculum.
- Ministries of education officers, school officials, administrators and staff should receive HRE.
- Extracurricular activities offer important opportunities for HRE.
- Whenever possible, young people should be included in making policy decisions that directly affect them.
- The human rights framework should form the common basis for all “specialized” educations, i.e., peace education, development education, citizenship education, tolerance education, anti-racism education.
- HRE should encourage critical thinking.
- HRE is a significant tool to combat racism and discrimination.
- Teacher training should include human rights content and participatory methodology and should be supported by effective teaching materials. It should draw upon the resources of NGOs, IGOs, research and training centres and academic institutions.

#### Indicators

- Development of National Plan of Action for the Decade for HRE.



- Adoption of HRE into national curriculum standards at all levels.
- Establishment of a permanent position for HRE in the Ministry of Education.
- Human rights training requirement for professional certification or advancement.
- Inclusion of HRE in educational conferences, workshops and publications.
- Improved quantity and quality of HRE textbooks and materials.
- Building the curriculum on the HRE bases.
- Setting up a student committee to receive complains.
- Including youth in the decision making.

### Evaluation

- Pre- and post- test results of student's attitudes and behaviours.
- Evaluation based on cross-reference of evaluation among student, teachers and trainers.
- Assessment of the youth participation.

### **Training of Law enforcement officials**

#### Guidelines

- Teach participants not only to respect the human rights of others, but also to recognize their own human rights.
- Seek training partnerships, especially those that include participation of several sectors (e.g., NGOs, academics, governmental officials).
- Include a professional-to-professional approach.
- Stress the potential contribution of the profession to human rights.
- Create a spirit of collaboration and partnership, not confrontation and blaming.
- Draw upon the participants' professional experience.
- HRE should be a component for pre-service and in-service training and be systematic and on-going throughout the career path (e.g., ratification of international documents may cause reinterpretation of existing laws).
- Stress how practicing human rights can improve professional performance.
- Seek the twinning of professionals in the same field from different countries and regions.
- Introduce case studies and scenarios relevant to professional experience before introducing legal or theoretical frameworks.
- To overcome resistance to training, create informal environments (e.g., civilian dress; residential settings).
- To overcome participant identification with professional identity, use techniques that personalize subject matter (e.g., role-playing).
- Emphasize the personal and psycho-social dimension of training as well as the content.

- Provide relevant, accessible and user-friendly materials (e.g. pocket guides for the police).

### Indicators

- Institutionalization of HRE in professional training.
- Human rights training requirement for professional certification or advancement.
- Change of laws and policies in relevant areas.
- Requests for further trainings.
- Increased use of human rights language in professional work.
- Appearance of Hrs articles in professionals publications and journals.
- Networking among professionals trained in HRs.
- Decline of violations by professionals, including decline of complaints against officials.

### Evaluation

- Include human rights in professional evaluations.
- Do follow-up evaluation with participants at designated intervals.
- Plan for and collect evaluation data throughout the course of any project.

## **Training of NGOs**

### Guidelines

- Set training objectives cooperatively with those being trained.
- Objectives should be measurable and feasible.
- Analyze the political, social and cultural context of the participant NGO(s).
- Analyze the internal structures and functions of the NGO(s), including capacities and weaknesses.
- Know who training participants are and identify their specific needs.
- Include advocacy techniques (e.g., awareness campaigns; strategies to develop or change local and national legislation).
- Include how to use of regional and international mechanisms to affect change.
- Include techniques for raising public awareness at all levels.
- Adapt methodology to the objectives and the NGO(s) being trained.
- Draw on participants' professional and personal experience.

Use new information and communications technologies when possible.

- Use a variety of materials (e.g. images, theater, cartoons, etc.) and methodologies.
- Maintain a balance between theory and practice, knowledge and skills.



- Be sure that participants can apply learning to daily life (e.g., advocacy, preparation of reports, campaigns, trainings).
- Improve institutional capacities through individual capacities.
- Training of individuals in NGOs should be directly linked with actual work that they undertake.

### Indicators

- Qualitatively improvement in the NGO work.
- Requests for advanced trainings.
- Relation with participants and their organisation(s) are regularly maintained (e.g. database, listserv).
- Database of training materials is established and maintained.
- Participants become effective trainers.
- Participants are successfully in fund-raising.
- Participants are actively engaged in the training sessions.
- Dissemination, adaptation and development of materials.
- Creation of networks with other NGOs at all levels.
- Impact of the campaigns on Media.
- Relief of violated persons.
- Viewing the states obligations upon HRs Implementation.

### Evaluation

- Self-evaluation by the participant.
- On-site evaluation.
- Written and practical strategies to evaluate knowledge and skills.
- Effective follow-up mechanisms (e.g. meetings, exchanges, publications, internet).
- Comparison of NGO activity reports.

### **Public awareness campaigns**

#### Guidelines

- Set specific clear, achievable objectives.
- Match campaign style to the target group, making sure that actions are compatible with the audience.
- Keep organization clear and simple.
- Establish credibility by using accurate facts and evidence.
- Use stories that attract interest and inspire action.
- Use slogans and symbols that attract attention and can be remembered; use simple, concrete language.
- Use media strategically and understand how they work.

- Use competitions (e.g., drama and art).
- Use posters with easy-to-understand images.
- When possible, make a survey of public awareness and attitudes. Use the result as a tool for advocacy (e.g., to show the need for HRE).
- Provide attractive, accessible forms of HR documents such as UDHR to make international standards available in daily life (e.g. UDHR passports).
- Provide easy public access to information and materials (e.g., web sites, resource centres).
- Build human rights communities, bringing together many civic stakeholders (e.g., government, religious institutions, school system, business).
- Seek innovative methods / techniques to create surprise and attract attention (e.g., dance, theatre, songs, poetry, art, competitions).
- Select spaces appropriate to target groups (e.g. schools, open spaces, mobile spaces such as caravans).
- Analyze national laws so as to be able to use them effectively when planning a campaign and to promote gaps between national and international laws if appropriate.
- Promote the adaptation of national laws to international standards.
- Be aware that in some cases people taking part in the campaign may be in danger of reprisals. They must be able to consciously decide whether to take a risk.
- In the planning phase, carry out research to identify any adverse economic impact on people who may be directly affected and prepare alternatives so as not to alienate them (eg. Parents who may suffer loss of income if their children attend school).
- Strengthen solidarity between appropriate NGOs to consolidate campaign actions.
- Ensure actions and behaviors of individuals in the NGO are consistent with the principles of human rights through careful preparation and instructions.
- Maintain control throughout the campaign and have a contingency plan to avoid the campaign being used against the NGO(s).
- Use international human rights days e.g. 10 December, 8 March) to launch a longer term campaign.
- Use possible repressive responses to the campaign to draw attention to the issue and provide material for further campaigning.
- In the planning phase analyze any effects of the status of the NGO (any allegiances with government or other organisations) on the outcome of the campaign.

### Indicators



- The campaign has an identified time frame that is selected for maximum impact.
- Long term campaigns have clearly defined short term projects within the span of the campaign.
- Campaign materials are relevant and effective and resources are not wasted in developing materials that are not fully utilized.
- The campaign has an element of surprise and has the potential to create a new 'language' for the general public or target group.
- The campaign clearly states the outcome that is desired and the action that the target group is asked to take.
- The strategy anticipates and has the flexibility to deal with adverse effects.

### Evaluation

- Long term evaluation is difficult because of the sometime broad nature of the focus of a campaign.
- Quantitative evaluation can measure the size of response and potential interest.
- Response to the campaign can give clues for future actions.
- The actions taken by government or other target groups within a set period of time can provide important information.
- Surveys of target groups following a campaign.

