

National Institutions Training Series

**NATIONAL HUMAN RIGHTS INSTITUTIONS
AT WORK**

REGIONAL TRAINING PROGRAM

Manila Philippines

May 9 - 14, 1999

PROGRAM MANUAL

**CANADIAN HUMAN RIGHTS FOUNDATION
AND
PHILIPPINE COMMISSION ON HUMAN RIGHTS**

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With all my gratitude,

Ruth Selwyn
Executive Director, CHRF

Montreal, April 16, 1999

ABOUT THE ORGANIZERS

This training session will mark the second time that the CHR and CHRF have collaborated in the organization of a regional training session for National Human Rights Institutions. The first *National Human Rights Institutions at Work* regional training took place in Tagaytay, the Philippines from 8-13 February 1998.

The **Philippine Commission on Human Rights (CHR)** came into being as a permanent and constitutionally independent body on 5 May 1987 as a result of Executive Order No. 163, fulfilling the vision of the 1987 Constitution. The CHR is tasked with the protection and promotion of the human rights of all persons in the Philippines, including Filipinos abroad.

The CHR has been recognized internationally for its work in the field of human rights education, and received the UNESCO Prize for the Teaching of Human Rights in 1995. The CHR has also hosted a number of important international conferences and workshops.

The **Canadian Human Rights Foundation (CHRF)** was founded in 1967 as a non-profit, non-governmental organization (NGO) dedicated to the defense and promotion of human rights through education and the support of training and development initiatives in Canada and abroad. The CHRF also organizes conferences on emerging human rights issues, and publishes educational materials and a bilingual newsletter, *Speaking About Rights*.

The CHRF has been involved in the design and delivery of programmes of support for national human rights institutions since 1996. Working in collaboration with the Canadian Human Rights Commission, the Quebec Commission and international partners, the CHRF is currently working with the Indonesian National Commission on Human Rights on a project to strengthen human rights education and training capacities in Indonesia. In Thailand, the CHRF has been working since mid-1998 with Thai NGOs to support the involvement of civil society in the creation of a new National Commission on Human Rights.

PROGRAM INTRODUCTION

The ***National Human Rights Institutions at Work*** (NHRIW) Regional Program is designed to support the strengthening of independent and effective human rights commissions (HRC) in Asia by providing specialized training for the staff of these institutions and their potential partners in government and civil society. The program was first piloted in February 1998 and has since been modified in the light of this experience and extensive consultations with the members of human rights commissions in the region and human rights education experts.

The Context

By definition, a HRC is a body established by a Government under the country's constitution, by law or by decree. Its function is specifically defined in terms of the promotion and protection of human rights. The international standards described in the *Principles Relating the Status of National Institutions* (i.e. the "Paris Principles") state that HRCs should be sufficiently autonomous to operate independently of Government and have adequate powers to fulfill their mandate. Generally, the functions of a HRC include investigation of alleged human rights violations, promotion of human rights awareness and education, and advising governments on human rights-related matters.

Once established, even HRCs with a very strong legislative base face enormous challenges in tackling the myriad of complex human rights issues in the region. This task is made more difficult since these institutions are rarely given resources commensurate to the enormity of the challenge. While continuing to secure the needed resources, HRCs must also find ways to make the most effective use of the resources currently at their disposal. This program will assist these efforts by helping to strengthen the capacity of the staff who make up the HRCs as well as the people in government and civil society with whom they work. The organizers recognize that there already exists a tremendous amount of experience in this region in the area of human rights and national institutions. The NHRIW, therefore, was designed to provide a framework for the participating institutions and organizations to share their experiences effectively.

This Program

Thematic Focus - Economic, Social and Cultural Rights

Recognizing the significant impact of globalization, in general, and the regional economic crisis, in particular, on the practice of human rights in the region, the 1999 session will include a focus on economic, social and cultural rights. This focus is recognition that economic, social and cultural rights are an underdeveloped area in the work of most, if not all, national commissions and the perception that economic, social and cultural rights are particularly threatened in today's global environment. The importance of developing a practical response to guaranteeing economic, social and cultural rights has been recognized at many levels, including the United Nations, Asian Governments, the Asia-Pacific Forum of National Human Rights Institutions, and non-governmental organizations in the region.

In each of the training modules, the participants will be encouraged to examine their own role working for a HRC, NGO or Government Department in the promotion and protection of economic, social and cultural rights. Within the context of these rights, the participants will also be encouraged to examine the extent to which certain groups in society (urban poor, migrants, women, children, etc.) may face greater obstacles in seeing their rights respected, protected and fulfilled. It should be understood, however, that focusing on economic, social and cultural rights as a common theme throughout should not preclude discussion of other important human rights issues.

Training Objectives

The goal of this program is to strengthen the capacity of HRCs and their partners to promote and protect human rights. This session focuses on developing the capacity of HRCs to promote and protect economic, social and cultural rights.

The specific objectives of the training are to:

1. identify the main human rights issues and trends in the region with particular focus on the interdependency, indivisibility and universality of human rights;
2. examine and explore organizational and program strategies for the promotion and protection of economic, social and cultural rights; and
3. encourage the development of an informal network for continued information exchanges.

Target Audience

The target audience for this session is:

1. Staff of existing HRCs;
2. Government officials working with existing HRCs;
3. Representatives of NGOs working with existing HRCs; and
4. Government officials, parliamentarians and representatives of NGOs where HRCs are likely to be established before the end of 1999.

The training is targeted at the management level within the four groups identified above. However, it may also be appropriate for Members of HRCs and lower level staff in some cases.

Evaluation

The evaluation of this training session is a crucial component of this program. The participants' cooperation in completing short daily evaluation questionnaires and a final evaluation form at the end of the week will greatly assist the organizers in ensuring that the quality of this program continues to improve. Cooperation in this effort will be very much appreciated.

Participatory Training Approach

Underlying Beliefs

People learn more effectively when:

- their own capacity and knowledge is valued
- they are able to share and analyze their experiences in a safe and collective environment
- they are active participants in the learning process

Some Assumptions About a Learning Event (program, workshop, activity)

1. Much of the content comes from the participants - the agenda or the program, provides the framework for drawing out this content
2. Participants bring analysis and experience to the program
3. Participants will take responsibility for their own learning and interaction with other participants
4. Everyone will participate fully in the sessions
5. There will be tolerance of differences in approaches and strategies

Some Assumptions About Ourselves as Educators

1. We know less than the participants to our programs, about their particular social context
2. Who we are, has been shaped by our particular knowledge, experience, perspectives
3. We bring a knowledge of theory and practice of participatory education and will contribute it as appropriate

The Curriculum Design Model

What we understand about education is reflected in how we carry out our work. The "design model" which we use in planning our programs incorporates what we know about effective adult education. This model suggests that:

1. Learning begins with the experience or knowledge of the participants
2. After the participants have shared their experience, they look for patterns or analyze that experience (what are the commonalities? what are the patterns?)
3. To avoid being limited to the knowledge and experience of the people participating, we also collectively add (from outside sources) or create new information or theory
4. Participants need to practice what they have learned; to practise new skills and make strategies and plan for action
5. Afterwards (usually when they are back in their organizations and daily work) they apply in action what they have learned
6. Reflection and evaluation are built into the program design, and are carried out throughout the entire program. They are not done just at the end.

General Guidelines for Facilitators

Roles

Module Leaders will be appointed from among the facilitators and resource persons for each of the modules. Their role is to ensure the overall smooth running of the module. This includes:

- *introducing the module, explaining the objectives and how the module fits into the Program*
- *signaling the different parts of the module, i.e., small group work, presentations,...*
- *introducing presenters and moderating panel discussions where necessary*
- *synthesizing discussions in plenary sessions and at the end of the module*
- *ensuring that the suggested time frame is more or less respected (any changes should be negotiated with the whole group)*

The role of the **Facilitators** (one for each group of 10 to 12 participants) is to ensure the smooth running of the activities in small groups. This includes:

- *describing, explaining, clarifying activities where necessary*
- *watching the time and ensuring that the pace is good for the group*
- *encouraging the active participation of all group members*
- *drawing on the range of knowledge and experience of the group*
- *encouraging critical questions and problem posing*
- *offering information and insight when appropriate*
- *summarizing what has been accomplished in the small group work at strategic points during the discussion*
- *working democratically with the space, resources, time, and people in the room*

General Guidelines for Facilitators

INTRODUCTIONS PROGRAM OVERVIEW

To the presenter:

Introductions

- a) *Introduce the facilitators and program organizers*
- b) *Brief description of the background of the National Institutions Program (see Rationale, p.iii of participant's manual)*
- c) *Introduce the participant group i.e., explain that they were selected because of their work in the topic area*
- d) *Explain that the resource persons are a combination of invited experts and participant experts*
- e) *Inform the group that a list of participants, as well as of facilitators and resource persons will be provided*

Program Overview

Using pre-prepared flip charts explain the following:

