



# HRE PACK

Human Rights Education Pack  
*New Edition*

HRE/ED/cR/6

Asian Regional Resource Center for Human Rights Education (ARRC)  
Project supported by DANIDA

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Human Rights Education

**New Edition**





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# Preface

## Education for Peace

*"An eye for an eye makes the whole world blind..."*

*Mahatma Gandhi*

**T**he Asian Regional Resource Center for Human Rights Education (ARRC) pioneered the concept of a mobile team of human rights educators in the Asian Region. Starting in the 90's, a handful of committed and skilled human rights educators realized this concept with the belief that transformation in human thought and behavior is possible, given an enlightenment of the mind and the spirit; and that a Human Rights approach in life can transcend narrow barriers, given the appropriate education strategies and participatory tools of facilitation.

ARRC planned its role to produce:

- Training in skills and knowledge for a human rights attitude.
- Informative data on regional and world human rights situation.
- Publication of human rights manuals for human rights activists in the region.

The mobility of the ARRC training teams extends to HRE workshops in different countries of the Asian region such as Nepal, Cambodia, India, Bangladesh, the Philippines, Thailand, Indonesia, and Bhutan. These teams seek to replicate the empowerment of human rights educators with new insights in learning the rights approach.

Colloquiums of ARRC educators and writers were held to produce the HRE PACK I published in 1995, to coincide with the year of the UN Decade of Human Rights Education. A regional colloquium of writers and reviewers was held in Bangkok in 1999. Appreciation of HRE PACK and their deliberations resulted in the amendment of HRE PACK, New Edition published this year.

The seven year span between the publications of the two manuals has seen much change in the global human rights situation with impacts on the region that are not difficult to foretell. For one thing, the sense of global insecurity tilts in favor of reactionary forces that see solutions only in wars and punitive measures. A similar pattern of reaction can be seen in the resurrection of fundamentalism to corrode peaceful democratic negotiations. While global terror infects the hearts and minds of the people, human rights educators must seek new approaches to internalize peace and harmony in our thoughts and actions. Human rights educators in this situation of global violation face the challenge to pacify a wounded world.

If brutal aggressions engulf the sphere of our world, there are also many gestures of peace. The dropping of demands for a separate state by the





Liberation Tigers of Tamil Ealam (LTTE) in Sri Lanka and the expression of desire for unification by both sides of divided Korea are messages of hope. There is remorse felt and publicly expressed by powerful countries responsible for millions of deaths in World War II. A unified Germany today publicly opposes war and its people elect leaders on the issue of "No War." The East Timorese leaders advocate patience and peace in the face of an incredible loss of lives in their struggle for independence. The government of Bangladesh signed the Chittagong Hill Tract Peace Treaty (1998) to end 25 years of insurgency between the tribal and Bengali populations.

The greatest effort towards global peace and human rights is the establishment by the United Nations of a permanent International Criminal Court. Today, individual human rights violators, especially those with power, can be tried by this Court if their own countries are party to the treaty creating the ICC and if their own countries fail to serve justice.

Asians have experienced decades of armed conflict, massive loss of life in national freedom struggles, terror of communal killings, militarism and authoritarian government. As the world reacts to the terrorism of the fundamentalists, we in Asia must live with the terrors of poverty, homelessness, insecurity and discrimination in our newfound independence.

In between these two kinds of terror ----- the intolerance of diversity among cultures .....and the continuous fear of deprivation ---- the human rights educator reviews her or his training to be more context-oriented, more self-exploring, more analytical of global policies, more questioning of callous governmental practices and certainly more alive to the impact of the international violators of peace in the world.

HRE PACK, New Edition explores ways to nurture the human spirit through an education for peace and human rights which has been the foundation of many Asian philosophies and their cultural norms.

For the educators of peace and human rights, the words of Mahatma Gandhi and Martin Luther King will carry more weight today than ever before. King wrote:<sup>1</sup>

*Through violence you may murder a murderer but you can't murder murder.  
Through violence you may murder a liar, but you can't establish truth.  
Through violence you may murder a hater, but you can't murder hate.  
Darkness cannot put out darkness. Only light can do that.*

**Khursheed Erfan Ahmed**  
Ain o Salish Kendra  
Bangladesh

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<sup>1</sup> This quotation is taken from Kamla Bhasin et al, editors, *Voices of Sanity, Reaching Out for Peace* (Lokayan, Delhi, India: 2001).



# Acknowledgement

**W**e are grateful to people who joined us in making possible our earnest desire to produce an improved edition of our training manual, the HRE Pack.

The *HRE Pack New Edition* would not have been possible if not for the constructive criticisms and suggestions from those who used the first HRE Pack. In the 2001 Asian Human Rights Education Trainers' Colloquium, educators from various countries in the region generously shared their experiences as well as ideas to make a better training manual, a better HRE Pack.

From there, the difficult work of putting these suggestions and ideas into another piece of publication began.

We therefore acknowledge those who continued the work toward HRE Pack New Edition. We are grateful to the chief editor, Felice I. Yeban, who took the responsibility of weaving the *HRE Pack New Edition* into one whole piece of human rights education cloth.

We acknowledge those who closely supported Felice's long toil in the night:

- **Theresa J. Limpin**
- **Jefferson R. Plantilla**
- **Marco P. Gutang**
- **Rukshan Fernando**
- **Aung Myo Min**

We also acknowledge those who, despite the lateness of our request, willingly offered their help as contributors. We thank:

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# Some Reminders about the Pack

1. HRE Pack 2 is a revised edition of the first HRE Pack. There are articles in the original which are still re-printed here due to requests of those who have used it.
2. Accompanying this Pack is a teaching video which shows how the ADIDS Method is used.
3. The Pack is designed for the use of Asian trainers. We presume that those who will read this are those who are interested to become human rights educator/facilitator/trainer.
4. The activities are designed to elicit participants' responses and may be adjusted depending on the type of clientele.
5. The activities used were already tested and were found to be appropriate both to formal and non-formal education audience.
6. The input part is basically designed for lectures. Articles are designed to give the users of this Pack more content. You may design more activities to introduce the input depending on the level of your trainers. You may use film showing or slides presentation etc. You need not introduce to your trainees all the articles presented here. You are encouraged to structure your own input based on the level of maturity of the trainees. The content of the INPUT is taken from different sources and duly acknowledged in the References section of the Pack.
7. The lessons can be treated independently or combined with other lessons depending on the approach to be used by the facilitator.
8. The activities are inspired by colleagues in the field of HRE and are not presented as "original" conception.



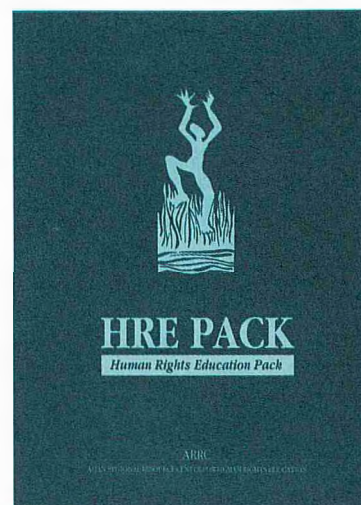


# HRE Pack: A Brief History\*

## **I** ntroduction

The Asian Regional Resource Center for Human Rights Education (ARRC) as its name states has to function as a source of information and materials on human rights education. It is meant to become a "repository of human rights education materials from the different countries of Asia."<sup>1</sup>

In 1995, ARRC published a training manual. This is the Human Rights Education Pack (HRE Pack). It is a major publication of ARRC that responds to a perceived need in the region for materials that can be used by trainers and other educators.



This material was disseminated to many groups in Asia and beyond. Its journey is not yet fully documented. The available information can however be used as a basis for understanding how training material can be better developed and used by groups at field level.

### **ARRC** - Brief background

ARRC started as a joint project of Amnesty International and the Asian Cultural Forum on Development (or ACFOD, a Bangkok-based pioneer regional NGO). Amnesty International (AI) did a survey in 1990 of NGOs in Asia regarding the establishment of a regional center for human rights education. The report suggested the creation of a regional center that will focus on child rights. The final agreement between AI and ACFOD, however, did not provide for a focus on a particular human rights issue. The agreement mainly deals with the creation of a regional center for human rights education, as envisioned in AI's plan for regional centers in other regions (Africa and Latin America) under its Education for Freedom program. One other regional project of Amnesty International was concluded with the Instituto Latinoamericano del Derechos Humanos (Latin American Institute for Human Rights) based in San Jose, Costa Rica. The Education for Freedom program, in turn, is supported by the Operasjon Dagsverk (Operation-A-Day's-Work) in Norway, which is an annual fund rais-

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\* This an expanded version of the paper entitled *HRE Pack: A Brief History* presented in the HRE Trainers Colloquium organized by the Asian Regional Resource Center for Human Rights Education (ARRC) in Chiangmai, Thailand on April 1-5, 2001.

<sup>1</sup> Concept Paper on the Consultation Workshop, ARRC (August 1992, Bangkok).



ing activity by Norwegian youth. They work for a day in companies and donate the income earned to a fund.

The agreement between AI and ACFOD was finalized in 1991 and was meant to last for three years. A Monitoring Board composed of two official representatives of AI, two from ACFOD and another one from an independent NGO was formed. This body decides on the policies and plans of ARRC. It met every six months. But the AI Norwegian section, the one overseeing the Education for Freedom program, had to formally approve of the policies and plans submitted by the Monitoring Board. This approval is required to be able to have the annual budget released (with financial and activity reports as additional documents submitted in the following years).

ACFOD has the distinct advantage of being one of the oldest regional NGOs in Asia with extensive network of local NGOs, people's organizations, progressive intellectuals, and progressive religious leaders (from different religions such as Buddhism, Islam, Hinduism and Christianity). It therefore implemented the agreement with AI in line with its long-time policy of consulting NGOs in the region.

The development of the program of ARRC therefore was made in consideration of the NGOs and POs in the region. Rather than concentrate on establishing a library of human rights/human rights education materials (which may fit the conditions in Europe and northern America), it initially concentrated on identifying and strengthening links with NGOs and POs engaged in human rights education. In 1993, it was able to publish a directory of NGOs related to human rights education. This directory is possibly the first of its kind in the region.

And instead of simply creating materials, ARRC first saw the need to have a study of the NGOs and POs regarding their needs and resources. ARRC was criticized by the AI Norwegian evaluation team for this. But it stood by its idea that making a human rights education material does not automatically come just because it was considered important by the people who conceived the idea of Education for Freedom (who probably made the decision in Europe and who were not familiar with the conditions in Asia). It engaged in research of the initiatives at the national level on human rights education. It also held several national-level consultation workshops (Malaysia, Bangladesh and the Philippines) to determine such needs and resources. It also collected existing materials, whether published or not. It would have continued doing this process if not for budget limitations.

In other words, ARRC decided to first work on getting the support of its constituencies (NGOs and POs) in Asia and be more closely identified with their needs instead of assuming that it can just produce materials for the NGOs and POs in the region.



## rigin of the idea

It was originally agreed that ARRC would collect from and disseminate information and materials to as many groups as possible in the region and beyond. In 1991, it planned to do the following:<sup>2</sup>

- a. Prepare a directory of human rights organizations doing human rights education work;
- b. Prepare a list of resource persons, groups or institutions;
- c. Link up with groups and individuals actively involved in the field of human rights education or those with keen interest in the work;
- d. Identify needs of groups in the region for human rights education and provision of assistance to them;
- e. Collect human rights education materials for reference and practical application, and preparation of catalogue, bibliographies, etc.;
- f. Organize consultation meetings; and
- g. Identify and link up with national liaison persons and groups.

One may note that in this list of activities, there is no clear mention of training manual.

As a major activity of ARRC in its first six months of operation, a regional consultation workshop was held in August 1992. The workshop had participants coming from NGOs from 12 countries in Asia and the Pacific, and representatives of 7 regional and international organizations.<sup>3</sup>

One of the items discussed in the consultation workshop was on human rights education materials. The guide questions were the following:

- a. What form(s) of materials must be produced to suit the differing situations of countries in the region?
- b. Must the materials be for trainers/resource persons, for the actual target groups, or both?
- c. Must materials from the other regions especially from Europe and North America be disseminated also?
- d. What must be the specific contents of the materials (training modules, basic human rights principles, commentaries, etc.)?
- e. Is there a need to prioritize on the type of materials to be produced?
- f. Should the materials be for the non-formal and formal education systems?

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<sup>2</sup> ARRC Activities: The Initial Phase, unpublished manuscript, ARRC (June 1992, Bangkok).

<sup>3</sup> The invited participants to the consultation workshop are supposed to have any of the following qualifications: a. familiarity with the Asian human rights situation, b. experience in human rights education field work, and c. membership in a grassroots organization with human rights education program. See Concept Paper on the Consultation Workshop, *op. cit.*





The idea of a training manual was not a very prominent suggestion, nor considered an urgent task. Thus the draft plan for 1992 did not specifically name the training manual as one of the materials to be developed.<sup>4</sup> The guideline for human rights education materials under the draft plan talks of developing materials that can help human rights education workers "by having simple, yet effective, materials (documents or systems/methods of education)." This document was circulated in the regional workshop.

The participants in the regional consultation workshop nevertheless suggested the idea of a training manual on human rights in 1992. The Monitoring Committee of ARRC subsequently adopted a plan based on the results of this regional consultation workshop. The idea of a training pack was included.

## **T**he preparation

On December 18-20, 1993, another regional workshop was held in Bangkok, which mainly discussed the contents of a training material now called HRE Pack. It should be noted that ARRC held national consultation workshops in the Philippines and Malaysia and the idea of a training material similar to HRE Pack was also raised.

As reported in the December 1993 (No. 4) issue of ARRC POST, the HRE Pack

should contain a basic human rights education module that provides both knowledge on human rights and the methodology for transmitting it. This module is primarily for facilitators, involved in community education activities, who do not have broad human rights perspective. It was also argued that a major part of the module is on education methodology that follows the learner-centered approach.

The HRE Pack will contain samples of human rights education modules already being used. Teaching aids and reading materials will also be included to help the facilitators adapt the proposed HRE module more easily.

The 1993 regional workshop also discussed the involvement of the workshop participants in developing the material in order to reflect the various experiences as well as make it suitable to the variety of situations in the region.

It was announced that the HRE Pack would come out in 1994, but it did not.

As per agreement, several persons were asked to prepare the different parts of *HRE Pack*. They come from various countries and experiences. They were

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<sup>4</sup> See *Draft Plans of ARRC for 1992*, ARRC (June 1992, Bangkok).

Khursheed Erfan of Ain O Salish Kendro (Bangladesh), Rita Kwok Hoi Yee of Hong Kong, Felice Yeban then of Amnesty International Philippine section, Charles Hector of SUARAM (Malaysia), Arnan de Leon of PEPE (Philippines), and Nikhil Roy of Amnesty International-International Secretariat.

Actual work was started in mid-1994, the identified contributors were reminded to prepare their respective articles in the material. But it took more time than planned for the articles to be ready. Most of the articles were received in late 1994.

Felice Yeban prepared the part on the methodology and the sample modules. Additional materials were also added as reference materials. By early 1995, the final draft of the HRE Pack was complete with Felice Yeban doing the editing work. It only needed to be laid out and sent to the printer.

It took the new ARRC Project Officer (Tarik Monem) to finally lay-out the material into its printed form. He also designed the material.

## **uman rights education pack**

The *HRE Pack* finally came out in print in mid-1995. It came out as part of a set of materials on human rights education. Almost simultaneously being done with the preparation of this training material were the national research on human rights education initiatives, and the collation, annotation and drafting of the bibliography on human rights education materials. A revised directory of organizations doing human rights education work was also started.

The "pack" actually meant a set of materials that comprise a training material, an annotated list of reference and other useful materials, a report on existing human rights education programs, and a directory of relevant groups. This set of materials is considered ideal for those who want to engage in human rights education work.

Thus the HRE Pack actually consists of the following:

- a. training material (now called HRE Pack),
- b. the annotated human rights education resource materials catalogue (ARRC Resource Material Collection on Human Rights Education),
- c. the report on national surveys on human rights education programs (Human Rights Education - A Survey of Ongoing Initiatives in the Asia-Pacific Region), and
- d. the revised directory of organizations related to human rights education work.

But HRE Pack is itself designed to be a "pack." It has several major parts, which can stand on their own, namely:



- a. Discussion on human rights situation and human rights movement in the region;
- b. Discussion on participatory educational framework;
- c. Human rights education modules; and
- d. Reference materials (commentaries and human rights documents).

It is the belief that each training or education activity on human rights should consist of these parts. There should be a process of understanding existing realities that paves the way to understanding human rights concepts. Thus the modules are meant to help the process of understanding concepts, while the reference materials are meant to provide needed information on human rights ideas and issues.

## **F**irst regional training

In September 1995, ARRC held another workshop.<sup>5</sup> This time it was a sub-regional training workshop (this is for Southeast Asia but participants from North-east Asia were also present). This workshop was designed to promote the participatory methodology in human rights education using the HRE Pack as a basic material.

This was the first introduction of HRE Pack to the human rights practitioners in the region. It introduced the ADIDAS framework, which is a translation of Paulo Freire's concept of education. ADIDAS is an acronym for the following: Activity, Discussion, Input, Deepening, Analysis and Synthesis. An **Activity** starts the process, which provokes the participants into thinking/recalling ideas and experiences. It likewise sets the tone of the training. A **Discussion** expresses the thoughts that come out of the participants' mind and shares them to the rest of the group. An **Input** provides additional information to those that have been expressed or a different perspective from those presented. **Deepening** clarifies the different information and perspectives presented. It may challenge the participants to explain or justify the ideas shared for purposes of greater understanding. **Analysis** goes deeper into the meaning of the ideas discussed. It tries to look at the linkages of the ideas discussed with the different processes (social, economic, political and cultural) and principles (human rights norms) in society. And **Synthesis** provides an overview of the whole session, ties up the discussions, presents a clearer understanding of the issues taken up and looks at possible actions that can be done.

Many groups in the Philippines apply a variation of this framework by having only ADIDS, which skips the Analysis part because it can be done along with Synthesis.

<sup>5</sup> For more information on this workshop see Jefferson R. Plantilla, "Participant-centered Approach - A Key Component of Human Rights Education," IMADR Review, No. 11, November 1995 (Tokyo: IMADR).





A few of the workshop participants saw the idea of translating the HRE Pack into other languages as a necessity.

One of the Indonesian participants proceeded with the translation of HRE Pack into the Indonesian language. Its Indonesian name is Paket Pendidikan - Hak Asasi Manusia. But this was during the time of the Soeharto regime. Sometime after the first print came out, the Indonesian police raided several Indonesian NGOs and confiscated materials. The first batch of the newly-printed Indonesian-version of HRE Pack was taken away and disappeared. A new printing was thus (removed "made") necessary, especially after the Soeharto regime ended.

About three years later, another translation work was done. The leading South Korean human rights organization (Sarangbang Human Rights Center) translated the educational framework part (Chapter Two) of HRE Pack for its human rights training material into Hangul.

In 1997, ARRC held its second training workshop on HRE Pack. This was held in Nepal for the South Asian subregion.

## **I**nternational debut

Immediately prior to the first regional workshop on the *HRE Pack*, it had an international debut. A copy was sent to New York (to the People's Decade for Human Rights Education) and was later on brought to Beijing for the 1995 Fourth World Conference on Women. Its introduction to the international scene occurred through the international media, which reported a Beijing airport incident involving the Director of PDHRE.<sup>6</sup> She was asked to leave behind a human rights material that contained a caricature of a Chinese leader. She steadfastly refused. The problem was resolved when the Chinese customs official agreed to rip off the page with the caricature. That was page 66 of *HRE Pack*.

An American human rights educator<sup>7</sup> got a copy of the *HRE Pack* during the Beijing conference and brought it to the Human Rights Resource Center in the University of Minnesota, USA. She said that the *HRE Pack* finally brought the idea of how a human rights training material should be. *HRE Pack* became the inspiration of the center in producing its own human rights training material, entitled *Human Rights Here and Now*.<sup>8</sup> She said that the HRE Pack is the first training material she got that has a comprehensive coverage without being too long. She also liked the inclusion of an article on Asian spirituality (one of the

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<sup>6</sup> Ms. Shulamith Koenig was the Director of PDHRE at that time and still is up to the present. While she was successful in getting HRE Pack pass through the customs officials in Beijing she lost it during the conference. It is hoped that it ended up in the possession of a human rights education group.

<sup>7</sup> Ms. Nancy Flowers gave this information during the HRE Trainers Colloquium organized by the Asian Regional Resource Center for Human Rights Education (ARRC) in Chiangmai, Thailand on April 1-5, 2001.

<sup>8</sup> This book was published in 1998 and edited by Ms. Flowers. It is a joint publication of the Human Rights Educator's Network of Amnesty International USA, Human Rights USA and the Stanley Foundation (USA).



articles in the fourth section of *HRE Pack*). She wrote afterward that the *HRE Pack*.

...also offered a model of contributors from very different cultures within a very diverse region. An excellent example of diversity and balance and acknowledging many different voices, political realities, and educational systems.<sup>9</sup>

She however noted that the HRE Pack does not have an action component. This is true because there is no particular section for human rights action. But then the modules in the HRE Pack actually include human rights action under the Synthesis part.

Many copies of the HRE Pack were distributed through the years in the workshops held in Bangkok and other places. It circulated quite well in the region. It ran out of print recently.

## **L**ast Note

Many more training manuals were produced for regional consumption during the second half of the 90s. But the HRE Pack maintains its unique character of being comprehensive in its coverage as a human rights education material. This gives it flexibility in taking up specific human rights issues.

The HRE Pack is one example of a material that tries to cover a regional audience. Its value lies in how it inspires others to either translate/adapt it to local conditions or directly apply it in training activities.

As reported in ARRC POST (June 1995, issue no. 9), which announced its availability, the HRE Pack is

not intended as a comprehensive polemic on HRE in the region, but is designed to foster and promote grassroots HRE initiatives through the suggestion of some practical ideas and methodologies for effective educating in human rights.

The HRE Pack brings this message to all.

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<sup>9</sup> Quoted from an e-mailed letter of Ms Flowers to Ms. Theresa Limpin, Coordinator of ARRC, dated May 27, 2001.



# The Need For Human Rights Education Pack New Edition

**F**or five days in April 2001, thirty two educators from twenty non-governmental organizations in twelve countries met in Chiangmai, Thailand for a regional gathering on pedagogy for human rights education. The majority of the participants have utilized the ARRC Human Rights Education (HRE) Pack 1995 Edition for several years of human rights education practice.

These educators shared, reflected on and synthesized their field experiences. In their usual creative way, experiences were told in various forms - songs, dances, plays, drawings, and other visual aids. Cultures mixed in the same ways as ideas jelled.

Human rights education trainers in the field articulated the need for an updated and user-friendly edition of the HRE Pack. The colloquium also provided the opportunity to identify relevant issues of concern to HRE trainers in the field. Some of the suggestions of the participants in the content and framework of the envisioned HRE Pack 2 will already be included in the new HRE Pack edition.

The colloquium was comprised of several good creative presentations, dialogues, and informal workshops. After each activity, general discussions provided the opportunity for all to exchange ideas and comments. The colloquium was divided into five main areas of discussion.

First, participants exchanged their experiences from using the HRE Pack in the field. The overwhelming feedback to the HRE Pack 1 was positive.

Second, various human rights education methodologies used were, throughout the region, examined and analyzed. Approaches, mechanisms and methods of human rights education were identified and explored. Case studies were used in explaining human rights education in dealing with domestic violence in Cambodia, while an art competition highlighted the Rights of the Child in Nepal and the regional visual art activity coordinated by ARRC. In India, the government was lobbied to include human rights education in the formal school curriculum. The issue of human rights education and psychosocial healing was raised from Sri Lanka while representatives from Japan, Philippines, and Korea discussed how to effectively include human rights education in the formal school curriculum.





Third, difficulties that non-government organizations experienced when dealing with human rights education issues and concern in the field and possible solutions were identified and explored. Some human rights education trainers are under-resourced and therefore unable to sufficiently meet the demands of the workload.

Fourth, all participants focussed on recommendations for the HRE Pack Second Edition. The four areas of modules, methodology, text and annex, were highlighted as requiring amendment

Fifth, the planning, programming and tasking for the making and testing of the HRE Pack was determined, delegated, and given time framework. The process of producing the HRE Pack New Edition will strengthen human rights education initiatives in the region.

These significant activities present the highlights of the Colloquium with emphasis on the experiences relating to pedagogy, insights on the use of pedagogical forms, issues confronting human rights education, and challenges of the future.<sup>1</sup>

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<sup>1</sup>For more information of the report, see *Report on the Asian Human Rights Education Trainers Colloquium*, ARRC (Bangkok: 2001).





# 1

## **PART ONE** FRAMEWORK AND METHODOLOGY



# Chapter VI

## ARRC's Human Rights Education Philosophy and Practice

### What is human rights education?

HRE is a participative process which contains deliberately designed sets of learning activities using human rights knowledge, values, and skills as content aimed at the general public to enable them to understand their experiences and take control of their lives.

There are various movements within the discipline of education whose primary purpose is enabling people to comprehend their personal and social experiences so that they may transform these experiences into something more desirable for them. All these constitute human rights education. Thus, HRE may be called by other names or labels such as peace education, gender education, environmental education, and others as long as the content of these education movements would liberate people from oppressive and exploitative social realities.





## What is the difference between human rights work and human rights education work? Are all activities related to human rights HRE?

Essentially respecting, protecting, and promoting human rights, is largely a matter of education. It is accepted that in societies, mere interaction results to education of an individual. Technically, however, not all human rights work is human rights education. Although some human rights activities like exhibits, HR documentation, etc., are aimed at educating people, still HRE means providing people specifically designed learning opportunities to enable them to possess and validate a specific body of human rights knowledge, values, and skills. People engage themselves in human rights work because they have undergone human rights education. This means, HRE succeeded in achieving its goal of making people respect, defend, and promote human rights through possession of a specific body of human rights knowledge, values, and skills.

To understand the point further, there is a need to differentiate between a human rights activist and a human rights educator. A human rights activist responds to a particular human rights case or situation. He/She designs and carries out action plans to address a particular human rights case or a general human rights scenario. Whereas a human rights educator's main concern is the development of an individual or groups of learners as individuals who must possess and validate a specific body of human rights knowledge, values, and skills so that they may be responsive to a particular human rights case or the general human rights scenario. A human rights activist organizes his/her activities based on the demands of a particular human rights case or the general human rights scenario, whereas a human rights educator is influenced by the differing levels of development of the people as learners themselves.



## Why is the teaching of human rights important?

We are all witnesses to the flux of knowledge and information. On the basis of this, we stake our claim to modernization, civilizations, and control of nature and the universe through Science. Amidst all these claims of dominion over our physical and social, material, and non-material world, we seem to grapple in ignorance of haunting poverty, intolerance, fundamentalism, racism, etc.. Despite modernization, despite science and information explosion, no answer is adequate to explain our suffering from a dehumanizing existence. Are not these enough reasons to teach for human rights so that we as human beings comprehend our experiences and take control of our lives?



The teaching of human rights takes on different dimensions depending on the level of human rights development of a society. Education does not just happen in a vacuum. All educational activities are carried out to reach some predetermined goals. To be successful, the educator must have some understanding of the social reality in which the activity is conducted. In the case of teaching of human rights, assessment of the human rights situation of the society is important.

### **The stages of human rights development has implications for:**

- a. the focus/goal of human rights education
- b. the components of human rights education
- c. framework of human rights education
- d. the approach of human rights education
- e. the role of the educator

In Asia, the levels of human rights development may be classified as follows:

#### **I. Level 1** (*advanced stage*)

##### Characteristics:

**The society recognizes and accepts the obligations to provide its members with the rights and freedoms enshrined in the international covenants by:**





- a. ratification of most of the HR conventions and inclusion of human rights provisions in the national constitution;
- b. enactment of domestic laws for the protection of all members of its society against FIR violations (anti-discrimination codes, etc.);
- c. establishment of independent monitoring mechanisms;
- d. provision of resources for the promotion and protection of human rights;
- e. provision of resources for **HUMAN RIGHTS EDUCATION (HUMAN RIGHTS EDUCATION)** recognized as a core-subject in the curriculum at all levels in formal schools).

### III. Level 2 (*rhetorical stage*)

#### Characteristics:

**The society is very apathetic about its obligations in promoting human rights, while the government only pays lip-service to its people.**

- a. international conventions are ratified selectively and with many reservations;
- b. lack of corresponding domestic laws to safeguard HR protection;
- c. few or no resources are allocated for HUMAN RIGHTS EDUCATION;
- d. citizens are very ignorant about HR;
- e. human rights activities are discouraged and sanctioned by the cultivation of anti-rights social norms

### III. Level 3 (*suppressed stage*)

#### Characteristics:

**The society is very hostile towards the practice of human rights. Fundamental rights and freedom of its members are blatantly violated by:**

- a. systematic violations by oppressive domestic laws (counter-revolution crime, I.S.A, Public Order Ordinances, etc.);
- b. prosecution and suppression of human rights activities;
- c. international monitoring rejected as "interference in internal affairs";
- d. anti-rights sentiments perpetuated by official propaganda (media, school systems).

In societies where HR is respected, and **HUMAN RIGHTS EDUCATION** is well established, the focus and goal of **HUMAN RIGHTS EDUCATION** is directed towards the protection and the improvement of the existing system against abuses or under-utilization. Another important goal is to ensure the respect for the rights of the minority or marginalized groups. In other words, **HUMAN RIGHTS EDUCATION**, often recognized as an integral component of





civic education, aims at enhancing the knowledge and capacity of members of society to exercise these rights.

In societies where HR is ignored or suppressed, **HUMAN RIGHTS EDUCATION** takes on a revolutionary and political stance. **HUMAN RIGHTS EDUCATION** is aimed at the *transformation of the unjust social realities*. These approaches emphasize the participation and the empowerment of the people.

## What do we want to achieve in HRE?

### **Education for Transformation: A Framework of Human Rights Education for Asians**

Our experience as a people liberated from our ex-colonizers tells us that human rights violations are linked with other types of exploitation - either political or economic, or very often, both. Attainment of human rights is a fundamental step to eradicate other forms of exploitation.

Education is not neutral. It is frequently used by the oppressor to perpetuate passivity and conformity, as in the case of the colonial education systems which had been imposed on all of us. Yet education has also formed an integral part of liberating movements of peoples in different places. The Farmers Literacy Campaign in pre-revolutionary China, the National Literacy Crusade in Nicaragua, the "Dergue" of Ethiopia, and Paulo Freire's Cultural Circles are all effective demonstrations of the mobilizing power of education.

Educators make conscious choices to use education either for confirmation of the status quo, or for instigating social changes. The choice for a transformative model is based on our conviction in the Asian peoples' power to fight for a fully humanized society.



## What should the content of HRE be?



The content of human rights education is defined by the objectives of the HRE set. If teaching human rights is used to maintain the status quo, then the content would be dominated by a view of rights as a set of responsibilities and obligations for good citizenship. Good citizenship is often defined by the powers that be as being disciplined, law-abiding, and obedient. People as learners will be reduced as recipients of an already defined body of knowledge under the label "human rights." However, if HRE is construed as an instrument to awaken people from passivity and apathy to vigilance and action, HRE then takes a transformative stance. This means the content of HRE is defined by the peoples' experiences themselves. The object of study is not human rights as an esoteric body of knowledge that people must know, but rather as the comprehension and transformation of people's lives and experiences. This is a pre-condition for a just and humane existence. It is only when HRE becomes transformative that people take control of their lives by eliminating oppressive social structures which bring about various forms of exploitation and oppression which affront human dignity.





# **Building a Culture of Human Rights: Challenge to Human Rights Education in the 21<sup>st</sup> Century**

by Felice I. Yeban

**T**he 21<sup>st</sup> century, according to some writers, will be a century of and for cultures and civilizations. The globalizing world is making it imperative for nations and peoples to understand cultural idiosyncrasies, convergences and divergences. But understanding each other's culture and learning how to live together will not be enough without penetrating and transforming the deepest contradictions within and among cultures. Cultures may be relative but not without incongruity and discrepancies.

Along with our recognition of diversity of human civilizations and cultures is awareness of a supplementary and complementary evolution of a universal culture of human rights among states and among peoples. Our common humanity is speaking up to assert itself as basis for revisiting our many cultures and transforming cultural contradictions. This process can be either dialectical or integrative or both. Privileging the universal standards of human rights over a society's culture in the process of identifying and transforming cultural contradictions is not without its share of critics especially among the cultural relativists. The crux of the debate can be located not only in the discrepancy between the content of the standards and the culture but also in the language that informs the standards and the people's experiences. In these many and unending debates, the role of human rights education is very crucial.

Human rights education must transform itself as a form of cultural work. It has to facilitate the dialogue between the standards and cultures on one hand and the language of the standards and the language of the people's experiences on the other. The intersectionalities of these many realities will help us illuminate the unfolding episodes of the 21<sup>st</sup> century and consequently take control over them by maintaining and/or transforming certain aspects of culture.

Human rights education is a cultural work because it deliberately attempts to transform human behavior based on human rights values





and standards and it envisages for members of society to have a shared human rights schema in understanding the world. It aspires to build an alternative culture to the existing that is based on human rights principles and values. It can also be defined as ***an educative process that equips individuals thinking tools, knowledge, values and skills that facilitate their critical assessment of their personal and social experiences vis-a-vis the human rights standards for the pursuit of individual and societal well-being.***

### • What is Culture?

What do we mean when we say building a culture of human rights? To answer this question, it is imperative to define what culture is. In its most basic sense, culture is a society's way of life. However, such definition is not without critics. Its diverse and more complex definitions characterize it as a social heritage or tradition that is passed on to future generations, a shared and learned human behavior, a set of ideals, values, or rules for living, a way of solving problems of adapting to the environment or living together, a complex of ideas, or learned habits, that inhibit impulses and distinguish people from animals, a set of patterned and interrelated ideas, symbols, or behaviors, and arbitrarily assigned meanings that are shared by a society (Bodley, 1994). Culture can be said to have three components: what people think, what they do, and the material products they produce. What they think consist of the shared schema they use in understanding and interpreting their realities and the belief and value systems that guide their behavior. What they do means their behavior and the day to day actions they make. The material products they produce correspond to objects and things they create and use to respond to their environment.

### • Is a Human Rights Culture Possible?

To say that there is such a thing as human rights culture is to believe that it is possible for human rights principles to permeate the three components of culture discussed above - what people think, what people do, and the material products people produce. To make people think in human rights terms is to make human rights as their basis for assessing their environment and realities and make use of human rights standards as the rules of conduct for social interaction. To make people act in human rights terms is to conduct one's everyday life in a human rights sensitive way. People must learn to perform human rights tasks



and do human rights-sensitive actions. To produce material culture in a human rights sensitive way is to engage in the creation and utilization of arts, literature, commodity, and other materials that promote, respect and protect human rights. This is what a human rights culture is. This is what human rights education aspires to do.

### • Human Rights Education in Different Asian Contexts

This view of human rights education implies that the practice of HRE will vary from context to context. In Asia, the varied socio-economic and political conditions in the region necessitate a multifarious approach in doing HRE.

In Malaysia and Singapore, two of the developing but undemocratic and repressive countries in the region, the Anti-State Model or "People Power Model" of conducting HRE is pervasive. The purpose of HRE in these countries is to empower the people to get an appropriate share in the power pot controlled by the state. The theme of the human rights culture being built is that of **resistance**.

The Philippines, Indonesia and East Timor are Asian countries that have successfully used people power to reclaim democracy but are yet to translate their democratic gains into economic development. Human rights education in these countries is basically rehabilitative and development-oriented. This approach emphasizes the use of "people power" in pursuing sustainable development. The culture of resistance that permeated previous HRE endeavors is being strengthened and expanded to include cultural tools for **sustainable and productive living**.

The sub-region of South Asia while relatively democratic is beset with ethnic and gender-based cultural and economic conflicts. While ethnic disharmony is not an exclusive south Asian issue, by far the sub-region is the most volatile in this regard. Cultural and gender dialogue is undeniably a major theme in HRE endeavors. Building **gender-fair multiculturalism** is the immediate task for human rights educators.

Japan and South Korea are two of the richest and democratic countries in Asia. HRE in Japan is centered on non-discrimination against the Buraku people. Both these countries along with China however, are grappling with the pervasiveness of neo-Confucian tradition that permeate their social and cultural fabric. The emphasis on the wis-



dom of the elders and technocrats and the belief in the destined place in the social hierarchy are two issues that underlie all other human rights issues in these countries. Their perceived economic progress is downplaying the need for human rights education along these lines. Japan and South Korea are also two of the most homogeneous societies in Asia that are pulling migrant workers from the least developing countries in the region. The phenomenon of economic migration is putting a strain on these countries which are relatively not open to accommodate multicultural impulses of the globalizing world. HRE in these countries seem to be gearing towards "**non discrimination**" education.

All the other countries in Asia use varying degrees of the different models of HRE discussed herein. Even countries cited use an eclectic approach to HRE but generally the themes discussed receive more emphasis in the present HRE practice.

### • HRE and Spirituality

When one talks of Asian culture, one discovers that the search for spirituality is one dominant ethos in the Asian world view. Spirituality in the Asian context is not merely faith and religion but a belief in something transcendental and metaphysical - belief in a being or a force more powerful than all humanity and creation combined - the source and home of everything - the interconnectedness of all life. Asians generally do not live in the here and now but rather exist as a preparation for something more than the physical, beyond matter, eternal harmony. This may be paradise or heaven or nirvana or ahimsa or moksa.

How does HRE situate itself in such worldview?

There are explorations using psycho-social-spiritual approach to human rights education. What this means is the use of human rights in allowing the individual to find the interconnectedness of his/her life to other lifeforms for the purpose of finding meaning in one's existence. This approach combines the psychological, cultural, social, structural and the spiritual. It explores harmony among the different dimensions of one's life. Human rights standards become a tool towards finding that interconnectedness and harmony.





## • Quo Va Dis HRE?

The discussion herein while centering on the promise of cultural transformation that HRE brings does not in any way relegate the critique of existing economic and political structures secondary to cultural criticisms. HRE should equally emphasize critique of existing power relations in the arena of global, national, local, communal and familial politics and economy. Power relations are at the core of the gap between the standards and people's experiences. This means that any HRE activity must proceed from processing the people's experiences and relate these with the texts and not the other way around. In the end human rights are not just a set of rules nor a plethora of values but stories of human lives and their search for meaning and well-being.

### Human Rights Education: In Search of An Appropriate Methodology

A rights-based education whether children's rights education, human rights education, gender education or other forms of education for change necessarily has to develop an appropriate methodology where the process becomes the message itself. The thread that links these different forms of transformative education is the belief in the dignity and well being of each person. As such, the individual be it a child, an adult - male or female, is put at the centre of an educative process.

Unfortunately, the traditional education which the Brazilian educator Paolo Freire describes as "banking education", still has considerable influence even on the practice of those educating for rights.

## What is "banking education"?

"Banking education" is a concept popularised by Paolo Freire in his book *Pedagogy of the Oppressed* to refer to the traditional method of education where the students are passive recipients of "expert" knowledge imparted by the teacher. The teacher usually gives or reads lectures on a subject matter which s/he decides is important for the students to learn. The students on the other hand, sit tightly on their seats, either pretending or listening intently to the lectures which they regard to be important because the teacher says so. This process is called "banking education" because the teacher "deposits" important "facts" onto students' heads and will eventually "withdraw" through tests and examinations. Students will then memorise the facts to pass



the tests. In this approach to education, students become objects of the learning process.

Since rights-based education is still an emerging concept, novice practitioners of this view of education would often mistakenly regard it as merely teaching the concepts of rights using the same traditional methods. Very often lawyers or those with legal background dominate the field of rights-based education, at least in its initial stage. Not surprisingly, a legalistic approach and understanding to children's issues, human rights and gender issues permeate the practise. There is nothing wrong with this approach per se, but there is always the tendency to reduce all issues to question of law and eventually miss the dynamic interplay of social, political and economic forces which underlie the lived experiences of children and adults.

Educating children and adults about children's rights, human rights and gender rights is not merely about "teaching" them the concepts and their specific rights, they are actually experiencing just the opposite. What is more vital is to provide children and adults alike the opportunity to reflect on, make sense of, and effect change on their personal and social experiences with "rights" as their frame of reference. The methodology of the educative process becomes as important as the content.

## **What is the appropriate methodology to teach HUMAN RIGHTS?**

Advocates of human rights should veer away from "banking education" and must be encouraged and more so, be equipped to embrace participatory methodology. To educate adults and children alike about human rights means:

- Behavioural change through self-awareness of formerly unrecognised assumptions about life and reality, good and bad, authority and subordination, powerlessness and empowerment. Change is a process which is initiated by recognition of conflict with the existing situation and not by learning a new idea from an "expert". This implies an awareness that current behaviour is not consistent with the principles of human rights.
- Cultural change through personal change. Personal change does



not only mean behavioural change for it occurs in the context of a culture. It requires changing one's relationship with the larger culture. This may result in becoming at odds with the way society traditionally view rights. It is necessary that whatever personal changes occur in children and adults alike, it must be supported by the surrounding culture.

- Structural change through creating mechanisms and facilities that institutionalise personal and cultural changes that are supportive of human rights.

Participatory methodology is based on the following principles:

- Participants bring with them prior knowledge relevant to objectives of the training program. Trainer/facilitators should be able to draw this out
- Participants learn most by doing rather than merely listening
- Meaningful content is better learned and longer retained than a set of facts taught just for knowledge sake
- Learning is not purely a thinking process. It has both rational and emotional dimensions
- Participants' personal experiences are learning resources and the "content" of the training. Knowledge can be generated from their reservoir of experiences
- Participants learn best when they can connect the content to their lived experiences
- Participants learn from their peers as well as from the trainer/facilitator
- Participants engage in the educative process when there is mutual trust and respect between and among the participants and trainer/facilitator
- The physical arrangement of the training venue plays an important role in creating an atmosphere of openness

***a. Arguments against the "banking system" of education:***

The great Brazilian educator Paolo Freire has called our attention towards the traditional view of teaching and learning as a top-bottom relationship where the teacher is the source of knowledge and the students as passive recipients of a specialized body of knowledge generated by experts in the field. This is what he termed as the "*banking system*" of education. Such view of education lends itself to the following tendencies:





1. *knowledge taught tends to be 'fossilized' under the guise of esoteric, academic knowledge. As such it loses its relevance;*
2. *students tend to use rote-learning as their learning style because what is often emphasized are facts and information;*
3. *expert's knowledge is often not validated by the students' experiences because things are viewed from the expert's point of view and not from the people's own interpretations of their experiences. As such, a disequilibrium exists between what the people know and what they actually experience;*
4. *instead of empowering them to trust their own judgment of things so that they may view the world from their own standpoint, people become expert-dependent, thus losing control of their lives;*
5. *instead of comprehending their own experiences, people learn about things other than their own lives because it is not them who decide what to study;*
6. *instead of people learning how to think, they learn what to think because the "banking system" forces them to accept what is given them;*
7. *the "banking system" is teacher and content-centered. What is needed is a learner-centered approach to education.*

**b. Arguments for a participatory approach to education:**

Teaching and learning is an interactive process of communication. Knowledge, which is the object of the teaching-learning process, is not generated from nowhere but from the experiences of people themselves. People's own interpretation of their experiences is a valid source of knowledge. Individuals are not a blank tape that just records what is mediated to them. They are also active participants in structuring their experiences according to their own schema. The purpose of educating them is not to enable them to know a body of esoteric knowledge for its own sake, but understanding and validating a body of knowledge for the purpose of comprehending and transforming their lives. People should participate in the conduct of their own education, after all, it is their own lives which are being examined. The participatory approach to education has the following characteristics:



1. *knowledge in this approach becomes dynamic* - continuously undergoing the process of creation and re-creation, discovery and rediscovery, depending on the changing contexts of people's lives;
2. people become *active participants* in the quest for knowledge;
3. knowledge is "relevantized" because *the object of study is the people's lives themselves*;
4. the teacher ceases to be the source of knowledge but assumes a new role of *facilitator of knowledge*;
5. the top-bottom relationship to knowledge is replaced by *interaction*;
6. rote-learning as a style of education is replaced by *discourse and analysis*;
7. facts and information as a form of knowledge are replaced by *analysis, synthesis, and descriptive knowledge*.



# **The Learner Centered Approach**

## **By Khursheed Erfan Ahmed**

**Ain O Salish Kendra, Bangladesh**

**L**earning is a process of communication. It attempts to transform a state of ignorance and unawareness to that of knowledge, skills, and consciousness. The strategy used for a communicative process is important to determine the effectiveness of learning.

Communication can be a one-way process where the learners are passive recipients of information or knowledge given by the teacher. The teacher dominates as the center of learning. The media of teaching is mostly through a lecture. The students learn by listening.

This is known as a teacher-centered approach in education. It is commonly practiced in the formal school system of Asian countries.

Communication can also be a two-way process, when the teacher is the facilitator who uses education techniques or teaching material to stimulate the learner to participate in the discovery of learning.

The whole process of communication between the learner, the facilitator, and the teaching module is an interactive process shared by the learner as well as the facilitator. The teacher does not dominate. He/she facilitates a learning environment through a learner-centered approach of education.

Education is a result of a variety of learning experiences that include both formal and non-formal process of learning. Non-formal learning outside of organized schooling has been practiced in earlier Asian civilization, reminiscent even to this day, in the excellence of artisan craft, classical music/dance form, or agrarian products. The adherence to rituals of learning, involved a special relationship between the 'maestro', the pupil, the product, the learning was practical and contextualized to the learner and master's cultural experiences with emphasis on the excellence of the product.

Colonial rule in the Asian countries introduced a graded formal system of institutionalized schooling where students were prepared for graded examinations to become graduates in various subjects in order to fulfill the ruler's need for a productive human resource. This





formalized education system over centuries has remained unchanged in its teacher-centered approach, aggravated by the disadvantages of large classes, untrained teachers, and a host of limitations that inevitably result in rote with no scope for participatory learning.

Pedagogic research in Western countries since the 17<sup>th</sup> century has brought about considerable reform in the educational process of the formal system. Educationists like Rousseau, Froebel Dalton, Montessori, Piaget, and others succeeded in evolving the concept of a learner-centered approach of education. In place of a one-way, non-participatory, teacher-centered method, there began a movement for a participatory communicative learning. This process implies:

- *a teacher trained to facilitate*
- *learners who are activated to participate*
- *teaching materials and techniques that stimulate participatory learning.*

The learner-centered methods of education work on a proven assumption that the mind is not a "*tabula rasa*," or an "*empty slate*". The experimental context of a person is the starting point which can be stimulated with teaching materials for elicitation and discovery of a scientific fact.

The learner-centered method relies on the presumption that every human being has an innate ability to learn at different levels. Given a process of communication that encourages participation, the learner will be helped to discover the subject of learning in an environment that is free from teacher indoctrination or stress of examinations.

The learner-centered approach in effect follows a three-way interactive communication between the teacher (facilitator), the learner, and the designed teaching materials.

**Facilitator**   ← →   **Learners**



**Content Materials**

*Content, teaching aids, teaching materials, techniques*



The learning process here influences both the learner and the facilitator. The latter learns to evolve the strategies of education with the changing response of the learners.

The learner-centered approach encourages various learning strategies that continue to be evolved through efforts of innovative educators.

**The distinguishing characteristics of a learner-centered method are:**

**an active learner role;  
teacher's role as facilitator to guide education experience;  
group activities for practice and learning reinforcement;  
opportunities for discourse;  
learning contextualized to life experience;  
curriculum based on learner needs;  
absence of punishment, examinations, rote learning;  
stimulus for inner discipline;  
stimulus for discovery and self-learning.**

These methods are now used in most education institutes of developed countries and also in some developing countries, where the non-formal education system in most NGOs apply these methods to literacy learning, human rights awareness, and survival skills. The techniques vary from role play, visuals, case studies, and brainstorming, to audiovisuals.

Non-formal education, often termed as alternative education, is structured to impart knowledge, skills, and awareness or conscientise, learning and doing are interrelated here, thought and action harmonized, to create the development of liberal, participatory enlightenment.

In the context of human rights education, learner-centered methods have had a profound significance in the non-formal education of some developing countries, as they address the problems of the oppressed in urban slums and rural areas. In some instances, adult literacy classes are associated with awareness of human rights. In others, women's rights are specifically addressed through participatory learning which results in confidence building and empowerment. The inspiration came from Paulo Freire, an activist who devised a technique of education for liberation as a result of his work with illiterates





in Brazil. Learning to be literate, according to him, is an act of knowing. In the Freirian method, among other simulations, role play and dialogue are used to establish linkages between personal deprivation and the societal cause of such deprivations. Following the principles of learner-centered education, HRE can be designed to present the situation of the disenfranchised for their comprehension, their transformation from a passive acceptance to an active analysis and synthesis of their deprived situation.

Unequal distribution of income and resources in developing countries affects a large sector of its population that is unserved, oppressed, and unaware of their rights. The traditional teaching system formalizes learning. In this system, issues of human justice and human rights are often not included in the curriculum. This leaves the learner's mind unexplored to higher levels of consciousness. The mind set remains limited to understanding the prevalent system of injustice. The learner-centered approach on the other hand can be used as a "counter-system" to free minds from a lower awareness and class bias.

Adam Curle (*Education for Liberation: 1973*) with wide Third World experience, favors Paulo Freire and suggests a "counter-system" of education with characteristics of higher awareness, altruistic motives, and peaceful relationships. Human rights education, according to him, is a plea for internalized changes, to use a process of learning that will liberate the minds even in a formal class, producing conditions for changing mind set. "The interaction between the system and the counter-system," according to him, "is within each one of us and interwoven in every relationship and institution in which we are involved."

In the various methods of learner-centered strategies, the facilitator will find within the "counter system," a new understanding of empowerment with the internalized change that can take place in a human mind, given the relevant participatory environment and techniques of education.





# A Human Rights Pedagogy: Underlying Principles

**T**he conventional teaching of human rights is usually described as didactic. This means human rights are taught as an already-defined body of technical and scientific knowledge which must be efficiently and effectively retained in the minds of the learners. With such an approach to human rights education, it is inevitable that rote learning is prevalent and learners are regarded as passive recipients of what ought to be learned. This is not an empowering pedagogy because it further enhances the learners' dependence on experts and academics in defining and designing what they have to know of human rights. Human rights should not be constructed in the minds of the learners as another body of esoteric and rigid knowledge developed by experts in the fields.

Instead, what should be emphasized as the primary purpose of human rights pedagogy is the autonomy of the learners to create their own ideas about human rights based from their own objective reality.

For human rights to be genuinely liberating, it must employ teaching techniques and strategies which provide learners opportunity to critically examine what they uncritically and unconsciously believe in. Learners should be provided with learning situations where they could re-think and re-examine their thought patterns, con-

structed in them as they experience life. These thought patterns have ideological implications which constitute the kind of consciousness the learners possess and are reflective of the level of human rights awareness they have.

Any pedagogical techniques used must first ensure that the prior knowledge of learners about a particular subject is elicited and explored. This means that learners are partners in and contribute to the learning process of creating and re-creating knowledge. Teachers are facilitators in this creation and re-creation of knowledge and not the sole source of pre-defined and static knowledge of human rights. Academics may employ scientific method in discovering knowledge of human rights; but the peoples' own interpretations and observations are also valid sources of knowledge. Human rights pedagogy should ensure that there is a venue for synthesis of these sources of knowledge to make it more comprehensive and relevant. This implies that the acquisition of knowledge is everyone's right and concern. This kind of learning also reflects a recognition of the learners' own capabilities, and therefore, a respect for their dignity which is the very essence of human rights.

It is very important for any human rights educator to recognize that human rights are a dynamic and



evolving concept. It continuously expands, and acquires flesh and depth. It cannot be discussed apart from the dynamics of human societies. The study of human rights is the study of human societies and of how individuals struggle for relevant and meaningful existence. Human rights are borne-out of the people's quest for peace, justice, and freedom. People's contexts and histories give shape to human rights.

***For HRE to be genuinely liberating and participatory, it should make use of a pedagogy based on the following principles:***

### **1. Experiential and Activity-Centered:**

It should be made clear that the object of study is the critical understanding of the *learner's objective* condition and how human rights operate within such a condition. Learners' prior knowledge must be elicited to serve as basis for further discussion. Learner-centered activities may be designed to draw this out of the participants. This means that the activities should provide the learners with a *venue to share and express their experiences and knowledge*.

### **2. Problem-posing:**

The facilitator should try to challenge the learners' prior knowledge by asking questions which try to *draw-out inconsistencies or incoherence in the learners' responses*. Such a process encourages learners to think through their thoughts and forces them to rearrange their thought patterns to make them more logically consistent and empirically coherent.

### **3. Participative:**

The techniques should encourage collective efforts in clarifying concepts, analyzing themes, and doing the activities. *Exposing the learners to the experiences of others* is one way by which one's experience and knowledge may be expanded, validated, or disproved.

### **4. Dialectical:**

It is not enough to just draw-out learners' prior knowledge (thesis). It is equally important to have them *compare it with knowledge from other sources*



such as facts, data, statistics, etc. (anti-thesis), and synthesize the resulting idea(s). Although it is suggested here that participants' interpretation of their experiences are valid sources of knowledge, *it does not mean, however, that everything is subjectively correct.* Their knowledge/experiences as it is, is equally limited as "fossilized" erudite knowledge. It must compare itself with other people's interpretations and understandings of their own respective contexts.

## 5. Analytical:

*It is important that themes emerging from the learner's responses and the underlying principles which link these themes be identified by the facilitator and the learners themselves.* The facilitator should ask the "why" and the "how" questions. Such questions make learners think about why things are and how things come to be. Learners should also be asked how things relate to one another and how they affect each other. These are the questions which help learners see what is beyond the apparent.

## 6. Healing:

We cannot promote human rights unless we own it ourselves; unless we live the principles in our day-to-day experiences. To be consistent in both our private and public selves might be difficult but not impossible. The intra-personal, inter-personal and the structural spheres of our lived experiences are inter-connected and mutually affecting each other. We cannot afford to lose sight of this wisdom. Liberating human rights pedagogy, makes us see, feel, reflect and act and inspire ourselves and others. We are personally accountable to our well-being, a liberating human rights pedagogy provides us the opportunity to promote our own well-being.

## 7. Strategic Thinking-Oriented

To be critical and analytical is not enough to transform society. Human rights pedagogy should also direct people to set their own goals and to constantly think of creative and strategic ways how goals can be achieved. There is a need to experiment on new methods in making human rights a reality. While situations of extreme difficulty abound which disempower even the best of us, human rights education must convince people that possibilities are aplenty. People need new ways of thinking to successfully exercise their rights.





## 8. Goal and Action Oriented

Human rights is praxis. It requires the cycle of action, reflection, action, reflection and so on. Human rights cannot be achieved overnight but over time. We take little steps at a time. A liberating human rights pedagogy should teach people how to make their goals more concrete and achievable. It should also allow people to plan and organize their actions based on the goals they identified for themselves. Patience, positive thinking and perseverance are values that are embedded in a liberating human rights pedagogy.



### DIFFERENT APPROACHES TO HUMAN RIGHTS EDUCATION

Human rights educators use different approaches to HRE. ARRC has developed through the years of doing HRE an approach that explores personal, interpersonal and structural transformations called Psycho-social-spiritual approach. Human rights education is about finding life meaning with the human rights standards as guideposts in evaluating one's life both in the private and public spheres. Below is a chart describing the different approaches ARRC has used in the past. Gathering enough experience has given ARRC the luxury of critiquing its own practice.



## DIFFERENT APPROACHES TO HUMAN RIGHTS EDUCATION

	LEGALISTIC	POLITICAL	CULTURAL/ SOCIOLOGICAL	PSYCHO-SOCIAL- SPIRITUAL
<b>VIEW OF HUMAN RIGHTS</b>	Human rights (HR) as a set of rules governing the state and its citizens	Human rights (HR) as a set of rules governing the state and its citizens  Tool for detecting oppression by the state agents	Human rights (HR) as a set of rules governing the state and its citizens  HR as a set of values and cultural norms that mediates social relationships	Human rights (HR) as a set of rules governing the state and its citizens  HR as principles that link different dimensions of one's life for a more meaningful life
<b>GOAL OF HRE</b>	Raise awareness of people about their rights contained in the International Bill of Rights	Raise people's consciousness about the oppressive structures prevailing in society using human rights to reveal forms of oppression	Raise people's awareness to recognize cultural norms that are complimentary to human rights and weave human rights concepts and values into the social and cultural fabric	Raise people's self and social awareness using human rights. Make people aware of interconnectedness of private and public spheres for a more coherent and meaningful living
<b>CONTENT OF HRE</b>	The International and Domestic Bill of Rights  Philosophical and historical bases of HR	The International and Domestic Bill of Rights  Philosophical and historical bases of HR	The International and Domestic Bill of Rights  HR as a set of values	The International and Domestic Bill of Rights Life experiences related to human rights Human rights in one's expanding environment





	LEGALISTIC	POLITICAL	CULTURAL/ SOCIOLOGICAL	PSYCHO-SOCIAL- SPIRITUAL
	State responsibility and HR mechanisms  Legal Action	State responsibility, national situation, and social analysis  Extra and Meta-Legal Action	Cultural bases of HR, national situation, cul- tural and social analy- sis  Reformist Action	ment (family, commu- nity, school, work- place, nation, and world)  State responsibility, national situation, and social analysis  Thinking Skills  Personal and Social Empowerment
<b>PROCESS AND METHOD- OLOGY</b>	Lecture, simulation activities and use of case studies  Departs from the in- struments	Lecture, activities and use of participants' actual and concrete experiences  Departs from experi- ences of oppressive situation. Emphasizes the role of the state in oppression	Lecture, simulation activities and use of actual and concrete experiences  Use activities to intro- duce the human rights concepts and related values	Lecture, activities and use of participants' actual and concrete experiences  Departs from the self and explores interre- latedness of human rights with experi- ences in expanding environment
<b>ACTORS</b>	Expert dominated	Facilitators, experts and participants	Facilitators, experts and participants	Facilitators, experts and participants





	LEGALISTIC	POLITICAL	CULTURAL/ SOCIOLOGICAL	PSYCHO-SOCIAL- SPIRITUAL
<b>ANALYTICAL FRAMEWORK</b>	Legal Framework	Ideological Framework usually Marxist	Liberal, Sociological, Cultural Framework	HR as applied to the Dimensions of Life and the Expanding Envi- ronment
<b>STRENGTHS</b>	Rights language is power	Human rights is pre- sented very con- cretely.	Indigenization of HR concepts	Human rights is life. Attempts to balance private and public spheres
<b>WEAKNESSES</b>	HR tends to be eso- teric	HR becomes ideologi- cal	Underemphasizes the confrontational di- mension of HR	Might become too per- sonal for comfort



**The Human Rights Education Pack** was designed specifically to meet the needs of adult participants. Participatory methodology using **ADIDS** was used to structure the lessons for each chapter.

## **ADIDS METHOD**

### **ACTIVITY**

Each lesson starts with an activity designed either to elicit participants' prior knowledge or experience relevant to the objectives of the lessons or to help them easily understand concepts. At this stage it allows the participants to create and re-create images and feelings associated with their experiences related to the objectives of the lesson. The activity makes the participants feel that they are at the centre of the discussion. The starting point is their experience which is the context of rights.

### **DISCUSSION**

The discussion is the reflective and observation phase of the lesson. The questions are intended to encourage the participants to reflect on their experiences identified in the activity. Participants will think about these experiences by relating them to the objectives of the lesson. More often, we take our experiences as given, it is when we purposefully examine them that we gain insights and see them from a different perspective. The participants' experience becomes the object and "content" of the discussion.

### **INPUT/ LECTURE**

The input is aimed at expanding the participants' knowledge. The facilitator or the resource person may present a view that may validate or may challenge the participants' understanding of the identified experience. The input is designed to specifically present the "rights" perspective through which the participants' experiences are viewed. The input could also be viewed as an "organiser" of the participants' knowledge by putting rights "labels" on their experiences.

### **DEEPENING**

The deepening serves as forum to elicit and address conflict or contradiction within the participants' views on one hand, and between their views and those of the resource person's, on the other.

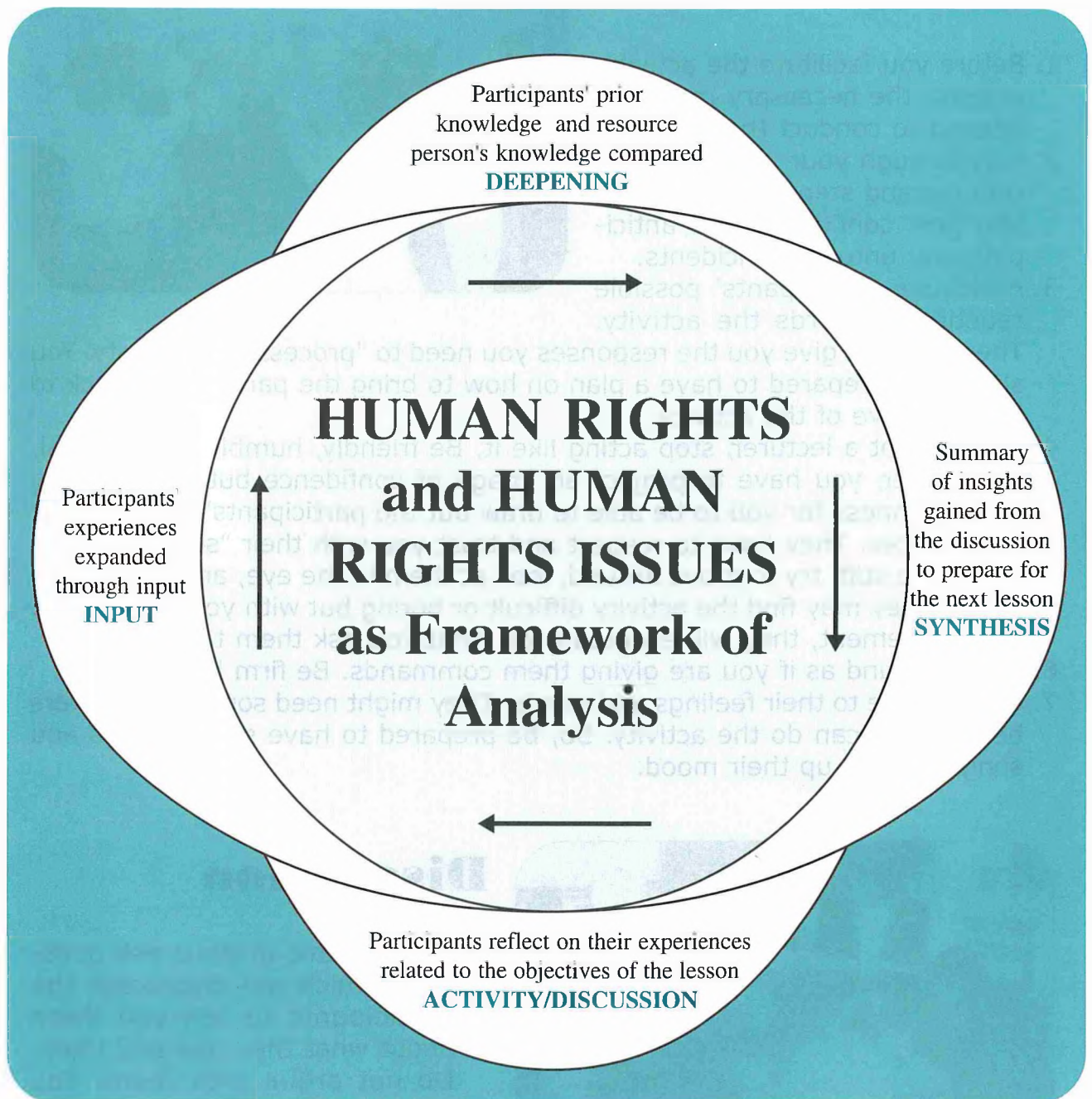
### **SYNTHESIS**

The synthesis is usually designed with specific activities that will help the participants summarise the insights generated from the discussion from the activity to deepening segment of the lesson. This will also help the facilitator determine if the objectives of the lessons are achieved and make the necessary adjustments for the next lesson.





# THE CYCLE OF PARTICIPATORY EDUCATION





# SOME TIPS ON HOW TO USE THE ADIDS METHOD

## Activity

1. Before you facilitate the activity, prepare the necessary materials needed to conduct the activity.
2. Run through your mind the procedures and steps. This will help you gain confidence and anticipate any untoward incidents.
3. Anticipate participants' possible reactions towards the activity. They may not give you the responses you need to "process" the activity. You should be prepared to have a plan on how to bring the participants back to the objective of the activity.
4. You are not a lecturer, stop acting like it. Be friendly, humble, and cordial. Remember, you have to project an image of confidence but at the same time openness for you to be able to draw out the participants' opinions and experiences. They have to respect and trust you with their "secrets".
5. Do not be stiff, try to move around, look at them in the eye, and be encouraging. They may find the activity difficult or boring but with your charm and encouragement, they will eventually do what you ask them to do.
6. Do not sound as if you are giving them commands. Be firm but gentle.
7. Be sensitive to their feelings and needs. They might need some ice breakers before they can do the activity. So, be prepared to have some games and songs to perk up their mood.



## Discussion

1. All you have to do is ask questions which will encourage the participants to tell you more about what they feel and think. Do not argue with them. You have to respect their opinions no matter how disagreeable it is to you.



2. Ask questions which will elicit what they feel and think about the activity, their experience, and others' experience. The success of the training is when the participants openly share their experiences, beliefs and opinions. The purpose is to build on what they already know. If you can draw this out, you are better able to determine what is transpiring within them.
3. Make mental notes of participants' comments which will help or deter you achieve the objective of the activity. Formulate questions which will force them to reflect on the weaknesses and strengths of their opinions.
4. Try to initiate discussion between participants with different opinions. But be careful not to start a heated argument between them. Avoid as much as possible to give your opinion. You are to facilitate the discussion to achieve an objective and not to tell them what to think. If your opinion is necessary, ask a question to make your point rather than give a statement. Let them reflect on the question themselves.
5. Close the discussion by identifying significant issues raised and by enumerating points of agreements and disagreements.

## Input

1. Know who your audience are. When you give input, discuss only what is relevant to them and not to you. Avoid stuffing the participants with too much content. Let them ask questions, then you can still expand on your input.
2. Never read your notes. Use visual aids like transparencies or drawings and diagrams. Identify only the bullet points in your visual aid, not the whole explanation!
3. When you give your input, maintain eye contact. Do not look like an expert or lecturer. Exuding confidence is enough.
4. Be sensitive. If the participants are bored or sleepy, stop... crack jokes...or ask for their comments.
5. Move around, do not stay in one place but avoid too much movement that is disturbing to them.
6. Use plain language, avoid too much technical terms.



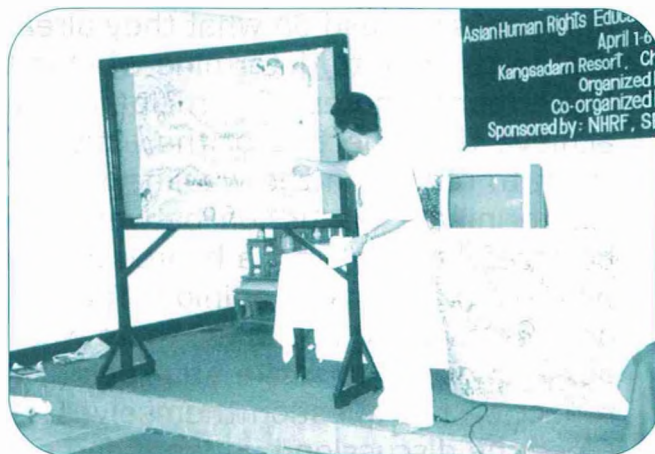
## Deepening

1. After the input, allow the participants to ask questions. Let them clarify some of the confusing points they might be grappling with.





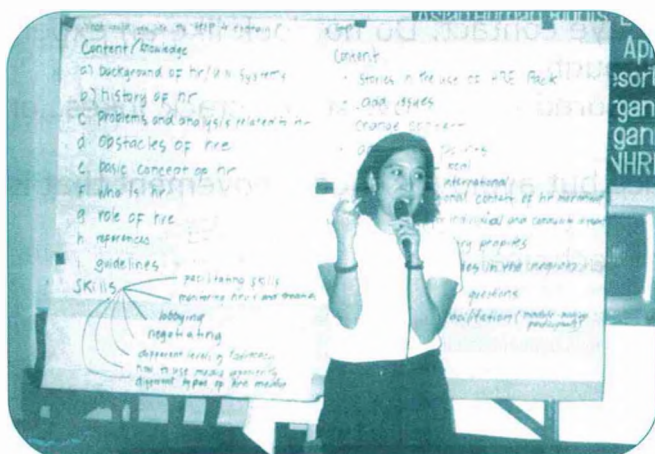
2. While the resource person and the participants are exchanging ideas, "feel" whether the participants are achieving the objectives of the lesson. If yes, ask a question which will emphasise their realisations. If no, formulate a question which will challenge some of the deeply held beliefs that they have.
3. Be careful not to be "threatening" when you ask questions which might run contrary to their beliefs.



## Synthesis

1. All throughout the segments of the lesson, make mental notes of the participants' responses which are consistent or inconsistent with the objectives of the lesson. The purpose is not to accept or reject their responses but to summarize them in such a way that the participants will see the implications and underlying assumptions of their beliefs and opinions.
2. Emphasize the responses which helped you achieve the lesson objective and appreciate the participant with such insights.
3. Responses that are inconsistent with the lesson objectives may persist but acknowledge participants with such views by recognising that their responses are a challenge that children's rights advocates must consider in their work.

The purpose for such "compromise" is not to alienate the participants. The succeeding lessons may eventually encourage them to reconsider their position.



4. Close the lesson with a list of insights gained from the activity to deepening segments. This will help determine if you are achieving something or not.
5. It might be helpful if you allow the participants to do some stretching exercises which will signal the "accomplishment" of a task. Remember, they worked as hard as you did.





# What is an Ideal Human Rights Educator?

Human rights educators should be facilitators of knowledge rather than "teachers." This means, HR educators will only provide learner-participants opportunity to reflect on their knowledge-experience and engage them in a dialogical process to enable them to generate human rights knowledge out of their experiences. What is discarded *is the usual assumption that learners know nothing*, and that they should be taught about a certain body of knowledge that only experts possess.

It should be reiterated that a human rights educator is one who adopts liberating, participatory, popular education, for people's empowerment towards social change and transformation. The objectives of liberating, participatory, popular education, as applied to human rights education, are:

1. to surface or elicit people's prior knowledge, or knowledge experience related to human rights. **TO BREAK THE CULTURE OF SILENCE AMONG THE PEOPLE;**
2. to expand and validate peoples' prior knowledge by engaging them in a dialogue for critical examination of their prior knowledge in the context of human rights. **TO PROVOKE PEOPLE TO COMPREHEND THEIR EXPERIENCES;**
3. to provide the people venue to arrive at specific and concrete action points to transform their personal and social realities for full enjoyment of human rights. **TO EMPOWER PEOPLE TO CONTROL THEIR LIVES.**

*An essential means of achieving these objectives is the use of facilitation techniques. Effective human rights education activities happen only when the educator becomes a facilitator who creates the environment for participation. Following are some important reminders in facilitation:*

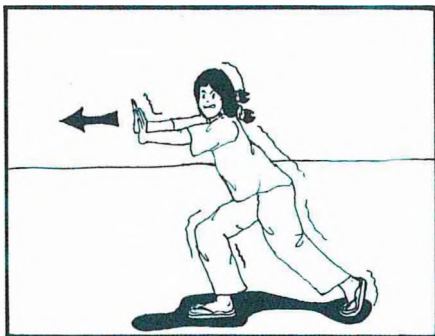
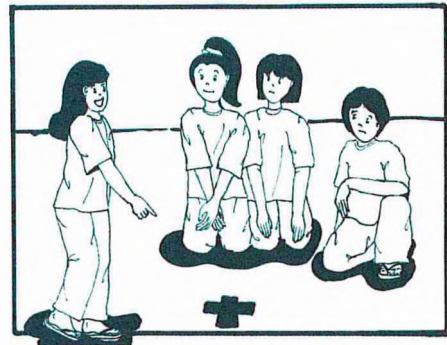


# A. THE EFFECTIVE FACILITATOR

This presentation is taken from a manual entitled, "Pastoral Skills" by Karl Gaspar, CSsR, published in the Philippines.

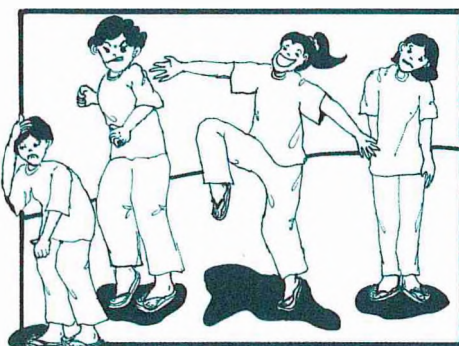
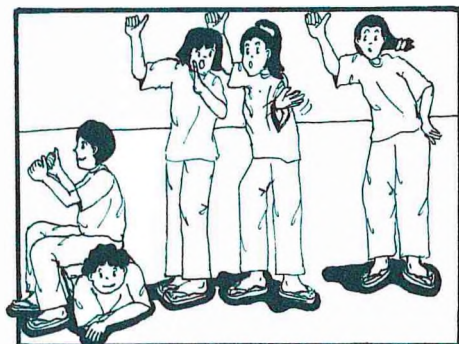
## Functions

**I - INITIATE:** gets the ball rolling, provides for ice breakers to start the activities and avoid boredom, finds a way to break silence and awkward feeling among the participants, asks provocative questions which force participants to think about their thoughts.



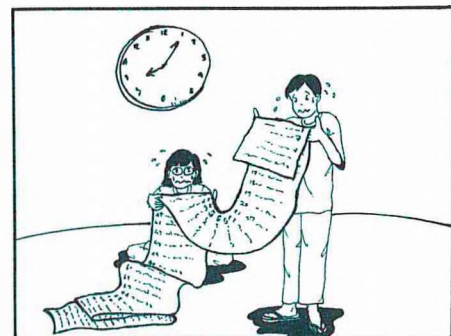
**R - REGULATE:** sees to it that everyone participates, disciplines those who monopolize and make fun of the sharing and discussions, draws out the ones who do not speak, gets the group to move towards the desired direction, takes the time factor into consideration, provides order to discussion.

**I - INFORM:** serves as a resource person, clarifies points while providing needed information, points out important data, underlines highlights, keeps the group informed as to objectives, schedule, etc..



**S - SUPPORT:** provides encouragement especially to those who find sharing difficult, supports the opinions of others where necessary as affirmation, refrains from antagonizing any one.

**E - EVALUATE:** gives ongoing assessment as to where the group is, sums up points where needed, gives critique to others who do not participate but in a gentle manner, gets everyone to share in the assessment, functions as process observer.



## QUALITIES

- a. *CONFIDENT WITH WHAT IS EXPECTED OF HIM/HER:*
  - **develops** a sense of self-confidence
  - knows what is expected of him/her
  - **familiar** with the topic or problem to be solved
  - prepared to do the task; has done some preparation before the actual group process
- b. *SENSITIVE TO OTHERS' FEELINGS/OPINIONS:*
  - has had processing of oneself
  - **respects** the rights of others, dignity of participants
  - does not force opinions on the group
  - is not rude, proud, a show-off
  - **listens** intently to others
- c. *PROJECTS AN OPEN, FRIENDLY, AFFECTIONATE PERSONALITY:*
  - befriends everyone in the group; gets their names
  - **shows openness** to listen to all opinions; considers all of them
  - expresses support and encouragement
  - does not get angry, frustrated, disappointed, does not show one is tired
  - draws the trust of everyone
  - shows sincerity in dealing with others
- d. *CREATIVE IN APPROACHING HIS/HER TASK:*
  - always looks for alternative means to get everyone to share
  - provides an atmosphere that is conducive to sharing
  - draws the creative participation of others
  - ensures good rapport among members

## **B.** DO'S and DON'TS of Facilitation



1. Never presume that the learner-participants know nothing of the subject matter.
2. Never use technical and high-strung language. Use plain language people are most comfortable with.
3. Build rapport with and among the participants before starting the learning activities. Make use of varied and exciting action songs to break the ice. Make them tell something about themselves.





4. Ask for the learner-participants' expectations. Situate their expectations within the framework of the educational activity.
5. Use activities which encourage people to participate in discussions. Select activities people can easily identify with and which are appropriate to their age, level of awareness, and cultural background. The life of the training depends on your choice of activities.



6. Set the learning environment where there will be an ambiance of freedom, fun, and flexibility.
7. Provide the learner-participants ways and means to communicate with the facilitator their feed-back, insights, and impressions about every activity. A good example of which is the use of a "freedom wall" technique where they could write and express themselves freely.

8. Avoid projecting an image that you, as the facilitator, are superior or more knowledgeable than them. In the same vein, avoid projecting an image of lack of confidence and competence. What is important is they trust you because you are sensitive to, and respectful of, their opinions and feelings.
9. Be brief and clear in giving explanations. Lessen facilitator-talk. Encourage the participants to talk. Avoid monopoly of the discussion by a few individuals. If silence prevails, identify key people among the group you could use to start-off discussions.
10. Never argue with the participants. Just provoke them by asking problem-posing questions which will challenge their statements. The point is not to cajole them into believing in your own agenda. Your function is just to synthesize the discussion that has transpired. Be content with what is achieved which might not be what you would have wanted. Maybe next time...

11. Encourage participants to evaluate the process. Draw insights from the strengths and weaknesses of the process they identified. Effect necessary changes in the next trainings.

12. Be conscious of time. Participants should be given just enough time for reflections and discussions. However, the facilitator should be good at time management so as not to over- extend the discussions and tire the participants.



## C. THE ART OF QUESTIONING

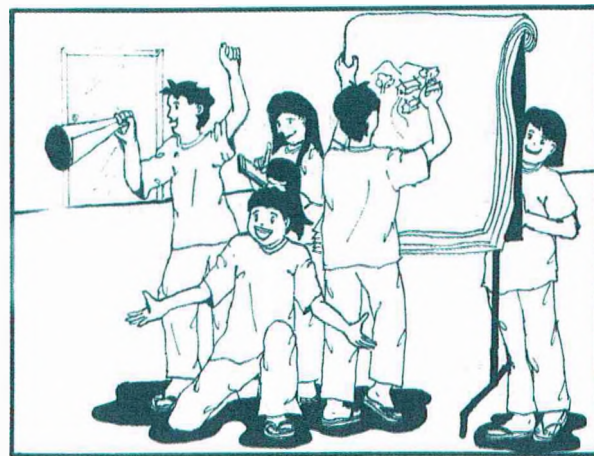
The most crucial dimension of facilitation is the art of questioning. It has to be purposive and developmental. The types of questions asked will determine the flow, direction, and level of discussions. Facilitation is not about making informative statements. It is about asking provocative questions.

The following are certain types of questions facilitators may ask:

**1. Eliciting Questions** - These type of questions can be used to draw-out what the learner-participants feel and think about the activities and what their prior knowledge is about the lessons. All these reflect on their world view. Unraveling facets of their *world view* is very crucial in the process because entry points in introducing the target content and inconsistencies and contradictions in their thought patterns can then be identified. Eliciting questions could bring-out responses which are factual or those which reflect learner-participants' own interpretations and observations.

**2. Clarifying Questions** - these questions can be used to break into learner-participants' thought patterns. The purpose of which is to determine what they actually mean with their responses. Responses that are vague, especially if they use concepts to explain their point, should be addressed using clarifying questions.

**3. Probing Questions** - these questions can be used to help the facilitator identify logical connections and patterns in the learner-partici-



pants' responses. Such questions reveal that what is usually drawn-out from the learner-participants is *raw* and *superficial* knowledge that is often steeped with contradictions and logical inconsistencies. Usually, clarifying questions lead the learner-participants to explore their own thoughts. As a result of which, they introduce new themes and concepts into their responses. How these themes are interrelated to each other to form a holistic view may be drawn-out using probing questions.

**4. Problem-posing Questions** - *these questions can be used to challenge and debunk learner-participants' prior knowledge.* The purpose of which is to make them doubt the validity and veracity of what they usually hold as true. Such questions render their raw and superficial knowledge problematic. This makes them confused which leads them to rearrange their thought patterns. Such rearrangement makes them eliminate inconsistencies and contradictions which they have identified to exist in their thought patterns. Problem-posing questions make them think



through their thoughts. Posing such questions is one way of expanding their thought pattern and making it more coherent.

### **There are different types of problem-posing questions namely:**

**a. Analytical Questions** - these questions enable both the learner-participants and facilitator to break down into smaller units their assertions and premises. The underlying implications of the units identified have to be delved into. The purpose of asking such questions is to enable them see what is beyond what is apparent.

Analytical questions help learner-participants see what is abstract, what is not immediately visible.

**b. Valuing Questions** - these questions try to make the learner-participants think about what they usually hold important and clarify their standards in attaching values to things.

**c. Dialectical Questions** - these questions provide learner-participants with an alternative interpretation of facts and data which is diametrically opposed to what they hold. These questions will expose them to other ways of looking at things. They may realize that the views one holds are, more often than not, in conflict with others'. People hold different views because they see some merit in such a view. Dialectical questions enable the learner-participants to identify opposing views and see the strengths and weaknesses of arguments for both conflicting views. This way, they are enjoined to create their own view of things based on the strengths of both conflicting views. What is avoided is for the learner-participants to dichotomize arguments without trying to resolve conflict. To think dialectically is to think through strengths and weaknesses of arguments of conflicting views not to select either but to create third views based on the merits of the two opposing views.

**d. Analogical Questions** - these questions try to concretize themes abstracted to enable them to compare and evaluate these themes vis-a-vis actual situations.

**e. Integrative/Synthesizing Questions** - these are focusing questions which try to weave together in an integrated whole what is achieved in the discussions. Such questions will enable the learner-participants to reformulate their thought patterns after their prior knowledge and the human rights content are critically examined and discussed.

**f. Action Questions** - these are questions which try to encourage learner-participants to think of ways to address the problems at hand. Such questions direct them to take an action

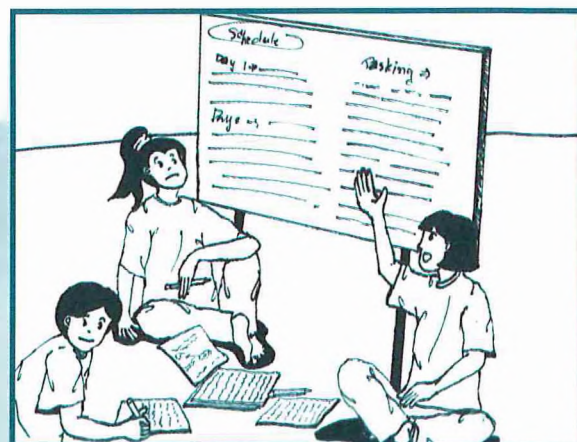




## **D. FACILITATING AND DESIGNING HUMAN RIGHTS TRAINING PROGRAMS**

### **Some Practical Tips**

1. Identify your clientele.
2. Define your objectives for carrying out a human rights education training program.
3. Identify needs of your clientele, their level of consciousness vis-a-vis your objectives set. Anticipate their expectations.
4. Develop the framework of the training program based on the needs, anticipated expectations of the clientele, and objectives of the training program. Identify themes and topics to be included as content.
5. Design the methodology and activities to be used for each of the topics and themes. Use a variety of techniques.
6. Make guide questions to be asked to elicit discussions and sharing for each of the topics and themes.
7. Prepare materials, visual aids, and teaching aids needed.
8. Make an evaluation of the program.



# Facilitating Skills

By Jerald Joseph  
KOMAS, Malaysia



## A good facilitator:

- **Keeps the group focused** on task and process
- Remains as **objective** as possible
- Is an **informed guide** helping the group to chart its course and accomplish its goals
- **Listens more than talks**
- **Adapts to various learning styles**
- Able to **gauge people's** learning abilities and adjusts
- **Encourages everyone to participate** while remembering that individuals participate in different ways. Some may talk only in small groups, but they are still participating. Others may wish to talk constantly and may be contributing little.
- **Protects members** of the group from attack by others
- Is gender and culturally **sensitive**
- **Energizes** a group or **slows it down**, as needed
- **Recaps**, occasionally, what has happened in the workshop and helps group to **make connections** between the sessions.
- **Summarizes** the learning
- To also be a **student learning all the time** from others

## You will become a good facilitator if you follow the above hints and also:

- Be **alert to signs** of confusion (puzzled or frustrated looks, people asking neighbours questions, resistance, etc.)



- Don't do the group's work. Learning is more effective and lasting if the individuals and small groups **discover on their own** (learning by doing).
- **Circulate**, but don't become a permanent part of any one group because you may too easily influence the group.
- **Spend sufficient time** with each group during small group work to be certain they have grasped the tasks and concepts supporting it.
- **Review portions** of the small group tasks which are causing confusion if several individuals or groups are having difficulty.
- **Be creative** and use different tools to encourage learning
- **Ask frequently** if there are **questions**. Sometimes the training activity specifically suggests asking if there are questions, but you should ask even if the activity does not specify doing so.
- When you DO ask a question, **allow members time to think** before answering. Slowly count to 10. This may seem like a long time and silence may feel uncomfortable, but allowing participants time to think is essential if you want thoughtful answers.
- **Don't feel that you must be an expert**. Remind the group and yourself that you are a facilitator. Remind them (and perhaps yourself) of THEIR expertise and experience. Ask other participants for their ideas on a question. Don't feel you should answer everything -- you shouldn't!
- **Be flexible**. Keep the times of your sessions and depth and breadth of content somewhat flexible. Changing something doesn't mean you planned poorly, but probably means you are listening, watching, and adjusting your plans to fit the situation.
- **Sense energy levels** and suggest short "stretch breaks" as needed.
- Finally, **relax** and **enjoy** the learning process!

