

Building the Capacity of the RANHAM Committee through Effective Human Rights Education



Workshop Manual

6 - 9 November 2006
Jakarta, Indonesia

equitas

Centre international
d'éducation aux droits humains
International Centre for
Human Rights Education



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Comment [PMcA1]: A table of contents is necessary for any training manual. It allows participants to view, at a glance, the content they are expected to discuss over the course of the workshop. In Microsoft Word, you can automatically generate a table of contents. For more information, press F1 when you are in Word and type "table of contents."

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Introduction

Background

Strengthening Human Rights Protection in Indonesia is a joint project of Equitas – International Centre for Human Rights Education and the Directorate General of Human Rights Protection (DG-HAM) of the Indonesian Ministry of Law and Human Rights (MOLAHR).

Indonesia's National Plan of Action of Human Rights 2004-2009 (RANHAM) provides an important framework for the Government of Indonesia to implement its international and domestic human rights obligations and a strategic entry point for engaging the many agencies of Government at national, provincial and local levels on human rights issues. The plan recognizes the need to work closely with local government authorities and civil society through provincial and local RANHAM Committees in the context of Indonesia's ongoing process of decentralization.

Through these RANHAM Committees, the Ministry is engaging with the key local government bodies and civil society actors to ensure that they take into account rights-based approaches that are in conformity with Indonesia's international and domestic human rights obligations.

Goal and Objectives

The **goal** of this workshop is to further strengthen the capacity of the Directorate General for Human Rights Protection and the National RANHAM Committee in Indonesia to implement Indonesia's RANHAM, the National Plan of Action for Human Rights.

Comment [PMcA2]: Any workshop design starts with well thought-out goals and objectives. The goal is usually broad and overarching, while the objectives are more specific and measurable. Objectives always have an "action verb" to define what is to be achieved (for example, identify, evaluate, increase, develop, examine, analyze, etc.)

The **objectives** of the workshop are to enable participants to:

1. Review the capacity-building needs of the institutions and institutions engaged in the implementation of the RANHAM (i.e. national and provincial RANHAM Committees, MOLAHR/DG-HAM, civil society).
2. Evaluate RANHAM activities developed and implemented since December 2004
3. Further strengthen participants' capacity to contribute to effective implementation of the RANHAM by:
 - a. increasing participants' awareness of the basic human rights concepts and principles as well as Indonesia's international and domestic human rights obligations and mechanisms
 - b. identifying and sharing best practices from the Indonesian and Canadian experience relevant to the effective implementation of the RANHAM

- c. developing and practicing effective human rights education techniques
- d. developing strategies to transfer new knowledge and skills within their institutions

Participants

The participants in the workshop are members of the National RANHAM Committee.

Methodology

The curriculum design model of the workshop is based on principles of adult experiential learning. The underlying principle is that much of the content will come from the participants and that the workshop will serve as a framework for drawing out this content. Participants and facilitators commit themselves to engage in a process of mutual teaching and learning. The emphasis is on practical application and on the development of strategies for action. Continued reflection and evaluation are central to the learning process.

The facilitators are skilled in adult education methods, knowledgeable about human rights and experienced in working with diverse groups. Internationally recognized human rights experts will be invited to give presentations and participate in panel discussions throughout the workshop.

Canadian Partners

Four other Canadian organizations are working with Equitas in this project. They are:

1. Rights & Democracy, Montreal
2. The *Centre d'Études et de Recherches Internationales (CÉRIUM)* of the *Université de Montréal*, Montreal
3. Centre for Human Rights and Legal Pluralism, McGill University, Montreal
4. Dr. James Ron, Associate Professor, Norman Patterson School of International Affairs, Carleton University, Ottawa

Acknowledgements

This workshop is organized by Equitas - International Centre for Human Rights Education (formerly the Canadian Human Rights Foundation).

The Directorate General for Human Rights Protection (DG-HAM) of the Ministry of Law and Human Rights (MOLAHK) and Equitas - International Centre for Human Rights Education are indebted to all those who have dedicated their time and expertise to the preparation of this workshop manual. Our gratitude goes to our partners and friends who provided human resources, technical and other forms of assistance to develop, print, and distribute this workshop manual.

We wish to recognize DG-HAM officials and staff led by Mrs. Prof. Dr. Harkristuti Harkrisnowo, Director General of Human Rights Protection, Ministry of Law and Human Rights of Indonesia, the Director of Cooperation and Director of Education for their role in organizing the workshops and providing helpful suggestions and feedback for the development of this workshop manual. We also wish to thank Mrs. J.I. Isakayoga, Head of U.N. Cooperation Section.

We also wish to particularly acknowledge the contributions of: Mr. Suhermanto Reza, Head, Bureau of Law, West Sumatera; Ms. Wahyu Sri Ambar Arum, Lecturer, State University of Jakarta; Mr. Djoko Sasongko, Head of Ministry of Law and Human Rights, West Sumatera; Ms. Elly Suharto, teacher from Bangka Belitung Province; Dr. Marzuki, lecturer at the School of Social Welfare, Bandung; Mr. Bambang Haryadi, Ministry of National Education, Jakarta; Mr. Tomi Lebang, civil society actor based in Jakarta; and Ms. Sri Ikawati, Directorate General of Human Rights Protection, International Human Rights Instruments Section, Jakarta for their assistance in developing the outline of this manual.

The following Equitas Curriculum Development Team developed this training manual: Vincenza Nazzari, Paul McAdams, Ian Hamilton, Bing Arguelles and Stephen Schmidt.

This manual was realized thanks to the financial support of the Human Security Program of the Dept of Foreign Trade and International Affairs.

Canada



Foreign Affairs and
International Trade Canada

Affaires étrangères et
Commerce international Canada

Schedule

Comment [PMcA3]: Even though there is a table of contents, it is a good idea to have a schedule that provides an overview of which activities will take place each day. In a participatory process, the schedule may change, so it is also a good idea to write and post the day's activities at the beginning of each day, in order for participants to situate themselves.

DAY 1 November 6 2006		
Time	Module	Title
8:30-9:30	Module 1 Activity 1	Introductions, Expectations and Objectives Opening ceremony 8:30-9:00 Registration 9:00-9:05 Opening by the M.C. 9:05-9:10 Report by the Chairman of the Organizing Committee 9:10-9:15 Speech by the H.E. The Ambassador of the Embassy of Canada 9:15-9:20 Speech by the Representative of Equitas 9:20-9:30 Opening remarks by Director General of H.R.
9:30-10:00	Break	
10:00-11:00	Activity 2	Introductions and Workshop Expectations
11:00-11:30	Activity 3	Workshop Overview, Objectives and Methodology
11:30-12:45	Activity 4	Review of the December 2004 Workshop
12:45-14:00	Lunch	
14:00-16:00	Activity 5	Current Human Rights Issues in Indonesia
16:00-16:15	Break	
16:15-17:15	Module 2 Activity 1	Current Status of RANHAM RANHAM Update: Overview of Objectives, Results, and Milestones
17:15-17:30		Synthesis and Daily Evaluation

DAY 2 November 7 2006		
Time	Module	Title
8:30-8:45		Recap of Day 1
8:45-10:45	Module 2 Activity 2	Current Status of RANHAM Role of the National RANHAM Committee
10:45-11:00	Break	
11:00-12:30	Activity 3	Focus Group Discussion – Creating a Dynamic National RANHAM Committee
12:30-14:00	Lunch	
14:00-15:00	Module 3 Activity 1	Analyzing Human Rights Work in RANHAM Defining a Common Understanding of Human Rights Education
15:00-15:30	Activity 2	RANHAM and Social Change – Effective HRE for Social Change
15:30-1545	Break	
15:30-16:30	Activity 2	Continued
16:30-17:00		Synthesis and Daily Evaluation

DAY 3 November 8 2006		
<i>Time</i>	<i>Module</i>	<i>Title</i>
8 :30-8 :45		Recap of Day 2
8:45-10:45	Module 3 Activity 3	Analyzing Human Rights Work in RANHAM (cont'd) International Human Rights Standards
10:45-11:00	Break	
11:00-12:00	Activity 3	Continued
12:00-13:00	Activity 4	Applying Gender Concepts in RANHAM
13:00-14:00	Lunch	
14:00-15:30	Module 4 Activity 1	Planning RANHAM – Next Steps Developing RANHAM Related HRE Activities
15:30-15:45	Break	
15:45-16:45	Activity 1	Continued
16:45-17:15		Synthesis and Daily Evaluation

DAY 4 November 9 2006		
<i>Time</i>	<i>Module</i>	<i>Title</i>
8:30-8:45		Recap of Day 3
8:45-10:45	Module 4 Activity 2	Planning RANHAM – Next Steps (cont'd) Planning Framework
10:45-11:00	Break	
11 :00-12 :30	Activity 2	Continued
12:30-14:00	Lunch	
14:00-15:30	Activity 3	Developing Individual Action Plans
15:30-16:30	Module 5 Activity 1	Workshop Evaluation and Closing Ceremony Workshop General Evaluation
16:30-17:00	Activity 2	Closing Ceremony

Module 1 Introduction, Expectations and Objectives

Comment [PMcA4]: There are a number of different ways in which a workshop can be structured. The format most frequently used by Equitas is to have Modules (highest level) and Activities. Each Activity is broken down into separate Parts numbered alphabetically.

<i>Activity</i>	<i>Time</i>
Activity 1 Opening Ceremony	1 hr
Activity 2 Introductions and Workshop Expectations	1 hr
Activity 3 Workshop Overview, Objectives, and Methodology	30 min
Activity 4 Review of the December 2004 Workshop	1 hr 15 min
Activity 5 Current Human Rights Issues in Indonesia	2 hrs

Activity 1 Opening Ceremony

Objective

To formally open the workshop.

Time

1 hr

Description

The workshop organizers formally open the workshop by welcoming the participants and resource persons.

End of Activity ■

Comment [PMcA5]: Each Activity has one or more specific objectives, followed by an indication of the time required for the Activity, and a Description explaining the content of the Activity.

Activity 2 Introductions and Workshop Expectations

Objectives

- To meet the members of the group, including facilitators, workshop organizers and resource persons.
- To identify participants' expectations of the workshop and explore potential resources available within the group.

Time

1 hr

Description

This activity will allow you to get to know the other participants of the workshop, to share with each other your expectations, and to identify the potential resources within the group.

This activity is divided into two parts.

In **Part A**, you will introduce yourself to the members of the group and present your expectations and resources for the workshop.

In **Part B**, the facilitator will summarize your expectations and resources.

45 min

Part A Introductions

1. The facilitator presents a number of personal values/attitudes written on large sheets of paper and posts them in different places around the room:
 - Empathy
 - Respect
 - Equality
 - Compassion
 - Responsibility
2. Briefly reflect on the values/attitudes posted and then go and stand by the value/attitude you most identify with as a human rights worker.
3. Introduce yourself (name, job title, main responsibilities, division/department, and institution) to the other participants gathered around the same value/attitude.

Cont'd ► ► ►

Comment [PMcA6]: Icebreakers are a necessary part of any workshop. There are four basic stages to group development in any group setting, there are:

1. Forming Stage: the group is a collection of individuals, each with her/his own agenda and expertise and perhaps little or no shared experience. (i.e., at the beginning of a training session).

2. Storming Stage: individuals in a group become more familiar with one another, personal values and principles are challenged, roles and responsibilities are assumed and/or rejected, and the group's objectives and way of working together are defined.

3. Norming Stage: the group has settled down and developed a clear identity. Members have begun to understand their roles in relation to one another and establish a shared vision or goal. People know each other better; they have accepted the rules and probably developed little sub-groups.

4. Performing Stage: norms have been established and the group is ready to focus on output. It is in this phase that they work most effectively as a group. The confidence level of the group has reached the point where they are willing to take significant risks and try out new ideas on their own.

Comment [PMcA7]: When deciding what kind of icebreaker to use, carefully consider your target group, what they may feel comfortable talking about, how large the group is, etc.

Activity 2 cont'd

4. Take about 5 minutes to discuss among yourselves the reasons why you chose this particular value/attitude.
5. The facilitator then has each group, in turn, introduce their group members and explain the reasons the different group members selected that particular value.

Comment [PMcA8]: Providing clear explanations on the amount of time each person should talk is very important. If you do not specify an amount of time for each person to talk (for example, 2 minutes), then some participants may talk too much and others will lose interest. Remember, if you let each person talk for 5 minutes and you have a group of 30 participants, your icebreaker will last two and a half hours!

15 min

Part B Group Discussion

1. Using the information compiled from the **Pre-Workshop Assignments**, the facilitator has prepared a chart of the group's expectations related to the workshop. The facilitator goes through participants' expectations and highlights common ones and others which may not be addressed during the workshop. The facilitator also explains the idea of a "parking lot," where participants can list issues/topics/questions not necessarily addressed during the workshop which are nonetheless of interest to participants. The parking lot issues can be discussed informally during tea breaks and lunch breaks.
2. Each participant receives a metacard on which they write their name and a resource they can offer other participants (for example, expertise in training, knowledge of women's rights, experience in policy review, knowledge of particular international instruments).
3. The facilitator leads a large group discussion on the resources available within the group by inviting participants to share the resources they have to offer.

Comment [PMcA9]: Pre-Workshop Assignments are essential to understanding participants' current level of knowledge, skills, and attitudes. Information from the PWAs help in designing an appropriate training that responds to participants' needs. Results from the PWAs should be used as much as possible during a workshop as a means of validating participants' input in designing the workshop.

Comment [PMcA10]: It's sometimes very easy for participants to go "off topic". There are times when such discussions are beneficial, and in fact greatly improve the content of the workshop. Other times, "off topic" discussions can distract participants and take up time. A good facilitator always recognizes what participants want to say, and if he/she and the participants agree that certain topics for discussion are best left outside the regular workshop hours, then these topics can be discussed during other moments (tea break, lunch) and listed on the parking lot.

End of Activity ■

Activity 3 Workshop Overview, Objectives, and Methodology

Objectives

- To relate participants' expectations to the workshop objectives and content.
- To describe the basic framework used in the workshop.
- To identify the ground rules useful in creating an effective group dynamic during the workshop.

Time

30 min

Description

In the previous activity, you identified your expectations of the workshop. In this activity, the facilitator will explain the content of the workshop and how it will relate to your expectations.

This activity is divided into two parts.

In **Part A**, the facilitator will provide an overview of the framework and objectives for the workshop to demonstrate how your expectations will be met.

In **Part B**, you will help set ground rules for working effectively as a group during this workshop.

20 min

Part A Group Presentation

The facilitator presents the workshop framework and objectives, while relating them to the expectations listed during **Activity 2**.

The basic framework for the workshop is presented in **Reference Sheet 1** for you to follow during this presentation.

Cont'd ► ► ►

Comment [PMcA11]: Some participants' expectations may not be inline with workshop objectives. When participants are given the opportunity to present what they can offer to the group (for example, training expertise, knowledge of women's rights, expertise in litigation, etc.), they can seek out others in the group with "offers" that match their expectations that may not be addressed by workshop objectives.

Activity 3 cont'd

10 min

Part B Group Discussion

1. Together with your facilitator, develop a number of ground rules for working effectively as a group.

Examples of helpful ground rules include:

- give everyone a chance to speak
- no mobile phones during the activities
- respect the time for discussions

2. The facilitator writes the ground rules on the flipchart and posts them in the room for the remainder of the workshop. It is important that all members of the group feel comfortable with the rules and commit to respecting them.

Comment [PMcA12]: Ground rules are essential for any workshop. Most people are familiar with setting ground rules. The facilitator should devise ways to ensure that the rules are respected by everyone (including the facilitator). The facilitator can ask the group to suggest fun “sanctions” if rules are not respected (for example, singing to the group if a participant arrives late).

The term “ground rules” may appear to harsh for some people. Another term used is “Group Commitment.”

Ground rules for our group:

End of Activity ■

Reference Sheet 1: Workshop Framework

Step 1 - Looking at the Current Human Rights Situation

- Where are we now?
- What is the current human rights situation in Indonesia?
- What have we done as a committee?
- What have I done in my institution?
- What are our best practices?
- What are our lessons learned?
- What did we do to make us successful?
- How can we use our strengths to improve our work?

This step corresponds to the following activities:

Module 1

- Activity 4: Review of the December 2004 Workshop
- Activity 5: Current Human Rights issues in Indonesia

Module 2

- Activity 1: RANHAM Update
- Activity 2: Role of the National RANHAM Committee
- Activity 3: Focus Group Discussion

Comment [PMcA13]: It's always good to illustrate the workshop framework for participants and to keep the framework clearly visible throughout the workshop, so that the facilitator can easily refer to it.

Step 2 - Identifying the Desired Situation

- Where do we want to be?
- Where does the national plan of action say we should be?
- What results and milestones have we accomplished?

This step corresponds to the following activities:

Module 3

- Activity 1: Defining a Common Understanding of Human Rights Education
- Activity 2: RANHAM and Social Change – Effective HRE for Social Change
- Activity 3: International Human Rights Standards

Step 3 – What do we do next?

- What is the gap between the current and desired situations?
- How can we use our best practices to close the gap?
- What are the priorities?
- What can we do as a committee/institution/individual to work towards those priorities?

This step corresponds to the following activities:

Module 4

- Activity 1: Developing RANHAM Related HRE Activities
- Activity 2: Planning Framework
- Activity 3: Developing Action Plans

Activity 4 Review of the December 2004 Workshop

Objective

To review the main content areas examined during the previous workshop.

Time

1 hr 15 min

Description

In the previous activities you looked at the present workshop content. In this activity, you will review the content of the previous workshop in December 2004.

This activity is divided into two parts.

In **Part A**, the facilitator will lead a large group discussion to review the main points of the December 2004 workshop.

In **Part B**, the participants who took part in the two exposure visits will share what they learned in Canada.

30 min

Part A Group Discussion

The facilitator reviews the following points from the previous workshop:

- Participatory methodology (refer to **Reference Sheet 2**)
- Analysis of basic international human rights instruments (refer to the **Appendices** for the texts and analyses of the ICCPR, ICESCR, CEDAW, and CRC)
- Human rights education training needs of the National RANHAM Committee (refer to **Reference Sheet 3**)

Comment [PMcA14]: A reminder of key information, concepts, and methodology is beneficial for all participants, especially since some of them may not have attended a previous workshop. The facilitator should try to make this part as interesting as possible for participants (for example, by playing a game or a role play).

45 min

Part B Group Presentation

The participants of the two Exposure Visits describe their experience in Canada (25 min). In particular, they discuss:

- What they did
- What they learned
- What they found relevant to their work

Afterward, there is a question and answer period (20 min).