## **6. Selected issues**

### **Training of trainers**

#### Guidelines

- TOT requires a long-term commitment from both the institutions and individuals conducting the training and those trained.
- Provide every participants with practical materials for immediate use.
- Diversity of participants enriches the programme.
- Emphasize building friendship, trust and commitment among participants.
- Establish a climate of respect and equality between trainers and trainees.
- Trainees should be selected on the basis of interpersonal skills, cultural sensitivity and commitment to human rights values.
- Better information about the participants allows for better planning for their needs, and better results.
- Planning must anticipate emotional responses to HRs learning.
- Becoming a trainer is a life-long process : one session is not enough.
- Seek a gender balance among participants.
- Skills must include conflict resolution.
- Include a professional psychologist on the training team when possible.



- Don't suppress participants' emotional responses but deal with them directly.
- Acknowledge that challenging assumptions can create emotional responses. Emphasize that doubt and confusion can indicate learning.
- Trainers should avoid argumentation with participants and show respect to all opinions.
- Train young people to deliver peer education (e.g., university/law students teaching high school students).
- Provide regular, on-going training and evaluation.
- Maintain networks of participants. Keep them informed of each other's HRE work.
- Include development of individual action plans as part of training to ensure application of learning.
- Improve institutional capacities through individual capacities.
- Create networks of trainers.
- Include skills in adapting materials and methods to different situations and needs.
- Training methodologies should model those to be used by trainees.
- Trainers need to learn to develop own materials and activities to specifically meet the needs of their participants.

#### Indicators

- Participants make a plan of action and implement it effectively following the training.
- Use of former trainees in future trainings.
- Training impacts the organization of the trainee.
- Requests for additional and more specialized trainings.

#### Evaluation

- Develop culturally appropriate evaluation tools (oral and written).
- Evaluate the training process as well as its outcomes.

### **Training on women's human rights**

#### Guidelines

- Stress universality of women's human rights.
- Emphasize CEDAW as a standard for measuring Government commitments.
- Trainings should not be limited to CEDAW but should cover all human rights conventions.
- Teach research approaches to establish data for advocacy.
- Approach women's human rights as an issue of non-discrimination, as well as of the law.





- Training conducted as part of long-term strategic plans will have far greater impact.
- Involve men in planning and trainings as well as participants.
- Seek to influence and train young people on women's human rights.
- Use mass media to reach women audiences; especially regarding sexual harassment, violence against women and other sensitive issues.
- Choose titles of training programmes carefully to avoid popular misconceptions.
- Encourage schools and universities to include women's human rights in curricula and research and strengthen their links with women's NGOs.
- Build networks of women's NGOs among regions, especially for sharing training materials and experiences.
- Build networks between NGOs working in training on women's rights.

### **Emphasize economic rights.**

- Use ordinary language for training.
- Women without education or background in human rights can introduce valuable perspectives and concerns.
- Seek to include marginalized women, especially from poor and rural areas.

### Indicators

- HRE for women can result in advocacy that brings change in laws, policies and institutions.
- Successful advocacy with government and policy makers in one country can have positive effects on other countries.
- Increased partnership between women's NGOs and governments to improve women's human rights.
- Cooperation between HRE NGOs, governmental institutions and the influential institutions (Media, Education...).

### Evaluation

- Evaluation techniques that ensure confidentiality and which ensure that there will not be any repercussions.
- Techniques that overcome cultural resistance to criticism.
- Private interviews.
- External evaluations.
- Women in post-conflict situations need special treatment.

## **Use of modern information technology (ICTs)**

### Guidelines

- Use ICTs to spread/distribute education and training materials (this is the case in many regions and languages).
- Use ICTs as a tool for documentation by using databases, electronic archives, documentation of legal texts.

Use ICTs for monitoring and following up on human rights violations (urgent alerts) through documentation of cases, reports, and statistics.

- Use ICTs for communication: (i) (moderated) listservs and on-line discussion groups unite groups interested in a particular issue and allow for direct information exchange; (ii) support real networks with the opportunity to meet and work via e-groups or Intranets of web sites; (iii) on-line campaigns promote or fight for an issue or case and can create political pressure.
- Use ICTs for on-line learning or distance learning, which is particularly useful for the continuing education for professional groups. Distance learning also has a lot of further potential for use in continuing education for professional groups and in preparation of or as a follow-up to human rights courses offered by universities or human rights organisations. Some universities have used on-line tutorials as preparation of participants of summer courses and have them acquire the same level of knowledge before a course starts.
- Use technologies like the Internet for specific pedagogical approaches, like case studies, simulations or quizzes.
- Use ICTs to reach many target groups (primary and secondary students, teachers, universities, professional groups, human rights advocates).
- Produce CD-ROMs to allow for easier access to large amounts of data such as case law, collections of human rights treaties, etc.
- Use ICTs to create virtual communities of activists, educators and other professional groups, who can share information and lessons learned and consequently improve the quality of their work.
- Use ICTs to reach out to learners that have not been reached before, both geographically and in terms of target groups (for example, general public, larger number of secondary school students in different languages, some professional groups) - However, be aware of all those who that currently do not have access to modern information technologies.



### Indicators

- A large amount of quantitative data is available like web site statistics, data on use of documents, subscriber rates to listservs, etcetera.
- Applications for existing distance learning courses via Internet are high.
- Virtual working communities of activists, educators and other professional groups are spreading rapidly.
- The use of databases is on the rise and many organisations nowadays have organisational web sites.

### Evaluation

- The methods of evaluation – although not a common practice, as in other areas of HRE – are similar, although the nature of the technologies allows for collection of more quantitative data.
- ICTs allow for periodic or instant feedback. Many new information technologies are flexible in their application for HRE and human rights work in different context and for different learners.
- ICTs are usually flexible. They can be easily revised, adapted and translated.

## **GENERAL GUIDELINES**

### **PLANNING**

- Consult research in all HRE areas, especially on impact.
- Planning is essential: needs assessment, setting of priorities and goals, implementation strategies, and evaluation tools, follow-up.
- Take advantage of social and political climate favorable to HRs.
- Pilot projects before implementing them.
- Encourage the regional planning in HRE.

### **MATERIALS**

- Make available in indigenous languages.
- Adapt materials from other cultures to local culture and circumstances.
- Pilot-test for effectiveness and relevance.
- As material proliferate, important to investigate existing resources.

### **CONTENT**

- Victims of Hrs abuse needs to learn to use mechanisms to address their experiences – participant's emotional condition requires special sensitivity.
- Link local, national and international context.

### **METHODOLOGIES**

- Use multiple methods to affect both cognitive and effective learning (e.g. drama, story-telling, art, role play, simulation).
- Establish training collaborations with psychologists and anthropologists to address psycho-social aspect.
- Trainers must reflect human rights values in their behaviour and training methods.
- Use experiential learning methodologies that start from participants' needs and concerns.
- Insist that diversity of opinions be respected.

#### FOLLOW-UP

- Seek to sustain motivation of both facilitators and learners by systematic follow-up and encouragement.
- Regional and international networking and coalition-building is essential to develop HRE.
- Training must be sustainable.

#### EVALUATION

- Based on observation of individual behaviour and attitude, and testing knowledge and skills.
- Plan and collect data from the start of the programme; especially impact analysis.

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**Source:** Arab Institute for Human Rights Documentation, Information and Training  
Centre for Human Rights of Morocco

With the support of the Office of the UN High Commissioner for Human Rights  
Workshop on HRE issues in Human Rights NGOs  
Marrakech, Morocco: 1 – 4/06/2002



## Stream 7

### What Is People-Centered Advocacy?

*John Samuel, Human Rights Connection*

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"We have not made a single gain in civil rights without determined legal and non violent pressure ... Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

— Martin Luther King, 1963

"Be the change you want to see in the world"

— Mahatma Gandhi

Advocacy means amplifying the voice. But the fundamental question facing activists is whose voice and for what purpose. Across the world large numbers of people are marginalized and unheard in the corridors of power. Advocacy can work to amplify their voices, however, this aspect of advocacy is often less understood or put into practice. Advocacy is more often perceived as a systematic process of influencing public policies. Yet, while policy change is *necessary*, it is *not sufficient* to transform the structures, attitudes and values that are at the root of societal inequities and injustice. Instead a more people-centered approach focused on social transformation is needed.