## Facilitation Guidelines

### Steps for Analysis

- Identify and name the issue of concern
- Organize information in such a way as to clarify the problems and the possible solutions and their implications
- Trace the general causes or effects of the issues, as well as focussing on specific factors of identified concerns
- See the connections between personal problems and larger social forces and the connections between the forces themselves
- See social problems within the context of political-economic forces and examining their interconnections and systematic causes
- Gain a larger perspective on the issues by combining individual understanding and experience into a collective understanding
- Understand the dynamics of power relationships and the role of power in effective action for social change
- Discover new questions that need asking





## What is strategy

- suggesting possible actions
- identifying the forces and factors contributing to the success or failure of a particular action
- helping groups examine the array of forces to see if the negative forces can be reduced and the positive forces increased.
- visioning looking at the future as well as exploring the consequences of that vision
- helping groups make decisions on action plans
- framework for analysis and action
- develop a sense of community
- develop and maintain a working group
- assess the real situation



# Some Preliminary Activities



## The Venue

1. The venue should not only be physically conducive to the participants but must also exude an atmosphere of openness.
2. The participants should feel "psychologically" and "emotionally" safe. Otherwise they will not open up and share with the group their opinions and beliefs.
3. The seating arrangement should be circular. Avoid making the venue look like a classroom. You will be discussing about life and not about knowledge fossilised in books.
4. Decorate the room with pictures about children. Put up a photo exhibit if you can. The venue itself should be a learning resource.
5. On one side of the room put up a "freedom wall". Place flip charts where they could freely draw or write any message. Encourage them to express what they feel about the process. You can also make a "message box" available for their suggestions, comments, or reactions. You may read the messages in front of the group every start of the morning session or at the end of the day. The idea is to make the venue conducive to freedom of expression.

## The Size of the Group

- Participatory methodology works best for a group of 15-25 members. A relatively small group is excellent for more intimate discussion. More than this you risk of not being able to give everyone a chance to participate. Your attention as facilitator will also be spread too thinly.



## The Trainer/facilitator - As trainer/facilitator, you should be:

- **Confident** and sure where you are bringing the discussion to. You should be guided by the objectives of the training.
- **Sensitive** to the reactions of the participants. You should "feel" what is going on with the participants' minds. If you can not sense what they think and feel it means that you are not yet able to engage them in the discussions. Make the necessary adjustments by involving those who are disengaged from the process.
- **Flexible** - The participants may express different expectations from what the training would like to achieve. Try to accommodate their needs without necessarily sacrificing the objectives of the training. If their expectations can not be met, let them know so as to avoid frustration and disappointment
- **Creative** - some lessons may not go as planned, be prepared for alternative activities.
- **Reflective** - try to always see where the participants are coming from. Try to look for the assumptions of their opinions and start to work from there.
- **Patient** - you will not always get what you want. Remember that this is not a one shot deal. You are changing behaviour over time and not over-night. Participants may even test you by not doing the activities or by asking you questions to see if you really know what you are doing. Don't fall into such traps. Don't panic. Collect yourself and persuade them to do the activities. As regards some trick questions that they might have which you can not answer, throw back to the group the question and let the group answer it or just tell them not to pre-empt the process. It will be answered eventually.

Before you start the actual lessons, there are three things that need to be done:

### Getting to Know

The participants should be introduced to each other. Design games that will allow them to know as many participants in such a fun way. You can use "pass the ball" as a strategy. This is done by having the group sing a very short children's song. As they sing, the ball is passed around. Whoever is holding the ball when the song is finished will introduce herself/himself to the group. The singing and the ball passing continue until everyone is finished. The trainer/facilitator could set the rule for the introduction. It may only include data like, name, occupation, and personal trait, etc.





## Setting Rules

As mentioned, participatory methodology demands mutual trust and respect between and among the participants. A lot of personal sharing of experiences, beliefs and opinion will transpire. There is a need for the participants to set rules on how people should conduct themselves during the training. For instance, listening when one is talking is a good rule. Another is confidentiality. What is said in the group remains in the group, etc.

## Expectation Check

It is important to know the participants' motivation for attending the training and their expectations of what they want to happen during the training. To do this just ask the participants the following questions:

- Why are you attending the training?
- What do you expect to learn from the training?
- What can you contribute to the conduct of the training?

A list of the participants' expectations will help the trainer/facilitator determine if the training program addresses their expectations. The participants will then be able to put in perspective their participation in the training. After the expectations are set, then you may now start with Lesson One.





# 2

## **PART TWO**

### THE NEED FOR POPULAR THEATER SKILLS





## Chapter VII

### Skills for Basic Arts Workshop

by Theresa J. Limpin

**I**magine the most boring teacher you had in the past. Was he/she the one who would just sit in front of you and read the book in class and how you wished the school bell would soon ring? Or the one who talks endlessly like a parrot with a monotonous voice and how you wish you were in the other class spending your time looking at the interesting guy/gal you like.

Next, imagine your favorite teacher in the past. What makes him/her striking to you? Was it his/her gestures? How does he/she move? How does he/she deliver the words? What about his/her facial expressions?

Good teachers are animated and artistic. They know how to utilize their bodies in front of the class to get attention and send the message straight. They are like actors and actresses on stage. They know how to perform. Teaching is performance, indeed.

Theater is all the more an imperative if the audience is the common folks. Theater is a language that cuts across social barriers.



# Basic Theater Arts Workshop

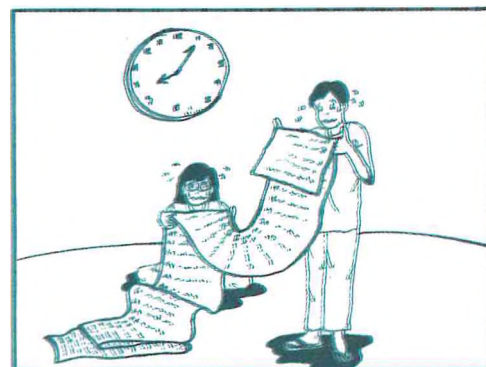
## **A. Preparation**

### *II. The Participants:*

The ideal number of participants in a workshop should be from 20 to 25. With this number, it will be easier to ensure that each participant receives the necessary amount of attention and guidance from the facilitators thereby learning more from the activities.

There are only two things required from the participants. These are (1) a sincere interest in cultural work, and (2) openness to the workshop process from the beginning to end. Problems about time and attendance that may arise (non-completion of course -- i.e., leaving on the second or third day for no valid reason) should not be allowed by the facilitator since it mars the workshop's dynamism and disrupts the collective effort of the rest of the participants.

Other limitations such as those concerning health (asthma, heart disease, menstruation, etc.) should be made known to the facilitator before the start of the workshop. As a rule, the participants are each required to submit a profile so that the facilitator will be conscious of their peculiarities and make the

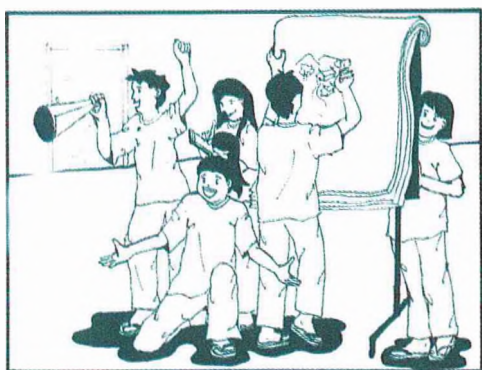


necessary adjustments.

The participants should wear loose T-shirts and pants which will allow them to move freely. They must also bring an extra T-shirt and a towel.

## II. Facilitator/s

Three facilitators will be required to handle a workshop with 20 to 25 participants. One will act as main facilitator with the other acting as his/her assistant. The third facilitator will act as documenter. Each facilitator should have a firm grasp of the whole workshop course so that any one of them may take over each other's tasks in case of any eventuality. It is recommended that each one should be assigned a topic (in which they will in turn act as main facilitator) in order to hone the different skills necessary as main facilitator, assistant and documenter.



## III. The Workshop Venue

The ideal workshop venue should occupy a wide floor area. Except for a blackboard, there should be no chairs, tables or other pieces of furniture that may restrict the movement of the participants or cause accidents. The place should be well ventilated. Remember that this workshop is geared towards giving the participants the opportunity to discover body movement and its expressive potential.



## B. The Workshop

### I. Day One: Morning

#### Getting to Know Each Other

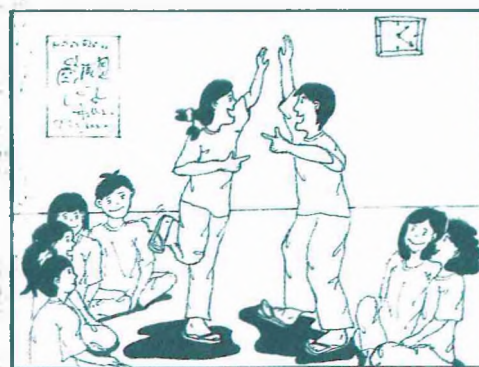
- Objectives:

1. To get the participants to know each other and to lessen their inhibitions towards one another.
2. To introduce them to the playful character of the workshop.
3. To give the facilitator an idea of the attitudes of each of the participants thus enabling him or her to pinpoint possible problems that may arise during the workshop.

*Note: Some of the games may not be applicable to other cultures. Provide games that are more or common to the culture of the group.*

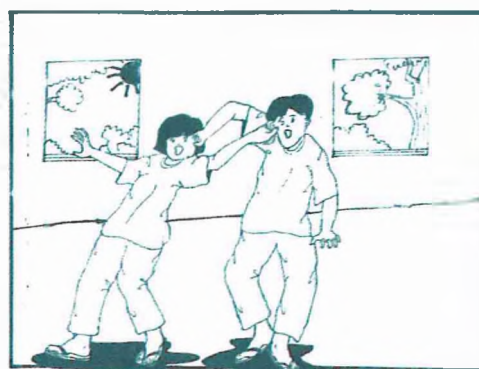
#### Game 1: Who Are You?

Ask the participants to form a circle. One of them should stand in the center and say his or her name along with an adjective that he or she thinks best describes himself/herself. Make the participant accompany the adjective with a corresponding action. This done, the rest of the participants will enter the circle and imitate what the first one did. Each participant will go to the center in turn and introduce himself/herself in the same manner.



#### Game 2: Funny bone

Ask the participants to look for a partner. The facilitator will then tell them to put together certain parts of their bodies (ex. head to head, shoulder to shoulder, etc.). When the game reaches the point wherein the participants find it impossible to move, separate them and pair them with different partners.





### Game 3: Birds of a Feather

Let the participants form themselves into a circle again. The facilitator will then whisper to each of them the name of one of five animals (chicken, snake, cat, dog, or frog). The participants will then be asked to imitate the sound and actions of the animals whispered to them. Through the sound and actions they make, tell them to find their "fellows" and group themselves accordingly. The first group of "animals" formed wins.



After the four games, tell the participants to sit on the floor, still keeping intact the groups formed in Game 3.

## II. Expectation Check:

- Objective:

Get the participants to discuss their expectations and limitations with the facilitators and each other.

- Materials needed:

1. Broad sheet
2. Crayons
3. A stack of old newspapers/magazines
4. Masking tape

Divide the participants into 5 small groups. Give each group a broad sheet and a box of crayons. Ask each group to answer the following questions without using words:



1. What do I expect from this workshop?
2. What do I contribute to this workshop?
3. What are my limitations in joining this workshop?
4. What do I think of the society I am living in?
5. What is my role in this society?
6. What does theater/drama mean to me?
7. What experiences will I draw from the play I shall be performing in?
8. What do I expect from the facilitator?
9. What do I expect from my fellow participants?
10. How do I plan to use what I will learn from this workshop?



- Other Approaches:

a. Give each group a pile of newspapers about five inches (5") thick. Let them answer the ten questions using the newspapers. To do this, the participants are free to tear, crumple, or fold the newspapers.

b. Let the Participants (still in groups) take objects from outside the workshop area that they feel symbolize their answers to the questions.



Afterwards, ask the participants to name their group and assign a reporter to give their answers.

The facilitator will then write the groups' answers on the blackboard and discuss them with the participants. When the answers of all the groups have been discussed, it will be the facilitators' turn to talk about what they expect from the workshop and the participants. At this point, the facilitators may explain to the participants the general structure and expected flow of the workshop, the house rules within the workshop area etc.

### *III. Input on Theater Orientation*

Here the facilitator may explain the concept of "FOCUS" as "concentrating one's attention on a speaker or performance".

- Objectives:

1. To make the participants aware of the prevailing conditions in society: political, economic, and cultural, and the interrelationship of the three.
2. To inform them of the public players which influence society and the role of cultural groups in changing society.
3. To give the participants an idea of their commitment as cultural workers, a commitment which will be further discussed, acted and performed to the public during the three days of the workshop.



At this point, the facilitator should explain the difference of elitist theater and theater for the masses. He or she should also discuss the aims of the workshop and the kind of cultural groups that the participants wish to form. Discuss these matters within the framework of the following questions:

**Orientation:** What and who should theater serve in raising awareness of the people?

**Artistic:** What form should we use in our performances? What is the most effective means of bringing the message across to the audience? (Is it through body movements, puppetry, monologue, songs, and poems...?) Stress that artistic expression is what differentiates cultural groups from other groups or organizations.

**Organization:** Who will do what? Who will direct? Who will read the script?

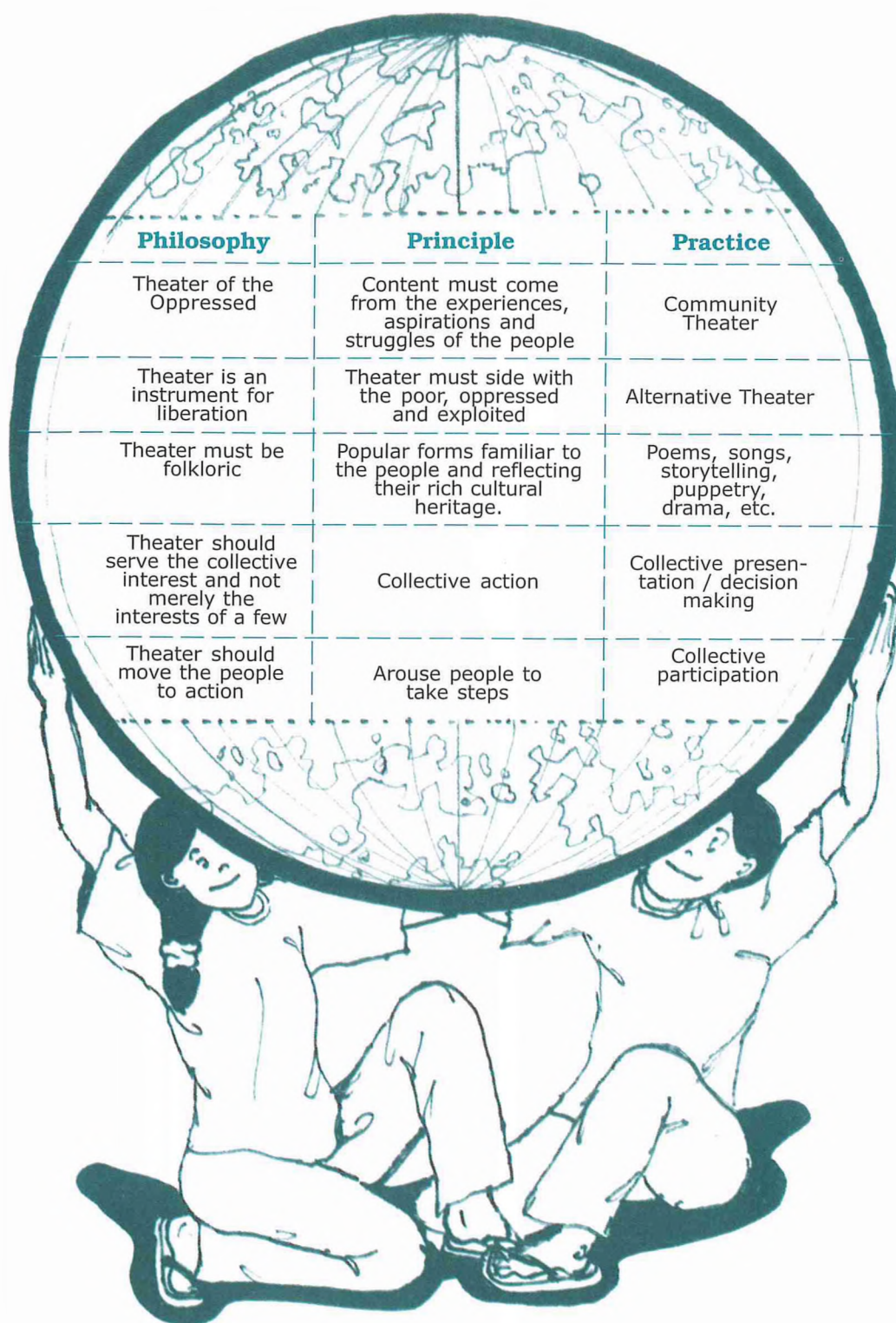
*(Note that there are several subgroups within a cultural group assigned to handle aspects of Finance, Education and Research, Creative Writing, Music, Props, etc.) It is important to emphasize the importance of identifying tasks to be done and assigning these tasks for collective action in mounting a play and performing it to the public. **Teamwork** is the key to successful theater performances.*





# EXPLAIN CHART

The discussion mentioned above may be summarized in the following chart:



## IV. Eight Elements of Artistic Expression

### A. Individual Exercises (Shape)

- Objectives:

1. To enable the participants to use their own experiences in learning about the eight elements.
2. To enable them to discover the potential of their bodies, particularly in creative movements.

Ask the participants to scatter themselves throughout the workshop area. Encourage each of them to use their bodies and imagination in the following activity.

Imagine that you are a:

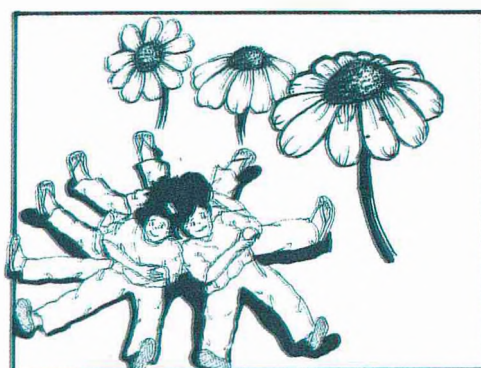
- a. Seed (growing)
- b. Tree (being cut down)
- c. Kite (caught in a tree or electric post)
- d. Wire (all tangled up)
- e. Wood (being burnt for firewood)
- f. Paper (crumpled, burnt)
- g. Candle (lighted)
- h. Heap of ashes



The descriptive phrases following the objects serve as guides for the facilitator in showing the relationship between the objects. Complicate the movements further by creating stories about the objects they are portraying. The participants will experiment with body movements to animate the stories being told about their chosen characters. (Example: Imagine that you are a seed under the earth... gradually you open to reveal your leaves, stem and roots... as you grow, you slowly rise to the surface... until you become a tree... etc.)

### Game 5: What Am I?

Give the participants five (5) minutes each to think of an everyday thing, which they will act out using only their bodies. Let each of them come to the front and show the others. Let the others guess the object he or she is trying to express.



Here the facilitator may talk about the use of the word "FREEZE" to make an actor stop moving and maintain an earlier position.

## **B. Group Exercise**

- Objective:

1. To develop the character of movement and the creativity of each participant and to situate these within the context of collective performance.

Divide the participants into groups of five. In twenty counts, let each group form the following (No human beings, just objects):

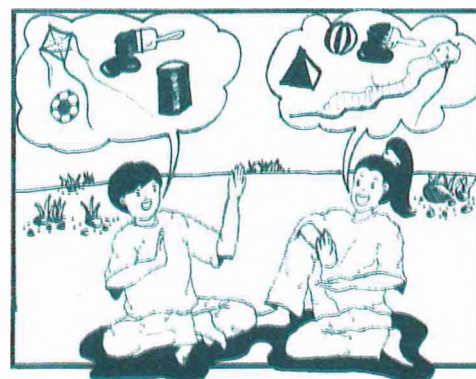
*Note: Provide examples of common or everyday matters/objects/things.*

- a. Tractor
- b. Bus
- c. Big Mosquito
- d. Volcano
- e. Flower
- f. Typewriter (Computer)
- g. Frying Pan

Maintain the five groupings. Next, ask each group to act out the following: (Space)

- a. Cemetery
- b. Park
- c. Street
- d. Interior of a house

When everyone is ready, ask each group to act out their versions of objects and places mentioned above. The facilitator may require the mosquito to move... the frying pan to start frying... etc. The point here is to make the participants in each group move in a coordinated manner. While each group performs, the other participants should watch and make comments and suggestions.



After everyone has performed, let the participants sit down and discuss their experiences during the second and third exercises. Relate the eight elements of artistic expression to these experiences.

1. Shape - form, appearance, volume (seed, kite, can of sardines)
2. Space - dimensions, distance (cemetery, park, etc.)
3. Movement - activity/action (motion of a car, flight of a kite)





4. Color - feeling, coolness/warmth (candle, wood burning, cemetery)
5. Sound -noise, tone (volcano erupting, tractor running, mosquito buzzing)
6. Texture - roughness, smoothness, materials, quality (ashes, volcano, tree, flower, crumpled paper)
7. Rhythm -beat (typewriter)
8. Line - crooked, straight, parallel, perpendicular

Discuss the eight elements with the participants using the following questions:

- a. What were you doing?
- b. How did you feel while doing the exercises?
- c. How did you go about acting out the objects in the exercises?

## Summary

Close the discussion by stressing the importance of the actor's body in performing or expressing something. Simply put, without a body, there is no actor; without an actor, there is no performance. Mention may be made here about the importance of caring for one's body.

## V. Conflict

### A. Physical Conflict:

#### ● Objectives:

1. To introduce the concept of physical conflict.
2. To further develop the participants' ability in collective movements.

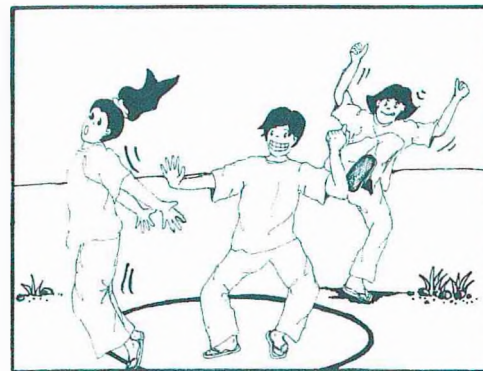
### Game 6: The Dragon's Tail

Form the participants into two lines representing two dragons. The participants who are last in the two lines will each be given a handkerchief to be tucked into their waistbands. Each line will be composed of two parts: the head of the dragon (the participant who is first in the line), and the tail (the participant who is last in the line with the handkerchief dangling from his or her waist). The object of the game is for the head of one dragon to catch the tail of the other. The first group that captures the tail of the other dragon wins.



### Game 7: This Territory is Mine...

Draw a large circle in the middle of the workshop area. Form the participants into pairs inside the circle. Each participant should then attempt to push his or her partner outside the circle. The participants who manage to remain inside the circle at the end of the game are the winners.



### Game 8: War in the Forest

Divide the participants into four (4) groups and position each group in one of the four corners of the room. These corners will serve as the homebase for each group. Let each group choose an animal to represent (wolf, deer, eagle, snake) the group. The facilitator will then call out any two groups in the following manner: "There is a war between the wolf and the eagle!" The groups called out will then go to the middle of the room and attempt to haul away to their respective corners a member of the opposing group. Whoever is captured becomes a member of the group that captured him or her. The facilitator may also call out three groups, which will then proceed to do battle. In the end, a general war in the forest will be called wherein all the groups will go to the middle to struggle it out through sheer force and number.



After playing the two games, get each participant to talk about his or her experiences while playing them. Ask the participants:

1. What took place?
2. What did you feel while playing the two games?

From the participants' experiences, introduce the concept of PHYSICAL CONFLICT (A kind of conflict requiring the use of strength or force). You may point out examples from movies, radio, TV, where physical conflict is predominant.



## **B. Verbal Conflict**

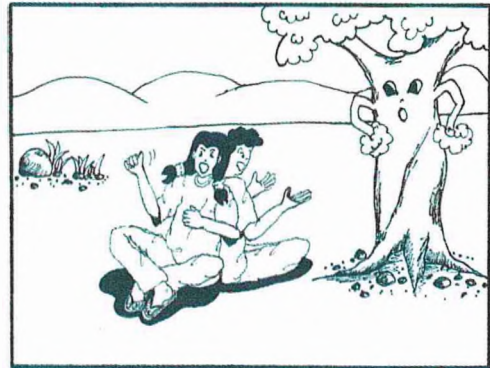
- Objectives:

1. To introduce to the participants the concept of verbal conflict.
2. To introduce techniques of improvisation.

### **Game 9: You Get On My Nerves!**

Group the participants into pairs and make them sit back-to-back. The facilitator will then suggest a theme of conflict they will act out not requiring physical force. Possible suggestions are:

1. A fight between siblings
2. A fight between neighbors
3. A fight between lovers/rivals
4. A fight between friends



### **Game 10: I'm Bad, You're Mad!**

Let the participants run around in a big circle. The facilitator will then tap two or three of them on the shoulder. These participants will then go to the middle of the circle and act out a debate on any subject/problem (their characters may be drawn from Game 9). The rest of the participants must then stop running in order to watch the debate. Repeat the process until all have been tagged.



At the end of this activity, introduce the concept of **VERBAL CONFLICT** (A kind of conflict wherein only speech, whether calm debate or heated exchange, is evident).

## **C. Internal Conflict:**

- Objectives:

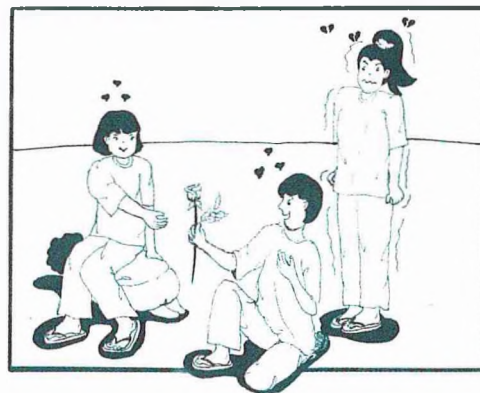
1. To introduce to the participants the concept of internal conflict.
2. To increase their awareness of their personal experiences and to use these in expressing character, situation, and emotion.





## Game 11: Expressing Grief:

Form the participants into five groups. Give each of the groups a situation to act out (examples: death of a relative; separation of parents; betrayal of a friend/lover/spouse; the going away of a spouse to work abroad; deciding whether or not to enter religious life, etc.). Give each group twenty (20) minutes to rehearse. After the group performances, gather the participants together and let them make individual performances (based on the subject assigned to his or her group). As with the earlier activities, the audience should be encouraged to criticize and give suggestions to the performer.



Here the facilitator may explain the use of the word "CURTAIN" (the raising or drawing of the curtains to signify the beginning and end of a performance).

When all the participants have finished performing, sum up all the suggestions and introduce the concept of INTERNAL CONFLICT (a kind of conflict wherein the actor or character reacts emotionally to contradicting ideas or beliefs-without the use of words).

### D. Discuss possible sources of conflict:

1. Humans against humans
2. Humans against nature
3. Humans against society
4. Individual against him or herself
5. Humans against ideas or beliefs



It is important to give examples of each. The facilitator must also explain to the participants the possible results of conflict:

1. Win-lose
2. Stalemate
3. Compromise

From these discussions, explain the importance of conflict in a play. **Conflict is the heart of a play. Without conflict, there can be no play.**

Point out to the participants two important things:



The audience is always right. If a performer acts out a faucet and the audience thinks that it is witnessing a tree, the problem is with the performer.

Don't say, DO! - The audience cannot be talked into believing that an actor is a faucet. They must see it to believe it.

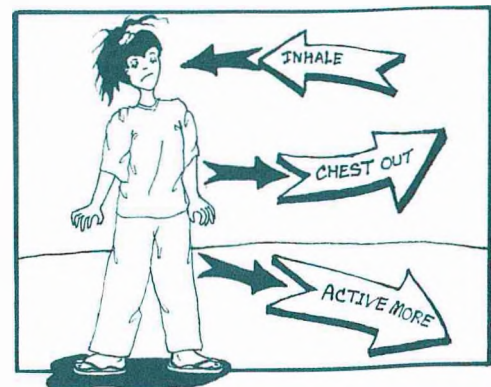
## *Morning exercises (Introduce mime limbering exercises)*

- Objectives:

1. To enable the participants to exert their bodies and minds and to prepare them for the mime exercises.
2. To prepare the participants for the expansive and creative gestures required for performing on stage.

The day will begin with mime exercises. The main facilitator will lead the participants in the movements while the second and third facilitators look out for those who need more help.

After the mime exercises, the participants will go through breathing exercises. Remind them that when breathing deeply, the chest and stomach should expand.



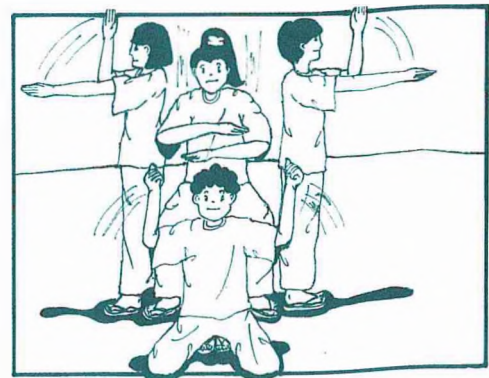
## **Eight Basic Efforts**

- Objectives:

1. To further improve the movements of the participants so that they may discover the possibilities of their bodies.
2. To develop their creativity in tackling the situations which will be presented to them in the games and activities.

## **Game 13: Machines...**

Ask the participants to form a circle. The facilitator will then choose one to go to the middle and act like a machine, real or imaginary. Meanwhile, the facilitator gets the other participants one by one to make their own machine-like movements. Stress to the



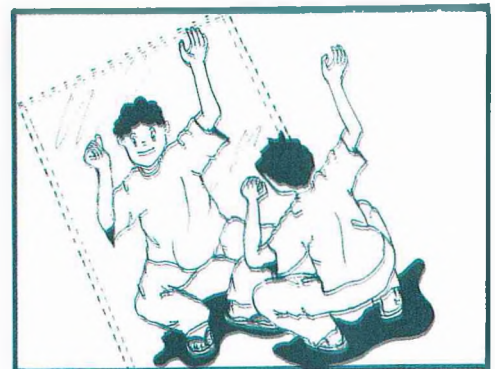
participants that the "machines" must be able to relate to each other in order for the machine to work. Continue until all the participants are in motion and compose a huge machine. Let each of them make sounds appropriate to their part of each machine.

When the huge machine is complete, give the participants further stimuli regarding the machine they have created:

- a. Start up the machine...
- b. The machine runs faster and faster...
- c. The machine runs as fast as it can...
- d. The machine runs slowly...
- e. The machine is running as fast as it can and it is getting very hot...
- f. The machine suddenly explodes!

### **Game 14: Mirror, Mirror...**

Ask the participants to choose a partner. Ask each pair to stand face to face. Ask them to choose who is to be the mirror and who will be the person looking into the mirror. The person looking into the mirror will then make movements and facial expressions, which the mirror must "reflect". When the person raises his or her right hand the mirror must raise his or her left hand. The facilitator must observe the movements of all the pairs closely. Remind the participants to make free and expansive gestures.

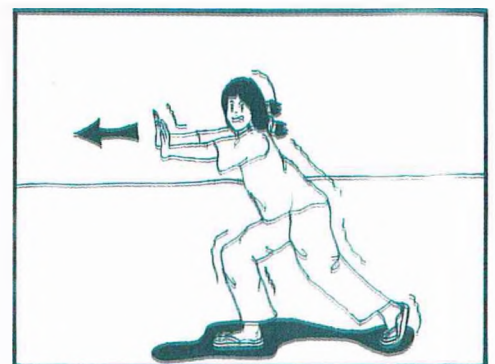


After a few minutes, let them change places. As in the preceding game, let them choose who is to be the sculptor and who will be the clay. The sculptor will then give shape to the clay. The sculptor may position the clay's hands, feet, head, or any other part of the body in the manner he or she wishes. This includes facial expression.

### **Individual Exercises (Eight Basic Efforts)**

Let the participants scatter themselves within the workshop area. Make them do the eight basic efforts:

1. Wring
2. Punch
3. Wipe





4. Slide
5. Float
6. Slash
7. Pinch
8. Push

Stress the following points:

- a. The movements must be expansive.
- b. The movements must be clear and detailed.
- c. The whole body must move according to the effort being performed.

### **Showcase:**

Form the participants into groups. Let each group perform a short play composed of the eight basic efforts. The play must have a beginning, middle, and end.

Add the eight elements of artistic expression to the eight basic efforts. Give the groups ten minutes to practice.

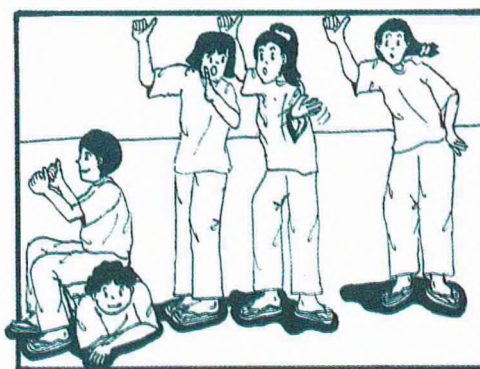
### **Tableaux**

#### ● Objectives:

1. To give the participants a clearer idea of how to form a stage picture.
2. To show how interrelating stage pictures can help one in creating a play

Divide the participants into groups. Let each group go to the stage and perform tableaux representing the following:

- a. A courtroom scene...
- b. An accident...
- c. A scene in a marketplace...
- d. A scene on board a jeepney or a bus...
- e. A fight between neighbors....



While each group performs, ask the audience whether the scene is clearly presented. Make them pay particular attention to the actors and the effectiveness (or ineffectiveness) of their gestures. If someone comments that a particular scene is unclear, ask him or her how it may be improved so that the audience may understand it better.

After the groups have formed their tableaux, encourage them to add

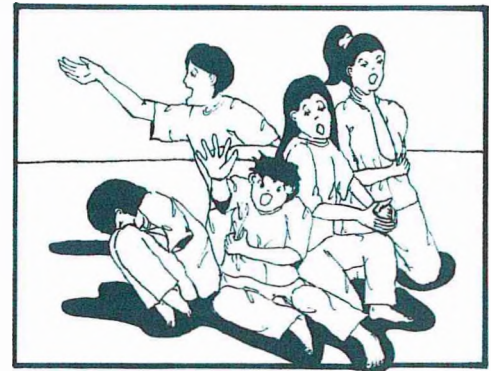


dialogue to their scenes.

Explain further that what they have just done is called a realistic tableaux, a kind of stage picture representing a scene from daily life.

Afterwards, make them perform the following tableaux: (It is not necessary to regroup the participants.)

- a. Exploitation
- b. Oppression
- c. Hunger
- d. Poverty
- e. Unity
- f. Struggle
- g. Triumph



As with the earlier games and activities, ask the participants for comments on the performances.

- Discuss further:

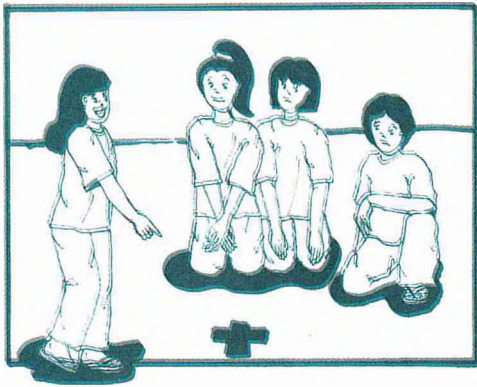
1. The tableaux that they have just performed are called poetic tableaux. This is one way of expressing an idea or proposition.
2. A tableaux, whether realistic or poetic, must fulfill the following requirements:
  - a. The participants must have varying levels. A tableau must have three levels: the sky level, the middle level, and the ground level.
  - b. The participants or elements of the tableaux must interrelate with one another. Their interrelationship must conform to the theme of the tableaux.
  - c. The tableau must have a focal point. In order to grab the attention of the audience, the tableaux must have one clear point of interest (where the theme is most obviously centered).
  - d. There must be variety in the tableaux. The performers must avoid making similar gestures so as not to bore the audience.

## Game 16: Director!

- Objectives:

1. To teach the participants the do's and don'ts of performing on stage.
2. To further develop their knowledge of what it means to act.





Get volunteers to come on stage. Using the volunteers as examples, explain to everyone the do's and don'ts of performing on stage:

1. Firing squad, or a number of characters all lined up in front of the stage facing the audience. If it is unavoidable to have several actors face the audience, make them stand on different levels.
2. Avoid turning your back on the audience. This has a negative effect on the audience and is usually not done unless called for by the script or director who aims, by this means, to make a point.
3. Don't steal scenes or act in a manner that will dominate the other performances. This destroys the unity of the script, and makes the play lose its focus.
4. The characters on stage should form either a V or a diagonal line.
5. Position the characters on different levels.
6. The performers in front should put themselves in a low position (lying, sitting, kneeling, etc.) while the performers behind should put themselves in a higher position (standing, on tiptoe etc.).
7. It is the responsibility of the performers, especially those in the back, to make themselves seen by the audience. Those in front should also try not to cover the ones behind.
8. The front view, side view, and three-quarters view are positive positions on stage.

Discuss these points one by one using the volunteers to demonstrate them. Ask the audience to comment on the volunteers and what they feel the volunteers are doing wrong. Ask how these mistakes can be corrected. Repeat the exercise until each point has been thoroughly understood. Ensure the participation of everyone.

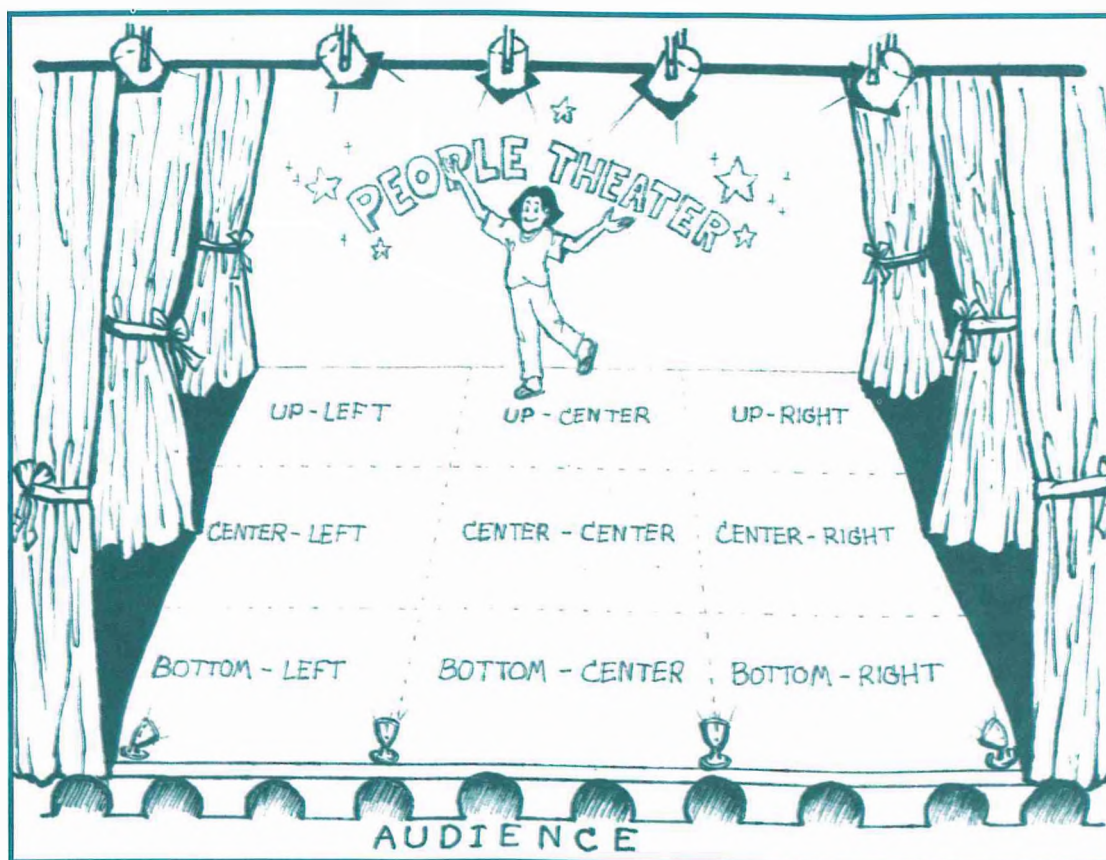




### III. Parts of the Stage:

Explain to everyone the importance of the divisions of the stage as an aid in directing the actors, especially in determining their positions onstage. These positions are based on the viewpoint of the director and not of the actors.

Call on the participants one by one and tell them to position themselves on certain parts of the stage. Once more, ensure that all participants take part in this activity.



### IV. Creative Sounds

- Objectives:

1. To enable the participants to discover the many ways of using common objects to create sound effects for a performance or play.
2. To teach how sound effects can be used to convey or amplify a message.



## Game 17: It Sounds Like...Part 1 (individual exercise)

Make the participants go out and look for objects, which may be used to create sound or noise. Gather them together and let them form a circle in the middle of the room. Each participant should then find three ways of eliciting sound from the objects they bring in. Afterwards, make them convey different emotions through sound (happiness, anger, fear).



Again, with the use of the objects, let them recreate the sounds of the following:

- a. Rain
- b. Running water
- c. Wind
- d. Fire

## Game 18: It Sounds Like...Part II (group exercise)

Form the participants into groups. Give each group a scene for which they have to create the appropriate sound effects using the objects they found in the proceeding activity. This activity is more effective if each group does not know which scenes have been assigned to the other groups.

Some suggested scenes are:



- a. A moving car loses its brakes and hits a post.
- b. A quiet forest. A steady drizzle begins which then becomes a storm. Gradually the storm subsides and the forest is quiet again.
- c. A shootout (examples: a chase between police officers and bank robbers, an encounter between soldiers and rebels, etc.)
- d. A volcano erupts and boiling lava cascades down to the lowlands.

Always ask the audience to comment on the performance of each group. Point out the weaknesses (if any) of the sound effects within the context of the given scenes.

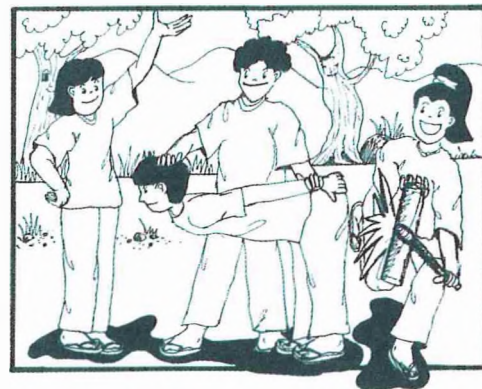


## Game 21: Sound and Movement (Ensemble)

### ● **Objectives:**

1. To further develop the skill of the participants in integrating sound and movement onstage.

Divide the participants into four (4) groups. Decide who are to be the actors and who will make the sound effects. Give each group a situation for them to base a story on, to be acted out with sound effects.



Some suggested situations:

1. A man or woman has his or her pocket picked while riding a bus.
2. A man or woman carrying a big and heavy bag crosses the highway.
3. A man or woman fetches water from a deep well.
4. A man or woman picks mangoes from a tree.

The scene to be performed must have a beginning, middle, and end. It should also display the use of the eight elements of artistic expression, the eight basic efforts, tableau, etc. The participants may also create dialogue.

Give each group fifteen (15) minutes to practice, and then let each of them perform in turn. Discuss the strengths and weaknesses observed.

## *I. Introduction to Mime*

Let the participants sit on the floor. Discuss the following:

Definition of Mime:

It is a mode of creative expression wherein ideas and/or events are conveyed using only body movements.

## *II. Principles of Mime*

1. Principle of ILLUSION:

Because only body movements are to be used, the mime should use his or her imagination in order to convey to the audience the existence of objects

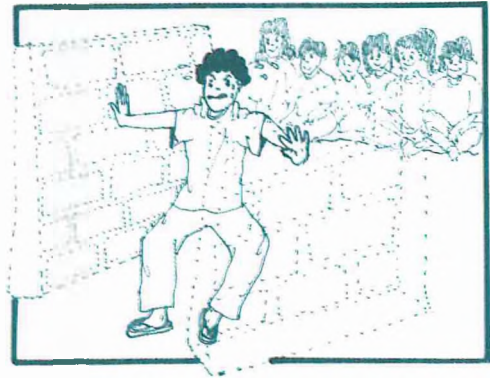




on an empty stage.

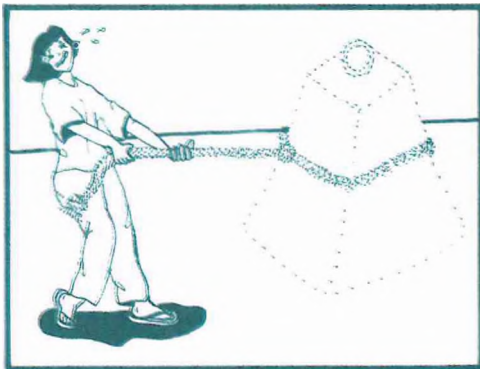
2. Three rules of mime:

- a. I saw; I touched; I played with...
- b. No two objects can occupy the same space at the same time
- c. Body movements should be expansive, clear, and detailed.



3. The principle of *Inertia* in relation to performing in mime:

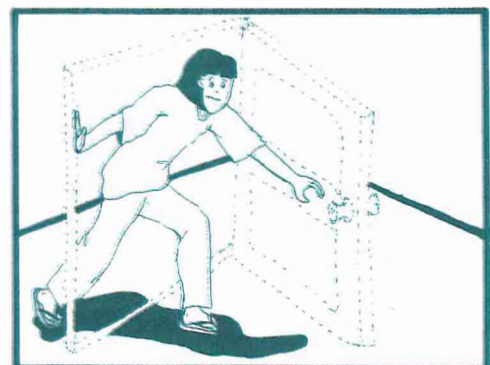
*Inertia* is the force that (1) causes an object to remain in place, and (2) enables an object to continue moving unless caused by a second force to stop or change its course.



When all the points above have been explained, let the participants demonstrate each of them.

Afterwards, let the participants scatter themselves throughout the room. Using the principles of inertia, illusion, and the three rules of mime, let them perform the following exercises:

1. Shape
  - a. Blob
  - b. Box
  - c. Wall
  - d. Spiral
  - e. Bar (diagonal or perpendicular)
2. Space
  - a. Wall
  - b. Hallway
  - c. Room (large or small)
  - d. Distance (near, far, or depth)



### III. Four Emotions

Form the participants into a circle. Using their faces let them express the four (4) basic emotions:

1. Happiness
2. Sadness
3. Anger
4. Fear

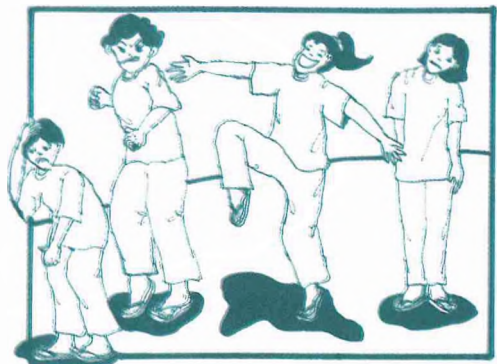


Make sure that the whole face is used. All of the features (mouth, eyes, eyebrows, cheeks, etc.) should be used in expressing emotion.

### IV. Four Temperaments

Scatter the participants throughout the room. Using body movements let them express the four (4) temperaments:

1. Sanguine
2. Choleric
3. Phlegmatic
4. Melancholic

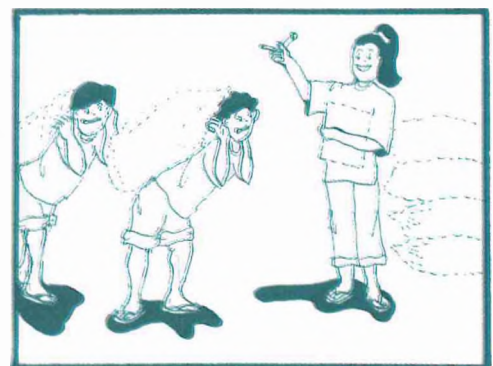


Stress that participants should make expansive and exaggerated movements.

### **Mime showcase**

Form the participants into four (4) groups and ask each group to tell a story through mime. Remind everyone that their story should have a beginning, middle, and end. Give each group twenty (20) minutes to rehearse.

At every performance, ask the audience whether or not the actors have successfully demonstrated the principles and rules of mime.



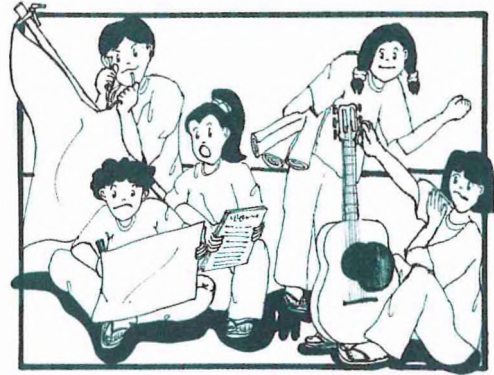
### **SHOWCASE**

The facilitator should have a short program prepared for the showcase ahead of time, before the start of the workshop.



## **Preparation for the Showcase**

After the mime performance, gather the participants together and let them compose two or three scenes of about five (5) minutes each, tackling problems in their community and using the skills and concepts they have learned during the workshop. Give them enough time rehearse.



It would be best if the facilitator could arrange for the participants to hold their performance close to or in a local community. If this is not possible, invite members of the community to come and view the performance.

## **Assessment/Planning**

After the performance, gather the participants together and give each of them a pencil and a sheet of paper. Let them answer the following questions:

1. What can you say about the workshop?
  - a. Subject
  - b. Games
  - c. Flow
  - d. Schedule/time allotted for each topic
2. What can you say about the workshop venue?
3. What can you say about your fellow workshop participants?
4. What can you say about the facilitators?
  - a. (Facilitator A)
  - b. (Facilitator B)
  - c. (Facilitator C)
5. What are your plans for the future?





## **Graduation**

Unless there are certificates of attendance to be handed out, the graduation is an optional part of the workshop. If none is to be held, the facilitators may use the remaining time for further assessment.



# **T**heater for Human Rights Education

*Rody Vera<sup>1</sup>*

Among many techniques and devices used for community theater education and organizing, I find Augusto Boal's techniques to be some of the most helpful for the human rights educator. Augusto Boal developed his theater of the oppressed system of performance way back in the early 80s in Brazil. In his first book, he analyzed the span and limits of several theater dramatic theoretical developments ranging from Aristotelian to Brechtian theater modes. He believed that theater, like any means of production should be literally given to the people --in this case, the audience-- so that they themselves may be empowered to analyze their own condition and provide alternatives in solving their problems.

Boal eventually came up with several interesting games for actors, as well as the audience. These games are designed such that the audience is encouraged to participate in the theater experience, which is quite similar to holding an open forum. The big difference between a Theater Forum (as Boal calls it) and an ordinary open forum discussion is that the participants are not allowed to just talk about any issue but rather they should solve the very specific problem of the re-enacted situation. This compels the participant-audience to consider all the specific factors that have led to a condition of crisis point. Many times, in open forum discussions people keep talking over the top of their heads, offering solutions based on so much theoretical frameworks, quoting from other experiences far removed from those of the particular community at hand (culturally or politically). Definitions of human rights as outlined in numerous international organizations need to be adapted and translated in specific situations. In fact many of these human rights declarations have been enriched and amended due to cases, which may have challenged the prevailing general provisions. The theater system of Augusto Boal, as practiced by the Philippine Educational Theater association has served to particularize these provisions. Instead of mouthing general statements on human rights, the participants of a Theater Forum are compelled to provide creative alternatives more attuned to the aspirations and capacities of the people in the community. Education then goes two ways. The human rights educator can therefore see and learn from these role-playing exercises. In the exercises they can begin to realize exactly what people think of human rights as an issue based on the several alternatives they propose in a situation.

For instance, in the workshop, a group has decided to perform a small skit on the life of a street child. This street child, along with his siblings has been caught sleeping on the sidewalk by the police. They were then hauled off to jail. The street child could not do anything but languish in detention. When asked to provide alternatives that may prevent the situation from happening, the actor playing the street child decided to bribe the police so that they could

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<sup>1</sup> Playwright Development Program Coordinator Philippine Educational Theatre Association (PETA)



be freed. Other participants found this improbable since the situation presented happened in a city in Viet Nam where, presumably, corrupt policemen are not that rampant. For others (who come from other Asian countries) this solution seemed perfectly natural. Another alternative to the situation was re-enacted by the actor playing the role of the street child. He allowed his sisters to escape and sacrificed himself to be put in detention. These several alternatives begin to touch on other issues and questions:

1) Is it enough that the people know their human rights? In many cases, people who are well informed about their rights are exactly those who get into deeper trouble. While it is important to conduct human rights education programs to communities, they must reflect the real, palpable and practical applications of these principles in the community's lives. For the human rights educator, this may necessitate a deeper commitment to the community instead of the easier path of imparting the principles devoid of specific application.

2) The human rights educator will then begin to realize in the course of the theater forum that a lot of the problems posed by human rights violations are interconnected. In the previous example, corruption as an issue was touched. Given more time, the theater forum could raise a few other correlative issues, which deepen the rather contained situation of street children's welfare. These small realizations can help the human rights educator develop wider perspectives in confronting the situation.

3) These human rights principles are never final. They are continually enriched by different cases found in various cultures. Approaches to addressing the situation can vary. In one telling example during the workshop, a facilitator asked which of the parts of the woman's body are violated. The group identified numerous body parts, including the woman's hair. When asked how hair could be violated, a participant from Indonesia said that in his country, veiled women are forced to take off their veils, which then becomes a stark violation of Muslim religious and cultural convention. Taken from a different context, this observation could be a controversial point for discussion. Is the veil a mark of distinction or a symbol of a violation of women's rights? Which parameters should then be employed?

These questions that tend to provoke the educator and the community will necessarily emanate from the theater system developed by Augusto Boal. The theater process intends to raise more questions instead of simply finding easy answers that may turn out to be unrealistic prescriptions that go nowhere. This is the provocation that Boal's theater system can provide.

Mastering the theater system, however, is not that simple. Handled by less skilled facilitators or animators, as Boal would call them-- the Theater Forum process could amount to nothing. Also, a band of dedicated actors interacting with the community is most probably needed to encourage the participant-audience to get into the fray and not just be spectators. This is the challenge to educators who wish to develop more creative, interactive, community-based, people-oriented techniques for human rights education. ✨







# 3

**PART THREE**  
THE ASIAN CONTEXTS FOR  
HUMAN RIGHTS EDUCATION



## **Chapter VIII**

# Rooting Human Rights in the Asia-Pacific

by Jefferson R. Plantilla



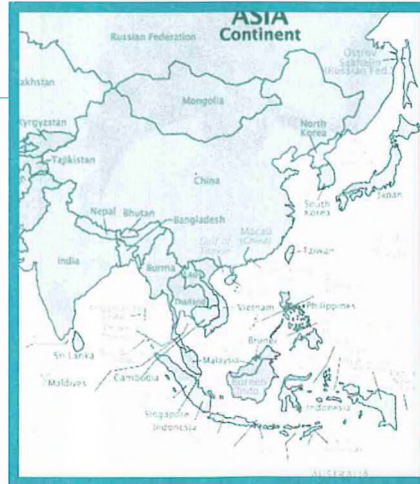
# Rooting Human Rights in the Asia-Pacific

**H**uman rights advocacy in Asia-Pacific experienced immense growth during the turbulent decade of the 70s. This phenomenon was a reaction to the political, social and economic environments that characterized the region during that decade. Lawyers, intellectuals, political leaders and other professionals created organizations to respond to the sudden increase in the number of human rights violations. Some student as well as sectoral movements had to go underground in order to continue their advocacy for the rule of law, democracy, and justice for the poor who have long been victims of social, economic and political systems.

Many countries in the region during the 70s were under authoritarian governments. The existence of authoritarian govern-



ments was generally justified as a necessary measure to save the countries from the alleged perils of chaos and instability. Indira Gandhi justified her iron-fist rule as a response to an emergency supposedly enveloping India. Earlier in the 60s, Park Chung-hee instituted an authoritarian government in the name of national security, Soeharto established a government based on his idea of "guided democracy," and Malaysia enacted a law allowing detention without trial. Ferdinand E. Marcos followed



in 1972 with his "constitutional authoritarianism." Communist governments in the People's Republic of China, Vietnam and Laos were also authoritarian and dominated by a single political party. The Khmer Rouge regime in Cambodia represented the extreme form of authoritarian rule that resulted in the genocide

of its own people. Burma/Myanmar remained under the rule of the military. Countries ruled by royal families in West Asia and in the Gulf region were not considered democratic and restricted certain freedoms.

The 70s was the decade of wars - India and Pakistan over Kashmir, East Pakistan's (Bangladesh) war for independence against then West Pakistan, Vietnam War, the invasion of Afghanistan by the Union of Socialist Soviet Russia, and the internal armed conflicts in Laos, the Philippines, Thailand, Burma/Myanmar, Sri Lanka and Northeast India. It also saw the rise of student movements in many countries, mainly against the capitalist system and the domination of the United States and its Western Allies in political and economic fields.

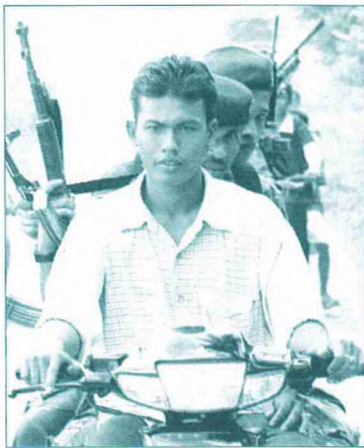
Armed conflict and authoritarian rule combined to produce a high rate of violation of civil and political rights. Many governments were not held accountable for the illegal arrests and detention, torture, disappearances, extra-judicial killings, as well as suppression of certain freedoms relating to expression, press, assembly, association and movement. Many elections held during this decade were considered neither free nor fair.

Another important character of this decade





is the phenomenal growth of the economies. South Korea engaged in industrialization following Japan, while Taiwan, Singapore and Hong Kong were not far behind. But while gross domestic product and other economic indicators were measuring economic development, many governments did not measure the consequent human rights violations. The suppression of the labor movement in the name of high productivity, the displacement of farmers, fisherfolk, and indigenous people to give way to development projects, the environmental degradation caused by forest logging to feed the needs of growing industries in the region and the construction of infrastructures such as dams and highways were all unaccounted for in the records of development.



The decade of the 70s therefore represents a mixed picture of strong political rule, armed conflicts and economic development. Human rights were violated in all spheres - civil, cultural, economic, political, and social. A number of features of the 70s still remain thirty years later, or at the beginning of the 21st century.

In the decade of the 80s, the advocacy for human rights continued. Many groups were formed to advocate the promotion and protection of sectoral issues (such as those affecting women, children, indigenous people) and economic development issues (such as those on environmental, health, livelihood and social impact of development projects).

Human rights continued to be violated during this decade. Internal armed conflicts continued to displace affected populations, kill innocent people (accused as combatants and killed during alleged "encounters" with the military), and restrict legitimate political activities.

The continuing drive for economic growth had changed the physical features of many

cities in Northeast and Southeast Asia. Department stores (and later shopping malls), better transportation and communication infrastructure in the cities promoted increased consumerism. Industries were set up by Japanese, Korean and Taiwanese companies in Southeast Asia primarily in Thailand, Malaysia and Indonesia to avail of cheap labor. European and American companies also established their operations there.

The economies of China and Vietnam opened to the global economy. They began to compete for foreign investment from Europe, North America, Japan, South Korea, and Singapore. The shift from command or managed economy to market economy was a radical development. It laid the ground for changes in the legal systems, and the increased role of foreign investment in the growth of their economies. Many countries in South Asia also decided to open their economies to foreign investment, seeing it as a quicker way to modernize and increase economic productivity.

China, with its cheap resources such as power supply, huge and cheap labor force, and good incentives for investors, began to attract a huge chunk of foreign investment. A decade later, its high economic growth rate passed those of previously fast growing economies of Southeast Asia.

Behind the glitter of the cities are stories of suffering in the rural areas. To feed the



huge consumption of richer economies in the region and elsewhere, as well as their own cities, many natural resources were exploited to the point of destruction. Mangroves were transformed into prawn farms, aquatic resources were overfished, and forests were plundered. Farmlands were converted into industrial, commercial and residential areas. Farm production resorted to heavy use of chemicals for pest control and increased output.

Disasters occurred mainly due to the lack of regulation of the industries. The 1984 Union Carbide gas leak tragedy in Bhopal, India is a classic example of industrial disaster that happened due



to neglect and lack of concern for the safety of the people surrounding the area of the chemical factory. Landslides, floods, and drought have largely been attributed to the denudation of the forests. Farmers have suffered from diseases caused by the use of chemical pesticides, and consumers in turn suffered from the consumption of agricultural products with heavy chemical inputs. Prawn and other aquatic farms along the coastal areas deprived small fisherfolk of their livelihood and they also destroyed mangroves, a habitat and breeding ground for various fishes and marine animals, and which also act as protection against strong waves of the sea.

Low pay and inadequate protection of workers, major factors in the growing economies, helped produce goods for the market at a profitable scale.

Blossoming economies within the region



and elsewhere supported the growth of the tourist industry. While tourism was a big earner for the countries in the region, there were also negative impacts. Environmen-



tal degradation due to over-exploitation of beaches and other tourist areas occurred. Displacement of fishing communities was likewise a result in some cases. Exploitation of women and children (both girls and boys) increased due to demand of the sex



trafficked within countries and across national borders. The exploitation of

women and children in the sex industries exposed them to sexual diseases includ-



ing HIV/AIDS. International crime syndicates seemed to operate freely, and were beyond the reach of governments. Trafficking of South Asian boys to become camel race jockeys in the Middle East had not been stopped. The same happened with the trafficking of Nepali women and girls for the brothels in India. The sending of women as mail-order brides to Europe, Australia and Japan grew without much protection





for the women. A number of cases turned out to be prostitution-related.

Migrant workers from various countries had become a regular feature of the economies in the subregion. Governments encouraged either the sending of their workers to other countries or receiving them to work in their own industries. Thailand sent and received migrant workers, and female domestic help became much sought-after in Hong Kong, Singapore and Malaysia. The presence of domestic help freed many women of the responsibilities of taking care of the house and the children, making



them available to work in white-collar jobs. Male laborers, on the other hand, were imported to work on farms, in factories and other jobs shunned by local workers because of the low pay and hard labor involved. The migration of male workers started in the 70s and continued into the 80s with Middle Eastern countries serving as the biggest importers of workers from South and Southeast Asia. Japan, Korea and Taiwan also started to import workers to support the labor needs of their industries.

The decade of the 90s is significant for a number of reasons. It was the decade when the Cold War ended and as a result, the ideological divide among countries in the region became less significant. ASEAN, originally established as a grouping of non-communist countries, increased its mem-

bership to include Vietnam, Burma/Myanmar, Laos and Cambodia. It established dialogue with various powerful nations including the United States, Japan, China and Russia.

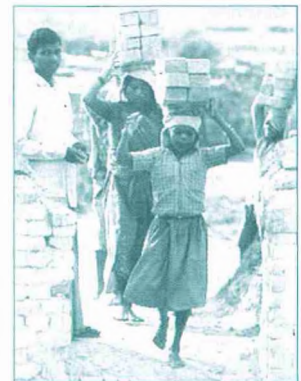
The 90s was also the decade when the Asian economic flu attacked many countries in the region. Starting in Thailand, it went to neighboring countries and eventually reached South Korea. Many companies were financially ruined due to failure to gain access to new credit needed to fund their operations, and eventually to pay for huge loans incurred to finance non-viable investment projects. The International Monetary Fund prescribed tighter budgetary rules for governments,

which translated into smaller budget allowances for social services including health and education, the privatization of public corporations, and implementation of a strict financial system.

This economic crisis led to the loss of jobs for both blue-collar and white-collar workers. It stopped many new investment projects.

On the other hand, the crisis clearly showed the amount of corruption present in the economies of many Asian countries. Big industries colluded with governments to gain access to more funds, monopolize industries, and remain free from gov-

ernmental supervision. As a result, many companies were not transparent in their financial dealings and were thus not accountable for their decisions. The crisis therefore showed the need for transparency, accountability and a more equitable system of doing business - in both the private and public sectors.





On the political side, several government leaders were either forced out of power or held accountable for their abuses. The change of government leadership in Thailand (1992) and Indonesia (1998) through massive popular protests is a good example. In South Korea, two former government leaders were charged in court for corruption and abuse of authority and were subsequently convicted. In the US, a former Philippine president was charged in court and adjudged liable to pay for the violation of the human rights of some 10,000 victims. These developments ushered in a new era in government



systems where accountability began to be appreciated as a necessity.

Human rights violations continued to occur during the

90s, mainly similar in character to those of the 80s. But several important developments in the field of human rights brought a new dynamism to human rights work. The decade of the 90s witnessed a series of global conferences starting with the 1992 Rio Conference on Environment and Development, the 1993 World Congress on Human Rights in Vienna, the 1994 Population Conference in Cairo, the 1995 World Conference on Women in Beijing, and the 1996 conference on commercial sexual exploitation of children in Stockholm. These conferences gave non-governmental orga-

nizations in the region the opportunity to increase their networking and awareness-raising abilities on the issues involved and human rights came to be identified with broader issues and sectors.



Networking likewise took a new form - that of internet-based networks. Information became more easily available through the internet and in greater volume, with graphics and photographs 24-



hours a day and at a relatively high speed. Some governments became more conscious of the power of

cyberspace, and clamped down on websites expressing views different from their own. They also blocked foreign-based websites to assure that information did not flow too fast and easy to their people. A new form of suppression had arisen. Nevertheless, for many non-governmental and governmental institutions the internet has immensely helped disseminate human rights information to many people within their own countries as well as around the globe.

Freedom of the press developed to a large degree during the decade of the 90s.

Newspapers, magazines, radio programs and even websites became the forums for expressing views on current social issues. Some



governments found the views expressed to



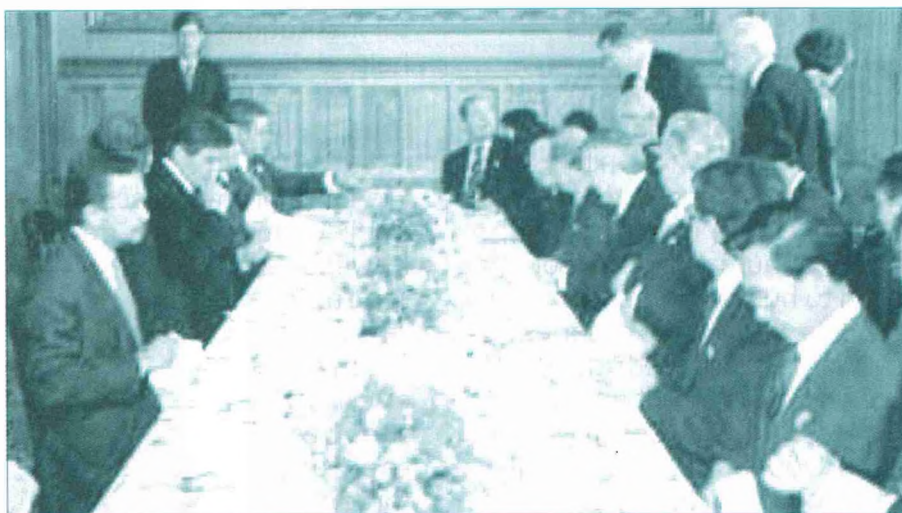
be politically dangerous and started to arrest journalists and ordinary citizens who express their opinions. Other governments criticized the media, at times to the point of almost telling them to close down. At present there are still reports of continuing crackdowns on the press - print, broadcast and cyberspace - in some countries in the region.

Cooperation on human rights issues among governments and non-governmental organizations increased. This can be seen in the cooperation on issues affecting children, disabled people, women, migrant workers, social welfare and environment.

At the regional level, the United Nations Office of the High Commissioner for Human Rights started the inter-governmental workshop for regional cooperation on human rights. This workshop became an annual forum for governments to discuss steps toward the creation of a regional mechanism for human rights. So far, there is no indication that such a regional mechanism will be established within a decade. But the continuing discussion of human rights issues between governments, non-governmental organizations and national human rights institutions may lead to some concrete steps addressing human rights concerns. Under the aegis of this regional workshop, intersessional workshops were held on particular issues including human rights education, and national human rights action plans. The regional workshop has adopted four areas of cooperation: national human rights action plans, human rights education, economic, social and cultural rights, the right to development, and national human rights institutions.

The 90s likewise saw the growth of national human rights institutions in South and South-east Asia, as well as the Pacific. This led to the formation of a regional forum called the Asia-Pacific Forum of National Human Rights Institutions.

From this decade to the present, there are continuing initiatives involving governments, non-governmental organizations and national human rights institutions relating to child rights, economic rights and human rights education. There are likewise increased programs on human rights by specialized United Nations agencies such as United Nations Children's Education Fund (UNICEF), United Nations Development Programme (UNDP), and the Office of the High Commissioner for Human Rights. Most of the programs cover capacity- and institution-building.





# Northeast Asia

**C**hina traditionally occupied the central role in the political, economic, social and cultural fields in Northeast Asia. Neighboring countries learned from its old civilization. When its power began to decline, Japan started to rise as another power in the subregion. Japan was able to further develop the Chinese systems. By the 19th century China had been receiving new or more developed systems from Japan. The Chinese word for human rights was supposedly adopted from Japanese publications.

Japan's rise as a political power was matched by the development of its military and economic industries. By early 20th century, Japan was able to defeat Russia, a European power, in naval warfare. It colonized the Korean peninsula, and later on occupied Manchuria. By the middle part of the century Japan ventured further out to South and Southeast Asia during the Second World War under its Greater East Asia Co-Prosperity Sphere concept.

The destruction and killing that occurred during the period of Japanese occupation remains an issue up to the present between Japan, China, and the two Koreas. The latter countries still believe that Japan has not fully recognized the suffering it brought to the people of their respective countries. The continuing visit by Japanese prime ministers to the Yasukuni Shrine (a cemetery which entombs Japanese military officers who were charged as Second World War criminals) indicate to the Chinese and the Koreans about the lack of real acknowledgement of the suffering brought by the Japanese. Many Japanese however accept that the occupation of the Korean penin-



sula and Manchuria was a mistake and an injustice, and understand the sentiments of those who suffered in China and the Korean peninsula.

Claims for compensation by Chinese and Koreans who were brought to Japan to work in the mines and military industries before and during the Second World War were dismissed by the courts in Japan due to a legal technicality. Claims for compensation by Chinese and Korean women who were treated as sex slaves during the Second World War did not get the approval of the courts.

Foreign migrant workers in Japan, South Korea, Taiwan and Hong Kong face problems of low pay and threat of deportation once their employment contract is terminated. Foreign women migrant workers working as entertainers also face similar problems. There are also reports of some women being lured into prostitution.

Internal migrant workers in China are also reported to suffer from discrimination such as not having the right to reside within the cities where they work. The workers are mainly poor people from the inner provinces of China who flock to the big cities.

Traditional culture and practices have negative impact on human rights. There are still Koreans who want to have boys rather than girls, showing bias in favor of male members in the family. There are also reports of killing of girl infants in China to get another chance to have a boy. Another form of negative effect of traditional culture is the discrimination against a group of Japanese known as Buraku-min, which





has lingered despite the country's modernization. It is believed to be connected with Buddhist thinking during the feudal age in Japan. The so-called Buraku discrimination affects people who are identified by the place where they live (places traditionally designated for their residence) and by their occupation such as butchering animals, processing leather, manufacturing leather goods, and tending gardens. The Buraku people are recognized for having developed Japanese arts such as gardening and drum playing. But they are still discriminated against in terms of employment, marriage and residence.

Long-time Korean residents in Japan also suffer from discrimination. Some decided to hide their identity by assuming Japanese names. Koreans who were born, raised and educated in Japan may still be discriminated against in employment and marriage.

Minority groups suffer from discrimination in the form of displacement from their traditional places of residence and the lack of protection of their culture. The Ainu people of Japan have mostly been assimilated into the Japanese society and some have even decided to hide their identity for fear of discrimination. Others, however, would like to revive their dying culture by learning the language, songs, rituals, and other traditional practices. The indigenous people in Taiwan are also trying to preserve their own language and culture in the face of majority Chinese society.

The issue of Tibet is still unresolved despite international efforts for a political settlement. There are reports of arrests and imprisonment of civilians who do not want to recognize the authority of the Chinese government. Concern has been raised about the influx of Han Chinese into Tibetan territory, which may consequently lead to their domination over the Tibetans.

Religious freedom is also an issue in China in view of the prohibition on Falun Gong. People who publicly profess adherence to Falun Gong, or protest against its banning face arrest.

North Korea has been suffering from a downturn in their economy caused by the collapse of the agricultural industry. Many North Koreans are reportedly suffering due to the repressive government and from famine as well. Some tried to escape from this suffering by going to China and some were able to escape to South Korea, while others were arrested and brought back to North Korea.

The lack of peace treaty between North and South Korea prevents the reunification of families who were separated by the Korean War. Some are already old and have been waiting to be reunited with their families for almost 50 years.



Between Japan and North Korea, the issue of abduction of Japanese by North Koreans has not been fully resolved. While North Korea admitted that it abducted several Japanese, and allowed the surviving victims to visit Japan, the suspected abduction of several other Japanese has been denied. Due to the lack of impartial investigation, the issue has remained unresolved.

The continued existence of the Cold War situation on the Korean peninsula due to the lack of a peace treaty between North and South Korea is the justification for the presence of United States military bases in South Korea. Many South Koreans are angered by problems involving US military soldiers including cases that led to death of Koreans. They would like the US military bases to go. Similarly, many Japanese in Okinawa have petitioned the Japanese government to remove the US military bases in their territory. The majority of US military in-





stallations in Japan are located in Okinawa.

Japan faces other human rights problem involving privacy rights, disabled people's rights, health service especially for the elderly, equal opportunity for women, rights of foreigners, police investigation, criminal prosecution, treatment of prisoners, among others. While South Korea, despite government leaders who are considered democratic and supportive of human rights, still retains its anti-Communist national security law that allows detention without trial. It was able to establish a national human rights commission, however. A bill in Japan for the creation of a

national human rights commission remains pending in the parliament. The bill is being criticized for not giving real independence to the institution it is creating.

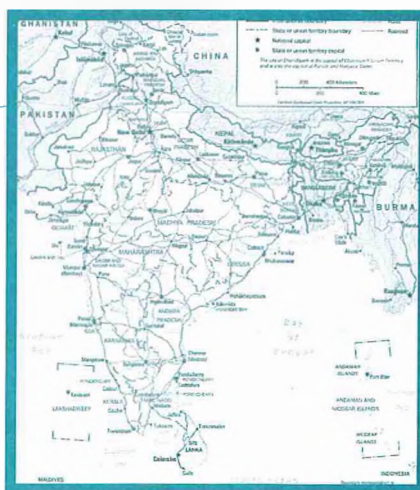
Northeast Asia has the most developed subregional economy because of Japan, South Korea, Taiwan, Hong Kong, and the fast growing Chinese economy. It has, however, failed to create a subregional mechanism that can facilitate cooperation in various fields, including human rights.

## South Asia

**S**outh Asia is home to more than one billion people, many of whom are suffering from poverty, illiteracy and discrimination. This subregion was colonized mainly by one colonial power - Britain.

The continuing conflict between India and Pakistan over Kashmir has prevented the development of economic ties between the two countries, which could potentially benefit their people. Instead, both countries devote their resources towards armaments, including development of nuclear weapons.

Between Bhutan and Nepal, the issue of Bhutanese refugees has yet to be fully



resolved. The verification process of the refugees has not been fast enough to cover all Bhutanese refugees in Nepal.

In this subregion, Dalit discrimination remains strong. Indian and Nepali Dalits still suffer from lack of opportunity to improve their economic and social conditions. Dalit women suffer discrimination at the hands of non-Dalits, and their own Dalit men as well. The Dalits' low social position exposes them to violence and other forms of abuse. In India, with the tension created by the rise of Hindu fundamentalists, violence against the Dalits has increased. There are Dalits in India who are converting to Buddhism as a means to





escape the discrimination practiced by Hindus. However, there are also reports of Buddhists practicing caste discrimination.



Ethnic and religious minorities in the subregion are also discriminated against. They have been subjected to violence and other

forms of harassment. Some Christian Pakistanis have been accused of blasphemy, a very serious charge that can lead to death sentence and some of their churches were attacked as well. In India, ethnic groups have been affected by the construction of the huge Sardar Sarovar dam. Government compensation for their displacement has been inadequate.

Women have also been abused in various ways - trafficking, sexual abuse, and physical harm (such as acid throwing in Bangladesh). Women writers who criticize traditional practices, especially those against women, have been threatened with both legal action and physical attack.

Strong movements propagating the idea of having a single religion for the two countries - Hinduism in India and Islam in Pakistan - threaten religious freedom. This has led to discrimination and physical abuse against those who do not belong to either religions.

Child labor is another big problem in the subregion. Measures to stop it, such as prohibition, have not resolved the main cause of child labor - poverty of the family. Parents may not be able to find sources of livelihood if their children stop working.

Illiteracy is also a huge problem in the sub-

region and many poor children do not have access to education. In some cases, girls are left out of the education system all together. Inadequate government support for the education system is a major cause of the problem.

There are internal armed conflicts affecting the subregion. Sri Lanka, northeast India, and Nepal have on-going peace processes to halt the increasing number of casualties and to allow economic and social development to take place. The displacement of innocent civilians is caused by the fighting between government forces and those of Liberation Tigers of Tamil Ealam (LTTE) in Sri Lanka, the Maoist Party in Nepal, and the Northeast Indian independence movements. Fighting seems to have stopped in the Chittagong Hill tracts in Bangladesh as the result of a peace settlement.



National human rights commissions now exist in India, Sri Lanka and Nepal. There are also state-level human rights commissions and courts in India. These commissions have been taking human rights issues either on their own motion or upon petition. While being criticized for their shortcomings, the commissions are helping bring human rights issues to the attention of the public at large.

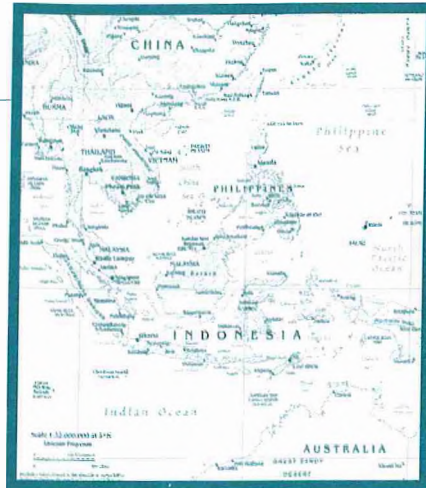
With the huge political, economic and social problems facing the people in the subregion, the governments of the seven countries decided to form the South Asian Association for Regional Cooperation (SAARC) in 1985. It has, however, been timid in discussing human rights issues. It also excludes from its deliberations bilateral and contentious issues, despite the fact that many of the problems affecting the subregion are, in fact, bilateral and contentious issues. SAARC may fail to address the major issues facing its own people.





# Southeast Asia

**S**outheast Asia has a long history of colonization by competing colonial powers. The Netherlands colonized Indonesia, Britain colonized Burma/Myanmar, Malaysia, Brunei and Singapore, and Spain (and later the United States) colonized the Philippines. France colonized Vietnam, Cambodia and Laos, and Portugal colonized Timor and Flores islands.



Thailand and Indonesia send a large number of workers to Singapore, Brunei and Malaysia. A number of cases of abuse of migrant workers, especially domestic help, have been reported. The issue of migrant workers has caused strained relations among the countries involved on a number of occasions.

Thailand escaped European colonization though it borrowed much of the European systems in its effort to modernize in the late 19th century.



In terms of religion, only the Philippines, Timor and Flores islands have been strongly affected with the introduction of Christianity. Spain and Portugal, their colonial masters, included the propagation of Christianity as part of their colonial mission. All other colonized countries retained either their Buddhist or Islamic faiths, which were rooted in their societies long before the European colonial powers came to the region.

The issue of migrant workers remains a major concern. The Philip-



Burmese/Myanmarese, Cambodian and Laotian workers find work in Thailand. There are reports of abuse against them, including the reported killing of several Burmese/Myanmarese in 2002. Vietnamese, Burmese/Myanmarese, Cambodian and Laotian women on the other hand have been trafficked to Thailand, or were brought to Thailand as a transit point to another destination. Some of the women were made to work in sweatshops, while others were forced into prostitution. Young girls are likewise trafficked, and many end up in brothels.

Indigenous people in the region are generally in difficult situations. They are discriminated against due to their different languages and cultures. They also do not get as much support from the governments in protecting their right to ancestral land. Programs to protect the forests, development projects such as the building of dams, and mining activities by big private corporations displace them. Cases of harassment by the police and government officials are also reported and educational opportunities for indigenous children are limited.

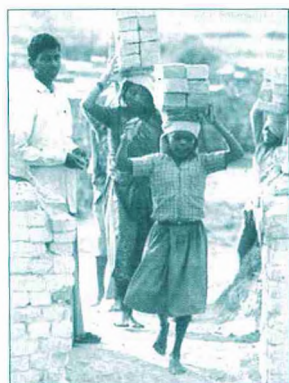
Protests against development projects can sometimes be treated as anti-development or anti-government activities. Protesters are liable to be attacked by the police and illegally detained. The treatment of villagers



protesting the Pak Mool dam in Northeast Thailand and the Malaysia-Thailand gas pipeline project in the south are cases in point.

Abuses by the police in their drive to stamp out crimes are victimizing people. Some are killed, while others are brought to court with false charges. One major cause of the abuses is the pressure on the police to comply with government orders to resolve crimes within a limited period of time. Poor people invariably become the victims.

Internal armed conflicts displace many people in the subregion. The fighting in the Philippines (especially Mindanao), Indonesia (Aceh), Burma/Myanmar (involving different minority groups), and to a certain extent in Laos (involving the Hmong people) has killed thousands of people and destroyed large amounts of property over the years. The



fighting still has no end in sight. Peace processes are still unsuccessful in finding lasting and meaningful solutions to the issues that caused the internal armed conflicts in the first place. In the context of these internal armed conflicts, military abuses are frequently reported. The military has been accused of engaging in extra-judicial killing, sexual abuse of women and destruction of property.

Religious conflicts, on the other hand, resulted in riots in Indonesia causing death and injuries. Religion also became an issue in Malaysia and Singapore as far as giving Islam appropriate recognition and re-

spect. The banning of *tudung* (headscarf) for Muslim schoolgirls in Singapore, and an attempt to formally recognize Malaysia as an Islamic state created controversies.

Impunity remains a major issue in Cambodia and Indonesia. The United Nations-supported trial for Khmer Rouge leaders accused of committing genocide has yet to begin. The special human rights court created by the Indonesian government to try cases against Indonesian military officers for the violence in East Timor after the 1999 vote for independence has been criticized for failing to find them guilty. Impunity, in general, is also an issue in other countries in the subregion.

National human rights commissions established in Indonesia, Malaysia, the Philippines and Thailand have to face human rights issues with strong political implications. Investigation of issues regarding the Internal Security Act in Malaysia, the government anti-drug campaign in Thailand, and the killing of many suspected communists in Indonesia in the 60s exposed the commissions to political pressure. Government officials have either ignored their recommendations or expressed anger at their effort to clarify the problems involved.

The Association of Southeast Asian Nations (ASEAN) was established in 1967 to facilitate cooperation among its member countries toward peace, freedom, and prosperity. By the 90s, ASEAN has expanded to include Vietnam, Burma/Myanmar, Cambodia and Laos. Timor Leste is expected to join it soon. With regard to the political problems in Burma/Myanmar, ASEAN adopted a constructive engagement policy. But it has been criticized for failing to make the Burmese/Myanmarese government engage in a serious dialogue with the Opposition. ASEAN has not given human rights a prominent role in its agenda.



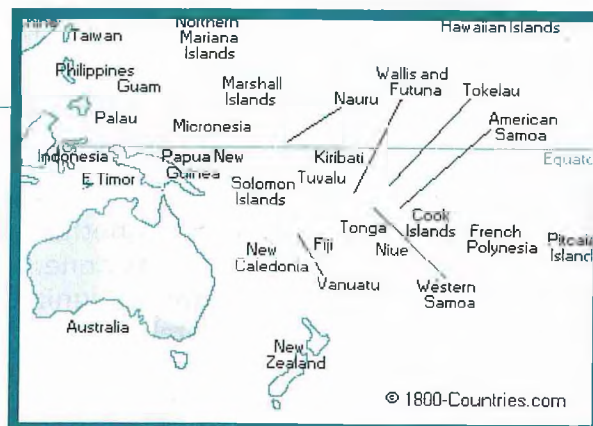


# Pacific

**T**he Pacific region is composed of the small island states, Papua New Guinea, New Zealand and Australia. Several groups of islands are in various types of association with the United States (Northern Marianas islands, American Samoa and Guam), France (New Caledonia, Wallis and Futuna, and French Polynesia) and New Zealand (Cook Islands, Niue and Tokelau). They have their respective governments but their defense is handled by the state they are associated with. Trust territories no longer exist in the Pacific. Palau gained its independence in 1994 as the last trust territory in the region (and in the world under United Nations supervision).