End of Activity ■

Reference Sheet 2: Participatory Approach

Main Elements of a Participatory Approach

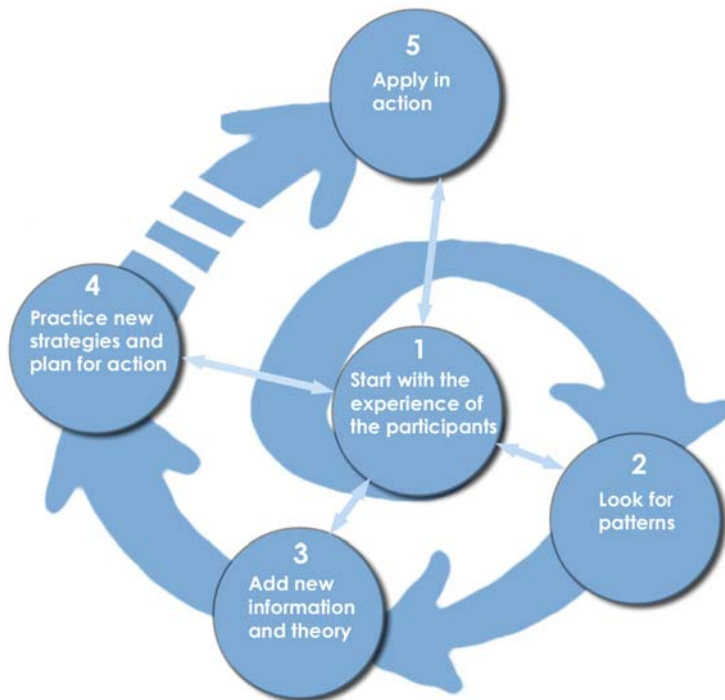
A. Some assumptions about a participatory human rights program or lesson

- The program/lesson provides the framework for drawing out content from participants/learners. Participants bring analysis and experience to the learning process.
- Linking human rights concepts to the everyday experiences of the participants makes the concepts more accessible and more likely to be understood.
- Participants/learners take responsibility for their own learning and interaction with other participants.
- Everyone participates fully in the session.
- There will be tolerance of different approaches and strategies.

B. The Curriculum Design Model - The Learning Spiral

A participatory approach places the participant/learner at the centre of the learning process.

The Learning Spiral



Comment [PMcA15]: The Learning Spiral is central to the participatory learning process used throughout Equitas programs.

Some underlying beliefs of a participatory learning process are that people learn more effectively when: their own capacity and knowledge is valued; they are able to share, analyze, and critically reflect on their experiences in a safe and collective environment; and they are active participants in the learning process, which includes feedback on each others' work and self-assessment.

Reference Sheet continued

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 (i.e., what are the commonalities? what are the patterns?)
3. To avoid being limited to the knowledge and experience of the people in the room, we also collectively add (from outside sources) or create, new information or theory
4. Participants need to practice what they have learned, to practice new skills, develop 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

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.

Reference Sheet 3: Training Needs of the National RANHAM Committee

Training needs identified by participants of the December 2004 Workshop:

- Human rights terminology
- Human rights analytical skills
- Understanding a rights based approach
- Analysis of various human rights violations, including the use of case studies
- Knowledge of national and international human rights
- Documentation on human rights and human rights education
- Skills to socialize (or mobilize) human rights, including media events
- Technical guidance for the implementation of RANHAM
- Access to resource persons who have experience in the implementation of human rights action plans

Activity 5 Current Human Rights Issues in Indonesia

Objectives

- To identify current human rights issues in Indonesia.
- To identify main stakeholders and institutions involved in addressing these issues.
- To examine how RANHAM is addressing the needs of the stakeholders and institutions.

Time

2 hrs

Description

The previous activity reviewed what was covered in the 2004 workshop and the National RANHAM Committee's training needs at that time. In this activity, you begin to examine the current situation to determine what progress was made and if the needs have changed.

This activity is divided into three parts.

In **Part A**, you will work in groups to identify the current human rights issues in Indonesia.

In **Part B**, the groups will present their list of current human rights issues.

In **Part C**, the resource person will comment on the list of issues presented.

45 min

Part A Small Group Work

1. The facilitator divides the participants into small groups.
2. In your small groups, identify what you believe to be the current human rights issues in Indonesia. For each issue, identify the possible contributing factors and the stakeholders involved. Use the format presented in **Worksheet 1** to record your group's findings.

30 min

Part B Group Presentations

Each group presents their list of current human rights issues.

Comment [PMcA16]: When deciding the number of groups participants should be divided into, the facilitator needs to consider, among other things, the amount of time for the activity and the total number of participants. Typically, there should not be more than 6-8 people in a group, since a large number may prevent some participants from speaking up.

How participants should be grouped is another important consideration. During the course of a workshop, it is normal for participants to be part of more than one different group for different activities. However, the facilitator should be cautious and not move participants around too much. Participants can be grouped a number of different ways. Here are just a few:

- Randomly divided.
- Grouped according to their interest. For example, if they are examining specific human rights such as women's rights, children's rights, and housing rights, some participants might be inclined to go into one of those groups.
- Divided by the facilitator by mixing shy and quiet participants with ones who express themselves more easily, in the hopes of giving everyone the opportunity to speak up

Comment [PMcA17]: Before each group presents its work, roles can be assigned to specific persons in the group. Typical roles can be:

- Group leader who ensures that everyone has the chance to speak in turn and that the group stays on task
- Timekeeper who reminds participants of the time left in the activity
- Writer who transcribes the group's work onto flipchart
- Reporter(s) who present to the group.

Comment [PMcA18]: Presentations should not be limited to flipcharts. Groups can use a number of different techniques to present their findings, from role plays to interactive discussions.

Cont'd ▶ ▶ ▶

Activity 5 cont'd

45 min

Part C Group Discussion

The facilitator synthesizes the salient points from the groups and the resource person comments on participants' work.

Questions to consider:

- What are some of the main, current human rights issues in the country? Are there some issues that are specific to certain provinces? If so, which ones?
- How are these issues experienced differently by men and women?
- Are there common factors underlying or leading to these human rights issues?
- What is being done by different actors apart from the government (for example, civil society, international agencies) to address some of these issues? Have they identified any priorities for ensuring the respect of human rights (for example, in good governance, women's participation in politics, conflict prevention/transformation/resolution, or poverty alleviation)?
Note that the government's role, and in particular what RANHAM has done to address these human rights issues, will be discussed in the next Activity.
- How can human rights education address these issues? What are the desired goals of HRE activities?

End of Activity ■

Comment [PMcA19]: The facilitator's role in a group discussion is not only to summarize information presented, but to *synthesize* it. That means the facilitator plays a key role in identifying common elements highlighted by participants, and prompts the participants to think further about what their group work means in relation to their work in human rights education. The "Questions to consider" should serve as a guide for the facilitator and the participants, and the facilitator should not be limited by the list of questions written.

Worksheet 1: Human Rights Issues

Human Rights Issues	Contributing Factors	Stakeholders
<p>For example: Poor access to primary school education for girls</p>	<ul style="list-style-type: none"> ▪ parents not recognizing the value of educating girls (perception that it is better to educate boys rather than girls) ▪ girls confined to domestic labour ▪ general societal discrimination against girls and women 	<ul style="list-style-type: none"> ▪ girls (those attending and not attending school) ▪ parents ▪ teachers ▪ ...

Comment [PMcA20]: A closer look at some of these contributing factors may reveal various social constructions that determine roles of men and women, economic policies, or the ability of the government to fulfill its obligations to respect human rights.

Comment [PMcA21]: Participants may end up with a “shopping list” of stakeholders, but a discussion can follow on the influence each group of stakeholders can have on addressing the human rights issue listed.

Module 2 Current Status of RANHAM

<i>Activity</i>		<i>Time</i>
Activity 1	RANHAM Update: Overview of Objectives, Results, and Milestones	1 hr
Activity 2	The Role of the National RANHAM Committee	2 hrs
Activity 3	Focus Group Discussion – Creating a Dynamic National RANHAM Committee	1 hr 30 min

Activity 1 RANHAM Update: Overview of Objectives, Results, and Milestones

Objectives

- To review RANHAM, Indonesia's National Plan of Action for Human Rights.
- To identify the successful achievements of the RANHAM implementation to date.

Time

1 hr

Description

The previous activity identified the current human rights situation in Indonesia. In this activity, you will look at the planned implementation of RANHAM and determine how it will change the current situation.

This activity is divided into two parts.

In **Part A**, a resource person will provide an overview of RANHAM.

In **Part B**, you will take part in an open forum where you have the opportunity to comment and ask questions to the resource person.

30 min

Part A Presentation

The resource person from DG-HAM presents a general overview of RANHAM with a particular focus on the RANHAM objective of "Dissemination and Education on Human Rights (refer to **Reference Sheet 4**). Some of the topics the resource person will discuss are as follows:

- Results and milestones to date
- Ongoing activities
- Success stories
- Application of a gender perspective to RANHAM's objectives
- Future activities

The resource person also relates RANHAM's work to the current human rights issues identified by participants in the previous activity.

Comment [PMcA22]: Since RANHAM is such a wide-ranging human rights action plan, narrowing participants' attention to one particular objective helps them focus their discussions.

Cont'd ▶ ▶ ▶

Activity 1 cont'd

30 min

Part B Open Forum

During this open forum you have the opportunity to comment and ask questions on any issues raised that will affect your work.

End of Activity ■

Reference Sheet 4: RANHAM Dissemination and Education on Human Rights

Objectives/targets	Programs/activities	Performance indicators (output)
1. Enhancement of understanding and awareness of law enforcement and government officials on the importance of human rights in the line of duty	Law enforcement and government officials: <ol style="list-style-type: none"> to include human rights materials in official trainings in all government institutions training for trainers on human rights for law enforcement and government officials dissemination and human rights information materials for law enforcement and government officials 	Education and human rights training for law enforcement and government officials.
2. Strengthening of education on human rights in higher learning and human rights institutions	Higher learning institutions and other human rights institutions: <ol style="list-style-type: none"> To increase the collection of human rights books in the libraries of higher learning institutions, Ministry of Justice and Human Rights, National Commission of Human Rights, National Commission of Women, National Commission of Children Protection, Centres for Human Rights Studies, etc. 	The availability of teaching materials on human rights and other human rights reference materials.
	<ol style="list-style-type: none"> To strengthen the human rights study in degree programs in Indonesia and to continue cooperation for scholarships on human rights in overseas learning institutions. 	Establishment of Degree/Non Degree Program on human rights in higher learning institutions in Indonesia and to enforce scholarships programs on human rights overseas.
	<ol style="list-style-type: none"> To include human rights materials in the curriculum of higher learning institutions. 	The availability of human rights curriculum in the higher learning institutions.
	<ol style="list-style-type: none"> Human rights to the higher learning student organizations. 	Implementation of human rights training for higher learning student organizations.
3. Enhancement of understanding and awareness of human rights through formal education.	Formal education: <ol style="list-style-type: none"> Human rights training for teachers with the priority to the teachers of related subjects. 	Implementation of human rights training for teachers
	<ol style="list-style-type: none"> To integrate human rights education into related subjects, particularly into civics, religious, history, social science and Indonesian language. 	The availability of civics, religious, history, social science and Indonesian language study subjects with human rights content.

Reference Sheet continued

Objectives/targets	Programs/activities	Performance indicators (output)
	c. To translate teaching materials on human rights	The availability of translation teaching materials on human rights.
	d. To integrate human rights education into local education curriculum.	Integration of human rights education into local education curriculum.
4. Enhancing of the communities' awareness on the importance to respect human rights.	Non-formal Education: a. To draft human rights teaching materials easily acquired by the communities.	Implementation of human rights education and dissemination in all provinces.
	b. Human rights dissemination to village levels, ie. to PKK (Family Welfare Education), Kadarkum (Family Laws Awareness), religious activities etc.	
	c. To enhance human rights courses related to the Pancasila, National Constitution 1945, human rights laws etc.	
	d. Dissemination, trainings, up-grading and human rights workshops among Groups of Learning and Business, Centers for Independent Learning Activities, Learning Activities, Learning activities Workshops, Youth Courses, Education Councils and the Indonesian Teachers Association.	
	e. Dissemination training, up-grading and human rights workshop among sports organizations, sports coaches, athletes and Centers for Students Education and Practices.	
	f. Dissemination training, up-grading and human rights workshops among political, social and NGO's, also to disseminate with human rights concepts those interested , professionals and business groups, i.e. Majelis Taklim, Boy Scouts, Karang Taruna, etc.	

Reference Sheet continued

Objectives/targets	Programs/activities	Performance indicators (output)
5. Enhancement of information services on human rights.	Mass media	Availability of information materials and enhancement of the human rights dissemination activities through printed and electronic media etc.
	a. Regular seminars and human rights training for journalists from the printed electronic media and information officers.	
	b. To hold human rights interviews and discussions for the electronic media (TV and Radio).	
	c. To publish and distribute human rights information materials including human rights handbooks.	
	d. Featuring human rights programs in the printed and electronic media.	
	e. To use traditional media.	

Activity 2 The Role of the National RANHAM Committee

Objectives

- To identify common roles for the individuals and institutions of the National RANHAM Committee.
- To identify best practices for the National RANHAM Committee.

Time

2 hrs

Description

The previous activity looked at RANHAM achievements and planned future activities. In this activity, you will examine your contributions to those RANHAM achievements.

This activity is divided into three parts.

In **Part A**, you will take part in a large group discussion to analyze your department's and/or institution's roles in the coordination and implementation of RANHAM.

In **Part B**, you will work individually to analyze individual and institutional contributions to achieving RANHAM results and milestones to date.

In **Part C**, the facilitator will synthesize the information from **Part B** and lead a discussion to identify best practices for the RANHAM Committee and the member institutions.

30 min

Part A Group Discussion

1. The facilitator leads a brainstorming session to define different individual, departmental and institutional roles in implementing RANHAM. The facilitator lists the roles on the flipchart.
2. The resource person comments on the roles identified.
3. The facilitator continues the large group discussion where you have the opportunity to make recommendations and comments in order to arrive at common definitions for individual, departmental and institutional roles.
4. The facilitator records the agreed upon definitions on the flipchart.

Comment [PMcA23]: During a brainstorming session, participants should know beforehand that there are no "wrong" answers. Brainstorming involves putting ideas out and then discussing them.

Comment [PMcA24]: The facilitator should have separate flipcharts for each category: one for individual and one for departmental/institutional.

Cont'd ► ► ►

Activity 2 cont'd

45 min

Part B Individual Work

1. The facilitator distributes two white and two yellow metacards to each participant to complete this activity.
2. Review the individual workplans from the 2004 workshop (5 min). See **Reference Sheet 5** for a list of workplans identified by participants of the 2004 workshop.
3. Reflect on how RANHAM relates to your responsibilities in your individual work. Use the **white metacards** to record **your individual contributions in the coordination and/or implementation of RANHAM** (for example: provide leadership to junior staff members, researched how other countries implemented human rights, acted as liaison between other institutions, etc.). Write one reflection on each metacard.
4. Reflect on how your institution contributes to the national plan of action for human rights (RANHAM). Use the **yellow metacards** to record **your departments'/institution's contributions in the coordination and implementation of RANHAM** (for example: coordinated harmonization of labour laws, provided support to other institutions for protection of migrant workers, organized working group on children's rights). Write one reflection on each metacard.

Comment [PMcA25]: For both the individual and departmental/institutional metacards, the facilitator should encourage participants to think of other answers that are not listed.

Cont'd ► ► ►

Activity 2 cont'd

45 min

Part C Group Discussion

1. The facilitator leads a discussion on the individual and departmental/institutional contributions by asking you to share what you have written in **Part B**. All participants will post their reflections on the wall.
2. The facilitator groups the cards and comments on commonalities and differences in the contributions made.
3. Using the grouped list of common contributions, the facilitator introduces the concept of best practices, and elaborates on how best practices allowed the committee and committee members to contribute to the realization of RANHAM milestones.
4. The facilitator leads a group discussion where you have the opportunity to make comments in order to arrive at a list of best practices for the National RANHAM Committee (use **Worksheet 2** to take notes). Consider the following:
 - What individual improvements have you made in the way you work, your attitudes, your skills, and your knowledge as a result of your work on the committee or in implementing RANHAM?
 - What kind of changes have been made in your institution as a result of the work on the National Committee or the implementation of RANHAM?
5. The facilitator records the agreed upon list of best practices at the **individual** and at the **departmental/institutional levels**.

Comment [PMcA26]: Participants can divide themselves into two equal groups. One group can post their white metacards on one section of the wall while the other group posts their yellow metacards on another part of the wall, then the groups switch and post their other metacards. Instead of simply posting all the cards together, participants should be encouraged to group similar metacards together. That way, they already begin an analysis of their work and begin to talk to one another.

End of Activity ■

Reference Sheet 5: Group Action Plans from the December 2004 Workshop	
Action Item	Frequency
1. Applying the norms of human rights instruments to my work	10
2. Provide a workshop report to the directors, immediate supervisors	9
3. Cooperate with staff to formulate workshops for colleagues	7
4. Distribute written materials from the workshop to colleagues	6
5. Disseminate human rights understanding through internal publications	5
6. Become more knowledgeable in human rights through follow up research and reading	5
7. Provide input on human rights protection effort policies	3
8. Giving recommendations on how this kind of training can be implemented	2
9. Apply human rights standards to formulate activities in your field	2
10. Identify economic policies that are improper and not contained in human rights principles	2
11. Propose an annual plan of human rights socialization activities	2
12. Form a provincial RANHAM Committee	2
13. Form municipal RANHAM Committees	2
14. Monitor and evaluate RANHAM activities and programs	2
15. Include human rights issues in every meeting	1
16. Form a team to monitor public services implementation to see whether it has contained values and principles of human rights	1
17. Hold discussions on human rights development methods in your field	1
18. Creating a human rights manual for local government functionaries	1
19. Strengthen the cooperation between provincial human rights institutions	1

Worksheet 2: National RANHAM Committee Best Practices

What **individual** improvements have you made in the way you work, your attitudes, your skills, and your knowledge as a result of your work on the National Committee or in implementing RANHAM?

What kind of changes have been made in your **department/institution** as a result of the work on the National Committee or the implementation of RANHAM?

Activity 3 Focus Group Discussion – Creating a Dynamic National RANHAM Committee

Objectives

- To evaluate your work done as part of the National RANHAM Committee.
- To identify how best practices can be used to improve the functioning of the National RANHAM Committee.

Time

1 hr 30 min

Description

The previous activity looked at your contributions to RANHAM achievements and identified some best practices. In this activity, you will evaluate the functioning of the National RANHAM Committee to determine how to improve its effectiveness.

This activity is divided into three parts.

In **Part A**, the facilitator will present the strategy of using of a focus group to evaluate a particular topic.

In **Part B**, you will form a focus group to evaluate the functioning of the National RANHAM Committee.

In **Part C**, you will take part in a group discussion to identify best practices for the National RANHAM Committee.

15 min

Part A Presentation

The facilitator presents the technique of using a focus group. A focus group is a group of individuals who are convened to express their opinions, attitudes or reactions to a particular program, activity or product. Refer to **Reference Sheet 6** for information relating to focus groups.

For this activity, the **goal of the focus group is to evaluate the functioning of the National RANHAM Committee.**

Cont'd ► ► ►

Activity 3 cont'd

45 min

Part B Focus Group

1. The group discusses the following question:

How effective are the group dynamics of the National RANHAM Committee?

Consider the following (use **Part 1 of Worksheet 3** to take notes):

- Common understanding of the National RANHAM Committee purpose
 - Member participation
 - Communication between National RANHAM Committee members
 - Communication of National RANHAM Committee actions/results/recommendations with colleagues and supervisors.
2. The facilitator uses a flipchart to record the results of the focus group and posts them on the wall.

30 min

Part C Group Discussion

1. Continue the focus group by listing recommendations for creating a more effective National RANHAM Committee (use **Part 2 of Worksheet 3** to take notes).
2. The facilitator records the recommendations on the flipchart.
3. The facilitator and resource person both comment on the list of recommended changes to improve the effectiveness of the National RANHAM Committee.