- a) *Goal and Objectives (see manual p. iv)*
 - *explain that the work of the next 5 days will focus on having participants explore the concept of national institutions, their role and functions, strategies to increase their effectiveness and the advantages of collaboration.*
- b) *Format*
 - *the program involves plenary presentations, whole group work and small group work.*
 - *Worksheets are provided for different activities throughout the program. The purpose of the worksheets is to provide a framework for discussion and for reporting. They are meant to serve as a guide. Participants are encouraged to view the information on the worksheets as a starting point and to add, delete, and change as they, as a group, deem necessary.*
- c) *"Participatory" Training Approach (see p. v)*

This means:

 - *much of the content will come from the participants*
 - *participants bring analysis/experience to the program*
 - *participants will take responsibility for their own learning and interaction with other participants*
 - *everyone will participate fully in all sessions*

General Guidelines for Facilitators

c) Content

(use flip chart of the program schedule which will remain posted throughout the 5 days)

- 8 Modules over 5 days (Module 8 being the program evaluation)*
- explain the Participant's Manual includes everything needed for the program:*
 - i) readings to accompany the modules and additional reference readings*
 - ii) activities*
 - iii) handouts*
 - iv) schedule*

d) Logistical information



SCHEDULE

DAY 1

10:30 - 12:00 **WELCOMING REMARKS**
PROGRAM OVERVIEW

12:00 - 14:00 **LUNCH**

MODULE 1 BUILDING A LEARNING COMMUNITY

14:00 - 15:30 **ACTIVITY 1** *Getting to Know the Group and
Their Expectations*

15:30 - 16:00 **BREAK**

16:00 - 16:15 **ACTIVITY 2** *What is Transfer of Learning?*

16:15 - 17:00 **ACTIVITY 3** *Promoting Transfer*

18:30 - 20:30 **WELCOME DINNER**

DAY 2

MODULE 2 HUMAN RIGHTS ISSUES IN THE ASIA-PACIFIC REGION

08:30 - 08:45 **ACTIVITY 1** *Introduction to Module 2*

08:45 - 10:00 **ACTIVITY 2** *Human Rights Issues in the Region:
The Current Situation and Trends*

10:00 - 10:30 **BREAK**

10:30 - 12:30 **ACTIVITY 2** *cont'd*

12:30 - 13:30 **LUNCH**

DAY 2 cont'd

MODULE 3	THE ROLE OF HUMAN RIGHTS COMMISSIONS IN PROTECTING & PROMOTING HUMAN RIGHTS
13:30 - 13:45	ACTIVITY 1 <i>Introduction to Module 3</i>
13:45 - 14:45	ACTIVITY 2 <i>Presentation & Discussion "International Standards for Human Rights Commissions"</i>
14:45 - 15:30	ACTIVITY 3 <i>Guidelines for Assessing the Functioning of Human Rights Commissions"</i>
15:30 - 16:00	BREAK
16:00 - 17:30	ACTIVITY 3 <i>cont'd</i>
17:30 - 17:45	EVALUATION

DAY 3

MODULE 4	HUMAN RIGHTS COMMISSIONS AND ECONOMIC, SOCIAL & CULTURAL RIGHTS
08:30 - 08:45	ACTIVITY 1 <i>Introduction to Module 4</i>
08:45 - 09:45	ACTIVITY 2 <i>Presentation & Discussion "Economic, Social & Cultural Rights"</i>
09:45 - 10:30	ACTIVITY 3 <i>Working with the International Covenant on Economic, Social, & Cultural Rights</i>
10:30 - 11:00	BREAK
11:00 - 12:00	ACTIVITY 3 <i>cont'd</i>
12:00 - 13:30	LUNCH
13:30 - 15:00	ACTIVITY 4 <i>Panel Presentation & Discussion "Working with ESC Rights: Some Practical Examples"</i>
15:00 - 16:00	ACTIVITY 5 <i>ESC Rights and Human Rights Commissions</i>
16:00 - 16:30	BREAK
16:30 - 17:30	ACTIVITY 5 <i>cont'd</i>

17:30 - 17:45 **EVALUATION**

DAY 4

MODULE 5	RESPONDING TO VIOLATIONS OF ESC RIGHTS
08:45 - 09:00	ACTIVITY 1 <i>Introduction to Module 5</i>
09:00 - 09:30	ACTIVITY 2 <i>Steps in Processing a Complaint</i>
09:30 - 10:00	ACTIVITY 3 <i>Case Study - "Forced Eviction by Police" Getting Familiar with the Facts</i>
10:00 - 10:15	BREAK
10:15 - 11:00	ACTIVITY 4 <i>Presentation & Discussion "A Framework for Addressing Violations of ESC Rights"</i>
11:00 - 12:00	ACTIVITY 5 <i>Case Study - "Forced Eviction by Police" ESC Rights Violations</i>
12:00 - 13:00	LUNCH
13:00 - 13:30	ACTIVITY 6 <i>Presentation & Discussion "Fact-Finding"</i>
13:30 - 15:00	ACTIVITY 7 <i>Case Study - "Forced Eviction by Police" Conducting an Investigation</i>
15:00 - 15:15	EVALUATION

DAY 5

MODULE 6	MONITORING PROGRESSIVE REALIZATION OF ESC RIGHTS
08:30 - 08:45	ACTIVITY 1 <i>Introduction to Module 6</i>
08:45 - 10:15	ACTIVITY 2 <i>Presentation & Discussion "Progressive Realization: A State Obligation of Conduct & Result"</i>
10:15 - 10:45	BREAK
10:45 - 12:00	ACTIVITY 3 <i>Case Study - "Children worst hit by slump" State Obligations</i>

12:00 - 13:30

LUNCH

13:30 - 15:00

ACTIVITY 4 *Case Study - "Children worst hit by slump"
A Framework for Monitoring
Progressive Realization*

DAY 5 cont'd

MODULE 6	cont'd
15:00 - 15:30	ACTIVITY 5 <i>Preparing Group Reports</i>
15:30 - 16:00	BREAK
16:00 - 17:30	ACTIVITY 5 <i>Presenting Group Reports in Plenary</i>
17:30 - 17:45	EVALUATION

DAY 6

MODULE 7	HUMAN RIGHTS EDUCATION
08:30 - 08:45	ACTIVITY 1 <i>Introduction to Module 7</i>
08:45 - 09:45	ACTIVITY 2 <i>Defining Human Rights Education (HRE)</i>
09:45 - 10:30	ACTIVITY 3 <i>Sharing Experiences in Human Rights Education</i>
10:30 - 11:00	BREAK
11:00 - 12:00	ACTIVITY 3 <i>cont'd</i>
12:00 - 13:30	LUNCH
13:30 - 14:30	ACTIVITY 3 <i>cont'd</i>

MODULE 8	EVALUATING OUR LEARNING EXPERIENCE
14:30 - 15:45	ACTIVITY <i>Program Evaluation</i>
15:45 - 16:15	BREAK
16:15 - 16:45	CLOSING ACTIVITY

DAY 1

WELCOMING REMARKS

PROGRAM OVERVIEW

MODULE 1

BUILDING A LEARNING COMMUNITY

■10:30 -12:00 ■

WELCOMING REMARKS

PROGRAM OVERVIEW

■12:00 -14:00 ■

LUNCH

MODULE 1 OVERVIEW

Building a Learning Community

Module Leader

OBJECTIVES

To get to know the members of the group and develop a productive group dynamic

To examine individual expectations and available resources in the group

To review the program objectives in relation to the expectations and needs expressed

To examine strategies for applying learning from this training session to participants' work environments

TIME

2 1/2 hrs.

ACTIVITIES

Activity 1 Getting to Know the Group and Their Expectations.....**TOTAL 1 1/2 hrs.**

Part A.....30 mins.

Part B.....60 mins.

BREAK 30 mins.

Activity 2 What is Transfer of Learning?..... 15 mins.

Activity 3 Promoting Transfer.....**TOTAL 45 mins.**

Part A.....20 mins.

Part B.....25 mins.

MODULE 1 ACTIVITIES

Activity 1

Getting to Know the Group and Their Expectations

TIME: 1 1/2 hrs. TOTAL

Description

This is a two-part activity.

In **Part A** you will interview another member of the group.
In **Part B** you will introduce the person to the rest of the group.

14:00-14:30

Part A Work with a partner.

(30 mins.)

You will be given a blank information card with a number on it.
You will also receive 3 strips of paper (ie. metacards).

Locate the person who has the same number as you.

Introduce yourself and ask him or her for the information to
complete the card. Print the information clearly on the card.
Keep the completed card.

In order to speed up the process of preparing the large
needs and offers chart in **Part B**, also write the information
on the strips of paper, i.e., one piece of information per
strip. These strips will be taped onto the large version of
Worksheet 2 in **Part B**.

When you have completed your information exchange, return to
your places until everyone has completed the activity.

14:30-15:30

Part B

(60 mins.)

Each of you will in turn introduce the person you have just met
using the information you filled in on the card.