The Pacific region generally does not have serious problems of poverty, but some small islands states suffer from natural disasters, climate change, the rise of sea level (especially Nauru, Kiribati and Tuvalu), and transportation of nuclear waste. They also suffer from the distance between them and other countries, which affects their economic development.

Fiji experienced ethnic conflict involving native Fijians and the Indian-descent Fijians that culminated in the unsuccessful coup of 2000. The coup plotters wanted to change the 1997 Constitution, which they see as giving more rights to Indian-descent Fijians than they should have. Those involved with the coup were later arrested, tried and convicted. The Solomon Islands likewise experienced ethnic conflict involving the Guadalcanal Revolutionary Army (later renamed Isatabu Freedom Movement) and the Malaita Eagle Force. The conflict started



when the Guadalcanal island people (Guales) began protesting against the Malaita island people (Malaitans) residing in Guadalcanal Island for supposedly dominating government and business, and

occupying their land. The Malaitans were brought to Guadalcanal Island, where the capital Honiara is located, after the Second World War to help rebuild it. In 1998, the Guadalcanal Revolutionary Army, a militia group, forced 20,000 Malaitans in the rural areas of Guadalcanal Island to go back to Malaita island. The Malaita Eagle Force, created in 1999 and composed of Malaitans, started to fight the Guadalcanal Revolutionary Army in 2000. It occupied Honiara in the same year and demanded that Solomon Islands government resign. It also demanded that Malaitans who were forced to leave Guadalcanal island should be compensated for the destruction of their property. The new government of the Solomon Islands, with the support of Australia, led both groups to sign the Townsville Peace Agreement in late 2000. The agreement provides for autonomous governments for Guadalcanal and Malaita islands, disarming of the militias, and an International Peace Monitoring Team (composed mainly of unarmed Australians).

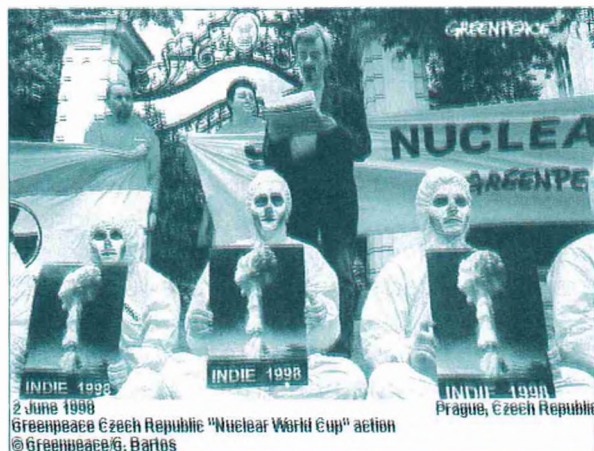
Bougainville experienced internal armed conflict that began in 1988 pitting the Papua New Guinea (PNG) Defence Force and the government-backed paramilitary Bougainvillean Resistance Forces (BRF) against the armed opposition group, the Bougainville Revolutionary Army (BRA). The call for independence among the Bougainville people was heightened when a giant mining project was imposed on them in the early





80s. Human rights violations were reported during the internal armed conflict. After ten years of conflict, a peace agreement was signed between the PNG government and the Bougainville leaders in August 2001. The peace agreement provides for an autonomous Bougainville government, disarming of BRF and BRA and withdrawal of PNG military, and the holding of a referendum after at least ten years to decide on whether it will be fully independent from Papua New Guinea or not.

Issues about indigenous peoples' rights exist in New Zealand and Australia. The Maoris have the Treaty of Waitangi as the basis of their relationship with the British Crown, which technically governs New Zealand. There are cases of conflict on the interpretation of this treaty in relation to the use of the fishery resources. Though the Maoris receive social welfare support from the government, social problems still haunt them. The Aborigines of Australia also have a long history of suffering. The program of separating aboriginal children from their families in order to "civilize" them is one of the most famous problems that still affects the Aborigines. Many Aborigines still have low economic standing.



There is a move among the Kanaky people to make New Caledonia independent from France but it has not been successful so far.

Nuclear testing is a major issue in the region. It involves the US, Britain and

France. While nuclear testing has stopped, its environmental and health effects still have not been fully addressed. Nuclear testing occurred over a period of fifty years (1946 to 1995). The US had nuclear tests in Bikini and Enewak atolls, Britain in Christmas Island, France in French Polynesia. The US set up the Nuclear Claims Tribunal to settle claims for compensation for the people of Enewetak atoll who were transferred to another atoll before the nuclear testing was done. A recent decision of the tribunal recognizes the suffering of the Enewetak people during their 33 years of stay outside their homeland. The fund of the tribunal for compensation has been found inadequate to pay for the damage done.

The South Pacific Nuclear Free Zone Treaty (more popularly known as the Treaty of Rarotonga) was signed in August 1985 by eight Pacific member-states. Now the Treaty covers 12 states (Australia, Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tuvalu, Vanuatu, and Western Samoa). Tonga signed the Treaty on August 2, 1996, but has yet to ratify it. The United States, along with the United Kingdom and France, signed the three Protocols of the Treaty on March 25, 1996, in a special ceremony in Suva, Fiji, the site of the depositary of the Treaty.

There is one view, supported both by the people and their governments in small island states in the region, about the value of using traditional, community-based systems for the protection of human rights. Punishment for offenders and dispute resolution, for example, are best done in the traditional way. This view supports the idea that the Pacific should have a human rights charter that would reflect its unique condition.

In 1986, the Human Rights Committee of the Law Association of Asia and the Pacific (LAWASIA) drafted a Pacific Charter of Human Rights. LAWASIA lobbied the governments in the region to agree to draft a treaty on Pacific human rights arrangement based on its draft charter. The project,



however, failed to get the approval of many governments in the region.

There are also issues affecting the Pacific that relate to people from outside the region. One major issue is about refugees and Australia's policy of keeping them in camps over long periods of time while their refugee status applications are being processed. In one case, the Australian Family Court ruled that children of refugee-applicants should not be held in indefinite detention. The court ruled that indefinite detention harms the interests of the children, in violation of the Convention on the Rights of the Child. Another issue relates to the West Papuans, who are still considered to be Indonesians, and therefore outside the Pacific region. But West Papua is part of the main island of Papua New Guinea, a Pacific state. There are people who consider West Papua as part of the Pacific and lobby for the initiation of a process for the exercise by the West Papuans of their right to self-determination.

New Zealand, Australia and Fiji have established their respective national human rights commissions. They have focused their work on indigenous people's rights, labor, and women. They have also created programs for human rights awareness.

The Pacific Islands Forum (previously known as South Pacific Forum) was established in 1971 in Wellington, New Zealand. It has seven founding members - Australia, the Cook Islands, Fiji, Nauru, New Zealand, Tonga and Western Samoa. The forum was established to help member-states address common issues from a regional perspective and give their collective views greater weight in the international community. The forum is now comprised of Australia, Cook Islands, Federated States of Micronesia, Fiji Islands, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

**For more detailed information on the different human right issues in the region, please visit:**

**Child Workers Asia**

[www.cwa.tnet.co.th](http://www.cwa.tnet.co.th)

**ECPAT**

[www.ecpat.net](http://www.ecpat.net)

**Asian Research Center for Migration**

[www.chula.ac.th/INSTITUTE/ARCM/main.htm](http://www.chula.ac.th/INSTITUTE/ARCM/main.htm)

**Global Internet Liberty Campaign**

[www.gilc.org](http://www.gilc.org)

**International Freedom of Expression Exchange (IFEX) Clearing House**

[www.ifex.org](http://www.ifex.org)

**Environmental Justice Foundation**

[www.ejfoundation.org](http://www.ejfoundation.org)

**South Asia Citizens Web**

<http://sacw.insaf.net>

**South Asia Human Rights**

[www.hrhc.net/sahrhc](http://www.hrhc.net/sahrhc)

**Pacific Concerns Resource Center**

[www.pcrc.org.fj](http://www.pcrc.org.fj)

**Asia-Pacific Human Rights Information Center**

[www.hurights.or.jp](http://www.hurights.or.jp)

**Asian Human Rights Commission**

[www.ahrchk.net](http://www.ahrchk.net)

**Asia-Pacific Forum of National Human Rights Institutions**

[www.asiapacificforum.net](http://www.asiapacificforum.net)





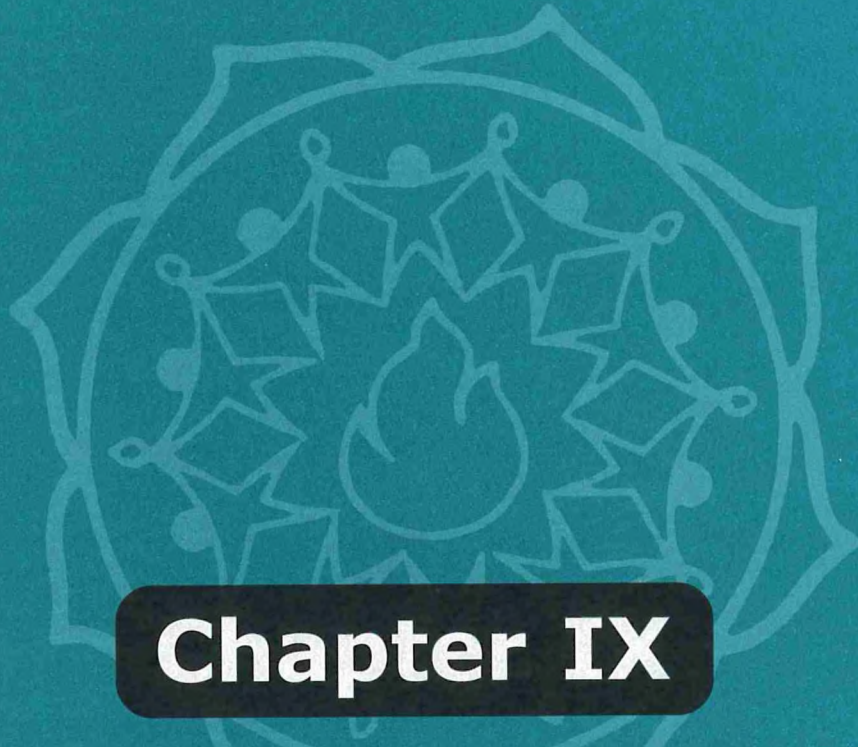


# 4

## **PART FOUR**

### HUMAN RIGHTS LESSONS





## Chapter IX

# Human Rights and My Life: The Universal Declaration of Human Rights

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*Today, more than ever before, life must be characterized by a sense of Universal responsibility, not only nation to nation and human to human, but also human to other forms of life. -Dalai Lama*

.....



# Human Rights and the Seven Dimensions of Life

## 1. Activity

### *Human Dignity and Human Rights Circle*

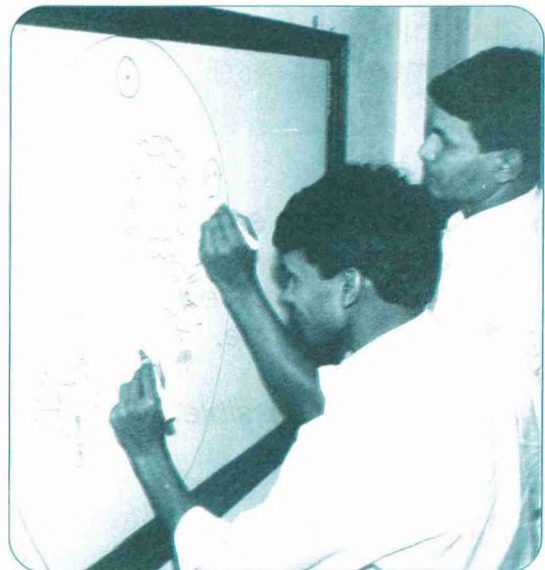
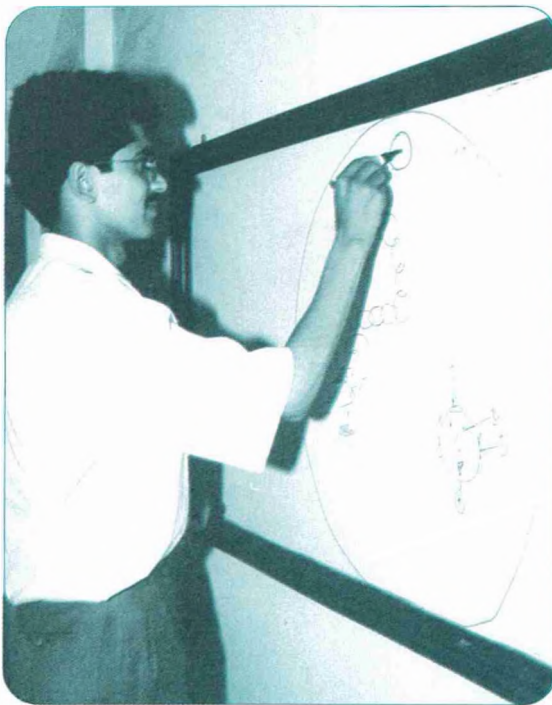
- Draw one big circle on the board. Ask the participants to do the following: (Give the participants enough time to think about what you ask them to do. Involve all the participants as much as possible.)

#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape

#### **Time Allotment**

Minimum of two hours  
(up to Input only) to  
maximum of five hours  
(up to Synthesis)



- Think of words that would characterize human beings.
- Think of symbols that would represent these characteristics of human beings and draw these symbols inside the circle.

- After everyone has drawn their symbols inside the circle, ask for volunteers to explain their drawing. (Give each volunteer a creative form of appreciation)

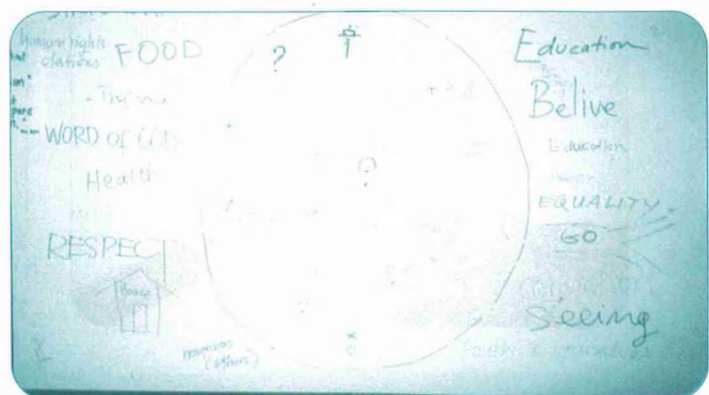


- Make a summary of the characteristics of human beings that can be derived from the participants' responses. The facilitator may paraphrase the participants' responses to show coherence and consistency. (*Expect for unexpected responses. The key is not to weed out these answers but to restate them and connect them with the rest of the responses*).
- After emphasizing that the symbols inside the circle are characteristics that make us all human, ask the participants to:

✍ Write outside the circle what each human characteristic inside the circle needs in order to achieve its full potential. For instance, what do our physical bodies need to keep them safe and healthy? What do we need to hone our power of reason? What do we need in order to be able to use our ability to communicate?



- (*Make sure that each characteristic has a corresponding answer outside of the circle. Involve as many participants as possible.*)



For example:

Human beings...	Needed for development...
<ul style="list-style-type: none"> <li>• Are rational</li> <li>• Have a physical body/ are mortal</li> <li>• Are creative</li> </ul>	education food, clothes, shelter work, profession





## 2. Discussion

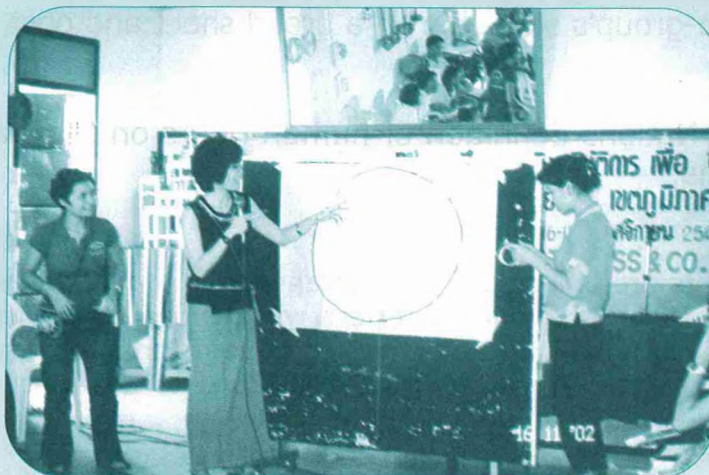
- Ask the participants the following questions:

### QUESTIONS TO ASK

- ✂ What does the circle represent?
- ✂ May any of these characteristics be taken away, limited, or sacrificed?
- ✂ What does wholeness signify?
- ✂ Is dignity common to all human beings?
- ✂ Can we lose our dignity as human beings?
- ✂ What do the words outside of the circle tell us?
- ✂ What concept embodies all these words?
- ✂ What are human rights? How are rights related to dignity?

### EXPECTED ANSWER

- ✂ Wholeness, oneness, connectedness, unity
- ✂ No, because then an individual will not be whole. Not one characteristic less.
- ✂ Human dignity. Dignity is the wholeness that makes us human. It constitutes all the characteristics of human beings.
- ✂ Yes. It is human dignity that makes all human beings equal. Dignity is essential to be fully human.
- ✂ No, but it can be wounded, maimed, or affronted.
- ✂ These are what are necessary to protect our dignity as human beings.
- ✂ Human rights
- ✂ Human rights are everything human beings are entitled to, to protect their dignity as individuals.





Before giving the **INPUT**, it is important that the participants realize at this point that human dignity and human rights are intertwined. Human rights are rooted in human dignity and that human dignity is protected by human rights.

### 3. Input

#### *ABC's of Human Rights*

- Give each participant a piece of paper and colored pen. Start the **INPUT** with the following activity:

✎ Complete the following sentence:  
Human rights are \_\_\_\_\_

*(Give the participants ample time to write their answers. If the participants cannot read nor write, ask for symbols indicating their concept of human rights)*

- Divide the participants into three or four sub-groups. Ask the groups to:

- ✎ Explain your completed sentence to your sub-group. (Give 5 minutes for this)
- ✎ Make one sentence about human rights incorporating the ideas of all members of the sub-group. (Give 5 minutes for this.)
- ✎ Write your sub-group's sentence on a broad sheet and post it on the wall.

- Post the United Nations definition of human rights on the wall alongside the other definitions.

Human Rights are universal legal guarantees protecting individuals and groups against actions which interfere with fundamental freedoms and human dignity. Human rights law obliges Governments to do some things and prevents them from doing others. some of the most important characteristics of human rights are the following:

- They are internationally guaranteed;





- They are legally protected;
- They focus on the dignity of the human being;
- They protect individuals and groups;
- They obligate States and State actors;
- They cannot be waived/taken away;
- They are equal and interdependent;
- They are universal

- Ask for volunteers who will read the definitions on the wall.
- Ask the participants the following:

<u>QUESTIONS TO ASK</u>	<u>EXPECTED ANSWER</u>
⌚ What are the similarities among the different definitions?	All the definitions talk about entitlements of individuals as human beings.
⌚ What are the differences among the different definitions?	Not much. The UN definition is abstract while the rest provides concrete examples.

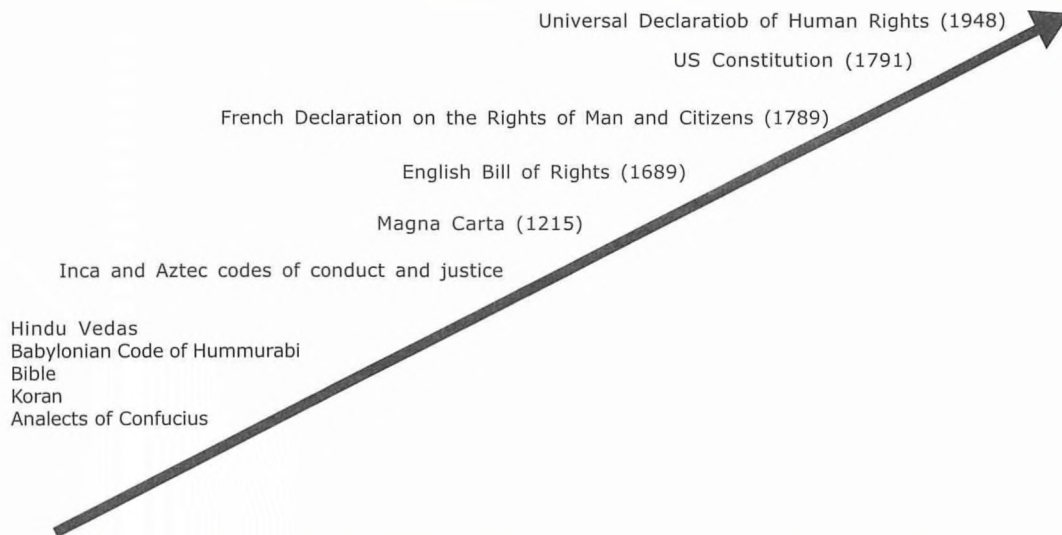
- Proceed with the INPUT emphasizing the following:

## Human rights are:

- **Universal** - everyone should enjoy human rights **without discrimination** as to sex, age, language, religion, or race.
- **Inviolable** - human rights are an essential element of one's humanity. It cannot be abrogated or violated unless determined by law and "solely for the purpose of securing due recognition and respect for the rights of others and of meeting the just requirements of the **general welfare**, **morality**, and **public order** in a democratic society".
- **Interdependent** - certain rights cannot be sacrificed in favor of other rights because taken together, these rights make human beings whole.



### Human Rights Before the Twentieth Century:



## Where did human rights originate?

✍ The concept of human rights did not start with the Universal Declaration of Human Rights in 1948. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Koran, and the Analects of Confucius are five of the oldest written sources which address questions of people's duties, rights, and responsibilities. The Inca and Aztec codes of conduct and justice and Iroquois Constitution were Native American sources that existed well before the 18<sup>th</sup> century.

✍ The concept of human rights has also existed under several names in European thought for many centuries. In the 18<sup>th</sup> and 19<sup>th</sup> centuries in Europe, several philosophers proposed the concept of "natural rights," rights belonging to a person by nature and because he was a human being, not by virtue of his citizenship in a particular country or membership in a particular religious or ethnic group.

✍ The Magna Carta (1215), the English Bill of Rights (1689), the French Declaration on the Rights of Man and Citizens (1789), and the US Constitution (1791) may have been predecessors of 20<sup>th</sup> century human rights instruments but many of these documents made invisible women, children, people of colour, and members of certain social, religious, economic and political groups.





## What are international human rights standards? What is the Universal Declaration of Human Rights?

✍ The idea of human rights emerged stronger after the Second World War. The horror of this war galvanized an international conscience that demanded protection of human rights by the governments of the world. Thus, born was the Universal Declaration of Human Rights.

✍ The UDHR is the **minimum** and **common standard of achievement** for all peoples. The United Nations General Assembly adopted it on December 10, 1948, the day which continues to be observed internationally as **Human Rights Day**. It has 30 articles spelling out basic civil, political, economic, and sociocultural rights. Articles **3 to 21** present the **civil** and **political rights** to which all human beings are entitled. Articles **22 to 27** set forth the **economic, social, and cultural** rights to which every person is equally entitled. Articles **28 to 30**, "*recognise that everyone is entitled to a social and international order in which the human rights set forth in the Declaration may be fully realised; that these rights may only be limited for the sole purpose of securing recognition and respect of the rights and freedoms of others and of meeting the requirements of morality, public order and the general welfare in a democratic society; and that each person has duties to the community in which he or she lives*".<sup>1</sup> The UDHR being merely a declaration of principles does not legally bind States parties, however, it has evolved as a standard of moral commitment for States, thus, is often used to assess their actions.

✍ International human rights standards are a compilation of international laws and treaties defining a broad range of internationally accepted human rights such as civil, economic, political, and socio-cultural. Rights of women, children, persons with disabilities, migrant workers, indigenous people, minorities, refugees, and other vulnerable groups have also been acknowledged.

✍ The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil-Political Rights, the International Covenant on Socio-Economic and Cultural Rights and their Optional Protocols are the major human rights instruments comprising the International Bill of Rights.



## What are the specific rights in the UDHR?

### *The ABC's of Human Rights*

<b>A</b>	> Asylum	(Art. 14)
<b>B</b>	> Beliefs, Thought and Conscience	(Art. 18)
<b>C</b>	> Culture	(Art. 27)
<b>D</b>	> Due Process	(Art. 9, Art. 11)
<b>E</b>	> Equality in Dignity, Rights and Law	(Art. 1, Art. 2, Art. 7)
<b>F</b>	> Freedom from Slavery, Torture and Degrading Treatment and Punishment	(Art. 4, Art. 5)
<b>G</b>	> Groups, Association, and Assembly	(Art. 20)
<b>H</b>	> Holdings	(Art. 17)
<b>I</b>	> Intellectual Property	(Art. 27)
<b>J</b>	> Justice and Judicial Remedy	(Art. 8, Art. 10)
<b>K</b>	> Knowledge	(Art. 26)
<b>L</b>	> Life and Liberty	(Art. 3)
<b>M</b>	> Marriage and Family	(Art. 16)
<b>N</b>	> Name and Nationality	(Art. 15)
<b>O</b>	> Opinion and Expression	(Art. 19)
<b>P</b>	> Privacy and Protection	(Art. 12)
<b>Q</b>	> Question	(Art. 19, Art. 21)
<b>R</b>	> Religion	(Art. 18)
<b>S</b>	> Social Security	(Art. 22)
<b>T</b>	> Travel and Movement	(Art. 13)
<b>U</b>	> Union	(Art. 23)
<b>V</b>	> Vote and Participation	(Art. 21)
<b>W</b>	> Work and Well Being	(Art. 23, Art. 25)
<b>X</b>	> eXtra and Special human rights protection	(Art. 28, Art.29,Art. 30)
<b>Y</b>	> yearn for more	(Art. 28, Art. 29, Art. 30)
<b>Z</b>	> zzzzzzz...rest and leisure	(Art. 24)





## What are the different groups of rights?

### According to nature

- **Civil Rights** - are rights of individuals to be protected from arbitrary interference by government in their life, liberty and property. Examples are right to life, liberty, and security, freedom to travel, right to due process.
- **Political Rights** - are rights of individuals to interfere and participate in the affairs of government such as right to vote, stand for election, and participate in state and social management, freedom of speech, of the press, of assembly.
- **Social, Economic and Cultural Rights** - are progressive demands of the people to improve their standard of living such as right to education, to work, to healthy working environment, right to equal pay for equal work, right to practice religion, use one's language, enjoy one's culture.

### According to recipient

- **Individual Rights** - are rights that may be exercised by every individual such as those in the UDHR
- **Collective/Group Rights** - are rights given to a specified vulnerable group which may be exercised because of one's membership to such community such as right to development, women's rights, children's rights, indigenous people's rights, etc. These are also prioritised rights.

### According to source

- **Natural Rights** - are rights believed to be based on reason or given by Supreme Being. They existed long before they were recognised by law. Examples of which are right to life, right to property, right to justice, right to freedom, right to peace
- **Legal Rights** - are rights recognised by laws. Examples of which are right to habeas corpus, right to be presumed innocent until proven guilty, right to bail, etc.



### According to implementation

- **Immediate** - are those rights that States can readily implement because these are dependent on the States' political will such as civil and political rights.
- **Progressive/Incremental** - are those rights whose implementation is dependent on availability of the States' resources and thus can only be enjoyed gradually. Such rights are the social, economic and cultural rights.

## **Who is responsible to implement human rights?**

The STATE has the primary responsibility to

- RESPECT human rights - not to do acts that will violate the rights of individuals
- PROTECT human rights - commit acts that will defend the rights of individuals
- PROMOTE human rights - enforce activities that will ensure that individuals know about their rights.
- FULFILL human rights - ensure that rights are realized either immediately or incrementally.

While the State has the obligation to realize these rights, individuals are expected to respect the rights of others.

Human rights violations are committed by the State and Non-State Actors. Non-State actors are organized groups that aim to seize governmental powers or those institutions that influence the use of state power. Individual acts that abuse human rights are considered common crimes.

The distinction between human rights violations and human rights abuses as common crimes is necessary to emphasize that human rights are primarily a State obligation. The State with all its powers has to be guided by the principles of human rights in its exercise of its powers.







If the time is limited, it is important to note at this point that the session may end with an open forum after the INPUT. The facilitator may regard the open forum as the DEEPENING portion of the process. The facilitator may proceed with the SYNTHESIS with two or three sentences emphasizing the significance of human rights. However, it is suggested that the following DEEPENING and SYNTHESIS be conducted if the time permits.

## 4. Deepening

### *Owning Human Rights and My Life Mat*

- Give each participant a piece of long bond paper and crayons.
- Ask them to make a life mat as shown below. This is based on Erikson's 7-year Cycle of Development.

0-7	8-14	15-21	22-28	29-35	36-42	43-49	50-56	57-63	64-70

- Describe to the participants the following:
  - ✍ On the top rows, draw symbols that will illustrate happiest moments in each stage of your life.
  - ✍ On the bottom rows, draw symbols that will show the saddest moments in each stage of your life.
  - ✍ For life stages that you are yet to experience, anticipate through symbols happy and unhappy events that may happen to you.
  - ✍ You are given 30 minutes to make your life mat. If you are done, get a partner and share to each other your life mat. (Give 5 minutes for each partner) Then, you may post your life mat on the wall.



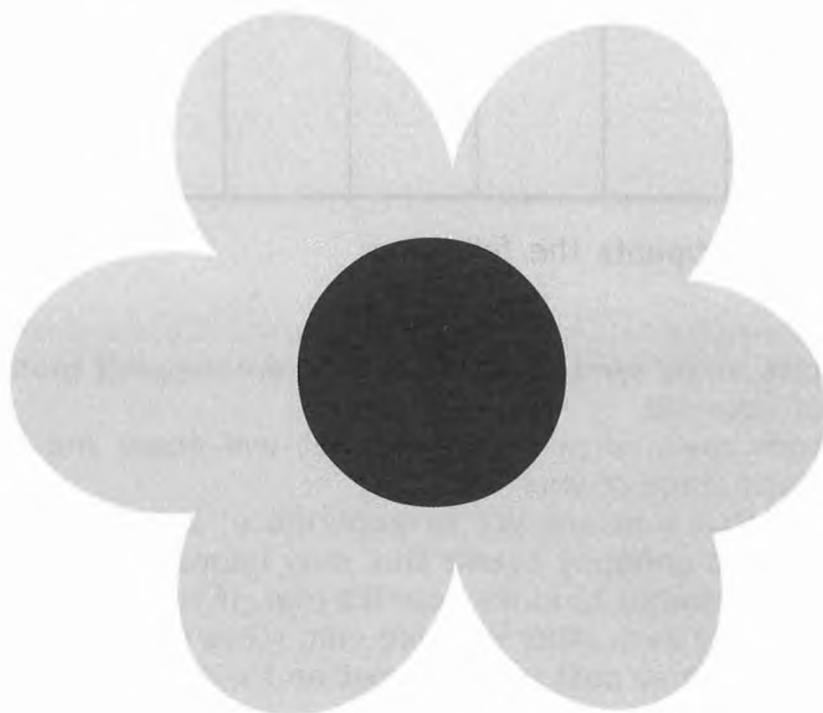
- Ask for volunteers who will share in the plenary their life mat.
- Remind the participants that everything that will be shared should remain confidential.
- If there is no volunteer, proceed to the deepening questions:

- ⌚ In what ways are the happiest and saddest moments in our lives similar to or different from human rights?
- ⌚ Which human rights were usually abused in our lives?
- ⌚ Which human rights were usually enjoyed by most of us?
- ⌚ Which human rights do we wish we should enjoy in the latter stages of our lives?
- ⌚ Which human rights are likely to be abused in the latter stages of our lives?
- ⌚ How are human rights related to one's life?

## 5. Synthesis

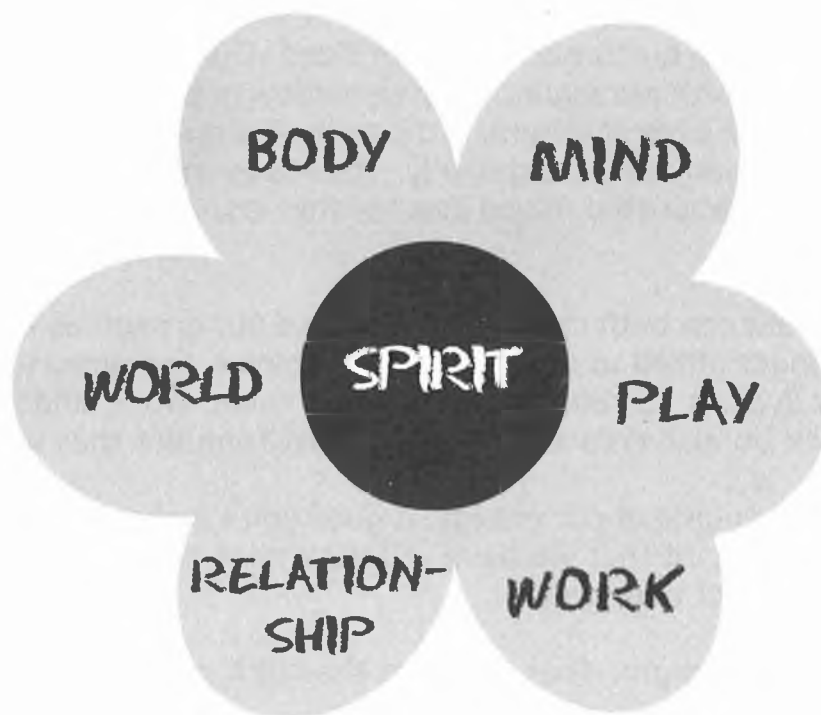
### *The Seven Dimensions of Life and Human Rights*

- Show the participants the following drawing:





- Place the label in each petal one at a time after each dimension has already been described. (See box below.)



- Explain to the participants what each dimension means and how each dimension inter-connects with others.

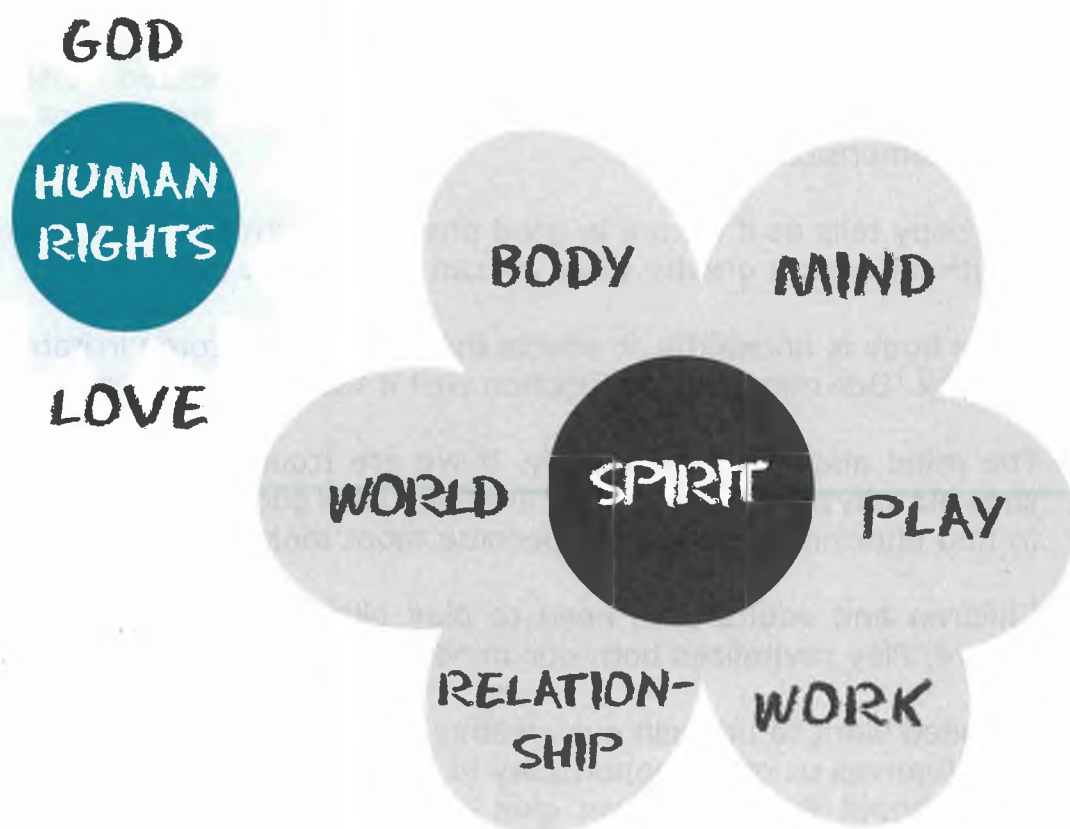
- ☺ The different dimensions of life are inter-connected. One is as important as the others. What is needed is to find the balance among these dimensions.
- ☺ Our body tells us if we are in good physical health or not. Our physical health influences greatly what we can and cannot do.
- ☺ If the body is unhealthy, it affects the mind. We become irritable if we are sick. Our mind cannot function well if the body is not well.
- ☺ The mind also affects the body. If we are troubled by something, it saps our physical energy. If we are filled with good thoughts, we seem to find enormous energy. We become more mobile.
- ☺ Children and adults both need to play either in the form of rest or leisure. Play revitalizes both our mind and body.
- ☺ We need work to unleash our creative potentials. But all work without play deprives us of the opportunity to re-charge our mind and body. All play without work, does not give us the opportunity to mature and



grow with our environment.

- ☺ Intimate relationship is an essential part of life. Our family or loved ones provide us the nurturance that we need. Our relationship forces us to be in touch with ourselves. To give ourselves with others and see ourselves from the eyes of others. If the body and mind are not healthy, they affect our relationship negatively. Too much work and play make us neglect our relationship. Good relationship inspires us to do better at work.
- ☺ Our environment can both inhibit and facilitate our growth as a person. We can no longer afford to disregard the problems and opportunities it brings to our lives. It has effects on our body, mind, work, and relationship. What we do also creates the kind of environment that we have.
- ☺ The spirit is the source of our energy. A good spirit inspires, a bad spirit kills. The kind of spirit that we have will determine the condition of the other dimensions of our lives.
- ☺ All flowers need sunlight. That is where the spirit gets its life.

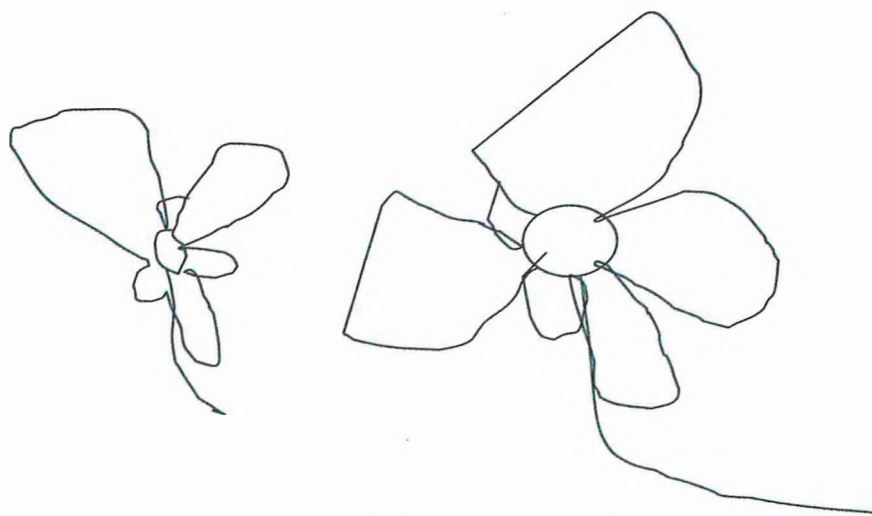
- Add a sun into the drawing and ask the participants the following:

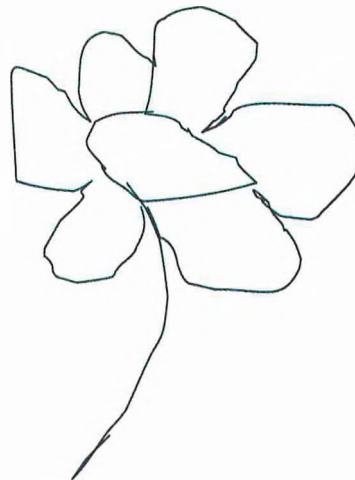
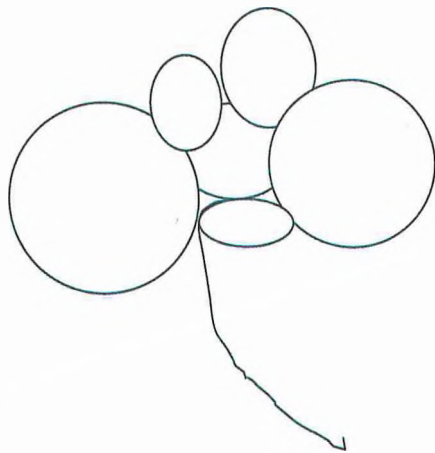




- ✍ What does the sun represent?
- ✍ What is usually regarded by people as source of their spirit? Of their energy?
- ✍ Whoever or whatever is the source of one's energy or spirit must be respected.
- ✍ In doing human rights work, however, human rights become the sun. Our life draws its energy from the belief that human beings have human rights.
- ✍ If we regard human rights as source of our energy, we can then assess the condition of our lives depending on human rights standards.
- ✍ We cannot teach others about human rights if we do not practice it in our own lives.
- ✍ To find out how we live human rights in our life, draw your own flower. Assess how small or big the petals of each dimension are based on human rights.
- ✍ Do you take good care of your body? Mind? Do you get enough play? Do you have fulfilling work? How is your relationship? Do you contribute to the welfare of the world? How is your spirit? Energy?
- ✍ You have 5 minutes to draw your flower. Post your work on the wall.

- Below are possible variations of the participants' flowers.





- Ask the participants the following:

What do the different images of flowers tell us?



*End the session emphasizing that human rights are about life. What human rights tries to do is to provide us the opportunity to examine our lives using the lenses of human rights. We cannot respect, protect and promote others' rights unless we practice it in our own lives.*





# Popularizing the Universal Declaration of Human Rights

## 1. Activity

### *Identifying People and their Human Rights*

- Divide the participants into groups of 5 members. Give each group one picture of people. Make sure that the pictures represent different types of people including the rich, the poor, people of different nationalities, indigenous peoples, minorities, and national leaders. Ask them to do the following within 15 minutes: (If the participants are non-literate, ask them to draw.)

#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape, pictures showing different kinds of people

#### **Time Allotment**

Minimum of two hours  
(up to Input only) to maximum of five hours  
(up to Synthesis)



- Identify the people shown in the picture;
- Describe what they do for a living, where they live, as well as any other information about the characteristics or conditions of the people in the picture;
- List problems usually faced by the people;
- List ways that they might protect themselves from the problems they face.
- List what is necessary in order for them to solve their problems.
- Write the results of the discussions on a large piece of paper.



- Tell the groups to report their discussions in the plenary. Instruct each group reporter to post his or her written report on the board (on large piece of paper) just before she/he begins the reporting. Remind the participants that they can add information to the reports and, if necessary, they can ask questions to clarify statements in the reports.



- As the groups are reporting, the facilitator will simultaneously make a chart summarizing the work of the groups as shown below (Keep the third and fourth columns blank. If the participants are non-literate, use symbols):



1 <sup>st</sup> PEOPLE	2 <sup>nd</sup> CONDITION/ PROBLEMS	3 <sup>rd</sup> WAYS TO FACE PROBLEMS	4 <sup>th</sup> HUMAN RIGHTS VIOLATED	5 <sup>th</sup> HUMAN RIGHTS NEEDED





## 2. Discussion

- After all the groups have reported, present the summary of the group reports to the participants. (Do not show the labels of the 3<sup>rd</sup> and the 4<sup>th</sup> columns)
- Ask the participants the following questions: (Write the answers on the board. If there are conflicting opinions, allow those who expressed them to explain and/or write the reason(s) for the opinions on the board).

### QUESTIONS TO ASK

- Are there any common characteristics or conditions mentioned in the reports? Are there differences in the characteristics or conditions of the people?
- Are there reasons for the commonalities and differences of characteristics or conditions?
- Do these commonalities and differences of characteristics or conditions have any significance? Explain.
- Do these commonalities or differences of characteristics or conditions reflect the situation in the society where you belong? Do the problems identified for each type of people also exist in your society? How are the problems resolved or addressed, and by whom?

### EXPECTED ANSWER

- People have different social, economic and political statuses.
- Characteristics or conditions are similar or different because of race, culture, economic or social situations and many other reasons.
- These differences and similarities of characteristics or conditions have significance in certain cases such as quality of life, status in society, access to economic, social and political opportunities, protection from harm by the government, the types of problems they face, etc.
- The problems faced by the different people are found in the participants' own community.
- The problems are sometimes resolved by the people's own efforts or through the help of the government.



### 3. Input

#### *Weaving Contextual and Textual Human Rights*

- Distribute a copy of the Universal Declaration of Human Rights. (If the group is non-literate, distribute the "picture version" of the UDHR. Then, ask volunteers to:
  - ✍ Write on the 4<sup>th</sup> column the human rights violated in the 2nd column.
  - ✍ Write on the 5<sup>th</sup> column the human rights necessary to improve the condition and solve the problems being experienced.



- As the participants are filling in the summary matrix, the facilitator may add some rights that are missed by the participants. Explain what the rights mean.
- The resource person may focus the INPUT on the relevant national laws that either facilitate or inhibit human rights and instances where human rights may be limited. The INPUT should emphasize that laws should be examined from the point of view of human rights. There is a need to find out whether both the spirit and the letter of the law are based on human rights principles. Laws are not always respectful of human rights. More often than not, laws are used to infringe on the rights of people.





HUMAN RIGHTS	RELEVANT NATIONAL LAWS	ACCEPTABLE BASES OF LIMITATION
<p><b>Art.1</b> - Everyone is equal</p> <p><b>Art.2</b> - Non-discrimination</p> <p><b>Art.3</b> - Right to life, liberty and Personal Security</p> <p><b>Art.4</b> Prohibition of slavery and servitude</p> <p><b>Art.5</b> - Prohibition of torture, cruel, inhuman or degrading treatment or punishment</p> <p><b>Art.6</b> - Everyone recognised as person before the law</p> <p><b>Art.7</b> - Everyone equal before the law</p> <p><b>Art.8</b> - Everyone can go to court for remedy of violation of rights</p> <p><b>Art.9</b> - Protection from arbitrary arrest, detention, exile</p> <p><b>Art.10</b> - Right to fair and public trial</p> <p><b>Art.11</b> - Presumption of innocence until proven guilty; protection from conviction when act not a crime at time it was committed</p> <p><b>Art.12</b> - Protection of privacy</p> <p><b>Art.13</b> - Freedom of movement</p> <p><b>Art.14</b> - Right to asylum</p> <p><b>Art.15</b> - Right to nationality</p> <p><b>Art.16</b> - Freedom to choose in marriage matters; equality of men and women in marriage</p> <p><b>Art.17</b> - Right to property</p> <p><b>Art.18</b> - Freedom of thought, conscience and religion</p> <p><b>Art.19</b> - Freedom of opinion and expression; access to information</p> <p><b>Art.20</b> - Freedom of peaceful assembly and voluntary association</p> <p><b>Art.21</b> - Participation in government</p> <p><b>Art.22</b> - Right to social security</p> <p><b>Art.23</b> - Right to work; equal pay for equal work; just remuneration; right to form and join trade unions</p> <p><b>Art.24</b> - Right to rest and leisure</p> <p><b>Art.25</b> - Right to standard of living adequate for health and well being</p> <p><b>Art.26</b> - Right to education</p> <p><b>Art.27</b> - Right to participate in cultural life and benefit from scientific advances; copyright protection</p> <p><b>Art.28</b> - Social and international order in which these rights and freedoms are fully realised</p> <p><b>Art.29</b> - Duties and responsibilities of the individual; limitations to respect rights and freedoms of others</p>		

- You may proceed with the INPUT emphasizing the following:



## The Evolution of International Human Rights Standards

DATE	HUMAN RIGHTS INSTRUMENT/EVENT	ACHIEVEMENT
1945	End of World War II	<ul style="list-style-type: none"> <li>• Awareness that respect for human rights is a precondition for peace</li> </ul>
October 24, 1945	Founding of the United Nations Organisation	<ul style="list-style-type: none"> <li>• Commitment of the UN to the protection of human rights of all peoples of the world</li> <li>• Recognition of States' responsibility in human rights protection</li> </ul>
1946	Creation of the Commission on Human Rights by ECOSOC	<ul style="list-style-type: none"> <li>• Preparation of the draft Universal Declaration of Human Rights</li> </ul>
1948	The Convention on the Prevention and Punishment of the Crime of Genocide	<ul style="list-style-type: none"> <li>• Defines genocide as a crime against humanity and commits states to bringing alleged perpetrators to justice</li> </ul>
Dec. 10, 1948	Proclamation of the Universal Declaration of Human Rights	<ul style="list-style-type: none"> <li>• Setting of universal minimum standards of human rights to be observed by States</li> </ul>
1966	The International Convention on the Elimination of all Forms of Racial Discrimination	<ul style="list-style-type: none"> <li>• Defines racial discriminations</li> <li>• Commits States parties to take measures to abolish such discrimination in both law and practice</li> <li>• Establishes a monitoring body - the Committee on the Elimination of Racial Discrimination - to receive reports from States parties</li> </ul>
1967	The Protocol Relating to the Status of Refugees	<ul style="list-style-type: none"> <li>• Ensures universal application of the Convention Relating to the Status of Refugees</li> </ul>





DATE	HUMAN RIGHTS INSTRUMENT/EVENT	ACHIEVEMENT
1976	International Covenant on Economic, Social and Cultural Rights	<p>of 1951 which defines the rights and duties of refugees, especially their right not to be forcibly returned to countries where they are at risk</p> <ul style="list-style-type: none"> <li>• Enumerates specific socio-economic-cultural rights mentioned in the UDHR</li> <li>• Legally binds States parties to take measures to implement ICESCR</li> <li>• Creates a monitoring body - Committee on Economic, Social, and Cultural Rights - to receive reports from States parties on how they have been implementing its provisions</li> </ul>
1976	International Covenant on Civil and Political Rights	<ul style="list-style-type: none"> <li>• Enumerates specific civil and political rights mentioned in the UDHR</li> <li>• Legally binds States parties to take measures to implement ICCPR</li> <li>• Creates an 18-member Human Rights Committee to receive reports from States parties on how they have been implementing its provisions</li> </ul>
1976	Optional Protocol I to the ICCPR	<ul style="list-style-type: none"> <li>• Allows the Human Rights Committee to receive communication from individuals who claim that their rights have been violated by States parties to the Optional Protocol</li> </ul>



DATE	HUMAN RIGHTS INSTRUMENT/EVENT	ACHIEVEMENT
1979	Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	<ul style="list-style-type: none"> <li>• International recognition of equality between men and women</li> <li>• Establishes monitoring body - Committee on the Elimination of Discrimination Against Women - to consider reports from States parties on their implementation of CEDAW provisions</li> </ul>
1981	The Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief	<ul style="list-style-type: none"> <li>• Affirms right of everyone to freedom of thought, conscience, and religion and right not to be subjected to discrimination on the grounds of religion and beliefs</li> <li>• Appoints Special Rapporteur to examine incidents and study measures to prevent religious intolerance</li> </ul>
1984	The Convention Against Torture and Other Inhuman or Degrading Treatment or Punishment	<ul style="list-style-type: none"> <li>• Defines torture as an international crime</li> <li>• Makes States parties accountable for preventing torture and requires them to punish the perpetrators</li> <li>• Nothing can be invoked to justify torture</li> <li>• Appoints a Special Rapporteur to report on practice of torture world-wide and to make recommendations to governments aimed at stopping torture</li> </ul>
1986	The Declaration on the Right to Development	<ul style="list-style-type: none"> <li>• Affirms that the right to development is an</li> </ul>





DATE	HUMAN RIGHTS INSTRUMENT/EVENT	ACHIEVEMENT
		inalienable human right that all peoples are entitled to exercise.
		<ul style="list-style-type: none"> <li>• Recognises that equal opportunity for development is a prerogative both of nations and of individuals</li> <li>• It acknowledges the existence of people's or collective rights</li> </ul>
1989	The Convention on the Rights of the Child	<ul style="list-style-type: none"> <li>• Recognises the particular vulnerability of children and provides them with special protection</li> <li>• Creates the Committee on the Rights of the Child which oversees implementation of CRC by State parties</li> </ul>
1990	The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	<ul style="list-style-type: none"> <li>• Enumerates basic rights needed to protect migrant workers and their families</li> </ul>
1992	The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities	<ul style="list-style-type: none"> <li>• Proclaims the right of minorities to enjoy their own culture; profess and practice their own religion; use their own language; to establish and maintain contacts with other members of their group</li> </ul>
1994	World Programme of Action Concerning Disabled Persons	<ul style="list-style-type: none"> <li>• Sets out a long-term strategy for global "equalisation of opportunity" for persons with disabilities</li> </ul>





# Introduction to the United Nations Human Rights Documents:

## *The Universal Declaration of Human Rights\**

Jefferson R. Plantilla

**T**he United Nations Organization considers human rights as one of the key principles justifying its existence. With the just-ended world war, many of the major supporters of the UN wanted to assure that international rules would prevent a repetition of massive violations of human rights by putting in place an international human rights system.

### ***Mandate under the Charter of the UN***

The Charter of the United Nations adopted in San Francisco on June 26, 1945 contains provisions on human rights. Following are some relevant parts:

#### Preamble

We the people...reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and the equal rights of men and women and of nations large and small...promote social progress and better standards of life in larger freedom.

#### Principle

2. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion. Article 1 (3)

These provisions in the UN Charter provide a clear mandate for human rights work by the UN. Basic issues of human rights that have remained problematic up to the present time are well covered by these provisions. The following issues are notable:

- Human dignity as basis of human rights-this remains contested in view

of the debate on the principle of universal human rights;

- Equal rights of men and women - the UN only formally recognized women's rights as human rights in 1993 during the World Conference on Human Rights. It was further strengthened by the 1995 World Conference on Women;
- Discrimination - the recent World Conference against Racism, Xenophobia and other Forms of Intolerance (Durban, 2001) shows how discrimination (in various forms) remains embedded in many societies around the world at present;
- Economic, social and cultural rights - recognition of these rights is clear and yet the emphasis on these rights has not been consistent;
- International cooperation - while the UN has developed a complicated system for human rights protection, promotion and realization, international cooperation on human rights among states has not developed well enough in the Asia-Pacific. It is the only region in the world without any regional mechanism on human rights;
- National sovereignty - the Charter reiterates this principle, "but this principle shall not prejudice the ap

\* This is taken from the paper entitled *Notes on the United Nations and Human Rights presented at the Human Rights Training Programme, Human Rights Committee, Malaysian Bar Council, (Port Dickson, 1-4 November 2001).*





plication of enforcement measures under Chapter VII." There are UN member-states who tend to be wary of any UN action relating to human rights. Such wariness negates the view that human rights are matters of international concern.

## Standard-setting

At the very beginning of its existence, The United Nations Organization made sure that human rights became a major pillar of its programs. The 56-member organization agreed to draft an "international bill of rights, " immediately after establishment in 1946.

Even before the creation of the UN, the call for an international bill of rights had been made. There were demands for an international bill of rights to make sure that there were international rules in place that would prevent a repetition of the holocaust as well as the other atrocities of Nazism and Fascism. The call for such rules came from both western allies and the communist bloc.

The UN General Assembly gave the Economic and Security Council the task of drafting an "international bill of rights." The Council in turn referred the matter to the Commission on Human Rights for the drafting of the document.

From January 1947 to December 1948, a working group created by the Commission wrote a draft of the document entitled Universal Declaration of Human Rights. By midnight of December 10, 1948, the Third General Assembly adopted the declaration. Out of the fifty-six member-states, forty-eight voted in favor, none voted against, and eight abstained.<sup>1</sup>

The Commission was composed of eighteen member-states (Australia, Belgium, Byelorussia Soviet Socialist Republic, Chile, China, Egypt, France, India, Panama, Phil-

ippines, United Kingdom, USSR, USA, Uruguay, and Yugoslavia).

During the deliberations on the drafting of the UDHR, a number of issues were strongly debated. One major issue was about the nature of the document. The mandate from the General Assembly was to draft an international bill of rights, and not just a declaration of principles. The idea of a declaration won out in view of the problem of agreeing on a legally binding document, which included the details of the implementation mechanism, within a limited time frame.

The final decision of having a declaration of principles is seen as beneficial because it avoided the problem of States agreeing to a document embodying "universal" values with enforcement mechanisms.

Aside from this, other issues were also raised:

**a. Rights and duties** - the members of the drafting group decided to include provisions on duties but not to the extent of defeating the rights being promoted. There were suggestions to include duties as full counterpart of rights. These suggestions came from representatives of western and Latin American governments, but the decision to make the document in the form of a declaration of rights won out.

**b. Economic and social rights** - there was a strong call for the inclusion of economic and social rights by the representatives of communist member-states, against the objection of other member-states.

**c. Role of the State** - the communist bloc proposed to put provisions on the role of the State. But the proposal was not approved in view of the need to protect individual rights from the abuses of the State.

The UNGA adopted a thirty-article document that the "ordinary man" can understand. Thus the drafters avoided having a long document with complicated language.

<sup>1</sup> The communist bloc (consisting of USSR, Byelorussian Soviet Socialist Republic, Ukrainian Soviet Socialist Republic, Yugoslavia, Bulgaria, and Poland) along with Saudi Arabia and South Africa decided to abstain from voting on the UDHR at the UNGA Third Session (December 10, 1948).



The document now has the record of being translated into more than 300 languages all over the world. It is also cited as a source of principles in many more documents such as regional human rights instruments, national constitutions, and laws.

## Highlights

The preambular section of the UDHR restates the basic principles of the UN Charter as cited above.

The first paragraph of the document states that the rights being declared in the documents should by "progressive measures, national and international, ... secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction." This statement emphasizes two things:

- a. The rights involved require "progressive measures," and are not automatically implementable or realized;
- b. There is no distinction between peoples of differing status in relation to the member-states.

**Article 1** provides the conception of the human being - free and endowed with reason and conscience. All human beings are deemed equal in dignity and rights.

This concept is the reason for the rights enunciated in the next articles. It provides the idea that a human being is both free and responsible (endowed with reason and conscience).

**Article 2** is the key provision on equality and discrimination. It sets the principle of entitlement to equality of every person regardless of personal, social, political and other qualities or situations.

**Article 3** broadly defines the dimension of rights - life, liberty and security. The other articles explain these rights. Life does not only mean physical existence, but also its social, economic, cultural and intellectual dimensions.

Security of person does not only mean freedom from physical harm, but also being able to live a decent life.

Liberty covers all aspects of life - political, social, economic, cultural.

**Article 15** provides for the basis of the rule against making people stateless. Nationality is deemed essential for people's existence in a society. It provides the basis for the claim to protection and service from a State.

The idea of progressive measures without qualification on the rights involved can be interpreted as covering all rights - civil, political, economic, social and cultural rights. It provides an argument against the idea that economic, social and cultural rights cannot be immediately implemented in view of the need for necessary support structures. Whereas, civil and political rights would require fewer resources in order to be realized, the right to due process of law would not be realized unless there are appropriate facilities such as courtrooms, court personnel, and qualified judges and counsel. The right to participate in the governance of society requires facilities for the dissemination and gathering of information whether they are in the form of mass media facilities or government information service. In the same manner, the right to vote cannot be realized without proper and secured voting facilities at each district of every community.

The UDHR has a very strong emphasis on economic, social and cultural rights. At least ten articles (16, 17, 18, 22, 23, 24, 25, 26, 27, and 28) contain these rights. Right to livelihood, property (material and intellectual), social security, education, and the founding and maintenance of a family are emphasized.

Family is mentioned in at least 4 different articles (12, 16, 23, and 25). They cover the right to found, maintain and protect a family. This shows how important the family is as far as human rights are concerned. The UDHR even has a definition of the family as the "natural and fundamental group





of society."

The importance of the right to education is seen in the three paragraphs of Article 26. The article speaks of the type as well as the objectives of education. It likewise presents the prior right of parents to choose the kind of education for their children.

In addition to providing rights, the UDHR emphasizes the nature of rights as closely related to family and the community. Some rights are presented in the context of membership in society or an association. Article 22 explicit states that the right to social security is based on membership in the society.

Also, the rights provided have correlation to duty. Thus Article 29 states that everyone "has duties to the community in which alone the free and full development of his personality is possible."

Rights have limitations. Article 29 provides the grounds for the limitations:

- a. Those determined by law solely for the purpose of securing recognition and respect for the rights and freedoms of others and meeting the just requirements of morality, public order and the general welfare in a democratic society;
- b. Those who are contrary to the purposes and principles of the UN.

### **Framework for understanding the UDHR**

The UDHR is a short document and yet it may still be difficult to manage when the articles are considered separately. It is thus helpful to have a framework for understanding the document as whole.

The articles of UDHR are a mix of individual rights and rights associated with family, workplace, and community. One may assert freedom of thought and conscience while also asserting the right to freedom of assembly, which means associating one's ideas with those of others.

The UDHR also provides limitations to the rights as explained earlier. These limitations balance the exercise of rights with other interests (such as the equal fulfilment or non-violation of the rights of others, security of society), and therefore do not prescribe an unlimited concept of rights and freedoms.

The rights covered by UDHR flows from rights that everyone has at time of birth (such as the right to life, liberty, and security of person), to the rights that one exercises in the prime of one's life (such as right to work, and right to found a family), to the rights that are meant to address unemployment, sickness, and old age. The rights that UDHR provides are therefore covering the whole range of a person's existence.

The rights under the UDHR can be fulfilled not only with the support or action by states but also by international cooperation. International cooperation can mean cooperation among states and other international institutions such as the UN.

The UDHR therefore is an attempt at giving human rights an over-all perspective.

*If the time is limited, it is important to note at this point that the session may end with an open forum after the **INPUT**. The facilitator may regard the open forum as the **DEEPENING** portion of the process. The facilitator may proceed with the **SYNTHESIS** with two or three sentences emphasizing the significance of the UDHR. However, it is suggested that the following **DEEPENING AND SYNTHESIS** be conducted if the time permits.*



## 4. Deepening

### *"Sharing Queries in An Open Forum"*

- After the INPUT, ask the participants to form groups of three. Ask each group to form one question they would like the resource person to discuss further or comment on. Then ask the groups to address their question to the resource person. (The purpose of this style is for the participants to further process their thoughts with the others before addressing their questions to the resource person. This enhances their cooperative learning skills.)

## 5. Synthesis

### *My Human Rights Temperature*

- Show the following illustration to the participants



- Ask them to:

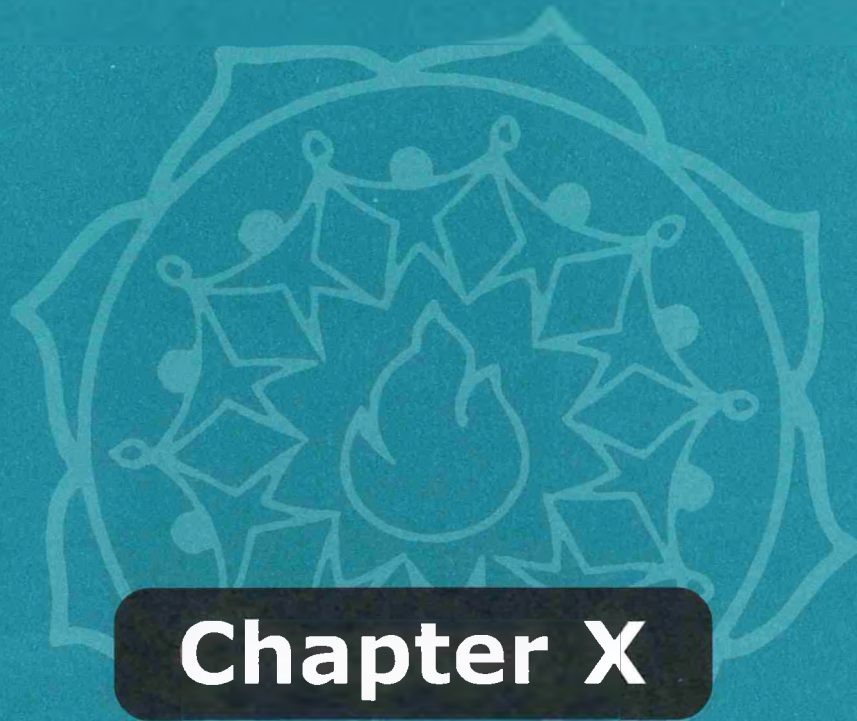
- ✎ Rate how much you enjoy your human rights in your society, with 0 as none at all, and 10 as full enjoyment. Explain your answer.
- ✎ Identify three specific rights in the UDHR that you enjoy the most and three that you enjoy the least. Explain your answer.



*End the session by emphasizing that human rights are not just about written texts in some documents. Learning about human rights is about examining our concrete and lived experiences. The documents are measured by the lived experiences the people face everyday. Human Rights Education departs not only from the documents but also from peoples' actual experiences of violations.*







## Chapter X

### My Expanding Environment and the International Covenant on Civil-Political Rights

.....

*The things that will destroy us are: politics without principle; pleasure without conscience; wealth without work; knowledge without character; business without morality; science without humanity, and worship without sacrifice. - Mahatma Ghandi*

.....



# Getting Familiar with the International Covenant on Civil and Political Rights in My Expanding Environment

## Materials

Crayons, bond paper, blue and yellow meta-cards, colored pens, chalk, blackboard, broad sheets, masking tape

## Time Allotment

Minimum of two hours to maximum of five hours





## I. Activity

*Assessing ICCPR in the Home, Community, School, Workplace, Nation and World*

### CHECKLIST OF INDICATORS OF RIGHTS CONTAINED IN THE ICCPR

- Give each participant a copy of the following checklist. Ask them to assess the level of implementation of the following indicators of rights contained in the ICCPR using the symbols that follow. Ask them to place the appropriate symbol representing their assessment in the appropriate box.



			
Not Implemented at all	Partially Implemented	Satisfactorily Implemented	Fully Implemented





**SPECIFIC RIGHTS CONTAINED IN THE ICCPR**

**HOME COMMUNITY SCHOOL WORK NATION WORLD PLACE**

**ART. 1** - All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.

Can freely make decisions to pursue one's interests

One's decisions are respected

Decisions are made without harm to others

**ART. 2** - Each State must respect and ensure to all people within its territory and jurisdiction all rights in this treaty without discrimination of any kind.

Equal and fair treatment regardless of one's gender, class, religion, ethnicity, etc. is enjoyed by everyone

One's condition and status in life is respected at all times

The minority is respected

**ART. 3** - The States undertake to ensure the equal right of men and women to the enjoyment of all rights in this treaty.

Equal treatment of men and women is enjoyed by everyone

There is equal treatment between men and women in every sphere of life

Men and women treat each other with respect

**ART. 4** - Derogation from State obligations is to be strictly limited.

Can still enjoy rights during emergency situations

Rights are strictly limited only in times of emergency with no arbitrary limitations

**ART. 5** - Derogation from State obligations is to be strictly limited.

Exercise one's rights without fear

Human rights are respected by authority

Respect the rights of others



**SPECIFIC RIGHTS CONTAINED IN THE ICCPR**

**HOME COMMUNITY SCHOOL WORK NATION WORLD PLACE**

**ART. 6 - Everyone has the right to life.**

Feeling that one's life is secure and without any threat

Adopts no death penalty policy

Protects life from any form of danger or threat

Inhibits from threatening the life of others

**ART. 7 - No one shall be subjected to torture or cruel or degrading treatment or punishment.**

Free from torture, cruel or degrading treatment or punishment

Authority does not resort to use of physical, psychological, and other forms of cruel punishment

The sanctity of one's body, mind and emotional health is respected

**ART. 8 - No one shall be held in slavery or servitude.**

Is not subjected to forced labor

Authority refrains from requiring someone to render labor against one's will

The labor of others is respected

**ART. 9 - Everyone has the right to liberty and security of person. No one shall be arrested or detained arbitrarily.**

One's liberty and security is enjoyed without fear of arbitrarily losing it

Laws are established to protect the liberty and security of persons

The right of others to avail of legal processes before losing one's liberty and security of persons is valued.





**SPECIFIC RIGHTS CONTAINED IN THE ICCPR**

**HOME COMMUNITY SCHOOL WORK NATION WORLD PLACE**

**ART. 10** - Everyone deprived of liberty shall be treated with respect.

Both the accused and convicted are treated humanely and with respect

**ART. 11** - No one shall be imprisoned merely for failing to pay a debt.

Cannot be imprisoned for not paying one's debts.

**ART. 12** - Everyone has the right to freedom of movement and to leave and enter his own country.

Can freely enter or leave one's territory

Right to move around subject to reasonable limitations provided by law is respected

**ART. 13** - An alien lawfully in the territory of a State Party may be expelled only in accordance with law.

A stranger to be expelled from one's territory has the right to be heard.

**ART. 14** - Everyone is equal before the law. Everyone has the right to a fair trial. Everyone has the right to be presumed innocent until proven guilty. No one may be compelled to testify against himself.

Have the right to be presumed innocent

Entitled to a public, fair and speedy trial

Have access to adequate legal assistance

Have the right to face accusers

Have the right to be informed of charges

Have the right to review and rehabilitation

**ART. 15** - No one shall be held guilty of a criminal offense when the act did not constitute a criminal offense at the time it was committed.

Have the right not to be punished for acts that are legal during time of commission but are later on declared illegal.



**SPECIFIC RIGHTS CONTAINED IN THE ICCPR**

**HOME COMMUNITY SCHOOL**

**WORK NATION WORLD PLACE**

**ART. 16** - Everyone has the right to be recognized everywhere as a person before the law.  
Have the right to be protected by the law.

Can sue and be sued.

**ART. 17** - Everyone has the right to privacy.

The privacy of one's communication is respected

The sanctity of one's home is respected and protected

One's honor and reputation is protected from attacks

**ART. 18** - Everyone has the right to freedom of thought, conscience and religion.

Freedom to have and not to have religion is enjoyed

Right to hold beliefs contrary to others is respected.

Can freely practice one's religion and beliefs.

**ART. 19** - Everyone has the right to freedom of opinion and expression.

Can freely access information

Can freely express one's feelings and opinion

Can freely express ideas contrary to others'

**ART. 20** - Propaganda for war shall be prohibited. Hate speech that constitutes incitement to discrimination or violence shall be prohibited.

Hate speeches and war propaganda are not allowed.

**ART. 21** - Everyone has the right to peaceful assembly.

Freedom to organize gatherings and participate in assemblies such as rallies and mass protests

**ART. 22** - Everyone has the right to freedom of association, including the right to join a trade union.

Workers can freely form and join trade unions

Everyone has the right to freely form associations or groups





**ART. 23** - all adults have the right to marry and have a family. Women and men have equal rights to marry, within marriage, and at its dissolution.

Can freely choose when and who to marry

Can choose not to marry

Parties to the marriage have equal rights, duties and privileges

**ART. 24** - Every child shall have protection as required by his status as a minor, without discrimination of any kind. Every child has the right to a nationality.

Children are afforded all rights necessary for their protection

Children have the right to a nationality

Children are not discriminated against

**ART. 25** - Every citizen has the right to take part in public affairs and to vote.

Have the right to choose their leaders

Have the right to join the public service

Have the right to vote through secret ballot

**ART. 26** - Everyone is equal before the law and has the right to equal protection of the law, without discrimination of any kind.

The law cannot be used to favor anybody

The law cannot be used to put anyone at a disadvantage

**ART. 27** - Ethnic, religious, or linguistic minorities shall not be denied the right to enjoy their own culture.

Ethnic, religious and linguistic minorities are allowed to maintain and practice their ethnicity, religion, and language.

Efforts are made to protect minorities from losing their ethnicity, language and religion.



- After everyone is done filling in the checklist, divide the participants into three sub-groups. Ask them to do the following:

- Discuss your work with your sub-group members. Explain your assessment of the level of implementation of ICCPR.
- **Sub-group 1** will make a group assessment of article 1-9; **Sub-group 2** will make a group assessment of article 10-18; and **Sub-group 3** will make a group assessment of article 19-27
- Each group will be given 20 minutes to complete the task before the plenary presentation.



## 2. Discussion

- Ask the participants the following:

### QUESTIONS TO ASK

- ⌚ What is the general implementation rating of ICCPR?
- ⌚ Which level of social environment got the best rating? Worst rating?
- ⌚ Which rights are usually implemented in the home? Community? School? Workplace? Nation? World?
- ⌚ Which rights are usually not implemented in the home? Community? School? Workplace? Nation? World?
- ⌚ How do you account for this? Why do you think this is so?
- ⌚ What does the general implementation rating tell us?



*At this point, the facilitator should focus on how the rights contained in the ICCPR are translated into the different social environments. Emphasize that the ICCPR has concrete manifestations and is not merely composed of abstract concepts.*

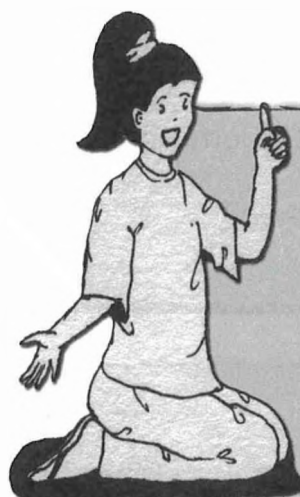




### 3. Input

#### *Getting Familiar with ICCPR*

- The facilitator/resource person may further explain articles that are not properly explained by the participants during the presentation.
- Emphasize that civil and political rights are rights of the people not to have their life liberty, and property interfered with by the government.



*If the time is limited, it is important to note at this point that the session may end with an open forum after the INPUT. The facilitator may regard the open forum as the DEEPENING portion of the process. The facilitator may proceed with the SYNTHESIS using two or three sentences emphasizing the significance of ICCPR. However, it is suggested that the following DEEPENING AND SYNTHESIS be conducted if the time permits.*

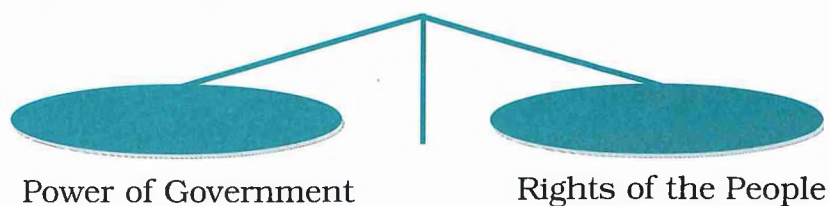


## 4. Deepening

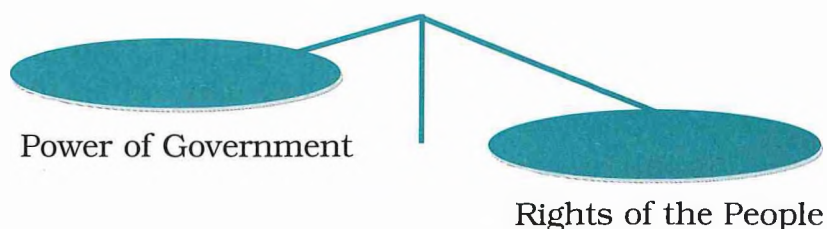
### *Translating ICCPR in the Home, Community, School, Workplace, Nation and World*

- Present the following diagram to the participants.

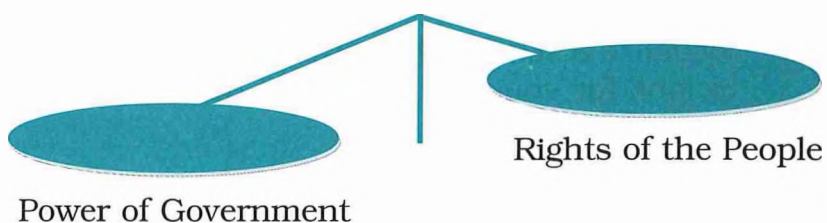
**Illustration # 1**



**Illustration # 2**



**Illustration # 3**



- Ask the participants the following:
  - What do the three illustrations signify? How are these related to civil and political rights?
  - How may the illustrations be translated in the Home? Community? School? Workplace? Nation? World?

## 5. Synthesis

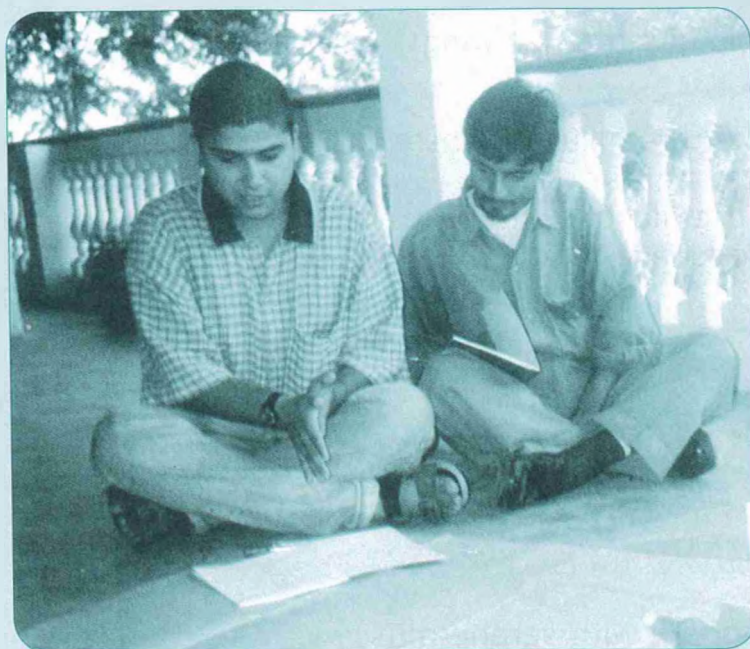
### *Guided Imaging*

- Set the atmosphere with serene music.
- Ask the participants to do the following:





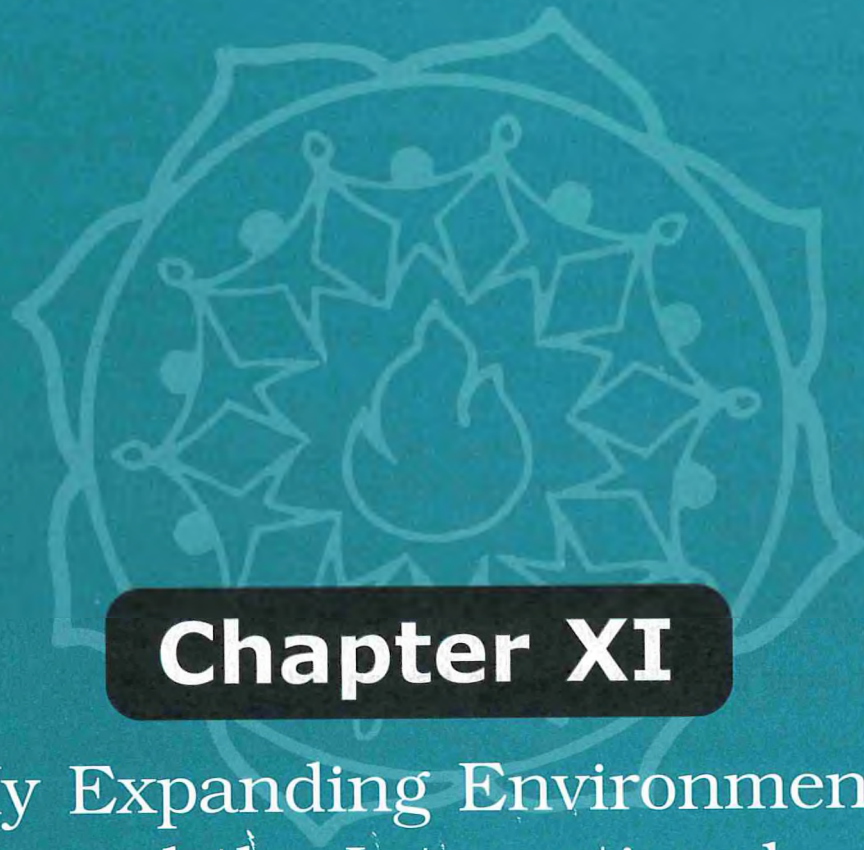
- Sit in a lotus position.
- Close your eyes.
- Feel the serenity of the music.
- Locate which part of your body feels stressed by the activities of the day.
- Feel as if it is being massaged.
- Visualize that there is a bright light.
- Try to see through that bright light.
- Visualize a home that is loving, nurturing and respectful. Try to look for yourself. What role do you play within that home?
- Visualize a community where there is harmony, peace, and prosperity. Try to look for yourself. What role do you play in such a community?
- Visualize a school where there is fun, freedom, care, and learning. Try to look for yourself. What role do you play in such a school?



- Visualize a workplace where one's creativity is encouraged and developed; a workplace where one's worth is truly valued, where there is cooperation rather than competition. Try to look for yourself. What role do you play in such a workplace?
- Visualize your country. Picture your country, as it has never been before, full of prosperity, peace, harmony and freedom. A country you have always dreamed of. Try to look for yourself. What role do you play in such a country?
- Visualize a world where there is equality, justice, peace, freedom, and human rights. Try to look for yourself. What role do you play in such a world?
- Ask yourself, are these images possible?
- Open your eyes. The session has ended.







## Chapter XI

# My Expanding Environment and the International Covenant on Economic, Social and Cultural Rights

.....  
*It is better to take one step with the people,  
than to take ten steps without the people. -  
Thomas Sankara*  
.....



# Understanding the International Covenant on Economic, Social and Cultural Rights

## 1. Activity

### *Visualizing Economic, Social and Cultural Rights*

- Divide the participants into three sub-groups. Give each group piles of magazines and newspapers, paste, scissors, broadsheet, masking tape, colored pens and crayons.

#### **Materials**

Piles of magazines and newspapers, paste, scissors, broadsheet, masking tape, colored pens and crayons.

#### **Time Allotment**

Minimum of two hours to maximum of five hours



- Distribute the following list of rights. The **first group** will discuss Article 1 to 5; **Group two** will take care of Article 6 to 10; and **Group three** will talk about Article 11 to 15. The groups will illustrate what each of the articles assigned to them mean by making a visual representation of the articles. The questions can be used as a guide in interpreting the articles. Remind them that they may expand their interpretation and make additional questions in the list.
- After the groups have completed the task, ask them to present their work in the plenary.





## RIGHTS

**Art. 1** - All peoples have the right of self-determination, including the right to determine their political status and freely pursue their economic, social and cultural development.

Is there freedom of choice?

Is there freedom to make decisions?

Is the minority population allowed to pursue their goals?

Is there freedom to practice my culture?

Does the majority rule at the expense of the minority?

**Art. 2** - Each State Party moves to take steps to the maximum of its available resources to progressively achieve the full realization of the rights in this treaty. Everyone is entitled to the same rights without discrimination of any kind.

Is there adequate state effort to promote ESC rights?

Is national income spent on programs that promote ESC rights?

Are the national resources utilized guided by the principles of human rights?

**Art. 3** - The States undertake to ensure the equal right of men and women to the enjoyment of all rights in this treaty.



Is there equal treatment between men and women?

Does the government adequately provide services responsive to the needs of women?

**Art. 4** - Limitations may be placed on these rights only if compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Are adequate measures taken by the government to ensure that citizens can enjoy ESC rights?

**Art. 5** - No person, group or government has the right to destroy any of these rights.

Does the state commit acts that violate any of the ESC rights?

Are there non-state groups that abuse ESC rights whether directly or indirectly?

**Art. 6** - Everyone has the right to work, including the right to gain one's living at work that is freely chosen and accepted.

Are jobs available?

Am I free to work?

Do I have the choice of work?

Are there programs that help people become employable?



Are there programs that provide people access to resources so they can earn a living?

Are there government policies and programs that cause lack of jobs?

**Art. 7** - Everyone has the right to just conditions of work; fair wages ensuring a decent living for himself and his family; equal pay for equal work; safe and healthy working conditions; equal opportunity for everyone to be promoted; rest and leisure.

Are wages and salaries enough to provide for a decent living?

Are wages and salaries fair and just?

Are the working conditions humane, healthy and safe?

Is there security of work tenure

Are there people in forced labor?

Do laborers have paid vacation leave?

**Art. 8** - Everyone has the right to form and join trade unions, the right to strike.

Is there freedom to form or join trade union?

Are laborers allowed to go on strike?

Do workers have opportunity for advancement?

Are workers paid equally for the same job?

**Art. 9** - Everyone has the right to social security, including social insurance.

Does the government implement programs to ensure that no one suffers from unsuitable and inhumane living conditions?

**Art. 10** - Protection and assistance should be accorded to the family. Marriage must be entered into with the free consent of both spouses. Special protection should be provided to mothers. Special measures should be taken on behalf of children, without discrimination. Children and youth should be protected from economic exploitation. Their employment in dangerous or harmful work should be prohibited. There should be age limits below which child labor should be prohibited.

Is there freedom to choose whom to marry?

Are there adequate government programs that take care of the special needs of mothers and children?

Are children protected from all forms of abuses?

Are children allowed dangerous and harmful employment?