### Characteristics of People-centered Advocacy

People-centered advocacy is a set of organized actions aimed at influencing public policies, societal attitudes and socio-political processes that enable and empower the marginalised to speak for themselves. Its purpose is social transformation through the realisation of human rights: civil, political, economic, social and cultural. People-centered advocacy is by the people, of the people and for the people. Hence, it is the spirit of democracy that drives the very idea of people-centered advocacy.

A 'people-centered' approach acknowledges the critical role of citizens. However, it seeks to go beyond the framework of a "State-Citizen" axis to the arena of the people that include both citizens as well as disenfranchised people not recognized by the state as citizens. That is why the term people-centered, instead of citizen-centered is preferred. As Mikhail Bakunin pointed out, "No state, however democratic...is capable of giving the people what they need: the free organization of their own interest from below upward, without any interference, tutelage or coercion from above. Because no state...in essence represents anything but government...by an

educated, and thereby privileged minority which supposedly understand the real interest of the people better than people themselves." [Mikhail Bakunin, *Statism and Anarchy* (1873), translated and edited by Marshal S. Shatz (Cambridge University Press, 1990), page 24.] Hence, people-centered advocacy is about mobilising *the politics of the people* to ensure that the *politics of the state* is accountable, transparent, ethical and democratic. It is a mode of social and political action.

## **Ethical Choices**

In people-centered advocacy "*being*" is as important as "*becoming*."

Unless one believes in a cause, one cannot advocate for that particular cause. Integrity and legitimacy of advocates are what provide moral force to advocacy. Hence, it seeks to bridge the gap between the words and the deeds; theory and practice; rhetoric and real life experience. It stresses that unless you challenge and change yourself, you cannot change others.

People-centered advocacy stresses the compatibility of means and ends. Unjust means can never be used for a just end. In this sense, people-centered advocacy seeks to change unjust power relations through non-violent direct action.

## **Rights Based Approach:**

People-centered advocacy encompasses a rights-based approach to social change and transformation.

People are not passive beneficiaries or charity seekers of the state or government. The state's political and moral responsibility is to guarantee all human rights to all human beings; particularly the right to live with dignity. Hence people have a right to demand that the state ensure equitable social change and distributive justice.

Citizens are the owners of the state. Hence, the state should be transparent and accountable to citizens and defend human rights. People-centered advocacy mobilises people and civil society against societal violations of human rights.

It seeks to bridge the gap between micro-level activism and macro-level policy change. It stresses a bottoms-up approach to social change rather than a top-down approach through macro-level policy change. It seeks to strengthen people's participation in the process of policy making and implementation.

## **Political Perspective**



People-centered advocacy seeks to go beyond the idea of advocating on behalf of the marginalised to the practice of enabling and empowering the marginalised to speak for themselves.

A value-driven process, it works to challenge and change unjust and unequal power relations, e.g patriarchy at every level of society; from private to public, from family to governance. Values of social justice and human rights are at its core.

It seeks to go beyond a state-centered approach to social change and politics to one shaped and led by the people. Grounded in the right to democratic dissent, it also includes the responsibility to work for just and viable political and policy alternatives.

### **Integrating Principles**

The three integrating principles of people-centered approaches are participation, communication and legitimacy. They integrate its politics and ethics as well as the various arenas of advocacy.

**Participation:** Participation is not a mere strategy to manufacture consent, manipulate consensus or extract cheap labour. Participation is a principle based on an *inclusive* moral choice; participation means sharing power, legitimacy, freedom, responsibilities and accountability. Participation is both a principle and means to include as many people as possible in the process of social change. Built on a deep respect for plurality, tolerance and dissent, it also involves an ability to understand and appreciate differences. Transparency is a pre-requisite for true participation. In people-centered advocacy, participation is a crucial means to initiate, inform and inspire change in all arenas of advocacy.

A deep sense of participation and communication help promote solidarity. Strong social movements sprout from a cause and identity common to large numbers of people sharing a vision and passion for change.

**Communication:** Advocacy is a communicative act and a set of actions that involves communications designed to promote social action. Community, collectivism and communication are closely interwoven. The process of advocacy involves different elements. These include: Communicate to Convince; Convince to Change; Change to Commit and Commit to Convert to the cause.

Communication is not merely the use of language. It is an attitude-a willingness to share; to learn; to reach out; and to speak. The clarity of the message is as important as the choice of medium. An effective communication strategy involves the creative use of symbols, language, information, knowledge, poetry, prose and politics. The



commitment of the communicator is as important as the message. Such a process involves learning from people, sharing with them, and inspiring and being inspired by them. Advocacy communication needs to be consistent, continuous, creative, compelling and convincing.

**Legitimacy:** Legitimacy is not merely about legality; it is both about ethics and politics. Legitimacy is not something one assumes, but something one acquires. Connected to the perception of power, legitimacy is derived over a period of time through a series of actions. It is the sense of deep commitment, accountability, communicability and action that help to derive legitimacy. It is both relative and dynamic and fosters credibility. Each arena of advocacy demands a particular type of legitimacy.

### **Arenas of People-Centered Advocacy**

Defining the arenas of people-centered advocacy helps clarify the roles and strategies of different set of actors in bringing about social change. There are four arenas of people-centered advocacy — a) People b) Public c) Network/Alliance and d) Decision-makers — that are linked to each other and overlap at certain points.

**People:** Key to the process is the arena of people: a) those who are directly affected by an issue b) those with whom an organisation or movement is directly working and c) those who identify with a particular cause or issue.

Advocacy work in this arena involves educating people on an issue, mobilising people around an issue, and organizing a particular group or community for long-term social transformation. Mobilisation is a continuous process of interaction, learning, critical awareness and collective action. It needs to educate, enable and empower the people. Such a process needs a clear political perspective and a long-term strategy for communication and participation.

**Public:** Public is one of the most used yet least understood terms. People-centered advocacy defines the public principally as the middle class, opinion makers, intellectuals and media. Whether as perpetuators or challengers of the status quo, they play a substantial role in shaping the political agenda and have the means to amplify the voice of the voiceless. To be effective advocacy needs to tap a critical mass of the public.

*Media Advocacy is the strategic use of communication and mass media to bring an issue into the public arena and the political discourse. It has two aspects: 1) creating news through building collective action and 2) articulating views through the media (see Box 1).*

Both poetry and politics can play a role in developing communication strategies. In a campaign against a Hydroelectric project in Silent Valley, a virgin forest in Kerala India, our experience validates





the power of poetry in influencing the public. The Silent Valley campaign (1978-83) was basically meant to protect bio-diversity and to raise critical questions about the nature of development. No community was to be displaced by the project. The entire media, political establishment and trade unions were for the hydroelectric project. Yet over a period of time four poets and five poems changed the public mood and political context. The poems caught the imagination of the young people and many were mobilised through the People's Science Movement. Media could not afford to ignore the concerns of such a large number of middle class youth nor the opinion of poets, writers and intellectuals. This created one of the first public discourses on the environment and sustainable development in India during the late seventies and early eighties. Advocacy strategies focused on the public arena can influence all other arenas substantially.

Knowledge-based activism is an important factor that influences the public. In the information age, it is not only the emotional appeal of an issue that matters, but the overall rationale based on a knowledge-based argument that makes a decisive impact.