End of Activity ■

Reference Sheet 6: How to Conduct a Focus Group

Step 1: Preparing for the Group			
<p>Be clear about why you are gathering the people</p> <ul style="list-style-type: none"> Assess what you really need to know Determine which questions the group will answer <p>Establish an agenda which will achieve your purpose</p> <ul style="list-style-type: none"> Determine the number of participants and their roles Decide on the purposes of the Focus Group - (include content and outcome) Devise the process rules for the Focus Group Fix time, place and duration of the Focus Group <p>Select Participants and allocate roles</p> <ul style="list-style-type: none"> Select who and how many Arrange for leader-facilitator Plan for an individual to record the Focus Group <p>Arrange the setting and the tools</p> <ul style="list-style-type: none"> Determine the room set up Determine tools needed (flip chart, markers, name tags...) Arrange for accommodations of participants of necessary 	Step 2: Launch the Group		Step 3: Running the Focus Group
	<p>Introductions</p> <ul style="list-style-type: none"> Introduce facilitator Introduce participants <p>Explain the Agenda</p> <ul style="list-style-type: none"> Explain the purpose of the Focus Group Clarify roles of the participants Establish process rules <ul style="list-style-type: none"> Neutral role of facilitator Recorder role as group memory Nature of the meeting (Brainstorming, Decision-making) Conflict Resolution Procedure Administrative Issues (breaks, messages, starting times...) 	<p>Progress towards purpose</p> <ul style="list-style-type: none"> Guide the focus group such that it is working the purpose initially identified Introduce participants <p>Ensure participation is towards purpose</p> <ul style="list-style-type: none"> Will you need more information from these people? Will you reassemble this group? Was the process satisfactory? How would you handle the focus group differently? 	Step 4: Following-up the Focus Group
<p>Do what you agreed on</p> <p><i>Adapted from Rossett, A.(1987) <u>Training Needs Assessment</u>. Englewood Cliffs, N.J. Educational Technology Publications.</i></p>			

Worksheet 3: Focus Group Notes

Focus Group Questions	Notes
<p>PART 1</p> <p><i>How effective are the group dynamics of the National RANHAM Committee? Consider the following:</i></p> <ul style="list-style-type: none"> • <i>Common understanding of the National RANHAM Committee purpose.</i> • <i>Member participation.</i> • <i>Communication between National RANHAM Committee members.</i> • <i>Communication of National RANHAM Committee actions/results/recommendations with colleagues and supervisors.</i> 	

Focus Group Questions	Notes
<p>PART 2</p> <p><i>What are the changes at the individual, departmental and institutional levels that you recommend to make the National RANHAM Committee more effective?</i></p>	

Module 3 Analyzing Human Rights Work in RANHAM

<i>Activity</i>		<i>Time</i>
Activity 1	Defining a Common Understanding of Human Rights Education	1 hr
Activity 2	RANHAM and Social Change – Effective HRE for Social Change	1 hr 30 min
Activity 3	International Human Rights Standards	3 hrs
Activity 4	Applying Gender Concepts in RANHAM	1 hr

Activity 1 Defining a Common Understanding of Human Rights Education

Objectives

- To reflect on your personal notions of human rights education.
- To define a common understanding of human rights education.

Time

1 hr

Description

In the previous module's activities you looked at and evaluated your RANHAM related work to date. In this activity, you will begin looking at where you would like to be at the completion of RANHAM regarding a common understanding of human rights education (HRE).

This activity is divided into three parts.

In **Part A**, you will work individually to reflect on your understanding of HRE.

In **Part B**, you will work in small groups to further develop your ideas on HRE.

In **Part C**, you will share the results of your small group discussion with the larger group.

15 min

Part A Large Group Discussion

1. The facilitator posts on a flipchart your answers from the **Pre-Workshop Assignment** regarding human rights education and comments on commonalities and differences.
2. The facilitator presents some definitions of human rights education and its goals (see **Reference Sheet 7**) and relates these to your own from the **Pre-Workshop Assignment**.

Cont'd ► ► ►

Activity 1 cont'd

25 min

Part B Small Group Work

The facilitator divides participants into small groups and asks each group to write on metacards two questions to ask the facilitator about human rights education.

20 min

Part C Large Group Discussion

1. In turn, each group asks their questions to the facilitator.
2. The facilitator answers and comments on the questions posed.
3. As a group, consider why HRE would be important to the stakeholders identified in **Module 1 Activity 5**.

End of Activity ■

Reference Sheet 7: Definitions of Human Rights Education

1. A definition of HRE from the Draft Plan of Action for the First Phase (2005 – 2007) of the proposed World Programme for Human Rights Education, 59th Session, General Assembly, October 2004 *(excerpt)

Introduction

“The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace” (Vienna Declaration and Programme of Action, Part IBID., Para. 78).

Context and definition of human rights education

The international community has increasingly expressed a consensus that human rights education constitutes a fundamental contribution to the realization of human rights. Human rights education aims at developing an understanding of everybody's common responsibility to make human rights a reality in each community and in the society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, to the promotion of equality and sustainable development and the enhancement of people's participation in decision-making processes within democratic system, as stated in resolution 2004/71 of the Commission on Human Rights.

Provisions on human rights education have been incorporated in many international instruments, including the Universal Declaration of Human Rights (art. 26), the International Covenant on Economic, Social and Cultural Rights (art. 13), the Convention on the Rights of the Child (art. 29), the Convention on the Elimination of All Forms of Discrimination against Women (art. 10), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 7) and the Vienna Declaration and Programme of Action (Part I, paras. 33-34 and Part II, paras. 78 - 82), as well as the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 (Declaration, paras. 95-97 and Programme of Action, paras. 129-139).

In accordance with these instruments, which provide elements of a definition of human rights education as agreed by the international community, human rights education can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:

- (a) The strengthening of respect for human rights and fundamental freedoms;

Reference Sheet continued

- (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 and democratic society governed by the rule of law;
- (e) The building and maintenance of peace; and
- (f) The promotion of people-centred sustainable development and social justice.

2. Equitas' Understanding of HRE

Human rights education is a process of social transformation that begins with the individual and branches out to encompass society at large.

The **goal** of human rights education is empowerment. The result is social change. Human rights education involves the exploration of human rights principles and instruments and the promotion of critical reflection and inquiry. Ultimately, human rights education inspires people to take control of their own lives and the decisions that affect their lives.

The **practice of human rights education** is founded on mutual respect and reciprocal learning. Participatory methods that promote the sharing of personal knowledge and experience are fundamental. The modes of communication are numerous (from brain- storming and discussion to street theatre and festivals) but the challenge lies in discovering how to truly communicate across different cultures, values and perceptions.

Activity 2 RANHAM and Social Change – Effective HRE for Social Change

Objectives

- To identify the main elements of transformative learning theory.
- To reflect on the transformative potential of HRE work.
- To apply the transformative potential model to the evaluation of RANHAM human rights dissemination and education objectives.

Time

1 hr 30 min

Description

In the previous activity you identified a common understanding of HRE. In this activity, you will look at how HRE is an effective means for social change in Indonesia.

This activity is divided into three parts.

In **Part A**, the facilitator will make a short presentation on transformative learning theory and give examples for evaluating results.

In **Part B**, you will work in small groups to apply the transformative potential model to some of RANHAM's human rights dissemination and education objectives.

In **Part C**, you will share the results of your discussions with the larger group.

[Cont'd ▶ ▶ ▶](#)

Activity 2 cont'd

30 min

Part A Presentation

1. The facilitator provides an overview of how “social transformation” is defined (refer to **Reference Sheet 8**).
2. The facilitator describes the ideal conditions for transformative learning (see **Reference Sheet 8**) and provides examples of strategies undertaken to evaluate results (see **Reference Sheet 10** and **Appendix 10** for information on indicators).

Following the presentation, you will have an opportunity to ask questions.

30 min

Part B Small Group Work

1. The facilitator divides participants into small groups and assigns each group one of the objectives for RANHAM’s dissemination and education on human rights (see **Reference Sheet 4**).
2. In your small group, reflect on what changes you envisage at the level of the individual, the institution and society as a result of your HRE work for this objective.
3. Prepare a flipchart version of **Worksheet 4** to record the results of your discussion.

30 min

Part C Report on Group Work

The large group reconvenes. Each group reports on the results of their discussion (5 min each). The facilitator highlights the links between transformative learning and the evaluation results presented.

End of Activity ■

Reference Sheet 8: Transformative Learning

Social Transformation, Transformative Learning and Transformative Potential

Defining Social Transformation

Social transformation may involve changes in social structures, labor relations, urbanization, attitudes, beliefs, views, and values, freedoms and rights, the quality of education, competitive and comparative advantages, and effective governance.

Source: Alvi, H. (2005). The Human Rights of Women and Social Transformation in the Arab Middle East. *Middle East Review of International Affairs*, Vol. 9, June 2005, No. 2.

On Achieving Social Transformation

Taylor (1998), in reference to Paulo Freire's view on the goal of social transformation, indicates Freire "...is much more concerned about a social transformation via the unveiling of reality by the oppressed through the awakening of their critical consciousness, where they learn to perceive social, political and economic contradictions, and to take action against the oppressive elements of reality."

Source: Taylor, E. (1998). *The Theory and Practice of Transformative Learning: A Critical Review*. Ohio: Vocational Education, Ohio State University. Available online at: www.cete.org/acve/mp_taylor_01.asp (accessed 6 October 2004).

Transformative Learning

Mezirow, who pioneered the theory of transformative learning, suggests that individuals can be transformed through a process of critical reflection. He goes on to explain that in transformative learning the most significant learning occurs in the communicative domain which " involves identifying problematic ideas, values, beliefs and feelings, critically examining the assumptions upon which they are based, testing their justification through rational discourse and making decisions predicated upon the resulting consensus." (Taylor, 1998, p. 43)

Source: Nazzari, V., et al. (Canadian Human Rights Foundation, former name of Equitas). (2005). Using Transformative Learning as a Model for Human Rights Education: A Case Study of the Canadian Human Rights Foundation's International Human Rights Training Program, *Intercultural Education*, Vol. 16, No. 2, May 2005, pp. 171-186.

Transformative Potential Model

The transformative potential model is a visual representation of how transformative learning can create an impact at individual, institutional, and societal levels is illustrated in **Reference Sheet 9**.

Reference Sheet continued

Essential Practices and Ideal Conditions for Fostering Transformative Learning

Below are the essential practices and conditions for fostering transformative learning as identified by J. Mezirow¹ and subsequent researchers that supported and expanded on his findings.

1) Ideal learning conditions

Learning conditions that promote a sense of safety and openness and trust (e.g., appropriateness of the training environment).

2) Learning situations that are open and promote critical reflection

The establishment of a learning situation that is democratic, open, rational, has access to all available information and promotes critical reflection.

3) Transformative learning as experiential

Learning that requires a sharing of personal and professional human rights experiences.

4) Participant-centered curriculum

Effective structural methods that support a learner-centered approach, promote student autonomy, participation and collaboration.

Activities that encourage the exploration of alternative personal perspectives, problem posing and critical reflection.

5) Feedback and self-assessment

Learning conditions that support appropriate and timely feedback is a key aspect of a participatory learning process.

Having an environment that supports the capacity to depersonalize critiques of others' ideas and also how to receive critiques from others.

6) Group setting for transformative learning

Significant conditions for transformative learning in a group context include:
The opportunity to get to know the cultural background of participants in the group.

The importance of embracing and not avoiding "dissonance and conflict".
The necessity to act on new ideas.

¹ Jack Mezirow pioneered the theory of transformative learning. He is Emeritus Professor of Adult and Continuing Education at Teachers College, Columbia University. Professor Mezirow's research interests are in adult learning and education. His work has resulted in an evolving Transformation Theory that outlines generic dimensions and processes of learning and their implications for educators of adults.

Reference Sheet continued

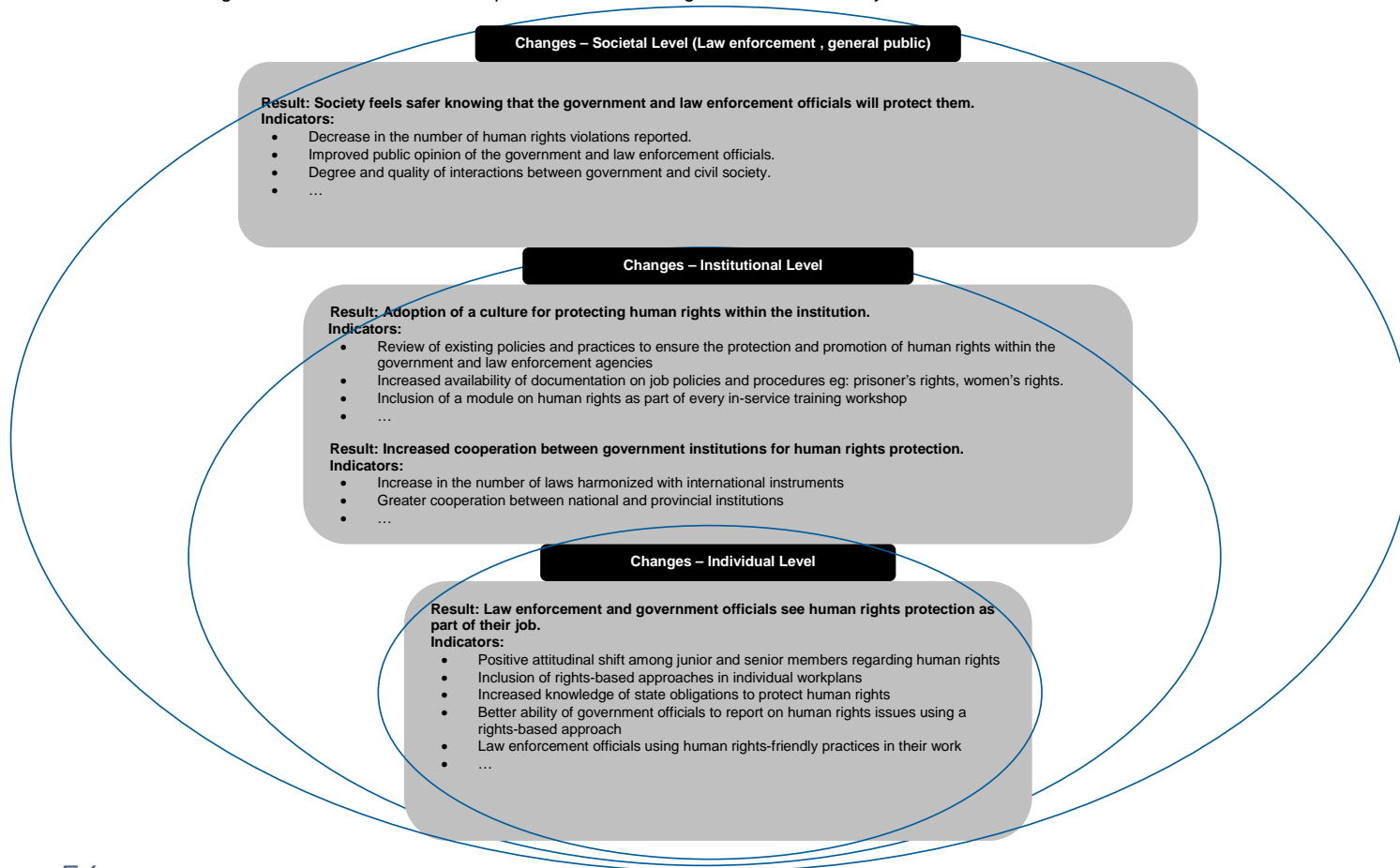
7) Facilitator characteristics

'Teachers' need to be trusting, empathetic, caring, authentic, sincere and demonstrate a high degree of integrity.

Source: Nazzari, V., et al. (Canadian Human Rights Foundation, former name of Equitas). (2005). Using Transformative Learning as a Model for Human Rights Education: A Case Study of the Canadian Human Rights Foundation's International Human Rights Training Program, Intercultural Education, Vol. 16, No. 2, May 2005, pp. 171-186.

Reference Sheet 9: Example of Transformative Potential Model

The following example illustrates the transformative potential of HRE using the RANHAM objective for “Enhancement of understanding and awareness of law enforcement and government officials on the importance of human rights in the line of duty.”



Reference Sheet 10: Indicators: Key Definitions

Source: Results-Based Management in CIDA - Policy Statement. Available from: <http://www.acdi-cida.gc.ca/>.

Indicator

An indicator is a measure or pointer that helps to quantify or describe achievement of results. It helps to demonstrate progress when things go right and provides an early warning signal when things go wrong. Indicators only indicate—they do not tell the whole story. For example, indicators do not explain why progress did or did not occur. Selecting the “right” indicators is critical. Data for indicators must be reliable and consistent over time, sensitive to progress toward results, feasible and affordable to collect and analyze, and useful for decision making.

Source: UNFPA. (2000). Results-Based Management at UNFPA. Available online: <http://www.unfpa.org/results/docs/rbminfomaterials.doc>.

Baseline Data

The set of conditions existing at the outset of a program/project. Results will be measured or assessed against such baseline data. Another similar term used is **benchmark**: a point of reference from which measurements may be made.

Quantitative Indicators

Measures of quantity, including statistical statements. Quantitative indicators have a numerical value.

- Number of...
- Frequency of...
- Percentage of...
- Ratio of...

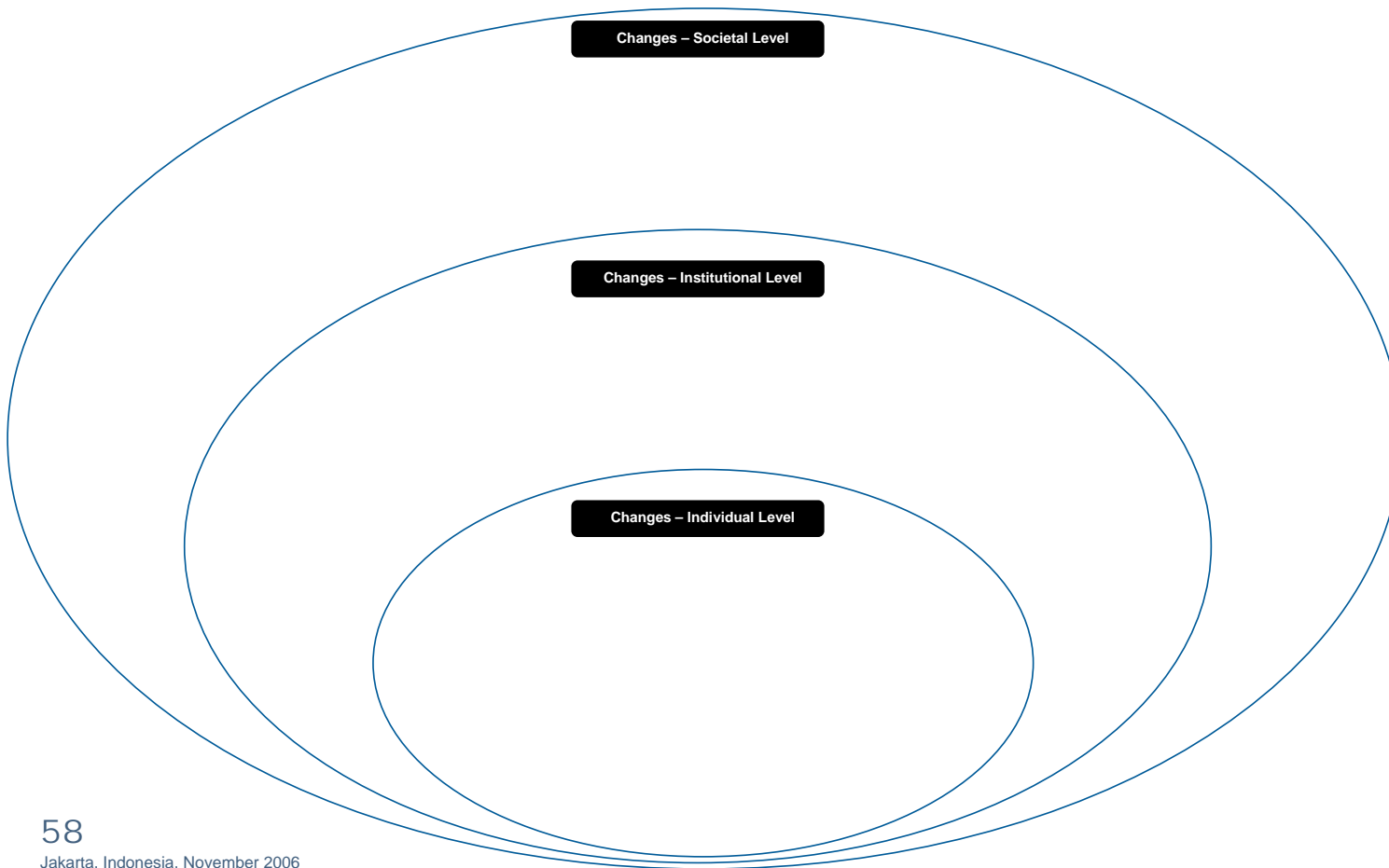
Qualitative Indicators

Judgments, opinions, perceptions and attitudes derived from subjective analysis.