Paste the completed strips of paper on the flip chart version of
Worksheet 2 which your facilitator will provide. The facilitator
will then discuss how the program can address the expectations
as well as use the resources the participants have to offer.

15:30 - 16:00 BREAK

Worksheet 1

Participant Information Card

Name: _____

Country/City: _____

Organization: _____

Occupation: _____

Name ONE of your expectations for this training session, i.e., what you expect to be able to do at the end of the program. Please explain.

Name ONE thing you feel you can offer the group. Please explain.

Worksheet 2

Group Expectations and Resources

Name	Expectations	What people can offer
------	--------------	-----------------------

16:00 -16:15

Activity 2***What is Transfer of Learning?***

TIME: 15 mins.

Description

Read the information about the concept of **transfer** provided below. As a group, discuss the meaning of the term and why this concept is important in training.

- **Transfer** is the application of learning to the work situation.
- **Transfer** is likely to occur when the training program addresses the needs of the participants and the context in which they work.
- Educators (those who develop and deliver programs) must think about **transfer** during all program phases: planning, development, implementation and follow up.
- Before, during, and after the training session participants think about how to apply or **transfer** the skills and information from the training session to their work situations.

Activity 3 *Promoting Transfer*

TIME: 45 mins.

Small group facilitators (5)

Description

This is a two-part activity. In **Part A** you will work in a small group to brainstorm things **participants** can do to assist the transfer of learning from the training session to their work situation.

In **Part B** you will share your ideas with the rest of the group.

16:15 -16:35

Part A Work in a group. (20 mins.)

The module leader will divide the participants into 5 small groups and assign a facilitator to each group.

Together with the facilitator and the members of your group brainstorm ways to assist transfer of learning. Consider things you have done in the past or could have done to help transfer the learning from a training session you attended to your work situation.

Think of as many ideas as possible without considering the constraints at this time. The facilitator will list all your ideas on flip chart. (10 mins.)

Now stop and evaluate your ideas and discuss how they apply to your own context.

16:35 -17:00

Part B (25 mins.)

The module leader will go through the three phases of a training session (**BEFORE, DURING** and **AFTER**) and ask each group for their brainstorming ideas - the things that they, as participants, could do to help the transfer of learning. Together, review the ideas generated by the groups and discuss which options are most feasible and effective. Other ideas can also be added.

DAY 2

MODULE 2

HUMAN RIGHTS ISSUES IN THE ASIA-
PACIFIC REGION

MODULE 3

THE ROLE OF HUMAN RIGHTS
COMMISSIONS IN PROTECTING &
PROMOTING HUMAN RIGHTS

MODULE 2 OVERVIEW

Human Rights Issues in the Asia-Pacific Region

Module Leader

OBJECTIVES

To identify the main human rights issues and trends in the region with particular focus on the interdependency of civil and political, and economic, social and cultural rights

TIME

1/2 day

ACTIVITIES

Activity 1 Introduction to Module 215 mins.

Activity 2 Human Rights Issues in the Region:
The Current Situation and Trends **TOTAL 3 1/4 hrs.**

Part A.....20 mins.

Part B.....55 mins.

BREAK 30 mins.

Part C.....45 mins.

Part D.....75 mins.

LUNCH 1 hr.

MODULE 2 ACTIVITIES

8:30-8:45

Activity 1 *Introduction to Module 2*

TIME: 15 mins.

Description

The module leader will introduce the learning objectives and activities for the Module.

Activity 2 **Work in a group.** *Human Rights Issues in the Region: The Current Situation and Trends*

TIME: 2 3/4 hrs.

Objective

To identify some of the key human rights issues and trends in Asia.

Small group facilitators (5)

Resource person

Expert on the human rights context in the region

Description

The module leader will divide participants into 5 small groups and assign a facilitator to each group.

This is a four-part activity.

In **Part A**, in your small groups, you will work individually to identify key human rights issues in your country.

In **Part B**, you will share this information in your small groups.

In **Part C**, you will report to the larger group.

In **Part D**, a resource person will give a presentation, synthesizing the group reports and providing his own insights.

8:45 -9:05**Part A**
(20 mins.)

Recalling the pre-training assignment, you will describe the human rights situation in your country by filling out **Worksheet 3**.

9:05 -10:00**Part B**
(55 mins.)

Each member of the group will in turn share the human rights situation in their country with their small groups, referring to the information he/she wrote on **Worksheet 3**.

Then, together with the facilitator and the members of your small group, look for commonalities in your experiences and develop a "Regional Snapshot" by filling out **Worksheet 4**. Prepare a flip chart version of this worksheet for your presentation.

10:00 to 10:30 BREAK

10:30 -11:15**Part C Group Presentations**
(45 mins.)

Present the information from your "Regional Snapshot" using the flip chart version of **Worksheet 4**. Each group will have 5 minutes to present. The remaining time will be used for discussion.

11:15 -12:30**Part D Synthesis and Discussion**
(1 1/4 hrs.)

The resource person will present a synthesis of the group reports and share his analysis of current human rights trends in the region. (25 mins.)

The commentary will be followed by a question and answer period. (50 mins.)

12:30 to 13:30 LUNCH

Worksheet 3

The Human Rights Situation In Your Country	NAME: _____
	COUNTRY: _____

Complete the chart by following the instructions provided.

1. List 5 of the principal human rights issues in your country.
2. Indicate which of these issues are **not** currently being addressed by the Commission or by an NGO.
3. For each issue:
 - Indicate the particular category of rights the issue belongs to (e.g., civil/political - CP; or economic/social/cultural -ESC: or both)
 - Identify the causes and write any comments you may have

1. Human Rights Issues	2. Being addressed Indicate yes or no.	3. Category of Rights Violated Indicate CP or ESC or both.

Worksheet 3 cont'd

Causes:

Comments:

Worksheet 4

Regional Snapshot	
--------------------------	--

Name & Country:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

Five Main Human Rights Issues in the Region	Category of Rights Violated - Indicate CP or ESC or both

Activity 3 Guidelines for Assessing the Functioning of
Human Rights Commissions.....**TOTAL 2 1/4 hrs.**

Part A.....45 mins.

BREAK 30 mins.

Part B.....30 mins.

Part C.....60 mins.

Evaluation.....15 mins.

MODULE 3 ACTIVITIES

13:30-13:45**Activity 1**
Introduction to Module 3

TIME: 15 mins.

Description

The module leader will introduce the learning objectives and activities for the Module.

13:45-14:45**Activity 2 Presentation & Discussion**
International Standards for Human Rights Commissions

TIME: 1 hr.

Resource Person

Peter Hosking
*Senior UN Consultant and
Former HR Commissioner, New Zealand*

Description

The resource person will present the existing international standards for the effective functioning of human rights commissions (i.e., the Paris Principles).
(30 mins.)

This will be followed by a question and answer period.
(30 mins.)

Activity 3 Guidelines for Assessing the Functioning of Human Rights Commissions

TIME: 2 1/4 hrs.

Resource persons

Mercedes Contreras
Commissioner, PCHR

Jeff Plantilla
Researcher, HURIGHTS Osaka

Small group facilitators (5)

Description

This is a three-part activity.

In **Part A**, you will be grouped by country to examine your existing or “to-be established” human rights commission in terms of the standards discussed in Activity 2.

In **Part B**, you will explore additional internal and external factors affecting the effectiveness of human rights commissions.

In **Part C**, you will discuss your group's assessment of your country's commission with the larger group.

14:45-15:30

Part A Work in a group. (45 mins.)

Description

You will be assigned to a country-specific group. A facilitator will be assigned to each group.

Together you will examine either the existing or the soon-to-be-established human rights commission in your country in relation to the factors discussed in Activity 2.

A suggested grid for analysis is provided on **Worksheet 5**. This grid was developed using the “UN Handbook on National Institutions”. It includes many of the elements Human Rights Commissions need to have if they are to be effective, efficient and democratic. The grid is meant to be a guide. Feel free to add or change elements in the grid.

15:30 to 16:00 BREAK

Worksheet 5

"Suggested" Grid for Analysing Your Human Rights Commission

Reflect on the 6 main elements listed in the grid.

Rate and/or comment on the extent to which your country's Human Rights Commission achieved these standards or the Commission being created in your country is likely to achieve these standards.

Elements for Effective Functioning	Weak	Could be improved	Strong	Comments
---	-------------	--------------------------	---------------	-----------------

1. INDEPENDENCE

A Commission must be able to act independently from government and political parties.

Consider whether your Commission has:

A) LEGAL INDEPENDENCE & OPERATIONAL AUTONOMY

Sufficient level of independent legal status to permit the Commission to perform its functions without interference from government or other public or private entity.

B) FINANCIAL AUTONOMY

*Control over its finances. Budget allocations **not** subject to interference by government agencies.*

C) STAFFING AUTONOMY

D) INDEPENDENCE THROUGH APPOINTMENT PROCESS

Aim is to appoint independent-minded members. Appointment & dismissal criteria & process are clearly established in the legislation.