**Networking and Alliance:** The arena of networking and alliance is important for sharing resources, co-ordinating multiple strategies and involving a large number of actors in advocacy. Networking widens the outreach and helps to build up a multiplier effect in terms of impact and public discourse. Advocacy seeks to integrate power of knowledge and the power of networking. Advocacy is also a process of negotiating with various institutions, including institutions of governance. Such a process requires long-term commitment and optimal institutional and financial resources. Networking is an important means to synergise the strengths of both institutions and individuals that identify with the advocacy cause. Clarity of goals, compatibility of perspective and convergence of interest are crucial for any sustainable networking. It seeks to bridge the gap between micro-level activism and macro-level policy initiative, developing multiple voices and diverse efforts in favour of the advocacy cause.

**Decision-Makers:** The decision-makers are those who have authority to make decisions and influence power relationship. This includes not only state policies, but also those who have the power to make decision in socio-cultural institutions, corporations, religious institutions, etc. There are multiple arenas of power and institutions that influence public policies and social attitudes. For instance, many of the religious institutions and practices perpetuate discrimination on the basis of gender and cast.

*Lobbying is a strategic process of convincing those in the corridors of power to make decisions or to exert their influence in favour of an advocacy cause. It is a rational process of making a convincing argument, using information and knowledge. However, the real bargaining power of a lobbyist comes from people, the public as well as the process of networking. A people-centered perspective insists that lobbyists should be*

grounded in real life experience and have an organic relationship with grassroots movements and the credibility and legitimacy that comes from that relationship.

## POWER - POLITICS - POLICY

Public policy is a function of the dominant politics. Politics is a dominant set of power relationships, so there is a need to understand the link between public policies and political process on the one hand; and political process and power relationship within the society on the other hand. *An issue needs to be framed the way people feel and perceive it. An issue is a social, economic or political concern or phenomenon, which affects a large number of people over a long period of time. It needs to be understood in terms of power relationships within the society, politics of the state and the policy priorities.*

One of the key problems in most of the countries in the Global south is the increasing gap between policy rhetoric and real implementation. Radical sounding language is increasingly used to gloss over deprivation, injustice and inequality. Through the co-option of language, symbols and institutions that claim to represent civil society and the marginalised, decision makers tend to create more and more **policy mirage**. *Policy mirage is a public policy statement, which articulates a lofty vision and principles for change, without any clear programme to move toward that vision and without any budgetary allocation to implement the policy.* Such policy mirages create illusions of change while perpetuating the status quo. Hence, there is a need to understand and change a public policy in terms policy direction, relevant legislation, accompanying programme, implementing mechanisms and most importantly financial allocation.

People-centered advocacy always considers every aspect of policy, process and negotiation in terms of the real impact it can bring to the lives of the poorest. Every action needs to be inspired and informed by Mahatma Gandhi's talisman:

"I will give you a talisman... Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? Then you will find your doubts and yourself melting away."

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**Source:** Samuel, John. "What is People-centered Advocacy", *Advocacy and Citizen Participation*. International Institute for Environment and Development. UK, 2002.



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## Guidelines on Advocacy

### *UNESCO and P.A.U. Education: Working Group 2 on Street Children and HIV/AIDS*

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#### **WORKING GROUP PARTICIPANTS**

*This working group was created following the international seminar organised by UNESCO and UNAIDS “Protecting the rights of street children: combating HIV/AIDS and discrimination” held in Bamako from 3 to 5 December 2003. The ideas and opinions expressed in this publication are the result of this group’s work and, as such, reflect only the opinions of the participants.*

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Recognising the relevance of a specific approach to the situation of street children, particularly in relation to HIV/AIDS, primarily requires fighting against the prejudices that society as a whole fosters against them, starting with the political and economic decision-makers.

Defenders of abandoned street children and promoters of the fight against HIV/AIDS carry out an essential defence strategy on the field in order to bring about the decline of these prejudices, encourage awareness and obtain new priorities for the mobilisation and allocation of resources to support this approach. This defence policy is aimed at the public authorities as well as bilateral and multilateral cooperation foundations and agencies.

The messages may be relayed by a variety of means such as defence days or campaigns, periodical lobbying or the implementation of a World Street Children Day.

As long as they are actively committed on the field, all those concerned about street children can work in favour of their rights and a specific approach concerning the risks linked to HIV/AIDS, whether these are associations, NGOs, educators, social workers, researchers, traditional leaders or communities themselves. Those working on the field, the peer-educators, the children themselves, often turn out to be the most convincing in terms of devising the best programmes and organising the best funding policies.



The defence strategy tends to concentrate its efforts on influential people who have the power to change policies, decide on funding and mobilise public opinion, whether these are government, regional or local leaders, community leaders, heads of international or national funding agencies, religious or community personalities or businessmen.

The defence strategy aims to influence public opinion and political decisions and funding priorities by creating awareness about an issue and proposing a specific solution to that issue. The success of the defence depends on effective persuasion based on a strategy.

The extent of the defence strategy may vary, and it may be aimed at a single community, a small group of decision-makers or an entire country, and its characteristics may change depending on the objectives and priorities of those taking the initiative.

## 1. FRAMEWORK AND OBJECTIVES

Large or small, defence campaigns should comprise the following stages in order to be effective:

	Stages	Comments
1	Carry out an assessment of defence strategy needs.	An initial assessment should allow for an understanding of the needs of the street children, first defining who they are, how many of them there are, where they live, their actual situation with regard to HIV/AIDS, and the prejudices and discriminations from which they suffer. The lack of information, prevention, taking care of their daily existence, leads one to question the concrete action undertaken to assist them and the funding obtained, the actual know-how of the educators and their training requirements, and the operations to be implemented.
2	Set goals	Setting goals, objectives and defence strategies implies from the outset identification and classification of needs, followed by a determination of funding issues. It will then be possible to target publics to whom the defence strategy should be addressed, formulated

		around a given demand, such as those to increase funds allocated, change a law or a policy affecting access to resources, encourage collaboration with ministries, influence the internal policy of companies and businesses, and identify and change unwritten policies, etc.
3	Work jointly with other people and organisations.	
4	Encourage the participation of the targeted groups.	Training of peer-educators.
5	Educate the public.	Educational work that often requires associations with the media.
6	Persuade the public and decision makers to support the mobilisation of resources for the development of the most vulnerable and marginalised populations.	
7	Respond to questions asked about street children and HIV/AIDS.	
8	Respond to the opposition.	
9	Assess the results and adjust the defence strategies.	

## 2. GROUPS TARGETED BY THE DEFENCE STRATEGY AND THE CREATION OF MESSAGES

The defence strategy has been set as objectives to transmit multiform information on HIV/AIDS and to enable children to benefit from their rights. The messages should be adapted to each of the groups targeted. The time taken for the defence strategy will depend on its objectives, with programmes lasting generally for one or two years.

### A. Public authorities

The first objective aims to strengthen knowledge on HIV/AIDS, and concerns primarily the public authorities, starting right at the very top of the state (the wives of the heads of state) and the principal ministries, such as the justice, national



education and health ministries. Regional authorities and elected representatives are also concerned because of their authority and influence.

1. Public authorities are distinguished by their poor commitment in the fight against HIV/AIDS and discrimination against street children.

**Message idea:** *“The public authorities guarantee the wellbeing of the population in general and/or have ratified numerous treaties and conventions on an international level. They should respect these commitments by fighting against HIV/AIDS and discrimination against street children”.*

2. Also of note is the lack, even absence, of integration of the problems of children sent out onto the street within development programmes.

**Message idea:** *“The public authorities are entrusted with the creation of policies for the integrated fight against HIV/AIDS and discrimination that place an emphasis on street children in order to save their lives”.*

3. The difficulties for the implementation, hence their absence, of reliable monitoring mechanisms for the commitments undertaken in the fight against HIV/AIDS.

**Message idea:** *“In order to be effective, programmes and conventions for the fight against HIV/AIDS and discrimination against street children should be accompanied by implementation and reliable monitoring mechanisms”.*

4. The insufficient level of knowledge regarding HIV/AIDS and the rights of children living on the streets.

**Message idea:** *“The public authorities, who have knowledge about HIV/AIDS and discrimination against street children, are the best equipped in order to take decisions in favour of taking responsibility and fighting the problem”.*

## B. Community groups

Community groups imply the customary authorities, religious authorities, village leaders, as well as female pressure groups (women acting as go-betweens, etc.). This group can also include elected representatives and other opinion leaders.