**Art. 11** - Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing. Everyone has the right to be free from hunger.

Is everyone free from hunger?

Does everyone have access to nutritious food?

Does everyone have access to shelter and housing?

Does everyone have a livelihood?





Are everyone's basic needs met?  
Does everyone have access to clean water?

**Art. 12** - Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health.

Does everyone have access to adequate health facilities?  
Does everyone enjoy basic medical and dental services?  
Are infants and children protected from treatable and preventable diseases?  
Is there an effective health care system that ensures the physical and mental health of everyone?



**Art. 13** - Everyone has the right to education. Primary education should be compulsory and free to all.

Is basic education free and compulsory?  
Are children of basic education age in school?  
Is there quality basic education?  
Are there education programs for out of school youth?  
Is education responsive to the needs of the child and society?  
Are there education programs for the non-literate?  
Is higher education accessible to all?  
Are there enough books, equipment and school materials for school children?  
Are there enough schools and classrooms for school children?  
Are there enough competent teachers?  
Are school campuses a healthy and safe environment for children?

**Art. 14** - Those States where compulsory, free primary education is not available to all should work out a plan to provide such education.

Is the government allocating adequate funds for education?

**Art. 15** - Everyone has the right to take part in cultural life; enjoy the benefits of scientific progress.

Does everyone have access to scientific innovations?  
Does everyone have access to the arts?  
Is there an environment conducive to artistic pursuits?



## 2. Discussion

- After each group has presented their work, ask for comments from other groups. After which ask the participants the following questions:



### QUESTIONS TO ASK

- ⌄ Did you have difficulty making a visual representation of the rights?
- ⌄ Did you have additional guide questions in interpreting the articles of ESCR?
- ⌄ Are there disagreements in the way any of the articles are interpreted?
- ⌄ Which of the articles do you find difficult to understand? Explain.
- ⌄ Which articles are controversial to you? Why?
- ⌄ Which articles do you think have to be interpreted more broadly? Explain.

## 3. Input

### *Getting Familiar with ESCR*

- Present the following INPUT.

**The International Covenant on Economic, Social and Cultural Rights (1966), together with the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966), make up the International Bill of Human Rights. In accordance with the Universal Declaration, the Covenants recognize that ... the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.**





## 4. Deepening

### *Linking ESCR in the Home, Community, School, Workplace, Nation and the World*

- Divide the participants into six groups representing the Home, Community, School, Workplace, Nation and the World
- Refer the participants again to the list of ESC rights.
- Ask them to assess on a scale of 1 to 4 with 1 as the lowest and 4 as the highest, the level of enjoyment of ESC rights in their assigned environment. Remind the participants to use the guide questions in the list and the additional questions that have surfaced during the discussion. The participants are free to re-formulate the questions to be more appropriate to their assigned environment. Tell them that the State is translated into different forms of authority in each level of environment and that is why there is a need to first identify the primary (the State) and secondary (State actors and other authorities) implementers of the rights in their assigned environment.
- Ask the groups to present their work.
- Ask them the following questions:



- ✎ Within which social environment are the ESC rights best enjoyed? The worst?
- ✎ Which ESC rights are best enjoyed? The worst?
- ✎ Who are usually the violators?
- ✎ Describe the extent of accountability of each violator.



## 5. Synthesis

### *Surfacing Insights*

- Call on the participants one by one to complete the following sentence:



✎ Today, I realized that \_\_\_\_\_.





# Connecting Well-Being and Development

## 1. Activity

### *My Image: Things to Change and Things to Preserve*

- Give each participant boxes of clay of different colors, colored papers and pens.
- Ask them to do the following:

#### **Materials**

Boxes of clay of different colors, crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape

#### **Time Allotment**

Minimum of two hours (up to Input only) to maximum of five hours (up to Synthesis)



- Use the clay to mold your own image as you see and regard yourself.
- Use the other materials to show things about you that you want to change and things about you that you want to preserve.
- Make another image showing who and what you want to be like as a person.
- Form a triad to discuss your work. (Give the triads enough time to share with one another.)

- Place all the clay images in the middle of the session hall.
- Ask for volunteers who are willing to share their work in the plenary.



## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- ⌚ How did you feel as you were molding your image?
- ⌚ Did you have difficulty identifying things to change and preserve about you?
- ⌚ Have you always been conscious of the things to change and preserve about you?
- ⌚ How do you feel about your own image? Do you like what you see? Do you dislike what you see? Explain your answer.
- ⌚ What do you like about you?
- ⌚ What do you dislike about you?
- ⌚ Are you satisfied with what you are and who you are? What do you want to be like?
- ⌚ In what ways do your strengths contribute to your becoming the person you want to be like?
- ⌚ In what ways are you hindered by your weaknesses?
- ⌚ Are there external factors which can help you achieve your desired self? Explain your answer.
- ⌚ Are there external factors which can hinder you from achieving your desired self? Explain your answer.

- As facilitator, make a matrix containing the participants' responses grouped into STRENGTH (things to preserve), WEAKNESS (things to change), GOAL (the desired person), FACILITATING FACTOR (factors which help) and INHIBITING FACTOR (factors which hinder). This will be used as basis of the **INPUT**. See below:

Volunteer	Goal	Strength	Weakness	Facilitat- ing Factor	Inhibiting Factor
#1					
#2					
#3					
#4					
#5					





- Post the matrix on the board for the participants to see.
- If the goal is too abstract, ask questions that will make the goals more concrete.
- Ask for similarities within each column.
- Ask how the columns relate to each other.

### 3. Input

#### *Development, Well-Being and the Declaration on the Right to Development*

- Write on the left side of the board the word 'Development' and on the right, 'Well-Being'. Start the INPUT with the following activity:

- Write on the board the words that you think define the concepts DEVELOPMENT and WELL-BEING.
- Explain your answers

- Ask the participants the following:

- How do the words you wrote relate with one another? Connect the words that are related.
- How does the group define 'development'? 'Well-being'?
- In what ways is development related to well-being?
- In what ways are your definitions of 'development' and 'well-being' similar or different to your responses to the earlier activity (refer to the matrix)?

- Post the United Nations definition of right to development on the wall alongside the other definitions.

***Development*** is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.



- Ask for volunteers who will read the definitions on the wall.
- Ask the participants the following:



### QUESTIONS TO ASK

- ⌚ What are the similarities among the different definitions?
- ⌚ What are the differences among the different definitions?
- ⌚ In what way is the UN definition of development related to your responses to the earlier activity (refer to the matrix)?

### **Proceed with the INPUT emphasizing the following:**

- DEVELOPMENT has the well-being of every individual as the primary objective.
- WELL-BEING is best measured by the quality of life one enjoys. It includes the development of one's potential to the fullest, resulting in inner peace and enjoyment of human rights.
- The nexus between development and well-being requires a rights-based approach to development.
- According to Overseas Development Institute, a *rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy. It invokes the international apparatus of human rights accountability in support of development action.*





*In all of these, it is concerned not just with civil and political (CP) rights (the right to a trial, not to be tortured), but also with economic, social and cultural (ESC) rights (the right to food, housing, a job)*

**Human rights necessary for survival and dignified living include:**

- The rights to life and liberty
- The right to a standard of living adequate for health and well-being of the individual and his/her family
- The right to social protection in times of need
- The right to the highest attainable standard of physical and mental health
- The right to work and to just and favourable conditions of work
- The rights to food and housing
- The rights to privacy and to family life

**Human rights also cover those rights and freedoms necessary for human dignity, creativity and intellectual and spiritual development, for example:**

- The right to education and to access to information
- Freedoms of religion, opinion, speech, and expression
- Freedom of association
- The right to participate in the political process
- The right to participate in cultural life

**They also include those rights necessary for liberty and physical security, for example:**

- Freedom from slavery or servitude
- The right to security of person (physical integrity)
- The right to be free from arbitrary arrest or imprisonment
- Freedom from torture and from cruel, inhuman or degrading treatment or punishment



Cutting across these rights are the twin principles of the equal rights of women and men, and the prohibition of discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Source: Häusermann 1998:56**



If the time is limited, it is important to note at this point that the session may end with an open forum after the **INPUT**. The facilitator may regard the open forum as the **DEEPENING** portion of the process. The facilitator may proceed with the **SYNTHESIS** with two or three sentences emphasizing the interrelatedness of development and well-being. However, it is suggested that the following **DEEPENING AND SYNTHESIS** be conducted if the time permits.

## 4. Deepening

### *Development: A Visual Representation*

- Divide the participants into three or four sub-groups.
- Give each group boxes of clay of different colors, crayons, bond paper, colored pens, broad sheets and masking tape.
- Distribute a copy of the UN Declaration on the Right to Development.
- Ask them to make a visual representation of the document using the materials provided them. (Give them 10 to 15 minutes to complete the task.)
- Remind the participants to show where and how they are individually situated in the visual representation of the document.
- Ask the sub-groups to present their work. After the presentations ask the following deepening questions.



- ⌘ What do these visual representation of the documents signify?
- ⌘ In what way may the document affect or influence one's life?





# Declaration on the Right to Development

*UN Document Series Symbol: ST/HR/*

*UN Issuing Body: Secretariat Centre for Human Rights*

*© United Nations*

Adopted by General Assembly resolution 41/128 of 4 December 1986

The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of, human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and co-operation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all 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,



Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from

colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the following Declaration on the Right to Development:

### **Article 1**

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.





2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

## **Article 2**

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

## **Article 3**

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

3. States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.

## **Article 4**

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.



## **Article 5**

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

## **Article 6**

1. All States should co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic social and cultural rights.

## **Article 7**

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

## **Article 8**

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

## **Article 9**

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the





context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

### Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

## 5. Synthesis

### *Changing Self and Society*

- Show the participants the following quote:

**Change People to Change Society  
Change Society to Change People**



- Ask them the following questions:

- ⌚ Which of the two sentences do you subscribe to?
- ⌚ In what way is the lesson related to the sentences?



*End the session emphasizing that development is about having better lives. There are personal (internal) and structural/environmental (external) factors which may facilitate or hinder development. Development is a goal that can be achieved a step at a time.*



# Popularizing The Millennium Development Goals

## 1. Activity

### *Accounting My Life*

- Distribute the following worksheet to the participants:



#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape, worksheet, copies of the UDHR, ICCPR, ICESCR

#### **Time Allotment**

Minimum of two hours to maximum of five hours

- Ask the participants to do the following:

- ✎ List down in the ACTIVITY COLUMN the things you want to do or events that you would want to go through from birth to death. Write in the AGE COLUMN the approximate age/time you want or expect these to happen. In the NEEDS COLUMN, identify what you

need for each activity or event. In the GOODS/SERVICES COLUMN, identify the things, commodities and services that you presently use and you will use in the future as you perform each activity. In the REMARKS COLUMN, assess if the needs are met and gauge the amount and quality of the goods and services that you presently use and will be available to you in the future. Describe whether these are adequately available or not, if there is plenty, not much, bad quality, good quality, etc. In the DESIRED COLUMN, write down what you wish were available to you as you perform each activity or as you go through an event of your life. (Give the participants 45 minutes to fill up the worksheet. Ask for volunteers who will share their work with the group. The volunteers have to write their worksheet on a broadsheet.)





AGE 1	ACTIVITY EVENT 2	NEEDS 3	GOODS/ SERVICES USED 4	REMARKS 5	DESIRED 6
0	birth				
?	Death				

## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- How do you find the activity? What do you feel? What do you think?
- Which column is the most difficult to answer? Why do you think that is?
- What do you observe about the 2nd column? 3rd? 4<sup>th</sup>? 5<sup>th</sup>?
- How are you presently achieving items in Column 2? Explain.
- What are your prospects of achieving items in Column 2? Explain.
- Are the items in the relevant columns in any way related to human rights? If yes, how so?

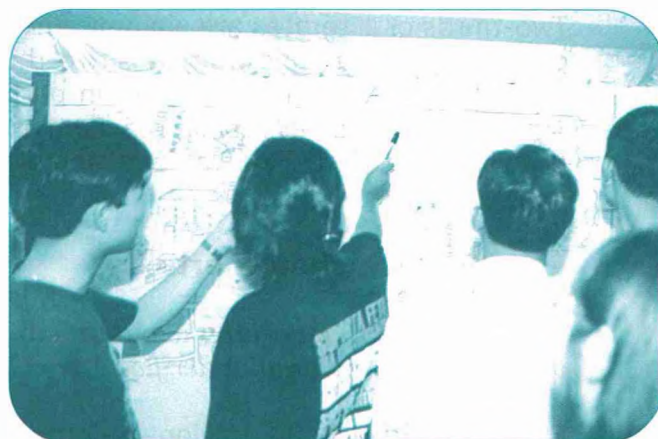


- Choose one broadsheet posted on the wall as an example. Guide the participants in translating the items in the relevant columns into "rights language".
- Emphasize that the items in Column 2 are our goals and targets. The items in Column 1 are the period of time by which we expect to have achieved our goals and targets. The remaining columns indicate how near or far we are from our goals and targets.
- Introduce the Millennium Development Goals by relating these to the activity.

### 3. Input

#### *The Millennium Development Goals*

- Present the following INPUT:



#### 1) What are the Millennium Development Goals?

The Millennium Development Goals summarize the development goals agreed on at international conferences and world summits during the 1990s. At the end of the decade, world leaders distilled the key goals and targets in the Millennium Declaration (September 2000).

The Millennium Development Goals are an ambitious agenda agreed on at the millennium Summit in September 2000 for reducing poverty and improving lives. For each goal one or more targets have been set, most for 2015, using 1990 as a benchmark:

##### **1. Eradicate extreme poverty and hunger**

*Target for 2015: Halve the proportion of people living on less than a dollar a day and those who suffer from hunger.*

More than a billion people still live on less than US\$1 a day: sub-Saharan Africa, Latin America and the Caribbean, and parts of Europe and Central Asia are falling short of the poverty target.

##### **2. Achieve universal primary education**

*Target for 2015: Ensure that all boys and girls complete primary school.*





As many as 113 million children do not attend school, but the target is within reach. India, for example, should have 95 percent of its children in school by 2005.

### **3. Promote gender equality and empower women**

*Targets for 2005 and 2015: Eliminate gender disparities in primary and secondary education preferably by 2005, and at all levels by 2015.*

Two-thirds of illiterates are women, and the rate of employment among women is two-thirds that of men. The proportion of seats in parliaments held by women is increasing, reaching about one third in Argentina, Mozambique and South Africa.



### **4. Reduce child mortality**

*Target for 2015: Reduce by two thirds the mortality rate among children under five*

Every year nearly 11 million young children die before their fifth birthday, mainly from preventable illnesses, but that number is down from 15 million in 1980.

### **5. Improve maternal health**

*Target for 2015: Reduce by three-quarters the ratio of women dying in childbirth.*

In the developing world, the risk of dying in childbirth is one in 48, but virtually all countries now have safe motherhood programmes.

### **6. Combat HIV/AIDS, malaria and other diseases**

*Target for 2015: Halt and begin to reverse the spread of HIV/AIDS and the incidence of malaria and other major diseases.*

Forty million people are living with HIV, including five million newly infected in 2001. Countries like Brazil, Senegal, Thailand and Uganda have shown that the spread of HIV can be stemmed.



### **7. Ensure environmental sustainability**

*Targets:*





- *Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources.*
- *By 2015, reduce by half the proportion of people without access to safe drinking water.*
- *By 2020 achieve significant improvement in the lives of at least 100 million slum dwellers.*

More than one billion people lack access to safe drinking water and more than two billion lack sanitation. During the 1990s, however, nearly one billion people gained access to safe water and the same number to sanitation.

## **8. Develop a global partnership for development**

*Targets:*

- *Further develop an open trading and financial system that includes a commitment to good governance, development and poverty reduction-nationally and internationally*
- *Address the least developed countries' special needs, and the special needs of landlocked and small island developing States*
- *Comprehensively deal with developing countries' debt problems*
- *Develop decent and productive work for youth*
- *In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries*
- *In cooperation with the private sector, make the benefits of new technologies more available - especially information and communications technologies.*

Many developing countries spend more on debt service than on social services. New aid commitments made in the first half of 2002 could mean an additional \$12 billion per year by 2006.

## **2) Are we on track to meet the Millennium Development Goals by 2015?**

A simple extrapolation of poverty trends since 1990 would suggest that the world is on track to halving income-poverty by 2015. Unfortunately, the reality is more complicated and decidedly less satisfactory.

If one excludes China, progress has been less than half the rate needed. The number of income-poor in sub-Saharan Africa, South Asia and Latin America combined, has increased by some 10 million each year since 1990. Dozens of countries experienced absolute declines in average living standards in the past two decades.





At present, an estimated 1.2 billion people have to struggle every day to survive on less than US\$1 per day - about the same number as a decade ago.

Progress towards the other goals has been mixed too. In 1990, the 'education for all' goal was set for the year 2000. The good news is that the education gender gap was halved; but the sad truth is that the 1990s saw only a tenth of the progress needed. Not surprisingly, the goalpost was moved to 2015; but at the current rate, this promise to ensure education for all children will not be kept either, unless progress is accelerated fourfold.

Progress on child and maternal mortality, malnutrition, access to safe drinking water and adequate sanitation actually slowed down in the 1990s compared with earlier decades. Because of the AIDS epidemic, the resurgence of other diseases (malaria, TB), and the broken state of health services, conditions have worsened markedly in the 1990s.

### **3) How much would the MDGs cost?**

Cost estimates by UNICEF, World Bank and the World Health Organization (WHO) suggest that meeting most Millennium Development Goals by 2015 will require an additional \$50 billion per year in development assistance. This implies a doubling of current aid levels.

Although this figure may appear large in absolute terms, it represents around one-fifth of one per cent of income in donor countries.

### **4. What are Millennium Development Goals Reports?**

UNDP supports Millennium Development Goals-scorekeeping at the country level. The premise is that country reports can help accelerate progress; they can help bring the Millennium Development Goals from the global to the national level, for global target setting and national priority setting have been inadequately linked.

Millennium Development Goals Reports show progress at a glance with a view to help focus the national debate on specific development priorities, which in turn will trigger action - in terms of policy reforms, institutional change and resource allocation.



## 5. Why a Global Millennium Development Goals campaign?

A global campaign is needed to bridge the gap between the simple messages needed for advocacy (e.g. the number living on less than a \$1 a day) and poverty's more complex reality. For 'goals on paper' to become a practical reality for millions of people, public attention and public action need to be sharply focussed on poverty reduction and human development.

The purpose of the campaign is to keep the eyes and actions of the world focussed on the Millennium Development Goals. In developed countries, the campaign will focus on making the case for aid and for urgent debt relief, based on clear evidence of results; ensuring that aid is allocated to sectors and services relevant to the Millennium Development Goals; and opening markets more widely to developing countries, especially the least developed countries.

In developing countries, the campaign will focus on mobilising domestic resources, prioritising budget expenditure on the Millennium Development Goals, and strengthening human rights, democracy and good governance as specified in the Millennium Declaration. Each of these objectives must be pursued in ways sensitive to country context and target groups.

**SOURCE : UNDP**

## 4. Deepening

### *Looking At the MDGs Using the Human Rights Lens*



- Divide the participants into three sub groups.
- Give the participants a copy of the UDHR, ICCPR and ICESCR
- Refer them again to their worksheet.
- Give them the materials needed for the activity.
- Direct them to do the following:

- ✍ Identify the rights covered by the MDGs.
- ✍ Identify the rights not covered by the MDGs.
- ✍ If you were to present an alternative list of MDGs, what additional goals would you include that could be achieved by 2015?
- ✍ Identify targets for the new goals.
- ✍ Present your work in the plenary.





## 5. Synthesis

### *Setting Alternative MDGs*

- Ask the groups to consolidate their work to produce one alternative list of MDGs with identified targets.
- Ask them to make a poster of the alternative MDGs.



# ESC Rights and MDGs in Expanding Environment

## 1. Activity

### *My Life and My Expanding Environment*

- ⌚ Divide the participants into 6 groups – Home, Community, School Workplace, Nation, World.
- ⌚ Distribute to the participants the worksheet provided herein.
- ⌚ Give them the following instructions:
- ⌚ In column 2 list the activities that you can do to promote, respect, protect and fulfil the MDG's and ESC rights in the environment assigned to your group.
- ⌚ In column 3 identify requisites for the respect, protection, promotion and fulfilment of MDGs and ESC rights.
- ⌚ Present your group work in the plenary.

#### **Materials**

Crayons, bond paper, colored pens, chalk, black-board, broad sheets, masking tape, worksheet, copies of the MDGs, UDHR, and ICESCR.

#### **Time Allotment**

Minimum of two hours to maximum of five hours



MDG 1	ACTIVITY 2	REQUIREMENT 3
<b>Goal 1</b> Eradicate extreme poverty and hunger		





<b>MDG 1</b>	<b>ACTIVITY 2</b>	<b>REQUIREMENT 3</b>
<p><b>Goal 2</b> Achieve universal primary education</p> <p><b>Goal 3</b> Promote gender equality and empower women</p> <p><b>Goal 4</b> Reduce child mortality</p> <p><b>Goal 5</b> Improve maternal health</p> <p><b>Goal 6</b> Combat HIV/AIDS, malaria and other diseases</p> <p><b>Goal 7</b> Ensure environmental sustainability</p> <p><b>Goal 8</b> Develop a global partnership for development</p>		

<b>RIGHTS</b>	<b>ACTIVITY</b>	<b>REQUIREMENT</b>
<p>Right to self-determination</p> <p>Freedom from discrimination</p> <p>No person, group or government has the right to destroy any of the economic, social and cultural rights.</p> <p>Right to work.</p> <p>Right to just and living wage</p> <p>Right to safe and healthy working conditions</p> <p>Right to equal pay for equal work</p> <p>Right to rest and leisure</p>		



RIGHTS	ACTIVITY	REQUIREMENT
<p>Right to work advancement scheme</p> <p>Right to join and form unions</p> <p>Right to strike</p> <p>Right to social security, including social insurance</p> <p>Freedom to choose whom to marry</p> <p>Freedom of children from all forms of abuses</p> <p>Right of children to be protected from hazardous work</p> <p>Right to safe drinking water</p> <p>Right to housing</p> <p>Right to an adequate standard of living</p> <p>Right to the enjoyment of the highest attainable standard of physical and mental health</p> <p>Right to take part in cultural life; enjoy the benefits of scientific progress</p>		



## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- 8 What do you observe about the contents in Column 2? Column 3?
- 8 What are their similarities? Differences?
- 8 Which environment has the most tasks?
- 8 How do the fulfillment and promotion of MDGs and ESC rights converge? Diverge?



## 3. Input

### *The Nexus Between Development and Human Rights*

#### **HUMAN RIGHTS & DEVELOPMENT: THE INTERNATIONAL FRAMEWORK**

The exercise of combining rights with development is a process that is no longer in its infancy. There has been a growing recognition that human rights are crucial to the work of the entire UN system, and lately this consensus has also included the field of development. The inter-dependence between human rights and development finds currency in many quarters and more significantly in international law. A human rights based approach takes its mandate from the numerous treaties, conventions and declarations from the UN Charter onwards that have repeatedly affirmed that human rights are intrinsic in the very nature of the human person, that they define and enshrine our humanity, and that inhuman wrongs are redressed and prevented.

Among the many covenants, conventions

and treaties that place the value of human rights as central to development, is the Declaration of the Right to Development (DRD), adopted by the UN General Assembly in 1986. The DRD explicitly affirms the existence of a human right to development. This right was implicit in the Universal Declaration of Human Rights and in the Covenant on Economic, Social and Cultural Rights. The DRD establishes the right to development as 'an inalienable human right...of every human person...and all peoples'. It defines development as a 'comprehensive economic, social and cultural which aims at the constant improvement of the well-being of the entire population and of all individuals.' Contained in the DRD is the explicit exhortation that 'the human person is the central subject of development and should be the active participant



and the beneficiary of the right to development.'



A major contribution of the DRD was to bring the interdependence of all rights to the fore as an essential element of a holistic development strategy, the primary purpose of which was to enlarge people's choices and freedoms. While methodologies and country specific contexts are yet to be fully articulated, what is distinct about the current consensus about the rights approach to development is that it is a process that embraces the traditional development goals of economic and social equity with that of civil and political rights. Furthermore, this holistic approach also insists on the complementary requirements of duties, responsibilities and obligations. The rights approach endeavors to capture in an integrated manner the notions that peace cannot take root without development; development will not be sustainable without human rights and human rights will be endangered where there is lack of peace and development.

Thus, it must be noted that while the DRD provides a conceptual and contextual framework for a rights-based approach to development, many of the normative ideals contained in the DRD borrow from other key human rights instruments such as the Convention on Economic and Social Rights (CESR) and the Convention on Civil and Political Rights (CCPR), the UN Charter and UDHR.

A rights and development approach, however, cannot propel forward without requisite ratification by governments of these key

international human rights instruments. The rights-based approach requires both capacity building (support to governing institutions) and providing support to the promotion and protection of human rights through the creation of human rights systems of institutions and organizations. Institution or capacity building is effete without national governments recognizing their obligations to international treaties by not only first ratifying international human rights treaties, but also by reinforcing their commitment to such treaties through parallel national legislation which is enforced through a transparent and accountable rule of law framework.

### **A RIGHTS-BASED APPROACH TO DEVELOPMENT**

A holistic perspective to development recognizes that without economic and social rights, citizens cannot fully exercise their civil and political rights and vice versa. These rights are interdependent and mutually reinforcing. In the public policy realm this would mean that all rights would be considered when analyzing a problem, setting priorities and allocating resources.

The interdependent relationship between human rights and development has found currency in many quarters including in international law. The new approach focuses on the realization of human rights through human development rather than through a violations policy, and finds resonance in the majority of human rights covenants, declarations and treaties. However, the successful implementation of this strategy depends on the ability of countries to progressively and systematically mainstream human rights concerns into national legislation and governance programmes, and base them on human development goals.

This holistic approach differs from previous development models in a way that it attaches a more explicit normative and legal context to development programmes and policies. The approach focuses much more sharply on the needs of groups that have been marginalized and traditionally excluded from the benefits of development.





A rights-based approach would pay greater attention to ensuring participation, equality, non-discrimination and access to opportunities in society by promoting the rule of law, transparency, accountability and sound public management practices and institutions. Inherent in the process of promoting and protecting human rights are the reform of laws, institutions and policies, the setting of human rights-related standards and the creation of mechanisms to monitor progress made to attain them.

This approach, therefore, also advocates the adoption of more explicitly defined human rights goals and objectives, including timelines, indicators and measurements to monitor progress in realizing specific de-



velopment targets such as those dealing with food, shelter, drinking water, education and health. When societies define the minimum content of specific rights, individuals become 'holders of rights', endowed with certain entitlements protected by the state. The new emphasis on rights, therefore also relates to the notion of duties and responsibilities. A right of one individual carries with it a corresponding obligation of that individual as well as another. It is through the exercise of these obligations that rights gain real meaning. Rights do not arise solely from the individual who possesses them but from other persons who consider themselves as being under a certain obligation towards that particular individual. The comprehensiveness of human rights must be understood in this holistic context of the complex relationship among individuals and between the individuals and state.

There has been an historical disinclination by countries in the Asia region to link human rights with development programmes. This view has often been prompted by the perception that the link between human rights and development is one based on conditionality. Another source of friction between North and South, with regard to the right to development, centered on the DRD's perceived ambiguity, non-enforceability and absence of specific provisions obligating modes of cooperation or resource transfers between developed and developing countries. There is a crucial need to dispense with such diversionary arguments. With regard to the DRD, it is clear that it exists and functions currently only as a conceptual, albeit important, framework for a rights-based approach to development. A rights-based approach, to reiterate, borrows its holistic mandate from not only the DRD, but also from the myriad of other human rights instruments that make constant references to securing the dignity and security of the human person.

According to the 1997 Human Development Report (HDR) there were about 612 million people in the Asia-Pacific region without basic education; 477 million without access to health services; 790 million lacking access to safe water and 119 million malnourished children under the age of five. Despite the fact that almost all countries in the region have adopted various human rights instruments, there are still large sections of their societies unable to satisfy even their most immediate needs. These inequities pose serious moral, social and political challenges to governments and societies. Even under these most severe circumstances and regardless of resource constraints, governments bear responsibility to ensure that they meet at least the minimum obligations relating to their treaty obligations. A rights-based development approach is a step in this direction. This would require the preparation of a good situational analysis, developed in a participatory manner and underpinned by sound statistical information, clear goal setting with time lines and prioritized plans and programmes to be carried out by the government within the given timeframe and what needs to be done to prevent it. In this



context, it is very important that the development of human rights targets and indicators in development be country specific and respond to the needs of the given developmental situation in that country.

The inter-relatedness of rights pertaining to both sets of international covenants can be invoked under the general rubric of the right to development. For example, the right to work is logically linked to the right to freedom of movement. The right to freedom of association, for example, is a natural forerunner of the right to a just and favorable condition of work. A key consideration would be to ensure that the promotion of one set of rights does not result in the selective exclusion of another.

One of the initiatives arising from the Vienna Conference on Human Rights in 1993 was a proposal for states to prepare national action plans on human rights. These plans would be voluntary and country specific and presented to the Commission on Human Rights at specific intervals. Since then many governments have followed suit and initiated the development of such plans, outlining challenges and proposed specific actions to deal with each right. These national plans form an important tool in the progressive realization of human rights through development at the country level.

The promotion of genuine participation in society is an essential part of a rights-based approach to development. Participation is a clear manifestation of the indivisibility of rights. Sound participation ensures that individuals and groups play a role in the realization of economic and social rights through the expression of popular will. The 'Right to Participation' is therefore central to a rights-based development approach without which the safeguarding of human identity and dignity will be evanescent.

### **RIGHTS-BASED APPROACHES WHAT IS A RIGHTS-BASED APPROACH TO DEVELOPMENT?**

A rights-based approach to development is a conceptual framework for the process of human development that is normatively

based on international human rights standards and operationally directed to promoting and protecting human rights.

Essentially, a rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and processes of development.

The norms and standards are those contained in the wealth of international treaties and declarations. The principles include equality and equity, accountability, empowerment and participation. A rights-based approach to development includes the following elements:

- express linkage to rights
- accountability
- empowerment
- participation
- non-discrimination and attention to vulnerable groups

### **EXPRESS LINKAGE TO RIGHTS**

The definition of the objectives of development in terms of particular rights - as legally enforceable entitlements - is an essential ingredient of human rights approaches, as is the creation of express normative links to international, regional and national human rights instruments.

Rights-based approaches are comprehensive in their consideration of the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social. This calls for a development framework with sectors that mirror internationally guaranteed rights; thus covering, for example, health, education, housing, justice administration, personal security and political participation.

By definition, these approaches are incompatible with development policies, projects or activities that have the effect of violating rights, and they permit no "trade-offs" between development and rights.





## ACCOUNTABILITY

Rights-based approaches focus on raising levels of accountability in the development process by identifying claim-holders (and their entitlements) and corresponding duty-holders (and their obligations). In this regard, they look both at the positive obligations of duty-holders (to protect, promote and provide) and at their negative obligations (to abstain from violations). They take into account the duties of the full range of relevant actors, including individuals, states, local organizations and authorities, private companies, aid donors and international institutions.

Such approaches also provide for the development of adequate laws, policies, institutions, administrative procedures and practices, and mechanisms of redress and accountability that can deliver on entitlements, respond to denial and violations, and ensure accountability. They call for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability. For all human rights, states must have both the political will and the means to ensure their realization, and they must put in place the necessary legislative, administrative, and institutional mechanisms required to achieve that aim.

Under the International Covenant on Economic, Social and Cultural Rights, states are required to take immediate steps for the progressive realization of the rights concerned, so that a failure to take the necessary steps, or any retrogression, will flag a breach of the State's duties.

Under the International Covenant on Civil and Political Rights, states are bound to respect the rights concerned, to ensure respect for them and to take the necessary steps to put them into effect. Some rights claimed in some jurisdictions may not be justiciable before a court, but all rights must be enforceable.

While primary responsibility under the human rights system lies with individual states, the international community is also duty bound to provide effective international cooperation, inter alia in response

to shortages of resources and capacities in developing countries.

## EMPOWERMENT

Rights-based approaches also give preference to strategies for empowerment over charitable responses. They focus on beneficiaries as the owners of rights and the directors of development, and emphasize the human person as the centre of the development process (directly, through their advocates and through organizations of civil society).

The goal is to give people the power, capacities, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies.

## PARTICIPATION

Rights-based approaches require a high degree of participation, including from communities, civil society, minorities, indigenous peoples, women and others. According to the UN Declaration on the Right to Development, such participation must be "active, free and meaningful" so that mere formal or "ceremonial" contacts with beneficiaries are not sufficient.

Rights-based approaches give due attention to issues of accessibility, including access to development processes, institutions, information and redress or complaints mechanisms. This also means situating development project mechanisms in proximity to partners and beneficiaries. Such approaches necessarily opt for process-based development methodologies and techniques, rather than externally conceived "quick fixes" and imported technical models.

## NON-DISCRIMINATION AND ATTENTION TO VULNERABLE GROUPS

The human rights imperative of such approaches means that particular attention is



given to discrimination, equality, equity and vulnerable groups. These groups include women, minorities, indigenous peoples and prisoners, but there is no universal checklist of who is most vulnerable in every given context. Rather, rights-based approaches require that such questions be answered locally: who is vulnerable here and now? Development data need to be disaggregated, as far as possible, by race, religion, ethnicity, language, sex and other categories of human rights concern.

An important aspect of rights-based approaches is the incorporation of express safeguards in development instruments to protect against threats to the rights and well-being of prisoners, minorities, migrants and other often domestically marginalized groups. Furthermore, all development decisions, policies and initiatives, while seeking to empower local participants, are also expressly required to guard against simply reinforcing existing power imbalances between, for example, women and men, landowners and peasants, and workers and employers.

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## 4. Deepening

### *"Community Development Mapping"*



- Divide the participants into three to four groups.
- Ask the groups to make use of available resources around the workshop area in making a community map.
- Each group will make a community map showing their present community and their desired community that has achieved the MDGs and ESC rights.
- Ask each group to explain their work in the plenary.
- Ask each group the following question:
  - What indicators of achievement of MDGs and ESC rights must be present in the community?





## 5. Synthesis

- Present the following charts:
- Write inside the Indicator Column those indicators identified by the participants.

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

RIGHTS	INDICATOR
Right to self-determination  Freedom from discrimination  No person, group or government has the right to destroy any of the economic, social and cultural rights.  Right to work.	



RIGHTS	INDICATOR
<p>Right to just and living wage</p> <p>Right to safe and healthy working conditions</p> <p>Right to equal pay for equal work</p> <p>Right to rest and leisure</p> <p>Right to work advancement scheme</p> <p>Right to join and form unions</p> <p>Right to strike</p> <p>Right to social security, including social insurance</p> <p>Freedom to choose whom to marry</p> <p>Freedom of children from all forms of abuses</p> <p>Right of children to be protected from hazardous work</p> <p>Right to safe drinking water</p> <p>Right to housing</p> <p>Right to an adequate standard of living</p> <p>Right to the enjoyment of the highest attainable standard of physical and mental health.</p> <p>Right to take part in cultural life; enjoy the benefits of scientific progress.</p>	



*End the session by asking the participants to give one word that best describes how the activity has affected them.*







## Chapter XII

### My Expanding Environment and the Convention on the Rights of the Child Exploring Childhood

.....  
*The youth are the future of the nation - Jose  
P. Rizal*  
.....



# Childhood and The Convention on the Rights of the Child

## 1. Activity

### *Exploring Childhood*

- Draw a picture of a child and an adult as shown below.



#### **Materials**

Crayons, bond paper, blue and yellow meta-cards, colored pens, chalk, blackboard, broad sheets, masking tape

#### **Time Allotment**

Minimum of two hours  
(up to Input only)  
to maximum of five hours  
(up to Synthesis)



- Distribute meta cards and colored pens to the participants and ask them to do the following: (Give the participants enough time to think about what you ask them to do. Involve all the participants as much as possible.)





- ✎ Think of words that would best characterize a child and an adult.
- ✎ Write one characteristic of a child on yellow card and one characteristic of adult on blue card.
- ✎ Post the appropriate cards around the appropriate drawing.

- After all the cards have been posted around the drawing, ask for volunteers to explain their card. Ask the volunteer to clarify his/her explanation when the need arises. The facilitator may ask, "What do you mean?" (Give each volunteer a creative form of appreciation)
- Make a summary of the characteristics of adults and children taken from the participants' responses. The facilitator may paraphrase the participants' responses for coherence and consistency. The facilitator may also classify the blue cards and then the yellow cards to show patterns. (Expect for unexpected responses. The key is not to weed out these answers but to restate them and connect them with the rest of the responses)
- Direct the participants to do the following:



- ⌚ Take some time to reflect on your childhood - memories of striking events, persons and moments
- ⌚ Share the most striking image/ impression with the group  
(Note: A few experiences would be sufficient - it is not necessary for all participants to share)
- ⌚ Take five minutes to find something that represents a child

(E.g. flower, book, tissue, fruit, leaf of a tree...)

- ⌚ Keep all these things in the middle of the room and gather around them in a circle (Try to retain an atmosphere of silence and respect)
- ⌚ Share with others why you selected the particular item to symbolize a child



## 2. Discussion

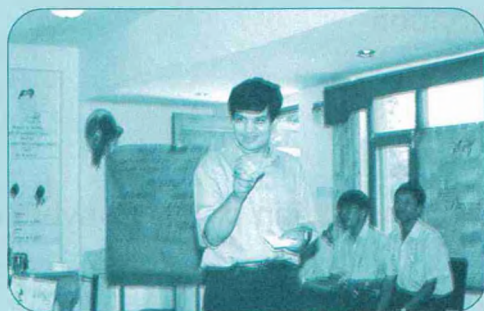
- Ask the participants the following:

### QUESTIONS TO ASK

- ⌘ What is the general perception of the group about children? adults?
- ⌘ In what ways are adults and children similar?
- ⌘ In what ways are adults and children different?
- ⌘ What does a child gain when s/he becomes an adult?
- ⌘ What does a child lose when s/he becomes an adult?
- ⌘ Do children and adults have similar needs?
- ⌘ What are the special qualities/ characteristics associated with childhood?
- ⌘ What do children need in order to "be children" - to enjoy childhood in its fullness?

### EXPECTED ANSWER

- ✍ Children are usually perceived as needing special attention and care from adults.
- ✍ They have similar characteristics as human beings.
- ✍ Children have special needs. Children's abilities have not fully evolved.
- ✍ A child gains full capacity.
- ✍ A child loses dependence on adults.
- ✍ Children have special needs because their abilities have not fully evolved.
- ✍ Children are usually perceived as needing special attention and care from adults.
- ✍ Children need protection from exploitation because they are more vulnerable to abuse. They need to have the appropriate environment to ensure their proper development.





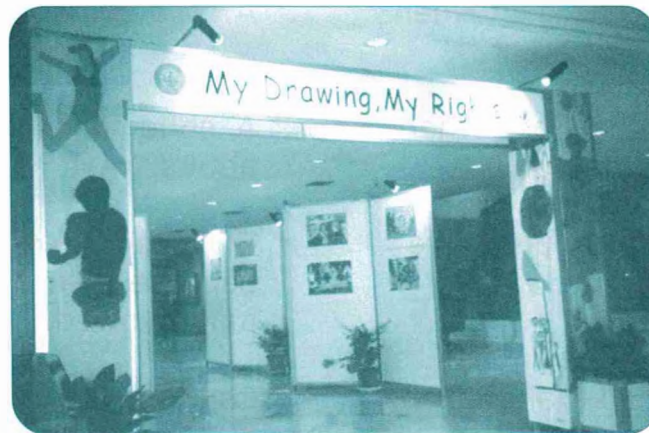


*At this point, the facilitator should already have diagnosed how the participants view children. The responses to the ACTIVITY should give the facilitator ideas as to which part of the INPUT to emphasize.*

### 3. Input

#### *Surveying The Convention on the Rights of the Child.*

- The facilitator/resource person may introduce the Convention on the Rights of the Child as the instrument containing a set of protection for children from all forms of abuses and exploitation.



### **Structure of the Convention on the Rights of the Child**

#### **The Preamble**

Provides the context for the Convention

#### **Part One (Article 1-41)**

Sets out the rights of all children

#### **Part Two (Articles 42-45)**

Provides for the monitoring and implementation of the Convention

#### **Part Three (Articles 46-54)**

Covers the arrangements for entry into force



## Principles Underlying CRC

Article 1	→	Applies to all people under 18
Article 2	→	Non discrimination
Article 3	→	Best interest of child principle
Article 4	→	States to undertake specific measures
Article 5	→	Parental guidance consistent with child's evolving capacities
Article 6	→	Respect for the views of the child



## CRC Highlights

- it is comprehensive
- it is holistic, does not separate civil and political rights from economic, social and cultural rights
- outlines 4 groups of rights: survival, protection, development and participation
- has been implemented through co-ordination with international, national and local authorities
- requires laws more favourable to the child to prevail over the CRC





## **CRC Groups of Rights**

### ● **Survival Rights**

The basic component of the survival rights of children is access to health care and health services. This should translate into reduction of infant and child mortality, provision of primary health care, reduction of malnutrition, provision of clean water, and the provision of maternal and child health care. It also aims to assure that everyone has access to information about health, and promote preventive health care strategies and family planning.

### ● **Development Rights**

The Convention defines child development in the broadest possible terms to include the physical, mental, spiritual, moral, and social development. It also guides society to understand and anticipate the development needs of children like education, adequate standard of living, social security, etc.



### ● **Protection Rights**

The Convention recognises the need for protecting children from circumstances that can detract from their chances for survival and development. It is the protection provided to children connected with the care and guidance children receive from their parents, family members, legal guardians, and others such as teachers and health care personnel. The Convention also provides special protection rights to children in especially difficult circumstances.

- **Juvenile Justice** - children are treated differently from adults when they are accused and convicted of committing crimes. This is premised on the belief that children may not always be fully aware of the effects that their actions have on other people. It also asserts that children are more amenable to rehabilitation than adult criminals.
- **Children in Situations of Exploitation** - The Convention also calls for the protection of children from child labour, sexual exploitation, sale, trafficking and use of narcotics.



- Children in Situations of Emergency - The Convention protects children from armed conflict, emergencies, whether they are caused by human conflict or natural disaster.

### ● **Participation Rights**

The Convention recognises the rights of children to form and express opinions on matters concerning them. Children's participation allows them to understand their situation and helps them to develop social skills, self-determination, and responsibility in community development.

## **"ABC's of Children's Rights"**

*(Note: Provide Pictures for each right)*

<b>A</b>	-	Adoption
<b>B</b>	-	Best Interests
<b>C</b>	-	Culture
<b>D</b>	-	Development
<b>E</b>	-	Equal Treatment
<b>F</b>	-	Family and Family Environment
<b>G</b>	-	Games
<b>H</b>	-	Health
<b>I</b>	-	Identity
<b>J</b>	-	Juvenile Justice
<b>K</b>	-	Knowledge
<b>L</b>	-	Life and Liberty
<b>M</b>	-	Media for Children
<b>N</b>	-	Name and Nationality
<b>O</b>	-	Organisation
<b>P</b>	-	Privacy and Protection
<b>Q</b>	-	Questions
<b>R</b>	-	Rehabilitation
<b>S</b>	-	Social Security
<b>T</b>	-	Travel for Family Reunification
<b>U</b>	-	Urgent Action during Crisis
<b>V</b>	-	Views and Voice
<b>W</b>	-	Well Being
<b>X</b>	-	Extra Care
<b>Y</b>	-	Yearn for more
<b>Z</b>	-	Zzzzz







*Read the Chart containing the specific rights in the CRC. When discussing the ABC's of Children's Rights, use the content and comments on each article to explain the ABC's. You may use pictures to further animate the INPUT. Give practical examples as much as possible.*

## Specific Rights Contained in the Convention on the Rights of the Child

ARTICLE	CONTENT	COMMENTS
Art. 1	⇒ A child is a person below 18 years old	⇒ <b>Age of majority</b> may vary from country to country ⇒ Each country decides whether rights commence upon conception or birth
Art. 2	⇒ Non-discrimination	⇒ All children shall be protected from <b>all forms of discrimination</b> on the basis of colour, language, national or ethnic group, birth, status or by reason of any disability whether physical, mental, or social
Art. 3	⇒ Best interest of the child principle	⇒ All rights shall be interpreted and protected by taking into full account the <b>needs, capacities and situation of the individual child</b> , not merely some general notion of what is good for all the children




ARTICLE	CONTENT	COMMENTS
Art. 4	⇒ Implementing children's rights	⇒ States are required to undertake appropriate legislative, administrative and other measures ⇒ <b>Child-friendly</b> laws, policies, programs shall be formulated and implemented ⇒ Allocation of resources for children's rights shall be to the <b>maximum extent</b> of available resources
Art. 5	⇒ Parental responsibilities	⇒ <b>Parents have the right and duty</b> to give their children <b>appropriate direction and guidance</b> about how children use and enjoy their rights. ⇒ Such direction and guidance must change with the <b>evolving capacities of children</b>
Art. 6	⇒ Right to life and development	⇒ Duty not to do something that will harm a child ⇒ Obligation to ensure full development of children ⇒ States to undertake measures to realise this right to the <b>maximum extent possible</b>
Art. 7	⇒ Right to a name and nationality	⇒ Child has the right to a name from time of birth ⇒ Child's right to <b>acquire a nationality</b> does not eliminate possibility of a child being <b>stateless</b> if the country where the child is born follows different <b>nationality laws</b> from the parents' country ⇒ Children to be cared for by their parents to the extent possible
Art. 8	⇒ Right to identity	⇒ Identity means knowing one's <b>family relations</b>





ARTICLE	CONTENT	COMMENTS
Art. 9	⇒ Right to live with parents	⇒ The <b>main rule</b> is that children should not be separated from their parents <b><u>unless necessary</u></b> for best interest of the child ⇒ Forced separation is justified if it involves neglect or abuse ⇒ In case of conjugal separation, courts may decide child's place of residence but contact with other parent shall be respected unless not for the best interest of the child
Art. 10	⇒ Right to family re-unification	⇒ Applies to children and parents living in separate countries ⇒ States are encouraged to <b><u>"lean" towards family re-unification</u></b> through granting of visa to travel to children and their parents whenever possible
Art. 11	⇒ Protection from illicit transfer and non-return	⇒ Requires governments to do all they can to prevent children from being taken from the country illegally, even by a parent ⇒ Encourages States to enter into treaties with other countries to set up methods for dealing with such situation
Art. 12	⇒ Weight of a child's opinion	⇒ Allows the child to be heard and gives him opportunity to express his opinion and such opinion be given <b><u>due weight and consideration</u></b>
Art. 13	⇒ Freedom of expression and access to information	⇒ This right is limited by respect of the <b><u>rights of others or reputation of others</u></b> and for the protection of <b><u>national security, public order, public health or morals</u></b>
Art. 14	⇒ Freedom of thought, conscience and religion	⇒ Involves freedom to believe, practice and change one's beliefs and religion ⇒ Parents' right and duty to guide children is respected <b><u>when applicable</u></b>
Art. 15	⇒ Freedom of association and peaceful assembly	⇒ Can not be limited by any reason other than those in the law and are necessary in a democratic society
Art. 16	⇒ Right to privacy	⇒ Children have right to trials closed to the public, those working with children are re-



ARTICLE	CONTENT	COMMENTS
Art. 17	⇒ Right to children's media	<p>⇒ required to keep information confidential</p> <p>⇒ Includes privacy of relationship between children and their parents and other family members</p> <p>⇒ Right to privacy <b><u>can be limited by law</u></b></p> <p>⇒ Government to encourage the media to develop programs not only for entertainment but appropriate for children's social, spiritual and moral well being and physical and mental health</p>
Art. 18	⇒ Right to care and upbringing by the family	<p>⇒ <b><u>Parents and guardian</u></b> have the main responsibility to bring up their children</p> <p>⇒ Government's role is to support the parents and guardians</p>
Art. 19	⇒ Protection against abuse	<p>⇒ States to undertake measures to protect children from all forms of <b><u>physical and mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse</u></b> while in the care of <b><u>parents, other family members, teachers, administrators, coaches, staff personnel of orphan-ages or other caretakers</u></b></p>
		
Art. 20	⇒ Right of children without family	<p>⇒ Children deprived of family environment should be provided with alternative family care</p> <p>⇒ Placing children in <b><u>"institutions"</u></b> is the <b><u>last resort</u></b></p> <p>⇒ Continuity in child's upbringing and his/her ethnic, religious, cultural, and linguistic background shall be considered</p>
Art. 21	⇒ Right to be adopted	<p>⇒ Adoption must be guided by best interest of the child principle</p> <p>⇒ Adoption authorised only by <b><u>competent bodies</u></b></p> <p>⇒ <b><u>Inter-country adoption is a last resort</u></b> if there is</p>






ARTICLE	CONTENT	COMMENTS
		failure in finding suitable placement
		⇒ Inter-country adoption should not be used for profit
		⇒ Countries are encouraged to conclude treaties
Art. 22	⇒ Right of child refugees	⇒ Child refugees are given the same rights afforded to refugees in the 1951 Convention Relating to the Status of Refugees
		⇒ As refugees, they have the right not to be sent back to the country where they are under threat
Art. 23	⇒ Right of children with disabilities	⇒ Children with disabilities need special care, which means services to enable them to have <b>full and decent life</b> . Such care should be given free, if possible
Art. 24	⇒ Right to health and health services	⇒ States are required to take concrete steps to make available to children best possible health services in order to:
		⇒ Reduce infant and child mortality rate
		⇒ Ensure that all children have access to medical care
		⇒ Ensure primary health care before investing in advanced technology and services needed by smaller number of people
		⇒ Ensure pre-natal and post-natal health care for mothers
		⇒ Eliminate malnutrition and diseases
		⇒ Provide health education for children and parents
		⇒ Eliminate traditional practices harmful to the health of children
Art. 25	⇒ Right to periodic review of placement	⇒ Children placed in homes and institutions can not simply be forgotten
		⇒ Their situation must be reviewed from time to time to improve their condition
Art. 26	⇒ Right to social security	⇒ Social security measures should be guided by the best interest of the child principle



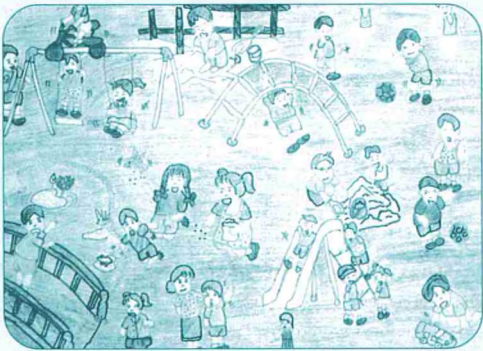
ARTICLE	CONTENT	COMMENTS
Art. 27	⇒ Right to decent standard of living	⇒ Parents have primary responsibility for providing children with living conditions adequate for their development ⇒ Governments provide parents programs necessary for their performance of this duty
Art. 28	⇒ Right to education	⇒ Compulsory and free primary education ⇒ Different forms of secondary education accessible and free to all ⇒ Higher education accessible to all ⇒ School discipline to be compatible with principles of the CRC
Art. 29	⇒ Right to values education	⇒ Education should be aimed at developing the child's personality, talents and abilities; should prepare children for life in a free society; and teach them to value and practice human rights, peace and tolerance
Art. 30	⇒ Right of minority and indigenous children	⇒ Right to enjoy one's culture ⇒ Right to practice one's religion ⇒ Right to use one's own language ⇒ Enjoyment of these rights should be guided by the best interest of the child principle
Art. 31	⇒ Right to play, leisure and recreation	⇒ Free time ⇒ Sufficient contact with other children during their free time ⇒ Participation in cultural activities
Art. 32	⇒ Protection from economic exploitation	⇒ Sufficient time to rest ⇒ Three things States should do: ⇒ Provide minimum age for admission to employment ⇒ Set appropriate regulation of the hours and conditions of employment ⇒ Provide sanctions ⇒ Children should be protected from work which interferes with education, is hazardous or harmful to the child's health, physical, mental, spiritual, moral or social





ARTICLE	CONTENT	COMMENTS
Art. 33	⇒ Protection from drug abuse	<p>development</p> <p>⇒ Protection from illegal drugs restricted by international treaties, alcohol and tobacco not included</p> <p>⇒ Actions to be taken to implement this include, adoption of appropriate laws, educational activities, and social programs</p>
Art. 34	⇒ Protection from sexual exploitation and abuse	<p>⇒ Sexual abuse refers to using a child for sex against his/her will; having sexual contact with a child who is too young to consent or who is under the influence or control of the person who abuses him/her</p> <p>⇒ Sexual exploitation means using children as prostitutes for producing pornography or in pornographic show</p>
Art. 35	⇒ Protection from sale, traffic, and abduction	
		<p>⇒ Child trafficking is an organized buying and selling of children through intermediaries</p> <p>⇒ Abduction is the kidnapping of children in order to be sold for adoption, sex, and child pornography</p> <p>⇒ States are encouraged to take multilateral and bilateral measures</p>
Art. 36	⇒ Protection from other forms of exploitation	<p>⇒ This is a catch all article to ensure protection of children from other forms of exploitation not specifically mentioned in the CRC</p>
Art. 37	⇒ Freedom from torture and deprivation of liberty	<p>⇒ No child can be deprived of liberty arbitrarily</p> <p>⇒ Every child has the right to be treated humanely</p>
Art. 38	⇒ Protection from armed conflict	<p>⇒ States shall refrain from recruiting children under 15 years old into the armed forces</p> <p>⇒ States shall give priority to those who are oldest when recruiting children who are 15 years old but below 18</p>
Art. 39	⇒ Right to rehabilitation	<p>⇒ Children who are suffering from physical and psychological injuries due to abuse, neglect, exploitation, torture, and cruel degrading punish-</p>



ARTICLE	CONTENT	COMMENTS
<p>Art. 40</p> 	<p>⇒ Right to juvenile justice</p>	<p>ment or treatment and armed conflict should be aided in recovering from physical injuries, psychological trauma and should be helped with social reintegration</p> <ul style="list-style-type: none"> <li>⇒ A child accused of a crime has the right to:</li> <li>⇒ be presumed innocent until proven guilty</li> <li>⇒ be informed of the charge</li> <li>⇒ have access to legal assistance</li> <li>⇒ have a just, speedy and fair trial</li> <li>⇒ not be forced to be a witness against himself/herself</li> <li>⇒ free access to an interpreter</li> <li>⇒ his/her privacy fully respected at stages of proceedings</li> <li>⇒ States are encouraged to establish the minimum age below which a child can not be criminally liable</li> </ul>



## UDHR and CRC Compared

HUMAN RIGHTS	CHILD RIGHTS	CRC PROVISIONS NOT SPECIFICALLY PROVIDED IN THE UDHR
Art.1 - Everyone is equal	Art.2 - Non-discrimination	Art.8 - Right to identity
Art.2 - Non-discrimination	Art.2 - Non discrimination	Art.9 - Right against separation of children from their parents except when necessary for best interests
Art.3 - Right to life, liberty and personal security	Art.6 - Right to life, survival and development; Art.11 - protection from illicit transfer and non-return	Art.19 - Protection from abuse
Art.4 - Prohibition of slavery and servitude	Art.36 - Protection from other forms of exploitation	Art.20 - Right to alternative care of children without a family
Art.5 - Prohibition of torture, cruel, inhuman or degrading treatment or punishment	Art.37 - protection from torture cruel, inhuman or degrading treatment or punishment	Art.21 - Right to adoption
Art.6 - Everyone recognised as a person before the law	Art.12 - Right to minimum age of criminal responsibility	Art.23 - Right of children with disabilities
Art.7 - Everyone equal before the law	Art.12 - Right to juvenile justice	Art.25 - Right to periodic review of placement and treatment
Art.8 - Everyone can go to court for remedy of violation of rights	Art.12 - Right to juvenile justice	Art.30 - Rights of minority/indigenous children
Art.9 - Protection from arbitrary arrest, detention, exile	Art.12 - Protection from arbitrary arrest, detention, exile	Art.33 - Protection from drug abuse
Art.10 - Right to fair and public trial	Art.12 - Right to privacy fully respected at every stage of the proceedings	Art.34 - Protection from sexual exploitation and abuse
Art.11 - Presumption of innocence until proven guilty; protection from conviction when act not a crime at time it was committed	Art.12 - Presumption of innocence until proven guilty; protection from conviction when act not a crime at time it was committed	Art.35 - Protection from sale, abduction and traffic



HUMAN RIGHTS	CHILD RIGHTS	CRC PROVISIONS NOT SPECIFICALLY PROVIDED IN THE UDHR
Art.12 - Protection of privacy	Art.16 - Right to privacy	Art.38 - Protection of children affected by armed conflict
Art.13 - Freedom of movement	Art.10 - Entering or leaving countries for family reunification	Art.39 - Right to rehabilitation
Art.14 - Right to asylum	Art.22 - Right of child refugees	
Art.15 - Right to nationality	Art.7 - Right to a name and nationality	
Art.16 - Freedom to choose in marriage matters; equality of men and women in marriage	Art.12 - Respect for the views of the child	
Art.17 - Right to property	Art.6 - Right to life, survival and development	
Art.18 - Freedom of thought, conscience and religion	Art.14 - Freedom of religion	
Art.19 - Freedom of opinion and expression; access to information	Art.12 - Respect for the views of the child Art.13 - Freedom of expression and access to information	
Art.20 - Freedom of peaceful assembly and voluntary association	Art.15 - Freedom of Association and Assembly	
Art. 21 - Participation in government	Art. 12 - Respect for the views of the child	
Art. 22 - Right to social security	Art. 26 - Right to social security	
Art. 23 - Right to work; equal pay for equal work; just remuneration; right to form and join trade unions	Art. 32 - Protection from economic exploitation	
Art. 24 - Right to rest and leisure	Art. 31 - Right to play, rest and leisure	





HUMAN RIGHTS	CHILD RIGHTS	CRC PROVISIONS NOT SPECIFICALLY PROVIDED IN THE UDHR
<p>Art. 25 - Right to standard of living adequate for health and well being</p> <p>Art. 26 - Right to education</p> <p>Art. 27 - Right to participate in cultural life and benefit from scientific advances; copyright protection</p> <p>Art. 28 - Social and international order in which these rights and freedoms are fully realised</p> <p>Art. 29 - Duties and responsibilities of the individual; limitations to respect rights and freedoms of others</p>	<p>Art. 24 - Right to health care and services; Art. 27 - Right to decent standard of living</p> <p>Arts. 28 and 29 - Right to education</p> <p>Art. 17 - Access to children's media and appropriate information</p> <p>Art. 4 - Appropriate legislative, administrative and other measures to fully implement rights of the child</p> <p>Art. 3 - Duty to respect children and respect their "best interests"; Art. 5 - Parental responsibilities based on evolving capacities of the child; Art. 18 - Responsibility of parents assisted by the State</p>	



If the time is limited, it is important to note at this point that the session may end with an open forum after the **INPUT**. The facilitator may regard the open forum as the **DEEPENING** portion of the process. The facilitator may proceed with the **SYNTHESIS** with two or three sentences emphasizing the significance of children's rights. However, it is suggested that the following **DEEPENING AND SYNTHESIS** be conducted if the time permits.



## 4. Deepening

### *Examining Childhood in the Home, Community, School, Workplace, Nation and the World*

- Post the matrix below on the board:



	Home	Community	School	Workplace	Nation	World
Survival Rights						
Development Rights						
Protection Rights						
Participation Rights						
Violator/s						

- Give each participant a piece of paper, crayons, newspapers, magazines, paste and a pair of scissors. Divide them into four groups. **Group One** is the Survival Rights Group, **Group Two** is the Development Rights Group, **Group Three** is the Protection Rights Group and **Group Four** is the Participation Rights Group. Ask each group to:





- ✎ Draw or cut pictures showing violations of Children's Rights assigned to the group occurring in each level of the child's expanding social environment. (Give the group 10 to 15 minutes.)
- ✎ Write in the VIOLATOR/S boxes, persons and/or entities that should be held liable for such violations.
- ✎ Paste the pictures or drawings in the appropriate boxes in the matrix.



- Ask for volunteers who will discuss their group work in the plenary. The group may opt to present their work through a more creative presentation.
- Ask the participants the following deepening questions:

- ✎ Are all the pictures and drawings placed in the appropriate boxes? Are there corrections you want to make?
- ✎ Which children's rights are often violated in the home? Community? School? Workplace? Nation? World?
- ✎ What feelings do the pictures evoke in you?
- ✎ Which of these violations do you easily relate/identify with? Why?
- ✎ Have you encountered any of the children in the pictures in your real life? Where? When?
- ✎ What groups of children usually experience such violations? Why?
- ✎ Who usually violate children's rights in the home? Community? School? Workplace? Nation? World?
- ✎ What do these individuals and entities have in common?
- ✎ What factors do you think may



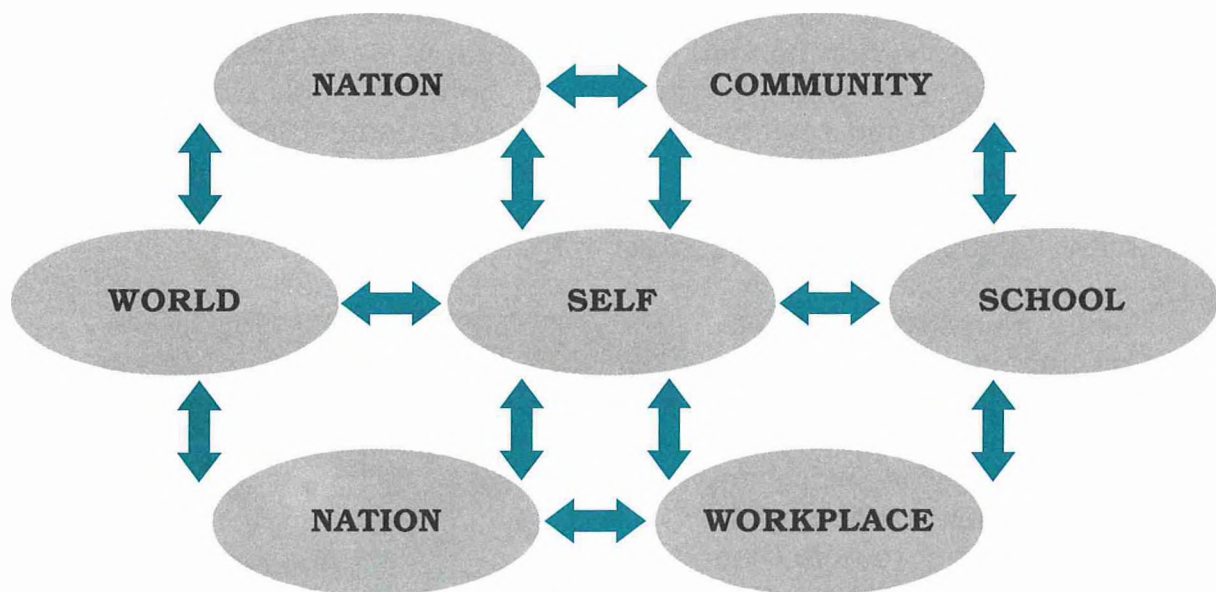
cause violation of these rights? (Categorize the participants' responses in terms of political, cultural, social, economic, physical and environmental)

- ✎ In what ways are the violations in the home, community, school, workplace, nation and the world similar? Different?
- ✎ In a scale of 1 to 10, with 1 as the lowest and 10 as the highest, rate how society generally puts into practice children's rights. Explain your answer.

## 5. SYNTHESIS

### *Imaging Child Rights - Sensitive Environments*

- Distribute to each participant the activity sheet as shown below:



- Give each participant crayons and colored pens. Then, ask them to:

- ✎ Identify and write inside the appropriate circle the qualities or traits that the self must possess to promote child rights in the home, community, school, workplace, nation and world.
- ✎ Draw inside the appropriate circle an image of a child rights-sensitive home, community, school, workplace, nation and world.
- ✎ Place your activity sheet on the wall.







- Below is a short article which may help the facilitator do the synthesis

Many people have now come to believe that the life of a human being (child) begins in the womb of the mother. From this very protected environment of mother's womb, where all needs are fulfilled and protection needed is offered by outside parties, the child enters into less protective environs of home, school, work place, village / town and society. Thus, in order to understand the rights and associated rights of the child in these varying contexts, it is important for us to understand the reality of the different environments a child comes into contact with.

While many Asian societies uphold values that respect children and offers protection and the needed environment for children to grow to their full potential, it is important to note that home is also where violations of child rights begin. Sometimes, this may be intentional whilst in some



cases it may be unintentional. Furthermore, the CRC explicitly spells out the right of children to be raised by parents and the right to be special care and protection if this is not possible. It is also important to note the exception provided in article 9 of CRC - the right to live with one's parents unless it's bad for the child. Home is also expected to be a place where a child can grow - by having access to information, having the opportunity to play and rest etc.



The school, often the second home of a child, is also endowed with the responsibility of ensuring the well being and growth of children and many articles enshrined in the CRC may be relevant to schools. In addition to some rights mentioned above, school is an institution that is especially responsible in ensuring that a child receives quality education to the maximum level possible (article 28 of CRC).

In fact, if we calculate how a child spends his / her time, we would often find that a major part of most children's time is spent at home or at school. (If this is not the case, then we should also reflect why) Thus, it is important to reflect whether these two basic institutions that have so much to do with children are providing children with protection as well as their basic needs.

A frequent point of argument amongst children and parents / school officials is whether rights of children conflicts with parents and teachers' right to ensure their children well-being and decide accordingly. It is perhaps important to clarify that adults right in this regard is not infringed by CRC, but rather the CRC emphasizes the importance of adults making decisions in the best interests of children. However, the CRC also emphasizes the importance of children's participation in such decisions - and it is also important that adults remember that children have a right to express opinions and be taken seriously.



Though unfortunate, children are also being subject to sexual and other forms of abuse and even cruel treatment within these two basic institutions. Are there such situations in our own community? And are schools and families (home) in our community providing children with the

basic rights that they are entitled to?

Though the CRC does not explicitly prohibit children from engaging in work, children engaged in employment are often denied their basic rights of education, rest and recreation, family life etc. Many children who are working are often also subject to many other forms of exploitation, including sexual exploitation (*In many Asian countries, child prostitution is rampant*) as well as other





forms of cruel treatment and health hazards. Children often have to work long hours in unhygienic work conditions for minimal wages.

Thus, it is important for us to reflect on this aspect of children in the work place - what type of work are children in our community engaged in? Does it deny them other basic rights? Does it exploit and abuse children? However, many people including human rights activists acknowledge the positive and educative aspect involved in children engaging in work that is appropriate to children. Often such work is in the environment of one's family and immediate community and with other children and does not impede in any way of the child being able to enjoy the rights in the CRC. Thus, can we separate work by children that is beneficial to their well-being and growth and work that is harmful to children?

In addition to the above-mentioned specific environments, we should also reflect on how child-friendly our community (village / town / city / country) is. What do we mean by "child friendly?" We should consider the way our society is organized and how the structures, institutions, and mechanism etc. contribute to the well being of children. Do they help protect children's rights or perhaps bring about violations of the CRC?

People in all environments and situations are called upon to protect and promote children's rights - starting from home, school and flowing into the whole of society. The needs of children in each of these situations may differ - but what is important is to ensure that children's interest is always looked out for in all these situations.



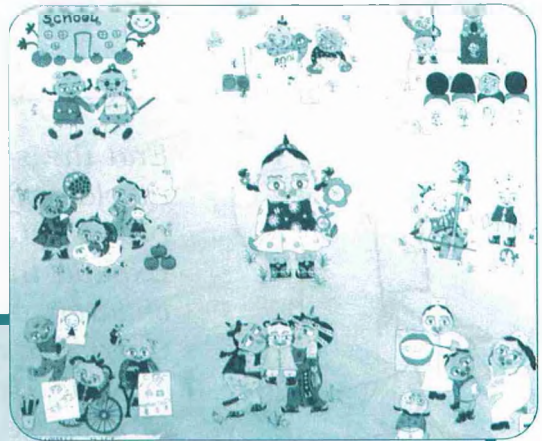


*End the session by asking the participants to look at the display of images on the wall. The facilitator may further process it by asking for volunteers to explain their work. Explain that in order to make a difference in the lives of children, an appropriate change must take place in the self. Children's rights are not mere abstract concepts but are realizable ideals shown in the collage of images on the wall. Emphasize the points contained in the short article*





# Making Society and State Accountable to Children



## **Materials**

1. Flash cards (Around 20 - of different sizes)
2. CRC cards (3 or 4 sets needed)
3. Markers OR Crayons (Around 10)
4. Large sheets of manila (majong / poster) paper (About 10)
5. Masking / gum tape and / or glue
6. A large space on the wall where you can paste the pictures or one or more white/ black board
7. Copies of the statement "A World Fit for Us" - the vision articulated by children during the UN General Assembly Special Session on Children (May 2002) and the Children's Forum preceding the event (English version or translated versions if necessary)
8. Materials required for the symbolic action at the end (depending on the action chosen)

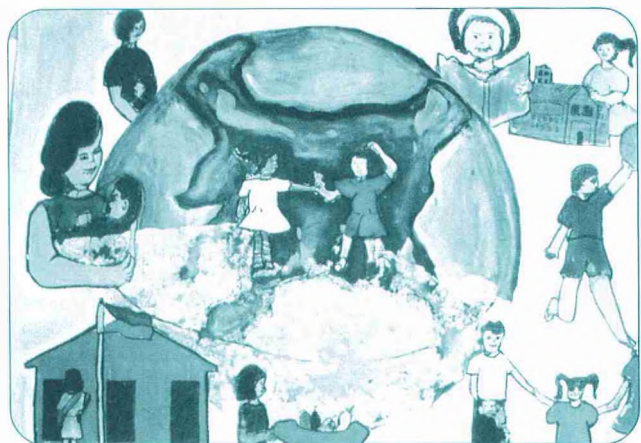
## **Time Allotment**

Minimum of two hours

## **1. Activity**

### *Mapping Institutions Responsible for Children*

- Distribute the CRC cards to the participants.
- Give each participant flash cards and colored pens.
- Direct them to:



- ⌚ Reflect who are the actors / institutions whose work is related to children (E.g. school / government ministry / NGOs)
- ⌚ Write each one on a flash card. As much as possible, write the more important ones on bigger flashcards and paste them on the wall or board.



- ⌘ Afterwards, look at the CRC card you are holding and attach it to a relevant institution shown on the board. (These are institutions primarily responsible for promoting the particular right) Some CRC cards may have to be pasted in two or three institutions.

## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- ⌘ With respect to promoting child rights, which institution's performance are you satisfied with? With which ones are you not satisfied? Explain your answers
- ⌘ Were there CRC cards that were not pasted to any institution?
- ⌘ Are you happy with the participation of children in these institutions?



## 3. Input

### *Institutions and Their Responsibilities*

- The INPUT will evolve around the following points:

- ⌘ Elaborate the responsibilities of each institution with regard to the above three questions, with examples and statistics
- Point out any institution that may not have emerged in the activity
- ⌘ Explain that these are obligatory and mandatory responsibilities - "rights perspective" vs. "helpful" perspective
- ⌘ Emphasize special obligations of the state - also its duty to ensure the fulfilment of responsibilities by other institutions demanded by CRC
- Introduce to the participants local legislation that protects and





- ✎ promotes rights of children
- ✎ Highlight special institutions and mechanisms created by government/ NGOs / POs to promote and protect rights of children
- ✎ Point out special mechanisms and spaces created by government/NGOs etc. to promote participation of children in matters affecting their lives
- ✎ Discuss the UN General Assembly Special Session on Children (May 2002) and the Children's Forum preceding the event and its outcome, especially vision articulated by children "A World Fit for Us" and the government commitments made



There are many institutions that are connected to children. Actually, if given serious consideration, it would likely be easier to name institutions that do not have anything to do with children, rather than those that are involved with children - because most institutions are in some way connected to children! Some institutions like schools, Ministry of child affairs could be directly connected - but as mentioned above, most others are also indirectly connected - E.g. media, law enforcement agencies etc.

The behavior and functioning of all these institutions have a bearing on the lives of children - for better or for worse. It would be an interesting exercise to use the CRC as a check list against the functioning behavior of various institutions in our society and gauge their positive as well as negative impacts on the lives of children. Very broadly, all institutions could be divided as state and non-state. This classification would also be useful in assessing their responsibilities towards children with regard to the CRC.

The very nature of the CRC makes it mandatory for state parties, i.e., governments to ensure the full enjoyment of all rights in the CRC (Plus the commitments the states may have made under the optional protocols) Thus, the primary responsibility of ensuring children's rights rests with the state - but of course this should not be taken to absolve the responsibility of society as a whole to ensure the well being of children. As we already discussed in the previous lesson, family (home) and



school are two places that have special responsibilities in this regard. What is important to note here is perhaps the necessity of holding even these basic institutions accountable if they fail to fulfil their responsibilities. Of course accountability also extends to other institutions dealing with education, health, religious institutions, administrative functions, industry, culture etc.

Accountability could also be two fold - Since children are often held close to the hearts of many societies, society often demands accountability from various parties and rises up to take action when children's well being is endangered. Last month, a group of neighbors in Colombo (Sri Lanka) took matters into their own hands to rescue a young girl kept chained in a house after authorities had taken no action. Thus, society often acts as a conscience motivated by moral and ethical values by demanding and ensuring accountability of social and state actors with respect to children's rights. This of course may vary from community to community - depending on how sensitive that society is to children's issues as well as their level of awareness and organization etc.



On the other hand, many states that comply with the CRC have enacted laws that hold all state and non-state actors accountable in ensuring children's rights. Some countries have appointed special state institutions to look into all aspects of children's well being (E.g. National Child Protection Authority in Sri Lanka) At the same time, UNICEF is a specialized UN body that looks into the well being of children on a local as well as a global level. Many local and international NGOs as well as voluntary and community based organizations, including those run by children themselves, are monitoring the implementation of the CRC and the well being of children.

In May 2002, the United Nations convened a special General Assembly session on Children, which saw the participation of children alongside their heads of state, in representing the children of the world. This special session reviewed the situation of children in the world as well as the vision articulated by the children named "A world fit for us", which was a powerful call for accountability towards global rights of children. What is also important is to know and utilize the relevant legislation in holding state and non-state parties accountable in terms of children's rights - and in cases where existing legislation and mechanisms are inadequate or inappropriate, to advocate for new and more effective ones.





# The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Pornography

## Came into force in January 2002

- Focusing on the responsibility of governments to guarantee the protection of the child from sale of children, child prostitution, and pornography and taking into account the increasing international trafficking of children for prostitution and other forms of exploitation
- Requires governments to ensure full coverage of the national laws (penal or criminal) on the following acts, whether committed locally or transnationally

delivering or accepting a child for

- sexual exploitation of the child
- transfer of organs of the child for profit
- engagement of the child in forced labor

inducing consent for adoption of a child, which violates international legal procedures/instruments on adoption

offering, procuring, providing, obtaining a child for prostitution

producing, distributing, disseminating, importing, exporting, offering, selling, or possessing child pornographic materials

- requires governments to adopt measures to protect the rights and interests of the child victims

recognize the vulnerability of the victims and adapt measures to respond to their special needs including special needs as witnesses.

inform children of their rights, their roles, procedures and progress in their cases

facilitating the expression of children of their views in matters that affect them.

appropriate support for children throughout the legal process.



protecting privacy and identity of the child.

providing for safety of the child, family, and witnesses on their behalf.

avoiding unnecessary delay in the disposition of cases.

appropriate training of all persons who work on cases (including psychological and legal).

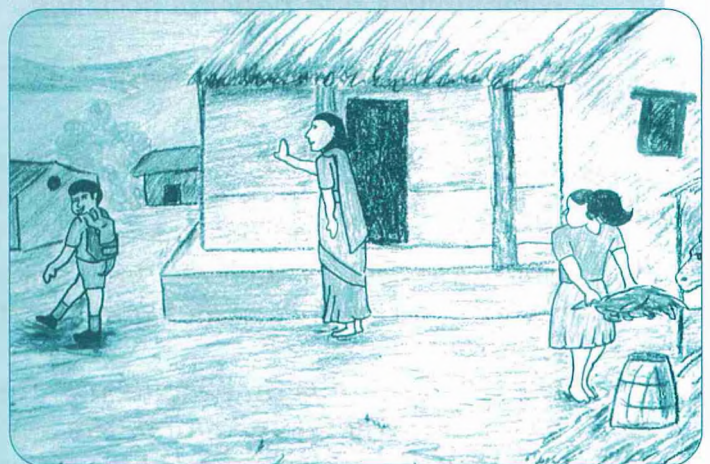
- State parties are required to exert all efforts on prevention of the occurrence of such offenses
- State parties are required to take steps and strengthen international cooperation in
  - prosecution of offenders
  - assisting the victims in their recovery, rehabilitation, social reintegration, repatriation
  - addressing the root causes of these problems including poverty and underdevelopment

## The United Nations Convention on the Rights of the Child

*The UN CRC defines children as all persons less than 18 years of age, unless the legal age of majority in a country is lower*

### The Convention Rests on Four Core Principles

- *The right of all children to enjoy all the rights in the Convention without discrimination of any kind (article 2) (The rights are indivisible)*
- *The right to survival, development, and protection (article 3)*
- *Respect for the best interest of the child as a primary consideration (article 6)*
- *The right of children to express their views freely on matters affecting them (article 12)*





The UNCRC defined the human rights of children (civil, political, economic, social, and cultural)

Civil rights and freedom, including the right to a name and nationality, to freedom of expression, thought, and association, to access to information, and to the right not to be subjected to torture

Family environment and alternative care, including the right to live with parents, be reunited with parents when separated from them, and to the provision of appropriate alternative care when necessary

Basic health and welfare, including rights of disabled children, rights to health and health care, social security, child-care services and adequate standard of living

Education, leisure and cultural activities, including the right to education, the aims of education and the rights to play, leisure and participation in cultural life and the arts

Special protection measures covering the rights of refugee children, those caught up in armed conflicts, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual, or other exploitation.

### **Children are Perceived in a New Way Under the Convention**

- Children are complete human beings, as full individuals in the process of growth and development towards adulthood. They are neither appendages nor properties of their parents, nor are they small adults. As growing individuals, children have vulnerabilities. But they also have strengths and capacities that enable them to play an active part in the enjoyment of their rights.
- Children are active members of their local communities and national societies.

### **Role of Parents and Society**

- Parents and the family are the primary carers and protectors of their children and should be given all possible support in doing the best for their children. They are the key partners in realising the rights of children.
- Every society has an obligation to the children within it. The standards set out in the Conventions for the treatment of children are those that any decent society concerned



*for the well being and happiness of its children would want to attain. These standards correspond to fundamental values: belief in human dignity, tolerance, solidarity, peace, and freedom.*

### **Monitoring Compliance**

*The government is accountable for ensuring that each child enjoys his full rights. The government has to set laws, develop and implement programs and structures, and allocate resources to fulfill this accountability,*

*The Committee of the Rights of the Child is the international monitoring body created to review the progress of implementation of the UNCRC. The Committee receives initial reports from governments two years after they have ratified the Conventions and every five years thereafter, UN agencies and NGOs are invited to submit relevant information to the committee in order to support its work*

## **4. Deepening**

### *Assessing Institutions for Children*

- Ask the participants the following:

- ❏ Why do you think some institutions are playing a positive role and fulfilling their obligations while others are not doing so?
- ❏ Do you think a new institution should be set up or that the nature of an existing institution should be changed to better ensure rights of children in your community?
- ❏ What are strong points and limitations of local legislation with regard to rights of the child?
- ❏ Are the local legislations being implemented with regard to rights of children?
- ❏ Are there remedies available and in use when state or non-state actors violate the rights of children?





## 5. Synthesis

### *Taking Action with and for Children: Making a Difference*

- Divide the participants into three sub-groups.
- Ask them to:

- ✍ Identify an institution that has failed to fulfil one or more of its responsibilities to children.
- ✍ Identify recommendations about how the identified institution can be made to perform its responsibilities to children.
- ✍ Identify persons who will make the identified institution act on the recommendations proposed.
- ✍ Present your work in the plenary.



*The state has the primary responsibility for child protection. On the other hand, civil society must also be held accountable not only in monitoring government compliance but also in ensuring that all civil society sectors understand, promote and protect children's rights.*



# Surveying the Convention on the Rights of the Child: Children's Participation Rights

## 1. Activity

### *Power Walk*

- Identify one area of the training room as **starting line**. Opposite it is the **finish line**.
- Ask the participants to stand at the starting line.
- Ask them the following questions:

#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, and masking tape

#### **Time Allotment**

Minimum of two hours



- ⌚ When you were five years old, did your parents ever ask you which toy you want? If yes, take three steps forward. If no, take a step backward.
- ⌚ Were you ever allowed to play and get enough rest and leisure? If yes, take two steps forward. If no, take a step backward.
- ⌚ Did your teacher ever tell you to keep quiet when you ask her questions? If yes, take three steps backward. If no take three steps forward.
- ⌚ Were you allowed to choose which clothes or shoes, or socks to wear when you were six? If yes take a step forward. If no take a step backward.





- ⌚ Did you ever join youth groups of your choice? If yes, take three steps forward. If not take a step backward.
- ⌚ Have you ever experienced being ignored by your parents or teacher or any adult when you were saying something to them? If yes, take five steps backward. If no, take two steps forward.
- ⌚ Did you have adequate access to appropriate books, magazines and other information materials when you were a child? If yes, take two steps forward. If no, take four steps backward.
- ⌚ Did you feel free to express your opinion to your parents, teachers, or adults? If yes, take six steps forward. If no, take a step backward.
- ⌚ Were you taught children's rights at primary school? If yes, take two steps forward. If no, take six steps backward.
- ⌚ On a scale of 1 to 10 with ten as the highest, what is the degree of your participation in your life as a child? Take the appropriate number of steps corresponding to your assessment.



## 2. Discussion

- Ask the participants to stay where they are and ask them the following questions:

### QUESTIONS TO ASK

- ⌚ What do you notice about where you are in relation to others?
- ⌚ What do you feel being in front? Being at the back? Being in the middle?
- ⌚ What does being ahead mean? What does being at the back mean?
- ⌚ Why do you think you were asked to take steps forward? backward?
- ⌚ What does the finish line represent?
- ⌚ Is this a common experience?



### 3. Input

#### *Respecting Children as Decision Makers*

**A. THE CONVENTION ON THE RIGHTS OF THE CHILD** provides for the human rights and special rights of children, summarized as survival rights, rights to development, rights to protection, and rights to participation. The promotion of children's participation or the process of children's empowerment is not possible without promoting all the rights of the children.

The Convention contains essential elements of the rights to participation as follows:

- The principle of placing the best interest of the child as the priority concern
- The children's right to be informed
- The children's right to express their views and to be heard on all matters that affect their lives
- The children's right to organize or be organized
- The children's responsibility to respect the rights of others
- And the obligations of parents, the State and other adults, to ensure the survival, development, and protection of children, and to provide them with guidance so that they can effectively participate in matters that affect their lives



#### **B. FACTORS TO CONSIDER IN FACILITATING CHILDREN'S PARTICIPATION**

##### **Cultural Concept of Childhood**

As in all provisions of the UNCRC, **the cultural concept of childhood, which may not necessarily always be consistent with the UNCRC, affects a nation's appreciation and practice of children's participation.** This is true in many Asian countries. The perception that children are too young and immature to be included in "adult" discussions is common. Moreover, girls, tribal children, and children from the poverty sector are usually given less importance. These factors have to be seriously addressed by actions that promote children's participation in the region.

##### **Children's Participation is an Empowerment Process**

The process of promoting children's participation is a process of empowering children. A child who does not feel a sense of personal power cannot effectively participate, and conversely, a child who has never participated in making decisions in his life cannot feel empowered. Facilitators need the skills and sensitivity to know when children are ready to

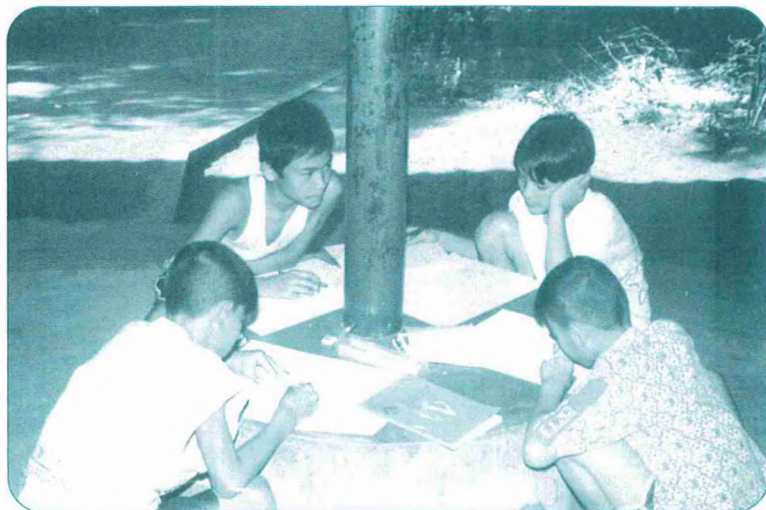




participate and when participation is needed to better facilitate the development of the children. For example, children who are still struggling to overcome recent experiences of abuse may not immediately be willing to participate.

### **Respect for the child's understanding of his or her own situation and his or her right to be part of any action that will affect him or her**

In promoting children's participation in policy and decision making, including in program planning, implementation, and monitoring, we do not assume that children have total



knowledge of what is in their best interest. Rather, we recognize that children have a basic understanding of their situation, and to a certain extent, know what is good for them. They also have feelings and perspectives that have to be respected and taken into serious consideration, as they are the main stakeholders in actions that affect their lives.