- Presence of...
- Quality of...
- Extent of...
- Level of...

Worksheet 4: Transformative Potential of Your HRE Work

Objective: _____
Target group: _____



Activity 3 International Human Rights Standards

Objectives

- To review your level of knowledge on international human rights instruments.
- To analyze four main human rights protection instruments, i.e.,
 - International Covenant on Civil and Political Rights (ICCPR)
 - International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
 - Convention on the Rights of the Child (CRC)
- To identify key terms related to the protection and promotion of human rights.

Time

3 hrs

Description

In the previous two activities you discovered the principle of how HRE can be used as an effective means for social change. In this activity, you will now look at what principles incorporated in the international human rights standards require dissemination and education.

This activity is divided into two parts.

In **Part A**, a resource person will discuss the main human rights protection instruments ratified by Indonesia.

In **Part B**, there will be a question and answer period with the resource person.

Cont'd ► ► ►

Activity 3 cont'd

2 hrs

Part A Presentation

The resource person begins by addressing any questions participants have concerning the international instruments that were examined during the December 2004 workshop (ICCPR, ICESCR, CEDAW, and CRC).

Reminder: during the December 2004 workshop, participants were divided into four groups and each group examined one instrument using the following criteria:

- Rights protected
- Obligations imposed on the State
- Limitations
- Duties/responsibilities imposed on the public
- Mechanisms for monitoring compliance
- Optional protocol(s) and purpose
- Other special characteristics
- Possible applications in Indonesia

The resource person then provides a further explanation of some key concepts and terms used in international instruments.

Further explanation of terms:

- Undertake steps by all appropriate means
- Progressive realization
- Maximum of available resources
- International assistance and cooperation

Concepts of:

- Minimum core content
- Justiciability
- Avoiding retrogressive measures

The resource person may also provide specific examples to illustrate how Canada and other countries have ensured harmonization of international instruments into national legislation.

Cont'd ▶ ▶ ▶

Activity 3 cont'd

1 hr

Part B Question and Answer Period

1. The facilitator divides participants into 5 groups.
2. Each group agrees on two questions it would like the resource person to answer in relation to the topic. Each group records their questions on metacards and hands them to the resource person.
3. The resource person answers the questions from each group. Use **Worksheet 5** to record your group's questions and those from the other groups. The facilitator will ensure that any unanswered questions will be addressed later in the workshop.

End of Activity ■

Worksheet 5: Questions on International Instruments

Questions	Notes

Activity 4 Applying Gender Concepts in RANHAM

Objectives

- To identify key concepts of gender and the principles of non-discrimination and equality as they apply to human rights.
- To examine how a gender perspective can be applied to RANHAM related work.

Time

1 hr

Description

The equal right of men and women to the enjoyment of all human rights is one of the fundamental principles recognized under international law and enshrined in the main international human rights instruments as seen in the previous activity.

Gender affects the equal right of men and women to the enjoyment of their rights. An understanding of the concept of gender in society is essential to ensuring the equal enjoyment of human rights by men and women.

A key document which helps clarify equality between women and men is the Committee on Economic, Social and Cultural Rights' **General Comment 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Appendix 11)**.

This activity is divided into three parts.

In **Part A**, the Equitas team will lead a discussion on basic gender concepts.

In **Part B**, participants will examine how a gender perspective can be applied to RANHAM related work.

Cont'd ► ► ►

Activity 4 cont'd

30 min

Part A Presentation and Group Discussion

The Equitas team leads a large group discussion on basic gender concepts. Refer to **Reference Sheet 11** for more information on gender concepts and **Appendix 11** for the Committee on Economic, Social and Cultural Rights' General Comment 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights.

30 min

Part B Group Discussion

The Equitas team leads a large group discussion on applying a gender perspective to RANHAM related work.

End of Activity ■

Reference Sheet 11: Gender – Basic Concepts

Source: UNDP. (2004). Moving from Policy to Practice: A Gender Mainstreaming Strategy for UNDP India. Available online: <http://www.undp.org.in/REPORT/Gstrat/Default.htm>.

- The term "gender" is used to describe a set of qualities and behaviours expected from men and women by their societies. A person's social identity is formed by these expectations. These expectations stem from the idea that certain qualities, behaviour, characteristics, needs and roles are 'natural' for men, while certain other qualities and roles are 'natural' for women.
- Gender is not biological - girls and boys are not born knowing how they should look, dress, speak, behave, think or react. Their "gendered" masculine and feminine identities are constructed through the process of **socialisation**, which prepares them for the social roles they are expected to play. These social roles and expectations differ from culture to culture and at different periods in history. They can and do change.
- Gender relations are **patriarchal** - that is, they reflect and perpetuate a hierarchy where women are subordinate to men. Women's subordination is reflected in inequality and differences between women and men within the family and community, as well as in all social, economic, cultural and political interactions and relationships between people.
- Patriarchal social structures and institutions are sustained and strengthened by value-systems and cultural rules which propagate the notion of women's inferiority. Every culture has its example of customs which reflect the low value placed on women.
- Patriarchy makes women powerless in many ways - by convincing them of their own inferiority to men; by demanding that they conform to certain stereotyped 'appropriate' roles and behaviour; by denying them control over their own bodies, lives and labour; by limiting their access to resources and by restricting their opportunities to participate in decisions which affect their own lives.
- These different forms of control often operate to strengthen each other, and have resulted in the exclusion and marginalisation of women from social, economic and political processes. Women's subordination is reflected both in women's socio-economic **condition** (like their levels of health, income and education), as well as in their **position**, or degree of autonomy and control over their own lives.
- Gender equality cannot come about only through changes in women's condition - it requires transformation of the structures and systems which lie at the root of women's subordination and gender inequality. This transformation cannot be induced by external interventions. Women must themselves become active **agents of change**.

Reference Sheet continued

- Gender equality therefore demands **women's empowerment**, a process that leads to greater participation in social and political processes, greater decision-making power and to conscious action for social transformation.
- The process of empowerment is not sectoral - it encompasses women's multiple roles and interests, and addresses the inter-relationships between them, leading to women gaining greater control over their own lives. Empowerment thus has many dimensions.
 - Building a critical understanding of the causes and processes of disempowerment.
 - Enhancing self-esteem and altering self-image.
 - Gaining increased access to natural, financial and intellectual resources.
 - Acquiring the confidence, knowledge, information and skills to understand and intervene in social, economic and political structures and processes.
 - Increasing participation in and control of decision-making processes within and outside the family and community.
 - Moving into new roles and spaces, which were hitherto seen as exclusively male domains.
 - Coming together to question, challenge and change unjust and inequitable beliefs, practices, structures and institutions which perpetuate gender inequality.
- The process of women's empowerment challenges the basic assumptions which govern age-old social institutions, systems and values. It is, therefore, inevitable that it should encounter resistance from existing power structures. It is easier for **collectives** of women, rather than individual women, to take the process of empowerment forward in the face of this resistance.
- Development efforts in the last forty years have by and large not addressed the root causes of women's subordination, and have therefore failed to impact gender inequality in a significant way. Most mainstream approaches to women's development have not been based on analyses of the overall reality of women's lives, but have focused either on their roles as mothers and housewives, or as economic agents. The development of women was seen as an issue of "letting them participate" in projects which they were not involved in determining, on terms decided by others.
- The emphasis later shifted to targeting women through separate women-only projects. While many of these were innovative and catalytic, most were small, isolated and under-funded initiatives which had very little lasting impact. Where women's components have been included in large mainstream

Reference Sheet continued

projects, the objectives and priorities of these projects were seldom influenced or informed by women's needs and concerns.

- It is now widely accepted that gender inequality is not a result of women's integration or lack of integration in development, or their lack of skills, credit and resources. The root cause of the problem lies in the social structures, institutions, values and beliefs which create and perpetuate women's subordination. The issue is not merely one of "adding on" women to various processes, but of reshaping these processes to create the space for women's involvement not only in implementing the development agenda, but also in agenda-setting.
- The global crisis of rapidly increasing ecological degradation and poverty in the 1990s led to a growing acceptance of the critiques of the dominant ideology and conceptual framework of development by people's movements and NGOs in both the South and the North. Dominant models of industry-based and export-led economic growth are now acknowledged to have resulted in large scale exploitation of both natural and human resources. Women have been the worst affected. Women's work and the environment have been compared to invisible "subsidies which support all societies. Both are undervalued or perceived as free even as others continue to profit from them".
- The need is therefore to move from **integrating** women into existing development approaches - giving them "a larger slice of the poisoned pie" - to a framework of **equitable and sustainable development**. This involves reshaping development to reflect the visions, interests and needs of those who have been rendered invisible and powerless by mainstream processes.
- Women and the poor together form the majority of the world's population. The perspectives and experiences of poor women can be a major source of transformation of the way in which we understand development. **Gender mainstreaming is therefore a strategy for addressing and reversing the current global crisis of development.**

Module 4 Planning RANHAM – Next Steps

<i>Activity</i>		<i>Time</i>
Activity 1	Developing RANHAM Related HRE Activities	2 hrs 30 min
Activity 2	Planning Framework	3 hrs 30 min
Activity 3	Developing Individual Action Plans	1 hr 30 min

Activity 1 Developing RANHAM Related HRE Activities

Objective

To identify different types of effective HRE activities the National RANHAM Committee can undertake to protect and promote human rights.

Time

2 hrs 30 min

Description

In the previous activities you analyzed the international human rights standards and their principles. In this activity, you will now look at how those principles can be incorporated into your RANHAM related human rights education activities.

This activity is divided into four parts.

In **Part A**, The facilitator will make a presentation on the rights-based approach and a framework for its use.

In **Part B**, You will work in small groups to apply the rights based approach framework for HRE activities.

In **Part C**, each group will present their ideas.

In **Part D**, the facilitator will comment on the presentations and provide examples of effective HRE training techniques.

30 min

Part A Presentation

1. The facilitator presents the meaning of a rights-based approach by addressing the following concepts:

- differences between a right and a need
- elements of a rights-based approach
- a rights-based approach and human rights education

An overview of a rights-based approach is presented in **Reference Sheet 12** for you to refer to during this presentation.

2. The facilitator then presents a framework for using a rights-based approach to human rights education (refer to **Reference Sheet 13**) and provides examples of effective HRE activities.

Cont'd ► ► ►

Activity 1 cont'd

45 min

Part B Small Group Work

1. The facilitator divides participants into small groups.
2. Refer back to the list of current human rights issues you identified in **Module 1 Activity 5**. From that list, choose one issue along with its contributing factors and list them in **Worksheet 6**.
3. Identify an HRE activity that would address that issue. Make sure that it relates to your work as part of the RANHAM objective for “Dissemination and Education of Human Rights.” (Refer to **Reference Sheet 4** for more information on that RANHAM objective).
4. Complete the rest of **Worksheet 6** and prepare to present your results to the large group in **Part C**.

30 min

Part C Group Presentations

Each group presents the results of their discussion to the large group.

45 min

Part D Large Group Discussion

The facilitator synthesizes the main points of the presentation and complements the presentations with examples of effective HRE training techniques that the National RANHAM Committee can reflect on (refer to **Appendix 9**).

End of Activity ■

Reference Sheet 12: HRE and Rights Based Approach

A Rights-Based Approach

Human Rights

Human rights belong to every individual, man or woman, girl or boy, infant or elder simply because he or she is a human being. A human right is what enables me to live in dignity.

Once something is defined or identified as a **right** it means that:

- There is an obligation on the part of the government to respect, promote, protect, and fulfill that right.
- The right can be enforced.

Rights and Needs

A right is different from a need. A need is an aspiration. A need can be legitimate however; it is not necessarily associated with a government obligation. Satisfying a need cannot be enforced. A right entails a government obligation and can be enforced. Rights are associated with “being”. Needs are associated with “having”.

Rights Approach

- Rights are realized
- Rights always imply duties and obligations
- Rights are universal
- Rights can only be realized by attention to both outcome and process
- All rights are equally important

Needs Approach

- Needs are met or satisfied
- Needs do not imply duties or obligations
- Needs are not necessarily universal
- Basic needs can be met by goal or outcome oriented strategies
- Needs can be ranked in hierarchical priorities

A Rights-Based Approach

- **IS** a conceptual framework based on values and principles of human rights. It is based on the premise that every human being, by virtue of being human, is a holder of rights.
- **ASSUMES** that all human beings should have equal opportunity to realize their full developmental potential. .
- **PRESUPPOSES** that a **right is different from a need**. Human rights are an entitlement of every man, woman and child. A need is an aspiration. A **need** can be legitimate, but satisfying a need cannot be enforced, as it is not necessarily associated with a State obligation.
- **INCLUDES** the principles of equality and equity, accountability, empowerment and participation.
- **INVOLVES** a process of empowering those who do not enjoy their rights to claim their rights. It does not involve charity or simple economic development.

Reference Sheet continued

- **INTEGRATES** norms, standards and principles of the international human rights system into the plans, policies and processes of development programs, social programs and other programs.
- **SUPPORTS** the concept that all persons, regardless of gender, race, religion, ethnicity, social status or any other difference, have a basic right to life with dignity. Rights-based programs address all aspects of a people's life (for example, from ensuring basic survival through meeting psychological needs). They are holistic and inclusive.
- **REQUIRES** the creation of an environment in which everyone can enjoy human rights.

Principles of a Rights-Based Approach**1. Direct Links to Rights**

- Establishes direct links to international, regional and national human rights instruments.
- Considers the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social.

2. Increased levels of Accountability

- Identifies claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).
- Identifies the positive obligations of duty-holders (to protect, promote and provide) and their negative obligations (to abstain from violations).

3. Move from Dependency to Empowerment

- Focuses on beneficiaries as the owners of rights and the directors of development instead of the objects of programs and actions to address their needs.
- Gives people the power, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies. Places a higher emphasis on the strengths of individuals and communities including children to play a more active part in the societies in which they live.

Reference Sheet continued

4. Participation

- Aims for a high degree of participation, from communities, civil society, minorities, indigenous peoples, women, children and others.
- Sees youth and children as active participants in finding constructive solutions.

5. Non-discrimination

- Gives particular attention to discrimination, equality, equity and marginalized groups. These groups may include women, minorities, indigenous peoples and prisoners. A rights-based approach requires that the question of who is marginalized here and now be answered locally.

Using a rights-based approach to address issues involves ensuring that these principles are used and respected.

Human Rights Education and a Rights-Based Approach

Human rights education involves learning how to put a rights-based approach into practice. Two essential objectives of human rights education are:

- Learning *about* human rights (i.e., human rights history, documents, implementation mechanisms).
- Learning *for* human rights (i.e., understanding and embracing the principles of human equality and dignity and the commitment to respect and protect the rights of all people). It includes values clarification, attitude change, development of solidarity and the skills for advocacy and action.

The principles of a rights-based approach should guide the content and practice of human rights education.

Information on a Rights-Based Approach has been adapted from:

UNICEF Canada, Children's Rights, CIDA, Continuous Learning Human Resources, December 2001.

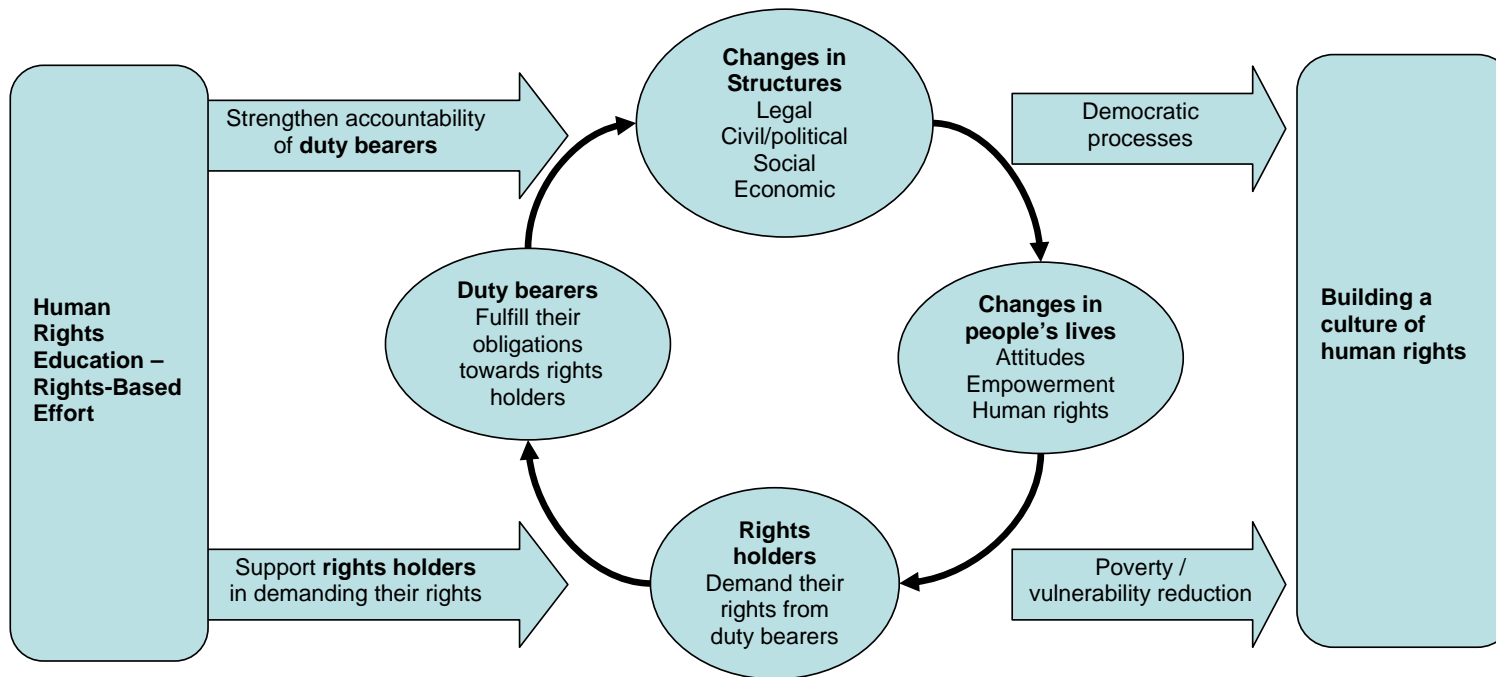
World Health Organisation, 25 Questions & Answers on Health & Human Rights, Health & Human Rights Publication Series, Issue No. 1, July 2002.

Rios-Kohn, Rebecca, A Review of a UNICEF Country Programme, Based on Human Rights: The Case of Peru, UNICEF, November 2001.

Institute for Child Rights & Interagency Coalition on AIDS and Development, Filling the Gaps: Using a Rights-Based Approach to Address HIV/AIDS and its Affects on South African Children, Youth and Families, Care and Support Guidelines, 2001.