Community groups are characterised by:

1. Their insufficient level of knowledge on HIV/AIDS, possibly leading to consideration of the ravages caused by the virus as divine punishment.



**Message ideas:** *“Community leaders who have knowledge about HIV/AIDS and are aware of the discrimination suffered by street children have valid reasons to adhere to the prevention and care programmes, and should participate in awareness activities in order to evolve behaviour”; “Through their authority, community leaders can influence behaviours and encourage greater community involvement”; “AIDS is not a form of divine punishment as everybody knows how it is transmitted and how easy it is to apply the means to prevent it”.*

2. Their bad perception of street children, whether or not they are infected with HIV/AIDS.

**Message ideas:** *“Street children, whether or not they are infected with HIV/AIDS, need the daily support and assistance of the community”; “Psychological, economic and social support for street children, whether or not they have HIV/AIDS, alleviates their difficult circumstances”; “Community mobilisation facilitates the integration of street children, whether or not they have HIV/AIDS”; “Better supervision of street children protects them against HIV/AIDS and discrimination”.*

3. Their lack, even absence, of commitment.

**Message ideas:** *“The community leader should be a model for commitment in the fight against HIV/AIDS and the discrimination suffered by street children; “The community leader has the moral obligation to protect his or her community”.*

4. The difficulty in holding dialogue within the family and the community.

**Message ideas:** *“Discussion on HIV/AIDS within the family is an effective means of protecting street children and encouraging their fulfilment”.*

### C. The media

Journalists lack training on HIV/AIDS and do not commit sufficiently to fight against the discrimination suffered by street children; this applies to all of the media, whether these are town criers and griots – the traditional media – or journalists from the written press, radio and television.

**Message ideas:** *“Journalists are credible informers who should deliver information that is correct, authentic and easy to understand”; The media can not remain on the sidelines of the fight against HIV/AIDS and participate in discrimination against street children, as these two scourges are ruining the hopes of numerous children in our societies”; “The media should create programmes to fight against HIV/AIDS and the discrimination suffered by street children and address them to the decision-makers, with whom they are often in contact”.*





## D. Children

Children already living on the streets, as well as those preparing to head to the cities to experience the same fate, suffer, or risk suffering from:

1. An absence of supervision.

**Message idea:** *“When street children are better organised, they a greater opportunity to demand their rights and protect themselves against HIV/AIDS and discrimination”.*

2. Social rejection and stigmatisation because they live on the streets.

**Message idea:** *“Regardless of your serological state and your reasons for being on the streets, you have the support of your peers; street children should accept themselves as they are”.*

3. Insufficient, or a lack of, knowledge about how to fight HIV/AIDS and the discrimination from which they suffer.

**Message idea:** *“When street children have information about the means of fighting HIV/AIDS and the discrimination from which they suffer, they can protect themselves and others”.*

## E. The private sector

The following messages can be put forward for companies: *“Making profits is not incompatible with a social approach; by developing programmes to fight HIV/AIDS and the discrimination suffered by street children, the private sector can sell itself better and make increased profits”.* Also, *“A private sector with a sound knowledge of HIV/AIDS and children’s rights, particularly those of street children, is better placed to develop programmes for them and maintain the work force of tomorrow”.*

Strengthening knowledge about HIV/AIDS and the defence of street children is also an issue for NGOs and development partners.

## 3. THE CHILDREN’S APPRECIATION OF THE MESSAGES

A pre-test allows for an assessment to ascertain whether the message ideas are well understood by street children, to see whether the problems described are relevant and significant for them and whether they feel that the recommended actions are acceptable and realistic. This pre-test will be carried out by means of four or five led discussion groups, each comprising between six and ten children.

Each discussion group will be led by two monitors who need to be hired and trained; one will ask questions whilst the other will take notes. Such organisation requires logistics: preparing a light meal or drinks for the participants, checking that all of the necessary supplies are available, such as biros, pencils, note-pads, etc., without forgetting the tape-recorder to be used by the monitors, and that its transfer will need to be ensured. The selection of participants will aim to determine groups with similar characteristics in terms of age, level of education and sex in order to facilitate the free expression of each participant.

During the discussions, which should not last for more than two hours, the monitor will encourage the children to communicate directly among themselves rather than simply responding to questions. The reporter will have to observe the way in which the participants react, paying close attention, for example, to facial expressions, and not only to the remarks made.

The discussion will take place as follows:

**1. Introduction:** explain who you are and the aim of the pre-test, insisting on the fact that there is no right or wrong answer to the questions that will be asked.

**2. Discussion questions:**

- a. What do you think about when people talk about AIDS?
- b. Are you concerned about the issue of AIDS?
- c. What do you expect from each of these target groups with regard to the fight against HIV/AIDS and discrimination against street children?
  - Public authorities?
  - Community groups?
  - The media?
  - The private sector?
  - Children in general and other street children in particular?
- d. If you had a message to send to each of the target groups, what would it be?
- e. Do street children have rights?
- f. What are the most violated rights of street children? How can street children's rights be respected? Who violates these rights? What message should be sent to those who violate these rights?

**3. Conclusion**

- a. Recapitulate, if possible.
- b. Ask whether the participants would like to talk about a subject not touched on during the discussion.
- c. Thank the participants for the time that they have spent together.



**4. Presentation of the pre-test results, the summary of which should highlight the following elements:**

- a. A list of the group characteristics, such as age, sex, level of education, etc.
- b. A summary of what the words meant according to the participants.
- c. A summary of what the participants thought regarding the message ideas.
- d. A summary of what the participants thought needed to be changed and the means to achieve these changes.
- e. Comments by the monitors.

**4. ACTIVITY AIDS**

Activity aids may take the form of theatre shows, discussion groups, radio games with interviews, all of which may be accompanied by a stream of content comprising a number of activities such as competition-games in schools (even Koranic ones), role-play games, case studies and testimonies.

**Examples of aids (proposed by Mousse Sadie)**

Raising public awareness can be done by means of a theatre show based on the theme of orphan child AIDS victims, held on a public town square. The religious authorities would disseminate the message transmitted by the show, whilst women would tell the story to their children. The organisation of activities in advisory bureaux is focused primarily on children. The first to be stigmatised, they should also be the first to combat this rejection by a major part of society. The monitors of the centres, together with nurses, doctors, midwives, psychologists, religious figures and educators, will lead these activities. Preferential use of aids such as television and video cassettes will be made, and these will enable those involved to deal with themes including the family, drugs, health, HIV/AIDS, problems linked to the streets, violence and prostitution, and the education to be given to the children.

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**Source:** P.A.U. Education and UNESCO partnership program on Street Children and HIV/AIDS. Retrieved from

<http://www.paueducation.com/aids/en/pdf/G2.pdf>

## New Media and Human Rights Education

*by Ronald Kakembo; Human Rights Centre Uganda:*

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Anytime anyone mentions the power of social media in bringing about social change, the focus always shifts to the discussion on the Arab Spring and the role which was played by social media to ensure that change. Well, no one can refute that argument, but at the same time, one has to remember that the lessons learned from the Arab Spring do not only help activists but likewise inform states of their loop holes with regard to governance and human rights. And likewise any state with the means to fix such loop holes, will definitely find ways to plug them. While some may say, that states should not implement such measures, we know that many states try as much as possible to hold onto power, although power belongs to the people.