Similar to the concept of people's participation, children's participation is the key process towards empowering children as the main actors in their own development.

It recognizes the inherent and developing capacities of the child to understand situations, to formulate opinions and act accordingly, with due support from adults. As children progressively participate in decisions, and actions that affect them, the development of their own potentials as persons and as citizens also accelerates. Thus, participation starts from and must especially be present in the daily contact we have with children.

### **It means working with the team**

Empowered young people have confidence in themselves and in their peers and adult facilitators who help them build who they are and who work with them in their plans to attain both their personal and group goals. They have the ability to express themselves even in front of large audiences and powerful people but are also capable of doing things together with a group. They often recognize their own limitations and know how to respect and to tap into the support of adults.

### **Forming a Social Conscience, Children as a Part of Local and Global Communities**

By being involved in the process of promoting their rights, children learn to look and be concerned beyond their personal circumstances and tend to learn more



about both children and adults who have fewer privileges and opportunities than them. The participation that we speak of then is also about taking the initiative to be part of actually implementing actions within the children's still limited capacities no matter how small the actions are. It is about growing up to become productive and responsible adults in the future. It is about knowing that one is a part of the family, the organization, the group, the community, the world, and that the problems they face in each of these spheres of their lives can be acted upon only when they become part of collective actions.

*Quoting from the summary of the discussion on children's participation held during the CWA SEA Cultural Camp in May 2001, participation for the children means:*

"to belong"	We are part of a family
"to be heard"	Builds self-esteem
"to be important"	As adults are also important
"to contribute"	To decisions and goals (what we need to do)
"to learn"	Skills and experiences from other ages
"to be continuing part of many solutions"	

It is very interesting to find that children who grew up being in programs promoting their rights become attracted to service professions (like teaching) and commit themselves to social involvements. An example is one of the former Global Marchers who decided to go back to his remote village in Nepal to organize other young people like him and start up schools for children despite having very little external support. The leadership skills and social commitment developed in the children and youth remains and they often continue to become active social actors wherever their lives take them.

## Ensuring that Support Systems are in place

The empowerment of children does not only mean providing them the opportunities to discover and develop their potentials and use these for the common good. It also demands being with them in their regular struggles in life and supporting them in the process of understanding themselves, building their personal visions, and taking the necessary steps to help them reach these dreams. It implies ascertaining the availability of social and personal support they need in times of failure and defeat. Ensuring that support systems are in place is the most difficult challenge for many NGOs and facilitators right now, especially for those who are working with children coming from very poor, and in many cases, dysfunctional families and communities.

## C. LEVELS OF PARTICIPATION

Children's levels of participation and interaction with adults range from the negative to the positive and the following is a modified version of the Roger Hart's ladder of participation suggested by the *Bhima Sangha* (a union of child workers) and the Concerned for the Working Children in India:

**1. Active resistance:** There are adults who actively resist children's participation. These adults belong to several categories. Some of them feel that children should not be burdened with participation. Some believe that children do not have the capacity to participate and therefore cannot make informed choices. Some hold the view that children are very easy to manipulate and hence their participation may be used only to further agendas of adults. Some adults in this category take very strong positions against children's par-





ticipation and actually mobilise support to lobby against it. They do so because they are very aware of the power of children's participation and are unwilling to forfeit their own power.

**2. Hindrance:** There are adults who hinder children's participation. Some of them may be against children's participation and they may come in the way of children's participation either overtly or covertly. They block opportunities for children and discourage children from participating. There are others in this category that may voice their support to children's participation, but the manner in which they interact with children may actually hinder children's participation. They may intentionally or unintentionally undermine the ability of children and may end up making children feel inadequate and reluctant to participate.



**3. Manipulation:** There are adults who manipulate children. Some adults in this scenario use children to further their own agendas. They may coach children to voice what they want or cleverly interpret what children say/do to suit their own interests. Sometimes this manipulation is very obvious, yet often it can be quite subtle - and may be carried out in ways children find very difficult to notice, let alone counter.



There are other adults who may manipulate children in order to 'get the best performance' out of them - and according to the adults, this may be done in the best interest of the child. This type of manipulation can sometimes take on emotional overtones as children often have strong emotional ties to the adults with whom they interact closely.

Manipulation is a very subtle and sensitive area. This critique has

been often used to discredit children's participation. Even the best child facilitators can end up manipulating children unintentionally and unconsciously and constant vigilance is the only way to guard against this problem.

**4. Decoration:** There are some adults who treat children more or less like decorative objects, where they are expected to basically add colour to the proceedings. Children are called to present bouquets or sing songs - and not much is made of their presence.

**5. Tokenism:** There are adults who bring in children to get mileage out of their presence by pretending that the children have been given opportunities to participate. The adults may not manipulate the children to speak on their behalf, yet they do 'use' the presence of





children to be counted as 'advocates of children's rights' and to appear to be politically correct.

**6. Tolerance:** There are adults who put up with the notion of children's participation only because someone higher up (such as a donor agency) thinks it is important. In some cases, children themselves may demand to be listened to and the adults will then go through some consultative exercises with children but rarely give any value or credit to the process or the outcome.

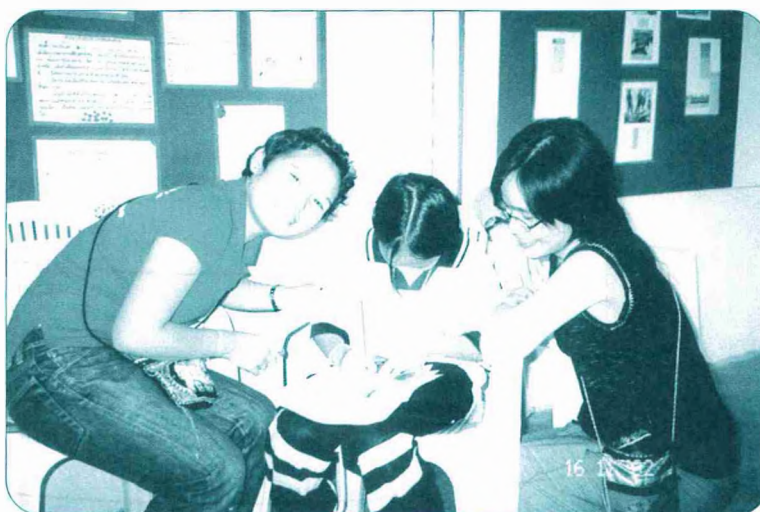
**7. Indulgence:** There are adults who find children's participation 'cute' and 'interesting' and are willing to provide limited spaces for children to voice their opinions. They keep prompting children to speak up and try to keep the environment friendly. They may listen to the opinions expressed by children with interest, but usually do not give serious consideration to their ideas. These situations are mostly one time events and often very little comes out of such 'participation'.

**8. Children assigned but informed:** There are adults who give serious consideration to the thoughts and opinions of children. The adults in this category decide on what needs to be done, but keep children well informed. They encourage children to be actively involved in the activities and will guide them in implementing the task, but do not expect the children to give input into the larger design and process of the activity.

**9. Children consulted and informed:** Some adults believe in consulting children and keeping them involved. The adults take the lead role but inform the children about the situation and seek their opinion. They try to give children a sense of ownership over some aspects of the process, while still maintaining some supervision. The adults are still in control over the process, but they keep it flexible so as to incorporate the suggestions and concerns of the children.

**10. Adult initiated, shared decisions with children:**

There are adults who initiate a process or a programme, but are clearly willing to share the decision making space with the children. They see it as a collaborative interaction. Even though initiated by the adults, they make it a joint effort. Here too children and adults may take on different roles, yet those roles are defined by mutual consent.

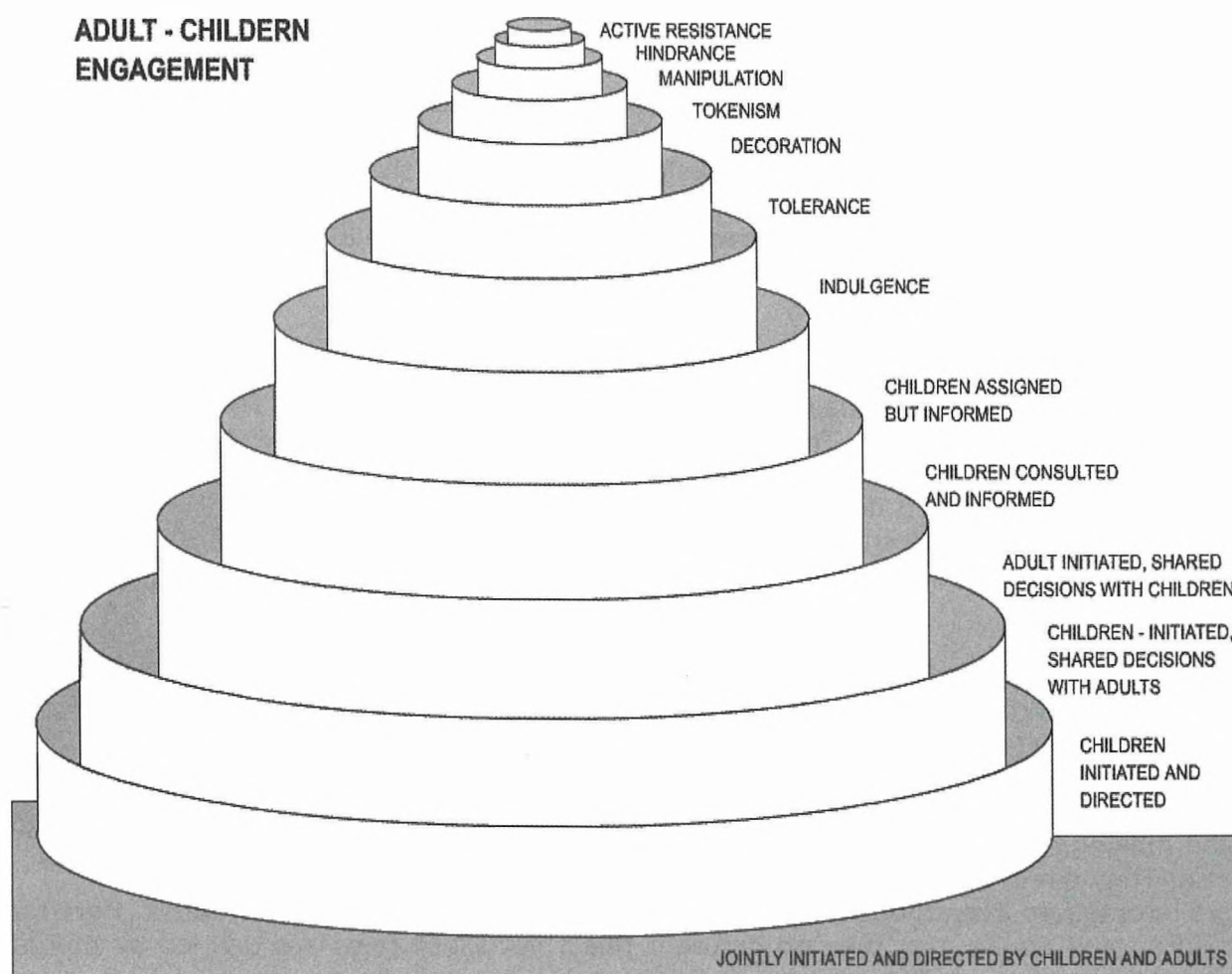




**11. Children - initiated, shared decisions with adults:** There are children together with their organisations who call the first shot, and invite adults to collaborate with them. Children ensure that adults are jointly involved in deciding what needs to be done and share the ownership of the process as well as the outcome. Within the collaboration, children and adults may take on different roles, yet those roles are defined by mutual consent.

**12. Children initiated and directed:** There are children together with their organisations that are in total control and they may or may not involve adults. If they do decide to involve adults, they will work out the framework in which the adults are to participate. The children will continue to keep the process under their control and will have the total ownership of the process and the outcome.

**13. Jointly initiated and directed by children and adults:** There are adults and children who have developed a partnership and they jointly initiate and direct the processes. They have joint ownership of the idea, the process and the outcome and they may play different roles, but it is based on mutual consent. This relationship is possible only when both the adults and children are empowered and are able to pool their respective strengths to achieve a common objective, in partnership with each other.



These roles are neither watertight compartments nor purely black or white scenarios. Thirteen roles have been spelt out, yet there is a wide range of shades between them. We have seen adults play all these roles sometimes intentionally or unintentionally. It is possible that the same group of adults play one or several of these roles with the same group of children or different groups of children at different times.

But in situations where children have control over their own spaces and participation, they are in a position to negotiate with adults from a point of strength. They can then actively determine the roles each of them take on in a given situation. It is this, which actually determines the level of children's participation.

***(Section C is taken from "A Journey on Children's Participation" a documentation of the experiences of the Concerned for the Working Children), CWA.***

## 4. Deepening

### *Examining my Strategies*

- Encourage the participants to ask questions to clarify some of the points discussed during the input part.
- Ask the participants the following reflection questions:



- ⌚ What have you learned from the discussion that you can share with your family or friends?
- ⌚ What may facilitate observance of children's participation rights in your society?
- ⌚ What may inhibit observance of children's participation rights in your society?
- ⌚ When you go back home, what will you do differently with regard to children's participation rights?





## 5. Synthesis

### *Memories of Childhood*

- Ask the participants to complete the following sentences:

1. I was a.....child.
2. My childhood is filled with.....memories.
3. I will raise my kids like.....
4. My biggest mistake when I deal with children is.....
5. I will change my.....
6. Knowing children's rights taught me how to.....
7. I find children's participation rights as.....
8. My biggest problem with participation rights is.....
9. I cannot.....
10. I will.....

- Ask the participants to share in the group their work.



# Surveying the Convention on the Rights of the Child: Child Labor and Human Rights

## 1. Activity

### *Snap Shots of Children at Work*

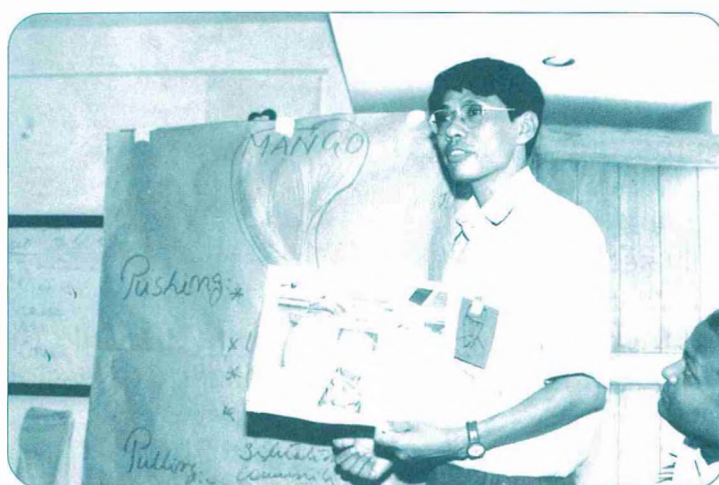
- Make a photo gallery of pictures of children at work.
- Ask the participants to group the pictures between those showing child work and child labor.

#### **Materials**

Crayons, bond paper, colored pens, chalk, black-board, broad sheets, masking tape and pictures of children

#### **Time Allotment**

Minimum of two hours



## 2. Discussion

- Ask the participants the following questions:

#### **QUESTIONS TO ASK**

- ⌘ How do the pictures in the Child Work column differ from the pictures in the Child Labor column?
- ⌘ Have you experienced child work? How has the experienced affected you?
- ⌘ Have you experienced child labor? How has the experienced affected you?
- ⌘ Is child labor a problem in your society?
- ⌘ What factors might bring about child labor?





### 3. Input

*The International Labor Organization (ILO) Convention on the worst forms of child labor and the Convention on the minimum age for work*

## **Child Work and Child Labor**

### **Child Work**

Learning how to work is part of the process of development of each child. Learning how to work is important for the development of the child's sense of self-reliance and basic values (industry, perseverance, patience) that will help him become successful later in life.



Working in the family setting (doing household chores, helping mother or father in doing tasks, etc) gives the child the sense of being a part of a family, and is a major form of a child's expression of care for the family members.

There can also be work of children that helps them earn money to contribute to family income or to at least generate money for personal savings or expenses. Thus, a child who is under the care of his family and supervision of caring adults and helps the family by distributing newspaper before school for one hour and then goes to school later, is not a child laborer. A child who helps in household chores or helps in farm work or other types of work to earn a living after school or during vacations, but is not exposed to hazards and is allowed enough time for sleeping, resting, playing, studying is not a child laborer.

### **Child labor**

Child labor, as the term is officially defined now, is exploitative child work.

It includes work that exposes children to situations that could endanger their health and life





For example: mining, working in dump sites, working very long hours without rest, working in the middle of busy streets, working with armed groups, drug trafficking

It includes work that deprives the child of opportunities for development. These are types of work that keep the children from going to school, from playing and resting, from engaging in cultural activities, from learning new skills, from being with peers

It subjects or exposes children to physical, sexual, verbal, and emotional abuse.

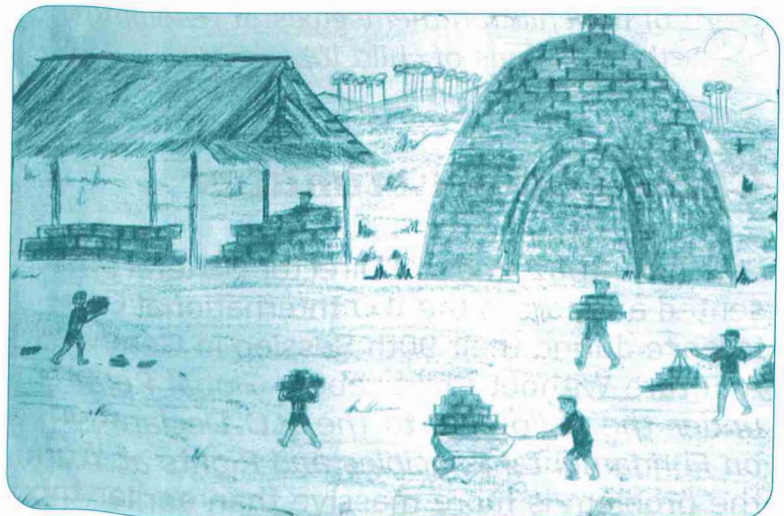
This includes prostitution of children and forced labor. It also, thus, covers work that potentially exposes children to such exploitation, for example domestic work or even work in factories when children are living away from home.

## ***ILO Convention 182- The International Labor Organization Convention on the Worst Forms of Child Labor***

This Convention distinguishes the forms of child labor that are definitely intolerable that have been given priority to end. It also qualifies what hazardous forms of child labor are and what efforts must also be exerted to take children away from these forms of work.

The worst forms of child labor:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict.





- b. the use, procurement, or offering of a child for prostitution, for the production of pornography, or for pornographic performances
- c. the use, procurement, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties
- d. work, which by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, and morals of children

#### The hazardous forms of child labor

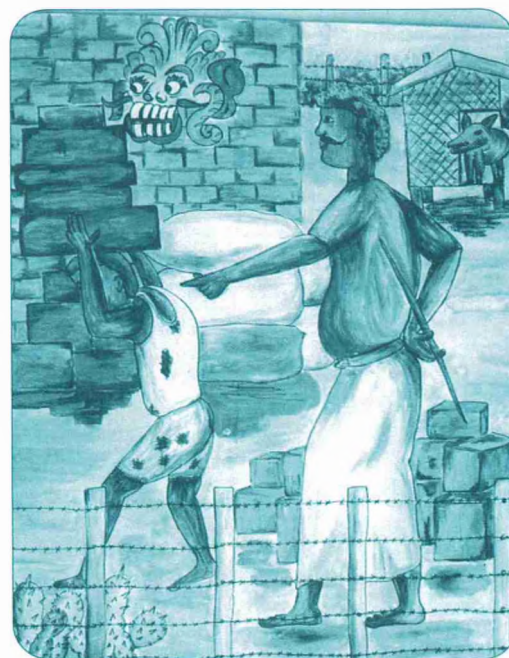
- a. work which exposes children to physical, psychological, or sexual abuse
- b. work that takes place underground, under water, at dangerous heights or in confined spaces;
- c. work with dangerous machinery, equipment and tools, or which involves the manual handling, or transport of heavy loads
- d. work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health
- e. work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the employer's premises

#### The Convention also

- specifies the importance of education as an intervention tactic
- calls for cooperation among all sectors of society as well as the participation of the children themselves in resolving the problems of child labor.

### Child Labor Estimates

Last June 2002, the ILO Director General presented a report to the ILO International Conference during their 90th Session in Geneva: *A Future Without Child Labor: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*. The report acknowledged that the problem is more massive than earlier thought possible.



- Of the estimated 211 million children between the ages of 5 to 14, 186 million are engaged in work that must be abolished (including its worst forms).
- Of an estimated 141 million children aged 15-17 who are engaged in economic activities, 59 million children are engaged in child labor, which in this case is considered the worst form of labor. 8.4 million children are in the unconditionally worst forms of child labor (See Table 1 below).
- The report also identifies the Asia Pacific as the region where the majority of the children working in the worst forms of child labor are found. (See Table 2.)

**Table 1. Estimated number of children involved in the unconditional worst forms of child labor**

Worst forms of child labor	Global number of children (in millions)
Forced and bonded labor	5.7
Forced recruitment into armed conflict	0.3
Prostitution and pornography	1.8
Other illicit activities	0.6
Trafficked children (*)	(1.2)
Total	8.4



- Children are generally trafficked into another form of exploitative child labor. Therefore, trafficked children cannot be included in a calculation of the total number of children in the worst forms of child labor, as this would result in double-counting. Source: ILO estimates for 2000 based on various secondary sources.





**Table 2. Estimates of economically active children (aged 5-14) in 2000, Per Region**

Region	Number of economically active children (million)	Percentage of global total by group	Percentage of economically active children in total child population
Developed (industrialized economies)	2.5	1	2
Transitional economies	2.4	1	4
Asia and the Pacific	127.3	60	19
Latin American and Caribbean	17.4	8	16
Sub-Saharan Africa	48	23	29
Middle East and North Africa	13.4	6	15
Total	211	--	16

*These estimates are prone to higher error rates than the corresponding global estimates as a result of the reduced number of data sets available for their calculation. Rounding errors mean that percentage totals do not equal 100. The groupings follow the categories adopted in the ILO Key Indicators of the Labor Market (KILM). The total number of children aged 5-14 in the world in 2000 was approximately 1,200 million, of which the Asia-Pacific region accounted for 28 per cent and Sub-Saharan Africa for 7.4*

*Sources: ILO Bureau of Statistics: Data for 2000 based on 29 national household survey. ILO: The ILO economically active population estimates and projections (LABPROJ, see [www.ilo.org/public/english/bureau/sta/info/databases.htm](http://www.ilo.org/public/english/bureau/sta/info/databases.htm); and United Nations Population Division: World Population Prospects: The 2000 Revision vol.2. The sex and age distribution of the world population ( New York, United Nations*

## Responding to Child Labor

Responsible approaches to child labor situations are required if we are to truly help children promote their rights. Our responses must be carefully thought of and must be based on a clear understanding of their situation. The main consideration for each step of the action must be the best interest of children. Here are some basic guidelines.



- a. For children who need to remain at work, ensure that they have working conditions that respect their rights to proper wage, rest, recreation, safety, communication with parents and friends, protection from all forms of abuse, safe working conditions, and opportunities for development, especially education.
- b. Children who are definitely in situations of danger and exploitation must be immediately rescued (example, those suffering from sexual exploitation and physical abuse or those held against their will).
- c. Rescues must be done together with persons mandated to take care of welfare of children, as well as those mandated to enforce laws.
- d. A place where the children will be safe must be prepared and made available.
- e. Work towards reunification with parents or if not possible or not in the best interest of the child, identification of sustainable alternative caring families.
- f. Address physical and emotional healing needs and social reintegration of the child. Facilitate opportunities for child's learning and education.
- g. Involve the child each step of the way in assessing his/her situation, and future planning. Each child is entitled to know what is happening and will be grateful to be involved in planning for his/her own life.
- h. Legal procedures must be handled with the utmost consideration so that there are no secondary traumas for the children.
- i. Children have the right to privacy and confidentiality.
- j. Children's peers are great partners in helping the children. They can be good advisers on how to reach children and identify what steps must be taken. They can be good counselors for their peers as well as leaders in activities. Effort must be made to facilitate children's group or peer activities to assist in planning, implementing, and assessing activities.

## 4. Deepening

- Divide the participants into six groups. Each group is assigned one issue enumerated below. The group will describe situation/incidence, impact of child labor on children, define recommendations for actions/policies.
  - a. Forced and Bonded Labor
  - b. Trafficking
  - c. Commercial Sexual Exploitation
  - d. Child Labor in Agriculture
  - e. Child Labor in Factories
  - f. Child Domestic Work





## 5. Synthesis

- Ask the groups to present their report. After each report, ask for comments and reactions.
- Look for important points that should be emphasized.



# Surveying the Convention on the Rights of the Child: Child Soldiers and Human Rights

## 1. Activity

### *Documentary Film on Child Soldiers* **"NO CHILDHOOD AT ALL"**

- Prepare the venue for comfortable viewing of the film.
- Give each of the participants flash cards and colored pens.
- The facilitator should have viewed the film prior to the actual showing.
- Identify three or four segments of the film at which to pause so the participants can use the flash cards to write down the answers the following questions: (Questions may vary depending on the film. Each segment will have different types of questions. These are just examples.)

#### **Materials**

Video on child soldiers in Burma, crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape,

#### **Time Allotment**

Minimum of two hours



#### First Segment

- Which scene do you find most striking?
- What does the scene remind you of?
- What do you feel?

#### Second Segment

- Who are the actors and personalities in the film?
- What are their "stories"?
- What do their stories remind you of?





### Third Segment

- What do the children experience as shown in the film?
- What forms of violations are committed against them?
- Who has committed these violations?

### Fourth Segment

- Should this be an issue of concern to you?
  - Is there a solution to this problem?
- Ask participants to post their cards on the wall. Ask for volunteers to share their answers with the group.
  - Group the cards into identifiable themes.



## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- ⌚ Should children be participants in conflict situations?
- ⌚ What are the different ways children may be involved in a situation of conflict?
- ⌚ What are the common justifications for involving children in conflict situations?
- ⌚ Do you agree? Explain.
- ⌚ How pervasive is this problem in your country?
- ⌚ Do you see any possibility that can be addressed immediately? How?

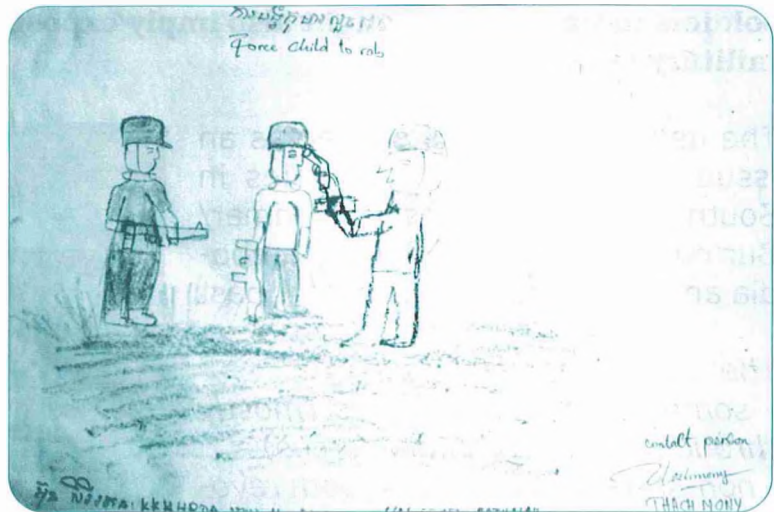


### 3. Input

#### *Involvement of Children in Armed Conflict*

##### **THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

The Convention on the Rights of the Child has provided for the protection of children in times of war and has set 15 years as the minimum age for voluntary recruitment. This age standard for recruitment has been raised to 18 years through the Optional Protocol to the Convention on the Rights of the Child on the Involvement adopted by the UN General Assembly in May 2000.



The Optional Protocol on the Involvement of Children in Armed Conflict:

- Calls on all States to ensure that members of their armed conflict who have not yet attained the age of 18 do not take a direct part in hostilities.
- Bans forced recruitment and conscription under 18.
- Requires States to raise their minimum age for voluntary recruitment to at least 16 and preferably 18.
- Prevents States from unilaterally lowering their military recruitment age.
- Requires specific safeguards for voluntary recruitment, such as proof of age and parental consent.
- Calls on non-state actors to stop all recruitment and use of children under 18.

The Optional Protocol came into force in February 12, 2002. In East Asia, 4 countries have signed the protocol Cambodia, China, Indonesia, and East Timor, and 2 countries have ratified, Vietnam, and the Philippines (still to be registered at the UN).

##### **DEFINING THE TERM CHILD SOLDIER**

A **Child Soldier** is any person under 18 who is part of any kind of regular or irregular armed force or armed group in any capacity, (carrying or not carrying arms); including but not limited to cooks, porters, messengers, and those





accompanying such groups, other than purely as family members; includes girls recruited for sexual purposes and forced marriage

*- taken from the Annotated Principles and Best Practice on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa*

**Note: There is now discussion on this definition, as making the term child soldiers more inclusive might also imply exposing more children to becoming military targets**

The use of children as soldiers is an issue in a number of countries in Southeast Asia: Indonesia, Myanmar/Burma, Philippines, and also Cambodia and East Timor in the recent past

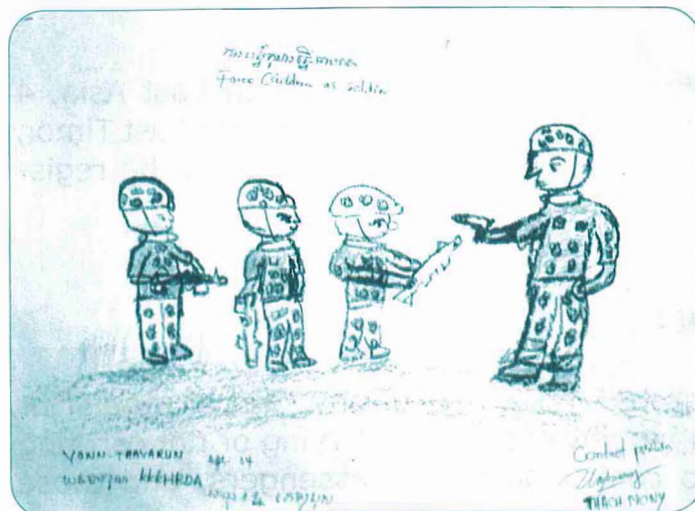
*There are child soldiers in*  
- some State Armed forces (mostly through the paramilitary forces)  
- non-state groups/forces (both revolutionary and non-ideological groups)

*Some of them are visible but many are hidden*



## **CHALLENGES IN ADDRESSING CHILD SOLDIERS IN THE REGION**

**Reaching the children-** knowing where they are, understanding their situation, defining the "appropriate interventions" and engaging their participation in the intervention processes, without unnecessarily compromising their security or the security of the field workers and surrounding communities



**Defining the child soldiers issue and the strategies to approach it in the Southeast Asian context;** vis-a-vis the struggle for self-determination and self-defense of communities; and vis-a-vis other very pressing issues that also confront the same communities (ex. Refugee situation, internal displacement) that already tend to overwhelm social sectors working there



**Responding to the former child soldiers** (those who have been demobilized with or without systematic program) in countries or communities in post conflict situations - ex. Cambodia, East Timor- and learning from their experiences, or even learning from former child soldiers in communities where there is continuing conflict.

**Addressing children who have committed atrocities.** How do we consider children who were forcibly recruited by either state armies or non-state groups and have taken part in committing atrocities against civilians.

**Breaking ethnic and religious biases** that fuels conflicts.

**Placing the issue as a priority among child rights advocates and governments.** While many NGOs and child rights advocates see its importance, the issue is too sensitive for many organizations to immediately take up.

## RELEVANT INITIATIVES TO ADDRESS THE SITUATION OF CHILD SOLDIERS

### 1. International Instruments

#### ILO Conference, June 1999 - ILO CONVENTION 182

Includes forced recruitment of children for use in armed conflict as among the worst forms of child labor

#### Statutes of the International Criminal Court

Establishes the conscription or enlistment of children under the age of 15 years or the use of children to participate actively in hostilities in both international and non-international armed conflicts as a war crime



### 2. Organized Actions

#### The Coalition to Stop the Use of Child Soldiers

Formed in 1998 by leading non-governmental organizations to seek to end the military recruitment and participation in armed conflict of all children.

- calls for prevention of recruitment of children
- demobilisation, rehabilitation, and social reintegration of child soldiers





- tighter control on small arms flow
- and the ratification of the Optional Protocol

*The members include: Terre des Hommes, Human Rights Watch, Amnesty International, World Vision, Save the Children - Sweden, Defense for Children International, Quaker International, Jesuit Refugee Service, and now several regional and national organizations.*

### **Regional Conference on the Use of Children as Soldiers in Kathmandu, May 2000**

*convened by the Coalition to Stop the Use of Child Soldiers*

Acknowledged the issue in the region and recommended actions to be taken in order to address it.



### **National Consultations on the Use of Children as Soldiers**

*convened by CWA and partners*

**March 2001, Philippines** (conveners: UP PST-CIDS, Amnesty International, Phil Rights, Kabiba )

**October 2001, Indonesia** (KKSP Foundation, NATKOM)

**March 2002, Myanmar/Burma** (Asian Regional Resource Center for Human Rights Education, ARRC, Human Rights, Human Rights Education Institute for Burma, HREIB).

**Objective:** *Engage NGOs, community organizations, and other groups in defining the situation, directing, and initiating intervention at local and regional levels.*

### **Southeast Asian Coalition to Stop the Use of Children as Soldiers**

Recently organized and composed of conveners of the national consultations in SEA.

## **RECOMMENDATIONS ON ACTIONS FOR BURMA RESULTING FROM THE MARCH 2002 CONSULTATION**

### **1. CONSTRAINTS**

- lack of or unclear policies and disrespect of/lack of commitment to policy.
- lack of awareness or education regarding this issue among the actors and leaders as well as grassroots communities.



- c. lack of data - related to the difficulty of accessing information.
- d. lack of concern (some leaders have started thinking about it); not a priority.  
(those who make policy either don't have the information or are not concerned).
- e. no local (Burmese) organization addressing or taking the lead on this issue.  
*(note: HREIB is tentatively taking the lead until a proper process to organize the network for Burma has been facilitated)*
- f. sensitivity of issue; exposure of issue, if not handled properly, can cause mistrust w/ both state and non-state actors.
- g. cultural definition of childhood.
- h. lack of unity among opposition groups.

## 2. LOCAL ACTIONS

- a. engage non-state actors formally or informally in dialogues (different types of engagement for different groups). The international community should take responsibility for pressuring the SPDC.
- b. awareness, raising/advocacy -- community, NGO's: education, workshops, publications, posters, media; can involve leaders of different NSA's.
- c. data collection and research (gender sensitive)
- d. assist in development of policies
- e. education programs (setting up or expanding existing ones) (special schools for defectors; some programs in existence are able to absorb children who have left the armed forces)
- f. "safe havens" - boarding schools, shelters where children who have left the armed forces can have a place they can go to feel safe, where they won't be punished for defecting
- g. rehabilitation programs
- h. network among organizations working on children's rights
- i. shadow child's rights report

## 3. SUPPORT NEEDED FROM INTERNATIONAL GROUPS

- a. capacity building (trainings, workshops) to understand the issues and build skills on all aspects (to help do all things listed in #2 local actions) including financial support and networking (within Burma groups and with Southeast Asian and international groups; Philippines and Indonesia for example)





- b. awareness raising (at regional, international level in coordination with local level data collection)
- c. help represent Burma groups in various international and regional forums
- d. lobby within ASEAN to build influence with other governments in region on SPDC
- e. support expansion/development of new programs
- f. direct lobbying of SPDC (regional and international)
- g. monitoring of compliance of Burma on related international conventions
- h. support genuine democracy and peace processes in Burma
- i. reach out to non-state actors

## 4. Deepening

### *Dealing with Child Soldier Issue*

- Divide the participants into three and ask them to discuss the following:

- Why do children become involved in armed conflict in Burma?
- How are they recruited? Who are most vulnerable to being recruited by force? Who are more vulnerable to volunteer?
- What kind of work do they do in the armies?
- What are the effects of being soldiers on the children? Analyze the impact of their involvement in war through the child rights framework. What rights are violated (identify at least 4)? What rights are promoted (identify at least 4) Why?
- What are the dilemmas present in their situations?
- What actions/events have helped in the promotion of the rights of these children? What actions/events worsened the violations of their rights?
- Propose concrete actions for your organizations and for support groups in order to respond to the child soldier situation in Burma



- Ask the participants to make a creative presentation of their discussion.



## 5. Synthesis

### *Campaigning Against Use of Child Soldiers*

- Ask the participants to make a poster campaigning against the issue of child soldiers.
- Make a poster exhibit of the participants' work.







## Chapter XIII

### My Expanding Environment and the Convention on Elimination of Discrimination Against Women, (CEDAW).

.....

*We find that it is the woman who sometimes has a better understanding of why we are struggling for democracy because she strips away all the political jargon and gets down to the basic facts. What women want is a safe, better life for their children, their families. -Daw Aung San Suu Kyi*

.....

# What are Women's Rights?

## 1. Activity

### *Men/Women Relay Game*

- Divide the participants into two groups of equal numbers.
- Construct two columns on the board or broad paper with enough space for everyone in each group to write on.
- Mechanics of the game are as follows:

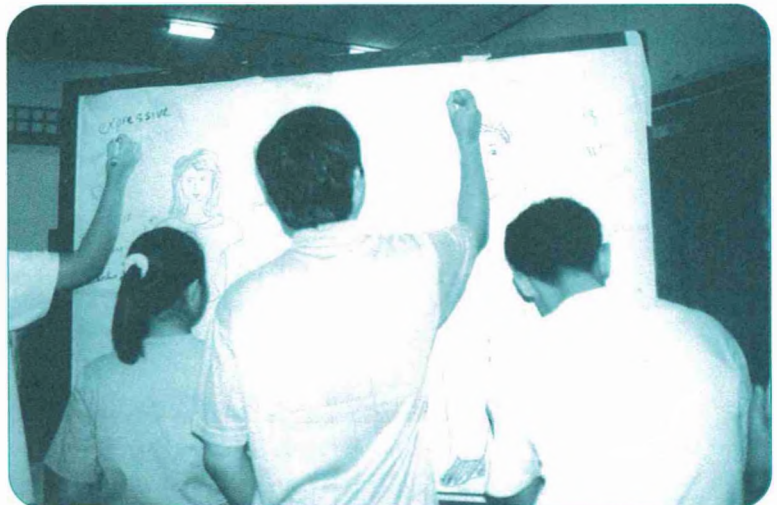
- a) The first group will list nouns, verbs, and adjectives associated with women while the second group will list nouns, verbs, and adjectives associated with men.
  - b) Each group has a pentel pen and each player will have his/her turn to write his/her answer.
  - c) At the sound of GO, player 1 runs to the board or kraft paper, writes her/his answer and runs back to her/his team, passes the pentel pen to player 2 who does what player 1 did but with a different answer, then down to player 3 and so on down the line. No repetition of answers, words and/or thoughts.
- End the relay game when everyone has participated. Give them recognition for the work done through a cheer or a clap.
  - Ask each group to read together what they have written.

#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape

#### **Time Allotment**

Minimum of two hours (up to Input only) to maximum of five hours (up to Synthesis)



## 2. Discussion

- Ask the participants the following questions:





### QUESTIONS TO ASK

- What do you notice about the words associated with women? men? Are there similarities and differences?
- Are these positive or negative words? Explain your answer.
- Suppose we changed the MEN/WOMEN heading on the two columns into WOMEN/MEN. Are there words that do not fit in? Explain your answer.
- Which words apply to both men and women?
- Which words apply to both men and women?
- Which words apply only to men? Women? What does this signify?



## 3. Input

### *The Woman Question and CEDAW*

#### **What is sex and gender?**

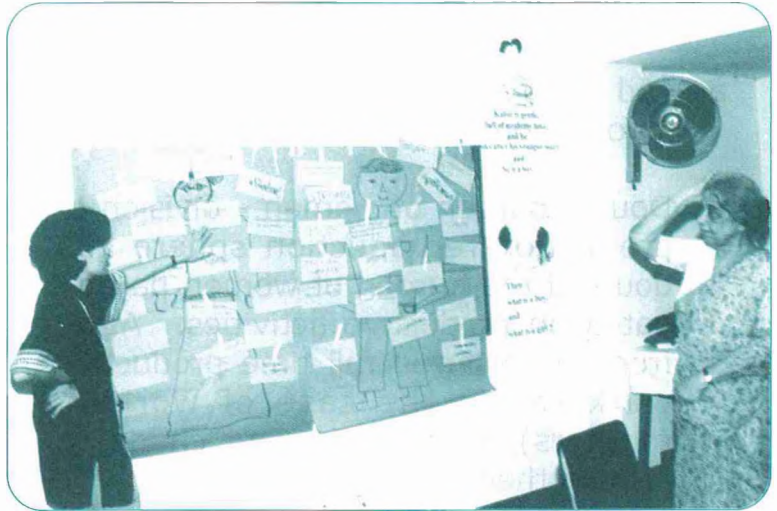
- |        |   |  |
|--------|---|--|
| Sex    | - | biologically determined; it is something fixed   |
|        | - | male & female  |
| Gender | - | socially determined; it is a variable concept; its construction varies over time and across cultures; since it is a social construct, it can be changed. |

- |        |   |           |
|--------|---|-----------|
| Male   | - | Masculine |
| Female | - | Feminine  |



## Where does gender come from?

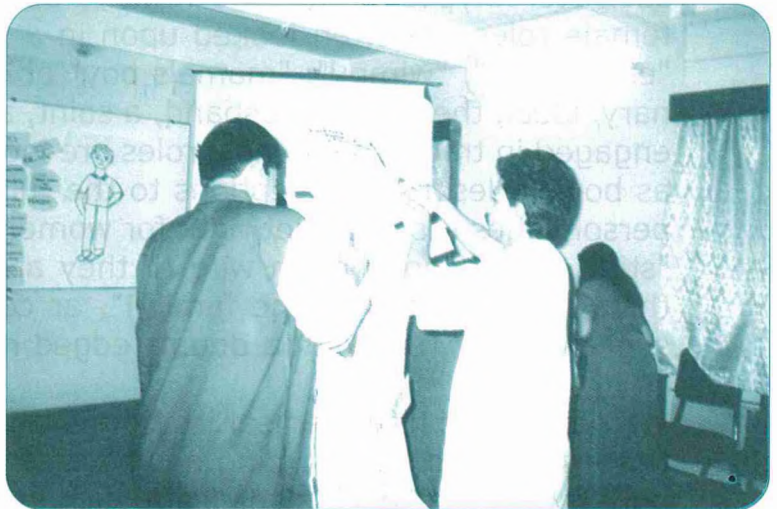
- ⇒ Gender roles assigned to men and women are often dictated by society, hence, gender stereotyping.
- ⇒ This gender stereotyping is acquired through the socialization/gendering process.



## What are gender stereotypes? Gender stereotyping?

Gender Stereotypes - are the ascribed traits, characteristics, attributes, and roles delegated to men and to women. The assumption behind stereotypes is that the ascribed attributes regarding men apply to all men and those about women apply to all women in a given society.

Gender Stereotyping - this is the tendency of a given culture to ascribe particular traits, characteristics and roles distinctly to a man and a woman. Individuals are then judged according to their group's identity.



- ⇒ Men and women are conditioned to behave and think in a way that is determined by society as appropriate for feminine and masculine roles and characteristics. From their childhood to their adult years women are taught how to be feminine, and men, how to be masculine. This is called the **SOCIALIZATION** process.
- ⇒ The socialization of men and women is strongly influenced by cultural institutions such as family, education, religion, and the media.
- ⇒ It is important that women and men realize that their stereotyped roles/ characteristics and/or the fictitious idea of femininity and masculinity are assigned by society and therefore can be challenged and "undone".





⇒ Implications of such stereotypes:

- a. Led to the sexual/gender division of labor (production-reproduction divide)
- b. Double burden of women - division of production-reproduction sphere has doubled the burden of women participating in productive activities. Aside from engaging in full time productive work (as in the case of working mothers), housework and childcare remain their responsibility.
- c. Women lose their identity and capacity for full human development - stereotyped roles discriminate women from equal participation in the productive spheres.
- d. Women as well as men are victims of such stereotypes - men who want to be or are engaged in traditionally female roles are often looked upon in a negative way as "henpecked", "effeminate", "wimpy", "mama's boy" or in a positive way as extraordinary, ideal, the perfect husband, a saint, a good catch. Women who are engaged in traditionally male roles are looked upon on the negative side as boyish, lesbians, exceptions to the rule, bitches, women with strong personalities (as if it's not right for women to have strong personalities), "stiff", "not a good mom/wife (if they are working mothers and something bad happens to the family)", or conversely as "supermom" or "superwoman" (but with a double edged meaning).



⇒ Women should free themselves from such stereotyped roles/characteristics - since this stereotyping has created injustice against women. It is only by freeing themselves from such stereotype roles and introducing changes that women can enjoy their right to full human development.

⇒ Women have common experiences in role stereotyping in varying levels and forms: vis-a-vis men, women are in an inferior situation and subordinate position. Therefore, to correct this inequality between men and women in most societies, there is a need to visualize change and organize women towards realizing this vision of change.

- Enhance the INPUT with trigger statements as follows: (The facilitator may want to divide the participants into four. Each group is assigned to complete one of the four sentences.



✍ Complete the following sentences:

What I like/dislike about women \_\_\_\_\_

What I like/dislike about men in relation to women \_\_\_\_\_

- Ask for volunteers to complete the sentences. Make sure to write the participants' responses on the board.
- Emphasize responses that reflect the importance of special protection for women.
- Introduce the Convention on Elimination of Discrimination Against Women (CEDAW)



The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was adopted on 18th December 1979 by the United Nations General Assembly. The convention was developed through a process of women's international

efforts over several decades, starting with March 8th, marked for the first time in 1911 as International Women's Day. CEDAW succeeded many intervening conventions and national laws including the UDHR (1948), Convention on suppression of traffic in persons and exploitation of prostitution of others (1949), ILO's adoption of convention for equal remuneration for men & women workers for work of equal value (1951), convention on consent to marriage, minimum age & registration of marriage (1962), the family protection law in Iran allowing women to work without their husbands authorisation (1967), and Belgium's first International tribunal on crimes committed against women (1976).

In 1995, The Fourth World Conference for Women at Beijing was the foundation for a worldwide plan of action for the protection of women against discrimination and violence.

UN designates International Women's Year in 1976. (Annex)

The CEDAW document contains 30 articles. The first 16 articles deal





directly with practical measures to protect women against discrimination in all spheres. Articles 17 to 22 detail the reporting function of the ratifying countries and the response of the committee of CEDAW experts. Articles 23-30 detail the CEDAW and the implied administration, which is obligatory for the ratifying countries (Annex).

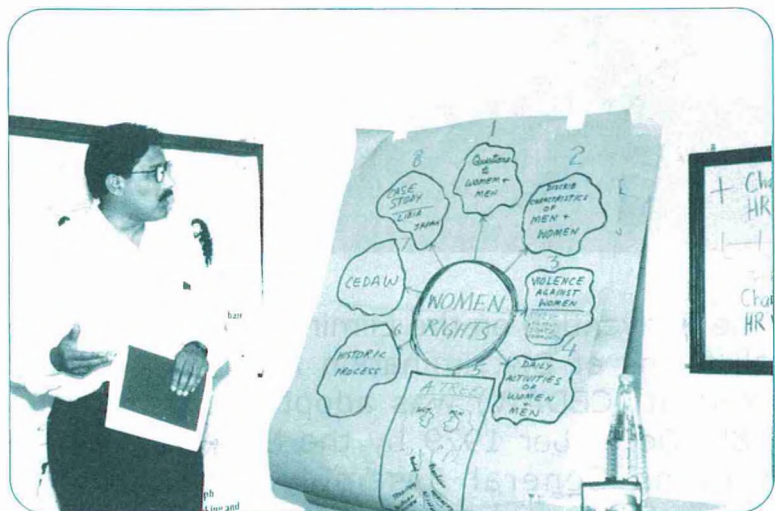
The CEDAW came into force as a treaty on September 1981. As of 2002, 165 countries have ratified and acceded to it. The ratifying government or CEDAW members nominate a 23 expert member committee on CEDAW for a term of four years. All ratifying countries are obligated not to do anything that contravenes the CEDAW principle. Each of the ratifying country reports to the CEDAW committee one year after ratification & subsequently after every four years.

The CEDAW committee meets annually for two weeks to review country reports and respond to negative & positive adherence to CEDAW by each reporting country. The optional protocol to CEDAW must be signed and ratified by all countries in order to enable its citizens to lodge complaints of contravention to CEDAW, collectively or individually. The CEDAW expert committees receive alternate reports on CEDAW monitoring from non-state parties.

The CEDAW country reports and CEDAW committee responses and recommendations are documented by an International Women's Organisation. IRAW (International Women's Rights Action Watch) facilitates a project to monitor law and policy reform under UNCEDAW. It publishes its review reports from the Human Rights Library, University of Minnesota.

## Highlights of UNCEDAW

Article 1	Definition of Discrimination.
Article 2	Policy measures undertaken to eliminate discrimination
Article 3	Guarantees of basic human rights and fundamental freedom on an equal basis with men.
Article 4	Temporary special measures to achieve equality
Article 5	Sex Roles and Stereotyping
Article 6	Prostitution
Article 7	Political and Public life
Article 8	Participation at the international level



Article 9      Nationality  
Article 10    Equal Rights in Education  
Article 11    Employment  
Article 12    Health care and family planning  
Article 13    Economic and social benefits  
Article 14    Rural Women  
Article 15    Equality before law  
Article 16    Marriage and family law  
Article 17-22 Detail the establishment & function of the CEDAW committee.  
Article 23-30 Details of the administration of the convention.





## LANDMARKS ON WOMEN'S RIGHTS

1948 **UDHR** (Universal Declaration of Human Rights) affirms in its articles the equality of Rights without distinction of race sex, language, religion, political views, or national origin. Other articles in UDHR further developed the provision of equality.

However, the UDHR articles constituted a gender-neutral standard and this were questionable in its removal of thousands of years of historical of discrimination against women.

**1946 CWS** (Commission on the Status of Women) was created by a women's lobby group (represented at the time by Eleanor Roosevelt) in the UN ECOSOC body.

**1975** was declared the International Women's year and this encouraged international forums to highlight Women's situations.

**1975-85** UN Decade for Women (UNDW) was planned to attract further attention, analysis and programme action for women's rights.

Feminist views grew stronger concerning violence against women and there were complaints that the gravity of such violence was often overshadowed by justifications based on traditional ideas. Women's Rights activists further claimed that all forms of violence are interconnected whether occurring at **the family level, community level or state level in warfare.**

Feminists felt that these connections had a structural cause, which had been ignored.



They felt that domination through exploitation, authority and coercion was an expression of violence perpetrated in situations of unequal power between poor and rich people, between adults and children and between males and females.

**1975** World Conference on Women in Mexico elaborated UN CEDAW as a forum of discussion and formulation of international policy. Gender equality was specified as a major goal of UNDW.

**Dec. 18 1979** UN Assembly adopted the UN CEDAW (United Nations Convention for Elimination of all forms of Discrimination Against Women) and 154 countries have ratified this convention.



**1985** Women's conference in Nairobi incorporated strategies and approaches to stop violence against the weak, and specifically against women.

An FLS or "forward-looking strategy" was the outcome of this conference, which considered violence against women as a major obstacle to development. For the first time an inter-government document affirmed the existence of violence against women in various forums "Women are beaten mutilated sexually abused and raped" At that time, a statement like this statement was unique.

1982-86. IRAW (International Women's Rights Action Watch) formed to play an important role in the education & observation of UNCEDAW. Its regular reporting publications have become a most reliable handout on country situation on women's rights in the world.

**1993** World conference on Human Rights (WCHR) in Vienna led to the formation of International Women's Tribune Centre including campaigns with signed petitions from female victims of violence.

In the present era of democratic progress, it is becoming more and more difficult to ignore the increasing incidence of violence against women in all spheres.

Human Rights Education about Women's rights is now considered a strong vehicle for change, affirmed by the UN Decade for HRE and the UN Assembly resolution 49/184: "Human Rights Education constitutes a competent strategy for the elimination of gender biased discrimination and a method to ensure equal opportunities through the promotion and protection of the Human Rights of Women".

## DEFINITION OF CONCEPTS IS USED IN GENDER DIAGNOSIS

**GENDER AND SEX:** Sex identifies the biological differences between women and men. Gender identifies the social relationship between women and men. It therefore refers not to women or men but to the relationship between them as well as the way this is socially constructed. Gender relations are contextually specific and often change in response to altering economic circumstances.

**GENDER ROLES:** Gender Planning recognizes that in most societies low-income women and men are involved in reproductive, productive, community managing and community politics and





activities. The nature and extent of their involvement in each activity reflects the gender division of labour in a particular place at a particular time. The division of labour based on gender is a dynamic relationship that must be reflected in gender diagnosis.

**Reproductive role:** Child bearing and daily child rearing responsibilities and domestic tasks that are primarily done by women. In some societies, men may have occasional customary domestic tasks (e.g. house building and maintenance). It includes not only biological reproduction but also the reproduction of the labour force and social reproduction.

**Productive role:** Work done by both women and men for pay in cash or kind. It includes both market production with an exchange value, and subsistence/home production with actual use value, but also potential exchange value. For women in agricultural production this includes work as independent farmers, peasant wives and wagedworkers.

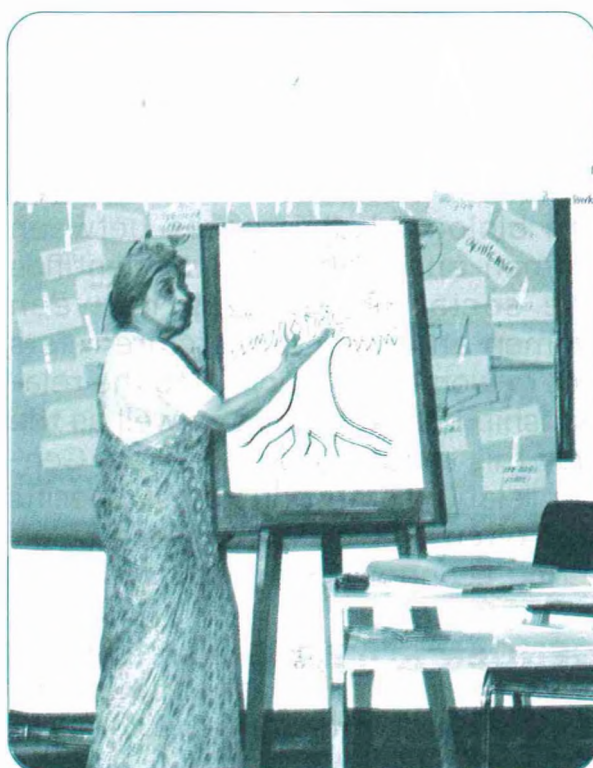
**Community managing role:** Activities at the community level which are undertaken mostly by women, but also by men, as an extension of their reproductive role. These activities ensure the provision and maintenance of scarce resources of collective consumption, such as water, health care and education. This is usually voluntary, unpaid work.

**Role in Community politics:** Activities undertaken at the community level mostly by men, but also women. Organizing at the formal political level, within the framework of traditional decision-making structures or national politics.

## GENDER NEEDS

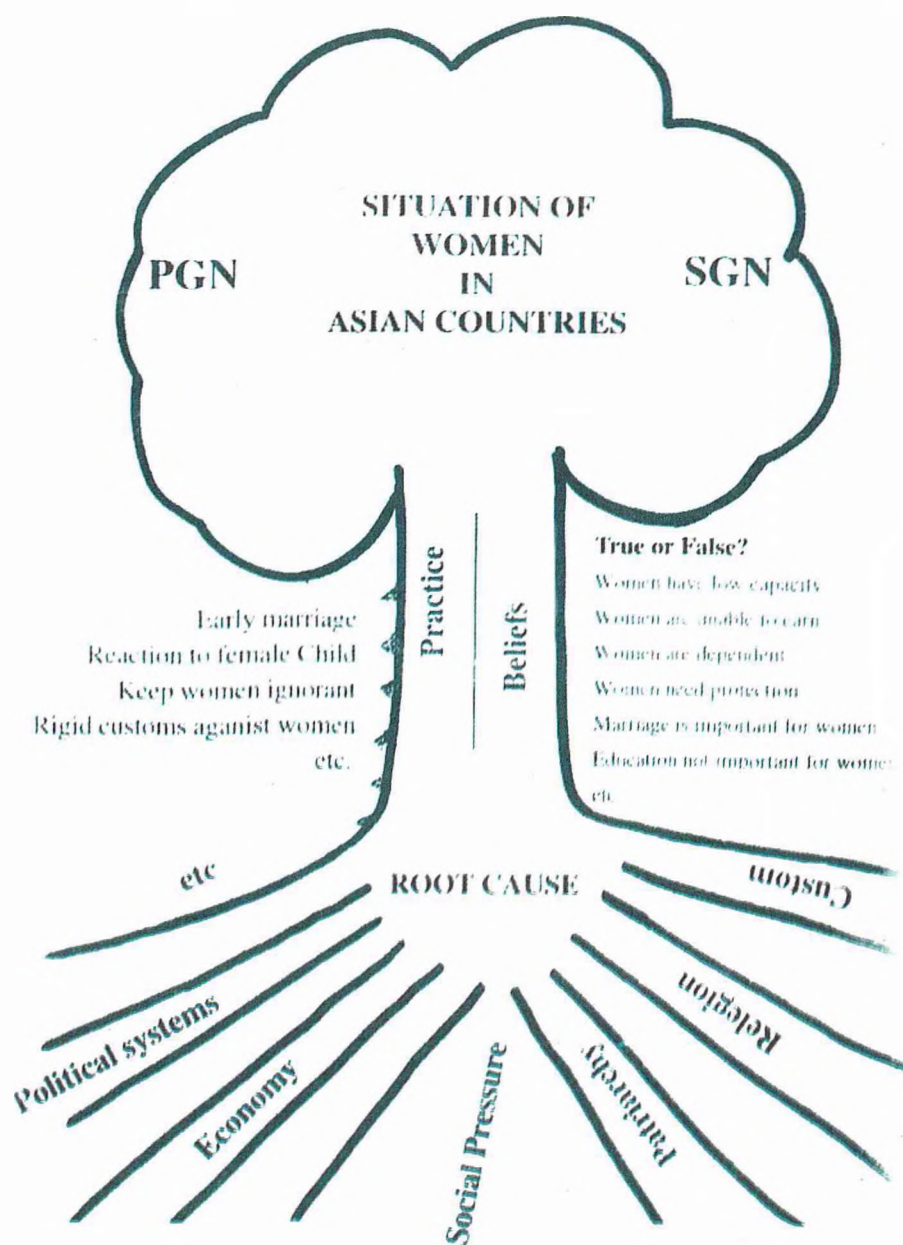
Women and men have different needs, because they have different roles in society. It is useful to distinguish between two types of gender needs:

**Practical Gender Needs (PGNs)** are the needs identified by women and men which arise out of the customary gender division of labour. PGNs are a response to immediate perceived necessity, identified within a specific context. They are often concerned with inadequacies in living conditions such as water provision, health care, employment.



**Strategic Gender Needs (SGNd)** reflect a challenge to the customary gender relations and imply a change of power and control in relationships between women and men. SGNs identified by women arise from their recognition of and challenge to their subordinate position in relation to men in society. For example, equal access to employment, equal pay, and equal legal rights. SGNs identified by men arise from men's recognition of and challenge to their exclusion from non-traditional male roles and which contribute to the perpetuation of women's subordination, and the sharing childcare. SGNs are context-specific.

## THE GENDER TREE







*If the time is limited, it is important to note at this point that the session may end with an open forum after the INPUT. The facilitator may regard the open forum as the DEEPENING portion of the process. The facilitator may proceed with the SYNTHESIS with two or three sentences emphasizing the significance of women's rights and CEDAW. However, it is suggested that the following DEEPENING AND SYNTHESIS be conducted if the time permits.*

## 4. Deepening

### *Making CEDAW at Work in the Home, Community, School, Workplace, Nation and World*

- Give each of the participants GI wire at least 1 yard long to form/sculpt their various experiences and issues as women (For male participants, issues of the women in their life). Color paper and crepe paper can be used to shape symbols of these various life experiences. They can be attached/glued or pasted to the wire showing the experience that is being described.



- Present the guide questions and ask them to individually reflect on the following.
  - a. What are the unforgettable events/challenges that happened to me in the home, community, school, workplace, nation and the world (if there is any) specifically because I am a woman (For male participants, experiences that happened to one particular woman in their life)?
  - b. With my new knowledge of CEDAW, how could I respond differently to the challenges that I faced specifically because I am a woman? (For male



participants, how the women in their life might have responded differently).

- Ask the participants to plot out these experiences with the corresponding "alternative experience" by sculpting the wire and using it as the representation of one's lifeline (for male participants, the life of the woman they are describing).
- Ask the participants to form a triad and share their work with their triad.
- Ask for volunteers who may wish to present their work in the plenary. Remind the participants that everything should be kept secret and that nobody should feel forced to share his/her work. Utmost respect for everyone's work is required.
- Ask the participants the following:

- Which sculpture was the most attractive to you? Why?
- Which alternative experience is the most remarkable? Why?
- Which alternative experience can easily be made possible?
- Which one is difficult to do?
- What is necessary to make the alternative experiences a reality?

## 5. Synthesis

### *Celebrating Womanhood with a Poem*

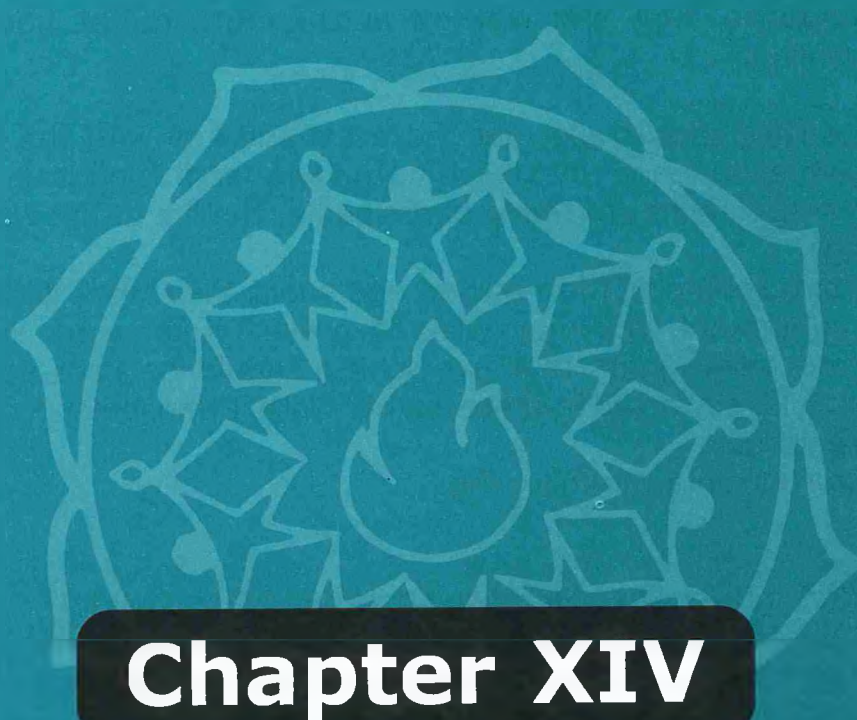
- End the session with the reading of the following poem celebrating womanhood.



*Grant me the capacity  
That when ever anybody in this world  
Cries because of oppression  
I can collect all those tears in my eyes  
Make my eyes wide enough  
to hold all torches & keep moving  
whenever there is darkness on the earth  
I can spread rays of light over there ----Attya Dawood*







## Chapter XIV

### Listening to Silent Voices Through Human Rights

.....  
*Let them find pleasure in their food and  
beauty in their clothes, peace in their homes  
and joy in their ancestral ways. -Lao Tzu*  
.....



# The Refugees and the UN Convention on Refugees

## 1. Activity

### *Imagining a New Country*

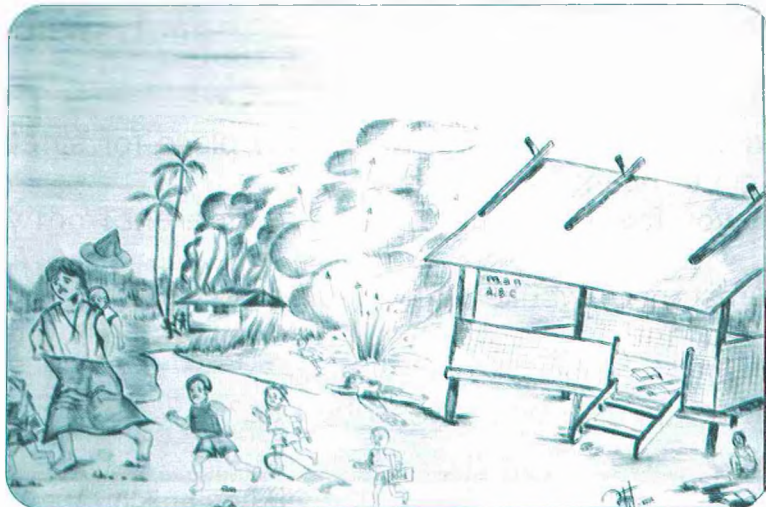
- Ask the participants to close their eyes and imagine the scenario as they listen to the following:

#### **Materials**

World map, broad sheet papers, simplified definition of the refugee, and simplified version of the convention on refugees and main articles of protection, copies of the profile of successful refugees.

#### **Time Allotment**

Minimum of two hours



*You have to leave your home with no other choice due to the unavoidable danger to your life. You have little time. You can bring your family members but food. There is fighting between the armed groups taking place along your way. Some people are crying and starving. The route is very tiring and exhausting. You arrive in a foreign place controlled by strangers who speak a language you do not understand. You always live in fear of repatriation...*

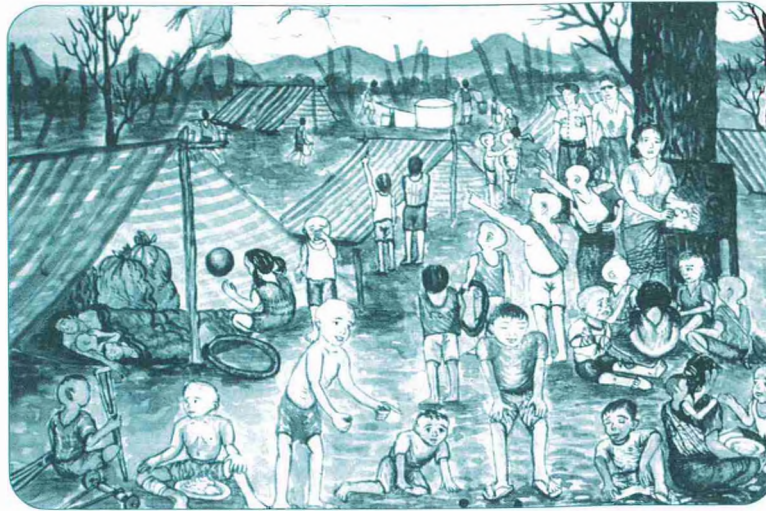
*You may now open your eyes.*





## 2. Discussion

- Ask the participants the following questions:



### QUESTIONS TO ASK

- If you were the people being described in the activity, how would you feel if you had to flee and leave home?
- What would the journey be like?
- How would you feel having to find a new place for safety and being forced by circumstance to live there?
- How would you feel living in a new place different from your place of origin?
- What circumstances would cause people to flee their place of origin?
- What do you anticipate the new place to be like? What are your concerns and fears about the new place?
- Who might the people being described be?

## 3. Input

### *The Refugees and The UN Convention on the Refugees*

A refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to



avail himself of the protection of that country..."

*The 1951 Convention relating to  
the Status of Refugees*

**Refugees** are people who have had to leave their country for fear of persecution by the authorities and who have had the necessity of escaping from that situation. They find temporary shelter living in foreign places. Their rights to safety, livelihood and basic needs are sometimes denied. Their fundamental human rights are denied. Sometimes, they are subject to arrest for illegal entry, harassment, and often suffer maltreatment in the new place.

### How are refugees protected?

Governments normally guarantee the basic human rights and physical security of their citizens. But when civilians become refugees this safety net disappears. United Nations High Commissioner for Refugees' (UNHCR) main role

in pursuing international protection is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum. However, it is not a supranational organization and cannot be considered as a substitute for government responsibility.

- Countries may not forcibly return refugees to a territory where they face danger or discriminate between groups of refugees.

### What rights does a refugee have?

- A refugee has the right to safe asylum.
- Refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident.
- Freedom of thought
- Freedom of movement
- Freedom from torture and degrading treatment.
- Economic and social rights are equally applicable. Refugees should have access to medical care, schooling and the right to work.

### What are the obligations of a refugee?

- Refugees are required to respect the laws and regulations of their country of asylum.

### Who decides who is a refugee?

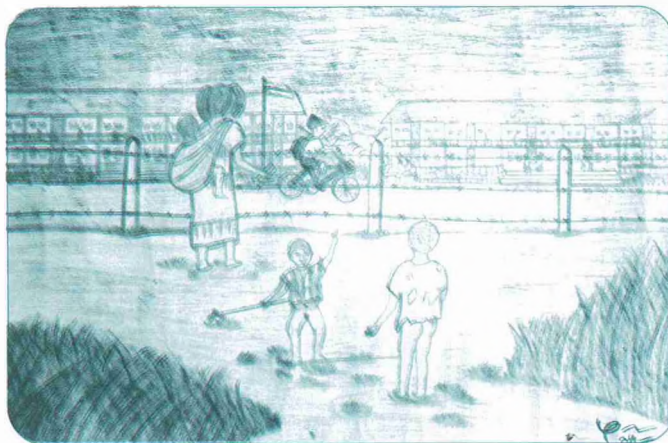
- Governments establish status determination procedures to decide a person's legal standing and rights in accordance to their own legal systems.
- UNHCR advocates that governments adopt a rapid, flexible and liberal process, recognizing how difficult it often is to document persecution.
- In countries that are not party to international refugee instruments but who request UNHCR's assistance, the agency may determine a person's refugee status and offer its protection and assistance.





## **Are persons fleeing war or war-related conditions such as famine and ethnic violence refugees?**

- The 1951 Geneva Convention, the main international instrument of refugee law, does not specifically address the issue of civilians fleeing conflict, though in recent years major refugee movements have resulted from civil wars, ethnic, tribal and religious violence.
- However, UNHCR considers that persons fleeing such conditions, and whose state is unwilling or unable to protect them, should be considered refugees.
- Some countries, particularly in Western Europe, argue that civilians fleeing generalized war or who fear persecution by non-governmental groups such as militias and rebels, should not be given formal refugee status. It is UNHCR's view that the origin of the persecution should not be decisive in determining refugee status, but rather whether a person deserves international protection because it is not available in the country of origin.



## **Who helps the internally displaced?**

- Internally displaced persons (IDPs) flee their homes for the same reasons as refugees, but remain within their own country and are thus subject to the laws of that state.
- Though it does not have a specific mandate for IDPs, UNHCR assists several million in various crises, but not all of the estimated 20-25 million displaced persons worldwide.

## **Must every refugee undergo individual status determination?**

- People who apply for refugee status normally need to individually establish that their fear of persecution is well founded.
- However, during a mass exodus such as occurred from Kosovo or Africa's Great Lakes, it may not be possible to carry out individual screening and group determination is used instead.

## **How does UNHCR distinguish between a refugee and an economic migrant?**

- An economic migrant normally leaves a country voluntarily to seek a better life. Should he or she elect to return home, they would continue to receive the protection of their government.
- Refugees flee because of the threat of persecution and cannot return safely to their homes in the prevailing circumstances.

## **May governments deport persons who are found not to be refugees?**

- Persons who have been determined, under an equitable procedure, not to be in need of international protection are in a situation similar to that of illegal aliens, and may be deported.



- However, UNHCR does urge that protection be granted to people who come from countries devastated by armed conflicts or generalized violence.

### Can a criminal be a refugee?

- A criminal who has received a fair trial for a common law offense and who flees his country to escape jail is not necessarily a refugee.
- However, a person accused of these or other non-political crimes, whether innocent or guilty, and who may also be persecuted for political or other reasons, is not necessarily excluded from refugee status. Furthermore, people convicted of the 'crime' of political activism may well be refugees.



### Can a war criminal be a refugee?

- Persons who have participated in war crimes and violations of humanitarian and human rights law - including the crime of terrorism - are specifically excluded from the protection accorded to refugees.

### Can a soldier be a refugee?

- A refugee is a **Civilian**. A person who continues to pursue armed action against his or her country of origin from the country of asylum cannot be considered a refugee.

### Can women facing persecution because they refuse to comply with social constraints be refugees?

- Women, like men, may be persecuted for political, ethnic or religious reasons. In addition, someone fleeing discrimination or severe persecution for her failure to conform to strict social codes has grounds to be considered for refugee status.
- Such persecution may emanate from a government authority or, in the absence of adequate government protection, from non-state actors. Sexual violence, such as rape, may constitute persecution. A woman who fears attack for her refusal to wear a chador or other restrictive clothing, or because of her desire to choose her own spouse and live an independent life, may qualify to be a refugee.

### Can a woman who fears that she, or her infant daughter, will be genitally mutilated claim refugee status?

- In France, the Netherlands, Canada and the United States, it has been officially recognized that genital mutilation represents a form of persecution and that this can be a basis for refugee status. In one case, a woman who feared persecution in her country because of her refusal to inflict genital mutilation on her infant daughter was recognized as a refugee.





## Is a person who fears persecution because of sexual orientation eligible for refugee status?

- Homosexuals may be eligible for refugee status on the basis of persecution because of their membership of a particular social group. It is the policy of UNHCR that persons facing attack, inhumane treatment, or serious discrimination because of their homosexuality, and whose governments are unable or unwilling to protect them, should be recognized as refugees.

## What is temporary protection?

- Nations at times offer 'temporary protection' when they face a sudden mass influx of people. In such circumstances people can be speedily admitted to safe countries, but without any guarantee of permanent asylum.
- But it only complements, and does not substitute for the wider protection measures, including refugee asylum, offered by the Convention.



### **Estimate Number of Persons of Concern who fall under the Mandate of UNHCR - 1st January 2002**

Asia	8,820,700
Europe	4,855,400
Africa	4,173,500
Northern America	1,086,800
Latin America & Caribbean	765,400
Oceania	81,300
TOTAL	19,783,100

## Numbers at a glance

At the start of the year 2002, the number of people of concern to UNHCR was 19.8 million. They included 12 million refugees (61%), 940,800 asylum seekers (5%), 462,700 returned refugees (3%), 5.3 million internally displaced persons (25%), 241,000 returned IDPs (1%), and 1 million others of concern (5%).

The global refugee population of 12 million remained virtually unchanged from the previous year, with half a million people fleeing their countries during 2001 and nearly as many going home.

At the end of 2001, Asia hosted the largest refugee population (48.3%), followed by Africa (27.5%), Europe (18.3%) North America (5%), Oceania (0.6%) and Latin America



and the Caribbean (0.3%).

When all persons of concern to UNHCR are included, Asia hosted 44.6%, Africa 21.1%, Europe 24.6%, North America 5.5%, Latin America and the Caribbean 3.8% and Oceania 0.4%.

During 2001, nearly 500,000 refugees returned to their home country. Almost 100,000 refugees were resettled in 2001, including around 30,000 people assisted by UNHCR, a 25% agency decrease compared to 2000.

Currently, an estimated 7.7 million people under UNHCR's care are children below the age of 18. The percentage of children compared with the overall refugee population ranges from 57 percent in Central Africa to 20 percent in Central and Eastern Europe.

Refugees above 60 years of age constitute more than 15 percent of the refugee population in Eastern Europe and the Balkans, whereas in Africa they generally represent less than 5 percent of the refugee population.

In most regions, women and girls of all ages constitute between 45-55 percent of the refugee population.

Compared to the size of the national population, the main refugee hosting countries during 2001 were Armenia, with 70 refugees per 1,000 inhabitants, followed by Congo (40 per 1,000), Yugoslavia (38 per 1,000), Djibouti (37 per 1,000) and Zambia (27 per 1,000).

*States party to the 1951 Convention and/or to the 1967 Protocol: 144*





## 4. Deepening

### *Profile of Success*

- Divide the participants into four sub-groups.
- Distribute to the subgroups each of the following profiles of successful refugees:

#### Loung Ung

Just five years old when the Khmer Rouge overran Cambodia, Loung Ung and her family were among the hundreds of thousands of families forced to evacuate the capital, Phnom Penh, at gunpoint. She lived through the "killing fields" of Cambodia, one of the bloodiest eras of the 20th century.

The death marches continued for nearly four years, from 1975 to 1979. By 1978, Ung's parents, two siblings, and 20 relatives were among almost two million of the country's seven million citizens who would perish due to starvation, disease and executions. During those years, Ung was forced to train as a child soldier.

But in 1980, she escaped with her brother and sister-in-law to a United Nations refugee camp in Thailand. They were resettled as refugees in Vermont in the United States, sponsored by the Holy Family Church of Vermont. Ung went to school and eventually graduated from St. Michael's College in 1993.

"What's the point in being saved if we do not take full advantage of it?" she asks. She has devoted herself to justice and reconciliation in her home-

land, in part as spokesperson for The USA Campaign for a Landmine Free World. She wants to increase awareness of hidden landmines that cause more than 40,000 Cambodians (almost 1 in 200 of the population) to suffer traumatic amputations.

Ung is involved in numerous Cambodian associations and organisations in the US, and was a community educator for the Abused Women's Advocacy Project. Her book, "First They Killed My Father: A Daughter of Cambodia Remembers", was published by Harper Collins in 2000.

*Ung writes: "When I was a child of eight living in Cambodia's war zone, eating out of garbage cans, sleeping on the streets, if you had asked me then where I would be in 20 years... I would have no positive answer for you. Where I am today in my professional and personal life is beyond my wildest imagination. Yet I am here today. I know I would not be here if it were not for the refugee resettlement programs in Thailand and in the US. For that I will always be grateful to UNHCR."*

#### Sieng Van Tran

The walls of the London Underground are plastered with colourful, eye-catching advertisements for an online learning company. Its manager is Sieng Van Tran, a young British citizen, who fled his country of origin, Vietnam, by boat in 1979.

Tran and his family arrived in Harlsden, London, in 1981 after a seemingly endless journey on a fish-



ing boat and two years in a refugee camp in Singapore, and were finally reunited with his father who had fled Vietnam earlier. Officially recognised as a refugee the same year, Tran started attending a local school. It was not easy, but when difficulties arose due to the language barrier, family and friends helped him out.

In 1997, Tran graduated from Middlesex University with a BSc in Artificial Intelligence, and obtained his MSc from the same university the following year. During his studies, he started toying with the idea of a website that would give people the chance to learn at their own pace, in their own place and in their own time. He spent months working on the project from his bedroom, which he called iLearn.To.

Refusing an initial \$1.5 million offer for the rights to his website, [www.ilearn.to](http://www.ilearn.to), Tran managed to persuade a team of financial backers to invest \$4.5 million for its expansion. He is now well on his way to becoming a multimillionaire.

In spite of the fact that his online company demands his attention 18 hours a day, Tran has found the time to try to help out other Vietnamese who are building new lives in Britain. He is an active member and sponsor of the Vietnamese Students Association, a UK-based voluntary organisation that aims to provide young Vietnamese



with cultural, educational and social support. In the long run, he also hopes to provide opportunities for Vietnamese people in Britain to receive employment at his company.

He is currently investigating the establishment of a scholarship fund for people in Vietnam for access to online education, and has already created employment opportunities for several Vietnamese graphics and web design grad-

uates in his home country.

### **Yani Rose Keo**

In 1973, when Cambodia descended into civil war, Yani Keo became a volunteer with International Aid and Assistance for Refugees. In the years that followed, she became a refugee herself.

Pol Pot's Khmer Rouge started attacking at the border, bombing small villages first, then moving toward the centre of the country. In 1975, Khmer Rouge declared "Year Zero", sealing off the country from the rest of the world. The cities were turned inside out and their inhabitants sent to the countryside for "re-education." More than two million people starved to death or were executed. Yani Keo was the educated wife of a high-ranking official. She helped organise volunteers to help refugees who fled the fighting, but soon, she and her hus-







sist both refugees and immigrants.

In all the years Yani Keo has cared for others, she had no news of the family she left behind in Cambodia - her mother, three brothers, a sister, nieces and nephews. Some years later, she discovered they had all been killed. Yet she seems to be too busy for anger.

band themselves had to escape.

Yani Keo left Cambodia with her four children before the fall of Phnom Penh in April 1975, when the US military evacuated the region. She first went to Thailand, then to France. There, she worked as a paediatric nurse.

*"Before the war, I had never worked for anyone and when I went to France, I had to take care of my four children alone," she remembers. "This was a scary experience, but it made me a stronger person and pushed me to help others in need," she says.*

After seven months in Paris, she was reunited with her husband, who was in Houston, Texas. She began working with refugees again, finding them housing, jobs, enrolling them in school and trying to help them overcome culture shock. In the early 1980s, she found a cluster of 15 unoccupied homes in the northeastern end of town and managed to place 15 families in them. "A little Cambodian village," she called it. In 1985, Yani Keo and a refugee from Ethiopia set up their own non-profit agency, The Refugee Service Alliance. Now called the Alliance for Multicultural Community Service, it employs 48 people to as-

*"You only have one life to live," she says, "Why do you need to hate each other?"*

### Touphy Hang

Performing classical Cambodian dance became a way of surviving and creating a personal identity for dance teacher Touphy Hang, who has spent half her life in refugee camps.

Hang was born in a small village in southeastern Cambodia. She grew up under dictator Pol Pot's reign of terror. In the turmoil following the removal of the Khmer Rouge and the establishment of the pro-Vietnamese People's Republic of Kampuchea, Hang's parents took refuge in a camp near the Thai border. Hang was eight. Two of her older brothers and a sister had already died of starvation and her parents thought they would be safe there.

But the family was not safe - the Vietnamese bombed the camp. One night they were forced to cross the border into Thailand. Said Hang:

*"I remember it was the 14th of April, because it was Cambodia's new year's*



*night and everybody was celebrating in their tents. First there was an alarm and then people started to walk all together towards Thailand. My mother put me in charge of my little baby sister, and I carried her with me. It took four hours to get to the border and we were all running very fast. There were many people, maybe 20,000 of us, and whoever had a problem just could not be helped. Everything went very fast. A lot of people fell and died, or just got injured. Many children were lost. When we finally arrived at the camp beyond the border we immediately saw it was very small for such a big crowd."*

Hang lived in the Thai camp until the age of 20, in constant fear of bombing and grenade attacks. Her interest in dancing began as she started to perform at the arts centre in the refugee camp. She grew especially fond of classical Cambodian dance.

In April 1991, the Cambodian factions announced a ceasefire. Multiparty elections were held in 1993 and the United Nations supervised the process and helped repatriate over 350,000 refugees. Hang returned to Cambodia, where UNHCR provided her family with material to build a house and one month's supply of rice.



*"We started our new life there," she says. "My mother went every day to the market in Phnom Penh and bought food she would then cook and sell in our neighbourhood. I formed a dancing group and by performing we could get a little something to live on."*

Today Hang teaches dancing - Cambodian classical and folk dance - in Phnom Penh. She explains that she teaches the Ramayana tradition: a classic form of dance from the medieval city of Angkor Wat.

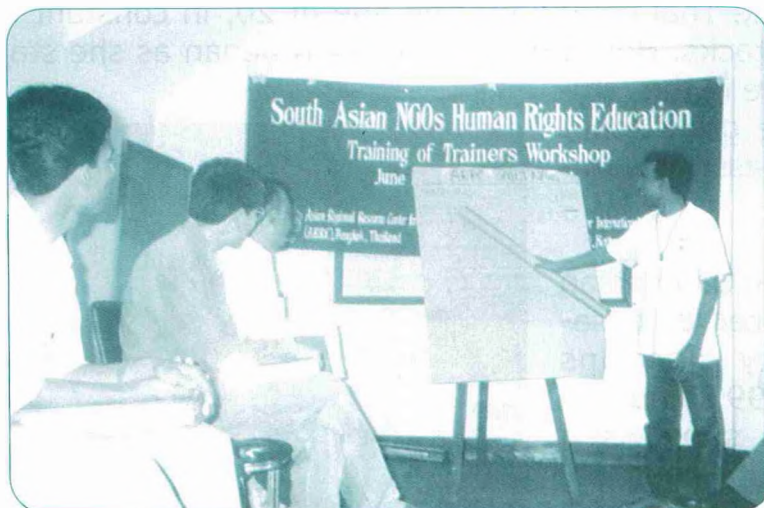
*"It was dance that actually saved my life, because it gave me my identity," she says.*





- Ask them to answer and complete the following:

- Read the profile assigned to your group.
- What do you learn from the story of these former refugees?
- What did he/she do well for his/her life?
- Do you know of another example of person like this in your community?



## 5. Synthesis

### *Thinking of Possibilities*

- Ask the participants the following:

- What do you need to do to develop your life from being a refugee to being someone like this person?