E) INDEPENDENCE THROUGH COMPOSITION

Members & staff are representative of the society -- e.g., should include, women, minorities, different political viewpoints

DAY 2

Elements for Effective Functioning cont'd	Weak	Could be improved	Strong	Comments
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2. JURISDICTION & POWERS

The areas of **jurisdiction** of a Commission must be clearly and precisely defined in legislation.

Power refers to the ability of a Commission to perform a certain act or to compel an individual or entity to perform the act. A Commission must be granted adequate powers to permit it to effectively carry out its responsibilities.

Consider whether your Commission has:

A) CLEARLY DEFINED AREAS OF JURISDICTION IN ITS FOUNDING LEGISLATION

B) A BROAD MANDATE

Power to address the human rights issues important to the people it is established to protect

C) SYSTEM IN PLACE FOR ADDRESSING POSSIBLE AREAS OF CONFLICT WITH OTHER BODIES

e.g., with the judiciary, ombudman...

D) ENFORCEABLE POWERS

e.g.,

- To investigate

- To enforce recommendations

- To promote human rights

- To secure cooperation

Elements for Effective Functioning cont'd	Weak	Could be improved	Strong	Comments
<p>3. ACCESSIBILITY <i>A Commission must be readily accessible to the individuals and groups it is established to protect or whose interests it exists to promote.</i></p> <p><u>Consider whether your Commission:</u></p> <p>A) HAS DEVELOPED WAYS TO MAKE ITSELF KNOWN TO THE MOST VULNERABLE GROUPS IN THE SOCIETY <i>i. e. groups that would benefit from what the human rights commission can offer</i></p> <p>B) IS PHYSICALLY ACCESSIBLE TO ITS CONSTITUENCY</p> <p>C) IS REPRESENTATIVE OF ALL ASPECTS OF CIVIL SOCIETY</p>				

4. COOPERATION

An effective Commission will not function alone. It must establish and strengthen cooperative relationships with a wide range of other like-minded organizations and groups.

Consider whether the Commission cooperates with:

A) CIVIL SOCIETY e.g., NGOs, universities, media

B) GOVERNMENT AGENCIES

C) OTHER COMMISSIONS
in the region or internationally

D) INTER-GOVERNMENTAL ORGANIZATIONS (e.g. the United Nations)

Elements for Effective Functioning cont'd	Weak	Could be improved	Strong	Comments
<p>5. OPERATIONAL EFFICIENCY <i>A Commission must ensure that its work methods and procedures are as efficient and effective as possible.</i></p> <p><u>Consider whether your Commission has:</u></p> <p>A) ADEQUATE RESOURCES e.g. FOR STAFF AND PREMISES</p> <p>B) APPROPRIATE WORK METHODS AND RULES OF PROCEDURE</p> <p>C) HUMAN RESOURCES MANAGEMENT PROCEDURES</p> <ul style="list-style-type: none"> - JOB DESCRIPTIONS - RECRUITMENT & SELECTION - PERFORMANCE ASSESSMENT <p>D) APPROPRIATE TRAINING FOR STAFF IN:</p> <ul style="list-style-type: none"> - RELEVANT INTERNATIONAL AND DOMESTIC HUMAN RIGHTS STANDARDS - SERVICE TO THE PUBLIC - JOB-SPECIFIC SKILLS <p>D) APPROPRIATE INTERNAL REVIEW AND EVALUATION MECHANISMS</p>				

Elements for Effective Functioning cont'd	Weak	Could be improved	Strong	Comments

6. ACCOUNTABILITY

In order to be effective as an institution, a Commission must develop a system of accountability based on specific and identifiable goals. A Commission is legally and financially accountable to the Government and/or Parliament. It is also accountable to the individuals and groups it is established to protect or whose interests it exists to promote.

Consider whether your Commission:

A) SUBMITS REGULAR REPORTS TO GOVERNMENT

B) OPERATES IN A TRANSPARENT FASHION WITH RESPECT TO THE PUBLIC

C) MAKES PUBLIC AN ANNUAL REPORT

16:00 -16:30

Part B Work in a group.

(30 mins.)

Discuss other internal and external elements or factors that impact on the effectiveness of your human rights Commissions that do not seem to be explicit in the international standards presented in the grid in Part A. You can record these elements below.

OTHER Elements for the Effective Functioning of Human Rights Commissions	Weak	Could be improved	Strong	Comments
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16:30 -17:30

Part C
(60 mins.)

The large group will reconvene. Each country group will report on how they assessed their commission's performance in the 6 areas identified in the Scanning Guide as well as any additional internal and external factors they identified. (5 mins. each)

The resource persons will synthesize the common elements.
(30 mins.)

17:30 -17:45

EVALUATION

DAY 3

MODULE 4

HUMAN RIGHTS COMMISSIONS &
ECONOMIC, SOCIAL & CULTURAL
RIGHTS

MODULE 4 OVERVIEW

Human Rights Commissions & Economic, Social and Cultural Rights

Module Leader

OBJECTIVES

To develop an understanding of economic, social and cultural (ESC) rights and the related international framework

To explore ways in which Human Rights Commissions can protect and promote ESC rights within their particular mandates

To identify the relative strengths and weaknesses of Commissions in fulfilling mandates with respect to ESC rights protection and promotion

TIME

1 day

ACTIVITIES

Activity 1 Introduction to Module 4.....15 mins.

Activity 2 Presentation & Discussion
“Economic, Social & Cultural Rights”60 mins.

Activity 3 Working with the International Covenant
on Economic, Social and Cultural
Rights (ICESCR).....**TOTAL 1 1/4 hrs.**

Part A.....45 mins.

BREAK 30 mins.

Part B.....60 mins.

LUNCH 1 1/2 hrs.

MODULE 4 OVERVIEW cont'd

Activity 4 Panel Presentation & Discussion
“Working with ESC Rights: Some Practical
Examples”..... 1 1/2 hrs.

Activity 5 Economic, Social and Cultural Rights, and
Human Rights Commissions.....**TOTAL 2 hrs.**

Part A.....60 mins.

BREAK 30 mins.

Part B.....60 mins.

Evaluation15
mins.

MODULE 4 ACTIVITIES

8:30 - 8:45

Activity 1
Introduction to Module 4

TIME: 15 mins.

Description

The module leader will introduce the learning objectives and activities for Module 4.

8:45 - 9:45

Activity 2 Presentation & Discussion
Economic, Social & Cultural Rights

TIME: 1 hr.

Resource person

Mario Gomez

Faculty of Law, Colombo University

Description

Presentation (40 mins.)

The resource person will provide an overview of economic, social and cultural rights and the related international framework. This will include:

- Historical overview and foundations of ESC rights e.g., UDHR, ICESCR, CEDAW, CRC
- Challenges in implementing the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- State obligations
- Non-state actors
- Justiciability
- Non-discrimination
- Violations of ESC Rights
- Progressive Realization

Discussion (20 mins.)

Activity 3***Working with the International Covenant on Economic, Social and Cultural Rights (ICESCR)*****Resource person**

Scott Leckie

*Director, Coalition on Housing Rights and Evictions (COHRE)***Small group facilitators (4)****Description**

This is a two-part activity.

In **Part A**, you will work in a small group to examine and discuss a scenario in terms of obligations of State parties under the ICESCR.

In **Part B**, you will present the results of your discussion to the larger group. The resource person will comment on the small group presentations.

9:45-10:30**Part A Work in a group.****Description**

The module leader will divide participants into 4 small groups and assign a facilitator to each group.

Turn to **Worksheet 6** for further instructions.

10:30 to 11:00	BREAK
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Worksheet 6

Activity 3 - Part A Instructions

Read the scenario dealing with economic, social and cultural rights issues in a specific country.

Groups 1 and 2 - SCENARIO 1 see *Worksheet 7a, p. 32*

Groups 3 and 4 - SCENARIO 2 see *Worksheet 7b, p. 33*

Review the relevant analysis of the Covenant's provisions and the definitions of terms provided in your Readings Manual.

Then, as a group address the questions below. Prepare to present your ideas to the larger group by recording the results of your discussion on flip chart.

QUESTIONS TO ADDRESS:

1. What are the rights, if any, that have been or are being violated in this scenario? What articles of the Covenant apply?

2. Under ICESCR, is the Government meeting its obligations? Explain your response.

3. Are there other relevant international instruments in this Case?

4. How are the rights of women affected in the Case?

Worksheet 7a**SCENARIO 1: Groups 1 & 2****PAK MOON DAM - Thailand**

A US-based organization has criticized the World Bank for its involvement in the construction of the Pak Moon Dam, where more than 5,000 villagers have been demonstrating since March 23.