As the use of social media becomes increasingly mainstreamed, you will agree when I say that it is very likely that the nature of rights advocated for likewise begin to change. We begin to realise that it is not right to silently suffer while you know of others who have successfully won a similar battle across the world. I have noticed that human rights defenders' and organizations' visibility online has increased and likewise become more refined to better reach a global audience. Many international organisations have embraced social media such as Equitas – International Centre for Human Rights which have an online community, bridging its alumni from across the world to a safe platform. The South African Human Rights Commission established an e-learning portal, which allowed it to partner with educational institutions to better promote human rights education. The majority of mainstream human rights advocates and campaigners are now making use of social media as a component within their outreach campaigns.

Some journalists who are at high risk because of their work, are now using platforms like Facebook, Twitter, Youtube and emails to provide for themselves protection. After all, if everyone knows a secret, then it becomes public knowledge.

Modern means of communication and new media have turned the world into a small village. When a human rights activist is arrested or killed in Uganda, in a matter of minutes, the whole world is responding to what happened. The example of the Arab Spring, and especially the widespread use of social media to disseminate messages of human rights, human dignity and calls for assistance, is a case in point (though this debate on its impact is still yet to fade).

Whether or not, the results increase due to more effective lobbying, advocacy, outreach, and thematic campaigns for policy and regime change depends on how well rights institutions, activists and campaigners are able to translate opportunity



into action. Likewise the matter of public legitimacy is also important especially as the younger generation is increasingly using social media to express themselves and share knowledge and information.

For the ones interested in human rights education like me, let's now consider the possibilities online videos and other communication technologies have created. Consider the power and life line a recorded message on human rights has. If a picture says a thousand words, then imagine how many a video says. An online video documentary on how to use the international protection mechanisms speaks to more people than could possibly be reached in a football stadium.

Now the question falls back to you; What do you think? Is there a role for the new media in the promotion of global human rights agenda?

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**Source:** "New Media and Human Rights Education", Ronald Kakembo; Human Rights Centre Uganda.

[http://www.hrcug.org/index.php?option=com\\_content&view=article&id=161%3Anew-media-and-human-rights-education&Itemid=189](http://www.hrcug.org/index.php?option=com_content&view=article&id=161%3Anew-media-and-human-rights-education&Itemid=189)

# Web Resources

## General Internet Resources

### Non-Governmental Organizations

Amnesty International	<a href="http://www.amnesty.org">www.amnesty.org</a>
Center for Economic and Social Rights	<a href="http://www.cesr.org">www.cesr.org</a>
Center for World Indigenous Studies	<a href="http://www.cwis.org">www.cwis.org</a>
Project DIANA: Online Human Rights Archive	<a href="http://avalon.law.yale.edu/subject_menus/diana.asp">avalon.law.yale.edu/subject_menus/diana.asp</a>
Human Rights Watch	<a href="http://www.hrw.org">www.hrw.org</a>
International Labour Organization (ILO)	<a href="http://www.ilo.org">www.ilo.org</a>
International Committee of the Red Cross	<a href="http://www.icrc.org">www.icrc.org</a>
WorldViews	<a href="http://www.igc.org/worldviews">www.igc.org/worldviews</a>
International Council on Human Rights Policy	<a href="http://www.ichrp.org">www.ichrp.org</a>

### Internet Guides

Getting Online for Human Rights	<a href="http://shr.aaas.org/Online/cover.htm">shr.aaas.org/Online/cover.htm</a>
Human Rights Internet: Documentation Centre	<a href="http://www.hri.ca/publications-documentation.aspx">www.hri.ca/publications-documentation.aspx</a>
UN Documentation: Research Guide	<a href="http://www.un.org/Depts/dhl/resguide/spechr.htm">www.un.org/Depts/dhl/resguide/spechr.htm</a>

### The United Nations System

UN home page	<a href="http://www.un.org">www.un.org</a>
UN High Commissioner for Human Rights (UNHCHR)	<a href="http://www.ohchr.org/EN">www.ohchr.org/EN</a>
The Universal Declaration of Human Rights (available in 300 languages)	<a href="http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx">www.ohchr.org/EN/UDHR/Pages/Introduction.aspx</a>
The UN cyber school bus (education tools)	<a href="http://www.un.org/Pubs/CyberSchoolBus/index.html">www.un.org/Pubs/CyberSchoolBus/index.html</a>
Office of the High Commissioner for Human Rights (OHCHR): Human Rights Education and Training	<a href="http://www2.ohchr.org/english/issues/education/training/index.htm">www2.ohchr.org/english/issues/education/training/index.htm</a>
Office of the High Commissioner for Human Rights (OHCHR): Special Issue Papers	<a href="http://www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx">www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx</a>
Office of the High Commissioner for Human Rights (OHCHR): Complete List of International Instruments	<a href="http://www2.ohchr.org/english/law/">www2.ohchr.org/english/law/</a>
World Federation of United Nations Associations (WFUNA) - Human Rights Nexus	<a href="http://humanrightsnexus.org">http://humanrightsnexus.org</a>



### Regional Human Rights Systems

OAS - Inter-American Commission on Human Rights	<a href="http://www.cidh.oas.org/DefaultE.htm">www.cidh.oas.org/DefaultE.htm</a>
OAS - Inter-American Court of Human Rights	<a href="http://www.corteidh.or.cr">www.corteidh.or.cr</a>
African Commission on Human and Peoples' Rights	<a href="http://www.achpr.org/english">www.achpr.org/english</a>
European Court of Human Rights	<a href="http://www.echr.coe.int/echr/Homepage_EN">www.echr.coe.int/echr/Homepage_EN</a>
Council of Europe – Commissioner of Human Rights	<a href="http://www.coe.int/t/commissioner/default_EN.asp">www.coe.int/t/commissioner/default_EN.asp</a>
Organization for Security and Cooperation in Europe	<a href="http://www.osce.org">www.osce.org</a>
OSCE - Office for Democratic Institutions and Human Rights	<a href="http://www.osce.org/odihr">www.osce.org/odihr</a>
Association of South East Asian Nations (ASEAN)	<a href="http://www.aseansec.org">www.aseansec.org</a>
Commonwealth Human Rights Initiative	<a href="http://www.humanrightsinitiative.org">www.humanrightsinitiative.org</a>
Europa – Gateway to the European Union	<a href="http://europa.eu/index_en.htm">europa.eu/index_en.htm</a>
Asian Human Rights Commission	<a href="http://www.ahrchk.net">www.ahrchk.net</a>

### Stream 1

Participatory Learning and Action	<a href="http://www.planotes.org">www.planotes.org</a>
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### Streams 2 and 3

Amnesty International's Human Rights Education Bibliography: Volume IV	<a href="http://web.amnesty.org/library/Index/engPOL320011996">web.amnesty.org/library/Index/engPOL320011996</a>
Human Rights Education Associates	<a href="http://www.hrea.org">www.hrea.org</a>
Human Rights Internet	<a href="http://www.hri.ca">www.hri.ca</a>
Human Rights Research and Education Centre, University of Ottawa	<a href="http://www.cdp-hrc.uottawa.ca/eng/">www.cdp-hrc.uottawa.ca/eng/</a>
Human Rights Resource Center	<a href="http://www.hrusa.org">www.hrusa.org</a>
University of Minnesota Human Rights Library	<a href="http://www1.umn.edu/humanrts/index.html">www1.umn.edu/humanrts/index.html</a>
The People's Movement for Human Rights Education	<a href="http://www.pdhre.org">www.pdhre.org</a>
Teaching Human Rights On-line (THRO)	<a href="http://homepages.uc.edu/thro/index.html">homepages.uc.edu/thro/index.html</a>

### Stream 4

The African Centre for the Constructive Resolution of Disputes (ACCORD)	<a href="http://www.accord.org.za">www.accord.org.za</a>
Centre for Conflict Resolution	<a href="http://www.ccr.org.za">www.ccr.org.za</a>
Conflict Resolution Network	<a href="http://www.crnhq.org">www.crnhq.org</a>
Forum for Early Warning and Early Response (FEWER)	<a href="http://www.fewer-international.org">www.fewer-international.org</a>