# The Indigenous Peoples and Human Rights

## 1. Activity

### *Photo Gallery of Indigenous Peoples of Asia*

- Make a photo gallery of selected indigenous peoples in Asia showing their present condition. (Leave enough space in between the pictures for posting of flash cards.) Ex. Hmong (Laos), Ainu (Japan), Agta (Philippines), Karen (Burma and Thailand), Naga (India), Chakma (Bangladesh), Uighur (China), Kedang (Indonesia) etc.
- Give each participant flash cards and colored pens.
- Ask them to view the photo gallery and write **one word** that describes their **feeling** about each of the pictures in the gallery.
- Ask them to post their flash cards around the appropriate picture.

#### **Materials**

Pictures of different indigenous peoples in Asia, copies of the Declaration on the Rights of Asian Indigenous and Tribal Peoples, tape and recorder, crayons, blank flash cards, bond paper, colored pens, chalk, blackboard, broad sheets, and masking tape.

#### **Time Allotment**

Minimum of two hours



## 2. Discussion

- Ask the participants the following questions:





### QUESTIONS TO ASK

- ❏ How do you feel about the pictures? What is the general group feeling about the pictures/
- ❏ Who are the people shown in the pictures? Who and what do they remind you of?
- ❏ Who are the indigenous peoples?
- ❏ Where do we usually find them?
- ❏ What do the pictures tell you about their lives?
- ❏ In what way are you different from them? In what way are you similar?
- ❏ Categorize the words on the flash cards. What do these words tell us?
- ❏ What is the general perception of the group about the people in the pictures? Is there a positive or negative perception?
- ❏ Is the perception justified or not?



## **3. Input**

### *Protecting the Indigenous Peoples*

The United Nations (UN) defines indigenous communities, peoples and nations as "those having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories and their ethnic identity. With this forming the basis of their continued





existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."

In addition, the definition or "coverage" used in the International Labor Organization's Convention 169 (1989) is also widely accepted. Article 1 states:

- a. tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- b. peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

According to different definitions and estimates, indigenous peoples comprise between 300 and 500 million persons worldwide. Some 190 million of these live in Asia, including some 75 million in India. There is no clarity as to which ethnical groups are referred to as "indigenous peoples". The following seven aspects should help to define the concept.

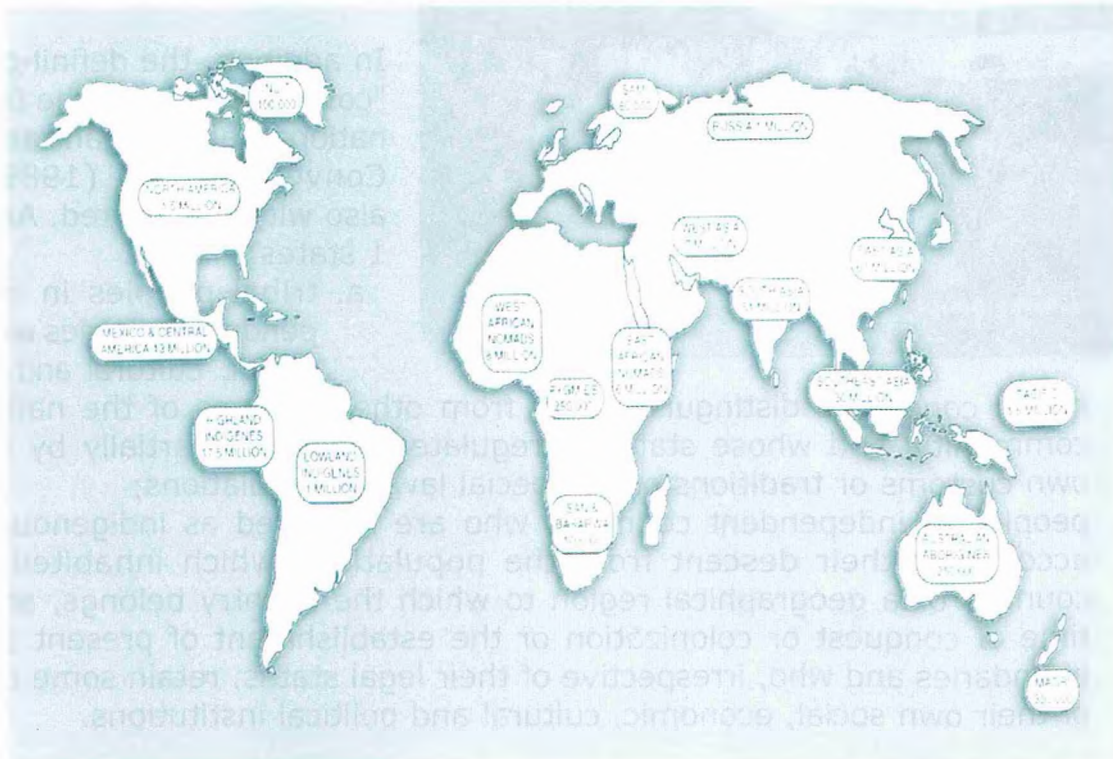


- 1. Indigenous peoples were here "first" and were often pushed to the periphery by colonization**
- 2. Indigenous peoples are culturally different**
- 3. Indigenous peoples are marginalized**
- 4. Indigenous peoples consider themselves as independent ethnic group**
- 5. Indigenous peoples are subject to a threefold threat of expropriation of land, expulsion and destruction of natural resources**
- 6. Indigenous peoples live outside the "modern world" having a cosmology (understanding of the world) of their own**





**7. The term "indigenous peoples" is a social construct because peoples are identified as being "indigenous" due to the difficulty to deal with considerable cultural difference**



**According to the UN Development Program (UNDP) there are human rights issues confronting indigenous and tribal communities such as:**

- Recognition of the right to self-determination as expressed in the Draft Declaration of the Rights of Indigenous Peoples, including the right to identity, territory, land and resources.
- Participation and representation at all levels in decision-making processes.
- Sustainable communities based on their own Cosmo-vision.
- Conflict resolution, conflict prevention, rehabilitation, and peace-building.
- Globalization, including trade liberalization.

The UNDP has laid out general principles of action that can be undertaken to protect the rights of indigenous peoples. These are:



## **Right to self-determination including the right to identity, territory, land and resources**

- a. Advocate vis-a-vis governments, civil society and other UN organizations.
- b. Ensure that governments will promote and respect the rights of indigenous peoples when negotiating agreements with governments.
- c. Create a space for dialogue between governments and indigenous peoples.
- d. Assist negotiating with governments the return of lands including sea, ocean, rivers, etc. which were appropriated from indigenous peoples.
- e. Advocate and support ancestral land delineation projects, and document experiences in supporting ancestral land delineation, which would include both the strong and weak points.
- f. Project design should be guided by minimum standards which ensure that indigenous peoples' rights to land and resources are not undermined

## **Sustainable communities based on their own Cosmo-vision**

- a. Take advantage of UNDP's experience in sustainable human development



and learn from indigenous peoples, respecting cultural diversity and taking an ecosystem approach.

- b. Livelihoods based on pastoralism, hunting-gathering and shifting cultivation lifestyles should be respected and promoted in development projects.
- c. Direct support to indigenous development initiatives.

## **Participation**

- a. Strengthen indigenous peoples' capacity for negotiation.
- b. Support indigenous peoples' institutional strengthening and human resources development.
- c. Support indigenous peoples' participation





- in relevant international processes and ensure appropriate follow up mechanisms.
- d. Assist indigenous peoples in the negotiation processes leading to the establishment of the Permanent Forum for Indigenous Peoples in the UN System.
  - e. Support international electronic indigenous networks.
  - f. Conflict prevention and resolution, rehabilitation and peace-building
  - g. Identify and support indigenous peoples living in crisis conditions.
  - h. Address underlying causes of conflicts.
  - i. Post-conflict situation - UNDP should assist IP's in situations of rehabilitation and repatriation of displaced peoples.
  - j. Facilitate conflict resolution, peace building and rehabilitation.

### Globalization and trade liberalization

- a. Organize dialogues with indigenous peoples regarding the Human Development Report 1999.
- b. Strengthen indigenous peoples' capacity for negotiation in trade agreements.
- c. Assist indigenous peoples with discussion and dialogue with private sector.
- d. Sensitize governments to implications of trade agreements on indigenous peoples.



## *UN INSTRUMENTS THAT CAN BE USED BY INDIGENOUS PEOPLES TO PROMOTE THEIR RIGHTS*

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on Elimination of Discrimination Against Women
- Convention on the Rights of the Child
- International Convention on the Elimination of All Forms of Racial Discrimination
- Declaration on the Right



to Development

- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- Convention on the Prevention and Punishment of the Crime of Genocide,
- Convention against Discrimination in Education
- International Labor Organization (ILO) Indigenous and Tribal Peoples Convention (No. 169).
- *(There is a draft declaration identifying the rights of indigenous peoples but is yet to be adopted.)*



## RIGHTS OF INDIGENOUS PEOPLES BASED ON RELEVANT HUMAN RIGHTS INSTRUMENTS

1. Freedom from any distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin, language, religion, birth, or any other status,
2. Freedom from discrimination in all areas and levels of education, employment, access to health care, housing, and social services.
3. Right to equal recognition as a person before the law, to equality before the courts, and to equal protection of the law.
4. Right to participate effectively in cultural, religious, social, economic and public life.
5. Freedom of association.
6. Right of ethnic minorities to exist.
7. Freedom from genocide and ethnic cleansing.
8. Right to enjoy and develop their culture and language.
9. Right to establish and maintain their own schools and other train-



- ing and educational institutions, and to teach and receive training in their own languages.
10. Right to participate in shaping decisions and policies concerning their group and community, at the local, national and international levels.
11. Right to autonomy in matters internal to the group, including in the fields of culture and religion.
12. Right to exercise their rights, individually as well as in commu-

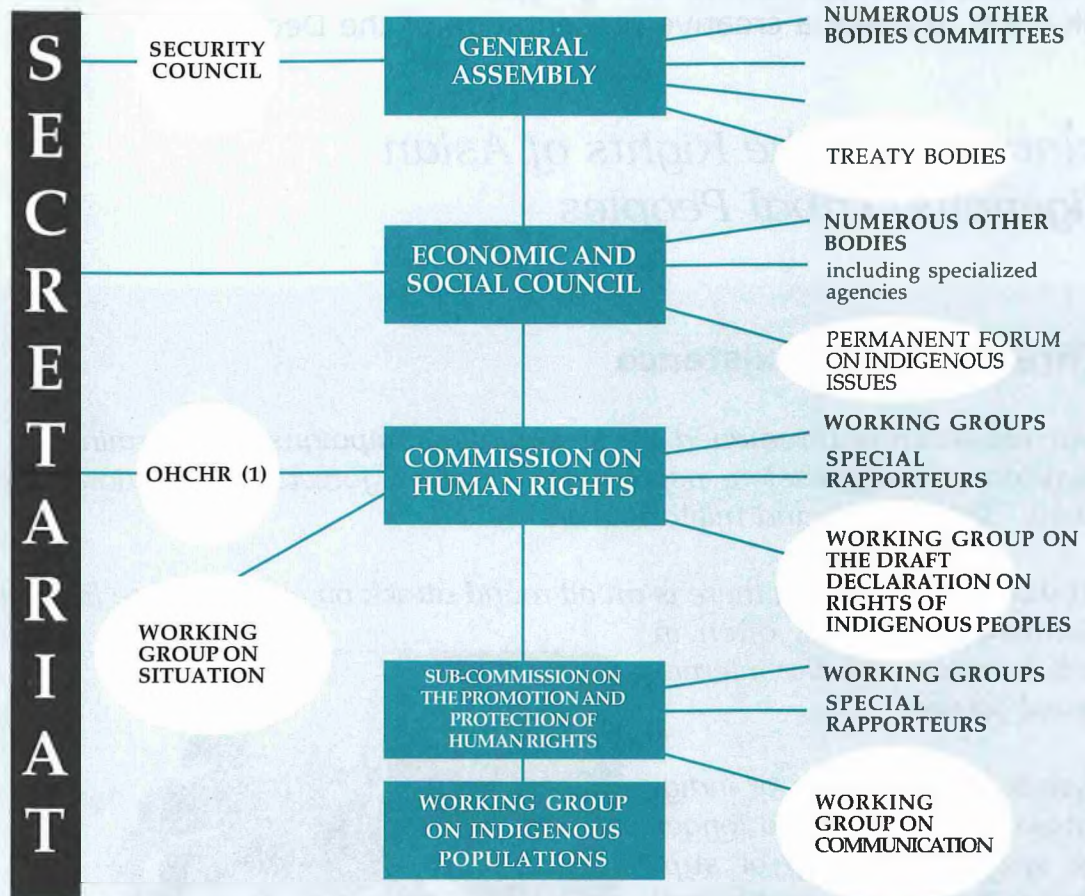




- nity with other members of their group, without any discrimination.
13. The right to equal treatment before the tribunals and all other organs administering justice;
  14. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;
  15. Freedom of movement and residence
  16. Right to leave any country, including one's own, and to return to one's country;
  17. The right to nationality;
  18. The right to marriage and choice of spouse;
  19. The right to own property alone as well as in association with others;
  20. The right to inherit;
  21. Freedom of thought, conscience and religion;
  22. Freedom of opinion and expression;
  23. Rights to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
  24. The right to form and join trade unions;
  25. Right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.



## STRUCTURE OF THE UNITED NATIONS, WITH PARTICULAR REGARD TO INDIGENOUS PEOPLES





## 4. Deepening

### *Looking Things from Others' Point of View*

- Distribute to the participants copies of the Declaration on the Rights of Asian Indigenous and Tribal Peoples
- Divide the participants into four groups.
- Ask them to make a creative presentation of the Declaration

### *Declaration on the Rights of Asian Indigenous/Tribal Peoples*

#### **Threats To Our Existence**

*Our existence is threatened by systematic campaigns of extermination - development aggression, population transfers, forced assimilation, invasions, occupations and militarization.*

*At this point in history there is an all round attack on our existence from the dominant societies, often in collaboration with the international forces.*

*Issues and concerns of indigenous peoples can no longer be ignored, isolated or suppressed, they are an integral part of the national and international political agenda and have to be understood and addressed at that level.*



*Development aggression involves the encroachment to our lands for logging, mining, hydroelectric dams, geothermal and nuclear energy projects including nuclear waste dumping, national parks, industrial zones, agribusiness projects and tourism.*

*As the traditional custodians of the regions rainforests, land, water and the resources therein, which are being exploited ruthlessly by commercial firms causing extensive damage to environment, we assert that our relationship with nature is sustainable and that there is much that the world can benefit from our experience in the management of nature for a sustainable future,*



*we make this declaration.*

### **We are of the Land:**

*We Asian indigenous peoples know who we are. We are the descendants of the original inhabitants of territories that have been conquered; and we consider ourselves distinct from the rest of the prevailing society. We have our own languages, religions, customs and worldview and we are determined to transmit these to future generations. We do not have centralized political institutions but organized instead at the level of the community and have highly developed methods for arriving at decisions by consensus.*

*Asian indigenous peoples represent a variety of cultures and histories. We share in common a struggle to be free from Western or Japanese colonialism in the last centuries and more recently a struggle to be free from forms of Asian colonialism. The decolonization of Asia from European powers is the fruit of our momentous struggles. But we were wrong to think that colonialism was and is a Western product only. We indigenous people have experienced during this century the worst forms of colonialism from fellow Asians. It continues to be perpetrated by Asians. Therefore justice, equality and liberty demand that the process of decolonization must be completed.*

*Asian colonialists have joined hands with previous colonizers to recolonize us in the name of "nation-building" and "development" and to deprive us of our rights to self-determination. We are being pushed to extinction not only through invasion, planned population transfers and transmigration of other peoples to our territories but also through the efforts of dominant Asians to assimilate us, to impose languages, religions and political concepts which are alien to us.*

*We are aware that our societies are far from ideal and reflect inequalities in many relationships as between young and old and between sexes. But these inequalities are nothing compared to the inequalities imposed on us by neo-colonizers. The struggle for women's rights in our communities is an integral part of our struggle for self-determination.*

*In the Asian subcontinent and to a lesser extent in other Asian countries, many people suffer from the evils of Casteism and like beliefs, which in practice nullifies, diminishes or impairs the equal recognition, enjoyment and exercise of human rights and fundamental freedoms in the areas of political, economic, social, cultural or any other sphere of public life. We therefore recognize and declare casteism as a form of racism.*





## **What we mean by "Self-determination"**

*We assert that we know what self-determining communities are. We demand that all recognize that we have always been self-determining.*

*We assert the right to our identities, which are linked to our territories and ancestral domain. We assert our right to the full control of our lands as the foundation of our existence, our customary laws and indigenous social Systems.*

*We assert the right to use, manage and develop all natural resources found within our ancestral domain.*

*We assert the right to control our economies and to develop according to our beliefs and practices.*

*We assert the right to revitalize our traditional institutions, to speak our languages, live according to our worldview, and educate our children in all of these areas.*

*We assert the right to determine the form of self-government, to uphold indigenous political systems, and the right to engage in foreign relations and trade. We also assert the right to form alliances and federations with other indigenous peoples to usher in a life of peace and security and pursuing our common interests.*

*We assert the right to preserve, develop and protect human resources from commercial and scientific exploitation and to protect our systems of knowledge and our cultural and intellectual property rights.*

*We assert the right to be recognized as citizens of the states of our choice.*

*We assert the right to free passage through boundaries imposed by states that divide our territories.*

*We assert the right of refugees forced out of our territories to return to our territories and to reoccupy our lands under appropriate safeguards.*

*Where indigenous peoples live in territories not their own and live in minority situations, we assert the right to equal protection of the law and to safeguard against minority discrimination and oppression.*

*We assert the right to defend ourselves when our rights to self-determination are violated or are not recognized.*



## Strategies for Empowerment

The globalization of the economic, social and political orders as manifested in the enlarging role of transnational corporations in investments and trade; the greater role of multilateral aid institutions in determining economic and fiscal policies of many developing countries; the emergence of a unipolar world military power; and the emergence of new information technologies create opportunities and dangers for indigenous peoples movements for self-determination.

Increasingly, developing economies are responding to the trade stimuli promoted by transnational/regional trading blocs leading to loss of control over their own markets. Thus weakened states may respond more positively to our rights or may intensify their attack on our societies.

Keeping this in mind, we assert our role as the prime movers of our own history and destiny, and resist any attempt to appropriated/represented by government, non-government or religious organizations without our consent. We resist any attempt to be appropriated or represented by government agencies, non-government organizations and religious organizations without our consent or knowledge.



We stress the primary importance of strengthening community initiatives through education organizing and empowerment. We also stress the importance of the support from the democratically oriented sections of other societies to the success of our struggles for self-determination. The dismantling of recorded history that is racist, and documentation of our oral history is recognized

as a fundamental step for liberating the human society from the colonial mind set. This will contribute to the creation of the atmosphere where the indigenous peoples movements and others movements can unite for a new social order - building sustainable society. We will strive to create national and regional alliances and or forums of indigenous peoples organizations to promote our concerns through legislation at the local, national and international levels.

We extend our hands and hearts to work together with the other indigenous peoples movements in other regions of the world for a sustainable development. We recognize as our natural allies the social movement of women, environmental groups and the movement for the equality of all races.





We shall submit this declaration to the United Nations and other international bodies and agencies and to governments. More importantly we will bring this declaration to our peoples to serve as a framework for continuing actions that link local to national initiatives with indigenous peoples movements in other parts of the world.

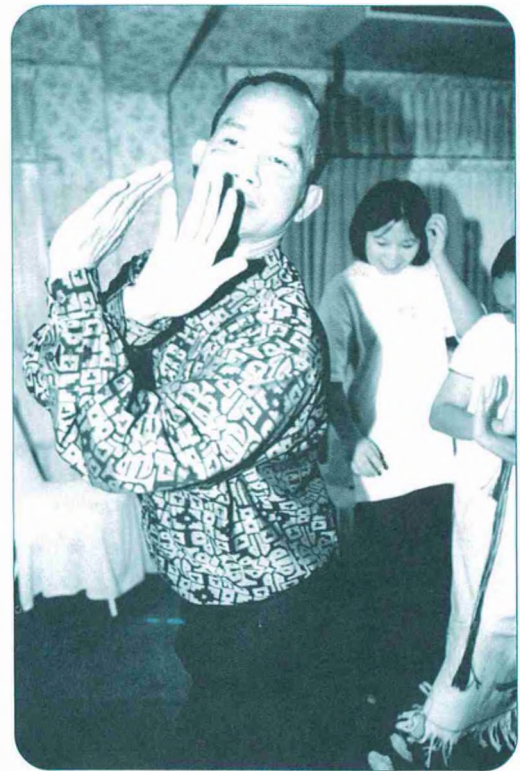
*(This declaration was adopted at the 1st Asian Conference on the Rights of Indigenous/Tribal Peoples of Asia, meeting in Chiang Mai, Thailand, May 18-23, 1993.)*

## 5. Synthesis

### *Being In and Out of a Straitjacket*

- Ask the participants to form a circle and do the following:

- All the men cannot move their right hand.
- All those belonging to the dominant ethnic group cannot move their left leg
- All those speaking the dominant language bite their lips.
- All those owning a piece of land bow their head to the right.
- All those who finished school kneel.
- All those earning a living swing your hips to the left.
- All those who have experienced being treated by a doctor, stick out your tongue. Etc.



- Play any music with a fast beat and ask the participants to dance around the circle.
- Play the game for three to five minutes. Then ask them the following:

- What do you think is the activity about?
- How does it relate to the topic discussed?





*Emphasize that indigenous peoples experience worse than what the participants had experienced in the game. They are put in a straitjacket to simulate how constraining things are to certain people. Point out that the way out of the strait-jacket is to know and exercise one's rights. The least that people can do is to eliminate prejudices against indigenous peoples and try to understand how these people view life. There is much to celebrate about diversity and differences.*





# Human Rights and the Persons with Disabilities

## 1. Activity

### *Simulating Disabilities*

- Make pairs. Ask one person to be blindfolded. The other person will guide the blindfolded person around the place without touching. The guide will explain the place and objects around to the blindfolded person. Then take turns. (You may expand the activity by putting a masking tape on someone's mouth, tying somebody's hands, etc.)

#### **Materials**

Blindfold, simplified text of the UDHR, Pictures of different persons with disabilities

#### **Time Allotment**

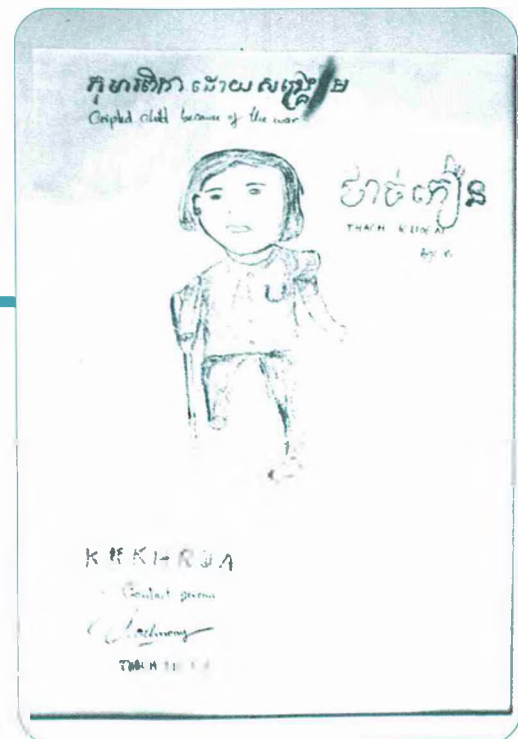
Minimum of two hours

## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- ⌚ What did you feel as you were being led around blindfolded?
- ⌚ What difficulties have you experienced being blindfolded?
- ⌚ How did you, as guide, take care of the person wearing the blindfold?
- ⌚ What does the blindfold symbolize?
- ⌚ What are different types of persons with disabilities?



### 3. Input

#### *The UN Declaration on the Rights of Disabled Persons*

- The term "disabled person" means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities. The International Labor Organization (ILO)



defined "disabled person" as "an individual whose prospects of securing, retaining, and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment."

More than half a billion persons are disabled as a result of mental, physical or sensory impairment and no matter which part of the world they are in, their lives are often limited by physical or social barriers. Ap-

proximately 80 per cent of the world's disabled population lives in developing countries.

Disabled persons often suffer from discrimination, because of prejudice or ignorance, and may also lack access to essential services. This is a "silent crisis" which affects not only the disabled persons themselves and their families, but also the economic and social development of entire societies, where a significant reservoir of human potential often goes untapped. Considering that disabilities are frequently caused by human activities, or simply by lack of care, assistance from the entire international community is needed to put this "silent emergency" to an end.

1. Right to education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration.





2. Freedom from discrimination.

3. Disabled persons have an inherent right to be treated with respect and human dignity.

4. Disabled persons have the same civil and political rights as other human beings.

5. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.

6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthetic appliances, to medical and social rehabilitation.



7. Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.

8. Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.

9. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. If the stay of a disabled person in a specialized establishment is essential, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.

10. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

11. Disabled persons shall be able to avail themselves of qualified legal aid.

12. Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.

13. Disabled persons, their families and communities shall be fully informed of their rights.



## Chronology of events leading to the development of an international convention on the human rights of people with disabilities.

**1948** - adoption of the Universal Declaration of Human Rights by the UN General Assembly, claiming that all human beings are born free and equal in dignity and that **everyone** is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind



**1971** - Declaration on the Rights of Mentally Retarded Persons

**1975** - Declaration on the Rights of Disabled Persons

**1981** - UN General Assembly proclaims 1981 the International Year of Disabled Persons

**1982, Dec. 3** - UN General Assembly adapts the World Programme of Action concerning Disabled Persons in Resolution 37/52

**1983** - 159 ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons)

**1983-1992** - Decade for Disabled People

**1987** - Global Meeting of experts to Review the Implementation of the World Programme of Action concerning Disabled Persons at the mid-point of the UN Decade of Disabled Persons, recommended that the UN General Assembly convene a special conference to draft an international convention on the rights of disabled persons

Italy prepared a draft outline that was submitted to the General Assembly

**1987, Oct.** - 42nd session of the General Assembly discusses the desirability of an international treaty, but no formal agreement to proceed

**1991** - Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care



**1993, Dec. 20** - UN General Assembly adopts the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

**1999, Sept.** - Rehabilitation International General Assembly calls on UN





Member States to support the drafting of a treaty on the rights of disabled people

**2000, Mar. 12** - World NGO Summit on Disability calls for an international treaty on the rights of people with disabilities

**2000, Aug.** - XIX World Congress of Rehabilitation International calls for an international treaty on the rights of people with disabilities in Resolution 48/96

**2001, Sept.** - World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance recommended that the UN General Assembly consider drafting an international treaty on the rights of people with disabilities

**2001, Dec. 19** - UN General Assembly adopts Resolution 56/168, calling for the establishment of an Ad Hoc Committee to consider proposals for an international human rights treaty for people with disabilities  
<http://www.rightsforall.org/chronology.php>

## 4. Deepening

### *The UDHR and the People with Disabilities*

- Divide the participants into small groups. Each group is given a set of the simplified version of the Universal Declaration on Human Rights (UDHR).
- Ask the groups to discuss how the persons with disabilities are possibly deprived of the rights mentioned in each article.
- The groups will present their report in the plenary.
- Identify key points in the reports.



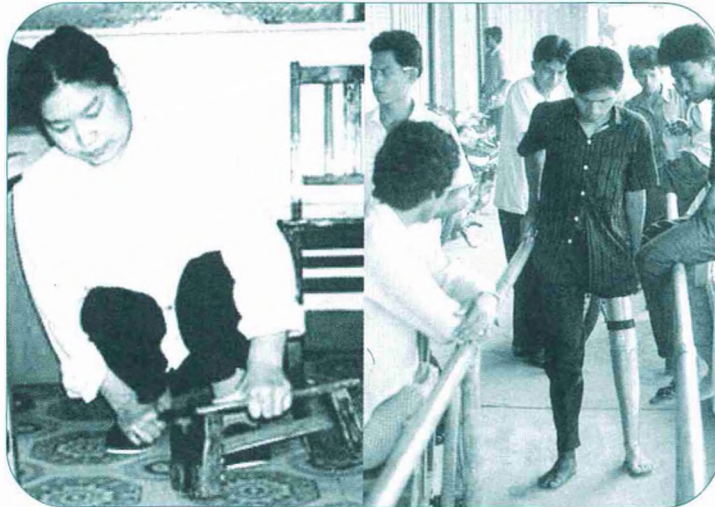
## 5. Synthesis

### *Applying the UDHR to People with Disabilities*

- Place different pictures of disabled persons on the wall. Let the participants look at the pictures.



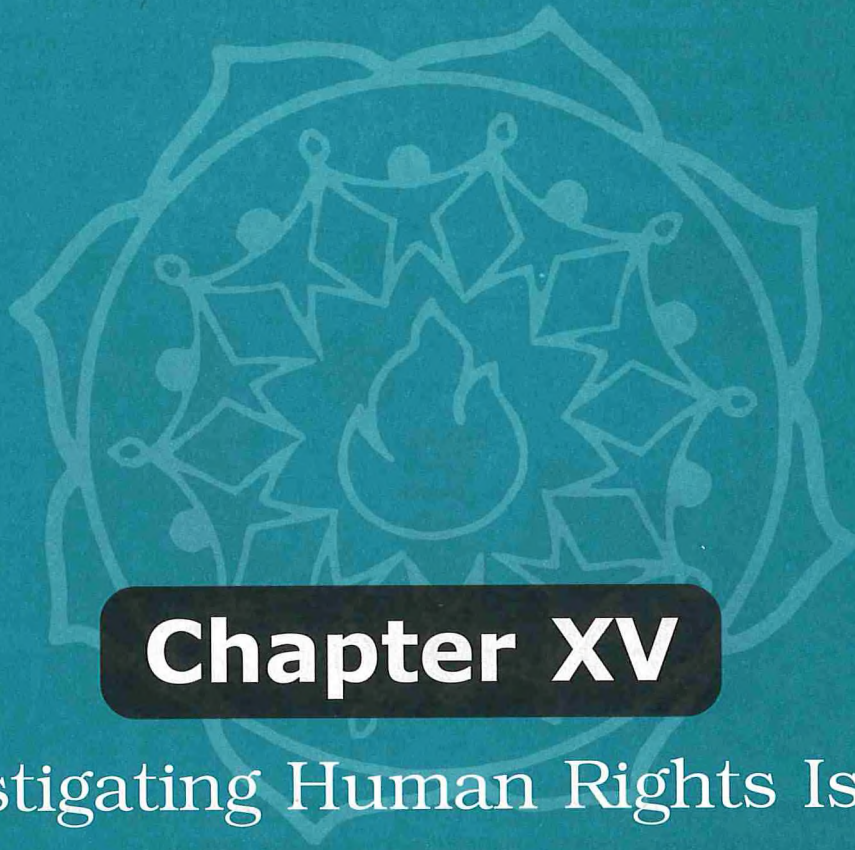
- Divide the groups into three group. Assign them to work on different topics such as (1) what protection may be required for the persons with disabilities, (b) what rehabilitation programs should be carried out and (3) how they may have equal opportunities.



- Ask the group to present their work. End the session by identifying key points the participants have identified in their report.







## Chapter XV

### Investigating Human Rights Issues

.....  
*Ladies and gentlemen, may we never doubt,  
we are beautiful people with beautiful ideas  
capable of making beautiful changes. -Steve  
Biko*  
.....



# Globalization and Human Rights

## I. Activity

### *A Day in My Life*

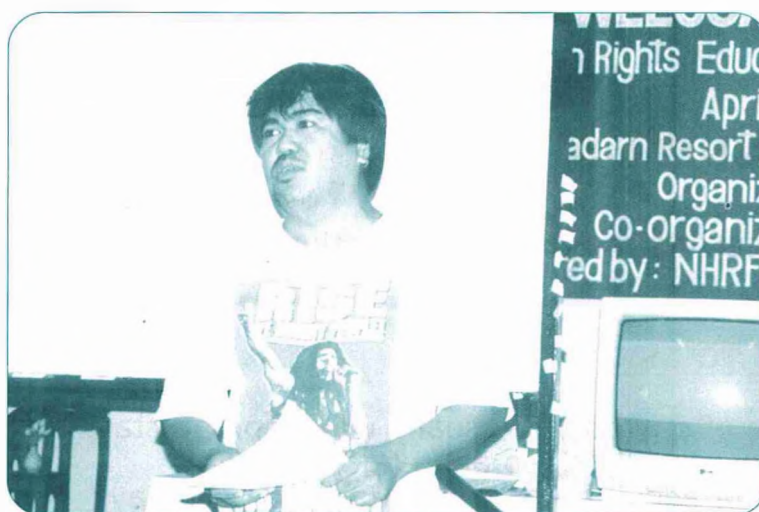
- Distribute the worksheet below.
- Ask the participants to fill in the worksheet by answering the following questions:
  - What activities do you do from the time you wake up until the time you sleep? (Column 2)
  - At what time of day do you usually perform such activity? (Column 1)
  - What materials/products do you use to do each activity? (Column 3)
  - What are the brand names of the materials you use? (Column 4)
  - What companies own these brands? (Column 5)
  - Which country do these companies belong? (Column 6)

#### **Materials**

Worksheet, pens, pentel pens, masking tape

#### **Time Allotment**

Minimum of two hours



- Ask the participants to form triads. They will share their responses in these triads. Give them enough time for the sharing. After the sharing, ask for volunteers to present their work in the plenary. The facilitator should try to make a general chart showing the different responses of the participants.







10. Is your country's economy in the hands of the local or foreign investors?
11. How do you account for this?
12. Is this good or bad?

### 3. Input

#### *Linking Globalization and Human Rights*

##### What is Globalization?

Economic "globalization" is an historical process, the result of human innovation and technological progress. It refers to the increasing integration of economies around the world, particularly through trade and financial flows. The term is sometimes also used to refer to the movement of people (labor)



and knowledge (technology) across international borders. There are also broader cultural, political and environmental dimensions of globalization.

"Globalization" refers to an extension beyond national borders of the same market forces that have operated for centuries at all levels of human economic activity - village markets, urban industries, or financial centers. Some countries are becoming integrated into the global economy more quickly than others.

##### Who are the players?

##### International organizations:

- **The World Trade Organization (WTO)** (<http://www.wto.org>) was established in 1995 to administer the rules of international trade agreed to by its 123 member countries. These rules have been ratified by the parliaments of all member countries.





The key difference between the WTO and the General Agreement on Tariffs and Trade (GATT), which it replaced, is that the WTO is a permanent organization with the judicial powers to rule on international trade disputes. The WTO also covers trade in services, whereas GATT only covered trade in goods.

The WTO's rules make it hard for a country to favor their own industry over imports from other countries. Also, the WTO rules do not allow a country to favor the imports from one country over those from another.

The WTO argues that the growth of trade between countries increases the wealth of everyone. Trade allows the production of goods and services by those who are most efficient, thus maximizing their availability at the best price.

The growth of trade is said to be helped by the lowering of barriers, such as tariffs and import quotas. These quotas are the subject of WTO agreements.

- **The International Monetary Fund (IMF)** (<http://www.imf.org>) was established in 1946 in the wake of the World War II to:
  - promote international cooperation on finance
  - encourage stability in exchange rates and orderly systems for exchanging money between countries providing temporary assistance for countries suffering balance of payments problems
  - The IMF frequently seeks institutional reform in the countries to which it provides temporary financial assistance. Like the WTO, the IMF believes that world prosperity is enhanced by greater exchange between nations and that this is made possible by everyone agreeing to abide by rules. The IMF has 182 member countries.
- **The World Bank** (<http://www.worldbank.org>) provides loans to poor countries for development projects.

The bank provides loans for investment projects, such as water and sanitation, natural resource management, education and health. It also lends for what it calls adjustment projects. Adjustment projects loans are intended to support governments undertaking policy reforms, such as improved public sector management.

- Established at the conclusion of the Second World War, **the United Nations** (<http://www.un.org>) has become a promoter of globalization, arguing that individual states have a dual role with responsibilities to both their own citizens and to the world society as a whole.

The United Nations says the broader global responsibility requires international institutions. It supports the case for reform of international institutions, including its own Security Council, to make them more representative. The UN



has sponsored a Global Compact between the itself and the business community. The aim of the Compact is to establish and promote a shared set of core values in the areas of labor standards, human rights and environmental practices. (See <http://www.unglobalcompact.org>)

- **The Organization for Economic Cooperation and Development (OECD)** ([www.oecd.org](http://www.oecd.org)) develops economic and social policy for its 29 members, which include the countries of North America, Western Europe (including the Czech Republic, Hungary and Poland) and Japan, Korea, Australia and New Zealand. It provides economic arguments for globalization, such as data demonstrating the positive contribution made by multinational corporations to economic development.
- **United Nations Conference on Trade and Development (UNCTAD)** ([www.unctad.org](http://www.unctad.org)) is a permanent intergovernmental body of the UN that aims to maximize the trade investment and development opportunities of developing economies and to assist their efforts to integrate into the world economy

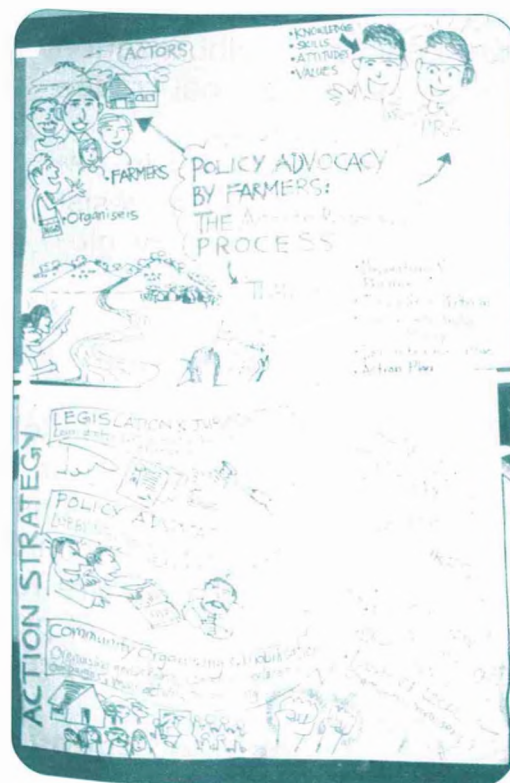
## Public Affairs Organizations:

Examples are:

Worldgrowth.org is dedicated to providing a balance to the debate about trade, globalization and sustainable development. It focuses on market based approaches to trade and growth for securing benefits in both developed and developing countries. See <http://www.worldgrowth.org/>

The Institute of Economic Affairs is a UK based free market think tank that aims to explain free market ideas including the benefits of globalization see <http://www.iea.org.uk/>

The International Policy Network (IPN) and the Competitive Enterprise Institute (CEI) are non-profit, non-government organizations that research and share ideas and issues such as globalization, global warming, sustainable development and intellectual property. See <http://www.policynetwork.net/> and <http://www.cei.org/>





## Businesses benefiting from open international markets:

Most organizations representing business endorse globalization and efforts to lower barriers to international trade and investment. For example, the International Chamber of Commerce argues that economic growth is essential if living standards around the world are to increase. Economic growth, it argues, is generated by trade.

## Developing country governments and NGOs perceiving benefit from open markets:

Most of the world's governments and parliaments are members of the World Trade Organization, and members of the International Monetary Fund. A number of the richer nations in the developing world, such as Mexico, Turkey, Egypt and Thailand, have provided vocal support for globalization. For example, Mexico's President, Vincente Fox, has pledged to expand the benefits of globalization throughout the hemisphere. See [usinfo.state.gov/regional/ar/summit/](http://usinfo.state.gov/regional/ar/summit/)

### NGOs:

There are NGOs in developing countries who advocate the benefits of globalization through international trade.

There are also NGOs in developing countries who resist the negative impacts of globalization



## Internet and telecommunications industry:

One of the driving forces of globalization is the advance of telecommunications in general and the internet in particular. Representative organizations regard the spread of communications technology as a benefit without qualification. For example, the International Telecommunications Union sees globalization as the innate human desire for the integration of individuals in villages and cities and the integration of people of all races and backgrounds into nations. See [www.itu.int/osg/dsg/speeches/2000/08its.html](http://www.itu.int/osg/dsg/speeches/2000/08its.html)

## Social Development Agencies and Developing Country Organizations:

They share a concern that the global organizations such as the International Monetary Fund and the World Bank are not doing enough to alleviate poverty and, indeed, may be contributing to it. They argue that poor countries should



have their debts to international banks excused.

Some are critical of the World Trade Organization, saying that its rules favor of companies from wealthy countries. They argue that by making it difficult for countries to protect their own industries with discriminatory tariffs, it is hard for poor countries to build domestic industries.

### **Left critics of capitalism:**

Marxist organizations see globalization as the spread of capitalism, in which the labor of the poor is exploited for the benefit of the rich. Left organizations have mounted the series of "global action days" starting with the WTO summit in Seattle in September 1999, and targeting meetings of the World Bank, the IMF and the private business conference organization, the World Economic Forum.

### **Business organizations threatened by international competition:**

Many companies in rich countries oppose globalization because they fear that competition from imports will cost them money. Such companies are typically found in industries such as textiles and footwear. These are among the few industries in which poor countries can provide effective

competition.

Many business organizations that may support the world trade system in general will oppose specific measures to reduce tariffs, which is one of the principal means for building global trade.

### **Unions in rich and developing countries:**

Some trade unions oppose globalization, saying that it leads to a lowering of wage and workplace standards. The argument generally presented is that globalization encourages the trade in goods produced in countries which do not allow unions to defend their workers' rights. They undercut the goods produced in countries where unions do defend unions' rights. This leads to a "race to the bottom" as the markets are won by those with the lowest standards.

### **Cultural nationalists:**

Some regard globalization as the spread of American culture and influence. These sentiments are often expressed in France and lead, for example, to the assault on a McDonalds Store by a farm leader, Jose Bove, who provided milk for French Roquefort Cheese.

**Source: Globalization Guide.org**

## **FACTS AND FIGURES ON POVERTY**

- A quarter of the world's population, 1.3 billion people, live in severe poverty.
- Nearly 800 million people do not get enough food, and about 500 million people are chronically malnourished. More than a third of children are malnourished.
- In industrial countries more than 100 million people live below the poverty





- line, more than 5 million people are homeless and 37 million are jobless.
- Of the world's 23 million people living with HIV/AIDS more than 93% live in developing countries.
- More than 840 million adults are illiterate - 538 million of them are women.
- Around 2 million children died as a result of armed conflict in the last decade.
- In developing countries, 160 million pre-school children are underweight.
- 1.2 billion people live without access to safe drinking water.
- 110 million landmines lie undetonated in 68 countries.

### **Today's society has the resources to eradicate poverty...**

- The net wealth of the 10 richest billionaires is \$ 133 billion, more than 1.5 times the total national income of the least developed countries.
- The cost of eradicating poverty is 1% of global income.
- Effective debt relief to the 20 poorest countries would cost \$ 5.5 billion - equivalent to the cost of building Euro Disney.
- Providing universal access to basic social services and transfers to alleviate income poverty would cost \$ 80 billion, less than the net worth of the seven richest men in the world.
- Six countries can spend \$ 700 million in nine days on dog and cat food.
- Today's world spend \$ 92 billion on junk food and \$ 66 billion on cosmetics. In 1995 nearly \$ 800 billion was spent on defense worldwide.

### **Extreme poverty can be banished from the globe by early next century...**

- The proportion of human kind living in poverty has fallen faster in the past 50 years than in the previous 500 years.
- Since 1960 child death rates in developing countries have more than halved, malnutrition rates have declined by almost a third and the proportion of children out of primary school has fallen from more than half to less than a quarter.
- Over the past three decades the population in developing countries with access to safe water almost doubled - from 36% to nearly 70%.
- The extension of basic immunization over the past two decades has saved the lives of three million children.
- In 1960-93 average life expectancy increased by more than a third in developing countries.



**Poverty is no longer inevitable and should thus no longer be tolerated.**

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### **Interesting Facts About Global Inequality**

- Of the 100 largest economies in the world, 51 are corporations; only 49 are countries (based on a comparison of corporate sales and country GDPs).
- The Top 200 corporations' combined sales are bigger than the combined economies of all countries minus the biggest 10.
- The Top 200s' combined sales are 18 times the size of the combined annual income of the 1.2 billion people (24 percent of the total world population) living in "severe" poverty.
- While the sales of the Top 200 are the equivalent of 27.5 percent of world economic activity, they employ only 0.78 percent of the world's workforce.
- A full 5 percent of the Top 200s' combined workforce is employed by Wal-Mart, a company notorious for union-busting and widespread use of part-time workers to avoid paying benefits. The discount retail giant is the top private employer in the world, with 1,140,000 workers, more than twice as many as No. 2, Daimler Chrysler, which employs 466,938.
- U.S. corporations dominate the Top 200, with 82 slots (41 percent of the total). Japanese firms are second, with only 41 slots.

Institute for Policy Studies <http://www.ips-dc.org> or [saraha@igc.org](mailto:saraha@igc.org)

## **4. Deepening**

- Group the participants into groups of three. Ask each group to list down good and bad effects of globalization in the home and community (Group 1); workplace and country (Group 2); and Asia and the World (Group 3).
- Ask them to present their work in the plenary.



Ask the participants the following questions:

- ⌚ How have you become a part of globalization?
- ⌚ How has globalization altered your way of life?
- ⌚ Is globalization good or bad?
- ⌚ In what way may human rights stifle or enrich globalization?





## **5. Synthesis**

Ask the participants to make another chart of a day in their life. Ask them to incorporate alternative activities they will do and products they will use and consume which will help contribute in minimizing the negative effects of globalization.



# Terrorism, Human Security and Human Rights

## 1. Activity

### *Defining Terrorism*

- Draw a big square on the floor of the session venue. Divide the square into two.
- Distribute to the participants pictures showing:
  - bomb attacks
  - military assaults
  - violent protest action
  - and others showing violent situation such as:
    - Sept. 11 bombing
    - invasion of Afghanistan
    - invasion of Iraq
    - suicide bombing in Israel
    - siege of the West Bank by Israeli Troops
    - bombing in Cotabato City, Philippines
    - bombing in Bali, Indonesia
    - Seattle, Washington Protest Against the WTO
    - protest Action in Cancun, Mexico
    - atrocity in Aceh, Indonesia
    - Columbine Massacre
    - and others
- Ask the participants to place on the right side of the square pictures depicting terrorism and on the left side of the square, pictures showing situations that they do not consider as terrorism.
- Ask them to explain their decision.

#### **Materials**

Pictures, masking tape

#### **Time Allotment**

Minimum of two hours





## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

1. Which pictures are misplaced? Would you like to change how the pictures are classified? Explain your position.
2. Are all violent acts acts of terrorism?
3. What elements should be present for an act to be considered an act of terrorism?
4. Who defines when an act is an act of terrorism?
5. What is terrorism?
6. Are you willing to give up some of your rights to fight terrorism? Explain.
7. In what ways are human rights curtailed by the fight against terrorism?
8. Is absence of terrorism similar to human security?

## 3. Input

### *Terrorism, Human Security and Human Rights*

#### Terrorism: An Introduction

- **Is terrorism just brutal, unthinking violence?**

No. Experts agree that there is almost always a strategy behind terrorist actions. Whether it takes the form of bombings, shootings, hijackings, or assassinations, terrorism is neither random, nor spontaneous, nor blind. It is a deliberate use of violence against civilians for political or religious ends.



- **Is there a definition of terrorism?**

Even though most people can recognize terrorism when they see it, experts have had difficulty coming up with an ironclad definition. The US State Department defines terrorism as "premeditated, politically motivated violence perpe-



trated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience." In another useful attempt to produce a definition, Paul Pillar, a former deputy chief of the CIA's Counterterrorist Center, argues that there are four key elements of terrorism:

- It is premeditated - planned in advance, rather than an impulsive act of rage.
- It is political - not criminal, like the violence that groups such as the mafia use to get money, but instead designed to change the existing political order.
- It is aimed at civilians - not at military targets or combat-ready troops.
- It is carried out by subnational groups - not by the army of a country.

### ● **Where does the word "terrorism" come from?**

It was coined during France's Reign of Terror in 1793-94. Originally, the leaders of this systematized attempt to weed out "traitors" among the revolutionary ranks praised terror as the best way to defend liberty, but as the French Revolution soured, the word soon took on grim echoes of state violence and guillotines. Today, most terrorists dislike the label, according to Bruce Hoffman of the RAND think tank.

### ● **Is terrorism a new phenomenon?**

No. The oldest terrorists were holy warriors who killed civilians. For instance, in first-century Palestine, Jewish Zealots would publicly slit the throats of Romans and their collaborators.

In seventh-century India, the Thuggee cult would ritually strangle passersby as sacrifices to the Hindu deity Kali and in the eleventh-century Middle East, the Shiite sect known as the Assassins would eat hashish before murdering civilian foes. Historians can trace recognizably modern forms of terrorism back to such late-nineteenth-century organizations as Narodnaya Volya ("People's Will"), an anti-tsarist group in Russia. One particularly suc-



cessful early case of terrorism was the 1914 assassination of Austrian Archduke Franz Ferdinand by a Serb extremist, an event that helped trigger World War I. Even more familiar forms of terrorism - often custom-made for TV cameras - first appeared on July 22, 1968, when the Popular Front for the Liberation of Palestine undertook the first terrorist hijacking of a commercial airplane.





- **Is terrorism aimed at an audience?**

Usually, yes. Terrorist acts are often deliberately spectacular, designed to rattle and influence a wide audience, beyond the victims of the violence itself. The point is to use the psychological impact of violence or of the threat of violence to effect political change. As the terrorism expert Brian Jenkins bluntly put it in 1974, "Terrorism is theatre."

- **Was September 11 the deadliest terrorist attack in history?**

Yes. Before September 11, the deadliest attacks were the bombings of airplanes, such as Pan Am flight 103, destroyed over Lockerbie, Scotland, in 1988 by terrorists linked to Libya, or the 1985 bombing of an Air India jet. Each of these attacks killed more than 300 people. The August 1998 bombings of the U.S. embassies in Kenya and Tanzania-before September 11, the largest attacks on major buildings-killed 224 people. These attacks have been linked to al-Qaeda.

By way of comparison, Timothy McVeigh killed 168 people by bombing a federal office building in Oklahoma City in 1995. The failed February 1993 attempt by Islamist terrorists to destroy the World Trade Center killed six people and injured about 1,000 others. And the 1983 Islamist suicide bombing of the U.S. Marine barracks in Beirut, Lebanon, killed 242 Americans.

## Types of Terrorism

- **Are there different types of terrorism?**

Yes. While these categories are not written in stone, experts have identified at least six different sorts of terrorism: nationalist, religious, state-sponsored, left-wing, right-wing, and anarchist.

- **What is nationalist terrorism?**

Nationalist terrorists seek to form a separate state for their own national group, often by drawing attention to a fight for "national liberation" that they think the world has ignored. This sort of terrorism has been among the most successful at winning international sympathy and concessions. Experts say that nationalist terror groups have tended to calibrate their use of violence, using enough to rivet world attention but not so much that they alienate supporters abroad or members of their base community. Nationalist terrorism can be difficult to define, since many groups accused of the practice insist that they are not terrorists but freedom fighters.

- **What are some examples of nationalist terrorist groups?**

Nationalist terrorist groups include the Irish Republican Army and the Palestine Liberation Organization, both of which said during the 1990s that they had renounced terrorism. Other prominent examples are the Basque Fatherland and Liberty, which seeks to create a Basque homeland separate from Spain, and the Kurdistan Workers' Party, which seeks to create a Kurdish state inde-



pendent from Turkey. Earlier nationalist terror groups sought to expel colonial rulers. Such groups included the Irgun and the Lehi (both were Jewish militias opposed to British rule in Palestine in the 1940s) and the National Liberation Front (opposed to French rule in Algeria in the 1950s).

- **What is religious terrorism?**

Religious terrorists seek to use violence to further what they see as divinely commanded purposes, often targeting broad categories of foes in an attempt to bring about sweeping changes. Religious terrorists come from many major faiths, as well as from small cults. This type of terrorism is growing swiftly, notes Bruce Hoffman of the RAND think tank. In 1995 (the most recent year for which such statistics were available), nearly half of the 56 known and active international terrorist groups were religiously motivated. Because religious terrorists are concerned not with rallying a constituency of fellow nation-



alists or ideologues but with pursuing their own vision of the divine will, experts say that they lack one of the major constraints that historically has limited the scope of terror attacks. As Hoffman puts it, the most extreme religious terrorists can sanction "almost limitless violence against a virtually open-ended category of targets: that is, anyone who is not a member of the terrorists' religion or religious sect."

- **What are some examples of religious terrorist groups?**

Examples include Osama bin Laden's al-Qaeda network, the Palestinian Sunni Muslim organization Hamas, the Lebanese Shiite group Hezbollah, the radical Jewish groups affiliated with the late Rabbi Meir Kahane, the Israeli extremists Baruch Goldstein (who machine-gunned Muslim worshipers in a Hebron mosque in 1994) and Yigal Amir (who assassinated then Prime Minister Yitzhak Rabin in 1995), some American white-supremacist militias, and the Aum Shinrikyo doomsday cult in Japan.

- **What is state-sponsored terrorism?**

State-sponsored terrorist groups are deliberately used by radical states as foreign policy tools. As Hoffman puts it, they are "a cost-effective way of waging war covertly, through the use of surrogate warriors or 'guns for hire.'" One important early case was the Iranian government's use of supposedly independent young militants to seize hostages at the American embassy in Tehran in 1979. With enhanced resources at their disposal, state-sponsored terrorist groups are often capable of carrying out more deadly attacks than other ter-





rorists, including airplane bombings.

- **What are some examples of state-sponsored terrorist groups?**

State-sponsored terrorist groups include Hezbollah (backed by Iran), the Abu Nidal Organization (which has been backed by Syria, Libya, and Iraq), and the Japanese Red Army (which often worked on contract for Libya).

- **What is left-wing terrorism?**

Left-wing terrorists are out to destroy capitalism and replace it with a communist or socialist regime. Because they see most civilians as suffering from capitalist exploitation, left-wing terrorists sometimes have limited their use of violence to avoid hurting the victims they say they want to save. Left-wing terrorists sometimes focus instead on such tactics as kidnapping tycoons or bombing monuments.

- **What are some examples of left-wing terrorist groups?**

The Baader-Meinhof Group (Germany), the Japanese Red Army, the Weathermen (1970s America) and the Red Brigades (Italy) are examples of left-wing terrorist groups.

- **What is right-wing terrorism?**

Right-wing terrorists are among the least organized terrorists, often associated with neo-Nazi street rioting in Western Europe, especially in the early 1980s. These groups, often dominated by skinheads, seek to do away with liberal democratic governments and create fascist states in their place. Neofascist terrorists frequently attack immigrants and refugees from the developing world and are both racist and antisemitic.

- **What is anarchist terrorism?**

From the 1870s until about 1920, anarchist terrorism was a major global phenomenon. Revolutionaries seeking to overthrow established governments launched a wave of bombings and assassinated a series of heads of state; one such victim was President William McKinley, killed in 1901 by a young Hungarian refugee influenced by anarchist sentiments. Some experts see signs of a new interest in anarchist violence arising out of the recent wave of protests against globalization.



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## **Towards a Definition of Terrorism**

The question of a definition of terrorism has, for decades, plagued the debate among states. A first attempt to arrive at an internationally acceptable definition was made by the League of Nations, but the convention drafted in 1937 never came into existence. The UN member states still have no agreed-upon definition. At the moment there is no single international convention on terrorism. Instead, there are 12 piecemeal conventions and protocols which deal with the problem. Some countries favour the development of a single convention. However, terminological consensus would be necessary for such a convention to be developed. Cynics have often commented that one state's "terrorist" is another state's "freedom fighter".

## **Proposed Definitions of Terrorism**

### **1. League of Nations Convention (1937):**

"All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public".

### **2. UN Resolution language (1999):**

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;
2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them". (GA Res. 51/210 Measures to eliminate international terrorism)

### **3. Short legal definition proposed by A. P. Schmid to United Nations Crime Branch (1992):**

Act of Terrorism = Peacetime Equivalent of War Crime

### **4. Definition reached by academic consensus:**

"Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (repre-





sentative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror,



a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought" (Schmidt, 1988).

## Conventions against Terrorism

There are 12 major multilateral conventions and protocols related to states' responsibilities for combating terrorism. Many states are not, however, party to these legal instruments yet, or are not yet implementing them.

In addition to these treaties, other instruments may be relevant to particular circumstances, such as bilateral extradition treaties, the 1961 Vienna Convention on Diplomatic Relations, and the 1963 Vienna Convention on Consular Relations. Moreover, there are now a number of important UN Security Council and General Assembly Resolutions on international terrorism, dealing with specific incidents.

The following list identifies the major terrorism conventions and protocols and provides a brief summary of some of the major terms of each instrument. In addition to the provisions summarized below, international law requires that parties must establish criminal jurisdiction over offenders. (An example of a way for a state to establish criminal jurisdiction is to establish that the state is the state or one of the states in which the offence take place, or that (in some cases) the state is the state of nationality of the perpetrator or the victim).

### **1** Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention", 1963--safety of aviation):

--applies to acts affecting in-flight safety;

--authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, when necessary to protect the safety of the aircraft;



--requires contracting states to take custody of offenders and to return control of the aircraft to the lawful commander.

## **2** Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 1970--aircraft hijackings):

--makes it an offence for any person on board an aircraft in flight [to] "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so;

--requires parties to the convention to make hijackings punishable by "severe penalties;"

--requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution;

--requires parties to assist each other in connection with criminal proceedings brought under the convention.



## **3** Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention"), 1971:

--applies to acts of aviation sabotage such as bombings aboard aircraft in flight):

--makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft; to place an explosive device on an aircraft; and to attempt such acts or be an accomplice of a person who performs or attempts to perform such acts;

--requires parties to the convention to make offences punishable by "severe penalties;"

--requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution;

## **4** Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973 -outlaws attacks on senior government officials and diplomats):

--defines internationally protected person as a Head of State, a Minister for





Foreign Affairs, a representative or official of a state or of an international organization who is entitled to special protection from attack under international law;

--requires each party to criminalize and make punishable "by appropriate penalties which take into account their grave nature," the intentional murder, kidnapping, or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice;"

## **5** International Convention Against the Taking of Hostages ("Hostages Convention", 1979):

--provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention;"

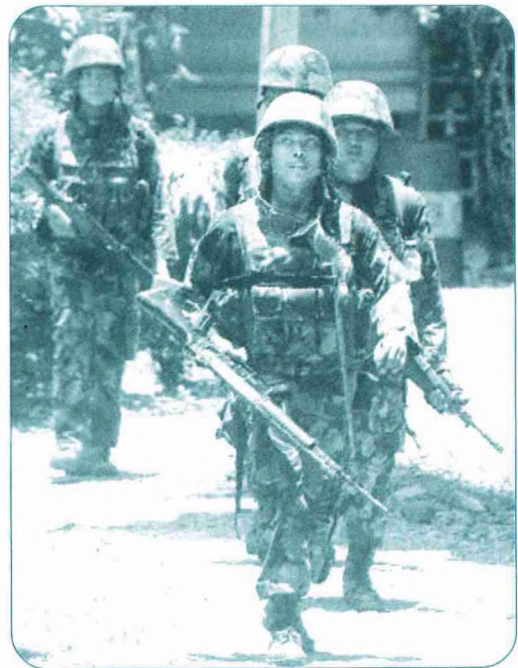
## **6** Convention on the Physical Protection of Nuclear Material ("Nuclear Materials Convention", 1980--combats unlawful taking and use of nuclear material):

--criminalizes the unlawful possession, use, transfer, etc., of nuclear material, the theft of nuclear material, and threats to use nuclear material to cause death or serious injury to any person or substantial property damage;

## **7** Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Extends and supplements the Montreal Convention on Air Safety), (1988):

--extends the provisions of the Montreal Convention (see No. 3 above) to encompass terrorist acts at airports serving international civil aviation.

## **8** Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, (1988--applies to terrorist activities on ships):



--establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established against international aviation;

--makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships;

**9** Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988--applies to terrorist activities on fixed offshore platforms):

--establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation;

**10** Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991--provides for chemical marking to facilitate detection of plastic explosives, e.g., to combat aircraft sabotage):

--designed to control and limit the use of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am 103 bombing);

--parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty;

--generally speaking, each party must, among other things: take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry-into-force of the convention;

ensure that all stocks of such unmarked explosives not held by the military or police are destroyed or consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police, are destroyed or consumed, marked, or rendered permanently ineffective within





fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date-of-entry into force of the convention for that state.

## **11** International Convention for the Suppression of Terrorist Bombing (1997): (UN General Assembly Resolution)

--creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place;

## **12** International Convention for the Suppression of the Financing of Terrorism (1999):

-- requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, though groups claiming to have charitable, social or cultural goals or which also engage in such illicit activities as drug trafficking or gun running;

-- commits states to hold those who finance terrorism criminally, civilly or administratively liable for such acts;

-- provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other states on a case-by-case basis. Bank secrecy will no longer be justification for refusing to cooperate.

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## **Group Says Terror War Raises Insecurity**

The Associated Press  
May 28, 2003

LONDON (AP) -- The U.S.-led war on terror has made the world a more dangerous and repressive place, Amnesty International said Wednesday in a report Washington dismissed as "without merit."

The international human rights organization singled out the United States and Britain for detaining terror sus-

pects without trial, under legislation introduced after the Sept. 11 attacks. It also accused other nations, including the Philippines and China, of using security legislation to crack down on political opposition.

"The 'war on terror,' far from making the world a safer place, has made it more dangerous by curtailing human



rights, undermining the rule of international law and shielding governments from scrutiny," said Irene Khan, Amnesty International's secretary general, launching the organization's annual report in London.

"The great supporters of human rights during the Cold War now quite readily either roll them back in their own countries or encourage others to do so and turn a blind eye.

"What would have been unacceptable on Sept. 10, 2001, is now becoming almost the norm," she said.

The report said most of the 1,200 foreign nationals - mostly Muslim men of Arab or South Asian origin -- detained in the United States during inquiries into the Sept. 11 attacks were either deported, released or charged with crimes unrelated to terrorism by the end of 2002.

In Britain, the 11 foreign nationals still in custody at year's end were either asylum seekers or recognized refugees, the report said.

Amnesty said the detention by the United States of 600 foreign nationals at Guantanamo Bay in Cuba was a "human rights scandal" and called on America to release or charge those imprisoned there. Spokesman Rob Freer said Amnesty has repeatedly requested access to Guantanamo, as recently as last week, but received no reply.

"Children are among them, the elderly are among them and undoubt-

edly there are people who were picked up for being at the wrong place at the wrong time," Freer said.

White House press secretary Ari Fleischer denied the United States was violating the human rights of prisoners at Guantanamo.

"I dismiss that as without merit," he said. "The prisoners in Guantanamo are being treated humanely. They're receiving medical care. They're receiving food. They're receiving far better



treatment than they received in the life that they were living previously."

State Department spokesman Richard Boucher said the United States "rejects any criticism, any allegations that our human rights efforts have diminished."

"Amnesty International's particular charges are incorrect. There is solid, sustained international cooperation in the war on terrorism, and the war on terrorism has not detracted from our strong and steadfast commitment to human rights and democracy," he said.





A spokeswoman for Britain's Home Office said the powers granted by the country's new anti-terrorism and security law, which allowed the detention of some foreign nationals without charge "are a necessary and proportionate response to the threat that we face.

"We have to strike the right balance between our civil liberties, our privacy and our expectation that the state will protect us and facilitate our freedom," she said on customary condition of anonymity.

Meanwhile, Khan accused the United States of undermining international law by seeking bilateral agreements to exempt its citizens from charges of human rights abuses by the International Criminal Court.

"There's a dangerous approach now, picking and choosing which bits of human rights law to apply and which bits of international law to respect," she said. "That's a dangerous trend and something we have not seen for decades."

She also said that while the world's attention concentrated on Iraq, there was a "heavy toll on human rights and human lives" in places including Ivory Coast, Colombia, Burundi, Chechnya and Nepal, she said.

"Iraq and Israel and the Occupied Territories are in the news -- Ituri in the Democratic Republic of Congo is not, despite the imminent threat of genocide," Khan said. "Drawing attention to 'hidden' crises, protecting the rights of the 'forgotten victims' is the big-

gest challenge we face today."

The White House also deflected the criticism that its focus on terrorism and Iraq came at the expense of crises in other countries.

"I think that as the world increasingly sees the brutality, the horrors that Saddam Hussein carried out against his own people," Fleischer said. "And I think the world is rejoicing in the fact that, thanks to the efforts of the coalition, millions of people who were



previously imprisoned are now free."

Amnesty also said a lack of security in Iraq since the U.S.-led coalition victory posed a threat to human rights and development.

"There is a real risk that Iraq will go the way of Afghanistan if no genuine effort is made to heed the call of the Iraqi people for law and order and full respect of human rights," she said.

The organization said that more than 18 months after the war in Afghanistan, millions of Afghans face an uncertain and insecure future.



Among the world's "hidden" crises, Amnesty counted unrest in Congo, particularly in the eastern Ituri province.

The organization also cited abuses in Burundi, including extra-judicial killings, disappearances and torture by the government, as well as unlawful killings, abductions, torture and the recruitment of child soldiers by armed groups.

Amnesty also said that while the human rights situation in Israel and the Palestinian areas occupied by Israeli soldiers was often talked about, it was the "least acted upon by the international community."

The concept of human security is translated quite differently in different societies and at different times according to the level of development, democratic orientation, ethics, social attitudes toward gender, and differences in ethnic group, opinions, and beliefs. It is related to basic needs and basic human rights, the fulfillment of these needs, and the respect for these rights.

Central to the concept of human se-

curity is the idea of equilibrium/balance between needs and resources, rights and duties, and order and tolerance.

According to the UN Secretary General Kofi Annan, "We must broaden our view of what is meant by peace and security. Peace means much more than the absence of war. Human security can no longer be understood in purely military terms. Rather it must encompass economic development, social justice, environmental protection, democratization, disarmament and respect for human rights and the rule of law."

'Freedom from fear' and 'freedom from want' have become the catch phrases of an approach to security called human security. Often referred to as 'people-centered security' or 'security with a human face', human security places human beings-rather than states-at the focal point of security considerations. Human security emphasizes the complex relationships and often-ignored linkages between disarmament, human rights and development. Today all security discussions demand incorporation of the human dimension. (c) 2003 - UNIDIR

### A lack of balance leads to problems in different areas:



- unbalanced economic globalization leads to economic crisis and poverty
- unbalanced use of natural resources results in destruction of the environment, pollution and famine
- unbalanced provision of basic health services results in the spread of pandemics
- unbalanced security measures, coupled with declining civic responsibility, results in urban violence and, ultimately, terrorism





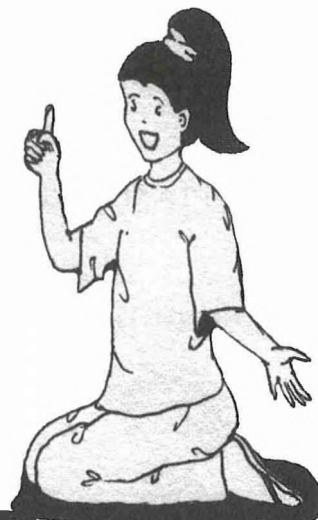
The question of human security has received growing attention from governments and intergovernmental forums in recent years. In the last decade the underlying concept of security has been changing from that of preserving the nation through military, political and diplomatic measures, to one of including individual human elements in the equation. This broadened concept encompasses a state of well-being in which an individual or group has the assurance of protection from physical and mental harm, freedom from fear and anxiety, freedom from want, and the right to live life with dignity.

Among the changes which have had an impact on the security of populations are:

- the end of the Cold War and the end of an international situation in which two blocks of countries were opposed
- globalization of the economy and communications
- increasing environmental deterioration due to exploitation of natural resources and the dysfunctioning of some technologies e.g. nuclear and chemical plants
- an increase in criminal activities due to easier communications of networks for drug dealing, money laundering, and trafficking of women and young children
- an increase in terrorism.

### Human security...

- concerns all people regardless of age, gender or ethnic group
- includes protection of individuals and communities from all forms of violence - military, civil and criminal
- addresses issues of economics, health and the proper use and care of natural and developed environments
- requires an end to the violation of human rights.
- Women should have a stake and play an important role in obtaining and safeguarding human security in the home, in the community and at the national level. They are the guardians of the "human face of globalization." They seek the resolution of conflicts and reject violence, often ensure food security, and are the caretakers of ethical and cultural values.



Ways to work for human security include:

- identifying areas of human security that are especially threatened in their country.
- raising awareness of the intersectionality of problems and of the way they



affect women.

- promoting the prevention of violence against women and children, through educational programs, the creation of hotlines and the establishment of centers for the protection of abused women and young girls.
- promoting women's role in the peace process and in the building of a safer environment in schools and in public spaces.
- developing and promoting programs to teach citizenship education and respect for others, especially in multicultural societies.
- improving safety for women in public areas.
- promoting food security.
- identifying water issues - quality, quantity, seasonal shortages, pollution, salination.
- promoting health and reproductive education, especially for adolescent girls.
- addressing an environmental problem threatening the community.
- studying militarism, including training in practice of warfare.
- raising awareness of arms dealing and land mine production and use

**Source:** [www.ifuw.org/saap2001](http://www.ifuw.org/saap2001)

## 4. Deepening

Ask the participants the following:

- ⌘ Which local, national or international event made you realize that terrorism is a real problem? Explain.
- ⌘ How has terrorism as a local, national and global problem affected your life? Your view of security? Your view of human rights?

## 5. Synthesis



Ask the participants to react to the following quote by Pres. Benjamin Franklin, former US President:

*"Those who are willing to give up basic freedoms for temporary security do not deserve freedom nor security."*





## Source Photos:

### Sept. 11 Bombing

- Pic # 1: <http://www.usd382.com/studentpages/ghaworth/911.html>
- Pic # 2: same as above
- Pic # 3: <http://www.mrwebauthor.com/AssaultOnAmerica/PicSites.html>

### Invasion Of Afghanistan

- All 3 Pics: <http://www.freerepublic.com/focus/news/797540/posts>

### Invasion Of Iraq

- All 3 Pics: <http://www.scoop.co.nz/mason/features/?s=warimages>

### Suicide Bombing In Israel

- Pic # 1: [http://news.bbc.co.uk/1/hi/world/middle\\_east/1974009.stm](http://news.bbc.co.uk/1/hi/world/middle_east/1974009.stm)
- Pic # 2: <http://www.cnn.com/2001/WORLD/meast/08/09/mideast/>

### Siege Of West Bank By Israel Troops

- Pic # 1: [http://www.tiscali.co.uk/cgi-bin/news/newswire.cgi/news/reuters/2002/04/28/topnews/israelapprovesbushdealbutshunsun.html&template=/news/templates/newswire/news\\_story\\_reuters.html](http://www.tiscali.co.uk/cgi-bin/news/newswire.cgi/news/reuters/2002/04/28/topnews/israelapprovesbushdealbutshunsun.html&template=/news/templates/newswire/news_story_reuters.html)
- Pic # 2: [http://www.tiscali.co.uk/cgi-bin/news/newswire.cgi/news/reuters/2003/09/10/topnews/airstrikekillstwobuttophamasmansurvives.html&template=/news/templates/newswire/news\\_story\\_reuters.html](http://www.tiscali.co.uk/cgi-bin/news/newswire.cgi/news/reuters/2003/09/10/topnews/airstrikekillstwobuttophamasmansurvives.html&template=/news/templates/newswire/news_story_reuters.html)

### Bombing In Cotabato City, Philippines

- Pic # 1: [http://bun.worldonline.co.uk/cgi-bin/news/newswire.cgi/news/reuters/2003/03/05/world/philippineairportblastkills19.html&template=/news/templates/newswire/news\\_story\\_reuters.html](http://bun.worldonline.co.uk/cgi-bin/news/newswire.cgi/news/reuters/2003/03/05/world/philippineairportblastkills19.html&template=/news/templates/newswire/news_story_reuters.html)

### Bombing In Bali, Indonesia

- Pic # 1 & 2: <http://www.abc.net.au/news/indepth/bali/>
- Pic # 3 - 5: <http://www.indo.com/bali121002/>

### Seattle, Washington Protest Against The WTO

- Pic # 1: <http://www.ofb.net/~almccon/wto/WTO02B.JPG>
- Pic # 2: <http://www.ofb.net/~almccon/wto/WTO16.JPG>
- Many Pics: <http://www.ofb.net/~almccon/wto/wto.html>

### Protest Action In Cancun, Mexico

- Pic # 1: <http://asia.news.yahoo.com/030910/afp/i-030910212854asiapacificnews.html>

### Atrocity In Aceh, Indonesia

- Pic # 1: <http://asia.news.yahoo.com/030922/afp/i-030922085141asiapacificnews.html>

### Columbine Massacre

- Pic # 1: [www.paulkatcher.com/archives/000145.shtml](http://www.paulkatcher.com/archives/000145.shtml)
- Pic # 2: <http://www.emergency.com/1999/co-anlys.htm>



# Identity-Based Discrimination and Human Rights

## 1. Activity

### *Profiling*

- Give each participant a copy of the following worksheet.

#### **Materials**

Profile worksheet

#### **Time Allotment**

Minimum of two hours



- Ask them to fill up the profile sheet below.

PROFILE	
REAL	IDEAL
Sex: _____	Sex: _____
Sexual Orientation: _____	Sexual Orientation: _____
Age: _____	Age: _____
Civil Status: _____	Civil Status: _____
Citizenship: _____	Citizenship: _____





PROFILE	
REAL	IDEAL
Race: _____	Race: _____
Religion: _____	Religion: _____
Ethnicity: _____	Ethnicity: _____
Educational Attainment: _____	Educational Attainment: _____
School: _____	School: _____
Occupation: _____	Occupation: _____
Physical Features: _____	Physical Features: _____
Name: _____	Name: _____

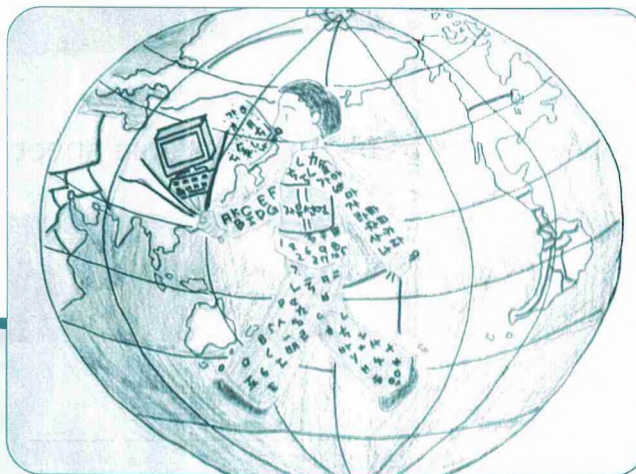
- Ask the participants to fill up the profile sheet according to their real profile.
- After filling up the blank profile sheet, ask the participants to change their profile according to their ideal profile.
- Ask the participants to form a triad. Ask them to share with their triad their profile sheet and explain their real and ideal profiles.
- Ask if there are any volunteers who are willing to share their profiles with the group.

## 2. Discussion

- Ask the participants the following:

### QUESTIONS TO ASK

1. What does this profile imply?
2. How does this profile affect you as a person?
3. Which of your identities are beneficial to you? Which ones are not?
4. Why did you choose to change some of your identities in your profile?
5. Which of the identities in your profile is the most important to you? Which one is the least? Explain your answer.
6. Which of the identities of others do you respect the most? Which do you respect the least? Explain your answer.



### 3. Input

#### *Identity Politics and Human Rights*

Emphasize the following in the lecturette:

##### **Identities**

Race, color, descent, nationality, ethnicity, religion, creed and belief

Other Categories: sex, age, language, sexual orientation, disability and health status, etc.

##### **Multiple Identities**

"I am many persons in one."

Female, Islam, mother, educated, brown, middle class, Buraku, etc.

##### **Shifting Identities**

- Identities are not permanent.
- Depending on the context, "I assert one identity over the other."

**Identity politics** - A political system that allows political representation on the basis of being a part of a particular group. When a particular group defines a particular identity for itself on the basis of a feature such as sex, occupation, disability, sexual orientation, race, ethnicity, etc. (Abeyeseeke-*ra*, 2002)



##### **The Politics of Identity:**

###### **Examples**

Women, Labor Unions, Youth, Jews, Africans and *African Descent*, *Dalits*, *Bukarus*, Migrants, among others.

##### **Identity-based Discrimination**

Within notions of superiority and inferiority, one can be discriminated against or be privileged merely on the basis of identity.

Example: women, "disabled", brown, homosexual, poor, young, etc.





## Discrimination and Human Rights

UDHR and UN instruments promote the principles of equality and non-discrimination.

### Many Layers of Discrimination

Race, color, descent, nationality, ethnicity, religion, creed and belief, sex, age, language, sexual orientation, occupation, disability, health, social and economic status, etc.

### Intersectional Analysis of Discrimination

"Consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction . . . and in another, If an accident happens in an intersection, it can be caused by cars traveling from any direction or all of them." (Kimberle Crenshaw)

### Examples of Multiple Discrimination

- Forced sterilization of Latinas and Asian Women in the US
- Rape of Shan women in Burma and ethnic women in the US
- What about the case of our Muslim brothers and sisters in the South? Or the indigenous people across the country?

**Racism** - belief in the superiority of a particular race; antagonism towards other races (*Oxford Dictionary*)

**Racial Discrimination** - any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin . . . (*Article 1, International Convention on the Elimination of All Forms of Racial Discrimination*)

**Xenophobia** - fear or hatred of strangers or foreigners (*Collins Pocket Dictionary, 1981*)

**Related Intolerance** - discrimination by virtue of religion, creed and belief

### Identities and Power

- Notions of inferiority and superiority
- Privilege and discrimination
- Inclusion and exclusion

### Identities and Power

White over Black  
Man over Woman  
Older over Young  
Heterosexuals over Homosexuals  
Rich over Poor, etc.



## Why an Intersectional Analysis?

- To be able to understand fully the many ways in which we experience discrimination
- Thus, making appropriate strategies
- Principles of equality and non-discrimination
- Respect for diversity; recognition and acceptance of difference



## Challenges Towards Combating Racism and Other Discrimination

- Unpacking multiple layers of discrimination
- Project of inclusivity
- Practical and Strategic Actions
- Personal and structural causes of identity-based discrimination

## 4. Deepening

### *Naming Identity-Based Discrimination*

- Group the participants into three to four groups.
- Ask each group to identify forms of identity based-discrimination an individual may experience.

IDENTITY	FORMS OF DISCRIMINATION
SEX	
SEXUAL ORIENTATION	
AGE	
CIVIL STATUS	





IDENTITY	FORMS OF DISCRIMINATION
CITIZENSHIP	
RACE	
RELIGION	
ETHNICITY	
EDUCATIONAL ATTAINMENT	
SCHOOL	
OCCUPATION	
PHYSICAL FEATURES	

- Ask the groups to report their work in the plenary.

## 5. Synthesis

- After the groups have reported, ask the participants the following synthesizing questions:
  - How do you account for the persistence of the different forms of identity-based discrimination you have identified?
  - How can you personally help eliminate such discrimination?



*This lesson is adopted from Young People and Human Rights Manual published by Amnesty International-Pilipinas, 2002.*



# HIV/AIDS and Human Rights

## 1. Activity

### *Are You Safe?*

- Give each participant 2 glasses. The first glass is half-filled with water and the second glass half-filled with water mixed with sodium chloride.
- Ask for six volunteers who will be isolated from the main group.
- Ask the participants the following:

⌘ What do you notice about the characteristics of the liquid inside the glasses?

#### **Materials**

1 bottle of Sodium Hydroxide, 1 bottle of Phenolphthalein, small clear glasses half-full with water, (2 glasses for each participant), 3 CC Syringes without needles

#### **Time Allotment**

Minimum of two hours  
(up to Input only) to  
maximum of five hours  
(up to Synthesis)



- Ask the participants (except the six volunteers) to get a partner. Give each pair a syringe which they will use in mixing up the solutions in their respective glasses.
- Ask the participants to do at least three more rounds of mixing up the solutions with different partners.
- Ask the six volunteers to join the main group for one final round of mixing up the solutions with a chosen partner.
- The facilitator may now explain that the activity is an exercise depicting sexual activity. Some have multiple partners and some are less sexually





active. The activity may also portray exchange of body fluid by blood trans-  
fusion. The activity may also be interpreted as exchange of needles among  
drug users.

- Request participants to observe their glasses again. Was there any change in color? This illustrates that we will never know from the outside who is infected of the HIV/AIDS. However, from the beginning of the activity there was already someone or several people among the participants who were already carriers of the disease.
- Ask everyone to look again at all the glasses and ask who can guess whose glass is contaminated with the disease. There is only one way to know who is a carrier of the disease. This is done through a BLOOD TESTING. The facilitator may now get the syringe with Phenolphthalein solution and present it to the group. The chemical solution will determine if any of the glasses test positive to the disease. A few drops of the solution will help us determine which solution is contaminated. The water will turn purple if it tests positive to the disease.
- Ask for another set of volunteers who are willing to have their glasses tested. (Do not test the solution of the first set of volunteers at this point.)
- The experiment will yield the following results:

Chemical Solution	Result
1. Water, Sodium Hydroxide, Phenolphthalein	All are colorless solutions
2. Water +Sodium Hydroxide	No discoloration
3. Water + Phenolphthalein	No discoloration
4. Sodium Hydroxide+Phenolphthalein	No discoloration
5. Water + Sodium Hydroxide+Phenolphthalein	Purple in color

- Ask the owners of the infected solutions the following:

- ⌚ How do you think you got infected?
- ⌚ Who do you think infected you?
- ⌚ What do you feel?

- Test the solutions of the first set of volunteers to see if the water has changed its color. Ask the participants the following:

- ⌚ Does the number of times you changed partners have any affect on the possibility of being infected?



## 2. Discussion

- Ask the participants the following questions:

Questions	Possible Answers
1. How do you feel about the activity	<p>Interesting, experiential The first part of the activity is fun. No danger is felt. There seems to be nothing to be afraid of. However, when the blood testing started it was a stressful exercise for me.</p>
	<p>It's easy to accuse anyone who seemed to be friendlier in the group of being a carrier of the disease. However, it's not possible to say for sure that she/he may be a carrier by only looking at his/her personality.</p>
	<p>No one is safe. Even the exchange and swapping of the syringe is a symbol of the cause of the spread of the disease. It may not only mean sexual intercourse but also transmission through using unclean needles to inject drugs or via blood transfusion.</p>
	<p>Difficult to trace who is the first carrier of the disease in the activity.</p>
	<p>It doesn't matter to me who is the carrier. I only wish the "blood test solution " would not discolor my glass. I do not want to be contaminated.</p>
	<p>I (the one whose glass discolored) felt the immediate feeling of being a victim who is tested for the disease. Deep inside me it's a sad feeling. When I see someone's glass discolored I pray mine will never change its color.</p>
	<p>Felt the degree of stigma of people who are victimized of the disease.</p>
2. What do people think of "blood testing"	<p>If you are forced, you feel that your right to privacy is violated.</p>
	<p>You may or you may not have it. You prefer to avoid the testing because it would hurt you if you knew that you were HIV positive.</p>
	<p>It takes someone brave to voluntarily go for testing.</p>
	<p>It's the only way to know. Everyone should undergo an HIV/AIDs test.</p>





### 3. Input

## *HIV/AIDS and Human Rights*

### Frequently asked questions about HIV/AIDS

#### 1. What is AIDS? What causes AIDS?

*AIDS - the Acquired Immuno Deficiency Syndrome - is the late state of infection caused by the Human Immunodeficiency Virus (HIV).*

*A person who is infected with HIV can look and feel healthy for a long time before signs of AIDS appear. But HIV weakens the body's defense (immune) system until it can no longer fight off infections such as pneumonia, diarrhea, tumours, cancers and other illnesses.*

Today there are medical treatments that can slow down the rate at which HIV weakens the immune system (Anti-retroviral treatment). There are other treatments that can prevent or cure some of the illnesses associated with AIDS, through the treatments do not cure AIDS itself. As with other diseases, early detection offers more options for treatment and preventative health care.



#### 2. How can one catch HIV?

*AIDS is mainly transmitted through sexual contact. Most HIV infections have been transmitted through unprotected sexual intercourse with someone who is already infected with HIV. HIV can also be transmitted by infected blood or blood products (as in blood transfusions), by the sharing of contaminated needles, and from infected parents to their baby before birth, during delivery, or through breast-feeding. HIV is not transmitted through normal, day-to-day contact.*

#### 3. Can I get AIDS from "casual contact" with an infected person?

No. This means that it is OK to play sports and work together, shake hands, hug friends or kiss them on the cheek or hands, sleep in the same room, breathe the same air, share drinking and eating utensils and towels, use the same showers or toilets, use the same washing water and swim in the same



swimming pool. You cannot get infected through spitting, sneezing, coughing or through tears or sweat, or through bites from mosquitoes or other insects.

#### **4. Can someone infected with HIV look healthy?**

There is no way of knowing whether someone is infected just by looking at them. A man or woman you meet at work, school, or a sports stadium, in a bar or on the street might be carrying HIV but nonetheless look completely healthy. However, during this time of apparent good health he or she can infect someone else.