The International Rivers Network (IRN) called on the World Bank to "take responsibility for the problems it has created at Pak Moon". The IRN is based in California and has a long history of campaigning for more ecologically sustainable water resource management "The World Bank was repeatedly warned by villagers and NGOs prior to the project construction that fisheries would decline significantly after the dam was completed. "Yet it consistently dismissed these concerns," said Aviva Imhof, the IRN campaigner for Southeast Asia.

The Pak Moon villagers claim construction of the 136 megawatt hydro-electricity dam has resulted in a drastic loss of income from fishing. The US\$1 million fish ladder, promoted by World Bank fisheries experts as a mitigation measure, has proved useless, the villagers argue. They also claim there has been a rise in intestinal and liver fluke infestation in nearby communities and in the incidence of the debilitating disease schistosomiasis.

The protesters are demanding compensation of 15 rai of land for each of the 3,080 fishing families, the total cost of which would amount to US\$45 million. They also ask that the dam gates be opened to allow fish to migrate upstream.

The Pak Moon Dam was completed in 1994, with US\$24 million in financing from the World Bank. In June 1998, the World Bank Operations' Evaluations Department (OED) released a report, "Recent Experience with Involuntary Resettlement", which said the Pak Moon dam was "among the best experiences with resettlement among Bank-assisted projects".

The OED report also said that resettlement of families at Pak Moon was "highly satisfactory", that families received "exceedingly generous compensation" and that "there is no conclusive evidence of any impact on the fish population". Villager Thongcharoen Srihadham thinks otherwise. He heads the committee for recovery of the Moon River, which is part of the protest. "Before the dam was built, we did not need to pay for food. We could get everything from the river and the forest. "But the dam blocked the fish and destroyed the rapids. Now we are poorer and our families and communities have been destroyed," he said. The protesters said they intended to stay at the protest site indefinitely, or until their demands were met.

They are being joined by other northeastern villagers, who are rallying against

six other dam projects in the region.
Source: Bangkok Post, March 30, 1999

Readings Manual: Module 4 --Refer to the following pages for an analysis of the provisions of the ICESCR and for definitions of terms.

pp. 4.9 to 4.14 (Articles 2; 2(2); 3; 2(1))

p. 4.16 (Articles 10; 11)

pp. 4.17 to 4.21 (Right to adequate housing)

p. 4.21 (Obligations of the State re: adequate housing)

DAY 3

Worksheet 7b

SCENARIO 2: Groups 3 and 4

Surviving Globalization: the Struggle of Filipino Women

For many Filipinos, and especially women, life has never been harder than in the last 10 years.

Since the 1970s the disparity between rich and poor Filipinos has grown ever wider. In 1979, 42 per cent of the country's total earnings were concentrated in the hands of the wealthiest 10 per cent of the population. The share of national income of the poorest 60 per cent of households declined from 25 per cent in 1971 to 22.5 per cent in 1979. These households were held together mostly by women.

More recent statistics show that 8.98 million Filipino families live below the poverty threshold. The Philippine National Economic Development Authority (NEDA) considers that in 1990, more than half of the urban population and half of the rural population were poor. According to NEDA (1994) "The existence and persistence of poverty in the Philippines through the years have caused the emergence of two faces of deprivation, which is clearly manifested in the lives of the rural and urban poor."

...

In the years of the debt crisis and structural adjustment there was an exodus from the countryside to the cities. A decade of militarisation of the countryside, neglect of agricultural development, natural disasters (e.g. the eruption of Mt. Pinatubo) and natural population increase produced an annual growth rate in Metro Manila squatter colonies of 3.3 per cent.

For the large number of urban poor (4.5 million in Metro Manila alone) jobs are scarce and access to services is inadequate. Thirty-five per cent of young people from squatter areas drop out of school, compared with 20 per cent in non-squatter areas. ... Birth rates, infant mortality rates and the incidence of tuberculosis are also higher in squatter colonies. The problems confronting impoverished women merely seem more entrenched with every change in government leadership.

The threat of eviction, lack of housing and insecure land tenure are the primary problems of the urban poor. Nearly 100,000 evictions take place in Metro Manila every year often carried out so violently that they cause injuries and even deaths. Eviction can also break up families. Wives and children go to relocation sites while the men stay to continue

work, and form new families. Many women suffered miscarriages or have lost their lives while trying to defend their homes against demolition teams. It is certainly no overstatement to say that women who put their lives on the line in this way are fighting for their families.

Source: *Shadows Behind the Screen*, Asian Exchange, Vol. 111. No. 1 - June 1995)

Readings Manual: Module 4 --Refer to the following pages for an analysis of the provisions of the ICESCR and for definitions of terms.

pp. 4.9 to 4.14 (Articles 2(2); 3; 2(1))

p. 4.16 (Articles 10;11)

pp. 4.17 to 4.19 (Right to adequate housing)

p. 4.21 (Obligations of the State re: adequate housing)

pp. 4.23 to 4.26 (Forced Eviction)

DAY 3

11:00-12:00

Part B

(60 mins.)

Description

The large group will reconvene and each of the 4 groups will have about 5 minutes to present the results of their discussions.

The second group presenting for each scenario is encouraged to add to the first group's presentation rather than repeat the same information again.

The remaining time will be used for commentary by the resource person and for discussion.

Please Note: Before the presentations begin participants must read the other groups' scenario in order to be able to better participate in the discussion.

12:00 to 13:30 LUNCH

13:30-15:00

Activity 4 Panel Presentation & Discussion

Working with ESC Rights: Some Practical Examples

TIME: 1 1/2 hr.

Panelists

Mercy Contreras

Commissioner

Philippine Commission on Human Rights

Cookie Diokno

Executive Director

Free Legal Assistance Group (FLAG)

Description

Each panelist will provide examples of successful activities related to ESC rights from the experience of their respective organizations. (45 mins.)

The short presentations will be followed by a discussion. (45 mins.)

Activity 5 ESC Rights and Human Rights Commissions

TIME: 2 hrs.

Resource person

Jeff Plantilla
 Researcher
 HURIGHTS Osaka

Small group facilitators (5)

Description

This is a two-part activity.

In **Part A**, you will be grouped by country to examine the mandate of your existing or future human rights commission and its relative strengths and weaknesses in terms of addressing economic, social and cultural rights.

In **Part B**, you will discuss your group's assessment of your country's commission with the larger group.

15:00-16:00

Part A Work in a group.

(60 mins.)

Description

You will be assigned to a country-specific group. A facilitator will be assigned to each group. Refer to the appropriate questions for your group.

For those country-groups with EXISTING human rights commissions, consider the following questions:

What is your Commission's mandate in relation to economic, social and cultural rights? Provide examples from the legislation and/or other appropriate sources that illustrate this mandate.

What are the strengths and weaknesses of the mandate as it appears in the legislation?

What kinds of activities does your commission undertake for the promotion and protection of economic, social, and cultural rights?

What factors have determined the success or failure of these initiatives?

What more is needed for your commission to more effectively promote and protect economic, social, and cultural rights?

For those country-groups currently in the process of setting up a human rights commission, consider the following questions:

How is the mandate regarding ESC rights currently framed in the draft legislation establishing the human rights commission?

What strengths and weaknesses could this present for your commission?

What will be needed to ensure your human rights commission is able to effectively promote and protect both economic, social, and cultural rights, and civil and political rights?

16:00 to 16:30 BREAK

16:30-17:30

Part B

(60 mins.)

The large group will reconvene. Each country group will report on their group's assessment of their Commission in terms of protecting and promoting ESC rights.

A resource person will synthesize the common elements.

17:30-17:45

EVALUATION

DAY 4

MODULE 5

RESPONDING TO VIOLATIONS OF ESC RIGHTS

MODULE 5 Overview

Responding to Violations of ESC Rights

Module Leader

OBJECTIVE | To develop practical skills for responding to violations of ESC rights in the context of national human rights commissions

TIME | 1 day.

ACTIVITIES

Activity 1 Introduction to Module 5.....15 mins.

Activity 2 Steps in Processing Complaints.....30 mins.

Activity 3 Case Study - “Forced Evictions By Police”
Getting Familiar with the Facts.....30 mins.

BREAK 15 mins.

Activity 4 Presentation & Discussion
“A Framework for Addressing
Violations of ESC Rights”45 mins.

Activity 5 Case Study - “Forced Evictions By Police ”
ESC Rights Violations60 mins.

LUNCH 1 hr.

Activity 6 Presentation & Discussion
Fact-Finding”30 mins.

Activity 7 Case Study - “Forced Evictions By Police”
Conducting an Investigation....**TOTAL 1 1/2 hrs.**

Part A.....60 mins.

Part B.....30 mins.

Evaluation.....15 mins.

MODULE 5 ACTIVITIES

8:45 - 9:00

Activity 1
Introduction to Module 5

TIME: 15 mins.

Description

The module leader will introduce the learning objectives and activities for Module 5.

9:00 - 9:30

Activity 2 Work in a group.
Steps in Processing a Complaint

TIME: 30 mins.

Small group facilitators (5)

Description

Together with your partner, look at ***Worksheets 8a*** and ***8b*** and complete the exercise. (10 mins.)

Discuss the set of steps for handling a complaint developed by the different groups.

Then discuss some of the guiding principles when processing complaints. (20 mins.)

Worksheet 8a

Steps in Processing a Complaint

These are some possible steps to follow when processing a complaint. Choose the **steps** that you would follow, determine an order for the steps and write them in the space provided on **Worksheet 9b**. Feel free to add other steps.

Notify respondent(s) of complaint against them and request a response to allegations

Conduct the investigation (i.e. carry out fact-finding activities, request documents, interview witnesses)

Notify all parties of the Commission's decision and recommendations

Initiate an investigation of the complaint

Prepare an investigation report

Monitor implementation of recommendations

Inform complainant of acceptance or rejection of complaint

Determine admissibility of a complaint

- does it fall under the mandate of the Commission?
- does it meet the Commission's established criteria for complaints ?

Inform complainant and respondent of investigation findings and solicit comments

Submit the investigation report to the Commissioners for a decision

Complete a complaints form

Develop an investigation plan/terms of reference

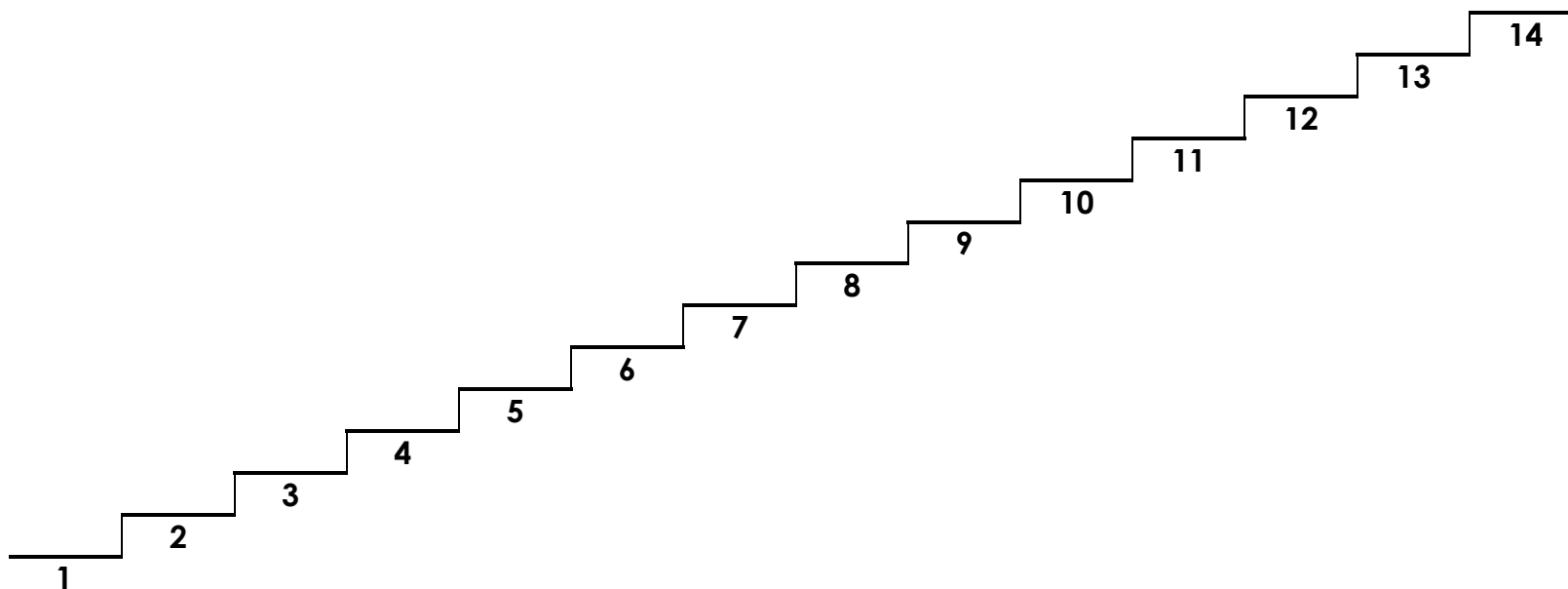
(While there is no one correct answer to ordering these steps,

a suggested answer key is provided at the back of this manual.)

Worksheet 8b

Steps in Processing a Complaint

What steps will you use to process a complaint?



9:30 - 10:00

Activity 2 Case Study
“Forced Evictions By Police”
Getting Familiar with the Facts

TIME: 30 mins.

Small group facilitators (5)**Description**

The aim of this activity is to develop a better understanding of the human rights issues presented in the case and of the complex nature of human rights violations in a community.

Together with the facilitator, analyse the factual information in the case study on **Worksheet 9a** according to the suggested grid on **Worksheet 9b**.

- Identify the human rights violations and other human rights concerns in the Case Study.
- Determine the category of rights that have been violated, i.e., **Civil/Political (CP)** **Economic/Social/Cultural (ESC)** or **both**.
- Identify the victims and the violators.

10:00 to 10:15 BREAK

Worksheet 9a

CASE STUDY - "Forced Evictions..." Getting Familiar with the Facts

FORCED EVICTIONS BY POLICE - Prakash Nagar, India

On February 12, 1999, from 11:00 a.m. to 4:00 p.m., it was reported that the houses of 200 households in Prakash Nagar in Mahim were destroyed to make way for the construction of a bridge. Three bulldozers with a hundred police and municipal officials systematically razed houses made of plastic, cardboard and packing paper. People allege that in the process of eviction, no prior notice of the demolition was issued.

Sources claimed that 12 men and 16 women were injured by the police who beat them with lathis (cane sticks used by police) and threw stones. Mallika (aged 35) had her hand fractured, Bibi Bashir Sheikh (aged 22), who was two months pregnant, had a miscarriage following the police beatings. Another woman, Anjamani Padyachi (aged 23) had to have six stitches on her head.

The settlement of Prakash Nagar lies between the Police Colony and the railway tracks between Mahim and Bandra. Most of the inhabitants are construction workers, domestic workers and waste recyclers coming from Maharashtra, Tamil Nadu, Karnataka, Utter Pradesh and other regions, living there for the last 15-20 years. Basic amenities are lacking in the settlement.

According to sources, about 55 people have proof of residence since January 1, 1995, in the form of ration cards or names on the electoral roll. These made them eligible for the State Government free housing scheme. The Prakash Nagar demolition is believed to be the first in a series of another 'clean up' drive in the city. Meanwhile, there is no government policy for those who are unable to show proof of residence as of January 1, 1995.

Source: HotLine Asia, Urgent Appeals

Worksheet 9b

CASE STUDY - "Forced Eviction..."

Human Rights Violations	CP or ESC or Both	Victims	Violators

Other HR Concerns

10:15-11:00

Activity 4 Presentation & Discussion***A Framework for Addressing Violations of ESC Rights***

TIME: 45 mins.

Resource person

Scott Leckie

*Director, COHRE***Description**

The resource person will present the framework being developed for addressing violations of ESC rights at the international level. This will include Limburg and Maastricht. (20 minutes)

This will be followed by a discussion. (30 minutes)

Some questions to consider:

- How is the ICESCR being interpreted by UN Committee?
- What does this mean in practical terms for the promotion and protection of ESC rights?

11:00-12:00

Activity 5 Case Study***“Forced Evictions By Police”*****ESC Rights Violations**

TIME: 1 hr.

Small group facilitators (5)**Description**

Together with the members of your group, you will respond to some questions to help you determine whether a violation of a particular ESC right has occurred in the Case Study.

Review the facts in the Case Study related to ***“forced evictions”***.

Do the exercise on ***Worksheet 10.***

12:00 - 13:00 LUNCH

Worksheet 10

Case Study- "Forced Eviction..."

Determine whether the State in the Case Study is in violation of the Covenant on ESC Rights with regard to the "**forced evictions**".

Use the following materials to help you:

- the information in the text below
- the criteria on the next page
- the information in the readings texts for this Module (See Readings Manual)
- the text of the ESC Rights Covenant (See Readings Manual)
- the Limburg Principles (See Readings Manual)

Determining Violations of Social, Economic & Cultural Rights

The UN Committee on Economic, Social and Cultural Rights has developed the concept of 'minimum core obligations'. The Committee developed this concept mainly to refute the argument that a lack of resources hinders fulfillment of obligations. The Committee has stated that every State has a minimum core obligation to satisfy minimum essential levels of each right of the Covenant. The Committee has clarified that a State party 'in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is *prima facie*, failing to discharge its obligations under the Covenant.'

Thus we can construe that failure to fulfill minimum core obligations will be a violation of the rights enshrined in the Covenant.....A group of distinguished experts in international law have developed principles known as the *Limburg Principles*.

.....According to the *Limburg Principles* , "A failure by a State party to comply with an obligation contained in the Covenant is, under international law, a violation of the Covenant. In determining what amounts to a failure to comply, it must be borne in mind that the Covenant affords to a State party a margin of discretion in selecting the means for carrying out its objectives, that factors beyond its reasonable control may adversely affect its capacity to implement particular rights.