Transcend	<a href="http://www.transcend.org">www.transcend.org</a>
The Human Security Gateway – Conflict Resolution and Peacemaking	<a href="http://www.humansecuritygateway.com/topicPortal.php?topicId=5">www.humansecuritygateway.com/topicPortal.php?topicId=5</a>

## Stream 5

### The UN System

Using the UN System: The United Nations Human Rights Treaties	<a href="http://www.bayefsky.com">www.bayefsky.com</a>
Universal Periodic Review	<a href="http://www.upr-info.org">www.upr-info.org</a>
The International Criminal Court	<a href="http://www.icc-cpi.int/Menus/ICC?lan=en-GB">www.icc-cpi.int/Menus/ICC?lan=en-GB</a>
The Coalition for the International Criminal Court	<a href="http://www.iccnw.org">www.iccnw.org</a>
Human Rights First	<a href="http://www.humanrightsfirst.org/index.html">www.humanrightsfirst.org/index.html</a>
UN – Rome Statute of the International Criminal Court	<a href="http://untreaty.un.org/cod/icc/index.html">untreaty.un.org/cod/icc/index.html</a>

### Economic, Social, and Cultural Rights

Derechos - Economic & Cultural Social Rights Links	<a href="http://www.derechos.net/links/issues/econ.html">www.derechos.net/links/issues/econ.html</a>
University of Ottawa - Human Rights Research & Education Centre – ESC Rights Links	<a href="http://www.cdp-hrc.uottawa.ca/eng/doc/inter-web/ecosocint_e.php">www.cdp-hrc.uottawa.ca/eng/doc/inter-web/ecosocint_e.php</a>
Center for Economic and Social Rights	<a href="http://www.cesr.org">www.cesr.org</a>
Economic, Social and Cultural Rights – A Handbook	<a href="http://shr.aaas.org/escr/handbook/">shr.aaas.org/escr/handbook/</a>

### Housing Rights and Forced Evictions

Centre on Housing Rights and Evictions	<a href="http://www.cohre.org">www.cohre.org</a>
OHCHR Special Rapporteur of the Commission on Human Rights on adequate housing	<a href="http://www2.ohchr.org/english/issues/housing/index.htm">www2.ohchr.org/english/issues/housing/index.htm</a>
OHCHR Committee on Economic, Social, and Cultural Rights General Comment on The Right to Adequate Housing	<a href="http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument">www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument</a>
OHCHR Committee on Economic, Social, and Cultural Rights General Comment on The Right to Adequate Housing: forced evictions	<a href="http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/959f71e476284596802564c3005d8d50?Opendocument">http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/959f71e476284596802564c3005d8d50?Opendocument</a>
OHCHR Commission on Human Rights: Resolution on Prohibition of forced evictions	<a href="http://ap.ohchr.org/documents/E/SUBCOM/resolutions/E-CN_4-SUB_2-RES-2003-17.doc">http://ap.ohchr.org/documents/E/SUBCOM/resolutions/E-CN_4-SUB_2-RES-2003-17.doc</a>
United Nations Human Settlements Programme – Housing Rights Programme	<a href="http://www2.unhabitat.org/programmes/housingrights/">www2.unhabitat.org/programmes/housingrights/</a>
HIC Habitat International Coalition	<a href="http://www.hic-net.org">www.hic-net.org</a>
Asian Coalition for Housing Rights	<a href="http://www.achr.net">www.achr.net</a>
Human Rights Education Associates Study Guides – The Right to Housing	<a href="http://www.hrea.org/learn/guides/housing.html">www.hrea.org/learn/guides/housing.html</a>
Choike – A Portal on Southern Civil Societies – The Right to Adequate Housing	<a href="http://www.choike.org/nuevo_eng/informes/1162.html">www.choike.org/nuevo_eng/informes/1162.html</a>





### Women's Rights

Derechos – Women's Rights Internet Links	<a href="http://www.derechos.net/links/issues/women.html">www.derechos.net/links/issues/women.html</a>
Convention on the Elimination of All Forms of Discrimination against Women	<a href="http://www.un.org/womenwatch/daw/cedaw">www.un.org/womenwatch/daw/cedaw</a>
UNIFEM	<a href="http://www.unifem.org">www.unifem.org</a>
UN Division for the Advancement of Women	<a href="http://www.un.org/womenwatch/daw/">www.un.org/womenwatch/daw/</a>
University of Toronto – Women's Human Rights Resources Programme	<a href="http://www.law-lib.utoronto.ca/diana/">www.law-lib.utoronto.ca/diana/</a>
International Women's Rights Action Watch	<a href="http://www.iwraw.net">www.iwraw.net</a>
The Association for Women's Rights in Development (AWID)	<a href="http://www.awid.org">www.awid.org</a>
Human Rights Watch – Women's Rights	<a href="http://www.hrw.org/en/category/topic/women">http://www.hrw.org/en/category/topic/women</a>
UNHCHR Special Rapporteur of the Commission on Human Rights on violence against women	<a href="http://www2.ohchr.org/english/issues/women/rapporteur/">www2.ohchr.org/english/issues/women/rapporteur/</a>
The UN Cyber school bus – International Women's Day	<a href="http://www.un.org/cyberschoolbus/womensday/index.asp">www.un.org/cyberschoolbus/womensday/index.asp</a>
Working Group on Ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	<a href="http://www.womenstreaty.org">www.womenstreaty.org</a>
Stop Violence Against Women	<a href="http://www.stopvaw.org/Stop_Violence_Against_Women.html">www.stopvaw.org/Stop_Violence_Against_Women.html</a>
Women's World Summit Foundation	<a href="http://www.woman.ch">www.woman.ch</a>
MADRE	<a href="http://www.madre.org">www.madre.org</a>
Women's Commission for Refugee Women and Children	<a href="http://womensrefugeecommission.org">womensrefugeecommission.org</a>
International Center for Research on Women	<a href="http://www.icrw.org">www.icrw.org</a>
International Women's Health Coalition	<a href="http://www.iwhc.org">www.iwhc.org</a>
Women's Learning Partnership for Rights, Development, and Peace	<a href="http://www.learningpartnership.org">www.learningpartnership.org</a>
Minnesota Advocates for Human Rights – Women's Human Rights Program	<a href="http://www.mnadvocates.org/Women_s_Human_Rights.html">www.mnadvocates.org/Women_s_Human_Rights.html</a>

### Children's Rights

Human Rights Watch – Children's Rights	<a href="http://www.hrw.org/en/category/topic/children%E2%80%99s-rights">http://www.hrw.org/en/category/topic/children%E2%80%99s-rights</a>
Child Rights Information Network	<a href="http://www.crin.org">www.crin.org</a>
UNHCR – Children's Rights	<a href="http://www.unhcr.org/pages/49c3646c1e8.html">www.unhcr.org/pages/49c3646c1e8.html</a>
Convention on Rights of the Child	<a href="http://www.unicef.org/crc">www.unicef.org/crc</a>
UNICEF	<a href="http://www.unicef.org">www.unicef.org</a>
ECPAT International – A Coalition	<a href="http://www.ecpat.net">www.ecpat.net</a>
Pangaea Resource Library Street/Community Children	<a href="http://pangaea.org/street_children/kids.htm">pangaea.org/street_children/kids.htm</a>
UN Special Representative to the Secretary General for Children and Armed Conflict	<a href="http://www.un.org/special-rep/children-armed-conflict/English/index.html">www.un.org/special-rep/children-armed-conflict/English/index.html</a>
ILO – International Programme on the Elimination of Child Labour	<a href="http://www.ilo.org/public/english/standards/ipec/index.htm">www.ilo.org/public/english/standards/ipec/index.htm</a>