#### **5. Is there a cure for HIV/AIDS?**

There is **no** cure for HIV/AIDS. Although some very strong drugs are now being used to slow down the disease, they do not get rid of HIV or cure AIDS. The drug treatments are called Highly Active Anti - Retroviral Therapies (HAART). They are a mix of drugs and they help to reduce the level of HIV in the blood. HAART can help to slow down HIV and keep some people healthy longer. Even though HAART are better than anything else so far, they do have some problems. They do not work for all people and it is not sure how well they will work over time, considering also the high prices and some significant adverse effects.

#### **6. Is there a "morning after" pill that prevents HIV infection?**

*You may have heard about a morning after pill for HIV. In fact this is Post-Exposure Prophylaxis (PEP). It is not a single pill, and it does not prevent HIV/AIDS. PEP is a 4 week treatment which may reduce the risk of acquiring HIV for people who have been exposed to the virus. It does not get rid of the risk. So far, PEP has mostly been used to treat health care workers who have been exposed to HIV at work. Right now, there is no proof that PEP works, or that is safe. PEP is not at all a solution to prevent HIV.*

#### **7. What should I do to protect myself from HIV?**

Since there is no vaccine to protect people against getting infected with HIV and also no cure for AIDS, the only certain way to avoid AIDS is to prevent getting infected with HIV in the first place. The best method is adoption of safe sex behavior. Safe sex mainly means using a condom - but it also means using a condom correctly, and using one every time you have sex. You should learn how to use condoms and how to negotiate the use of condoms with your partner. To learn how to use condoms safely, consult with a pharmacist or a health service for young people.





## 8. What about the risks of getting HIV through injecting drug use?

The only way to be sure you are protected against HIV is not to inject drugs at all. If you do inject drugs, to avoid the very high risk of being exposed to HIV by injection, the best way is to always use sterile, unused needles and syringes, and to use them only once.

## 9. What should I do if I think I might already have HIV?

If you think you might have HIV, or if you have had unprotected sex, you should ask your physician about getting an HIV blood test and some counseling. If you prefer to check it out yourself, many cities have testing centers where you can get an HIV test and some good, confidential counseling. It is essential to know whether or not you are infected. If you are infected, early detection will enable you to get full and proper medical care. By taking extra care, people with HIV infection can live for many years. It is also essential to know whether you are infected to avoid infecting others through blood donation, unprotected sex or through needle exchange.



## 10. What should I do if I know that someone has HIV or AIDS?

People with HIV are part of society. They can continue their lives and do their jobs as well as they could before they were infected. They look and feel perfectly healthy for a long time. People with HIV should be treated just like anyone else. If you know that someone has HIV or AIDS, you should respect that person's privacy and not spread the word about his or her infection.

Finally, we all need to learn to live with HIV and AIDS. This involves understanding people with HIV/AIDS and giving them love and support, not prejudice and rejection.

### Sources:

- AIDS epidemic update, December 2002, UNAIDS and WHO
- Training Module, Regional Training Workshops on HIV/AIDS and Human Rights, Bandung Indonesia 2001, Center for Indonesian Medical Student's Activity, International Federation of Medical Students Association
- HIV/AIDS and Human Rights, Young People in Action, UNESCO and UNAIDS.



## 4. Deepening

1. As an individual how does the disease affect you? Do you think HIV/AIDS is your concern? Why?
2. When you first heard about HIV/AIDS what was your first reaction?
3. Name 3 things you could do to prevent the spread of the disease.
4. If any of your close family members and friends were to get the disease what would you do?
5. What would you do if you tested positive to the disease?

## 5. Synthesis

### Asia and the Pacific

*"HIV-related stigma and discrimination remain an immense barrier to effectively fighting the most devastating epidemic humanity has ever known." Said UNAIDS Executive Director Peter Piot. If HIV-Related stigma and discrimination are not tackled, AIDS will blight the 21st century just as racism affected the 20th century.*

#### **The window of opportunity for bringing the HIV/AIDS epidemic under control is narrowing rapidly in Asia**

Almost 1 million people in Asia and the Pacific acquired HIV in 2002, bringing to an estimated 7.2 million the number of people now living with the virus - a 10% increase since 2001. A further 490,000 people are estimated to have died of AIDS in the past year. About 2.1 million young people (aged 15-24) are living with HIV.

With the exception of Cambodia, Myanmar and Thailand, national HIV prevalence levels remain comparatively low in most countries of Asia and the Pacific. That, though, offers no cause for comfort. In vast, populous countries such as China, India and Indonesia, low national prevalence rates blur the picture of the epidemic.

Both China and India, for example, are experiencing serious, localized epidemics that are affecting many millions of people.

India's national adult HIV prevalence rate of less than 1% offers little indication of the serious situation facing the country. An estimated 3.97 million people were living with HIV at the end of 2001 - the second-highest figure in the world after South Africa. HIV prevalence among women attending antenatal clinics was higher than 1% in Andhra Pradesh, Karnataka, Maharashtra, Manipur, Nagaland and Tamil Nadu.

New behavioral studies in India suggest that prevention efforts directed





at specific populations (such as female sex workers and injecting drug users) are paying dividends in some states, in the form of higher HIV/AIDS knowledge levels and condom use. However, HIV prevalence among these key groups continues to increase in some states, underlining the need for well-planned and sustained interventions on a large scale.

The epidemic in China shows no signs of abating. Official estimates put the number of people living with HIV in China at 1 million in mid-2002. Unless effective responses rapidly take hold, a total of 10 million Chinese will have acquired HIV by the end of this decade - a number equivalent to the entire population of Belgium.

Officially, the number of reported new HIV infections rose about 17% in the first six months of 2002. But HIV incidence rates can soar abruptly in a country marked by widening socioeconomic disparities and extensive migration (an estimated 100 million Chinese are temporarily or permanently away from their registered addresses), with the virus spreading along multiple channels.

Several HIV epidemics are being observed among certain population groups in various parts of this vast country. Serious localized HIV epidemics are occurring among injecting drug users in nine provinces, as well as in Beijing Municipality. The most recent reported out breaks of HIV among injecting drug users have been in Hunan and Guizhou provinces (where sentinel surveillance among users has revealed HIV prevalence rates of 8% and 14%, respectively).

There are also signs of heterosexually transmitted HIV epidemics spreading in at least three provinces (Yunnan, Guangxi and Guangdong) where HIV prevalence in 2000 was as high as 11% among sentinel sex worker populations.

The onward sexual transmission of HIV by people who became infected when they sold their blood to collecting centers that ignored basic blood-donation safety procedures poses a massive challenge, as does the need to provide them with treatment and care. Signaling the gravity of the situation, one 2001 survey in rural eastern China found alarmingly high HIV prevalence - 12.5% - among people who had donated plasma. Most of the country's estimated 3 million paid blood donors live in poor rural communities, and those now living with HIV/AIDS in provinces such as Henan (as well as Anhui and Shanxi, where similar tragedies might have occurred) face limited access to health-care services while having to endure severe stigma and discrimination.

There is a clear need for urgent action. By expanding prevention, treatment and care efforts across the entire nation, China can avert millions of HIV infections and save millions of lives in the coming decade. The five-year AIDS action plan promulgated in mid-2001 signaled a growing commitment to take up that challenge, as did the recent moves towards negotiating affordable anti retroviral treatment with pharmaceutical companies.

High HIV infection rates are being discovered among specific population groups (chiefly injecting drug users, sex workers, and men who have sex



with men) in countries across the length and breadth of Asia and the Pacific.

Throughout the region, injecting drug use offers the epidemic huge scope for growth. Upwards of 50% of injecting drug users already have acquired the virus in parts of Malaysia, Myanmar, Nepal, Thailand and in Manipur in India, while HIV infections among Indonesia's growing population of injecting drug users is soaring. Very high rates of needle-sharing have been documented among users in Bangladesh and Vietnam, along with evidence that a considerable proportion of street-based sex workers in Vietnam also inject drugs (a phenomenon detected in other countries, too). If the epidemic is to be stemmed, it is vital that injecting drug users gain access to harm reduction and other prevention services.

Male-to-male sex occurs in all countries of the region and features significantly in the epidemic. Countries that have measured HIV prevalence among men who have sex with men have found it to be high - 14% in Cambodia in 2000 and roughly the same level among male Thai sex workers. Homophobia or dominant cultural norms mean that many men who have sex with men hide that aspect of their sexuality. Many might marry or have sexual relationships with women.

Among the Pacific Island countries and territories, Papua New Guinea has reported the highest HIV infection rates. New surveillance data reveal an HIV prevalence of 1% among women attending antenatal clinics in the capital Port Moresby, indicating that a broadened epidemic is under way in

the city. Among people seeking treatment for other sexually transmitted infections in the capital, HIV prevalence was 7% in 2001 (double the level in 2000). Very low levels of condom use and wide sexual networking (amid low awareness and knowledge of HIV/AIDS) mean the country could be facing a severe epidemic.

Heightening that prospect are findings that 85% of survey sex workers in Port Moresby and in Lae did not use condoms consistently in 2001, and that rates of other sexually transmitted infections ranged as high as 36%. There is a dire need for rapid expansion of prevention efforts.

In Thailand, meanwhile, recent modeling suggests that the main modes of transmission have been changing. Whereas most HIV transmission in the 1990s occurred through commercial sex, half of the new HIV infections now appear to be occurring among the wives and sexual partners of men who were infected several years ago. There are also indications that unsafe sexual behavior is on the increase among young Thais. This underlines the need to expand and revitalize strategies that can prevent this highly adaptable epidemic from spreading further in Thailand. In addition, adequate treatment and care should remain a priority.

The Asian country with the highest adult HIV prevalence - Cambodia - has reported stabilizing levels of infection, along with still-decreasing levels of high-risk behavior. HIV prevalence among pregnant women in major urban areas declined slightly from 3.2% in 1996 to 2.8 in 2002, according to the latest available data. Prevalence





among sex workers declined from 42% in 1998 to 29% in 2002, according to the latest surveillance data, with the decline most pronounced among sex workers under 20.

facing discrimination, lack of confidentiality or other negative consequences. It also appears that the spread of HIV/AIDS is disproportionately high among groups that already suffer from a lack of human rights protection, from social and economic discrimination, or groups that are marginalized by their legal status.



Over half of the world's population is under 25 and more than 2,5 million young people became infected with HIV in 1998. That is why young people are, and must be, at the centre of action on HIV/AIDS.

## Human Rights and HIV/AIDS: The Inter-linkage

**HIV/AIDS is one of a number of killer diseases, such as malaria, tuberculosis, cancer and heart disease. What is different about HIV/AIDS is that it impacts not only the physical health of individuals, but also their social identity and condition. The stigma and discrimination surrounding HIV/AIDS can be as destructive as the disease itself.**

Lack of recognition of human rights not only causes unnecessary personal suffering and loss of dignity for people living with HIV or AIDS but also contributes directly to the spread of the epidemics as this hinders the response. For example, when human rights are not respected, people are less likely to seek counseling, testing, treatment and support if this means

Silence, taboos and myths often surround HIV/AIDS because it is associated with private and intimate behaviors. In this context, many factors may restrict young people's full enjoyment of human rights and leave them particularly exposed to HIV infection, or vulnerable to needless suffering if they are infected.

### Young people are at greater risk when.....

- ⌘ access to clear and non-judgmental information about sexually-transmitted diseases is difficult to access or restricted.
- ⌘ confidential HIV-testing and counseling to find out if they are infected is unavailable or not adapted to their needs.
- ⌘ they lack the power to refuse unwanted or unprotected sex, within or outside marriage.



- sexual orientation or behavior is concealed as a result of social, cultural, religious or legal prohibitions (for example, if they are homosexual).
- local communities reject people living with HIV/AIDS and, as a result, secrecy becomes the norm.

Promoting human rights in the context of HIV/AIDS is not only an imperative of justice necessary to overcome existing forms of discrimination and intolerance. It is also a tool to prevent the further spread of the epidemics. Indeed, human rights action can contribute to:

- empower individuals and communities to respond to HIV/AIDS
- reduce vulnerability to HIV infection
- lessen the impact of HIV/AIDS on those infected and affected







## Chapter XVI

### Constructing Analysis of Human Rights Contexts

.....

*A great nation wanting nothing more than  
unite and nurture the people and a small  
nation wanting nothing more than to join and  
serve the people: they both succeed in what  
they want. -Lao Tzu from the Tao Te Ching*

.....

# Using History as a Tool for Understanding Human Rights Violations

## 1. Activity

### *Surfacing Prejudices*

- This lesson is appropriate for countries with ethnic conflict.
- Allow the participants to group themselves according to their ethnic affiliation.

#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, and masking tape.

#### **Time Allotment**

Minimum of two hours

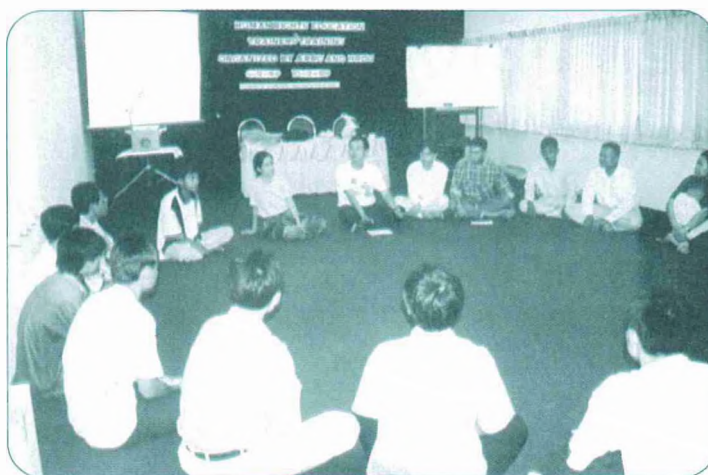


- Make a large copy of the activity sheet below and post it on the wall.
- Provide each group a copy of the activity sheet. (The case of Burma is given as an example. Presented in the chart are selected ethnic groups.)

	Burman	Chin	Kachin	Karen	Karenni	Mon	Shan	Arakan	Khmer
Burman									
Chin									
Kachin									
Karen									
Karenni									
Mon									
Shan									
Arakan									
Khmer									







- Ask the group to assess if they have positive or negative perceptions or feelings about each of the ethnic groups.
- Place the marks below in the appropriate box:

- ☹ Neutral feeling/perception
- ☹ Negative feeling/perception
- ☺ Positive feeling/perception

- Ask the group to fill in the large chart on the wall.
- Ask the groups to explain their assessment. (The facilitator should take note of responses that reflect the participants' prejudices against other ethnic groups.)

## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS TO ASK

- ⌚ Which ethnic groups receive the highest number of neutral marks? What does this mean?
- ⌚ Which ethnic groups receive the highest number of positive marks? What does this mean?
- ⌚ Which ethnic groups receive the highest number of negative marks? What does this mean?
- ⌚ Which groups have positive feelings and perceptions towards each other? How would you account for this?
- ⌚ Which groups have negative feelings and perceptions about each other? How would you account for this?



### 3. Input

#### *Respecting Each Others' Histories*

- The participants themselves will provide the INPUT. However, the facilitator should have a working knowledge of what the participants will present.
- Ask the groups to tell their version of national and ethnic histories through a visual presentation. Direct them to focus their discussion on the following:
  - Origin
  - Characteristics of different historical periods
  - Power holders in each period
  - Human rights violations in each period
- Give the groups enough time to make their presentation.
- After each presentation, ask the audience for questions (*Be careful with arguments and debates*).



### 4. Deepening

#### *Divergence and Convergence in Histories*

- After all the groups have completed their presentation, ask the participants the following questions:

- ✍ Which interpretation of events is similar? Different?
- ✍ At which point in history was there peace among the groups?
- ✍ At which point did conflict arise?
- ✍ What was the conflict about? How and why did it come about?
- ✍ Is there a common interpretation of the conflict?
- ✍ At which historical period was there an opportunity to resolve the conflict? What were the reasons for its persistence?
- ✍ How does each group contribute to continuing the conflict?
- ✍ How may each group contribute to resolving the conflict?





## 5. Synthesis

### *The Writing and Rewriting of History Through Generations*

- Ask the participants to make two parallel lines. Each line must have equal number of members.
- Be sure that the blackboard is clean. Draw a straight line in the middle of the blackboard.
- Designate one "pass the message" area for each group two steps away from the board. Call first person in the two lines to occupy their designated "message" area. Give them a message that they have to memorize in two minutes.

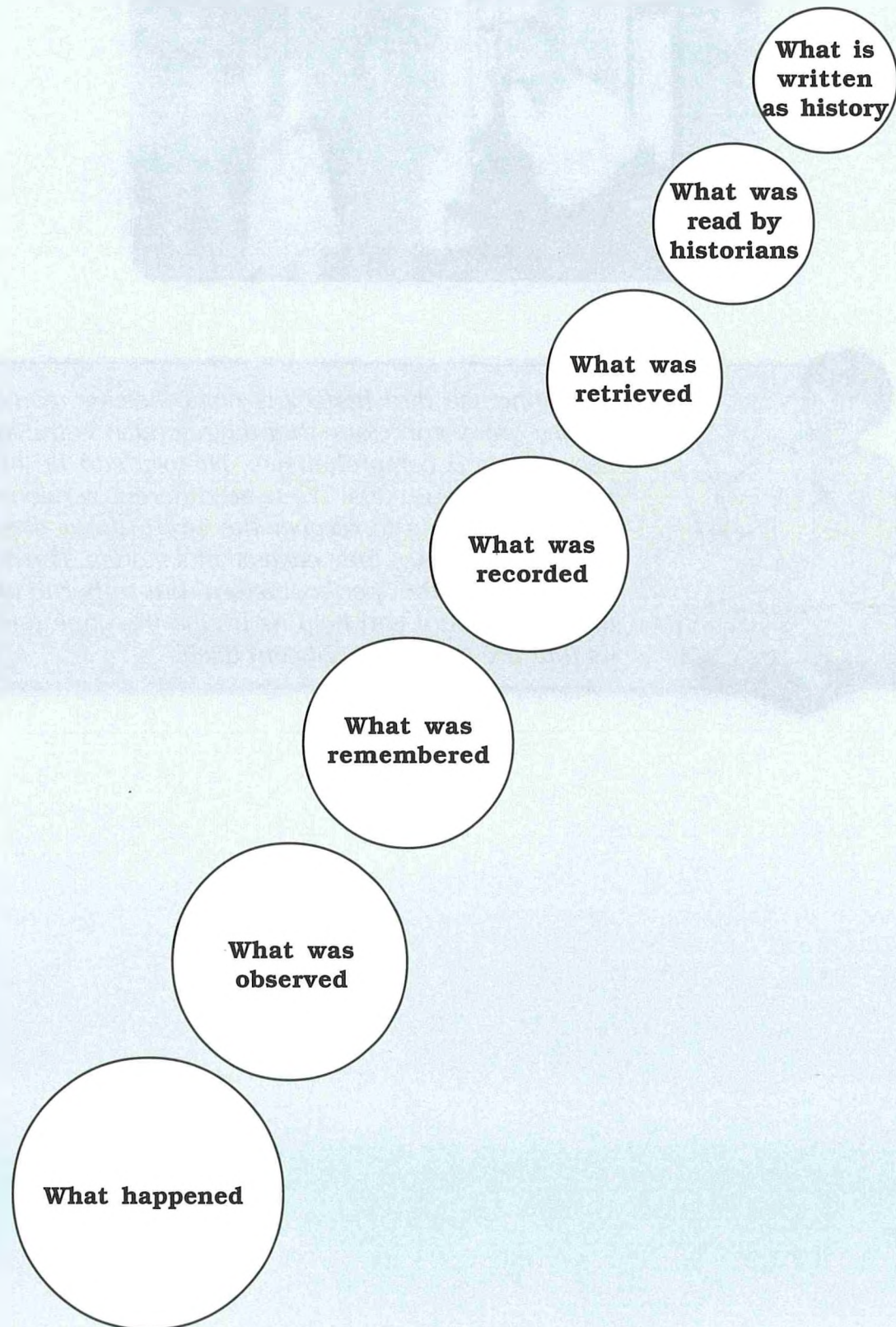


- Designate a holding area on the side of the room where the participants will stay after passing on the message to the next person. Participants in the holding area are not allowed to talk.
- Ask the participants to start their line ten steps away from the board. Explain that the object of the game is to pass the message only at the "message" area. The first person will pass the message to the second person. The second person to the third person and so on and so forth. The last person will write on the board the message. Whoever got the message right wins the game.
- After the game ask the participants the following:

- ❏ What happened to the message? Why do you think this happened?
- ❏ How is the activity related to the writing of history?



- Explain the following diagram showing how history is written.







- *Emphasize that history is our collective memory. No one group can claim that their version is the most accurate and comprehensive. History can be interpreted in many ways. We need different versions so we may be able to recover the story of our shared past. We can learn from each other's stories. The point is not to have the "perfect history" but rather to identify lessons that can help us bridge the gaps among us that are created by history itself.*



# Identifying Roots of Human Rights Violations

## 1. Activity

### *My Country, My Home*

- Group the participants in fours.
- Ask each group to draw a map of their country (it need not be accurate or correct; or you may provide them a big blank map showing political subdivisions). This activity tries to elicit from the participants their perception of their country.

#### **Materials**

Crayons, blank maps, flash cards, activity sheets, colored pens, chalk, black-board, broad sheets, and masking tape.

#### **Time Allotment**

Minimum of two hours



- Ask the groups to locate in their respective maps as many areas they can describe.
- Ask the groups to assign a color to places which are approximately similar in certain characteristics. They may color the places according to the following color schemes:

**Green** - *places which are relatively more developed*

**Brown** - *places which they consider less developed*

**Orange** - *places suffering from ecological crises such as deforestation*

**Red** - *places suffering from armed conflict or breakdown of law and order*





**Blue** - places known to have peace and security

**Yellow** - places where there is relatively good government

**Black** - places where government officials are known to be corrupt and inefficient

- Ask the groups to assess the level of people's participation in decision making in governance in the identified places by attaching stars according to the legend below:



Passive/Apathetic



Occasional (only when there is an issue)



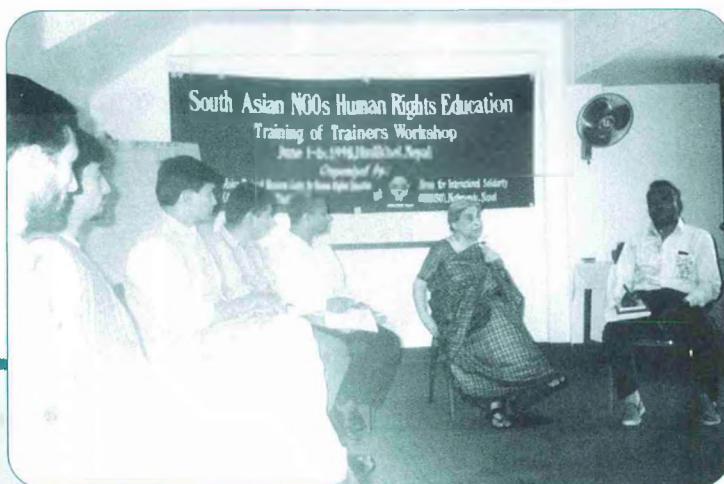
Limited (participation initiated by organized groups and intellectuals)



Organized/Vigilant/Full Participation

## 2. Discussion

- Ask the groups to present and explain their work. After all groups have presented, ask the participants the following questions.



### QUESTIONS TO ASK

- What is your general perception of the country?
- What kind of life do people have in the different places marked with each of the colors?
- What problems do you think people from these places face?
- What do you think are the factors which could have contributed to the differences in the kind of lives these peoples have?
- How do you account for the differences in the color schemes?
- Which places do you think will have a better human rights record? Why? Which ones are repressive of human rights? Why?



- Do you see any similarities and differences between the factors present in the national scene that breed human rights violations and those in your community?
- What kind of a relationship exists between the places which are relatively better-off and the deprived ones? Do they affect each other?
- Does a human rights situation in one place affect others? Are the places, in general, interlinked with each other? Explain.
- Identify sources of conflict and opportunities for unity between and among these places. How can these conflicts be overcome and opportunities for unity explored?

- The facilitator should fill in the following matrix using the responses of the participants.

PROBLEM	RIGHTS VIOLATED	CAUSES

- Categorize the causes into political, social-cultural, economic, environmental, gender, etc.
- Emphasize the patterns identified by the groups.



### 3. Input

#### *The Social Watch*

- Present recent data on the status of human rights. The data can be a country situation or world condition. The facilitator may use Human Development Reports and Social Watch Reports to present data concerning achievements and challenges in the field of human rights.

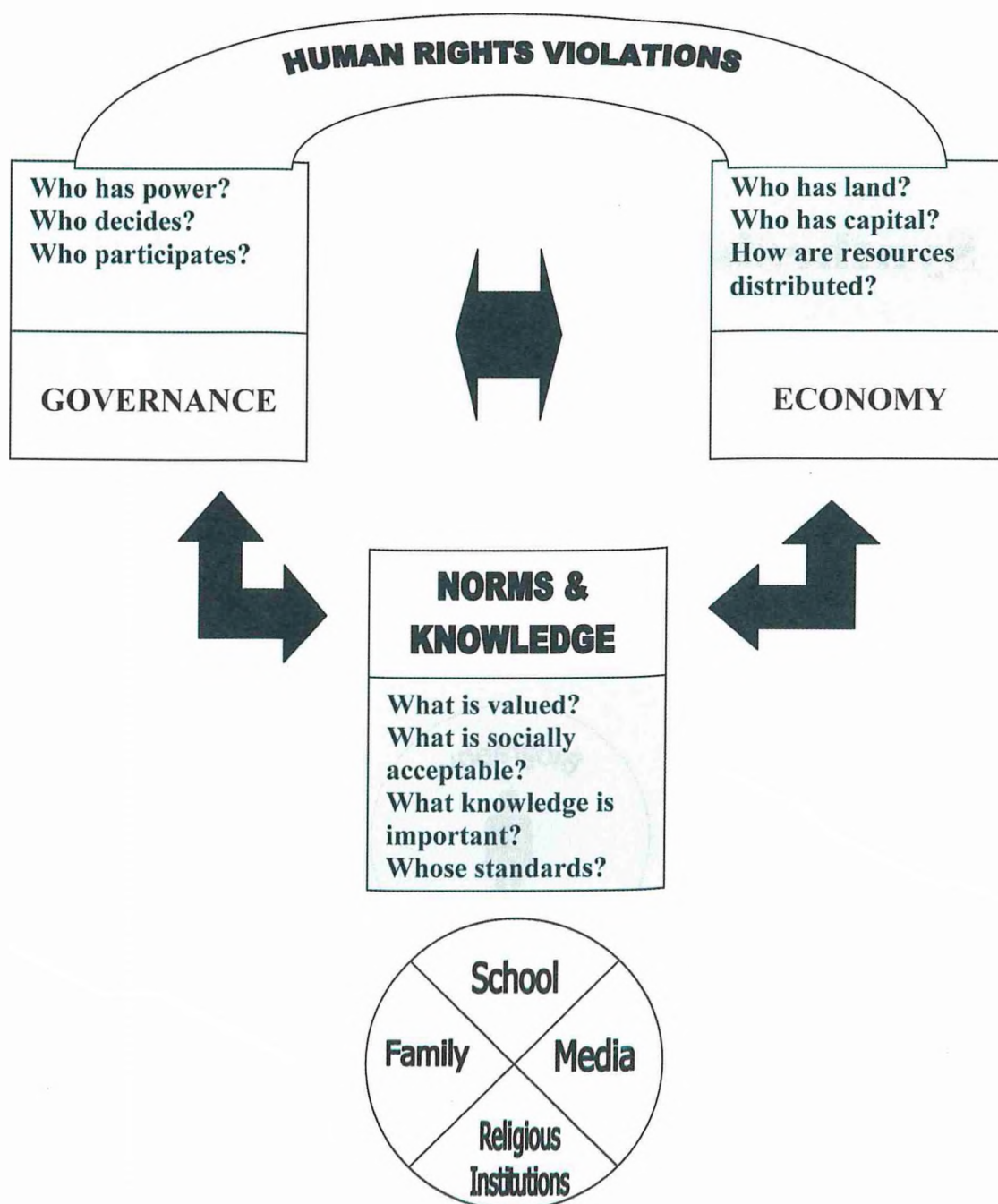
HUMAN RIGHTS CONTEXT		
Human Rights Text	Achievement	Challenges
<b>Art. 1</b> - Everyone is equal <b>Art. 2</b> - Non-discrimination <b>Art. 3</b> - Right to life, liberty and Personal Security <b>Art. 4</b> - Prohibition of slavery and servitude <b>Art. 5</b> - Prohibition of torture, cruel, inhuman or degrading treatment or punishment <b>Art. 6</b> - Everyone recognized as person before the law <b>Art. 7</b> - Everyone equal before the law <b>Art. 8</b> - Everyone can go to court for remedy of violation of rights <b>Art. 9</b> - Protection from arbitrary arrest, detention, exile <b>Art. 10</b> - Right to fair and public trial <b>Art. 11</b> - Presumption of innocence until proven guilty; protection from conviction when act not a crime at time it was committed <b>Art. 12</b> - Protection of privacy <b>Art. 13</b> - Freedom of movement <b>Art. 14</b> - Right to asylum <b>Art. 15</b> - Right to nationality <b>Art. 16</b> - Freedom to choose in marriage matters; equality of men and women in marriage <b>Art. 17</b> - Right to property <b>Art. 18</b> - Freedom of thought, conscience and religion <b>Art. 19</b> - Freedom of opinion and expression; access to information <b>Art. 20</b> - Freedom of peaceful assembly and voluntary association <b>Art. 21</b> - Participation in government <b>Art. 22</b> - Right to social security <b>Art. 23</b> - Right to work; equal pay for equal work; just remuneration; right to form and join trade unions <b>Art. 24</b> - Right to rest and leisure <b>Art. 25</b> - Right to standard of living adequate for health and well being <b>Art. 26</b> - Right to education <b>Art. 27</b> - Right to participate in cultural life and benefit from scientific advances; copyright protection <b>Art. 28</b> - Social and international order in which these rights and freedoms are fully realized <b>Art. 29</b> - Duties and responsibilities of the individual; limitations to respect rights and freedoms of others		



## 4. Deepening

### *A Critical Framework for Analysis*

- Ask the participants to return to their earlier groupings. Retrieve the matrix used in the discussion.
- Present the following diagram to the participants.
- Ask the groups to answer the questions in the diagram and identify how each figure is linked with the others. Remind the groups to use the matrix in providing details about the diagram





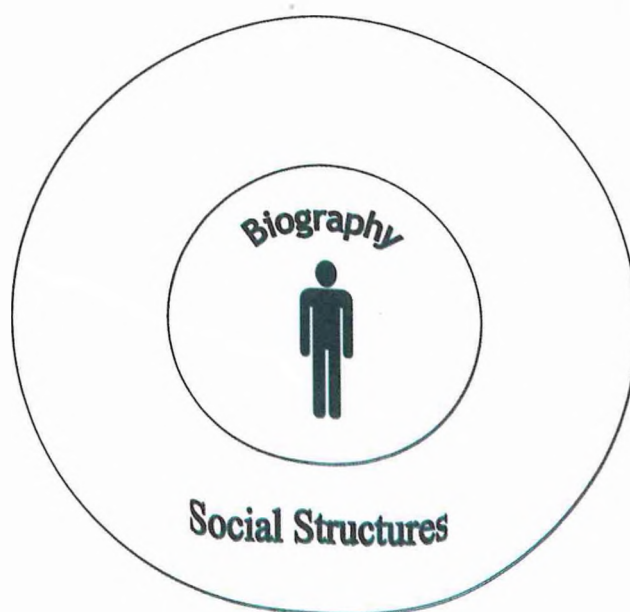
- Ask the groups to report their discussions.
- Ask the participants the following questions:

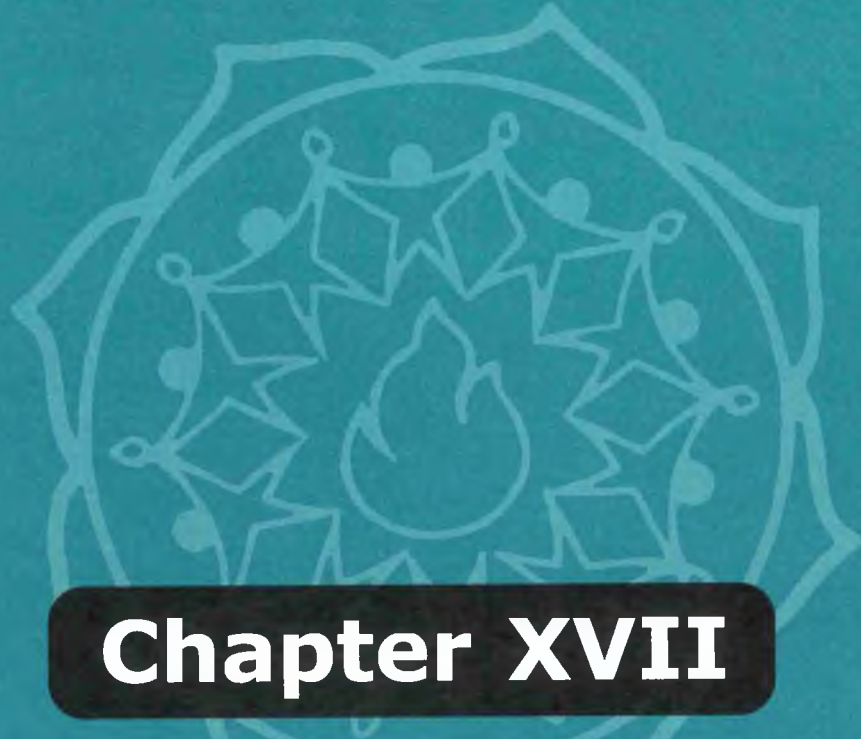
- In what way does the economy influence governance and vice versa?
- In what way do the economy and governance influence how people think?
- In what ways are knowledge and norms socially constructed?
- How is power distributed in the economy, governance and social construction of norms?
- In this kind of analytical framework, how are human rights violations perpetrated?
- How appropriate is the framework in understanding human rights violations?
- How else can human rights violations be explained?

## 5. Synthesis

### *A Sociological Imagination*

- End the session with the following drawing emphasizing how the private self is affected by the public and vice versa:





## **Chapter XVII**

# Reclaiming Power for Human Rights: Baby Steps to Giant Leaps

.....

*The first thing is to be honest with yourself.  
You can never have an impact on society if  
you have not changed yourself...Great peace-  
makers are all people of integrity, of hon-  
esty, but humility. -Nelson Mandela*

.....



# Accessing International and National Human Rights Mechanisms: The Role of the Paralegal

## 1. Activity

### *Applying the Human Rights Instruments*

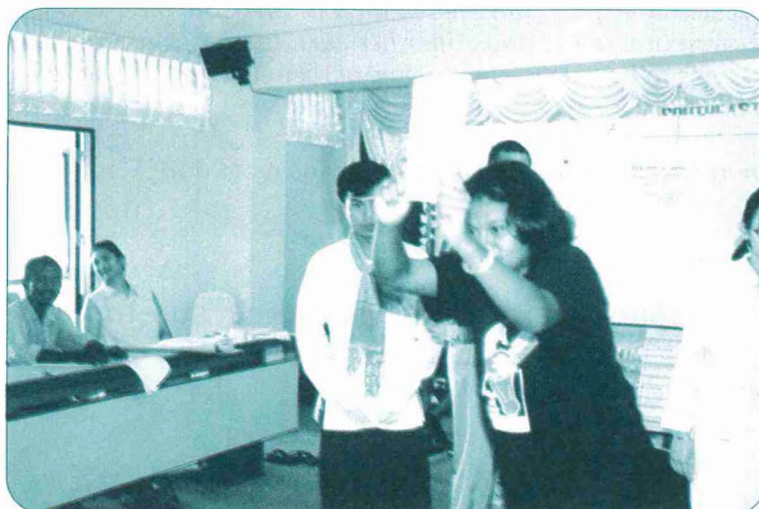
- Distribute to each participant a copy of the case to be solved. The facilitator may use one or more cases available. Choose a case related or close to the their experiences.
- Give the participants time to read the case study.
- Distribute other Human Rights Instruments e.g. UDHR, CRC, CEDAW, ICCPR.
- Include national constitution.
- After the participants are done reading the case study, divide them into 4 groups (depending on the number of participants).
- Introduce to them the diagram prepared by CHRF (Canadian Human Rights Foundation), Methodology for Approaching Cases of Human Rights Violations Involving Migrant Workers.

#### **Materials**

A copy of case study, pen, paper, broad sheet, local constitution, UN Human Rights Instruments, chalk, blackboard

#### **Time Allotment**

Minimum of two hours  
(up to Input only) to  
maximum of five hours  
(up to Synthesis)



## Case 1

Nandar (not her real name) is a 15-year-old girl from a village in Burma. One day, a friend of her parents' visited their village and offered their daughter, Nandar a job in Thailand that will earn her 6,000 baht a month as a saleslady. The parents were convinced that Nandar should take the job so she would be able to increase the family's income. The woman recruiter requested the family to produce the amount of 2,000 baht as a Placement Fee to the agency. The woman instructed Nandar to arrive at the corner of the nearby store and they would then leave for the border. Nandar met more girls her age already with the woman recruiter. There were five of them going to Thailand.

At the border the recruiter left them and promised to come back and get an official for them to be able to cross the border. The recruiter did not return. A border police officer offered to help them but they would each have to pay him 1,000 baht to cross the border. With no idea about how to get back to their village, the girls resigned themselves to the idea that they would all have to pay money to cross the border.

With no money and no place to stay, a man approaches them and says he knows the woman who recruited them and has instructed him to bring them to a place. The unidentified man brought them to a garment factory in Sukaphiban. The employer welcomed them and gave them instructions for work. The girls had to work 13 hours a day 7 days a week. The girls are each promised 3,000/baht per month and their employers also promise them more benefits if they are good employees. Three months later they have not received their salaries nor have they been given better living quarters.

One day one of Nandar's friends got very sick but she was not allowed to go to a clinic for treatment. She was badly maltreated by the employer because she caused the delay of the production of goods and the employer threatened all of them by saying that if they do him wrong he will call the immigration police and they will all be put in jail. A Thai cleaner inside the factory saw the events and reported the case to a local NGO.

One day a Thai NGO worker came to visit the factory and pretended that she was a businesswoman interested to export garments to the US. She saw the conditions of the migrant workers in the factory and a few days after her visit, the police rescued the girls. Some are waiting for their cases to be given action. Some of them are now in the refugee camps along the Thai-Burma border.

If you are a human rights advocate, what are you going to do?



- Ask the participants to discuss with their sub-group the following questions. They will present their work to the plenary in whatever creative way they like.

Identify the actors in the case.





Identify all human rights abuses committed.

Identify all human rights violations committed by the state.

Identify the abuses by non-state actors.

Identify provisions or articles in specific HR instruments that were violated.

What are the abuses committed pre-departure and those that were committed against the workers on site?

Follow the diagram; can the case be solved through the UN mechanism?



## 2. Discussion

- After all the groups have presented their work, ask the participants the following questions:

### QUESTIONS TO ASK

- ⌄ What are the strengths and weaknesses of the human rights mechanisms in addressing the problems in the case study?
- ⌄ What opportunities for effective human rights protection do the mechanisms present?
- ⌄ How feasible is the use of the international mechanism in defending human rights at the local and national levels?
- ⌄ What improvements would you suggest be made on the international mechanisms to render them more effective?
- ⌄ What other alternative actions would you take if the legal way were deemed ineffective?





Before giving the INPUT, it is important that the participants realize at this point that there are a variety of ways they can use to protect human rights. These can be through legal, meta-legal and extra-legal means. Emphasize the need for paralegals.

### 3. Input

#### *The United Nations Human Rights System*

##### **United Nations intergovernmental bodies dealing with human rights**

*The United Nations Guide series is published by the Office of the High Commissioner for Human Rights, United Nations Office at Geneva.*

**The General Assembly** is the main deliberative body of the United Nations. Made up of 186 Member States, it reviews and takes action on human rights matters referred to it by its Third Committee and by the Economic and Social Council (ECOSOC).

##### **THE ECONOMIC AND SOCIAL COUNCIL**

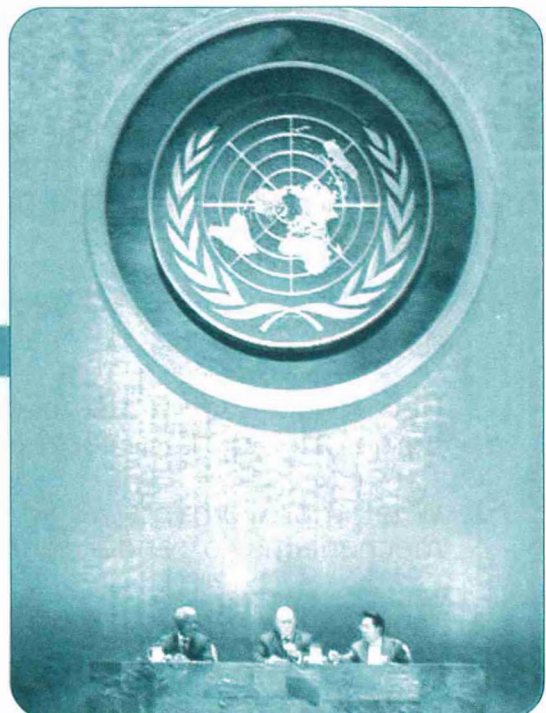
**The Economic and Social Council** is composed of 54 member Governments.

- Makes recommendations to the General Assembly on human rights matters
- Reviews reports and resolutions of the Commission on Human Rights and
- Transmits them with amendments to the General Assembly.

##### **THE COMMISSION ON HUMAN RIGHTS**

**The Commission on Human Rights** is the main policy-making body dealing with human rights issues. Composed of 53 member Governments (elected for three-year terms).

- Provides overall policy guidance
- Studies human rights problems
- Develops and codifies new international norms





- Monitors the observance of human rights around the world
- Investigates allegations of human rights violations and handles communications relating to them.

The **Economic and Social Council established the Commission on Human Rights in 1946**. The Commission has set up a system of special procedures to investigate alleged violations of human rights, and routinely dispatches fact-finding missions to countries in all parts of the world.

The Commission has established a number of subsidiary bodies, including the **Subcommission on the Promotion and Protection of Human Rights**. Its 26 members are independent experts from all regions of the world who meet each year for four weeks in Geneva. The Subcommission has established several working groups and nominated Special Rapporteurs who focus on contemporary forms of slavery, including forced labour, illegal and pseudo-legal adoptions aiming at the exploitation of children, and sexual slavery during wartime. They also consider human rights issues concerning domestic and migrant workers and they examine preventive measures for the elimination of violence against women.

The **Commission on the Status of Women**, composed of 32 members, prepares recommendations and reports to the Economic and Social Council on the promotion of women's rights in political, economic, social and educational fields. It makes recommendations to the Council on problems requiring attention in the field of women's rights.

The **Commission on Crime Prevention and Criminal Justice**, composed of 40 members, is the main United Nations policy-making body on criminal justice. It develops and monitors the United Nations Programme on Crime Prevention.

## OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

In 1997, as part of wide-ranging reforms to enhance the effectiveness of the United Nations, **Secretary-General** Kofi Annan placed human rights at the heart of all work of the Organisation. The High Commissioner's Office and the Centre for Human Rights were consolidated into a single **Office of the United Nations High Commissioner for Human Rights**. This merger gave the new High Commissioner a solid institutional basis from which to lead the Organisation's mission in the domain of human rights.



At the heart of the United Nations monitoring system are the two types of human rights monitoring mechanisms.

- **Conventional mechanisms** refer to the specific committees formally established through the principal international human rights treaties. These "treaty bodies" monitor the implementation of the individual conventions by the States parties.
- **Extra-conventional mechanisms** or "Special Procedures" are an independent and ad hoc system of fact-finding outside the treaty framework. Independent experts report in their personal capacity as special rapporteurs or as members of working groups.



## Conventional Mechanisms

The **Human Rights Committee** (HRC) monitors the implementation of the International Covenant on Civil and Political Rights. Composed of 18 independent experts of recognised competence in the field of human rights, the Committee was established when the Covenant entered into force in 1976. The First Optional Protocol, which entered into force together with the Covenant, authorizes the Committee to also consider allegations from individuals concerning violations of their civil and political rights. The Committee is also concerned with the Second Optional Protocol on the Abolition of the Death Penalty.

The **Committee on Economic, Social and Cultural Rights** (CESCR) monitors the International Covenant on Economic, Social and Cultural Rights. Composed of 18 internationally recognized independent experts in the relevant fields, the Committee was established by the Economic and Social Council in 1985, nine years after the Covenant entered into force. Unlike the other committees, whose members are elected by the States parties to the respective convention and report to the General Assembly, the members of the Committee on Economic, Social and Cultural Rights are elected by ECOSOC, to which they report.

The **Committee on the Elimination of Racial Discrimination** (CERD) monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Composed of 18 experts, the Committee began its work when the Convention entered into force in 1969 and is the oldest treaty body.

The **Committee on the Elimination of Discrimination against Women** (CEDAW), composed of 23 independent experts, has monitored the Convention on the Elimination of All Forms of Discrimination Against Women since 1981.

The **Committee Against Torture** (CAT) monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Composed of 10

independent experts, the Committee was established in 1987.



The **Committee on the Rights of the Child** (CRC), composed of 10 independent experts, has monitored the Convention on the Rights of the Child since 1991.

In periodic reports to the committees, States parties outline legislative, judicial and administrative measures taken to ensure that government policies and practices conform to the principles contained in the treaty.

Three human rights treaties allow for communications from individuals: the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination are authorized to accept individual complaints from citizens of States that have ratified the respective provisions concerning individual complaints.

## Extra-Conventional mechanisms

The **Commission on Human Rights**, the Subcommission on the Promotion and Protection of Human Rights and the Economic and Social Council have established a number of extra-conventional procedures and mechanisms which have been entrusted to either **working groups**, composed of experts acting in their individual capacity or to independent individuals variously designated as **special rapporteurs, representatives** or **experts**.





## Complaint procedures

Anyone may bring a human rights problem to the attention of the United Nations, and thousands of people around the world do so every year.

### TREATY-BASED COMPLAINTS

**Treaty-based complaints procedures** are operational under the Optional Protocol to the International Covenant on Civil and Political Rights, article 22 of the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. This is binding to States Parties.



Complaints may also be directed to the **extraconventional mechanisms or to the Working Group on Communications** of the Sub-Commission on Promotion and Protection of Human Rights that can act with respect to all States.

### ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503

Procedure "1503" is named after the **Economic and Social Council resolution 1503** where a Working Group of the Sub-Commission of the Promotion and Protection of Human Rights, called the **Working Group on Communications**, screens thousands of communications (complaints) per year received from individuals and groups alleging the existence of systematic violations of human rights. Where the Working Group identifies reasonable evidence of a consistent pattern of gross violations of human rights, the matter is referred for examination by the full Sub-Commission. The Sub-Commission then decides whether to refer the situations to the Commission on Human Rights, through the Commission's Working Group on Situations. Subsequently, it is the turn of the Commission to make a decision concerning each particular situation brought to its attention. All the initial steps of the process are confidential until a situation is referred to the Economic and Social Council.

### COMMUNICATIONS UNDER EXTRA-CONVENTIONAL MECHANISMS

Country and thematic mechanisms that are extra-conventional have no formal complaint procedures.



## TYPES OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

TYPE OF INSTRUMENT	NAME OF INSTRUMENT	POSSIBILITIES FOR ACTION ON VIOLATIONS
Legally-binding, with a complaints mechanism	<ul style="list-style-type: none"> <li>■ International Covenant on Civil and Political Rights</li> <li>■ Convention on the Elimination of all Forms of Racial Discrimination</li> <li>■ Convention Against Torture</li> </ul>	<ul style="list-style-type: none"> <li>■ Complaints to a treaty body</li> <li>■ Comment on or criticism of content of a report</li> <li>■ Public criticism in UN or media over violations</li> </ul>
Legally binding, but no complaints mechanism	<ul style="list-style-type: none"> <li>■ International Covenant on Economic, Social and Cultural Rights</li> <li>■ Convention on the Rights of the Child</li> <li>■ Convention on the Elimination of all Forms of Discrimination Against Women</li> </ul>	<ul style="list-style-type: none"> <li>■ Comment on or criticism of content of a report</li> <li>■ Public criticism in UN or media over violations</li> <li>■ NGO reports to the Committees</li> </ul>
Not legally binding	<ul style="list-style-type: none"> <li>■ Universal Declaration of Human Rights</li> <li>■ Other declarations</li> <li>■ Draft Declaration on the Rights of Indigenous Peoples (still under discussion)</li> </ul>	<ul style="list-style-type: none"> <li>■ Public criticism in UN or media over violations</li> </ul>





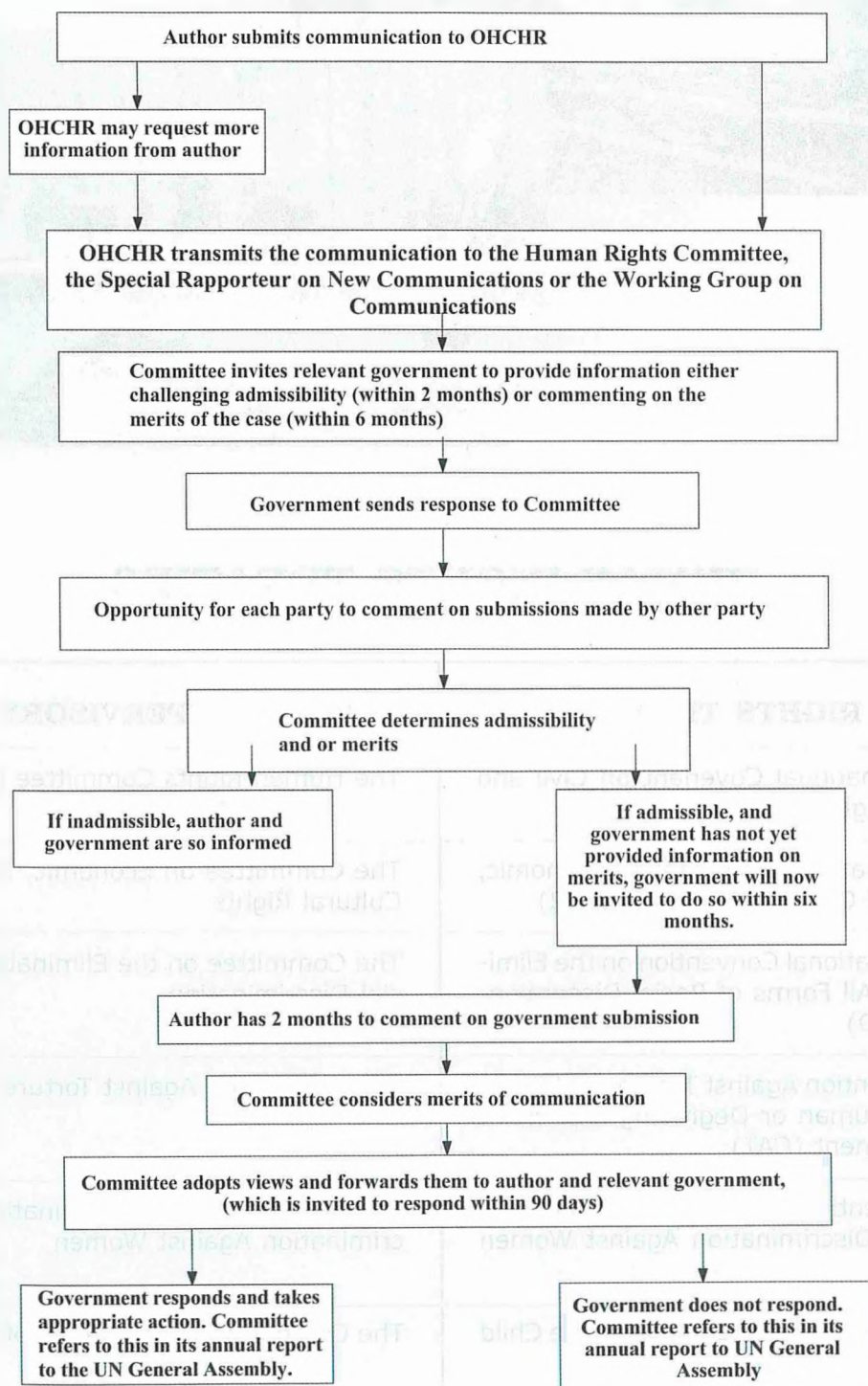


## HUMAN RIGHTS TREATIES

HUMAN RIGHTS TREATY	NAME OF SUPERVISORY BODY
The International Covenant on Civil and Political Rights (ICCPR)	The Human Rights Committee (HRC)
The International Covenant on Economic, Social and Cultural Rights (ICESCR)	The Committee on Economic, Social and Cultural Rights
The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	The Committee on the Elimination of Racial Discrimination
The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	The Committee Against Torture
The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	The Committee on the Elimination of Discrimination Against Women
The Convention on the Rights of the Child (CRC)	The Committee on the Rights of the Child



## AND THEIR SUPERVISORY BODIES STAGES IN HANDLING A COMMUNICATION UNDER THE INTERNATIONAL COVENANT ON

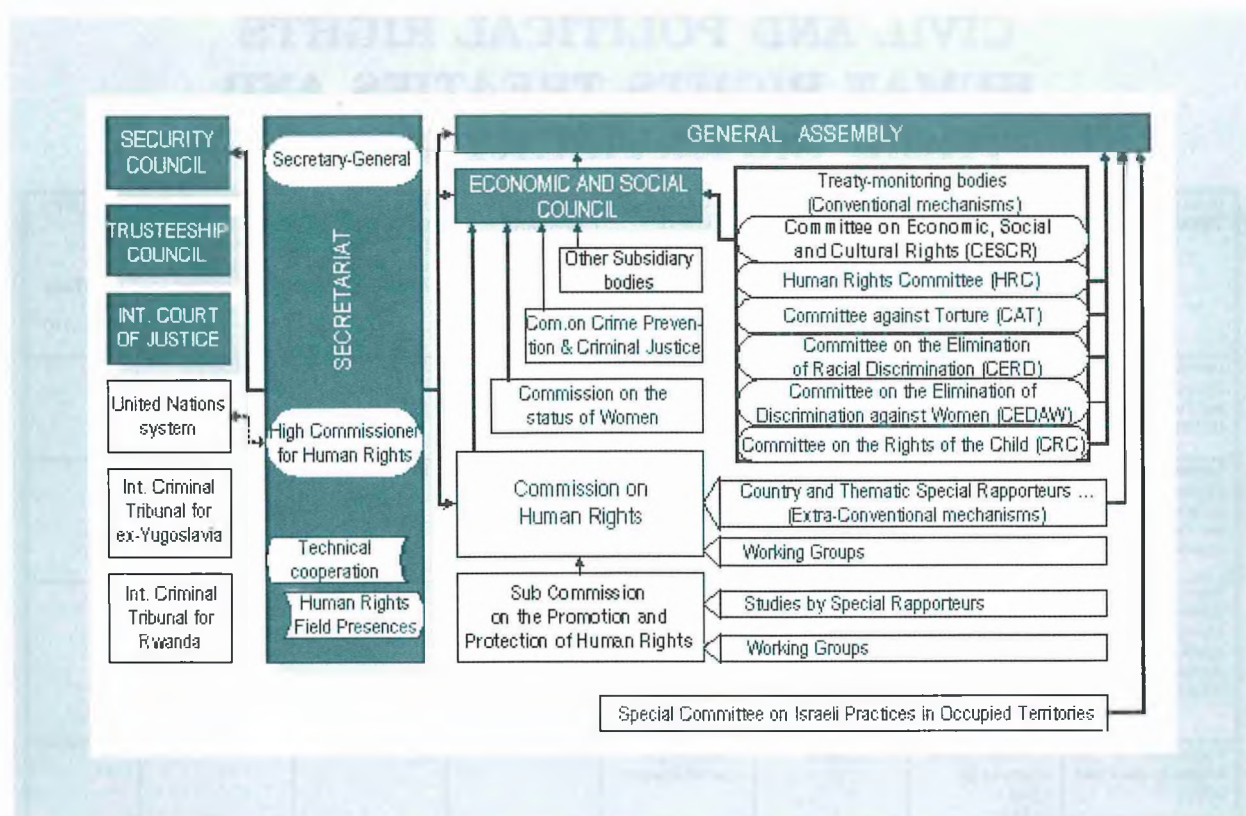




## CIVIL AND POLITICAL RIGHTS HUMAN RIGHTS TREATIES AND THEIR SUPERVISORY BODIES

HUMAN RIGHTS TREATY	NAME OF SUPERVISORY BODY	NUMBER OF MEMBERS	NUMBER AND VENUE OF SESSIONS	NUMBER OF GENERAL COMMENTS OR RECOMMENDATIONS ADOPTED AS AT 1 MAY 2001	NUMBER OF GENERAL DISCUSSION DAYS HELD AS AT 1 MAY 2001	AVAILABILITY OF INDIVIDUAL COMPLAINTS PROCEDURE	INQUIRIES INTO GRAVE OR SYSTEMATIC VIOLATIONS
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee	18 members	3 sessions per year: 2 in Geneva, 1 in New York	28	-	YES UNDER FIRST OPTIONAL PROTOCOL to the ICCPR	-
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights	18 members	2 sessions per year in Geneva	14	19	-	-
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Committee on the Elimination of Racial Discrimination (CERD)	18 members	2 sessions per year in Geneva	27. In addition, 2 statements have been adopted, including one on the human rights of the Kurdish people.	1 (on the Roma)	YES THROUGH ACCEPTANCE OF ARTICLE 14 of ICERD	-
Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child (CRC)	10 members	3 sessions per year in Geneva	1	9	-	-
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Committee on the Elimination of Discrimination Against Women (CEDAW)	23 members	2 sessions per year in New York	24	-	YES UNDER OPTIONAL PROTOCOL to the CEDAW	YES UNDER OPTIONAL PROTOCOL TO CEDAW
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee against Torture (CAT)	10 members	2 sessions per year in Geneva	1	-	YES THROUGH ACCEPTANCE OF ARTICLE 22 of CAT	YES THROUGH ACCEPTANCE OF ARTICLE 20 OF CAT



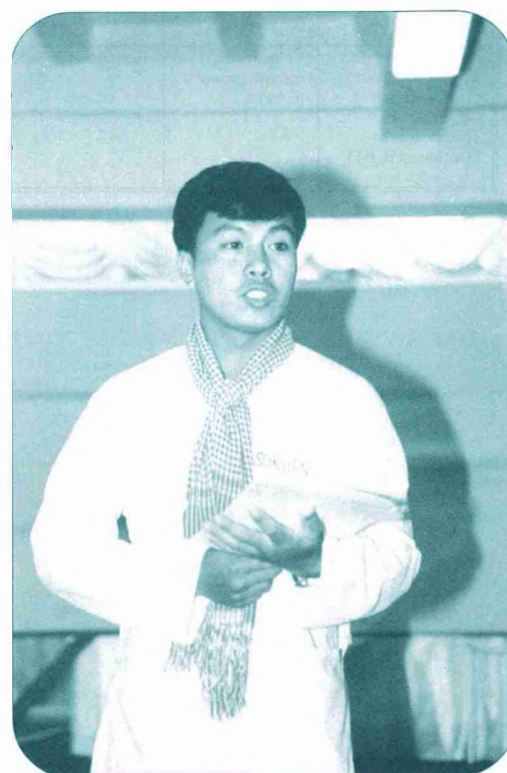


## The Role of the Paralegal

As the saying goes, "Verbalism without action is mere activism" *Training for Transformation by Hope...* Participants in HRE may become more and more aware of their rights in texts. But how to translate these texts and awareness in the level of practice through concrete actions in their day-to-day lives continues to be a challenge.

At this point in time when we see all the flaws of our justice system, what perspective do we need in order to be able to try to make the law work for us?

We need to realize that we can and we must participate in the law and the legal system. Whereas the traditional view of the law was that it was an exclusive field of lawyers, today, there is a growing belief that the law is to serve all. The different sectors of society must have access to legal knowledge and skills.<sup>1</sup>



<sup>1</sup> Trainers manual, paralegal education for environmental defense Ateneo Human Rights Center.





The above activity tries to offer when and how to access effective strategies which can be used by Asian NGO's working to better promote and protect the rights of migrant workers in Asia. It is not a perfect strategy but it offers practical approaches which can be used at the international and national levels.

Oftentimes ordinary people think that only lawyers can solve legal problems and that legal education is only for lawyers, educated people, and intellectuals. The activity proves that ordinary people are capable of knowing about and helping fulfill human rights goals with compliments and support from other professional groups.

In the past, traditional legal aid was exercised to win legal cases. It has been more than two decades since the formulation of the philosophy of Developmental Legal Assistance (DLA).

This philosophy believes that teaching the different sectors about basic laws and their basic rights would enable them to be critical of the law, and be self sufficient in the promotion, protection and defense of their human and legal rights.

DLA - is one of the ways through which communities can be empowered to participate in the legal system. Basically, DLA is an alternative approach to law that distinguishes itself from Traditional Legal Aid in many fundamental aspects.



## What are the basic differences between traditional legal aid and developmental legal assistance or DLA?

Traditional Legal Assistance	Developmental Legal Assistance
<ol style="list-style-type: none"> <li>1. TLA strictly follows the legal system.</li> <li>2. Does not question legal processes and institutions.</li> <li>3. Looks at failures of justice as a mere weakness of humanity.</li> <li>4. Change is slow and not complete</li> <li>5. The lawyer is expected to solve the problem of the client by following the law, whether or not the law is just.</li> <li>6. Looks at the law as the general solution to the social problems of the country.</li> </ol>	<ol style="list-style-type: none"> <li>1. Encourages people to help themselves by creatively determining their options both under the text of the law and those areas where they can capitalize on their constitutional and/or basic human rights</li> <li>2. Moves within a legal framework with critical analysis.</li> <li>3. Looks at the structure where the law works.</li> <li>4. Change can be fast and radical</li> <li>5. The lawyer and client work together to find a just and meaningful solution to the problem.</li> <li>6. Believes that the law is merely a tool to achieve social change.</li> </ol>



As an alternative approach to the legal system, DLA operates along the following premises:

- i. The law exists. It is an objective reality;
- ii. The law is human-made. It is a cultural reality, not a God-given fact;
- iii. Laws, therefore, are not neutral. They are not always just; It is only in the implementation that a law can be proven to be just;
- iv. The substance of the law and its implementation are two different issues;
- v. The present political system cannot, by itself, secure the basic rights or ensure changes in favor of the basic sector;
- vi. Laws change. However, given the structure of society, the direction of change may be dependent upon the class in power. Hence, one should not wait passively for change.
- vii. Control and use of legal resources may be weapons for change as well as for preserving the status quo.
- viii. Strategies and tactics using people's resources can and should be pursued to bring about the desired changes in the legal system.

Concretely, DLA seeks to facilitate empowerment by encouraging the legal use of community resources to push for the changes needed and by training community members, NGO/PO and Church workers to acquire basic legal attitudes, knowledge and skills. These trained workers are called **paralegals**.

## The work of a Paralegal

**Para-** from Romantic language meaning resembling or relating to  
**Legal** - from Latin word *lex* (law)

### Role of Para-legal

- ***To substitute for lawyer-primary***
- ***To assist a lawyer***
- ***To make law accessible and understandable***

### What is a paralegal?

A paralegal is a person who is...

- Knowledgeable and skilled in the law although not trained through traditional law courses;
- Able to act on behalf of the community in many instances even without a lawyer;
- Able to act as a partner in the community for lawyers to prepare and follow up cases.





## 5. What basic legal attitudes, knowledge and skills are necessary for paralegals?

**A. Attitudes:** The paralegal must understand his/her role in the community and must identify with the community's needs and aspirations. He/she must work with the community.

He/she must have a strong conviction of the rights of the sector and the community he/she represents. He/she must have a bias towards the disadvantaged sectors of society.

He/she must confidently approach grey areas with a willingness to ask and to learn. He/she must be critical and analytical of the laws that affect his/her community

He/she must work at demystifying the law and making it more easily understandable to people in the community.

The paralegal must foster self-reliance and empowerment rather than dependence on lawyers.

**B. Knowledge:** The paralegal is expected to have a basic grasp of the relevant laws pertaining to human rights and to his/her specific fields of interest. These topics are usually covered in paralegal training. While a paralegal may initially feel inadequate in his/her mastery of laws, constant study and exposure will improve his/her confidence.



## 6. What basic legal skills should a paralegal acquire?

- a. Investigation and documentation
- b. Evidence gathering
- c. Following up of cases
- d. Echoing or sharing information
- e. Gathering community support for important issues
- f. Drafting basic legal documents
  - Receipts
  - Affidavits
- g. Negotiation and arbitration



However, aside from these legal skills, the paralegal should be able to share knowledge with his community about their legal rights and obligations. He/she must unite with his community so that together, they may look for solutions to their problems.



## 7. How can the paralegal advance the interests of the community?

- The paralegal can perform many of the roles traditionally reserved for lawyers such as the preparation of basic legal documents, etc.
- The paralegal can also work with the community to employ metalegal tactics in bringing about favorable solutions to their needs and problems.



*If the time is limited, it is important to note at this point that the session may end with an open forum after the INPUT. The facilitator may regard the open forum as the DEEPENING portion of the process. The facilitator may proceed with the SYNTHESIS with two or three sentences emphasizing the significance of human rights mechanism and doing paralegal work. However, it is suggested that the following DEEPENING AND SYNTHESIS be conducted if the time permits.*

## 4. Deepening

### *Taking Action*

- Ask the participants the following questions:

- If you are given a case and have to solve a human rights issue, which path are you going to pursue the legal, meta-legal or the extralegal remedies? Why?
- Which skills in paralegal work would you be interested in acquiring?





- Ask the participants to go back to their groups and do the following:

- ✎ Identify a specific human rights case that your group will solve.
- ✎ Identify a goal/goals which will indicate that the case has been solved.
- ✎ List a variety of actions that your group will take to reach your goal/s indicating that the case has been solved.



- ✎ Identify the strengths, weaknesses and opportunities of these actions. Improve your list based on the weaknesses and opportunities you have identified.
- ✎ Organize your list into a step-by-step plan.
- ✎ Make a diagram showing the possible results and difficulties of a specific action and how one action will lead to other actions. Show in the diagram how the goal/goals are achieved by the actions listed.

- Ask the participants to present their work in the plenary.
- As facilitator, watch out for inconsistencies in their goals and actions.
- After presentation of each group, ask the participants for comments. Ask them if there is something in the presentation that is not at all feasible. Ask them what improvements in the actions taken they want included in the diagram.

## 5. Synthesis

- After everyone has presented his or her work, ask which group presented the best plan/diagram. Identify the characteristics of the plan.
- Emphasize the following:

- The best plan is the plan showing consistency between the goals and the actions.



- The best actions take the consequences into consideration and the risks involved are calculated.
- The best plan contains a variety of actions ranging from legal to meta-legal means.
- The best plan involves as many people as possible.



*End the session emphasizing that human rights protection is a practice. There is no one solution. Creativity, consistency, and perseverance are essential tools to success. Empowerment comes from within. It involves positive thinking, faith and commitment to change no matter what risks are involved.*





# The International Criminal Court

## 1. Activity

### *Critical Reading*

- Group the participants into three. Give each participant a copy of the article on the inauguration of the International Criminal Court.
- Ask them to read the article and discuss it in their respective groups.
- Ask them to list down questions that come to mind as they read the article.
- Ask them to present their list of questions in the plenary.

#### **Materials**

Copies of the article on the Inauguration of the International Criminal Court, pentel pens and Manila paper

#### **Time Allotment**

Minimum of two hours

## Inauguration Of The International Criminal Court

On 11 March 2003, the world's first permanent International Criminal Court (ICC) was officially opened. The inauguration in The Hague, Netherlands was marked by the swearing in of eighteen international judges who will constitute the Judges' Chamber of the Court.

The ICC will be a further justice mechanism available to public interest lawyers in the Central and Eastern European region. In a press release welcoming the ICC inauguration, the Euro-Armenian Federation proposed that ratification of the ICC Statute become one of the pre-conditions to EU accession.

The ICC is an independent body and not a part of the United Nations. The Court's main goal will be the investigation and prosecution of genocide, war crimes and crimes against humanity. The crime of aggression will be added once a definition has been agreed upon by the States Parties.

The eighteen judges come from varied regions and legal systems, and reflect a diversity of experience. This experience includes skill and practice in criminal law, international humanitarian law and human rights law. Many of the judges have served as judges at the ad hoc Tribunals for the Former Yugoslavia and Rwanda. Moreover, with seven women judges on the bench, the ICC Judges' Chamber represents an unprecedented step toward achieving gender balance in international bodies.



The efforts to create the Court began as early as 1949, and culminated in the adoption of the statute to create an ICC at the Rome Diplomatic Conference in 1998. The ratification of the Rome Statute by the sixty nations required to bring the Rome statute into force occurred on 11 April 2002. As of the date of the inauguration, eighty-nine nations (89) ratified the Rome Statute including twelve Central and Eastern European States (Albania; Bosnia-Herzegovina; Bulgaria, Croatia; Hungary; Latvia; Macedonia, FYR; Poland; Romania; Slovakia; Slovenia; and Yugoslavia). The Assembly of State Parties (ASP), which is comprised of the states that have ratified the ICC treaty, will be responsible for the legal, political, and financial oversight of the ICC.

There are several preconditions to the ICC's jurisdiction. Thresholds have been set for a crime to come within the definitions of war crimes and crimes against humanity. For example, acts constituting crimes against humanity must be committed as part of a widespread or systematic attack against a civilian population. The Court's jurisdiction only applies to crimes occurring after the entry into force of the Rome Statute. It cannot prosecute past crimes, unless they are ongoing. Moreover, the ICC will act as a Court of last resort and will take action only when states that would otherwise exercise authority over the crimes are unable or unwilling to do so.

The ICC will have a close working relationship with the United Nations. For example, the Security Council may refer situations to the Prosecutor for investigation and the ICC could refer the failure of a state to cooperate with the ICC to the Security Council. In addition, the Security Council has the ability to delay or defer both investigations and prosecutions for up to twelve months, with the possibility of renewal, by adopting a specific resolution.

In addition to those situations referred to the ICC by the Security Council, the ICC can assume jurisdiction over crimes committed on the territories of states that have ratified the Rome Statute or consent to the ICC's jurisdiction, or crimes committed against citizens of such states. In these cases, a case can be "triggered" either by a referral from the Security Council or a State Party, or the Prosecutor may initiate an investigation based upon information from any source. This means that any victim, victim's representative, NGO, non-State Party or other individual can provide information to the Prosecutor to initiate a prosecution.

The ICC will also have the power to award reparations to victims. Victims representatives have the ability to participate at different stages of the proceedings. As a result, public interest lawyers can play a significant role both in prompting cases, and in defending the rights of victims and witnesses at the Court.

**Source: [www.iccnw.org](http://www.iccnw.org).**





## 2. Discussion

- Ask the participants the following questions:

### QUESTIONS

1. What is the article all about?
2. What does it say about the ICC?
3. What salient features of the ICC should be properly disseminated to the public as important information?

## 3. Input

### *Facts About the International Criminal Court*

### International Criminal Court Fact Sheet

#### **What**

The International Criminal Court (ICC) is a permanent tribunal that will investigate and try individuals for the most serious international crimes: genocide, crimes against humanity, and war crimes. The ICC will be the first standing court of its kind, a unique and important development in the history of human rights protection and international justice. The Court will only act in cases where states are unwilling or unable to do so - known as the principle of complementarity.

The International Criminal Court (ICC) is a permanent international tribunal that will try individuals responsible for the most serious international crimes. One hundred and sixty countries attended a U.N.-sponsored conference in Rome in 1998 to draft a treaty for the establishment of the ICC. After 5 weeks of intense negotiations, 120 countries voted to adopt the treaty. Only seven countries voted against it (including China, Libya, Iraq, and the United States) and 21 abstained. Before the Court can be set up, 60 countries need to ratify the treaty. 139 states signed the treaty by the 31 December 2000 deadline. As of May 14, 2003, 90 countries have ratified it. The tribunal has come into force on 1 July, 2002.

#### **Who**

The International Criminal Court will prosecute individuals - not states. The Court will consist of eighteen elected judges and an elected prosecutor, who



will lead investigations and try cases. Only those states who have ratified the treaty will be able to nominate and elect judges and prosecutors.

## **When**

On July 17, 1998, one hundred and twenty countries voted to adopt the treaty outlining the establishment and structure of the International Criminal Court. Since then, 139 countries have signed the treaty and as of May 14, 2003, 90 countries have ratified it. The treaty "entered into force" on July 1, 2002. The court can only take cases that occur after this point. This means that crimes committed before this moment in time cannot be brought to the Court - this is known as non-retroactivity.

## **Where**

The International Criminal Court will be based in The Hague, the Netherlands. The ICC will have jurisdiction over crimes committed in the territories of ratifying states and over crimes committed anywhere by nationals of ratifying states. States that do not ratify the treaty can choose to accept the Court's jurisdiction in particular cases. These states, and all states parties, must cooperate with the court's investigations and prosecutions.

## **Why**

The International Criminal Court will bring the most serious international criminals to justice and challenge the impunity that they have so often enjoyed in the past. Until now, those who commit atrocities have gotten away with it and their victims left with nothing. The ICC can provide redress and reparations for the victims and survivors of these atrocities, which is a vital step towards accountability and lasting justice.

## **How**

There are three ways that cases can be brought to the International Criminal Court. Both a state that has joined the treaty and the Security Council of the United Nations can refer a situation to the Court for investigation. In addition, the ICC prosecutor can start an investigation based on information that she or he receives from victims, non-governmental organizations, or any other reliable source. The ICC will rely on state cooperation in its investigation and prosecution of cases. The ICC will not have its own police force and will work side by side with national authorities.

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## **How is the ICC different from the International Court of Justice (World Court) and other existing international tribunals?**

The International Court of Justice (ICJ or World Court) is a civil tribunal that hears disputes between countries. The ICC is a criminal tribunal that will pros-





ecute individuals. The two ad hoc war crimes tribunals for the former Yugoslavia and Rwanda are similar to the ICC but have limited geographical scope, while the ICC will be global in its reach. The ICC, as a permanent court, will also avoid the delay and start-up costs of creating country specific tribunals from scratch each time the need arises.

### **What happens if a country does not ratify the treaty?**

Countries that fail to ratify the ICC treaty will be prohibited from participating in the nomination of the Court's judges and prosecutor. They will also lose the privilege of contributing to decisions about the budget and administrative operations.

### **Why not continue the use of ad hoc tribunals, as in the former Yugoslavia and Rwanda?**

Once the ICC exists, it is unlikely that the Security Council will authorize the creation of any more ad hoc tribunals. UN Security Council members France and the United Kingdom are deeply committed to the Court as a matter of foreign policy and are not likely to approve ad hoc tribunals that will undermine the Court's success. Moreover, the ICC is being created in part because the ad hoc tribunals demonstrated the need for a permanent court of this kind. It takes enormous amounts of time and money to set up ad hoc tribunals, and the delay in their creation means that evidence is destroyed and suspected perpetrators are not apprehended.

## **HOW A CASE COMES BEFORE THE ICC**

### **Step 1: Acceptance of Jurisdiction**

For the ICC to act on any case, its jurisdiction must be accepted either by the territorial state in which the crime was committed, or by the state of nationality of the accused, except in the case of a Security Council referral.

### **Step 2: Referral to the Court**

**Cases will be referred to the ICC by one of four methods:**

1. A country member of the Assembly of States Parties sends the case.
2. A country that has chosen to accept the ICC's jurisdiction sends the case.
3. The Security Council sends the case (subject to the U.S. veto).
4. The three-judge panel authorizes a case initiated by the International Prosecutor.



### Step 3: Determination of Admissibility

The case must then be determined to be admissible into the ICC. There are several key criteria for admissibility into the Court:

- 1) *The case must be of adequate severity: the ICC deals only with the most serious violations of international law, namely war crimes, crimes against humanity, and genocide.*
- 2) *A case cannot be investigated by the ICC if it is being investigated or prosecuted by a state with prior jurisdiction.*
- 3) *A person cannot be tried if he has already been tried for the same crime either in a national court or in the ICC.*
- 4) *A case cannot be prosecuted if a state with jurisdiction has already investigated the case and decided against prosecution.*

**Exception to admissibility standards:** the only exception to these admissibility standards arises in the case that the state concerned is unable or unwilling to adequately investigate and prosecute the case. In the event of inability or unwillingness, the ICC can begin investigation.

### Step 4: Challenges to Admissibility

Admissibility may be challenged either by the accused or by a state with jurisdiction. While a case is being challenged, the prosecutor must suspend further investigation. Each party involved may challenge admissibility once and there is no limit to the number of times a case can be challenged by the Court itself.

### Step 5: Prosecutor's Decision

*Once a case is accepted into the Court, the prosecutor examines it to determine whether or not it should be tried. This decision is based on whether there is sufficient evidence available that the crime was committed or is being committed, if the case is admissible, and if the prosecution of the case would serve the ends of justice.*

**At this point, if all the criteria are met, the investigation of the crime and the pre-trial process begins.**

*\*Adapted from the World Federalist Association.*





## 4. Deepening

- Is the establishment of the ICC a welcome development in the area of human rights protection? Why? How?
- What might be the advantages and disadvantages of such court?
- What factors may facilitate or inhibit the success of the ICC?
- Do you approve of the establishment of the ICC?

## 5. Synthesis

- Discuss with the participants the following:

The following eighteen judges have been elected to the International Criminal Court. They were elected after 33 rounds of voting by delegates from the 85 states that ratified the ICC treaty in time to participate in the elections at the Assembly of States Parties. After the conclusion of the elections, the President of the Assembly of States Parties drew lots to determine which judges would serve 3-year, 6-year, or 9-year terms.

Rene' Blattmann, Bolivia, 6-year term

Maureen Harding Clark, Ireland, 9-year term

Fatoumata Dembele Diarra, Mali, 9-year term

Adrian Fulford, United Kingdom, 9-year term

Karl T. Hudson-Phillips, Trinidad and Tobago, 9-year term

Claude Jorda, France, 6-year term

Hans-Peter Kaul, Germany, 3-year term

Philippe Kirsch, Canada, 6-year term

Erkki Kourula, Finland, 3-year term

Akua Kuenyehia, Ghana, 3-year term

Elizabeth Odio Benito, Costa Rica, 9-year term

Gheorghios M. Pikis, Cyprus, 6-year term

Navanethem Pillay, South Africa, 6-year term



Mauro Politi, Italy, 6-year term

Tuiloma Neroni Slade, Samoa, 3-year term

Sang-hyun Song, Republic of Korea, 3-year term

Sylvia H. de Figueiredo Steiner, Brazil, 9-year term

Anita Usacka, Latvia, 3-year term

- Emphasize that these are the men and women who have been tasked to manage the ICC.
- Emphasize that not all countries have ratified the Rome Statute creating the ICC. Ask how they may account for the non-ratification of some countries.





# Making Human Rights Work Through Critical and Strategic

## 1. Activity

### *Taking Accountability*

- Divide the participants into six. Ask the participants to do the following: *(Give the participants enough time to complete what you ask them to do.)*

- ✎ The Home group will make visual art showing a family practicing human rights values.
- ✎ The Community group will make visual art showing a human rights community.
- ✎ The School group will make visual art showing a human rights school.
- ✎ The Workplace group will make visual art showing a human rights workplace.
- ✎ The Nation group will make visual art showing a country practicing human rights.
- ✎ The World group will make visual art showing a world where everyone enjoys human rights.
- ✎ Present your group work.

#### **Materials**

Crayons, bond paper, colored pens, chalk, blackboard, broad sheets, masking tape, paper hats, post-it paper in blue, yellow, green, red, and black.

#### **Time Allotment**

Minimum of two hours to maximum of five hours



- After all the groups have presented, align all of the art on the floor. Mark the alignment as a TARGET.



- Across the TARGET line with five steps in between, mark a STARTING line.
- On the left side of the two parallel lines, make a scale of 1 to 5.
- Give each participant masking tape and 4 to 5 meters of plastic cord.
- Ask the participants to occupy the STARTING line. The floor will look as follows:

Target	Home	Communi- nity	School	Work- place	Nation	World
5 4 3 2 1						
<div>Starting Line</div> <div>PARTICIPANTS</div>						



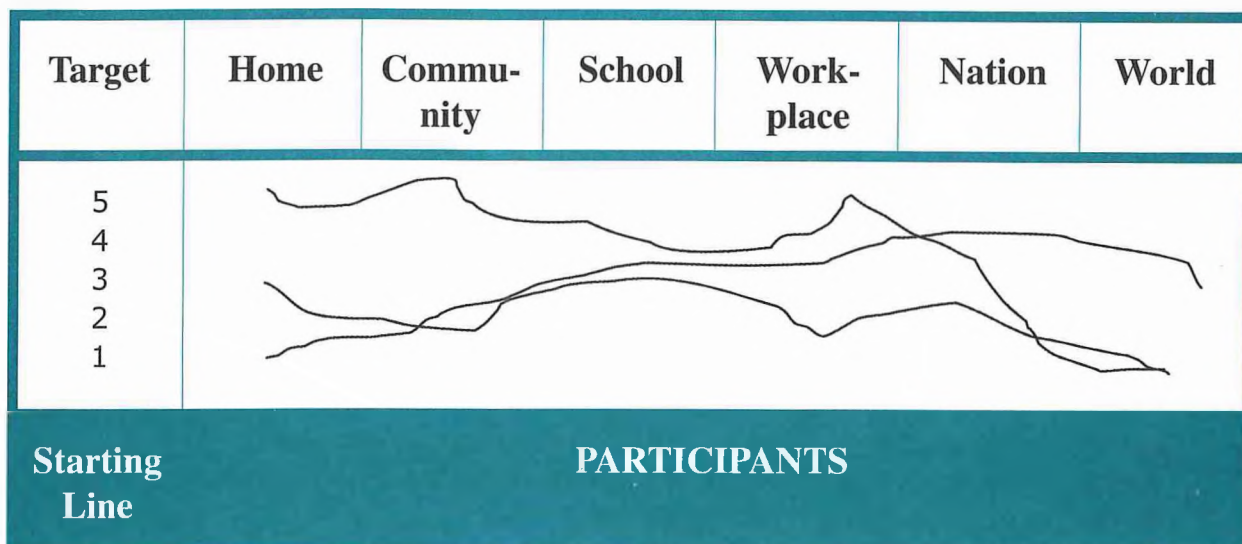
- Direct the participants to do the following:

- ⌘ Assess your level of action contributing to making each of your social environments human rights sensitive. Make a line graph showing your assessment with 1 as the lowest and 5 as the highest.





- The floor will likely look as follows: (There will be as many lines as there are participants.)



## 2. Discussion

- Ask the participants the following questions:

<u>QUESTIONS TO ASK</u>	<u>EXPECTED ANSWER</u>
⌚ How does your line graph look?	✍ The lines are fluctuating.
⌚ What do these fluctuating lines mean?	✍ We exert different effort for each level of our social environment.
⌚ Do we exert enough effort to achieve our targets?	✍ At some levels no. At others, yes.
⌚ At which level/s do we exert the most effort? The least?	
⌚ Do you consistently advocate for human rights at each level of your social environment? Explain your answer.	✍ No.
⌚ Is being consistent important to you? Explain your answer.	



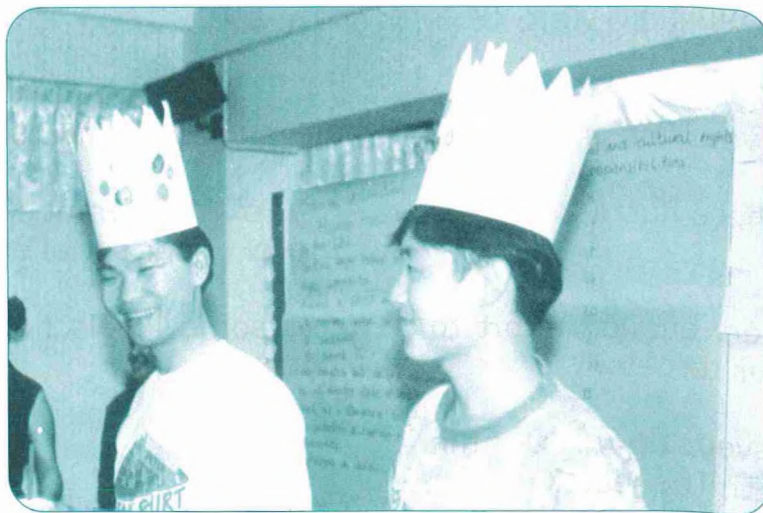
### 3. Input

#### *The Thinking Hats: An Empowerment Strategy*

- Start the INPUT with the following activity:

- ⌚ Choose a particular target environment the participants want to discuss.
- ⌚ Choose one human rights problem in the identified environment that the participants want to address or solve.
- ⌚ Divide into three groups and discuss how the identified problem may be solved. (All the groups will discuss the same problem)
- ⌚ Write a report on a piece of broadsheet detailing the process you went through in solving the problem.
- ⌚ Present your report in the plenary.