Ravidran, D.J. *Human Rights Praxis: A resource book for Study, Action and Reflection*. Bangkok, Thailand: The Asian Forum for Human Rights and Development, 1998.

Worksheet 10 cont'd

CRITERIA FOR DETERMINING IF AN ESC RIGHTS VIOLATION HAS OCCURRED

A State party will be in violation of the Covenant if it:

- fails to take a step which it is required to take by the Covenant
- fails to remove promptly obstacles which it is under duty to remove to permit the immediate fulfillment of a right
- fails to implement without delay a right which it is required by the Covenant to provide
- willfully fails to meet a generally accepted international minimum standard of achievement, which is within its power to meet
- applies a limitation to a right recognized by the Covenant other than in accordance with the Covenant
- deliberately retards or halts the progressive realization of a right, unless it is acting within a limitation permitted by the Covenant or it does so due to a lack of available resources of force majeure
- fails to submit reports as required by the Covenant

Ravidran, D.J. *Human Rights Praxis: A resource book for Study, Action and Reflection*. Bangkok, Thailand: The Asian Forum for Human Rights and Development, 1998.

Using the information from the different sources and the facts in the Case, determine whether the State is in violation of the ICESCR. Explain your rationale.

13:00-13:30

Activity 6 Presentation & Discussion ***Fact-Finding***

TIME: 30 mins.

Resource person

Babes Ignacio
Director, ALTERLAW
Philippines

Description

The resource person will discuss how to conduct fact-finding activities in the context of an investigation into cases of forced evictions.

(15 minutes)

This will be followed by a discussion.

(15 minutes)

Some questions to consider:

- How is the ICESCR being interpreted by the UN Committee?
- What does this mean in practical terms for the promotion and protection of ESC rights?

Activity 7 Case Study ***“Forced Evictions By Police”***

Conducting an Investigation

TIME: 1 1/2 hrs. total

Small group facilitators (5)

Description

This is a two-part activity.

In **Part A** you will determine what would be involved in conducting a fact-finding activity in this Case, using the suggested approach provided on ***Worksheet 11***.

In **Part B** you will discuss and comment on how this investigative process compares to an investigation of civil and political rights.

13:30 -14:30

Part A
(60 mins.)

Complete the exercise on **Worksheet 11**.

14:30 -15:00

Part B
(30 mins.)

Some questions for discussion:

How is an investigation of alleged violations of ESC rights different from an investigation of civil and political rights violations?

What are the particular challenges facing a Human Rights Commission in using a violations approach to ESC rights?

15:00 -15:15 **EVALUATION**

Worksheet 11

Activity 6 - Part A

Fact-Finding

(60 minutes)

Once the admissibility of a complaint is established, the next step is to conduct an investigation in order to collect and document the “evidence”. This is done by carrying out fact-finding activities and carefully recording the findings.

A suggested approach to fact-finding is outlined below.

Apply this approach to the forced eviction incident that occurred on February 12, 1999 in the Case Study - **“Forced Evictions By Police -Prakash Nagar, India”**.

FACT-FINDING ACTIVITY: Forced Eviction Incident

1. Some guiding principles for human rights fact-finders:

- Examine both the victim's and the violators's versions of the events.
- Collect and evaluate ALL available evidence.
- Assess the veracity and reliability of the evidence gathered.
- Safeguard your credibility by seeking direct evidence and higher level evidence

2. Suggested Steps in a Fact-Finding Process.

Address each of the questions below in terms of the forced eviction incident in the Case.

a) Identify the **Sources of Information**.

- Who is/are the victim(s)? _____
- Who is the alleged violator? _____
- Who are the witnesses?
 - those who saw the event _____
 - those who would know the background _____

- Who can help identify additional sources?

Worksheet 11 cont'd

b) Identify **Written and Documentary Evidence**.

- What documentary evidence is available that can help your Investigation?

- Is the information reliable?

c) Conduct **On-site Inspection**.

- What should be done **before** visiting the site?

- What should be done **during** the on-site visit?

- What should be done **after** the visit?

- Who can assist with the investigation?

d) Determine the **Level of Proof Required**.

- What level of proof is sufficient to arrive at reasonably founded conclusions?

- What factors impact on the establishment of the level of proof?

e) **Corroboration**.

- How will you cross-check the information you have gathered?

DAY 5

MODULE 6

MONITORING PROGRESSIVE
REALIZATION OF ESC RIGHTS

MODULE 6 Overview

Monitoring Progressive Realization of ESC Rights

Module Leader

OBJECTIVE | To explore a framework for monitoring progressive realization of ESC rights

TIME | 6 1/2 hrs.

ACTIVITIES | **Activity 1** Introduction to Module 6.....15 mins.

Activity 2 Presentation & Discussion
“Progressive Realization - A State Obligation
of Conduct & Result”.....1 1/2 hrs.

BREAK 30 mins.

Activity 3 State Obligations
Case Study - “Children worst
hit by slump”1 1/4 hrs.

LUNCH 1 1/2 hrs.

Activity 4 A Framework for Monitoring
Case Study - “Children worst
hit by slump”1 1/2 hrs.

Activity 5 Preparing Group Reports.....30 mins.

BREAK 30 mins.

Activity 6 Presenting Group Reports
in Plenary.....1 1/2 hrs.

MODULE 6 ACTIVITIES

8:30 - 8:45**Activity 1**
Introduction to Module 6

TIME: 15 mins.

Description

The module leader will introduce the learning objectives and activities for Module 6.

8:45-10:15**Activity 2 Presentation & Discussion**
Progressive Realization - A State Obligation of Conduct & Result

TIME: 1 1/2 hrs.

Resource person

Cookie Diokno

*Executive Director**Free Legal Assistance Group (FLAG)***Description**

The resource person will discuss practical application of the notion of progressive realization of ESC rights in terms of the State's obligations under the ICESCR to "promote, respect, fulfill and protect" these rights. (20 mins.)

This will be followed by a question and answer period. (70 mins.)

10:15 to 10:45 BREAK

10:45-12:00

Activity 3 Case Study - "Children worst hit by slump - Thailand"***State Obligations***

TIME: 1 1/4 hrs.

Small group facilitators (5)**Description**

The Case Study on **Worksheet 12** describes some of the effects of the Asian economic crisis on children in urban Thailand.

Together with the facilitator and the other members of your group, complete the exercise on **Worksheet 12** to determine the obligations of the State in this Case.

12:00 to 13:30 LUNCH

Worksheet 12

State Obligations

Read the Case Study and the relevant documents provided in your Readings Manual. (See list of documents at the end of the Case Study.)

Then, as a group address the questions provided below. Prepare to present your ideas to the larger group by recording the results of your discussion on flip chart.

Bangkok Post April 16, 1999

ECONOMIC CRISIS

Children worst hit by slump

Report says hunger and rejection rising
by Aphaluck Bhatiasevi

Children are being hard hit by the economic crisis, with authorities paying little attention to what has emerged as the most vulnerable group, claimed a report compiled by the Health Intelligence Unit.

Cases of abandonment and malnutrition are surging and levels of education falling, says the the body responsible for monitoring health conditions affected by the economic crisis.

Even though the government has injected a 20-billion baht loan from the Asian Development Bank to ease problems affecting children, it has managed to help fewer than 300,000, leaving many families helpless, said the unit.

A number of families are still unable to afford an education for their children, forcing them to remain at home, because they are not able to seek jobs, said the report.

The number of babies abandoned by their parents immediately after delivery has also increased, said the unit.

Based on information from 40 state-run hospitals and welfare homes, the report showed a 9.7 percent increase in the number of infants below five-years of age who had been abandoned.

In addition, the number of children of six to 18 years of age left abandoned at welfare homes has reached as high a level as 34 percent.

With malnutrition being the main cause of low intelligence levels, the unit report said that despite being in decline for a number of years, the problem of underweight children increased in 1997 due to the economic crisis.

Between 1990 -1996, the number of underweight children was reduced from 19.6 to 7.9 percent, but had increased to 11.84 percent in 1997.

DAY 5

worksheet 12 cont'd

ECONOMIC CRISIS

Children worst hit by slump cont'd

Based on figures jointly obtained by the Public Health Ministry and the Health Systems Research Institute, the unit's report showed that underweight children below five years of age in rural areas outnumbered those in urban areas by more than double.

The study also noted that primary school children in the six to 12 years of age group were 19.9 percent more underweight in rural areas than children in city areas.

Malnutrition amounted for 25.5 percent of all children in the Northeast. Surprisingly, the number of malnourished children in Bangkok is as high as 8.4 percent, said the study.

Quoting figures from the Primary Education Commission, the study said that out of 6.3 million children, 3.7 million have suffered from hunger problems.

The unit urged the authorities to pay more attention to the worsening situation, particularly in the Northeastern rural areas.