UNHCR website, <http://www.unhchr.ch/development/approaches-04.html>

Reference Sheet 13: Framework for a Rights-Based Approach



Adapted from Ljungman, C. M. (2004). *Applying a Rights Based Approach to Development: Concepts and Practices*. Based on a chapter by Cecilia M. Ljungman in Britha Mikkelsen's *Methods for Development Work and Research – A New Guide for Practitioners*, 2nd edition. Sage Publications, New Delhi. Available online: http://www.sed.manchester.ac.uk/idpm/research/events/february2005/documents/Ljungman_000.doc

Reference Sheet 13: Framework for a Rights Based Approach (cont'd)

The following is an example of analyzing a human rights issue using a rights-based approach.

Framework Component	Elements to consider
1. Human rights issue:	Inadequate standard of living for internally displaced persons (IDPs) due to conflict and natural disasters.
2. What specific rights are being violated? (make reference to the rights as described in international instruments or national legislation)	<ul style="list-style-type: none"> ▪ Adequate standard of living (including food and freedom from hunger, water, clothing, housing and freedom from forced eviction, continuous improvement of living conditions) ▪ Highest attainable standard of mental and physical health, including reproductive and sexual health and freedom ▪ Social security, social protection, social insurance and social services ▪ etc.
3. Contributing factors:	<ul style="list-style-type: none"> ▪ Large number of internally displaced persons forced into refugee camps due to conflict and natural disasters ▪ Shortage of materials and services (food, water, fuel, health care, etc) due to poor coordination ▪ Employment structures disrupted or destroyed ▪ Poor determination of property rights, no system to claim rights
4. HRE to address the issue:	Workshops in human rights education for law enforcement, government officials, and NGOs in areas affected by conflict and natural disasters.
5. Goal:	To improve the living conditions for internally displaced persons due to conflict and natural disasters.
6. Target group:	<ul style="list-style-type: none"> ▪ Law enforcement officials working in refugee camps ▪ Government officials responsible for reintegration of IDPs into society ▪ NGOs assisting with relief efforts
7. Objectives: to strengthen participants' ability to:	<ul style="list-style-type: none"> ▪ Identify basic needs required for an adequate standard of living ▪ Manage camps for internally displaced persons (including distribution of resources and participation in decision-making) ▪ Identify strategies for reintegration into society of internally-displaced persons, with particular attention to promoting equality between men and women
8. Who are the duty bearers? How do they fulfill their obligations towards rights holders?	<p>Duty bearers are government officials responsible for reintegration of IDPs into society</p> <ul style="list-style-type: none"> ▪ Knowing government obligations with respect to an adequate standard of living ▪ International instruments and national legislation on the right to an adequate standard of living ▪ Examples of best practices on achieving an adequate standard of living ▪ Policy formulation, implementation and monitoring

Reference Sheet continued

Framework Component	Elements to consider
9. Who are the rights holders? How do the rights holders demand their rights from duty bearers?	Rights holders are the IDPs <ul style="list-style-type: none"> ▪ NGOs can inform them about their rights ▪ Representatives of IDPs can be part of decision making process for management of IDPs in camps and reintegration into society ▪ Government can make available a complaints mechanisms for disputes of property rights
10. How does this issue relate to RANHAM?	<ul style="list-style-type: none"> ▪ Enhancement of understanding and awareness of law enforcement and government officials on the importance of human rights in the line of duty.

Worksheet 6: RANHAM HRE Activities Using a Rights-Based Approach

Framework Component	Elements to consider
1. Human rights issue:	[Refer to the list of issues you identified in Module 1, Activity 5.]
2. What specific rights are being violated? (make reference to the rights as described in international instruments or national legislation)	
3. Contributing factors:	[Refer to the list of contributing factors you identified for the human rights issue above.]
4. HRE to address the issue: What type of human rights education activity (or activities) can you undertake to address this issue?	
5. Goal of your HRE activity (or activities):	

Worksheet continued

Framework Component	Elements to consider
6. Target group:	
7. Objectives: to strengthen participants' ability to:	
8. Who are the duty bearers? How do they fulfill their obligations towards rights holders?	

Worksheet continued

Framework Component	Elements to consider
<p>9. Who are the rights holders?</p> <p>How do the rights holders demand their rights from duty bearers?</p>	
<p>10. How does this issue relate to RANHAM?</p>	

Activity 2 Planning Framework

Objective

To plan steps for implementing RANHAM dissemination and education on human rights activities into your work.

Time

3 hrs 30 min

Description

In the previous activity you looked at how to develop HRE activities using a rights based approach. In this activity, you will begin looking at RANHAM priorities and planning how you will achieve these priorities using human rights education activities.

While many participants work in different departments and/or institutions, there may nonetheless be common interests in terms of the type of HRE activities that can be conducted. For example, there may be several participants working in prisons or correctional facilities, and it would be useful for these participants to think of a common HRE activity that they can undertake as part of RANHAM. This is why you will, as much as possible, be divided into small groups with common interests for this activity.

This activity is divided into four parts.

In **Part A**, the facilitator will present the planning framework model for including HRE in your work that will be used in this activity.

In **Part B**, you will work in small groups to apply the model to your work activities and RANHAM objectives.

In **Part C**, your group will present your planning framework for your activity.

In **Part D**, the facilitator will comment on your group presentations.

30 min

Part A Presentation

The facilitator presents the model that will be used in this activity and explains how it is used using the example in **Reference Sheet 14**.

Cont'd ► ► ►

Activity 2 cont'd

1 hr 30 min

Part B Small Group Work

1. The facilitator divides the participants into groups based on their institution's involvement with a group of stakeholders, e.g. teachers, media, law enforcement/security personnel, government officials, community members, etc.
2. Your group completes **Worksheet 7** for the particular activity in your work.
3. Prepare yourselves to present the completed worksheet to the other participants.

45 min

Part C Group Presentations

In turn, each group presents their completed worksheet for their particular activity.

45 min

Part D Large Group Discussion

The facilitator comments on the completed planning framework models noting commonalities/differences and areas for improvement.

End of Activity ■

Reference Sheet 14: Model for Including HRE in Your Work

The following example illustrates the steps for including HRE in RANHAM related work activities for an official working on children's rights in the Ministry of Health.

Main Steps	What questions do you need to answer?	Your notes
Step 1 Identify the OPPORTUNITY for CONDUCTING HRE	<ol style="list-style-type: none"> 1. <i>What is the nature of the activity (e.g., meeting with a particular stakeholder, writing and disseminating a report, discussing gender roles with community members, talking about children's rights with teachers, etc.)?</i> 2. <i>What is the HRE activity's link with the RANHAM objective for Dissemination and Education on Human Rights?</i> 3. <i>How does this activity fit with your routine job responsibilities?</i> 	<ol style="list-style-type: none"> 1. Incorporating human rights into hospital policies. The work involves reviewing existing health care policies to ensure they take into account a child's right to the highest attainable standard of health. Activities include: <ul style="list-style-type: none"> ▪ Identification of one pilot district where children have poor access to health facilities. ▪ Baseline data to be gathered on the state of children's access to health in the pilot district. ▪ A workshop to review of national-level policies with Ministry of Health officials and hospital officials in one designated pilot district where children have poor access to health care. ▪ Three workshops conducted by health officials in the pilot district (with guidance from the Ministry of Health) to train health care employees on using a rights-based approach to ensuring children's health. Creation of a small handbook for district health officials to use. ▪ Monitoring of results over a one year period. 2. Objective 4, "Enhancement of community awareness on the importance to respect human rights." 3. The Ministry of Health is responsible for offering guidance to and supervision of the district autonomous organizations; this includes giving guidelines, counselling, training, direction, and supervision. <p>Part of this requires educating the staff on their obligations to provide services and educating the public on what services they are entitled to.</p>

Main Steps	What questions do you need to answer?	Your notes
Step 2 Identify the FEASIBILITY OF THE HRE ACTIVITY	<ol style="list-style-type: none"> 1. <i>Given your workload, how feasible is this activity?</i> 2. <i>How much time will this activity take from your job responsibilities?</i> 3. <i>What resources are required?</i> 4. <i>Is this activity carried out individually or as part of a team? If you are part of a team, have you identified individual roles and responsibilities?</i> 	<ol style="list-style-type: none"> 1. This activity will take time but it is feasible. Part of my responsibilities at the Ministry of Health is to provide guidance for hospital officials at the district level to ensure that policies for the highest standard of health for children are implemented. 2. I have already been working with district health officials, but I will now add a focus on children's rights as part of my workload. 3. <ul style="list-style-type: none"> Material resources include international standards of health, existing national policies and procedures, examples and best practices of using a rights-based approach to children's health, understanding of children's health issues in the district where the work is to be piloted. Cooperation from colleagues to include activities (series of workshops and monitoring scheme) as part of the Departmental Workplan. Financial resources include funds to conduct the workshop on policy review, the three workshops to train district health officials, and costs to monitor changes over a one year period. Human resources include staff time (initially, 3 hours a week of my time). 4. These activities can be carried out with Ministry of Health staff in consultation the Ministry of Population/National Family Planning Coordinating Board, district health officials, organizations such as UNICEF and local NGOs.
Step 3 Description of your TARGET GROUP	<ol style="list-style-type: none"> 1. <i>Who is part of your target group? What is their occupation, job responsibilities, gender, education level, knowledge of human rights, etc.?</i> 2. <i>What problems do they face?</i> 	<ol style="list-style-type: none"> 1. Ministry of Health policy makers and district health officials – men and women with varying levels of education (secondary and tertiary) and basic knowledge of human rights. 2. Ministry of Health officials require support to implement policies, district health officials have a shortage of qualified staff, insufficient funds, little understanding of policies. District health officials also face the task of informing the public of their rights.

Main Steps	What questions do you need to answer?	Your notes
Step 4 Determine NEEDS	<ol style="list-style-type: none"> 1. <i>What is/are the target group's current knowledge, skills, values and attitudes related to human rights?</i> 2. <i>What is/are knowledge, values and attitudes, and skills that the target group needs to develop or change?</i> 3. <i>What do you think the target group's expectations are of this activity?</i> 	<ol style="list-style-type: none"> 1. Ministry of Health officials and district health officials want to ensure their policies are implemented, and that there are policies that ensure proper access to health services for children. 2. The target group has knowledge of health issues in general, but district health officials may not be aware of specific issues related to children's access to health services and how they can be improved. 3. To improve working conditions of district health officials and ensure that the general population has a better understanding of the health services available to them.
Step 5 Set GOAL and OBJECTIVES	<ol style="list-style-type: none"> 1. <i>What do you expect the target group to gain from this activity?</i> 2. <i>How does this activity take into consideration a rights-based approach? In other words,</i> <ul style="list-style-type: none"> ▪ <i>How does the activity ensure that duty bearers fulfill their obligations towards rights holders?</i> ▪ <i>How does the activity ensure that rights holders know how to demand their rights?</i> ▪ <i>How does the activity ensure participation?</i> 	<ol style="list-style-type: none"> 1. <ul style="list-style-type: none"> ▪ Review of existing policies to ensure greater access to health services for children ▪ Knowledge of a rights-based approach to children's access to health ▪ Strategies to improve children's access to health services in the pilot district 2. <ul style="list-style-type: none"> ▪ Ministry of Health staff involved in the review of policies and in supporting the implementation of the policies at the district level. ▪ Parents and/or guardians of children admitted to health care facilities in the pilot district are aware of their rights. District health care officials will also regularly visit primary schools to educate children on proper health care. ▪ District health care officials are directly involved in policy review and training their own officials on using a rights-based approach to children's access to health.

Main Steps	What questions do you need to answer?	Your notes
Step 6 Determine CONTENT	<ol style="list-style-type: none"> 1. <i>What topics, themes, issues, and information will you include?</i> 2. <i>What content will come from the target group?</i> 3. <i>How will outside expertise be included? presentations? videos?</i> 	<ol style="list-style-type: none"> 1. Children's rights specific to issues in the pilot district <ul style="list-style-type: none"> ▪ Examples of rights violations in the health sector ▪ Reporting mechanisms 2. Examples of rights violations, experience of implementation of policies, challenges faced in their work. 3. Presentations will be made by guest speakers from other ministries and international children's rights. <p>Content will focus on children's accessibility to health care.</p> <p>Improving accessibility to health care facilities by ensuring the following aspects:</p> <ol style="list-style-type: none"> 1. Non-discrimination: Health facilities, goods and services must be accessible to all, in law and in fact, without discrimination on any of the prohibited grounds. 2. Physical accessibility: Health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS, including in rural areas. 3. Economic accessibility: Health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all. 4. Information accessibility: Accessibility includes the right to seek, receive and impart information and ideas concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality. <p>[Information taken from 25 Questions on Health and Human Rights. World Health Organization. Health and Human Rights Publication Series, Issue No. 1, July 2002.]</p>

Main Steps	What questions do you need to answer?	Your notes	
Step 7 Determine RESULTS	1. <i>What are the results of this activity, in the short-term, medium-term, and long-term?</i> 2. <i>What are the indicators of each result?</i>	<i>Results</i>	<i>Indicators</i>
		<i>Short-term (output)</i> <ul style="list-style-type: none"> Ministry of Health and district health officials review existing policies to reflect special considerations for children's rights, in particular access to health Pilot district identified 	<i>Indicators</i> <ul style="list-style-type: none"> 30 Ministry of Health and district health officials aware of issues relating to children's access to health services Amendment/revision of policies Training plan developed for training 100 district health officials on a rights-based approach to children's health Baseline data gathered on children's access to health services in the district Report on analysis of children's access to health in the pilot district
		<i>Medium-term (outcome)</i> <ul style="list-style-type: none"> Improved capacity of district health officials to ensure children's access to health services Improved capacity of the government and the district to implement child-friendly health care policies 	<i>Indicators</i> <ul style="list-style-type: none"> Increased satisfaction in the service received by families Decrease in the number of children being admitted to health care facilities
		<i>Long-term (impact)</i> <ul style="list-style-type: none"> Improved level of health in the district 	<i>Indicator</i> <ul style="list-style-type: none"> Decrease in the number of children treated for various diseases (diarrhoea, malaria, HIV/AIDS, etc)

Main Steps	What questions do you need to answer?	Your notes
Step 8 Determine TECHNIQUES	<ol style="list-style-type: none"> 1. What technique(s) will you use to conduct this activity (e.g., focus group, interview, information bulletin, etc.)? 2. What existing materials can be used? from your own institutions? from other sources? 3. What materials need to be developed? 	<ol style="list-style-type: none"> 1. Research to gather baseline data on children's health issues in the pilot district, consultations to identify participants, questionnaire to determine participants' needs, participatory workshops, monitoring mechanisms to observe changes in access to health care for children. 2. Existing Ministry of Health policies, presentations from other ministries and NGOs on women's and children's rights. 3. Workshop manual, handbook on policy implementation for district health officials relating to children's access to health services.
Step 9 Determine TIME FRAME	Over what period of time does this activity last (e.g., a short meeting, an advocacy campaign over several months, etc.)?	<ul style="list-style-type: none"> ▪ Identification of pilot district and research into children's health issues: 3 months ▪ Consultation with stakeholders on process: 3 months ▪ Gathering relevant documentation and preparing for initial workshop with Ministry of Health officials and district health officials: 3 months ▪ Revision of policies and approval from Government: 6 months – 1 year ▪ Development of handbook on policy implementation for district health officials: 4 months ▪ Training of district health officials using the handbook: 3 months (preparation and implementation) ▪ Monitoring of health care facilities to observe change: visits every 2 months over a period of one year

Main Steps	What questions do you need to answer?	Your notes
Step 10 Design EVALUATION & FOLLOW-UP TOOLS Determine Strategies for TRANSFER of Learning	<ol style="list-style-type: none"> 1. <i>What information do you want to obtain from an evaluation?</i> 2. <i>How will you evaluate this activity?</i> 3. <i>What types of follow-up activities will you plan?</i> 4. <i>What strategies will you use to increase transfer of learning? Who are the recipients of this transfer?</i> 	<ol style="list-style-type: none"> 1. Information will be based on the results and indicators identified. 2. The effectiveness of the policy review and handbook on implementing policy changes will be done by monitoring a percentage of health care facilities in the pilot district over a one year period. Data gathered will be compared with baseline data. Workshops will be evaluated using written questionnaires and various evaluation techniques. Focus group discussions with select district health officials to evaluate the effectiveness of the project. 3. Follow-up will be done by monitoring children's access to health care facilities in the piloted district over a one-year period. 4. District health officials to discuss children's access to health services during meetings with their colleagues and to visit primary schools in the district to inform children, parents and teachers on children's access to health services

Worksheet 7: Model for Including HRE in Your Work

Together with the members of your group, develop a plan for including HRE as part of your routine job responsibilities. Questions have been provided to guide you in this process.

Main Steps	What questions do you need to answer?	Your notes
Step 1 Identify the OPPORTUNITY for CONDUCTING HRE	<ol style="list-style-type: none"> 1. <i>What is the nature of the activity (e.g., meeting with a particular stakeholder, writing and disseminating a report, discussing gender roles with community members, talking about children's rights with teachers, etc.)?</i> 2. <i>What is the HRE activity's link with the RANHAM objective for Dissemination and Education on Human Rights?</i> 3. <i>How does this activity fit with your routine job responsibilities?</i> 	

Main Steps	What questions do you need to answer?	Your notes
Step 2 Identify the FEASIBILITY OF THE HRE ACTIVITY	<ol style="list-style-type: none"> 1. <i>Given your workload, how feasible is this activity?</i> 2. <i>How much time will this activity take from your job responsibilities?</i> 3. <i>What resources are required?</i> 4. <i>Is this activity carried out individually or as part of a team? If you are part of a team, have you identified individual roles and responsibilities?</i> 	
Step 3 Description of your TARGET GROUP	<ol style="list-style-type: none"> 1. <i>Who is part of your target group? What is their occupation, job responsibilities, gender, education level, knowledge of human rights, etc.?</i> 2. <i>What problems do they face?</i> 3. <i>What is the context of your target group?</i> 	

Main Steps	What questions do you need to answer?	Your notes
Step 4 Determine NEEDS	<ol style="list-style-type: none"> 1. <i>What is/are the target group's current knowledge, skills, values and attitudes related to human rights?</i> 2. <i>What is/are knowledge, values and attitudes, and skills that the target group needs to develop or change?</i> 3. <i>What do you think the target group's expectations are of this activity?</i> 	
Step 5 Set GOAL and OBJECTIVES	<ol style="list-style-type: none"> 1. <i>What do you expect the target group to gain from this activity?</i> 2. <i>How does this activity take into consideration a rights-based approach? In other words,</i> <ul style="list-style-type: none"> ▪ <i>How does the activity ensure that duty bearers fulfill their obligations towards rights holders?</i> ▪ <i>How does the activity ensure that rights holders know how to demand their rights?</i> ▪ <i>How does the activity ensure participation?</i> 	

Main Steps	What questions do you need to answer?	Your notes	
Step 6 Determine CONTENT	1. <i>What topics, themes, issues, and information will you include?</i> 2. <i>What content will come from the target group?</i> 3. <i>How will outside expertise be included? presentations? videos?</i>		
Step 7 Determine RESULTS	1. <i>What are the results of this activity, in the short-term, medium-term, and long-term?</i> 2. <i>What are the indicators of each result?</i>	Results	Indicators
		Short-term (output)	
		Medium-term (outcome)	
		Long-term (impact)	

Main Steps	What questions do you need to answer?	Your notes
Step 8 Determine TECHNIQUES	<ol style="list-style-type: none"> 1. What technique(s) will you use to conduct this activity (e.g., focus group, interview, information bulletin, etc.)? 2. What existing materials can be used? from your own institutions? from other sources? 3. What materials need to be developed? 	
Step 9 Determine TIME FRAME	<p>Over what period of time does this activity last (e.g., a short meeting, an advocacy campaign over several months, etc.)?</p>	

Main Steps	What questions do you need to answer?	Your notes
Step 10 Design EVALUATION & FOLLOW-UP TOOLS Determine Strategies for TRANSFER of Learning	<ol style="list-style-type: none">1. <i>What information do you want to obtain from an evaluation?</i>2. <i>How will you evaluate this activity?</i>3. <i>What types of follow-up activities will you plan?</i>4. <i>What strategies will you use to increase transfer of learning? Who are the recipients of this transfer?</i>	

Activity 3 Developing Individual Action Plans

Objective

To complete the individual action plan for yourself.