Amnesty International Canada - Children	<a href="http://www.amnesty.ca/themes/children_overview.php">www.amnesty.ca/themes/children_overview.php</a>
International Bureau for Children's Rights	<a href="http://www.ibcr.org/eng/home.html">www.ibcr.org/eng/home.html</a>
Save the Children	<a href="http://www.savethechildren.net">www.savethechildren.net</a>
Free the Children	<a href="http://www.freethechildren.com">www.freethechildren.com</a>
Childwatch International Research Network	<a href="http://www.childwatch.uio.no">www.childwatch.uio.no</a>
Street Kids International	<a href="http://www.streetkids.org">www.streetkids.org</a>
Casa Alianza	<a href="http://www.casa-alianza.org.uk">www.casa-alianza.org.uk</a>

### Minority Rights

Minority Rights Group International	<a href="http://www.minorityrights.org">www.minorityrights.org</a>
Derechos -- Minority Rights Links	<a href="http://www.derechos.net/links/issues/minority.html">www.derechos.net/links/issues/minority.html</a>
International Convention on the Elimination of All Forms of Racial Discrimination	<a href="http://www2.ohchr.org/english/law/cerd.htm">www2.ohchr.org/english/law/cerd.htm</a>
Convention against Discrimination in Education	<a href="http://www2.ohchr.org/english/law/education.htm">www2.ohchr.org/english/law/education.htm</a>
Declaration on Race and Racial Prejudice	<a href="http://www.unhchr.ch/html/menu3/b/d_prejud.htm">www.unhchr.ch/html/menu3/b/d_prejud.htm</a>
Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities	<a href="http://www2.ohchr.org/english/law/minorities.htm">www2.ohchr.org/english/law/minorities.htm</a>
Office of the High Commissioner of Human Rights - Minorities	<a href="http://www2.ohchr.org/english/issues/minorities">www2.ohchr.org/english/issues/minorities</a>
Minority Rights: A Guide to United Nations Procedures and Institutions	<a href="http://www.hrea.org/erc/Library/display_doc.php?url=http%3A%2F%2Fwww.greekhelsinki.gr%2Fpdf%2FUN-NGO-Guide.pdf&amp;external=N">www.hrea.org/erc/Library/display_doc.php?url=http%3A%2F%2Fwww.greekhelsinki.gr%2Fpdf%2FUN-NGO-Guide.pdf&amp;external=N</a>
MIRIS – Minority Rights Information System*	<a href="http://miris.eurac.edu">miris.eurac.edu</a>
Unrepresented Nations and Peoples Organization	<a href="http://www.unpo.org">www.unpo.org</a>
Council of Europe Human Rights – National Minorities	<a href="http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp">www.coe.int/t/dghl/monitoring/minorities/default_en.asp</a>
European Commission Against Racism and Intolerance	<a href="http://www.coe.int/t/dghl/monitoring/ecri/default_en.asp">www.coe.int/t/dghl/monitoring/ecri/default_en.asp</a>
UNHCHR Special Rapporteur – racism, racial discrimination, xenophobia and related intolerance	<a href="http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm">www2.ohchr.org/english/issues/racism/rapporteur/index.htm</a>
Minority Electronic Resources – directory of resources on minority human rights and related problems of the transition period in Eastern and Central Europe	<a href="http://www.minelres.lv">www.minelres.lv</a>
European Union Agency for Fundamental Rights	<a href="http://fra.europa.eu">fra.europa.eu</a>
European Centre for Minority Issues	<a href="http://www.ecmi.de/rubrik/43/cooperation">www.ecmi.de/rubrik/43/cooperation</a>
European Roma Rights Center	<a href="http://www.errc.org">www.errc.org</a>
The BALKAN Human Rights Web Pages	<a href="http://www.greekhelsinki.gr/bhr/english/index.html">www.greekhelsinki.gr/bhr/english/index.html</a>
Oxfam International – Indigenous and Minority Rights	<a href="http://www.oxfam.org/en/about/issues/indigenous-rights">www.oxfam.org/en/about/issues/indigenous-rights</a>

### Indigenous People's Rights

Indigenous Peoples' Links	<a href="http://www.derechos.net/links/issues/indig.html">www.derechos.net/links/issues/indig.html</a>
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## Web Resources ● ● ● ● ● ● ● ●

Aboriginal Links International	<a href="http://www.bloorstreet.com/300block/aborintl.htm">www.bloorstreet.com/300block/aborintl.htm</a>
Indigenous Peoples' Centre for Documentation, Research and Information	<a href="http://www.docip.org">www.docip.org</a>
Assembly of First Nations (Canada)	<a href="http://www.afn.ca/article.asp?id=3">www.afn.ca/article.asp?id=3</a>

### Stream 6

The Evaluation Trust – What is Evaluation?	<a href="http://www.evaluationtrust.org/evaluation/evaluate">www.evaluationtrust.org/evaluation/evaluate</a>
Charities Evaluation Services – Why Evaluate?	<a href="http://www.ces-vol.org.uk/index.cfm?pg=545">www.ces-vol.org.uk/index.cfm?pg=545</a>
IDRC – Participatory Monitoring and Evaluation -	<a href="http://www.idrc.ca/en/ev-116774-201-1-DO_TOPIC.html">www.idrc.ca/en/ev-116774-201-1-DO_TOPIC.html</a>
Evaluation in the Human Rights Education Field: Getting Started	<a href="http://www.hrea.org/index.php?base_id=170">www.hrea.org/index.php?base_id=170</a>
Amnesty International – Evaluation: A Beginners Guide	<a href="http://www.amnesty.org/en/library/info/POL32/003/1999">www.amnesty.org/en/library/info/POL32/003/1999</a>
Learning Technology Dissemination Initiative – Evaluation Cookbook	<a href="http://www.icbl.hw.ac.uk/ltidi/cookbook/contents">www.icbl.hw.ac.uk/ltidi/cookbook/contents</a>
University of Leeds – Guide to the Design of Questionnaires	<a href="http://iss.leeds.ac.uk/info/312/surveys/217/guide_to_the_design_of_questionnaires">iss.leeds.ac.uk/info/312/surveys/217/guide_to_the_design_of_questionnaires</a>
How to Write a Good Survey	<a href="http://www.accesscable.net/~infopoll/tips.htm">www.accesscable.net/~infopoll/tips.htm</a>

### Stream 7

Library links on Human Rights Monitors – HREA	<a href="http://www.hrea.org/erc/Library/list.php?category_id=9&amp;category_type=3">www.hrea.org/erc/Library/list.php?category_id=9&amp;category_type=3</a>
Training Manual on Human Rights Monitoring – Professional Training Series No. 7	<a href="http://www.hrea.org/erc/Library/monitoring/ohchr02.html">www.hrea.org/erc/Library/monitoring/ohchr02.html</a>
New Tactics in Human Rights	<a href="http://www.newtactics.org">www.newtactics.org</a>
UNDP Oslo Governance Centre, Linking Human Rights and the MDGs	<a href="http://www.undp.org/oslocentre/resources/hr_mdg_links.html">www.undp.org/oslocentre/resources/hr_mdg_links.html</a>
Tactical Technology Collective	<a href="http://www.tacticaltech.org">www.tacticaltech.org</a>
Breakthrough – Popular culture, media, and community mobilization	<a href="http://www.breakthrough.tv">www.breakthrough.tv</a>
NGO-in-a-box – Powerful tools for the daily work of NGO's	<a href="http://ngo-in-a-box.org">ngo-in-a-box.org</a>
Global Voices Advocacy – Network of bloggers and online activists	<a href="http://advocacy.globalvoicesonline.org/">advocacy.globalvoicesonline.org/</a>
Change.org – Platform informing and empowering movements for social change	<a href="http://www.change.org">www.change.org</a>
CITIZENShift – Multimedia platform dedicated to media for social change	<a href="http://citizenshift.org">http://citizenshift.org</a>
The Hub – Participatory media site for human rights	<a href="http://hub.witness.org">http://hub.witness.org</a>