As a result of malnutrition, the number of children with an IQ level of below the average figure of 90 is as high as 44 percent, stated the unit.

Its report found less than one percent of children in the country with an IQ level of 120 or higher. Confirming the declining level of intelligence among Thai children, a recent report of the National Economic and Social Development Board observed the decline in the quality of education.

The board reported that in 1997, some 126,000 children left school in the middle of their education and 276,000 children did not join school when it opened the following semester.

The report also noted that 7.2 percent of children shifted to schools with lower fees. In addition, the report stated that the number of children joining government schools fell by 1.8 percent-indicating a decline in the educational standards of schoolchildren.

Relevant Documents

See Readings Manual, Module 4.

Worksheet 12 cont'd

Questions to address:

1. What are some of the relevant State obligations in this Case? List them below.

2. Does it appear that the State meeting its obligations to “promote, respect, protect and fulfill” these rights? Explain.

3. Do you think that the State is taking appropriate steps to achieve full realization of the rights in question? Explain.

13:30-15:00

Activity 4 Case Study - “Children worst hit by slump - Thailand”

A Framework for Monitoring Progressive Realization

TIME: 1 1/2 hrs.

Small group facilitators (5)

Description

A suggested framework for monitoring progressive realization is provided on ***Worksheet 13***.

Select one of the State’s human rights obligations with respect to ESC rights identified in Activity 3 and apply the framework provided from the perspective of a Human Rights Commission.

Worksheet 13

Framework for Monitoring Progressive Realization

Use this framework for monitoring progressive realization of one of the State obligations you identified in Activity 3. Apply the steps outlined in the framework from the perspective of a Human Rights Commission.

STATE OBLIGATION: _____

1. SET BENCHMARKS

- Explain the process a Human Rights Commission would follow to set benchmarks for monitoring in this case
- Assess if the information from your source (in this case the newspaper article from the *Bangkok Post*) is sufficient
- If the information is NOT sufficient, determine how to obtain the additional necessary information
- Determine who should be involved in this process and explain why

2. DEVELOP INDICATORS

(NOTE: Refer to the section of the Readings Manual for this MODULE for information on indicators)

- Describe indicators that could be used to monitor progressive realization
- Determine who should be involved in developing the indicators and explain why

3. COLLECT DATA

- Identify some of the important steps in the data collection process
- Determine who should be involved and why

4. FORMULATE POLICY OBJECTIVES

- Examine how a Human Rights Commission could use its monitoring to promote legislative and policy change
- Determine who should be involved and why

15:00-15:30 Activity 5 Preparing Group Reports

TIME: 30 mins.

Small group facilitators (5)**Description**

In Module 5 and 6 we have taken a practical look at the work of Human Rights Commissions in relation to responding to violations and monitoring the progressive realization of economic, social and cultural rights. Based on your work in these modules, consider the questions below. Prepare to present your answers to the larger group.

Questions to consider:

- What do Human Rights Commissions need to be able to effectively respond to the challenges they face in their work on ESC Rights?
- What are the principle challenges Human Rights Commissions face in their work on ESC rights?
- Where can Human Rights Commissions go for assistance in this work?

15:30 - 16:00 BREAK

16:00-17:30 Activity 6 Presenting Group Reports in Plenary

TIME: 1 1/2 hrs.

Description

Each of the 5 groups will in turn present the results of their discussions in Activity 5 to the larger group. (10 mins. each)

Groups are encouraged to add to the other groups' presentations rather than repeat the same information.

17:30-17:45 EVALUATION

DAY 6

MODULE 7

HUMAN RIGHTS EDUCATION

MODULE 8

EVALUATING OUR
LEARNING EXPERIENCE

MODULE 7 Overview

Human Rights Education

Module Leader

OBJECTIVES

To examine the catalytic role of Human Rights Commissions in promoting and protecting human rights through education.

To develop an overview of the Human Rights Education resources available in your region.

TIME

4 hrs.

ACTIVITIES

Activity 1 Introduction to Module 715 mins.

Activity 2 Defining Human Rights Education.....1 hr.

Activity 3 Sharing Experiences in Human Rights Education..... **TOTAL 2 3/4 hr.**

Part A.....75 mins.

BREAK 30 mins.

Part A.....cont'd

Part B.....30 mins.

LUNCH 1 1/2 hrs.

Part C.....60 mins.

MODULE 7 ACTIVITIES

8:30 - 8:45

Activity 1 *Introduction to Module 7*

TIME: 15 mins.

Description

The module leader will introduce the learning objectives and activities for Module 7.

8:45 - 9:45

Activity 2 Presentation & Discussion *Defining Human Rights Education*

TIME: 60 mins.

Resource person

Jeff Plantilla
HURIGHTS Osaka

Description

The resource person will give a 20-minute presentation on how human rights education can be a useful tool for the prevention of human rights violations and for empowering the population. The importance of human rights education in the mandate of national institutions will also be explored.

The presentation is followed by 40 minutes for discussion.

Questions to consider as you listen to the presentation:

- What is human rights education (HRE)?
- Why is there a need for HRE?
- Why and how should national institutions be involved in HRE?
- How can HRE effectively respond to ESC rights issues?
- Why is a participatory methodology particularly appropriate for HRE? (see p. v)
- Are there specific methodologies which are more appropriate for education on ESC rights?

Activity 3

Sharing experiences in HRE

TIME: 2 3/4 hrs.

Small group facilitators (5)

Description

The aim of this activity is to have participants learn about each other's experience in Human Rights Education with a view to sharing limited resources.

This is a 3-part activity.

In **Part A**, you will work individually to describe your experience in human rights education.

In **Part B**, you will work with the other members of your group to identify the types of human rights training that are appropriate for National Institutions to provide.

In **Part C**, you will report to the larger group.

9:45 - 11:30

Part A

(1 1/4 hrs. TOTAL)

Description

Describe your experience in human rights education. Some questions to consider are provided below. Please note this activity continues for 30 minutes AFTER the Break.

Questions to consider:

- Have you attended any human rights training courses? What was the content of the training? the purpose? Who were the participants?

- How would you rate the training session(s) you attended? Was it useful? Was it effective? Explain why or why not.

- Have you designed or delivered any type of human rights training activities? Specify the target group, general content, methodology.

- How would you rate the training you have designed or delivered? How do you think your participants rated your training session?

- What lessons have you learned from this experience? If you were doing a program on ESC rights would you do anything differently? Please explain.

10:30 to 11:00 BREAK

11:30 -12:00**Part B**

(30 mins.)

Together with your facilitator, discuss the human rights training National Institutions are or could be involved in. Specify the type of training, the goal, the target audience and the format, e.g., a training activity, a publication.

Record the information on flip chart to present to the larger group in **Part C**.

12:00 to 13:30 LUNCH

13:30 -14:30**Part C**

(60 mins.)

Present the information from your discussion in **Part B** to the larger group. Each small group will have 5 minutes to present. The remaining time will be used for discussion.

MODULE 8 Overview

Evaluating Our Learning Experience

Module Leader

OBJECTIVES | To provide feedback about this training program by completing an evaluation questionnaire

TIME | 1 3/4 hrs.

ACTIVITIES | **Activity** Program Evaluation**TOTAL 1 1/4 hrs.**
Part A.....30 mins.
Part B.....45 mins.

BREAK 30 mins.

Closing Activity30 mins.

MODULE 8 ACTIVITIES

Activity Program Evaluation

TIME: 1 1/4 hrs.

Small group facilitators (5)

Description

This is a two-part activity.

In **Part A** you will address some questions, first individually then as a group.

In **Part B** you will complete the Evaluation Questionnaire for this program.

14:30-15:00

Part A Work in a group.

(30 mins.)

To help you reflect on the week's learning experience, take a few minutes to answer the following questions for yourself, then discuss your answers with the group.

1. What was my greatest learning during this program?
2. What was my greatest contribution?
3. Will the work I do change as a result of this program?
How? Think about how you will apply or **transfer** the skills and information from this training session to your work situation.

15:00-15:45

Part B

(45 mins.)

Complete the Evaluation Questionnaire distributed by the facilitator.

15:45 to 16:15 BREAK

16:15 -16:45 Closing Activity

(30 mins.)

ANSWER KEYS

Steps in Processing a Complaint

1. Determine admissibility of a complaint

- does it fall under the mandate of the NI?
- does it meet the NI's established criteria for complaints ?

2. Inform complainant of acceptance or rejection of complaint

3. Complete a complaints form

4. Initiate an investigation of the complaint

5. Develop an investigation plan/ terms of reference

6. Notify respondent(s) of complaint against them and request a response to allegations

7. Conduct the investigation (i.e. carry out fact-finding activities, request documents, interview witnesses)

8. Prepare an investigation report

9. Inform complainant and respondent of investigation findings and solicit comments

10. Submit the investigation report to the Commissioners for a decision

11. Notify all parties of the Commission's decision and recommendations

12. Monitor implementation of recommendations