Time

1 hr 30 min

Description

In the previous activity, you looked RANHAM priorities and how to plan to achieve them using human rights education. In this activity, you will identify your own individual action plans for using human right education to achieve RANHAM objectives.

This activity is divided into two parts.

In **Part A**, you will work alone to complete your action plan.

In **Part B**, you will present your action plan to the other participants.

30 min

Part A Individual Work

Each participant takes the time to complete the “Individual action plan” in **Worksheet 8**.

1 hr

Part B Presentations

1. Each participant presents their action plan and shares some of their ideas with other participants.
2. The facilitator concludes by eliciting from participants concrete recommendations for next steps.

End of Activity ■

Worksheet 8: Individual Action Plan

Name:
Department/Institution:
How I plan to share the results of this workshop with my colleagues:
What I will do to continue to interact and exchange with other participants:
What changes will I make in my work as a result of the information from this workshop?

Module 5 Workshop Evaluation and Closing Ceremony

<i>Activity</i>		<i>Time</i>
Activity 1	Workshop General Evaluation	1 hr
Activity 2	Closing Ceremony	30 min

Activity 1 Workshop General Evaluation

Objectives

To evaluate the workshop.

Time

1 hr

Description

30 min

Part A

Participants complete the final evaluation questionnaire.

30 min

Part B

The facilitator leads a discussion on the participants' evaluation of the workshop.

End of Activity ■

Activity 2 Closing Ceremony

Time

30 min

Description

During the closing ceremony there will be a distribution of certificates and closing statements.

End of Activity ■

Appendices

Appendix	
Appendix 1	Summary of the International Covenant on Civil and Political Rights
Appendix 2	International Covenant on Civil and Political Rights
Appendix 3	Summary of the International Covenant on Economic, Social and Cultural Rights
Appendix 4	International Covenant on Economic, Social, and Cultural Rights
Appendix 5	Summary of the Convention on the Rights of the Child
Appendix 6	Convention on the Rights of the Child
Appendix 7	Summary of the Convention on the Elimination of All Forms of Discrimination Against Women
Appendix 8	Convention on the Elimination of All Forms of Discrimination Against Women
Appendix 9	Effective HRE training Techniques
Appendix 10	Good Practices in Human Rights Education and Training: Guidelines, Indicators and Evaluation
Appendix 11	CESCR General Comment No. 16 (2005) – The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights

Appendix 1: Summary of the International Covenant on Civil and Political Rights

Overview

The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1966 and came into force in 1976. As of November 24, 2004, 154 States have become parties to the Covenant (7 States are remaining signatories). The Covenant also contains two Optional Protocols. As of June 9, 2004, there are 104 States parties (5 States are remaining signatories) to the first Optional Protocol, which defines the provisions for individual complaints, and there are 50 States parties (7 States are remaining signatories) to the second Optional Protocol, which aims to abolish the death penalty.

Article 1 deals with the question of self-determination. Article 2, deals with the obligation of State parties to undertake necessary steps to respect and ensure to all individuals the rights recognized in the Covenant. The rights should be ensured to all individuals without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 3 deals with the obligation of ensuring the equal rights of men and women. Article 4 deals with derogation principles. Article 5 deals with the obligation not to misrepresent any of the articles of the Covenant in such a manner to undermine the rights and freedoms recognized in the Covenant. Articles 6 to 27 deal with the following specific rights:

- The right to life (art.6)
- Prohibition against torture or cruel, inhuman or degrading treatment or punishment (art.7)
- Prohibition against slavery, slave trade, servitude and forced or compulsory labour (art.8)
- Prohibition against arbitrary arrest or detention (art.9)
- Obligation to treat with humanity all persons deprived of their liberty (art.10)
- Prohibition against imprisonment merely on the ground of inability to fulfil a contractual obligation (art.11)
- The right to freedom of movement and freedom to choose a residence (art.12)
- Limitations on the expulsion of aliens lawfully in the territory of a State party (art.13)

- Equality of all persons before the courts and tribunals and for guarantees for fair hearing in criminal and civil proceedings (art.14)
- Prohibition against use of retroactive penal laws (art.15)
- Right of everyone to be recognized as a person before the law (art.16)
- Prohibition against arbitrary or unlawful interference with an individual's privacy, family, home or correspondence and of unlawful attacks on his honour and reputation (art. 17).
- The rights to freedom of thought, conscience and religion (art.18)
- Freedom of opinion and expression (art.19)
- Prohibition by law of any propaganda for war and of any advocacy of national, racial or religious hatred (art.20)
- The right of peaceful assembly (art.21)
- The right to freedom of association (art. 22)
- The protection of the family (art. 23)
- The rights of children (art.24)
- The right of every citizen to take part in the conduct of public affairs, to vote and to be elected, and access to public service in his country (art. 25)
- Equality before the law and equal protection of the law (art.26)
- Protection of the rights of ethnic, religious and linguistic minorities (art.27)

Monitoring Mechanism

Under the International Covenant on Civil and Political Rights, a Human Rights Committee has been established to monitor the compliance of rights recognized under the Covenant. The Human Rights Committee consists of eighteen independent experts who are elected from the State parties to the Covenant.

The responsibilities of the Committee are;

- (a) consideration of reports submitted by State parties;
- (b) the preparation of general comments; and
- (c) examining communications from individuals alleging violations of any of the rights contained in the Covenant, as provided by the first Optional Protocol to the Covenant.

The Committee decided in 1982 to prepare "General comments" on the rights and provisions contained in the Covenant with a view to assisting States parties in fulfilling their reporting obligations and to provide greater interpretative clarity as to the intent, meaning and content of the Covenant. There have been 28 General comments since 1982; the last one being in 2000 on the equality of rights between men and women. The General comments can be found on the UN's web site (www.unhchr.ch). The Human Rights Committee adopted a new and revised General Comment on Article 2 (right to an effective remedy) under the Covenant during its session held from 15 March to 2 April 2004.

Provisions

ARTICLE 2: Obligation of State Parties

Article 2 deals with the obligation of State parties to undertake necessary steps to respect and ensure to all individuals the rights recognized in the Covenant.

The obligation under this article has two elements:

1. Obligation of State parties to undertake necessary steps to respect and ensure to all individuals the rights recognized in the Covenant.
2. The rights should be ensured to all individuals 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.

As for implementation at the national level, the Human Rights Committee has concluded that the implementation does not depend solely on constitutional or legislative provisions. They may not be sufficient by themselves.

The Committee has held that it is not merely the question of respecting the rights but the State parties have an obligation to ensure the enjoyment of these rights to all the individuals under their jurisdiction.

The obligation of State parties under the Covenant also includes development of special remedies, especially judicial remedies, for situations in which a right or freedom recognized in the Covenant is being violated (art.2 (3)).

The obligation under article 2 is of both a negative and a positive nature. The States parties have an obligation to respect the free exercise of the rights and freedoms set forth in the Covenant. They

also have an obligation to create favourable condition for the full enjoyment of all rights and freedoms by all individuals under the jurisdiction of the State party.

The Committee has stressed that individuals should know their rights under the Covenant. It is also important that all administrative and judicial authorities are aware of the obligations that the State party has assumed under the Covenant

The Committee has also emphasized that the rights set forth in the Covenant apply to everyone, irrespective of his or her nationality or statelessness. Thus, they should guarantee the rights to all individuals despite the fact whether they are citizen or aliens. However, some rights such as the right to political participation (art.25) are applicable only to citizens. On the other hand, limitation on the expulsion of aliens lawfully in the territory of a State party (art.13) applies only to aliens. A State party may impose restrictions on the entry of aliens. However, once it allows an alien to enter its territory, a State party is obligated to respect all the rights enshrined in the Covenant.

ARTICLE 2 (1): Non- discrimination

Under article 2 (1), the rights enshrined in the Covenant should be ensured to all individuals 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. The Committee has stated that the term "discrimination" as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

The non-discrimination clause should be discussed in conjunction with the right of equality before the law and equal protection of the law without any discrimination (art.26). Article 26 only entitles all persons to equality before the law and equal protection of the law. It 'prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination'. Both the principle of non-discrimination and equality before the law 'constitute a basic and general principle relating to the protection of human rights.

The fundamental nature of the principle of non-discrimination is reflected in article 3 that obligates each State party to ensure the equal right of men and women in the enjoyment of the rights enshrined in the Covenant. Moreover, article 4 allows for derogation of certain obligations by State parties during a public

emergency does not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. Thus, a State party should protect the principle of non-discrimination even during a public emergency.

The Covenant also provides for States parties to prohibit, by law any advocacy of national, racial or religious hatred which is incitement to discrimination (art. 20 (2)).

The principle of non-discrimination and that of equality before the law and equal protection of the law are referred to in articles relating to particular categories of human rights. Article 14, paragraph 1, provides that all persons shall be equal before the courts and tribunals, and paragraph 3 of the same article provides that, in the determination of any criminal charge against him, everyone shall be entitled, in full equality, to the minimum guarantees. Similarly, article 25 provides for the equal participation in public life of all citizens, without any of the distinctions mentioned in article 2.

State parties are obliged to undertake specific legislative, administrative or other measures to guarantee the equality in the enjoyment of rights. The Committee has observed that the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions that cause or help to perpetuate discrimination prohibited by the Covenant.

ARTICLE 3: Obligation to Ensure the Equal Rights of Men and Women

This article deals with one of the grounds for discrimination identified in article 2(1). It addresses the importance to enable women to enjoy civil and political rights on an equal footing with men. The article requires that State parties undertake affirmative action to ensure the equality of men and women.

According to the Committee, simply enacting laws cannot do it. Therefore, the Committee has sought information regarding the role of women in practice to find out what measures, besides purely legislative measures of protection, have been or are being taken to give effect to the precise and positive obligations under article 3. The Committee has recommended that States parties give special attention to review laws or measures that inherently draw a distinction between men and women.

ARTICLE 4: Derogation of Rights at the Time of a Public Emergency

This article allows for State parties to derogate from a number of rights when a public emergency threatens the life of a nation.

However, the article also specifies certain rights State parties should protect even during a public emergency.

No derogation is allowed regarding the following rights:

- The right to life (art.6)
- Prohibition against torture or cruel, inhuman or degrading treatment or punishment (art.7)
- No one shall be held in slavery; prohibition of slavery and slave trade; no one shall be held in servitude (art.8 (1) (2))
- Prohibition against imprisonment merely on the ground of inability to fulfill a contractual obligation (art 11)
- Prohibition against use of retroactive penal laws (art.15)
- Right of everyone to be recognized as a person before the law (art.16)
- The rights to freedom of thought, conscience and religion (art.18)

The Committee has stated that ‘measures taken under article 4 are of an exceptional and temporary nature and may only last as long as the life of the nation concerned is threatened and that, in times of emergency, the protection of human rights becomes all the more important, particularly those right from which no derogation can be made.’

Optional Protocols

Under the first Optional Protocol to the International Covenant on Civil and Political Rights, the Human Rights Committee is authorized to receive complaints from individuals claiming to be victims of violations of rights contained in the Covenant. The Second Optional Protocol to the International Covenant on Civil and Political Rights aims at the abolition of the death penalty.

Appendix 2: 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.

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.

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 1 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 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

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-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

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;

(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 1 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.

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

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.

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

Appendix 3: Summary of the International Covenant on Economic, Social and Cultural Rights

Overview

The Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by UN General Assembly on December 16, 1966 and entered into force on January 3, 1976. As of November 24, 2004, 151 States have become parties to the Covenant (6 States are remaining signatories).

Unlike civil and political rights, economic, social and cultural rights are often viewed with 'suspicion, caution and scepticism'. At times even 'treated with an air of triviality'. In the human rights field, economic, social and cultural rights are most often accorded secondary status by governments and NGOs.

However, the economic, social and cultural rights are indivisible part of human rights. First, ESC rights have intrinsic value. They create the condition for enhancing a person's capability by eradicating deprivation. They expand the freedom to lead a life that we value. The potentialities of the human person may be expressed through civil and political rights but the unfolding of these potentialities requires adequate social and economic circumstances.

The concept of human dignity is the foundation for civil and political and economic, social and cultural rights. These rights can neither be given nor taken away. Human dignity is denied when civil and political rights and economic, social and cultural rights are not guaranteed. Two common elements mediate both sets of rights - security and equality. Security of the person includes socio-economic security and equality before law encompasses equality of opportunities.

The development of international human rights law has shown the indivisibility of the civil, political and economic, social and cultural rights. For example, the Convention on the Elimination of All Forms of Discriminations Against Women and the Convention on the Rights of the Child incorporate protection of both sets of rights.

Violations of Economic, Social and Cultural Rights

The notion of violation applied vigorously to civil and political rights is normally not used regarding economic, social and cultural rights. The 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 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 of the 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, it can be construed that failure to fulfill minimum core obligations will be a violation of the rights enshrined in the Covenant. However, the notion of violation of economic, social and cultural rights needs to be further developed. A group of distinguished experts in international law have developed principles known as the Limburg Principles. These principles provide some basic framework to develop the notion of violation of economic, social and cultural rights. 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 objects, and that factors beyond its reasonable control may adversely affect its capacity to implement particular rights.

A State party will be in violation of the Covenant, inter alia, if:

It fails to take a step which it is required to take by the Covenant;

It fails to remove promptly obstacles which it is under a duty to remove to permit the immediate fulfillment of a right;

It fails to implement without delay a right which it is required by the Covenant to provide immediately;

It wilfully fails to meet a generally accepted international minimum standard of achievement, which is within its powers to meet;

It applies a limitation to a right recognized in the Covenant other than in accordance with the Covenant;

It 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 or force majeure;

It fails to submit reports as required under the Covenant.'

Monitoring Mechanism

The Committee on Economic, Social and Cultural Rights was established in 1985 and is comprised of 18 members who are independent and serve in their personal capacity, not as representatives of Governments.

The primary function of the Committee is to monitor the implementation of the Covenant by States parties. Under articles 16 and 17 of the Covenant, States parties undertake to submit periodic reports to the Committee-within two years of the entry into force of the Covenant for a particular State party, and thereafter once every five years-outlining the legislative, judicial, policy and other measures which they have taken to ensure the enjoyment of the rights contained in the Covenant. States parties are also requested to provide detailed data on the degree to which the rights are implemented and areas where particular difficulties have been faced in this respect.

The Committee has assisted the reporting process by providing States parties with a detailed 22-page set of reporting guidelines specifying the types of information the Committee requires in order to monitor compliance with the Covenant effectively (available at the UN's web site: www.unhchr.ch).

The Committee can also assist Governments in fulfilling their obligations under the Covenant by issuing specific legislative, policy and other suggestions and recommendations such that economic, social and cultural rights are more effectively secured.

The Committee decided in 1988 to prepare "General Comments" on the rights and provisions contained in the Covenant with a view to assisting States parties in fulfilling their reporting obligations and to provide greater interpretative clarity as to the intent, meaning and content of the Covenant. The General Comments, the most recent being General Comment No. 16 on equality between women and men, can be found on the UN's web site (www.unhchr.ch).

The Committee was the first treaty body to provide NGOs with the opportunity to submit written statements and make oral submissions dealing with issues relating to the enjoyment or non-enjoyment of the rights contained in the ICESCR in specific countries.

Provisions

Articles 2(2) and 3: Non-discrimination

Article 2 (2) and Article 3 deal with the non-discrimination aspect. Article 2 (2) is similar to other instruments in stating that the rights should be enjoyed without discrimination on the grounds of 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

Article 3, on the other hand is more specific. It provides for the 'equal right of men and women to the enjoyment of rights...set forth in the Covenant.'

The concept of 'progressive realization' is not applicable to the non-discrimination clause and the obligation to ensure equal rights of men and women. The obligation is to ensure it immediately and not progressively.

The obligation to ensure the equal rights of men and women includes affirmative action to eliminate conditions that contribute to discrimination.

The Committee has followed the practice that discrimination is not restricted to those grounds identified under the Covenant and includes discrimination based on age, health status, or disability. The non-discriminatory clause of the Covenant covers discriminatory acts of both public authorities and private individuals.

Article 4: Limitations

Article 4, of the Covenant deals with the limitation clause. The ICESCR does not recognize any particular right to be non-derogable in the manner it is done under the ICCPR. However, Article 4, states that limitations imposed on the enjoyment of rights should be 'determined by law' and should be done solely for the purpose of 'promoting the general welfare in a democratic society.'

Article 2 (1): Obligation of States

Article 2 (1) of the Covenant deals with the obligation of States parties under the Covenant. According to the Committee on Economic, Social and Cultural Rights, 'Article 2 is of particular importance to a full understanding of the Covenant and must be seen as having a dynamic relationship with all of the other provisions of the Covenant. It describes the nature of the general legal obligations undertaken by States parties to the Covenant.'

Article 2 (1) of the Covenant states that,

'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 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.'

Thus, obligations of States parties are expressed through the use of terms 'undertakes to take steps,' 'to the maximum available resources,' 'achieving progressively the full realization,' and 'by all appropriate means including particularly the adoption of legislative measures.'

In contrast, these terms are not used in the civil and political rights Covenant. The Article 2 (1) of the Covenant on Civil and Political Rights states that, 'Each State Party to the present Covenant undertakes to respect and to ensure to all individuals... the rights recognized in the present Covenant....' It is normally argued that the Covenant on Economic, Social and Cultural Rights does not belong to the same genre as that of the civil and political rights. Hence, it is important to understand the meaning of terms used in Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to comprehend the obligations under the Covenant.

Obligation of Conduct and Obligation of Result

The Committee on Economic, Social and Cultural Rights has made it clear that the obligations of States parties include both obligation of conduct and obligation of result. The International Law Commission has formulated these two categories and the Committee has referred to it to elaborate on the obligations of States parties under the Covenant.

Obligation of conduct means that, a State has to undertake a specific step. For example, prohibiting forced labour is an act of conduct. Obligation of result means attaining a particular outcome through active implementation of policies and programmes. However, conduct and result cannot be separated. The concept of obligation of conduct and result provides an effective tool for monitoring the implementation of economic, social and cultural rights. It also shows that realization of economic, social and cultural rights is a dynamic process involving both immediate and long-term intervention.

Meaning of 'Undertakes to Take Steps'

The use of the term 'Each State Party . . . undertakes to take steps,' in Article 2 (1) of the ICESCR is normally construed as implying progressive implementation of the Covenant. However, it should be noted that a similar term is used in Article 2 (2) of the ICCPR and in Article 2 (1) of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Thus, the term cannot be construed to imply progressive implementation. In fact, the Committee on Economic, Social and Cultural Rights has clarified that, 'while the full realization of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the States concerned. Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant.'