Human rights are \_\_\_\_\_  
(Give the participants ample time to write their answers. If the participants cannot read nor write, ask for symbols indicating their concept of human rights)

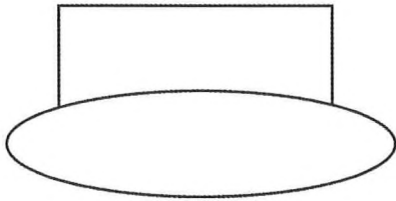


- After the presentations, discuss the following INPUT:

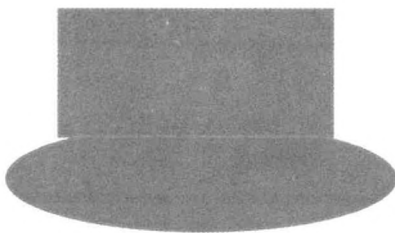




# THE SIX THINKING HATS



- When you think of white, think of *neutral*.
- What type of information do we have here?
- What information is missing?
- What information would we like to have?
- How are we going to get the information?
- Information is of two kinds: The checked and proven facts and secondary facts (facts that are believed to be true but have not yet been properly checked).
- White hat thinking is about discipline and direction.



- Red hats show their emotions or gut feelings on a subject
- This hat allows feelings to be expressed, to come out in the open: This is what I feel about the project... My instincts tell me this won't work etc.
- The red hat covers two broad types of feelings.
  - First, the ordinary emotions such as fear, love, dislike, anger, etc.
  - The second covers complex judgments that go into types of feelings such as hunches, intuition, sense, taste, aesthetic feeling and other usually not-justified types of feelings.



- When you think of black, think of *negative*, or caution.
- The black hat is for critical judgment. It points out what cannot be done.
- The hope is that the black hat role will prevent us from making mistakes.
- The black hat thinker points out what is wrong, incorrect and in error.
- The black hat thinker points out why something will not work and sees risks and dangers.
- It may judge what went wrong in the past and what might go wrong in the future.



- When you think of yellow, think of the sun and sunny, *positive* thoughts.
- The yellow hat role is for discussing **ONLY** the positive view of problems and possible solutions.
- The yellow hat looks for benefits (and feasibility), but must be logically based, not intuitive like the red hat. Yellow hat thinking is positive and constructive.
- It covers a positive spectrum ranging from the logical to the practical.
- It finds logical support for value and benefit.
- Its thinking is speculative and opportunistic.



- The green hat is for new ideas, for *creativity*, for new and alternative solutions.
  - Could this be done another way?
  - Might there be an alternative explanation? Does anyone have another idea?
- The thinker seeks to move forward from an idea in order to reach a new idea.
- Provocation is an important aspect of green hat thinking because it can take us out of our usual patterns of thinking.
- It is also used to generate new concepts and perceptions.



- When you think of blue, think of the sky and an *overview*.
- It deals with controlling the thinking process.
- The blue hat thinker controls what hat will be "worn", therefore controlling the type of thinking being done.
- The blue hat thinker organizes the thinking itself.
- It is thinking about thinking.
- It calls for the use of the other hats like a conductor of the orchestra.
- It sets the focus, defines the problems and shapes the questions.
- It is responsible for summaries, overviews and conclusions.





## 4. Deepening

### *Examining my Strategies*

- Return the reports to the sub-groups.
- Give each participant a paper hat to wear.
- Distribute to the participants the colored post-it papers.
- Direct them to do the following:

- ⌚ Assess if the statements in the reports are white, red, black, yellow, green or blue hat thinking.
- ⌚ Place the appropriate color tag on each statement.
- ⌚ Place colored tags on your hat representing the statements you contributed to the group.
- ⌚ Wear your hats.
- ⌚ Post your color-tagged reports on the wall.



## 5. Synthesis

### *Applying the Thinking Strategies for Empowerment*

- Ask the participants the following:

- ⌚ What kind of thinking strategies do we usually employ in solving human rights problems?
- ⌚ Give other ways of solving the identified problem using the different thinking hats. (The facilitator may give examples overlooked by the participants.)
- ⌚ How have the original reports been improved?

*End the session by asking the participants to give one word that best describes how the activity has affected them.*



# Conflict Resolution and Human Rights

## 1. Activity

### *Surfacing Conflict*

#### **Materials**

Pens or pencils, small pieces of scratch paper, masking tape.

#### **Time Allotment**

Minimum of two hours

1. Distribute the one piece of scratch paper to each participant.
2. Instruct the participants to:
  - a. Write their names on the pieces of paper.
  - b. Write a goal or dream they wish to attain on the piece of paper. (One or two words will do.)
  - c. Stick their pieces of paper in any part of the room. (Remind them to stick their pieces of paper at chest level and no higher than that.)
3. Divide the participants into groups of 10 to 12 people per group.
4. Instruct them to:
  - a. Form a circle with their group mates with each person facing outward. (Make sure they stand shoulder to shoulder.)
  - b. Have them interlock their arms with one another.
  - c. Stress that this is a non-verbal exercise. There will be no talking during the activity. (They may use sounds and point with their noses and lips if they wish. :))
  - d. They must keep their arms interlocked throughout the duration of the activity.
  - e. Once everyone is ready, give the signal for them to begin getting their goals that they stuck on the walls without breaking away from the group. (This would mean pulling the entire group with you to get your piece of paper)
  - f. The activity ends when everyone has gotten their goals or has given up.





## 2. Discussion

Ask the participants the following:

- How did you feel pursuing your goals given your situation?
- Were you able to obtain your goals? How?
- Was it difficult? Why or why not?
- What made the group successful in pursuing their goals?
- What hindered the group from pursuing their goals?
- Do you handle situations in real life the way you handled the situation here? How similar or how different is it?

## 3. Input

### *Understanding Conflict and Conflict Resolution*

Emphasize the following in the lecturette:

1. Focus on the participants' insights on conflict. Emphasize that if it weren't for give and take, the groups wouldn't have gone anywhere.
2. Stress that in pursuing peace and human rights, we transcend "might is right" so everybody attains what s/he is entitled to. We envision a world in which the strong helps/empowers the weak, rather than a world in which "survival of the fittest" is the rule.
3. To help them better understand conflict give the following principles of conflict (taken from *Panagtagbo sa Kalinaw*):

- a. **Conflict has a function in society** - It simply means that there will always be conflict in our lives. It doesn't mean that a society that has no conflict is a perfect society. A dictatorship or autocratic rule may have suppressed its people so that no one airs out his or her grievances.

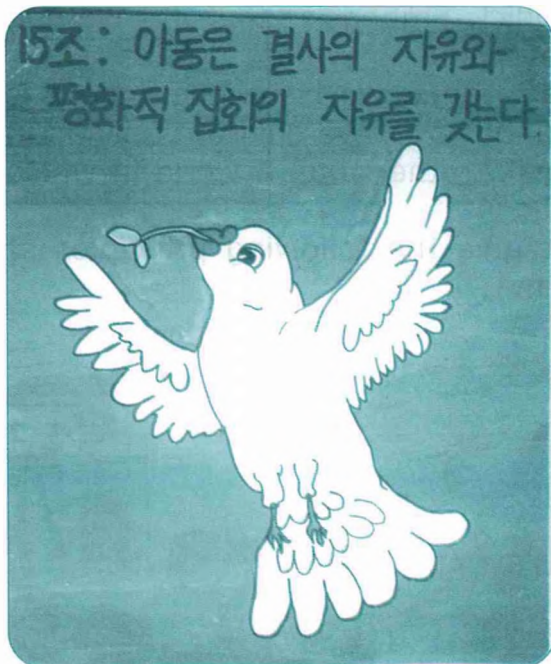


- b. Conflict is positive** - treat conflict as an opportunity for growth. It is an opportunity for us to improve and develop.
- c. Conflict is a normal part of any relationship** - it is very hard to eliminate conflicts. This is because we are all unique individuals and we all belong to very diverse and unique cultures and peoples so that it becomes very likely that we may encounter conflicts with people or groups of people as we live out our lives.
- d. Conflict is ongoing and dynamic** - conflicts will happen throughout out our lives. We may have solved one conflict now but a new one will arise tomorrow. Conflict also implies change. The key is to direct conflict toward positive change.

## CONFLICT RESOLUTION

Communities have a variety of ways to resolve conflict, the most common being institutions and mechanisms that protect human and property rights. Stable, impartial, and fair conflict resolution systems are critical elements of any governance structure. Laws, judiciary systems, permitting agencies, and other measures which provide quick and low cost resolution to conflict, are

critical to the creation of a sense of trust. They are also critical to the willingness on the part of new investors, businesses, families, and individuals to locate in a community.



Two important trends in the area of conflict resolution that speak to the sustainability of the system are alternative dispute resolution strategies and conflict prevention techniques. Both of these practices help to build social well-being in a community, while at the same time improving efficiency of all systems by reducing the time and money that needs to be invested in the conflict resolution process.

Preventing conflict in the first place is the most effective strategy, but, like a lot of development work, it involves a commitment of resources to an area that is not yet in crisis. Conflict prevention strategies - supporting community events and providing community facilities that bring people from different ethnic and socio-economic groups together, providing healthy and safe after-school activities for children, inclusion of marginalized groups in local governance struc-





tures, providing safe parks, transportation systems and sports facilities that are used by all of the groups in a community: all of these are ways to build ties between people that can reduce the potential for conflict. On a family level, the social safety net and the education system are important institutions to involve in strategies that reduce the stress leading to domestic conflict and violence.

Alternative conflict resolution strategies go beyond the more traditional judicial model and involve the community and the stakeholders in the resolution of the conflict. They provide more support to the victims of conflict or crime. Their focus is to reintegrate the parties of the conflict back into the community, so that the broken community bonds resulting from conflict can be repaired. Two

important skills that are taught and reinforced through alternative conflict resolution are open communication and attentive and respectful listening.

Conflict resolution relates to sustainability insofar as it evolves into a system that cares for people, that has equitable distribution of rights and responsibilities, that involves the stakeholders in the decision-making process, that increases the skills of the people involved and increases the vitality of natural resources by providing healthy strategies to resolve environmental conflict, and that conserves valuable resources, which might be expended on conflict without an adequate system in place.

<http://www.cedo.ci.burlington.vt.us/legacy/strategies/04-subj-conflictreso.html>

## INFORMAL CONFLICT RESOLUTION STRATEGIES

### I. DIRECT COMMUNICATION

If the discussions seem to be "stuck" in the format you are using, try changing to another format. For example, if the other party isn't answering your phone messages, try email or a face-to-face conversation. If oral conversations are going around in circles, try including a third-party facilitator or writing a letter.



### II. EXPLAINING THE IMPACT ON YOURSELF

One way to increase the civility of difficult interactions is to use "I statements" rather than "you statements" that is explaining how you feel and what you



want rather than interpreting or judging what the other party did or second-guessing the other party's motives.

A variation on this approach is the formula

**When you.... I feel.... Is this what you intended?**

That is, you state as factually as possible what the other party has said or done (or not done), and then move to your reaction, indicating that there is a consequence to her/his behavior, a relationship between the two of you. You close your statement with an invitation for the other party to respond, opening up the question of what kind of interaction the other party wishes to have. For example, if your reaction is to become resentful or withdrawn, the other party might acknowledge that his/her intention was indeed to create more distance between you. On the other hand, s/he might recognize an unintended consequence of what s/he did, and begin a discussion of how to change the style of communication and improve your relationship in the future.

### III. WRITING A LETTER

Putting your thoughts in written form can be very helpful in clarifying your own thoughts and in having maximum control over how they are communicated to the other party—who can read the letter and reflect on its contents in privacy and without the pressure of formulating an immediate response.



A letter should have 3 parts:

1. The **facts** as you perceive them - with no interpretations or opinions. What an audiotape or videotape would record.
2. Your **feelings** or reactions. The impact. The difficulties or hurt that now exist.
3. The **remedies** you propose. What you think should happen next. Your ideas for constructive next steps, or future "ground rules."

Sometimes it is helpful to write a letter even if you don't give it to the other party. It may help you get your feelings outside yourself and identify your priorities, and it may also serve as a "script" of what you want to emphasize when you talk directly with the other party

<http://www.columbia.edu/cu/ombuds>



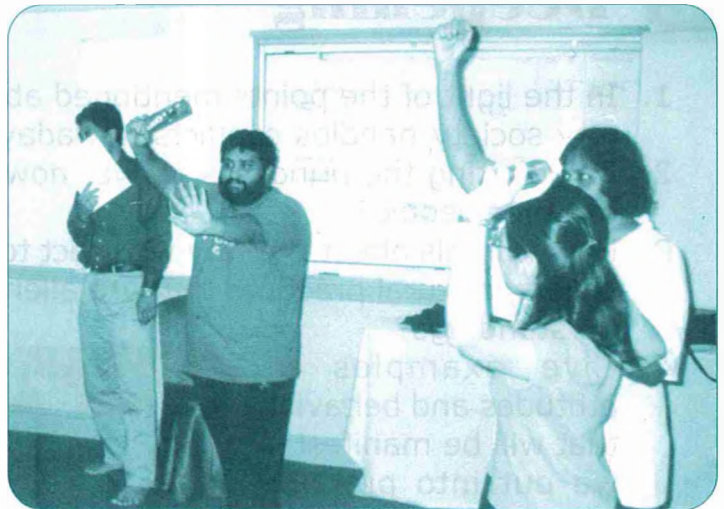


# CONFLICT RESOLUTION STRATEGIES

There are three categories of conflict resolution strategies:

- A. Avoidance.** Avoiding the conflict often creates feelings of doubt and fear about facing a similar situation again.
- B. Diffusion.** Diffusing is a delaying tactic to "cool down" the situation. Typically results in feelings of dissatisfaction, anxiety about the future, and concerns about oneself.
- C. Confrontation.** Divided into power and negotiation

- 1. Power strategies include the use of physical force, bribery and punishment. Usually results in hostility, anxiety and actual physical damage.
- 2. The aim of negotiation is to resolve the conflict with a solution which is mutually satisfying to all parties. Negotiation is the heart of Win-Win solutions.



## Negotiation Skills

### A. Diagnose the nature of the conflict.

- 1. Value conflict vs. tangible conflict.

### B. Effectively initiate a confrontation.

- 1. Avoid attacking or demeaning the other party.
- 2. State the tangible effects the conflict has on you or your group.

### C. Listen to the other's point of view.

- 1. Don't attempt to defend yourself or make threats or excuses.
- 2. Use reflective and active listening.

### D. Use problem-solving processes.

- 1. Clarify the problem.
- 2. Generate and evaluate a number of possible solutions.





3. Decide which is the best solution for all parties.
4. Plan the implementation of the solution.
5. Plan an evaluation of the solution.

<http://prism.troyst.edu/~studorg/Leadership%20Tips/conflict.htm>

## 4. Deepening

1. In the light of the points mentioned above, is there any difference in the way society handles conflicts nowadays?
2. By adopting the principles above, how will this affect the way we relate to other people?
3. How will this affect the way we react towards opposing views, conflicting beliefs, cultural practices that are alien to us disagreements, and misunderstandings?
4. Give examples of attitudes and behavior that will be manifest if we put into practice the above mentioned principles?
5. Is this way of looking at conflict more reflective of a human rights culture? Why or why not?



## 5. Synthesis

- Ask the participants the following questions:
  - How do we benefit by tackling conflicts from the point of view of human rights? Give examples.
  - Give examples of your own experiences of trying to resolve conflicts. Please give examples both of cases in which human rights were promoted and cases in which they were not.





# Making Creativity Work for Human Rights

## **Materials**

colored pens, chalk, black-board, broad sheets

## **Time Allotment**

Minimum of two hours

## **1. Activity**

### *"A Turn On"*

- Ask the participants to form a circle.
- The facilitator should be at the center of the circle while giving the following instructions:



- Place your hands on your back until the activity is finished.
- Turn your head to the person on your right side. The game is to make the person on your right side turn his/her head towards you.
- The game has the following rules:
  - No touch, no physical contact.
  - May use verbal language.
  - Remain in your given space. No switching of places or going around the circle.
  - The first one to make someone turn his/her head may raise his/her hand and wins the game. He/she may remain in the circle and make others turn their heads.
  - The ones who turned their heads will be excused from the circle and will be asked to observe those remaining inside the circle.



- Allow a trial game to be able to prepare the participants and familiarize themselves with the game.
- Count 1,2,3 and begin the game.
- Allow about five minutes for people to play the game. Facilitator should observe the people who are violating the rules and the strategies used by the participants to win.
- Stop when there are already enough winners and losers to discuss and talk about the game.
- Identify the winners and losers.
- Expect that there will be a lot of noise. Some participants will be passive and others active. Some will attempt to break the rules. Some will succeed while others will not.

## 2. Discussion

- Ask the participants the following questions: (Write their strategies on the board)

<u>QUESTIONS TO ASK</u>	<u>EXPECTED ANSWER</u>
⌚ What did you do to make the person on your right turn his/her head towards you?	✍ Whisper sweet nothings, shout at the person, cry, or just be persistent
⌚ Why do you think you won?	✍ More creative ✍ Broke the rules ✍ Persistent
⌚ Why do you think you lost?	✍ Got irritated because people broke the rules ✍ Too much noise ✍ Got interested in what the other person did or said
⌚ How do you feel about the activity?	✍ Tiring, interesting, exhausting





- |  |  |
|--|--|
| <p>⌚ What could have helped you win?</p>   | <p>✎ Concentration, more time, be more focused, be more creative and be persistent</p>   |
| <p>⌚ Why do you think others won the game?</p>   | <p>✎ They think fast, are more creative, more persistent, more naughty</p>   |
| <p>⌚ What situations in your life can be related to the activity?</p>                          | <p>✎ People are so busy with their business that it is difficult to get their attention</p> <p>✎ The need to be noticed, to prove oneself</p> <p>✎ To persevere in getting what you want</p> <p>✎ To be creative in getting what you want</p> <p>✎ People are either passive or active</p> |
| <p>⌚ How may this activity be related to defending, protecting and promoting human rights?</p> | <p>✎ We need creative strategies</p> <p>✎ We need to be persistent</p> <p>✎ Some do not care at all but there are those who can be involved</p>  |



### 3. Input

#### *Metalegal Tactics in Doing Human Rights Work*

- The facilitator or resource person may begin his/her input using the participants' responses to the activity. He/she may go back to the words of the winning participants' strategies and give examples how these may be applied to some situations related to human rights.



- Proceed with the INPUT emphasizing the following:

#### **Definition of Metalegal Tactics in Human Rights: Metalegal Tactics**

Metalegal tactics are popular tactics or unique activities that are not illegal but do not, however, fall within the traditional framework of legal procedures. These are creative ways of generating pressure and/or favorable public opinion using law, mass media, interpersonal communication, or any combination thereof, for the attainment of a desired outcome or solution of an issue with legal dimensions.

**A practical working definition may be the adoption of 'not very strictly legal' approaches to solving issues or problems with legal dimensions, which involve many persons, a group or a community acting in concert on a shared concern.**

Metalegal tactics are a form of collective action employed by the basic sectors to further their interest when the remedy afforded by law is either too slow or nonexistent. They are an integral part of the developmental legal assistance because through these methods the strength and the power of the community are made manifest.





Moreover, because the success of metalegal tactics depends on the unity of the community and the support of all concerned sectors metalegal tactics serve to build this strength and power.

Is there any legal basis for metalegal tactics? (Look for UDHR, local constitutions for the following:)

1. Right to participate in policy making
2. Right to information
3. Freedom of expression
4. Right to be secure
5. Right to live in dignity



### **Distinguished from**

Litigation - is strictly legal and formal and involves mostly the legal representatives (counsel) of the parties in interest.

Paralegal - usually associated with skills. Paralegal denotes a non-lawyer volunteer working on some aspects of lawyering mainly those not requiring formal lawyer's qualification e.g. interviewing or affidavit making but not notarization.

Lobbying - lobbying is a kind of metalegal tactic although it can also be said that metalegal tactics are a form of lobbying. Defined, lobbying means the mobilization of individual and group resources to attain a shared objective involving a sectoral group or even public interest.

### **Rationale for resorting to metalegal tactics**

Different groups in society today resort to metalegal tactics to achieve collective aspirations in a shorter time instead of resorting to judicial action because of the tediousness of litigation and period of time the latter covers before a controversy or dispute is resolved by judicial courts.

When legal issues involving public interest and meriting urgent action by authorities tasked to resolve these issues are not adequately dealt with, and are thus collectively undertaken by support groups. The groups put pressure on the legislators or others in government to pass or approve a desired law or action, which is responsive to their interests.

Metalegal tactics are deemed the final resort of action if all administrative recourses have been sought and exhausted and still no favorable responses have been achieved.

If effectively used, these strategies offer more immediate responses to the solution of the controversy brought about by the collective aspirants.



Considering the expenses court litigation entails, metalegal tactics serve as more inexpensive means to elicit positive action from authorities concerned on the solution of the problem affecting the public at large.

These strategies also create a greater forum for the collective aspirants to raise their demands and find amicable settlement of the issue. This also allows for non-confrontational and conciliatory processes to take place in order to arrive at a solution to the problem.

## ELEMENTS

- 1) People or a community sharing common interests or who are plagued by similar problems requiring a resolution provided by others (governments, private sector, etc.)

This means that the potential organizational and individual talents of community member should be taken into account. The strength and the weaknesses of the people concerned must also be evaluated before any action is taken.

- 2) A problem that is identifiable and can be translated into a very specific objective.

This means, knowing the problem and the issues, laws and relevant information. More than that, it means knowing the solution to the problem.

- 3) Actors or persons, institutions in a position to solve or help solve the problem or obstruct solutions to the problems.

Find out who can solve the problem and who might obstruct a resolution to the problem.

- 4) Support Groups sympathetic to the people, the actors or both.

Identify your support groups. Enlist the support of sympathetic groups and maintain it. Neutralize those against.

- 5) Public Interest or the public at large whose interests are directly or indirectly affected by the problem.

This means tying the solution of the problem to public interest. The issues or problems must be newsworthy and affect the common good otherwise the desired goal will not merit immediate action from those involved.

- 6) Process or the dynamics of the interaction of people, actors, support groups and the public on the problem.





This involves the actual strategy used by the group to generate pressure on the authorities concerned and demand for the immediate resolution of the controversy affecting their interests.

## **SOME COMMON METALEGAL TACTICS**

- 1) Mass mobilizations - these are undertaken to show strength or the kind of support enjoyed by a certain position on a public issue. It features short telegraphic statements or debated issues or slogans. Examples: rallies, demonstrations, pickets.
- 2) Strikes - can also be under mass mobilization but is distinguished here because it has a distinct labor - only application. Examples: wildcat, pickets, work slow-downs.
- 3) Petition Writing - may also involve resolutions or position papers. In all cases, a signature campaign is used in support thereto. It is a show of strength but unlike mass mobilizations, it allows for a longer discussion or exposition of position on certain public issues.
- 4) Press Conferences, radio, TV interviews, press releases, letters to the editor Use of the media to articulate opinion, generate pressure for a desired action, or gain wide public support for a certain position.
- 5) Prayer rallies - refers to religious activities undertaken by a group or sector to manifest collective spirit and strength and thus draw more sympathizers to the cause.
- 6) Lobbying - as its broadest definition, lobbying includes all of the above but it is more conciliatory and less confrontational.

*Examples of Metalegal tactics use by the people in the region were the following,*

1. *In India pavement hawkers have stood firm against government attempts to oust them.*
2. *Members of the Chipko movement hugged trees to stop deforestation.*
3. *Gujarat members of the affected communities engaged in a sit-in to try to stop the massive Narmada Dam.*
4. *Community people make noise when they hear that a woman is being battered by her husband.*
5. *Urban poor people throw human faeces to drive away demolition teams when their houses are being demolished.*
6. *Villagers organize dancing parties to talk about uprising against colonizers.*
7. *Thousands of people around the world write letters to dictators to free a political detainee.*



## 4. Deepening

### *Sharing Metalegal Success Stories*

- Ask the participants the following questions:



- What do these stories remind you of?
- Do you know of a similar story?
- Have you experienced applying metalegal tactics in your human rights practice?

- Allow participants to share some of their stories. Better yet, the facilitator may invite a community leader, community organizer or local person involved in the successful use of metalegal tactics in a community to give a testimony. Or look for videos showing how people or a community has won their struggle using metalegal tactics.

## 5. Synthesis

### *Make the King/Queen Give Up His/Her Throne (Role Playing) GROUP EFFORT.*

- Ask a volunteer from the group. Look for a volunteer who is tough and will not be easily moved.





- Put a chair in front and tell the group that the chair symbolizes the throne, the power of the king/queen. Invite the volunteer to sit on the throne and play his/her role as an absolute ruler.
- Request the participants as a group to dethrone the king/queen.
- Tell them there are rules to follow:
  - If the king/queen smiles, laughs, or talks, he/she will have to give up the throne and free the people.
  - For the participants who will play the role of slaves, they can do anything they want as long as they do not touch the king/queen.
  - No obscenity is allowed.
- Limit the activity to five minutes
- If the group has performed well, identify valuable insights and ways that helped them win the game.
- If not, remind them that there are 100 and 1,000 ways unexplored in metalegal tactics. The challenge is for us to think of more creative ways to reclaim our rights.



*End the session by saying that there is no one sure way of struggling for human rights. Human rights work is praxis and entails an idea about human rights, an action about human rights, and a reflection about the human rights that will result in new ideas and new action. The cycle of idea, action, reflection should never stop.*





# 5

## **PART FIVE** READINGS IN HUMAN RIGHTS



# Conflict resolution and Human rights - contradictory or complementary?

Lecture given by Baroness Helena Kennedy QC, at the University of Ulster Jordanstown on 23<sup>rd</sup> May 2001  
Accessed at [http://www.incore.ulst.ac.uk/home/publication/conference/Conflict\\_resolution.pdf](http://www.incore.ulst.ac.uk/home/publication/conference/Conflict_resolution.pdf) on 1 October 2003

**W**ar at the end of the twentieth century has taken the world into new terrain. It is a new kind of war and call it what you will - civil war, ethnic conflict - it poses entirely new challenges to statesmen, diplomats, soldiers, lawyers, aid workers - and citizens. It sets challenge for us all.

Human rights and conflict resolution **are** intimately entwined with one another. The relationship is close and complex. Abuse of human rights prompts conflict. Conflict results in human rights abuses. It is a vicious circle, and, as the 21st Century dawns, it is the nightmare from which we are all trying to awake. No one understands this better than the Secretary-General of the United Nations, Kofi Annan, to whom the grizzly task of mediating and resolving our disputes so often falls. "Everything I touch is a race against time," he says - to save lives, to stop killing. One of the areas we have really tried to make a difference is to really get the governments and public engaged in the issue of good governance, to respect the rule of law and human rights - to let people know that they do have rights and not everything is at the beck and call of governments".<sup>1</sup>

Human rights have to be, by definition **are**, complementary to conflict resolution. This is not because the two things are easy to reconcile. Clearly they are not. But resolution of conflict and adherence to human rights must go hand in hand because in the long term the one will not work without the other. This is partly because of the universality of human rights. By their very nature they attach to every individual. The dichotomous problem of human rights abuses causing conflict while also being the result of conflict is very real. But what's more, in these new wars, spawned by globalisation, human rights abuses often seem to be the very point of a conflict. To ignore or overlook human rights in the process of resolving these conflicts would be a travesty.

There is a tough dilemma facing western democracies. They are on the one hand retreating from war as it has traditionally been understood, and engaging in a process of 'debellicization'. European defence budgets are falling as the willingness to fight in wars and to pay for them - rather than health, education or care for the elderly - has diminished. Yet at the same time there is a heightened sense of responsibility for, and horror at, the desperately bloody internecine conflicts that recur in Africa, south-eastern Europe and elsewhere. So, as the importance of military muscle in the power stakes declines, does the developed debellicised world have the capacity to meet the security needs of the still bellicose world? Human rights are important here. By keeping them firmly on the agenda we can, perhaps, diminish the space for violent conflict.

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<sup>1</sup> William Shawcross, *Deliver us from Evil*, 2000, p.29



## Universality

The most obvious reason for asserting that human rights must be a central part of the process of conflict resolution is because of the universal nature of those rights. We all have a sense of justice and injustice. Human rights are, in a way, an exposition and codification of what, as sentient moral beings, we feel that each person has a right to in life. They place justice, tolerance, mutual respect and human dignity at the heart of all our activity. Human Rights do not confer upon individuals privileges that they might never have expected. They are not a special benefit, granted by accident of birth or a luxury for those who find themselves in the right place at the right time. They are an articulation of the moral consensus, and as such must be available to all.

It was in the aftermath of the Holocaust, in the still fresh fever of outrage and disgust that international law turned its attention to individuals and the concept of modern human rights was unlocked. Never again would such atrocities take place. Individual humanity would be protected and individual responsibility for such egregious crimes would be recognised. This was something entirely new and it had enormous potential. Pledges were made and a new world order was heralded.

Governments across the world, in an impressive demonstration of their vision, showed considerable humility in the face of the unspeakable horror of the previous decades. In 1948 the Genocide Convention was drawn up. It obliged all signatory countries to prosecute a person for genocide, regardless of where it occurred. The Geneva Conventions of 1949 consolidated the new commitment by defining as 'grave breaches' the most serious of war crimes and creating a duty on signatories to bring to trial offenders under the Convention. These and other international conventions posit the possibility of a general consensus that under no circumstances should Governments use torture or abuse fundamental human rights - irrespective of ideology. No regime was to consider itself superior to the international conventions. No government should be able to claim that it carried out torture in a good cause. Stalin claimed it in support of his vision of the grand communist project over half a century ago; supporters of Pinochet claim the same thing today. Human Rights are values which must exist independent of ideology.

It is from this universality that they derive their potency. Yet universality is perhaps, the crux of the difficulties faced today by proponents of human rights. At the World Conference on Human Rights in Vienna in 1993 it was mainly the West which argued for universality - though its record on adherence to human rights is scarcely as impeccable as it might believe. China, meanwhile, argued that cultural differences should be taken into consideration when discussing human rights. But it is this argument of cultural relativity that is used to justify female circumcision and all manner of abuses against women. Poor countries of the South seek to reject complaints about prison conditions or the right to a fair trial on the grounds that with competing demands on negligible resources, strategies to deal with starvation or poverty should come first.

Countries can sometimes be persuaded that it is in their own interests economically and politically, rather than morally, to adhere to human rights agreements. The problem with this approach is that once expediency is the criteria, a country which in one set of circumstances may agree to protect human rights, because its leaders feel that it is in its political interest to do so, may subsequently with equal ease choose to violate human rights when adherence is no longer in the political interest.





Behind this practical problem is a theoretical one. The notion of rights is itself very much a product of the Enlightenment. The essence of our contemporary understanding of Human Rights is contained in the great statements of rights of the late 18th Century - in particular the American Bill of Rights and the French Declaration of the Rights of Man in 1789 - and our modern understanding of rights owes much to these documents. Philosophers questioned the unthinking obedience to religion and the monarchy and through a rationalising, scientific study of human and social relations developed the idea of rights rather as we find them today.

Yet in the second half of the twentieth century it has become clear that the Enlightenment quest for an objective way of looking at the world was doomed to failure. Science and the rational method can make no privileged claim to objectivity and other ways of seeing and interpreting the world about us may have equal validity.

On the face of it, this shift away from the dogmatic application of the scientific method might seem to make life easier to proponents of human rights. Truly rational justifications for rights are notoriously elusive. Happily, it is no longer thought necessary or desirable to justify human rights scientifically. But it is proving extremely difficult to deliver a satisfactorily universal conception of rights in the modern era.

Liberals now try to justify rights as the articulation of an underlying moral consensus. We see this argued most clearly by John Rawls in his book *A Theory of Justice*. "We do not all agree on whether we should go to Church on Sunday, but we do agree that everyone should have the right to do so". The end of the Enlightenment frees us from the need to justify this belief rationally. We argue it on the basis of tolerance and mutual respect, values crucial to the wellbeing of a civilised society

Despite the problems I refuse to be pessimistic. I do believe that across cultures there are genuinely universal values. One of our mistakes is to perceive orthodox expressions of any religion as representative of whole cultures. Most Muslims in the UK would not accept as representative of Islamic values the Taliban strictures against women who are not adequately veiled. I am convinced that across most religions essential tenets can be identified. What's more, anyone who has been subject to torture, who has been imprisoned without trial for their political beliefs, or who has been victim of violations of the Geneva convention in Chechnya will be quick to tell you that they want greater promotion of and respect for universal human rights, not less.

The reason for my optimism is the strength and power of the mother document for global human rights, the *Universal Declaration of Human Rights*. There are a number of features about it that are striking. First, the model is familiar. Throughout recorded history the world's great religions and belief systems have tackled the difficult issue of providing guidance for how we organise ourselves in society and creating rules for how we should live together. Many of the ideas embedded in these belief systems are to do with concepts such as natural justice and what is and what is not morally acceptable. In most cases the systems are codified and written down and to a greater or lesser extent reflect the prevailing ideologies of the societies that produce them. The largest and most powerful religions have become supranational over time and have a more or less uneasy relationship with states. The Universal Declaration of Human Rights is also an attempt to record in writing a value system that provides a blueprint for how we conduct ourselves in society. However, the Universal Declaration differs in significant ways from previous codes of behaviour and law:



- It is decidedly intentional and not an organic and pragmatic construct that developed over time
- It is scrupulously secular. Whereas what had gone before appealed at the highest level beyond the human to the godly, the Universal Declaration is self-consciously appealing to the earthly and human - the responsibility for these questions is all ours.
- It was designed from the outset to be universal and to apply to all nation states.
- It was intended from the start to be subversive: it seeks explicitly to be propagated through schools and educational institutions because that is where prevailing ideologies are learnt.

These differences make the Universal Declaration the single most important and revolutionary document of the last millennium, and arguably of all time. I am certainly convinced that just as democratic rights were the driving idea at the turn of the nineteenth century, so the notion of substantive rights will be seen in retrospect as the dominant idea at the turn of the twentieth century.

## New wars

Despite their universality it can seem difficult to reconcile the safeguarding of human rights with conflict resolution. Protection of even the most fundamental of human rights - the right to life - has proved difficult for those who have been involved in peacekeeping, conflict prevention and conflict resolution over the last decade. Many of the initiatives undertaken by international parties have neither protected human rights nor enhanced the prospects of resolving or preventing conflict. You only have to think of what Shashi Tharoor, former special assistant to Kofi Annan called 'that dreadful summer of 1994' when the UN Security Council had sought to send five and a half thousand troops to Rwanda. The Security Council hoped it could stall the onslaught of genocide, but it was thwarted by the refusal of any government to contribute their men - in spite of the fact that 19 governments had previously committed 31,000 soldiers to peacekeeping in Rwanda.<sup>2</sup> You only have to think of the so-called safe area of Srebrenica, so inadequately protected that it was overrun by Serbs and several thousand Muslim men were killed. Why have those who have sought to intervene and bring protection to people at risk failed so badly to do so? Why has it been so difficult to incorporate a genuine respect for human rights into approaches to conflict?

The reasons are myriad and we could spend hours discussing the problems, but I do want to highlight one particular issue here. That is the very important question of the nature of war at the end of the twentieth century. Wars between states have diminished, while wars within states have escalated enormously. These wars are not entirely new - there have always been conflicts between groups and persecution of those whose gender, race, religion or nationality makes them different. But with the end of the Cold War these smaller scale, often internal conflicts have loomed much larger than before, as our attention is turned away from war on a grand scale and towards war in microcosm. We are not experiencing total war like that in the First and Second World Wars, or the state of permanent mobilisation of the Cold War. What we have seen in many regions is a breakdown in the control of organised violence. Though genocide, crimes against humanity, aggression against civilians, destruction of cultural monuments and other tactics are proscribed in interna-

<sup>2</sup> Cited in Richard Falk, *The Challenge of genocide and genocidal politics in an era of globalisation*, in *Human Rights and Global Politics*, (1999) ed. by Tim Dunne and Nicholas J Wheeler





tional law they now feature as central to the act of war in the new conflicts with which we are besieged.

If you look to Bosnia and Kosovo, Rwanda, Somalia, the political goals of these wars are based upon claims to power that draw upon traditional identities of nation, religion or tribe. But the politics of these identities are not as traditional as they might sound. They emerge from the ruins of states in the process of disintegration, to embrace those who have been excluded. Identity politics are rooted in parallel economies which develop in the face of the rapid implementation of neo-liberal market policies in transitional states. These policies have resulted in desperate unemployment and income disparities, which in turn create conditions ripe for the development of the black market, illegal trafficking and corruption. Finally the diminishing importance of ideology has left a political vacuum which has been filled by the politics of nationhood. Identity politics fill the space that these political changes have created. The instability that these problems cause send people in pursuit of group protection. They seem to help people escape what they see as disempowerment and disenfranchisement in a globalised world.

The politics of identity contrast sharply with the politics of ideas. The politics of ideas hold up a vision for the future - the possibilities that might be championed by socialists or environmentalists. Politics of identity, by contrast, do not have a vision of a brighter future. In fact in many ways we might call them a politics of exclusion. Embraced by those who sense that they are excluded from global politics, they too seek to exclude. They defend themselves with a retreat in to glorious histories and ancient feuds that define who is, and who is not eligible to participate.

When it comes to the violence that these politics spawn, we find that war crimes, genocide, crimes against humanity and breaches of the Geneva Conventions are no longer equally eschewed by those who perpetuate conflict. In the wars of the late 20th Century, the goals and means used to achieve them have radically changed.<sup>3</sup> The conventional tactics of war, which aimed to win territory through military control, have largely vanished. Instead, actors try to conquer and defend territory by gaining and maintaining political control. When the parties to the war are defined by identity this can mean expulsion - or worse - of those people who belong to the 'wrong' ethnic group. The tactics used to achieve these aims are, unsurprisingly, dramatically different from those used in earlier wars. These new conflicts, which occur among ethnic or national groups, often within states, not between them, are not, then, fought over principles or ideas. Their real focus is difference. Difference real or imagined, and more often than not, created. The nature of these new kinds of conflicts has implications for how they should be resolved. Far too often hitherto there has been a failure to make the imaginative and conceptual leap between the traditional idea of conflict and the reality of post-modern war. What makes the promotion of human rights in conflict situations incredibly difficult - but for the same reason absolutely critical - is that attacks on human rights are often at the very heart of these conflict situations - whether violent or not. If there is to be a long term solution the restoration of legitimacy is necessary - this means that the control of organised violence by public authorities must be regained, requiring both the re-establishment of the rule of law and a rebuilding of trust in public authorities. It is simply not possible to do this on the basis of identity politics. They leave no space for difference or diversity. They are based upon fear and self-interest, which thrive in a culture where insecurity flourishes. Consent is an alien concept. What is needed as an alternative is a political project which has its sights trained firmly upon the horizon, and which, at its core, nourishes democratic, inclusive values which strike at the

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<sup>3</sup> Kaldor (1999) *New & Old Wars: Organised Violence in a Global Era*



heart of exclusivist ideals.

Mary Kaldor has suggested that what we should be aiming for is a cosmopolitan politics which does just that, and which is inclusive, fostering respect for international legal norms, most notably human rights. In every conflict there are voices that speak out against these exclusivist politics - whether they are the Hutus and Tutsis who called themselves Hutsis and fought against genocide in Rwanda or the elders in northwest Somaliland who negotiated peace there.

There are all kinds of reasons why the international community has not always dealt effectively with the new wars. The media has played its part, as has the poor co-ordination and funding of our international institutions and the short-term perspective of too many politicians. But just as important as these explanations, is the fact that there has been a widespread failure to grasp what is at the root of the smaller scale but very brutal modern wars that we have experienced in recent decades. These kinds of conflicts are so often understood as a chaotic return to a more unruly and primitive age that they are not always accorded the appropriate response. Mary Kaldor has argued that we must be much more political in our response to conflict. We should not step back from the terrifying bloodiness of this kind of war and assume that it is some kind of throwback to a more brutal age, the effects of which must be ameliorated, without addressing the causes. We must hold up the principles of an inclusive politics in the face of exclusivism. We have to champion international legal norms and human rights, where lawlessness seeks to prevail.

Warlords and dictators alone should not set the agenda. Often their power relies upon the manipulation of fear, and so it may not be in their interests to secure peace. The mediators and diplomats who have participated in negotiations have sometimes been too ready to accept the political goals of the parties to conflict. Of course, the warlords must be involved in the process to ensure that violence is brought under control. This can create space for civil society to develop and in which alternative political visions, which do not rely upon the ultimate power of force, can grow. In this climate, then, human rights are central. They lie at the heart of communities in which tolerance and mutual respect are nourished as an antidote to the seeds of fear that are sown in so many bloody conflicts. We should look to the alternative politics, to the other voices in the community as a source of legitimacy in a post-conflict period. People need to be able to create civic identities that are sufficiently robust to survive the corrosive attraction of ethnic allegiance. It is often the fears prompted by the disintegration of states and the collapse of institutions that initiates ethnic fragmentation. If some stability and legitimacy can be restored, the retreat into ethnic politics is no longer an imperative.

In the long term human rights are important in conflict resolution because they play a central role in the civilising processes which may be able to put regions of conflict on a permanent path to reconciliation, stability and peace.

## Imagining the other

I want to turn for a few moments to the question of 'the other' in conflict. Our actions towards others are shaped by how we imagine them, and one of the problems in conflict situations is the inability of parties to imagine each other. If we can imagine others we can more easily conceive of the possibility of equality with them. Elaine Scarry, Professor of English at Harvard, has written





engagingly about this problem, 'the difficulty of imagining other persons'.<sup>4</sup> She makes two important points. First, that we cannot rely on the imagination alone as a means of bridging the divides between nations or groups. Second, that because of this tendency of the imagination to fail us in our attempts to understand others, we must provide other mechanisms for ensuring empathy.

This is important. Many thinkers have tried to address the question of how to fill the space that can divide ethnic or racial groups. Being able to empathise with 'the other' is important, but do we need something more enforceable to ensure that equality is achieved? Of course people do act in generous and benevolent ways all the time, even when the law does not require it. But we cannot **rely** upon their ability to do so. Imagining people who are different - even when you live with them as neighbours - is an incredibly difficult task. Generous imaginings alone are inadequate. Instead Scarry argues we need mechanisms and procedures to make toleration and accommodation real. She draws upon John Locke's *A Letter Concerning Toleration* where he says that

Whatever have been the occasions [of our miseries and confusions] ... [w]e have need of more generous remedies ... It is neither declarations of indulgence, nor acts of comprehension, such as have yet been practised or projected among us ... Absolute liberty, just and true liberty, equal and impartial liberty is the thing we stand in need of

What Locke reminds us here is that generous attempts at imagining and understanding other people are benevolent and noble, but that perhaps the most benevolent thing of all is to enshrine equality, tolerance and freedom in a constitutional or legal guarantee. This is the role of human rights. They are a framework, a tool, for managing people's relations with one another.

Yes, human beings are capable of the most noble and magnanimous behaviour. But we also know they are capable of quite the opposite. The best way of avoiding the miseries and confusions that beset human relations is not to hope only for increased understanding among peoples - though that of course is crucial - but also to provide a structure which promotes tolerance. Human Rights do this. In conflict situations they provide a framework for negotiation. They enable us all to dispense with the baggage of identity and self, which may hinder our ability to offer others the goods that we seek for ourselves and our own. By drawing us all on to one level, it becomes impossible for us to discriminate one from another. By protecting human rights we protect the equality and freedom of each person.

## Universal but not absolute

Although Human Rights are universal, they are not absolute and this is an important distinction. It is worth reminding ourselves of the words of Article 29 of the Universal Declaration in full:

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

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and

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<sup>4</sup> In *Human Rights in Political Transitions: Gettysburg to Bosnia (1999)* edited by Carla Hesse & Robert Post



respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society

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

The final article of the Declaration goes further still:

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

These concluding points within the Universal Declaration point to an important problem, and one that is pertinent to the role of human rights in conflict situations. A debate about rights might seem unnecessary if each of us assumed that every right is owed to us unmediated, unnegotiated and unadulterated. But we should not assume that this is the case. The Universal Declaration included articles 29 and 30 to make this point; in the *International Covenant on Civil and Political Rights* and the *European Convention on Human Rights* limitations on rights are included in each specific article.

In claiming our rights we must confer due respect on the rights of others and accept that their rights can limit ours. Not every right is available unmediated. Sometimes, in the light of the competing rights of others it is necessary to negotiate and prioritise in order that each person in each community may benefit from the goods that are inherent in a free, democratic and, hopefully, moral order. The eminent philosopher Isaiah Berlin was concerned with this issue, with what might be called tragic choice. Compromise, in his view, is always necessary. Berlin was preoccupied particularly with the needs of the liberal society, but the point has much wider relevance. Conflict among human goods is ubiquitous, and recognition of that conflict and the existence of forums for its management in democratic institutions, was, in Berlin's view, the only peaceful way of dealing with such conflict. He recognised, nonetheless, that the compromises and choices that had to be made within societies were not painless.

Sometimes they caused great anguish and even harm. These choices are often tragic, because they do require significant choice between diverse human goods. There will always be loss. Is it true, he asked 'that all tragedy is merely due to error, fallibility, that all questions are answerable, that all ills are in principle always curable, that everything must come out well in the end...?'<sup>5</sup> I think the answer to this question is no. Tragedy can occur contrary to our best intentions. Everyone needs to engage in imaginative and generous choices in order to accommodate the needs and, indeed, the rights of others.

## Human rights and justice

Once the conflict is over, and the process of reconciliation has begun, how should we deal with the people who have perpetrated crimes, and who have followed the path of soulless and brutal poli-

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<sup>5</sup> Cited in Michael Ignatieff, *Isaiah Berlin: A Life*, p. 203





tics? Should they be pardoned or punished? It is a complex problem and there is no-one-solution-fits-all answer here. Conflicts can be played out in dramatically different ways and the response to each cannot be uniform. The answer to the question is often dictated by political concerns, and successful negotiations frequently depend on compromises by all parties. In such circumstances justice becomes a bargaining chip like any other. During the periods of transition from conflict, or brutal dictatorship (as in South America), it is often not the right time to prosecute crimes against humanity and war crimes. But I am a lawyer, and it probably won't surprise you that my view is that when we look at the big picture, it is clear that for real healing and long-term reconciliation to be secured, those who have committed serious crimes and breaches of human rights must be brought to justice.

In a way there are two reasons why prosecution of human rights abuses is important. The first is a principled reason, the second a practical one. On principle, the force of law must be brought to bear on those who have assumed that they are beyond its reach. Article 2 of the *International Covenant on Civil and Political Rights* requires that signatories ensure that victims of rights violations 'shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity'.<sup>6</sup> The *Torture Convention*, the *Genocide Convention* and the 1949 Geneva Convention are even more explicit, speaking not just of remedies but also of prosecution, punishment and extradition.<sup>7</sup> We have established international legal norms which outlaw such acts, and provide for their remedy. Now we must stand by those norms. If they are worth more than the paper they are written on they must be upheld. The practical reason is this: if we want to achieve reconciliation in the long term nothing but justice really works. Is a truth commission satisfactory? It is often held up as a means of promoting reconciliation, and, indeed, the South American Truth Commissions were important because the crimes they attempted to uncover - the 'Disappearances' in Argentina, El Salvador and Chile - were so unknowable. But knowing the truth may be only the beginning. Knowing what abuses were perpetrated does not hinder a sense of injustice if those who committed them are able to walk free and unrepentant. That sense of injustice may prevent a society from moving on.

I think that Hannah Arendt was right when she said that 'men are unable to forgive what they cannot punish'<sup>8</sup>. Forgiveness per se is not a prerequisite of reconciliation. But there needs to be something like it. A fair trial holds the perpetrators to account, and fulfils a duty to the victims. It deals with the past more effectively than any other mechanism because it can punish - though does not necessarily do so. It amounts not to revenge for the past but a reckoning with it. The past will linger in the present until it is dealt with in a fair way and it can be difficult to escape the cycle of violence if we cannot close the chapter on history. No, it is unlikely that the horrors of the last century will be quickly forgotten by those states or groups that experienced them. But if we are satisfied that those who are responsible have been held to account individuals, groups and nations can look more easily to the future.

As my colleague, the lawyer Geoffrey Robertson has written of the propagators of genocide in Cambodia, 'the continued freedom of these men mocks humankind'.<sup>9</sup> Sometimes realpolitik is necessary. We have to make deals and compromises to end conflicts. But in the long term expediency

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<sup>6</sup> Cited in Geoffrey Robertson *Crimes Against Humanity* (1999) p231

<sup>7</sup> Robertson (1999) pp231-2

<sup>8</sup> Cited in Robertson (1999) p260

<sup>9</sup> Robertson (1999) p.259



will not satisfy the need for justice, as people seek to understand and come to terms with the personal disasters they and their communities have suffered.

## Searching for Utopia

There is no question that our pursuit of human rights is an ideal, not least in situations of brutality. But I think that it is important that we hold onto the ideal despite the difficulty of achieving it. For centuries philosophers and thinkers have put their minds to the complex question of what is and what is not central to the well-being of human beings. What ideas, what principles will ensure societies and cultures where men and women can flourish?

Human rights do not provide an overarching ideology which shapes a cradle to grave solution to life's hardships, but we can at least conceive of the conditions without which humankind will be hampered, in which it will struggle, flail and gasp for breath. The philosopher Simon Blackburn has put it this way: "[One] approach to what matters in living well is to consider what has to be avoided. ... We don't want to suffer from domination by others, or powerlessness, lack of opportunity, lack of capability, ignorance. We don't want to suffer pain, disease, misery, failure, disdain, pity, dependency, disrespect, depression, melancholy. Hell was always easier to draw than heaven."<sup>10</sup>

Actually, we should be more positive than Simon Blackburn. Yes, we can set out the ills we must prevent, but we can also present them as the goods that we require to live a fulfilled life. And one of the ways we have described those goods is as human rights. Human rights are aspirational, idealistic, utopian.

E H Carr said that politics must combine both realism and utopianism. Politics must be conscious of the limits of power but at the same time acknowledge the aspiration for an alternative. This quest for something greater and nobler is central to the human condition. Often these ideals cannot be fully realised, but they are no less significant for that. A society that has no utopia, no vision of a better future, is like an individual that does not dream. We are driven by the pursuit of greater things and we must maintain our focus on them, on the horizon. Of course, our utopian visions should not be so remote that we cannot even imagine that they might be realised. If there is no possibility of realisation, utopia loses its purchase. We are diminished by dreaming idle dreams which can never be real. In this way history makes fools of us. Instead we must somehow strike a balance - to find perhaps, what W G Runciman calls the 'improbably possible', rather than the 'probably impossible.' We must pin our colours to those ideals which address fearlessly seemingly intractable contemporary problems, stretching our horizons, radicalising the agenda, and imagining the possible within the realms of the improbable. The abolition of slavery in the Americas may have seemed unlikely, 200 years ago, but it **was** possible ultimately, and it did happen. By daring to imagine what the pragmatists scorn we may achieve unlikely goals. And that is the role of human rights.

Reading the Universal Declaration again, it is a strikingly modern document. It is difficult to believe that it was drawn up more than 50 years ago. Half a century later, it remains an aspirational document. We should be unfazed by cynical claims that what seeks is 'probably impossible' and persist steadfastly in our pursuit of the 'improbably possible'.

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<sup>10</sup> Simon Blackburn, *Being Good*, 2001, pp. 93-94





# BRINGING HUMAN RIGHTS COMPLAINTS TO THE UNITED NATIONS SYSTEM

*by Clarence J. Dias*

## I Introduction

A UN-fact sheet on the subject states in its opening sentence. "Anyone may bring a human rights problem to the attention of the UN and thousands of people around the world do this every year". There are a number of procedures available to individuals and groups who want the UN to take action on a human rights situation that is of concern to them and it is important that these procedures are as widely known as possible. But it is also important to have an accurate and realistic understand of what roles the UN can and cannot ply in respect of human rights.

The UN Charter establishes human rights as one of the three key goals of the UN along with peace and development. Accordingly, one of the first actions taken by the UN was to adopt the Universal Declaration on Human Rights and create the UN Commission on Human rights (hereafter Commission). At its very first meeting, in 1947, the Commission saw the need for procedures for handling complaints (which were euphemistically termed "communications") about human rights. During the fifty years since then, such procedures have been established, strengthened and improved. The fact that they exist and are frequently used, serves as a deterrent for human rights abuses and helps promote respect for human rights. During a fifteen-year period spanning the 1970s and 1980s, some 350,000 complaints were handled by the UN. There is undoubted scope for further improvement of such procedures and for more effective enforcement of international human rights standards. But it is also important to better understand the existing procedures since misperceptions as to what the nature and possible outcomes of these procedures are still widespread and lead to inevitable frustration regarding the UN's human rights mechanisms.

There are basically two types of procedures. One relates to individual cases and the other to a consistent pattern of violations affecting a large number of people over a protracted period of time. The former is called Optional Protocol procedure and the latter is known as the 1503 procedure (named after Resolution number 1503 of the UN Economic and Social Council which was adopted in 1970 and brought the procedure into existence.

## II The 1503 Procedure

It is important to stress, at the outset, that the 1503 procedure is not an adversarial one but rather one that relies on confidential dialogue with concerned governments by the UN, playing a



mediational role. "Quite diplomacy" by the UN is the essence of this procedure - a fact which must be fully appreciated by those seeking to initiate the procedure.

## **The Complaint and Complainant**

Any person, groups of persons or non-governmental organization may invoke the 1503 procedure if they have direct or second-hand knowledge of the alleged violations. The alleged violations can relate to any UN human rights convention, treaty or legal instrument. The complaint can be against any UN member allegedly involved in the violation. The complaint, however, must not relate to an individual violation but, as mentioned above, must relate to a "consistent pattern of violations" affecting "a large number of people over a protracted period of time". The complaint should be described as a "communication intended for handling under the 1503 procedure" and should be addressed to "Centre for Human Rights, UN Office at Geneva, 1211 Geneva 10, Switzerland". Communications can be sent by mail or through a 24-hour Fax Hot Line in Geneva whose number is 41 22 917-0092.

## **UN Actors Involved in Handling the "Communication"**

Every month, the UN Secretary-General compiles a list of communications, with short description in each case, and any replies sent in by Governments.

Once a month, all members of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (hereafter the Sub-Commission) receive this list from the UN Secretary General. The list is also supplied to all members of the Commission on Human Rights.

A five-member Working Group of the Sub-Commission has been created to handle the communications. The Working Group on Communications meets for two weeks each year (just before the annual session of the Sub-Commission) and considers all the communications and Government's replies. The Working Group on Communications selects, for the attention of the Sub-Commission, cases where there seems to be reliable evidence of a consistent pattern of gross violations of human rights and, by agreement of a simple majority of its members, refers such communication to the Sub-Commission. The number of complaints referred by the Working Group on Communications to the Sub-Commission is only a fraction of the number of complaints received but those that are referred are well documented with several pages of documentation for each communication referred. An annual confidential report is also sent by the Working Group to the Sub-Commission. No further action is taken on communications which the Working Group has decided not to refer to the Sub-commission. The author of a communication is not informed by the Working Group of any action taken - this is to ensure the confidentiality of the proceedings. The UN Secretariat merely acknowledges receipt of the communication to the author but thereafter, the author should expect no further communication from the UN. This can often be a source of frustration for the author of the communication, but the 1503 procedure emphasizes the confidentiality requirement as being essential for meaningful dialogue with the government concerned.

The Sub-commission, on receipt of a communication referred by the Working Group, then decides whether to refer situations where there appears to be a consistent pattern of human rights violations to the Commission on Human Rights.

Subsequently, it is the turn of the Commission to determine:





1. whether a thorough study of a particular situation is needed, with a report and recommendations to the Economic and Social Council (ECOSOC); or
2. whether to appoint an ad hoc committee to make an investigation - but this requires the consent of the State where the violations are alleged to have taken place.

The 1503 procedure relies for its success on dialogue with governments and their cooperation. Accordingly, the Commission works through direct contacts to establish a dialogue with the Governments of the countries where the alleged human rights violations have occurred. These contacts are made either by the UN Secretary-General or by special representatives or independent experts who are appointed by the Commission and who report to it.

The cooperation of Governments is crucial for the 1503 procedure and a number of steps are taken to ensure this. The Sub-Commission emphasizes the importance of receiving replies from Governments to allegations of human rights violations contained in communications received. The Commission also refers the documents on complaints to the Governments concerned, and invites them to make written comments. The Commission has also instructed the Sub-Commission to inform such Governments of its intention to refer a situation to the Commission and to invite observations in writing from the Governments.

To recapitulate the process:

- (i) A communication can get sent by anyone to the UN Center for Human Rights in its capacity as the UN Secretariat regarding human rights;
- (ii) The UN Secretariat acknowledges receipt of the communication, invites concerned Governments to reply, prepares a short description of each communication, compiles a list of all communications received and, on a monthly basis, sends the list, the short description and replies, if any, to all members of the UN Sub-commission and to all members of the Commission on Human Rights. This gets sent in the name of the UN Secretary-General.
- (iii) A five-member Working Group on Communications, created by the Sub-Commission, handles each communication and, by majority decision, selects those communications which it feels detail reliable evidence of a consistent pattern of gross violations of human rights, for referral to the Sub-Commission. At this point, for all practical purposes, the communication has become a complaint as to a consistent pattern of gross violations of human rights.
- (iv) The Sub-Commission decides which of the communications it is reviewing refer to situations where there appears to be a consistent pattern of human rights violations and refers such situations to the Commission. The communication has thus become a complaint which, in turn, identifies a situation referring to gross human rights violations.
- (v) A five-member Working Group on Situations, created by the Commission (annually since 1974) examines the material transmitted by the Sub-Commission and the observations of Governments and recommends a course of action to take in each case. The action may take the form of a study by independent experts, a Special Representative, or



an ad hoc committee culminating in a Report to the Commission.

- (vi) On receipt of the Report, the Commission debates the Report and adopts a decision that no further action be taken, that the situation be kept under review or that the Report be placed before the Economic and Social Council (ECOSOC) for any further action "The Council might see fit". The Government concerned has the right to be represented during the Commission's debate, and when its decision is being adopted. Once the Report is before ECOSOC it becomes public.
- (vii) The Chairman of the Commission on Human Rights, since 1978, has made it a practice to announce, in public session, the names of the countries which have been examination - both countries where no further action is to be taken and countries which will continue to be under review.

## Preparing a Communication

The following rules of procedure have been drawn up (by the Sub-Commission) to guide authors in the preparation of a Communication:

- (i) Anonymous communications are inadmissible. A communication may come from individuals or groups who claim to be victims of human rights violations, or individuals or groups which have "direct, reliable knowledge of violations or from NGOs acting in good faith and with direct, reliable evidence of the situation it is describing.
- (ii) Communications based only on reports in the mass media are inadmissible.
- (iii) Each communication must describe the facts, the purpose of the petition and the rights that have been violated.
- (iv) As a rule, a communication will not be considered if the language is abusive or if it contains insulting remarks about the State against which the complaint is directed, but if the other requirements are fulfilled, once the abusive language has been deleted, such communication may, nevertheless, be considered.
- (v) Domestic remedies must have been exhausted before a communication is considered - unless it can be shown, convincingly, the solutions at the national level would be ineffective or that they would extend over an unreasonable length of time.
- (vi) The rules of procedure seek to avoid overlapping, with other existing procedures, and the repeated submission of communications already dealt with by the UN.
- (vii) No communication will be admitted if it runs counter to the principles of the UN Charter, the Universal Declaration of Human Rights, or other applicable human rights treaties, conventions, etc.
- (viii) No communication will be admitted if it shows political motivations.
- (ix) A communication will be admitted only if there are reasonable grounds to believe





(taking into account any replies sent by the governments concerned) that there is a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

### III

## "Optional Protocol" Procedure

The International Covenant on Civil and Political Rights has two "Optional Protocols". The first of them sets up a procedure for receiving and considering communications from individuals claiming to be victims of violations of any of the rights contained in the International Covenant on Civil and Political Rights.

### The Complaint and Complainant

The complaint must relate to one or more rights contained in the International Covenant on Civil and Political Rights. The complaint must be against a State which is party to both the Covenant and the Optional Protocol.

The complainant must be an individual or individuals subject to the jurisdiction of the State against which the complaint is brought. Normally the complaint must come from the individual or individuals who claim to be victims of a violation by the State Party. But when the alleged victim cannot submit the complaint, the complaint can be submitted by any other person who justifies his authority to act on behalf of the alleged victim. An unrelated third party having no apparent links with the alleged victim cannot submit the communication. The complaint should take the form of a communication addressed to "Human Rights Committee, c/o Centre for Human Rights, United Nations Office at Geneva, 1211 Geneva 10, Switzerland". Communications can be sent by mail or through a 24-hour Fax Hotline in Geneva in whose number is 41 22 917-0092.

### UN Actors Involved in Handling the Communication

All communications are received and considered by the UN Human Rights Committee - a body of 18 experts, appointed in their personal capacity set up under the International Covenant on Civil and Political Rights.

The Committee, even before deciding whether a communication is admissible or not, may ask the alleged victim or the State concerned to provide additional written information or observations and set a time limit. If the State replies at this stage, the person complaining receives a copy for comment. The receiving State has six months within which to make written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State. Hence, it takes between six months and a year for the committee to decide whether a communication is admissible.

The Committee may decide to drop a complaint without a written decision; when the author withdraws it or shows, in some other way, that he does not wish to go on with the matter.

The Committee puts individuals who complain and the States which are alleged to have vio-



lated their rights on an equal footing throughout its proceedings. Each has an opportunity to comment on the other's documentation and arguments. While a communication is being considered, the proceedings are totally confidential. But the findings of the Committee- regarding admissibility and merits - are always made public and the Committee includes, in its annual report, a summary of its activities under the Optional Protocol. The entire process of dealing with a complaint is normally completed within two-to-three years.

Without prejudging the merits of the complaint, the Committee has the authority to give an interim opinion or order to the State concerned. For example, concerned about the state of health of an alleged victim, the Committee asked the government involved to have him examined urgently by a competent medical body and to submit a copy of the report of such body to the Committee. In another case, the Committee asked the State not to carry out a death sentence while the communication was under examination.

The Committee is bound to consider all written information made available to it by the parties concerned. The Committee does not have any independent fact-finding mechanism. The Committee has established that in many cases (involving threats to life, torture, arbitrary arrest, disappearance) the burden of proof cannot rest alone on the person who is complaining of the violation.

The Committee works by consensus, but individual members can add their opinions to the view it expresses on the merits of a case. During the first ten years of its existence, the Committee received 333 communications involving 28 States. In 76 of the first 88 cases examined by the Committee, it concluded that violations of the Covenant had occurred.

While it is true that the Committee has mechanism for enforcing its decisions, nevertheless, the decisions carry great weight.

## **Preparing A Communication**

The Human Rights Committee has prepared a format for model communications (attached herewith). The Committee has also adopted the following rules of procedure regarding communications:

- (a) All communications are considered by the Committee in closed meetings. Their letters, and other documents submitted do remain confidential.
- (b) Anonymous communications are inadmissible.
- (c) The Committee shall not consider any communication,
  - (i) if the same matter is being examined under another procedure of international investigation or settlement;
  - (ii) if the individual has not exhausted all available domestic remedies. This rule does not apply where "the application of the remedy is unreasonably prolonged; or
  - (iii) if the Committee considers the communication to be "an abuse of the right of submission" or to be "incompatible with the provisions of the Covenants".





## Strengthening the Optional Protocol Procedure

At present, the only international human rights treaty to contain an optional protocol is the International Covenant on Civil and Political Rights. But at the UN World Conference on Human Rights held in Vienna in 1993, there was a call for similar optional protocol procedures to be included in the International Covenant on Economic, Social, and Cultural Rights and the Convention on Elimination of All Forms of Discrimination Against Women. Human rights victims and activists, worldwide, should press for the adoption of such optional protocol procedure in all human rights treaties. Moreover, only 43 of the first 87 States which had acceded to or ratified the International Covenant on Civil and Political Rights have ratified the Optional Protocol. All States should be urged to do so.

## IV Conclusions

Complaint procedures similar to the optional protocol procedure are also contained in two other human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The UN Commission on Status of Women maintains two lists dealing with the human rights of women. One is a nonconfidential list containing summaries of communications which concern the promotion of the status of women in the political, economic, social, civil and educational fields. The other is a confidential list which contains summaries of communications on alleged violations which affect the status of women. Communications can be submitted to the UN Commission on the Status of Women, c/o Centre for Social Development and Humanitarian Affairs, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria.

Two UN specialized agencies, the ILO (the International Labour Organization) and UNESCO (the United Nations Educational, Scientific and Cultural Organization) have also created international legislation, treaties and conventions dealing with human rights. Both of these agencies have created committees of experts to receive regular reports from the governments of States Parties and have adopted procedures to deal with complaints and disputes over the application and interpretation of ratified conventions.

Thus, there do exist a variety of mechanisms and procedures for bringing human rights complaints into the United Nations. But human rights enforcement must take place primarily at the domestic, national level. The UN system can help in many ways. It sets international human rights standards and promotes their adoption. It can monitor and "study" (a diplomatic euphemism for fact-finding and investigation) individual and patterns of human rights violations. But it can rarely provide concrete remedies, redress or compensation to the victims of human rights violation. That remains a task to be addressed primarily at the national level and, in some cases, secondarily, at the regional level. The utilization of UN processes, however, can have multiple strategic value:

- (a) In some situations the UN represents both a forum of first resort (where there is no other) and a forum of last resort.



- (b) The initiation of processes within the UN often help change the dynamics of negotiation for victims at the national level.
- (c) Techniques and procedures used within the UN can often be suggestive of what can and should be introduced at a national level.
- (d) The international "mobilization of shame" is often perceived as being the strongest sanction for the enforcement of human rights.
- (e) In some instances (e.g., apartheid) maintaining the glare of international scrutiny year after year does provide results.
- (f) The UN does provide several fora for the generation of international solidarity around human rights issues.

It is unrealistic to expect too much from the UN human rights system. But it is fatalistic and worse to demand too little from it either.





# THE SEARCH FOR HUMAN RIGHTS

## Shifts to new paradigms may include the "common good" and spirituality

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Anyone who knows Asia knows that it is a continent of the young, of the poor, a world diverse in culture, religious traditions, language, race, topography, climate and class. It is also an arena where world powers compete for scarce resources and to sell arms to balance their payments. While a few of the local economic and political elite gain, the vast majority of Asians are left to cope with poverty and misery. Viewed from the perspective of Asia's great human potential and rich religious heritage, the presence of multinationals in repressive states, the culture of materialism and consumerism taking over the core of the human being and technology transfers devoid of a humanistic philosophy become all the more depressing.

The promotion of democracy and human rights in Asia today is a sacred responsibility. Throughout the region, we witness the emergence within national cultures of a new consciousness of democratic ideals and self-awareness. With colonialism now history, many nations have expressed this consciousness in an assertive nationalism. This has joined with a steadfast will to take charge of the life and destiny of the nation. In East Timor, the patriotism that has resulted in 24 years of armed resistance against the Indonesian military, seeks to discover and affirm an identity that is interwoven with a heritage of distinct values, beliefs and traditions.

A quiet revolution is drawing the peoples of Asia to the portals of a promising 21st century. There is a deepening quest for new paradigms in the understanding and praxis of democracy and human rights. In the forefront is the shift of focus from individual rights to the "common good" paradigm.

It is becoming more and more evident in Asia that in the process of globalization, the state has become the servant of the market and is unable to protect the rights of the individual and the community. According to the latest U.N. Development Report, the world's 225 richest people have a combined wealth of over \$1 trillion - also the total income of 47% of the poor, who number 2.5 billion. For the powerful, the emphasis on individual rights serves to shelter the possession and disposal of property. We must somehow shift the focus to the common good, a notion that is fundamental in Catholic social teaching. It implies that the welfare of the whole community is to be promoted, so it presupposes societal solidarity.

A second shift of focus is from civil and political rights to a social-cultural-economic rights paradigm. At a time when the state as well as globalizing forces have turned out to be the most hardened violators of human rights, civil society has a crucial role to play. The post-colonial states of the South, both authoritarian and those apparently democratic, have aggregated more power in the name of development. Coupled with economic liberalization and the market, development has



become an ideology and a justification for violating the basic rights of people. An example is the displacement of indigenous or tribal peoples for so-called development projects.

In the 1971 Synod of Bishops on Justice in the World, the Catholic Church clearly stated that people should not be hindered from attaining development in accordance with their own culture. All peoples should be able to become the architects of their own economic and social advancement.

The third shift of focus in the paradigms search is from ethic-and-reason to compassion-and-spirituality. "It is in responding to the demand of its spiritual future that the 21st century will be able to make the transition from a necessary tolerance to the positive convergence of a global village," says a 1997 UNESCO commentary. Today, a reality underlies the New Order, faintly discernible and struggling toward visibility. It is essentially the nature of the spirit.

Some scientists believe there is something in the human person deeper than ethics and reason. We have the capacity to be moved by the suffering of others. This inherent power serves as the foundation for respect for others and the relief of their suffering. Humans are compassionate beings. In this perspective, human rights are expressions of compassion for the suffering poor. Suffering and compassion offer the spiritual key to interpret human rights as the rights of the poor.

"In the context of globalization, we need a new form of solidarity . . . we need to be proponents of life and peace," says Anthony Rogers of the Office for Human Development of the Federation of Bishops Conferences. "We cannot afford to separate the civil and political rights from the cultural and economic rights of individuals and communities. Violation of human rights of the majority of the Asian peoples in the Third World is the result of global injustice." It is the task of the Universal Church, he says, "to make charity, integral human development and the promotion of justice as our redefinition of the meaning of human rights in the Third Millennium."







# 6

## **PART SIX**

### EVALUATION

# EVALUATION

## 1. What does evaluation mean?

What does "evaluate" mean? In simple language, it can mean to assess the value of something. In terms of HRE, it means assessing the value of our HRE initiative. This could mean assessing one 2 hour HRE session, a week-long residential workshop on HRE or a one year long HRE project involving many components.

## 2. Why do we need to evaluate?

When we ask people why we need to evaluate what we do, we get different answers. Here are some common answers that people give:

- To see what we have achieved (In relation to objectives we started with)
- To see whether our work had the desired effect (Impact)
- To identify strengths and weaknesses

## 3. Is evaluation looking at the past only?

Most people agree that evaluation is very helpful in moving forward and making future plans. In fact, most projects and initiatives are planned after evaluation.

- It helps to see where we are heading and make necessary changes
- It also helps us to be more effective in the light of identified strengths and weaknesses

## 4. What are the two main aspects of evaluation?

Most evaluations deal with things that can be counted or measured. This is the quantitative aspect of evaluation, which is also important in HRE evaluations. For example, we can assess:

- Number of people involved
- Number of programs
- Number of villages / towns / districts / communities covered by the program
- Number of sectors covered by the program (E.g. children, youth, women, teachers etc.)
- Amount of materials produced

However, it is not enough to assess only factors that can be counted and measured in evaluating a HRE. There is what we call qualitative aspect of evaluation. This would include:

- Changes in people's motivation
- Values, attitudes
- Skills, knowledge





## 5. Who can evaluate?

It is common to find many people assuming that evaluation is a job best done by "experts". While it is true that such evaluations are also helpful, this alone will not be enough. Hence it is important that all the people involved / affected by the program are also part of the evaluation process. In a HRE program, these could include the following:

- Participants of the programs (beneficiaries)
- Organizers
- Other interested people and institutions (Community leaders / government representatives / teachers and principals of schools etc.)
- Ordinary community members

It is important that these people are involved in the actual evaluation, as well as in the analyzing and reporting. The evaluation is for all of them and not for somebody else.

However, like we said earlier, evaluations done by people and groups who are not involved in the program and who don't have a interest in the program are also helpful, as they might be more objective and less biased. This is called external evaluation.

## 6. When to evaluate?

It is usually believed that evaluation should come at the end of the program. This is true - but only partly. Many programs are now adopting more regular evaluations. The following are some examples:

- In a school that has a HRE session weekly there could be an evaluation after every lesson - or at the end of every month
- In a one day program on HRE the evaluation could be at the end of the program
- In the case of residential HRE workshops it is customary to spend a few minutes at the end of every day to review the day's work, while a more serious and comprehensive evaluation would be done at the end of the workshop
- When we consider a HRE project for a particular period of, say, one year, it would be useful to have a regular (monthly / quarterly) evaluations, followed by one comprehensive evaluation at the end of the project

## 7. What methods can be used for evaluation?

In keeping with our overall approach of HRE, we must make evaluation as participatory as possible. There are various methods that can be used in evaluating a HRE program. Some of the more popular methods are:

- Oral questions and responses of participants
- Interviews with participants as well as other interested parties
- Group discussions
- Quick feedback
- Written questionnaires
- Analysis of existing information such as statistics
- Observation
- Using pictures (See the pictures in attachments 1 and 2 - participants can explain their present position in relation to the picture)
- Using a scale (E.g. Draw the change in knowledge on a scale of 1 to 10 - 10 being large increase in knowledge and 1 being minimal increase)



Below are some factors to be kept in mind in selecting suitable evaluation methods:

- Objectives of evaluating
- The stage of the project / program when the evaluation is going to happen
- Who is going to be involved in the evaluation

## 8. How to plan an evaluation

The success of any activity depends to a large extent on good planning - and evaluation is no exception. Evaluation should be planned in advance, considering the factors mentioned above.

## 9. What is an evaluation cycle?

- a) Deciding the objectives of the evaluation
- b) Deciding when / how (evaluation methods)
- c) Carrying out the evaluation
- d) Looking at the results (analyzing)
- e) Using the results to influence the program

## 10. Is a Training Needs Assessment important?

Before starting a HRE program, it is important to assess the reality of the environment and the needs of the community. In line with the participatory approach that we are using, it is best that we let the community / beneficiaries identify their training needs - this could be the basis to design a relevant HRE program that will answer needs of the community.

## 11. What is the role of indicators in evaluation?

An indicator is a kind of a marker. It is like a road sign which shows whether we are on the right road, whether we are heading in the right direction, how far we have traveled and how far we have to go in order to reach our destination.

An HRE program is also like a journey. We need to check once in while that we are heading for where we really want to go (objectives), what progress we have made and whether we have made sufficient progress at a particular time. This also gives us the flexibility to change direction mid way-if needed, instead of waiting till the end. (Which might be too late!)

For a HRE program, it is important to identify indicators for specific phases / stages of the program. We give some samples below.

### Qualitative indicators:

#### Knowledge:

- Ability of participants to define what HR are
- Ability to explain the relationship between human dignity and human rights
- Ability to classify HR
- Ability to know the basic HR covenants which his / her country has ratified
- Ability to identify how those covenants are incorporated in national and local legislation





- Ability to identify existing remedies under national and international laws

**Skills:**

- Ability to facilitate HRE workshops
- Ability of participants to use simulation games to teach HR
- Ability to identify HRVs in his /her community / country
- Ability to come up with responses to a HRV in his / her community
- Ability to write protest letters against HRV

**Attitudes / Values:**

- Increased interest in HR issues
- More involved in protection of HR
- Increased gender sensitivity

**Quantitative indicators:**

- To conduct at least 10 one day and 3 residential HRE workshops within a year
- To reach at least 500 students through HRE programs
- To conduct HRE workshops in schools in 3 districts
- To facilitate participants of a workshop to learn about the UDHR and three other UN conventions





# 7

## **PART SEVEN**

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# 8

## **PART EIGHT** **AUTHOR'S PROFILE**

# AUTHOR'S PROFILE



## Felice I. Yeban

Felice I. Yeban is Assistant Professor at the Philippine Normal University specializing in the field of human rights and civic education using Freireian and critical pedagogy philosophy. Her field of research is in social science education using qualitative methodology. She has conducted numerous human rights education training-workshops for basic education teachers and human rights activists in various countries in Asia, Africa, Europe and North America. She has served as a human rights education training and development consultant to the Jimmy Carter Center, Asia Foundation - Colombo, UNICEF Vietnam and UNICEF Philippines. She is presently a member of the Board of Trustees of ARRC, CIVITA - Philippines and is a member of the International Advisory Group of Human Rights Educators' Network, USA.



## Theresa J. Limpin

Theresa J. Limpin is the ARRC Human Rights Education Regional Coordinator. She has a particular interest in the use of street theatre as a tool to increase people's awareness of issues affecting them. She has worked with farmers, fisherfolk, indigenous people, teachers and students, youth, professionals, activists, developments workers, UN personnel and government officials. Her particular areas of interest are non-formal education, sectoral issues and school education. She has also worked as a HRE Project Coordinator and with Amnesty International in the Philippines. She was a prime mover in successfully lobbying the Philippine government to institutionalize human rights education in the Philippine school system. She was a founding member of Philippine HRE Cooperative Services, and has worked with Philippine Action for Youth Offenders and with the Kairos Center for Community Theatre in the Philippines.



## Jefferson R. Plantilla

Jefferson R. Plantilla has worked in many different capacities as a human rights educator. He has worked with farmers, fisherfolk and indigenous peoples. He now works with teachers and students. He is a lawyer by profession and has served with Structural Alternative Legal Assistance for the Grassroots (Philippines) doing legal assistance and casework and in an executive capacity. He is currently a member of the Board of Trustees of ARRC and of Human Rights Education Associates (HREA), and a member of the international advisory committee of Justice Without Borders. He is a Chief Researcher of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA).







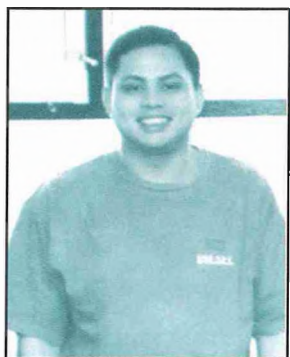
## Aung Myo Min

Aung Myo Min is the Director of the Human Rights Education Institute of Burma (HREIB). He has held over 200 human rights trainings with Burmese people. He is also a researcher and writer and has published numerous works in both Burmese and English on human rights education and the situation of human rights in Burma. His focus areas of concern are human rights education, women, youth, activists, refugees, migrant workers and sexual minority groups in Burma. He was awarded both the Celebration of Courage and the *Felippa de Souza Award* by the International Gay and Lesbian Human Rights Commission in 2002 and 1999 respectively. He has also served in the Columbia University Human Rights Education Program and as a Researcher with Asia Watch, New York. He has been the Director of the Human Rights Documentation Unit of the National Coalition Government of Burma.



## K M Rukshan Fernando

K M Rukshan Fernando has had 6 years' experience in human rights education and peace education. He uses popular education methods and his target groups are students, youth, religious leaders, community leaders and animators. He works with Caritas Sri Lanka -SEDEC as the Asian Coordinator of the National Peace Program, where he has had a central role in initiating and implementing activities at national level. These initiatives have included dialogues with policy makers, rallies and marches, immersion and exchange programs, peace education and the development of educational resources. He is a columnist on issues of human rights, justice, peace and development for the *National Catholic Reporter* (a US-based journal) and the *Union of Catholic Asian News* (a Bangkok-based newspaper). He has worked as a researcher for ARRC and also as the Asian Coordinator of the International Young Christian Students Movement (ICYS) in the Asian Secretariat in Manila, the Philippines. He was involved in organizing a South Asian Session focusing on exploited children for ICYS. He also works as a freelance human rights trainer.



## Marco P. Gutang

Marco P. Gutang's primary area of concern is peace education. He focuses mainly on youth, such as inner city students, student organizations and youth leaders. He teaches Peace Education at the Far Eastern University (FEU) and is a member of its Peace Education Core Group. He conducts interfaith dialogue workshops for the Peacemakers' Circle, an interfaith/inter-religious dialogue organization, and serves as a member of its Board of Trustees. He has also served as a resource person in various workshops of Student Catholic Action Philippines (SCAP). He is a member of the Asian Pacific Peace Research Association (APPRA) and represents FEU in the Peace Education Network (PEN).



Thank you very much  
to all your Support !



.....

ARRC Board of Trustees.  
December 2002. Left to  
Right: Panha Koul,  
Clarence Dias, Khursheed  
Erfan Ahmed, Felice I.  
Yeban, Theresa J. Limpin,  
Jefferson Plantilla.

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Peace and Goodwill  
to all



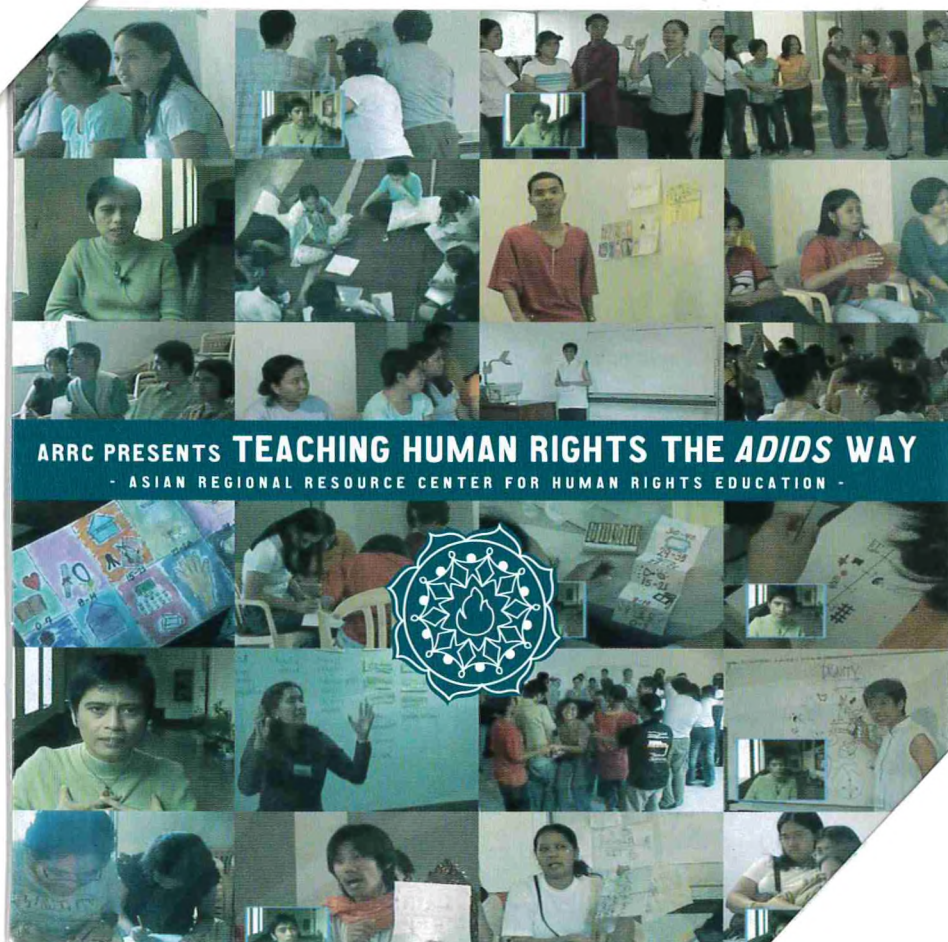
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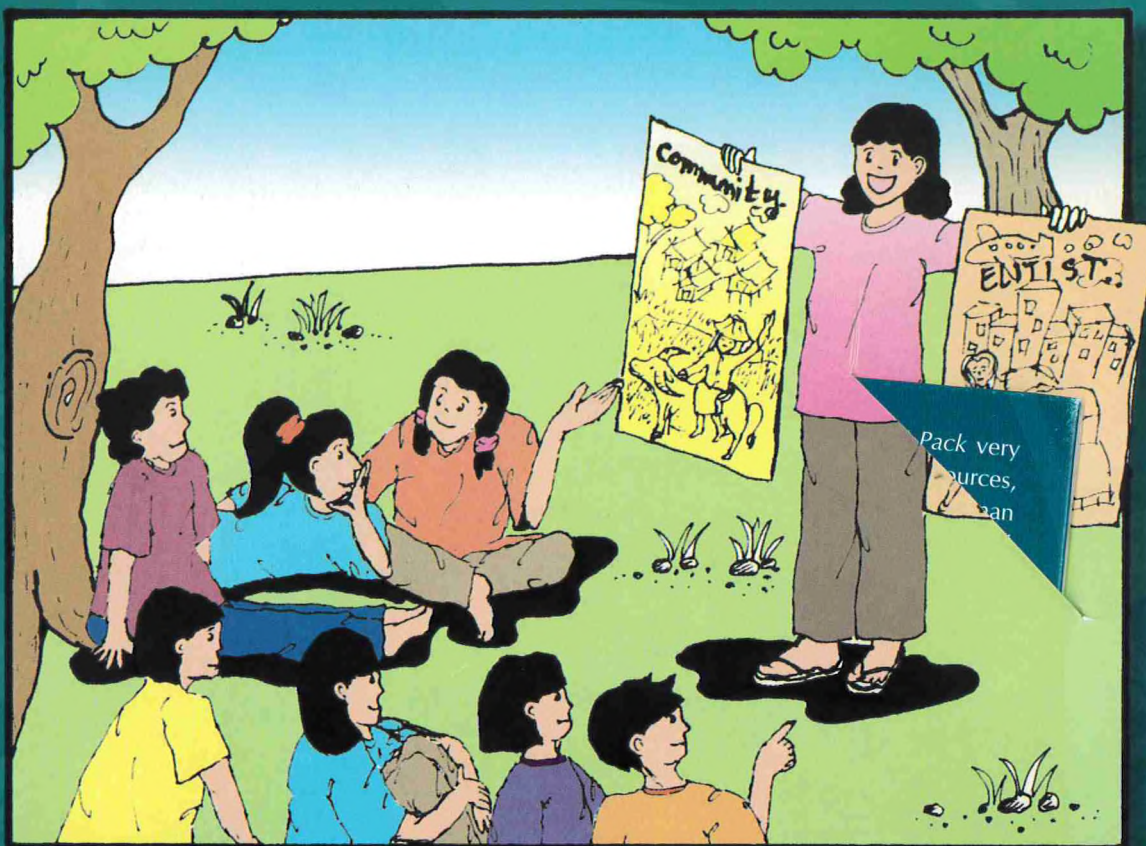
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