Meaning of 'By All Appropriate Means, Including Particularly the Adoption of Legislative Measures'

The Committee on Economic, Social and Cultural Rights has recognized that States must decide the appropriate means and it may depend on the right that is being implemented. However, the Committee has stated that, 'States parties reports should indicate not only the measures that have been taken but also the basis on which they are considered to be the most "appropriate" under the circumstances.'

It is clear from the interpretation given by the Committee that the term 'all appropriate means' is linked to both conduct and result. A State party cannot avoid its obligations by merely saying that its policies are aimed at economic development and poverty or illiteracy will be eradicated eventually.

As for the term 'adoption of legislative measures,' the Committee has stated that it by no means exhausts the obligation of State parties. A mere existence of laws is not sufficient to prove that a State party is carrying out its obligation under the Covenant. For example, while considering the Canadian report, a member of the Committee commented that, 'When reports focused too narrowly on legal aspects, the suspicion naturally arose that there might be some gap between law and practice.'

In addition to laws, the Committee has also stressed the need for 'provision of judicial remedies with respect to rights which may, in accordance with the national legal system, be considered justifiable.'

Meaning of 'Achieving Progressively'

It is normally assumed that due to the resources required for the realization of economic, social and cultural rights, they are incapable of immediate implementation. On the other hand, the Committee has stated that,

'The fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the *raison d'être*, of the Covenant that is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal.'

The Committee has made it clear that 'progressive realization' is not an escape clause. Such an interpretation provides activists an

important conceptual perspective against the notion of 'gradualism' in economic policies. It means that ensuring social welfare is a gradual long - term process where the growth of the economy will percolate to everyone. However, most often growth becomes an end in itself whether it is socially desirable or not. The position of the Committee seems to be that the process of economic growth should be combined with the realization of human rights.

The Committee has also concluded that 'progressive realization' includes not only continuous improvement but also the obligation to ensure that there are no regressive developments. The Committee has stated that, 'any deliberately retrogressive measures . . . would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum of available resources.'

Meaning of 'To the Maximum of Its Available Resources'

The notion that economic resources are essential for the implementation of economic, social and cultural rights has been the major justification for considering it secondary to civil and political rights. The Committee has acknowledged the importance of resources in fulfilling the rights but does not consider that resource availability as an escape clause. For example, it has stated that 'in cases where significant numbers of people live in poverty and hunger, it is for the State to show that its failure to provide for the persons concerned was beyond its control.'

The Committee developed the idea of 'minimum core obligations' to refute the argument that lack of resource' hinders fulfillment of obligations. The Committee has observed that every State has a minimum core obligation to satisfy minimum essential levels of each of the right of the Covenant. It has clarified that a State party 'in which a 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.... In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.'

The Committee has made it clear that, 'even where the available resources are demonstrably inadequate, the obligations remains for a State party to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances.' In addition, the Committee has also stated that, 'even in times of severe resource

constraints . . . vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes.

Optional Protocol

The Committee on Economic, Social and Cultural Rights has been considering a draft Optional Protocol to the ICESCR granting the right of individuals or groups to submit communications (complaints) concerning non-compliance with the Covenant. The elaboration of the draft optional protocol was recommended during the 1993 World Conference on Human Rights in Vienna.

Upon the advice of an independent expert, the Commission on Human Rights established a Working Group for an Optional Protocol to the ICESCR. At the close of its 60th session in April 2004, the Commission on Human Rights approved the renewal for a further two years of the mandate of the open-ended Working Group to consider options regarding the elaboration of an Option Protocol to the ICESCR. This continues the process for the adoption of the Optional Protocol. Currently there is no mechanism for individual complaints when their rights under the ICESCR are violated. Mechanisms for individual complaints already exist under the ICCPR, CEDAW, CAT, CERD and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but several governments have resisted a similar move for the ICESCR. Comments, suggestions, recommendations and observations on the draft Optional Protocol could be sent to the Office of the High Commissioner for Human Rights in Geneva (webadmin.hchr@unog.ch).

Rights Under the Covenant

Article 6: The right to work

Article 7: Just and favourable conditions of work

Article 8: The right to form and join trade unions

Article 9: The right to social security

Article 10: Protection of the family

Article 11: The right to an adequate standard of living (food, housing)

Article 12: The right to health

Article 13: The right to education

Appendix 4: 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.

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 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 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;
- (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.

Source: <http://www1.umn.edu/humanrts/instree/b2esc.htm>

Appendix 5: Summary of the Convention on the Rights of the Child

Overview

The UN General Assembly adopted the Convention on the Rights of the Child (CRC) in 1989. The Convention came into force in 1990. An unprecedented number of States have ratified or acceded to the Convention. As of November 24, 2004, 192 States have become parties to the Convention (2 States are remaining signatories).

The Convention contains 54 articles and encompasses the whole range of human rights - civil, political, economic, social and cultural. The Convention recognizes the indivisibility of rights. The Convention provides for the enjoyment of rights by children without discrimination of any kind. The Convention recognizes the child as a subject and guarantees the freedom of expression and participation in making decisions affecting their rights. The Convention takes into account the situation of children of minority and indigenous groups and deals with children threatened by drug abuse and neglect.

Fundamental Principles of the Convention

Respect for the Child's Opinion

The corollary to children as subjects of rights is the principle that their opinion should be respected. It means that the child has the right to freedom of expression, freedom of thought, freedom of conscience and freedom of assembly.

Each Child has Rights

The recognition that children have equal value as adults implies that each child has rights. The principle that all children should enjoy rights is fundamental to the Convention. The principle is based on the notion that children are subjects and not objects of the rights. Moreover, children should enjoy their rights without discrimination. It means that girls should be given the same opportunities as the boys. Similarly, disabled children and children of disadvantaged groups should enjoy the same rights as others.

Equal Value as Human Beings

An underlying principle of the Convention is that of according children the same value as adults. This principle stresses that childhood has value in itself. It is not merely a preparatory stage for adulthood. The implication of this principle is that the society has

an obligation to create conditions for the child to enjoy his or her childhood.

Best Interests of the Child

While children have equal value as grownups they also need the protection and support from the society for enjoying their childhood. The principle of best interests of the child addresses this need. This principle is most clearly stated in article 3 (1) of the Convention.

'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.'

The interests of the child take precedent over the interests of parents or the state. The principle as stated in article 3 (1) applies to 'all actions concerning children' and not restricted to legal or administrative proceedings.

Monitoring Mechanism

The Convention sets up a Committee on the Rights of the Child to monitor the State parties compliance of their obligations under the Convention. The Committee consists of ten independent experts. All State parties should submit a report within two years after the ratification or accession to the Convention. The initial report should be followed by reports every five years. The reports submitted by State parties are normally considered within a year of their submission. The Committee strives to achieve this deadline despite its enormous workload. State parties in preparing their reports are expected to follow the guidelines provided by the Committee. The Convention is the only treaty that accords a role for NGOs in assisting the Committee to monitor the compliance of State parties obligations.

Provisions

Article 1

This article defines the child as a person below the age of 18 years. The article also allows for situations in which the age at majority is fixed lower than 18. However, the Convention by explicitly stating 18 provides a benchmark for defining the child.

Article 2

This article provides that the rights enshrined in the Convention apply to all children without any distinction. The grounds on which no discrimination should be practiced include disability. Under this

article States parties are obligated to '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

This article ensures that the 'best interests' of the child is taken into account in all actions concerning the children. The interests of the child take precedent over the interests of parents or the state. The principle as stated in article 3 (1) applies to 'all actions concerning children' and not restricted to legal or administrative proceedings.

The principle of 'best interests' of the child plays a vital role in the interpretation and implementation of the Convention. It is important in clarifying the rights enshrined in the Convention. The principle is also vital in mediating and resolving conflicts that may arise in implementing the Convention. Finally, it is a useful tool for assessing the laws and practices of State parties in protecting the rights of the child.

Article 4

This article stipulates that State parties should undertake concrete steps for ensuring the enjoyment of rights recognized in the Convention. The article also stresses that State parties should undertake measures 'to the maximum extent of their available resources'. The implication of this provision is that State parties should give priority for children and they should invest maximum of available resources to ensure the economic, social and cultural rights of the child. Article 4 also provides that ensuring the rights of the child should be a priority for international cooperation.

Article 5

This article respects parental rights. The State should respect the responsibilities, rights and duties of parents or legal guardians to provide 'appropriate direction' in the exercise by the child of his or her rights. Parental guidance should be provided 'taking into account the evolving capacities of the child.' It means that the child should have more control with greater age and maturity.

Article 6

This article recognizes the inherent right to life of every child. Under article 6(2) States parties have an obligation to ensure the survival and development of the child. The States should ensure it to the maximum extent possible. The use of the term 'survival' is unusual for human rights treaties. Thus, the right to life assumes a dynamic aspect and the obligation of the State parties includes taking preventive action such as immunization. The term

'development' should be interpreted in a broad sense to include physical, mental, emotional, social and cultural development. The right to life guaranteed by article 6 creates the conditions for the enjoyment of other rights enshrined in the Convention.

Optional Protocols

There are two optional protocols under the Convention: The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.



Appendix 6: Convention on the Rights of the Child

G. A. res. 44/25, 20 November 1989. Entered into force 2 September 1990.

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

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 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:

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

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

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 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.

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.

Source: <http://www.unhchr.ch/html/menu3/b/k2crc.htm>



Appendix 7: Summary of the Convention on the Elimination of All Forms of Discrimination Against Women

Overview

'The Convention on the Elimination of All Forms of Discrimination Against Women is perhaps best described as an international bill of rights for women as it sets out in detail both what is to be regarded as discrimination against women and the measures that have to be taken in order to eliminate this discrimination. Women's rights are conceptualized as human rights and a "non-discrimination" model is adopted, so that women's rights are seen to be violated if women are denied the same rights as men.'

The Convention was adopted by the General Assembly of the United Nations on 18 December 1979. It entered into force on 3 September 1981. As of October 20, 2004, 179 States have become parties to the Convention. The Convention has one Optional Protocol. As of November 20, 2004, 68 States are parties (76 States are signatories) to the Optional Protocol.

The preamble recalls that the elimination of discrimination against women and the promotion of equality between women and men are central principles of the United Nations Charter and constitute binding obligation under it. It further states that discrimination against women violates the principles of equality and obstructs women's participation, on equal terms with men, in the political, social, economic and cultural life of their countries.

Monitoring Mechanism

Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women establishes the Committee on the Elimination of Discrimination against Women to oversee the implementation of its provisions. The Committee is composed of 23 experts and has since its inception, with only one exception, been composed entirely of women.

Under article 18 of the Convention, States parties are required to submit reports every four years to the Secretary-General of the United Nations on legislative, judicial and other measures that they have taken in accordance with the provisions of the Convention. These reports are for consideration by the Committee. The Committee has developed two sets of general guidelines for reporting in an effort to provide practical technical assistance to States parties.

Provisions

The provisions of the Convention are divided into six parts. The first four deal with substantive rights.

Part I

Articles 1- 6 include the definition of discrimination against women. In addition, they also include legal, administrative and other measures that should be taken by State parties under the Convention.

Part II

Articles 7 - 9 contain obligations of States regarding the protection of women's rights in political and public life.

Part III

Articles 10 -14 contain provisions regarding elimination of discrimination against women in the field of education, employment, health, and economic, social and cultural life. This part also includes obligation of States regarding special problems of rural women.

Part IV

Articles 15 -16 contains provisions regarding affording equality of women with men before the law, in the exercise of their legal rights, and in marriage and family law.

Part V

Articles 17 - 22 deals with the establishment of a Committee on the Elimination of Discrimination Against Women to monitor the progress of the implementation of the Convention by State parties.

Part VI

Articles 23 - 30 deals with other procedural issues including provision for making reservation while ratifying or acceding to the Convention.

ARTICLE 1: Definition of Discrimination Against Women

Article 1 defines what constitutes "discrimination against women". The Convention defines discrimination against women broadly. Under the Convention "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of hampering the enjoyment by women of their human rights. The rights enshrined in the Convention applies to all women, irrespective of their marital status. It prohibits discrimination in "political, economic, social, cultural, civil or any other" fields. More important, it covers discrimination in public and private ("or any other") actions. The Convention prohibits intentional and unintentional discrimination.

ARTICLE 2: Obligations of State Parties to the Convention

This article requires that State parties take appropriate constitutional, legal and administrative measures to guarantee equality. They also have an obligation to provide remedies and sanctions for public and private acts of discrimination and to repeal discriminatory laws. The States parties must take measures to eliminate practices that either risks threatening or actually threatens the enjoyments of the rights contained in the Convention.

ARTICLE 3: Obligation to Take Measures for Ensuring Equality Between Men and Women

Article 3 provides for equality between men and women which is a precondition for women's full enjoyment of human rights. The obligations of States parties includes development of appropriate programmes and measures to advance the status of women so that they can enjoy human rights on a basis of equality with men.

ARTICLE 4: Obligation to Take Positive Measures

Article 4 recognizes that State parties besides removing discriminatory practices should also take positive action to promote equality. Thus, it acknowledges that to ensure de facto equality, it may be necessary to take measures that discriminate in a positive way. The article also specifies that the adoption of special measures aiming at the protection of maternity shall not considered discriminatory

The Committee in its general recommendation no. 5, stated that, States parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, economy, politics and employment".

ARTICLE 5: Obligation to Take Measures for Elimination of Prejudices and Stereotyping of Sex Roles

The purpose of article 5 is to ensure that States parties take steps to modify social and cultural patterns of conduct elimination of prejudices based on the inferiority or superiority of either of the sexes and stereotyping of sex roles.

Article 5(b) recognizes that maternity has a social function. It states that men and women have a common responsibility in the upbringing of their children. The interest of the child should be fundamental in all actions taken by parents.

The Committee in its General Recommendation no. 3, stated that,

The Committee based on the reports submitted by State parties has stated that the reports show existence of varying degrees of stereotyped conceptions of women. The Committee has urged, 'all

States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of principle of the social equality of women'.

ARTICLE 6: Suppression of All Forms of Trafficking and Exploitation of Women

This article obligates State parties to take measures to suppress all forms of trafficking in women. It also calls action against those who profit from the exploitation of women, including the exploitation of girls.

The Committee in its General Recommendation No. 19 dealing with violence against women has stated that poverty and unemployment increase opportunities for trafficking in women. The Committee has also stated that, 'in addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity'.

Optional Protocol

Under the Optional Protocol to the Convention, the Committee on the Elimination of Discrimination against Women is authorized to receive complaints from individuals claiming to be victims of violations of rights contained in the Convention. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women includes:

The Communications Procedure

Gives individuals and groups of women the right to complain to the Committee on the Elimination of Discrimination against Women about violations of the Convention. This procedure is known as "*the communications procedure*". United Nations communications procedures provide the right to petition or the right to complain about violations of rights. Under all procedures, the complaint must be in writing.

The Inquiry Procedure

It enables the Committee to conduct inquiries into grave or systematic abuse of women's human rights in countries that have become party to the Optional Protocol. Known as an *inquiry procedure*, this capacity is found in article 8 of the Optional Protocol.

The optional protocol includes an inquiry procedure, as well as a complaints procedure. An inquiry procedure enables the

Committee to conduct inquiries into serious and systematic abuses of women's human rights in countries that become States parties to the Optional Protocol. It is modelled on an existing human rights inquiry procedure, article 20 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The inquiry procedure:

- Allows investigation of substantial abuses of women's human rights by an international body of experts;
- Is useful where individual communications fail to reflect the systemic nature of widespread violations of women's rights;
- Allows widespread violations to be investigated where individuals or groups may be unable to make communications (for practical reasons or because of fear of reprisals);
- Gives the Committee an opportunity to make recommendations regarding the structural causes of violations;
- Allows the Committee to address a broad range of issues in a particular country.

Appendix 8: 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,

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;
- (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, 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;
 - (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.

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;

(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.

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.

Source: <http://www1.umn.edu/humanrts/instree/e1cedaw.htm>

Appendix 9: Effective HRE training Techniques

Types of techniques can fall under several categories:

1. Group Building Dynamics:
 - “Dinamicas”
 - Icebreakers
 - Energizers
2. Knowledge/Information Building Techniques:
 - Presentations
 - Reading texts and performing tasks
 - Brainstorming
3. Values/Attitudes Techniques:
 - Role plays
 - Debates
4. Skills Practice/Application:
 - Case studies
 - Simulations
5. Critical Analysis/Reflection:
 - Techniques that are a combination of the types listed above

To Give Information	To Teach Skills, Behaviours	To Change Attitudes, Values
<ul style="list-style-type: none"> • Presentation: One resource person presents information or his/her point of view on an issue. • Panel Presentation: Two to three resource persons present different aspects of a common topic (moderator required). • Debate: Two resource persons state conflicting views and argue their points (moderator required). • Dialogue: Informal, conversational discourse between two resource persons. • Dramatic Presentation: A prepared play or skit. <p>Appropriate follow-up activities to presentations of one or more resource persons involving an audience:</p> <ul style="list-style-type: none"> • Forum: Free, open, question/discussion period immediately following a presentation. • Question Period: Opportunity for anyone in an audience to directly question presenters. • Buzz Groups: Sub-groups of 4 to 6 individuals take about 5 minutes to discuss particular issue or question raised by the resource person, then share it with the audience. 	<ul style="list-style-type: none"> • Case Study: Presentation of a problem or case for a group to analyze and solve. • Demonstration: Facilitator verbally explains and performs an act, procedure, or process. • Games, Structured Experiences: Participants participate in a game requiring particular skills, usually led by the facilitator. • Simulation: Participants learn skills in a setting that simulates the real setting where skills are required. • Teaching/Learning Team: Working cooperatively, small groups of 3 to 6 persons each teach and help each other develop skills. <p>Appropriate activities for follow-up and practise of skills:</p> <ul style="list-style-type: none"> • Application Projects: Activities which enable participants to practise skills in their own context and situations during the training. • Practise: Specific activities to apply learning after the training in their work context. 	<ul style="list-style-type: none"> • Circle Response: Question posed to members of a group seated in a circle, each person in turn expressing a response. • Field Trips, Tours: Viewing or experiencing situations first hand for observation and study. • Games: Experiencing a game and discussing its application to real life. • Group Discussion: Mutual exchange of ideas and opinions by members of small groups (8 to 20 persons) on a problem or an issue of common concern for about 10 to 40 minutes depending on the size of the group. • Role Playing: Impromptu dramatization of a problem or situation followed by discussion. • Simulation: Experience in a situation as realistic as possible, followed by discussion. • Skit: Short, rehearsed dramatic presentation followed by a discussion.

Appendix 10: Good Practices in Human Rights Education and Training: Guidelines, Indicators and Evaluation

Source: Arab Institute for Human Rights and the Documentation, Information and Training Centre for Human Rights of Morocco. (2000). Workshop on HRE issues in Human Rights NGOs. Marrakech, Morocco.

1. National Planning

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.

2. 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 human rights 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” education, 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 foundation of HRE.
- Setting up a student committee to receive complaints.
- Including youth in the decision making.

Evaluation

- Pre- and post- test results of students' attitudes and behaviours.
- Evaluation based on cross-reference of evaluation among student, teachers and trainers.
- Assessment of 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 human rights articles in professionals publications and journals.
- Networking among professionals trained in human rights.

- 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 the 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 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

- Qualitative 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 state's obligations upon human rights 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 human rights 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, and 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 (e.g., parents who may suffer loss of income if their children attend school).
- Strengthen solidarity between appropriate NGOs to consolidate campaign actions.
- Ensure actions and behaviours 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.

3. 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 participant 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 human rights 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 influent 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, and some

professional groups). However, be aware of all those who 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, etc.
- 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 favourable to human rights.
- Pilot projects before implementing them.
- Encourage 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 human rights abuse need 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.



Appendix 11: CESCR General Comment No. 16 (2005) – The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights

Source:

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7c6dc1dee6268e32c125708f0050dbf6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7c6dc1dee6268e32c125708f0050dbf6?Opendocument)

Introduction

1. The equal right of men and women to the enjoyment of all human rights is one of the fundamental principles recognized under international law and enshrined in the main international human rights instruments. The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects human rights that are fundamental to the dignity of every person. In particular, article 3 of this Covenant provides for the equal right of men and women to the enjoyment of the rights it articulates. This provision is founded on Article 1, paragraph 3, of the United Nations Charter and article 2 of the Universal Declaration of Human Rights. Except for the reference to ICESCR, it is identical to article 3 of the International Covenant on Civil and Political Rights (ICCPR), which was drafted at the same time.

2. The *travaux préparatoires* state that article 3 was included in the Covenant, as well as in ICCPR, to indicate that beyond a prohibition of discrimination, “the same rights should be expressly recognized for men and women on an equal footing and suitable measures should be taken to ensure that women had the opportunity to exercise their rights Moreover, even if article 3 overlapped with article 2, paragraph 2, it was still necessary to reaffirm the equality rights between men and women. That fundamental principle, which was enshrined in the Charter of the United Nations, must be constantly emphasized, especially as there were still many prejudices preventing its full application”.¹ Unlike article 26 of ICCPR, articles 3 and 2, paragraph 2, of ICESCR are not stand-alone provisions, but should be read in conjunction with each specific right guaranteed under part III of the Covenant.

3. Article 2, paragraph 2, of ICESCR provides for a guarantee of non-discrimination on the basis of sex among other grounds. This provision, and the guarantee of equal enjoyment of rights by men and women in article 3, are integrally related and mutually reinforcing. Moreover, the elimination of discrimination is fundamental to the enjoyment of economic, social and cultural rights on a basis of equality.

4. The Committee on Economic, Social and Cultural Rights (CESCR) has taken particular note of factors negatively affecting the equal right of men and women to the enjoyment of economic, social and cultural rights in many of its general comments, including those on the right to adequate housing,² the right to adequate food,³ the right to education,⁴ the right to the highest attainable standard of health,⁵ and the right to water.⁶ The Committee also routinely requests information on the equal enjoyment by men and women of the rights guaranteed under the Covenant in

its list of issues in relation to States parties' reports and during its dialogue with States parties.

5. Women are often denied equal enjoyment of their human rights, in particular by virtue of the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination. Many women experience distinct forms of discrimination due to the intersection of sex with such factors as race, colour, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status, resulting in compounded disadvantage.⁷

I. CONCEPTUAL FRAMEWORK

A. Equality

6. The essence of article 3 of ICESCR is that the rights set forth in the Covenant are to be enjoyed by men and women on a basis of equality, a concept that carries substantive meaning. While expressions of formal equality may be found in constitutional provisions, legislation and policies of Governments, article 3 also mandates the equal enjoyment of the rights in the Covenant for men and women in practice.

7. The enjoyment of human rights on the basis of equality between men and women must be understood comprehensively. Guarantees of non-discrimination and equality in international human rights treaties mandate both *de facto* and *de jure* equality. *De jure* (or formal) equality and *de facto* (or substantive) equality are different but interconnected concepts. Formal equality assumes that equality is achieved if a law or policy treats men and women in a neutral manner. Substantive equality is concerned, in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups experience.

8. Substantive equality for men and women will not be achieved simply through the enactment of laws or the adoption of policies that are, *prima facie*, gender-neutral. In implementing article 3, States parties should take into account that such laws, policies and practice can fail to address or even perpetuate inequality between men and women because they do not take account of existing economic, social and cultural inequalities, particularly those experienced by women.

9. According to article 3, States parties must respect the principle of equality in and before the law. The principle of equality in the law must be respected by the legislature when adopting laws, by ensuring that those laws further equal enjoyment of economic, social and cultural rights by men and women. The principle of equality before the law must be respected by administrative agencies, and courts and tribunals, and implies that those authorities must apply the law equally to men and women.

B. Non-discrimination

10. The principle of non-discrimination is the corollary of the principle of equality. Subject to what is stated in paragraph 15 below on temporary special measures, it prohibits differential treatment of a person or group of persons based on his/her or their particular status or situation, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth, or other status, such as age, ethnicity, disability, marital, refugee or migrant status.

11. Discrimination against women is “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”.⁸ Discrimination on the basis of sex may be based on the differential treatment of women because of their biology, such as refusal to hire women because they could become pregnant; or stereotypical assumptions, such as tracking women into low-level jobs on the assumption that they are unwilling to commit as much time to their work as men.

12. Direct discrimination occurs when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, which cannot be justified objectively.

13. Indirect discrimination occurs when a law, policy or programme does not appear to be discriminatory, but has a discriminatory effect when implemented. This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities. Applying a gender-neutral law may leave the existing inequality in place, or exacerbate it.

14. Gender affects the equal right of men and women to the enjoyment of their rights. Gender refers to cultural expectations and assumptions about the behaviour, attitudes, personality traits, and physical and intellectual capacities of men and women, based solely on their identity as men or women. Gender-based assumptions and expectations generally place women at a disadvantage with respect to substantive enjoyment of rights, such as freedom to act and to be recognized as autonomous, fully capable adults, to participate fully in economic, social and political development, and to make decisions concerning their circumstances and conditions. Gender-based assumptions about economic, social and cultural roles preclude the sharing of responsibility between men and women in all spheres that is necessary to equality.

C. Temporary special measures

15. The principles of equality and non-discrimination, by themselves, are not always sufficient to guarantee true equality. Temporary special measures may sometimes be needed in order to bring disadvantaged or marginalized persons or

groups of persons to the same substantive level as others. Temporary special measures aim at realizing not only de jure or formal equality, but also de facto or substantive equality for men and women. However, the application of the principle of equality will sometimes require that States parties take measures in favour of women in order to attenuate or suppress conditions that perpetuate discrimination. As long as these measures are necessary to redress de facto discrimination and are terminated when de facto equality is achieved, such differentiation is legitimate.⁹

II. STATES PARTIES' OBLIGATIONS

A. General legal obligations

16. The equal right of men and women to the enjoyment of economic, social and cultural rights is a mandatory and immediate obligation of States parties.¹⁰

17. The equal right of men and women to the enjoyment of economic, social and cultural rights, like all human rights, imposes three levels of obligations on States parties - the obligation to respect, to protect and to fulfil. The obligation to fulfil further contains duties to provide, promote and facilitate.¹¹ Article 3 sets a non-derogable standard for compliance with the obligations of States parties as set out in articles 6 through 15 of ICESCR.

B. Specific legal obligations

1. Obligation to respect

18. The obligation to respect requires States parties to refrain from discriminatory actions that directly or indirectly result in the denial of the equal right of men and women to their enjoyment of economic, social and cultural rights. Respecting the right obliges States parties not to adopt, and to repeal laws and rescind, policies, administrative measures and programmes that do not conform with the right protected by article 3. In particular, it is incumbent upon States parties to take into account the effect of apparently gender-neutral laws, policies and programmes and to consider whether they could result in a negative impact on the ability of men and women to enjoy their human rights on a basis of equality.

2. Obligation to protect

19. The obligation to protect requires States parties to take steps aimed directly at the elimination of prejudices, customary and all other practices that perpetuate the notion of inferiority or superiority of either of the sexes, and stereotyped roles for men and women. States parties' obligation to protect under article 3 of ICESCR includes, inter alia, the respect and adoption of constitutional and legislative provisions on the equal right of men and women to enjoy all human rights and the prohibition of discrimination of any kind; the adoption of legislation to eliminate discrimination and to prevent third parties from interfering directly or indirectly with the enjoyment of this right; the adoption of administrative measures and programmes, as well as the establishment of public institutions, agencies and programmes to protect women against discrimination.

20. States parties have an obligation to monitor and regulate the conduct of non-State actors to ensure that they do not violate the equal right of men and women to enjoy economic, social and cultural rights. This obligation applies, for example, in cases where public services have been partially or fully privatized.

3. Obligation to fulfil

21. The obligation to fulfil requires States parties to take steps to ensure that in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. Such steps should include:

- To make available and accessible appropriate remedies, such as compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes and prevention programmes;
- To establish appropriate venues for redress such as courts and tribunals or administrative mechanisms that are accessible to all on the basis of equality, including the poorest and most disadvantaged and marginalized men and women;
- To develop monitoring mechanisms to ensure that the implementation of laws and policies aimed at promoting the equal enjoyment of economic, social and cultural rights by men and women do not have unintended adverse effects on disadvantaged or marginalized individuals or groups, particularly women and girls;
- To design and implement policies and programmes to give long-term effect to the economic, social and cultural rights of both men and women on the basis of equality. These may include the adoption of temporary special measures to accelerate women's equal enjoyment of their rights, gender audits, and gender-specific allocation of resources;
- To conduct human rights education and training programmes for judges and public officials;
- To conduct awareness-raising and training programmes on equality for workers involved in the realization of economic, social and cultural rights at the grass-roots level;
- To integrate, in formal and non-formal education, the principle of the equal right of men and women to the enjoyment of economic, social and cultural rights, and to promote equal participation of men and women, boys and girls, in schools and other education programmes;
- To promote equal representation of men and women in public office and decision-making bodies;
- To promote equal participation of men and women in development planning, decision-making and in the benefits of development and all

programmes related to the realization of economic, social and cultural rights.

C. Specific examples of States parties' obligations

22. Article 3 is a cross-cutting obligation and applies to all the rights contained in articles 6 to 15 of the Covenant. It requires addressing gender-based social and cultural prejudices, providing for equality in the allocation of resources, and promoting the sharing of responsibilities in the family, community and public life. The examples provided in the following paragraphs may be taken as guidance on the ways in which article 3 applies to other rights in the Covenant, but are not intended to be exhaustive.

23. Article 6, paragraph 1, of the Covenant requires States parties to safeguard the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted and to take the necessary steps to achieve the full realization of this right. Implementing article 3, in relation to article 6, requires inter alia, that in law and in practice, men and women have equal access to jobs at all levels and all occupations and that vocational training and guidance programmes, in both the public and private sectors, provide men and women with the skills, information and knowledge necessary for them to benefit equally from the right to work.

24. Article 7 (a) of the Covenant requires States parties to recognize the right of everyone to enjoy just and favourable conditions of work and to ensure, among other things, fair wages and equal pay for work of equal value. Article 3, in relation to article 7 requires, inter alia, that the State party identify and eliminate the underlying causes of pay differentials, such as gender-biased job evaluation or the perception that productivity differences between men and women exist. Furthermore, the State party should monitor compliance by the private sector with national legislation on working conditions through an effectively functioning labour inspectorate. The State party should adopt legislation that prescribes equal consideration in promotion, non-wage compensation and equal opportunity and support for vocational or professional development in the workplace. Finally, the State party should reduce the constraints faced by men and women in reconciling professional and family responsibilities by promoting adequate policies for childcare and care of dependent family members.

25. Article 8, paragraph 1 (a), of the Covenant requires States parties to ensure the right of everyone to form and join trade unions of his or her choice. Article 3, in relation to article 8, requires allowing men and women to organize and join workers' associations that address their specific concerns. In this regard, particular attention should be given to domestic workers, rural women, women working in female-dominated industries and women working at home, who are often deprived of this right.

26. Article 9 of the Covenant requires that States parties recognize the right of everyone to social security, including social insurance, and to equal access to social services. Implementing article 3, in relation to article 9, requires, inter alia,

equalizing the compulsory retirement age for both men and women; ensuring that women receive the equal benefit of public and private pension schemes; and guaranteeing adequate maternity leave for women, paternity leave for men, and parental leave for both men and women.

27. Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family, and that marriage must be entered into with the free consent of the intending spouses. Implementing article 3, in relation to article 10, requires States parties, *inter alia*, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage; to ensure that men and women have an equal right to choose if, whom and when to marry - in particular, the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage, marriage by proxy, or coercion; and to ensure that women have equal rights to marital property and inheritance upon their husband's death. Gender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors.

28. Article 11 of the Covenant requires States parties to recognize the right of everyone to an adequate standard of living for him/herself and his/her family, including adequate housing (para. 1) and adequate food (para. 2). Implementing article 3, in relation to article 11, paragraph 1, requires that women have a right to own, use or otherwise control housing, land and property on an equal basis with men, and to access necessary resources to do so. Implementing article 3, in relation to article 11, paragraph 2, also requires States parties, *inter alia*, to ensure that women have access to or control over means of food production, and actively to address customary practices under which women are not allowed to eat until the men are fully fed, or are only allowed less nutritious food.¹²

29. Article 12 of the Covenant requires States parties to undertake steps towards the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The implementation of article 3, in relation to article 12, requires at a minimum the removal of legal and other obstacles that prevent men and women from accessing and benefiting from health care on a basis of equality. This includes, *inter alia*, addressing the ways in which gender roles affect access to determinants of health, such as water and food; the removal of legal restrictions on reproductive health provisions; the prohibition of female genital mutilation; and the provision of adequate training for health-care workers to deal with women's health issues.¹³

30. Article 13, paragraph 1, of the Covenant requires States parties to recognize the right of everyone to education and in paragraph 2 (a) stipulates that primary

education shall be compulsory and available free to all. Implementing article 3, in relation to article 13, requires, inter alia, the adoption of legislation and policies to ensure the same admission criteria for boys and girls at all levels of education. States parties should ensure, in particular through information and awareness-raising campaigns, that families desist from giving preferential treatment to boys when sending their children to school, and that curricula promote equality and non-discrimination. States parties must create favourable conditions to ensure the safety of children, in particular girls, on their way to and from school.

31. Article 15, paragraph 1 (a) and (b), of the Covenant require States parties to recognize the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress. Implementing article 3, in relation to article 15, paragraph 1 (a) and (b), requires, inter alia, overcoming institutional barriers and other obstacles, such as those based on cultural and religious traditions, which prevent women from fully participating in cultural life, science education and scientific research, and directing resources to scientific research relating to the health and economic needs of women on an equal basis with those of men.

III. IMPLEMENTATION AT THE NATIONAL LEVEL

A. Policies and strategies

32. The most appropriate ways and means of implementing the right under article 3 of the Covenant will vary from one State party to another. Every State party has a margin of discretion in adopting appropriate measures in complying with its primary and immediate obligation to ensure the equal right of men and women to the enjoyment of all their economic, social and cultural rights. Among other things, States parties must, integrate into national plans of action for human rights appropriate strategies to ensure the equal right of men and women to the enjoyment of economic, social and cultural rights.

33. These strategies should be based on the systematic identification of policies, programmes and activities relevant to the situation and context within the State, as derived from the normative content of article 3 of the Covenant and spelled out in relation to the levels and nature of States parties' obligations referred to in paragraphs 16 to 21 above. The strategies should give particular attention to the elimination of discrimination in the enjoyment of economic, social and cultural rights.

34. States parties should periodically review existing legislation, policies, strategies and programmes in relation to economic, social and cultural rights, and adopt any necessary changes to ensure that they are consonant with their obligations under article 3 of the Covenant.

35. The adoption of temporary special measures may be necessary to accelerate the equal enjoyment by women of all economic, social and cultural rights and to improve the de facto position of women.¹⁴ Temporary special measures should be

distinguished from permanent policies and strategies undertaken to achieve equality of men and women.

36. States parties are encouraged to adopt temporary special measures to accelerate the achievement of equality between men and women in the enjoyment of the rights under the Covenant. Such measures are not to be considered discriminatory in themselves as they are grounded in the State's obligation to eliminate disadvantage caused by past and current discriminatory laws, traditions and practices. The nature, duration and application of such measures should be designed with reference to the specific issue and context, and should be adjusted as circumstances require. The results of such measures should be monitored with a view to being discontinued when the objectives for which they are undertaken have been achieved.

37. The right of individuals and groups of individuals to participate in decision-making processes that may affect their development must be an integral component of any policy, programme or activity developed to discharge governmental obligations under article 3 of the Covenant.

B. Remedies and accountability

38. National policies and strategies should provide for the establishment of effective mechanisms and institutions where they do not exist, including administrative authorities, ombudsmen and other national human rights institutions, courts and tribunals. These institutions should investigate and address alleged violations relating to article 3 and provide remedies for such violations. States parties, for their part, should ensure that such remedies are effectively implemented.

C. Indicators and benchmarks

39. National policies and strategies should identify appropriate indicators and benchmarks on the right to equal enjoyment by men and women of economic, social and cultural rights in order to effectively monitor the implementation by the State party of its obligations under the Covenant in this regard. Disaggregated statistics, provided within specific time frames, are necessary to measure the progressive realization of economic, social and cultural rights by men and women, where appropriate.

IV. VIOLATIONS

40. States parties must fulfil their immediate and primary obligation to ensure the equal right of men and women to the enjoyment of economic, social and cultural rights.

41. The principle of equality between men and women is fundamental to the enjoyment of each of the specific rights enumerated in the Covenant. Failure to ensure formal and substantive equality in the enjoyment of any of these rights constitutes a violation of that right. Elimination of de jure as well as de facto

discrimination is required for the equal enjoyment of economic, social and cultural rights. Failure to adopt, implement and monitor effects of laws, policies and programmes to eliminate de jure and de facto discrimination with respect to each of the rights enumerated in articles 6 to 15 of the Covenant constitutes a violation of those rights.

42. Violations of the rights contained in the Covenant can occur through the direct action of, failure to act or omission by States parties, or through their institutions or agencies at the national and local levels. The adoption and undertaking of any retrogressive measures that affect the equal right of men and women to the enjoyment of the all the rights set forth in the Covenant constitutes a violation of article 3.

¹ Draft International Covenants on Human Rights Report of the Third Committee. A/53/65 (17 December 1962), para. 85.

² Committee on Economic, Social and Cultural Rights (hereinafter CESCR), general comment No. 4 (1991): The right to adequate housing (article 11, paragraph 1 of the Covenant) para. 6; general comment No. 7 (1997): The right to adequate housing (article 11, paragraph 1 of the Covenant): Forced evictions, para. 10.

³ CESCR, general comment No. 12 (1999): The right to adequate food (article 11 of the Covenant), para. 26.

⁴ CESCR, general comment No. 11 (1999): Plans for primary education (article 14 of the Covenant), para. 3; general comment No. 13 (1999): The right to education (article 13 of the Covenant), paras. 6 (b), 31 and 32.

⁵ CESCR, general comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the Covenant), paras. 18-22.

⁶ CESCR, general comment No. 15 (2000): The right to water (articles 11 and 12 of the Covenant), paras. 13 and 14.

⁷ Cf. Committee on the Elimination of Racial Discrimination, general comment XXV (2000): Gender-related dimensions of racial discrimination.

⁸ As defined in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

⁹ However, there is one exception to this general principle: reasons specific to an individual male candidate may tilt the balance in his favour, which is to be assessed objectively, taking into account all criteria pertaining to the individual candidates. This is a requirement of the principle of proportionality.

¹⁰ CESCR, general comment No. 3 (1990): The nature of States parties obligations (art. 2, para. 2).

¹¹ According to CESCR general comment Nos. 12 and 13, the obligation to fulfil incorporates an obligation to facilitate and an obligation to provide. In the present general comment, the obligation to fulfil also incorporates an obligation to promote the elimination of all forms of discrimination against women.

¹² Other examples of obligations and possible violations of article 3 in relation to article 11 (1) and (2) are further discussed in CESCR general comment No. 12, para. 26.

¹³ CESCR general comment No. 14, paras. 18-21.

¹⁴ Reference is made in this regard to general recommendation No. 25 on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), CESCR general comment No. 13 and the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights.